

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 16 May 2024 at 6.00 pm.

Present:

Chairman: Councillor M J Nee

Councillors: J S Back
E A Biggs
D R Friend
N S Kenton
R M Knight
J P Loffman
S M S Mamjan
H M Williams
C F Woodgate

Officers: Team Leader (Development Management) - Strategic Sites
Principal Planner
Senior Planner
Planning Officer
Planning Officer
Principal Planning Solicitor
Property/Planning Lawyer
Democratic Services Officer

The following persons were also present and spoke in connection with the applications indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/23/01314	-----	Ms Linda Gardener
DOV/24/00053	-----	Mr Philip Goodwin
DOV/24/00006	Mr Andrew Wilford	Ms Jane Cook
DOV/23/00420	Mr Gary Sawyers	-----
DOV/23/01231	Mr Jay Homden	Mr Keith Heaven
DOV/23/01353	Mr Torquil Peters	Mrs Zoe Dalton
DOV/23/01389	Mr Harry Kenton	Mrs Samantha Newman

149 CHAIRMAN'S ANNOUNCEMENT

The Chairman advised that Agenda Item 10 (Application No DOV/23/01441 – Eastling Down Farm, Sandwich Road, Waldershare) had been withdrawn from the agenda and would not be considered that evening.

150 APOLOGIES

It was noted that apologies for absence had been received from Councillors D G Beaney and D G Cronk.

151 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors D R Friend and C F Woodgate had been appointed as substitute members for Councillors D G Beaney and D G Cronk respectively.

152 MINUTES

The minutes of the meetings held on 14 March and 11 April 2024 were approved as correct records and signed by the Chairman.

153 DECLARATIONS OF INTEREST

Councillor N S Kenton made a Declaration of Pecuniary Interest in Agenda Item 14 (Application No DOV/23/01389 – Statenborough Farm, Felderland Lane, Worth) by reason that he owned the land that was the subject of the application.

154 APPLICATION NO DOV/23/01314 - SCHOOL HOUSE NURSERY, SCHOOL ROAD, SANDWICH

The Committee was shown an aerial view and photographs of the application site which was situated within the settlement confines of Sandwich and within a conservation area. The Team Leader Development Management (TLDM) advised that planning permission was sought for the erection of single storey side and rear extensions. Amendments had been made during the course of the application and it was now felt that the design of the extension complemented the existing building, with no significant impact on neighbours. As an update to the report, he advised that Sandwich Town Council had provided an additional response which supported the proposal.

Councillor J P Loffman expressed surprise that Kent County Council (KCC) had made no comment about the highways implications given the narrowness of the streets around the application site. He raised concerns about visual amenity and the impact on residents in Paradise Row and the loss of light, especially at sunrise. The Chairman stressed that KCC had been very specific about the need for a comprehensive construction management plan. Although the streets were narrow, construction would be possible, and it was obvious that the use of large articulated lorries would not be feasible. He reminded Members that the right to light was a civil rather than a planning matter.

The TLDM reminded the Committee that the developer had the right to use the public highway and the Council had no control over that. Condition 5 required a construction management plan to be submitted that would at least manage the storage of materials, timing of deliveries, etc. It was acknowledged that there would be some impact in terms of loss of light/sunrise, but this was not sufficient to warrant a refusal, the bar for doing so being reasonably high. Whilst he was sympathetic to neighbours' concerns, the proposed extension was broadly level with the existing property and would not therefore cause a significant impact. The report addressed the size, scale and form of the extension, and amendments had been made to ensure it fitted in with the existing property. Overall, it was considered that the proposal would not cause harm to visual amenity or heritage assets. In response to Councillor H M Williams who queried a statement made by the speaker that the listed wall was going to be knocked down to accommodate building materials, he stressed that it was not part of the proposals and, in any case, would require listed building consent which was likely to be refused.

RESOLVED: (a) That Application No DOV/23/01314 be APPROVED subject to the following conditions:

- (i) Time limit;

- (ii) Approved plans;
- (iii) Sample of bricks and tiles and details of the layout of roof tiles in the form of a sample panel;
- (iv) Cross-sectional drawing of timber windows;
- (v) Construction management plan to be submitted and approved before work commences.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

155 APPLICATION NO DOV/24/00053 - 26 ST RICHARDS ROAD, DEAL

Members viewed an aerial view and photographs of the application site. The TLDM advised that planning permission was sought for the erection of a two-storey rear extension and alterations to windows. Amendments to the application had been secured and windows at first-floor level had now been omitted. The proposal was considered acceptable in all material respects and approval was therefore recommended.

Councillor Loffman raised concerns about paragraph H6(e) of the Draft Local Plan which dealt with adverse impact on residents. He sought clarity on the definition of overdevelopment and stressed that the impact of a development on residents should carry significant weight. Councillor Williams queried whether the period property next door was a non-designated heritage asset.

The TLDM advised that there was no standard definition of overdevelopment. The key point for Members was to assess the individual impacts of a proposal. Development should be considered in the context of the National Planning Policy Framework (NPPF) which sought to maximise the use of land and increase the density of development, balanced against the real-life impacts of proposals on local residents. In this case it was important for Members to consider the impact on the character of the area and neighbouring residents. This was a residential area within a wider area of sporadic development. As an extension on the back of an existing property, it would be difficult to argue that it would cause such harm as to warrant a refusal. It was the Officer's opinion that a 19-metre separation distance between the properties was just about acceptable in terms of overlooking. Whilst there would be a degree of loss of light, this was not to be unexpected in an urban area and was not sufficient to warrant a refusal. In respect of non-designated heritage assets, he advised that there were lots of components to a heritage designation such as aesthetic appeal, heritage value, communal factors, etc. Whilst the neighbouring house was one of the older properties in the road, there were a number of others in the area of a similar age or older, and age alone was not a factor for designation.

RESOLVED: (a) That Application No DOV/24/00053 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;

- (iii) Removal of permitted development rights for windows at first-floor level.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

156 APPLICATION NO DOV/24/00006 - LAND AT NEW TOWNSEND FARM, ST MARGARET'S-AT-CLIFFE

The Committee viewed aerial views, plans and photographs of the application site which was situated outside, but adjacent to, the settlement confines of St Margaret's-at-Cliffe. The Principal Planner advised that outline permission was sought for the erection of 15 residential dwellings on a site that was north-east of Station Road.

Councillor E A Biggs asked how the proposal could be reconciled with its location within an Area of Outstanding Natural Beauty (AONB). He was very familiar with the road and had concerns about vehicles speeding down there, and adding more houses could make for a hazardous situation. Whilst affordable homes were included in the outline application, he questioned what would happen if a viability assessment ruled them out at a later date.

The Principal Planner advised that the site had been allocated for development in the Draft Local Plan, and the AONB unit had been consulted as part of that process. The site was relatively small in size and, when viewed within the wider context of built development, was considered proportionate to the size of the wider settlement. The size, scale and height of the proposed buildings, together with the substantial buffer, would reduce the impact on the AONB, and officers would have control over the material issues outlined in the report at the reserved matters stage. She confirmed that the applicant had carried out speed surveys, and there would be a condition for visibility splays to be installed and maintained. There was already a significant amount of development in the immediate area and there were no proposals to amend the speed limit. On the question of viability, should the applicant wish to vary the amount of affordable housing, they would need to apply to do so and the application would then be assessed on its own merits

Councillor Kenton pointed out that the site had been through the scrutinisation process for sites allocated in the Draft Local Plan and been found to be acceptable by the planning inspectorate and the AONB unit. The Chairman stated that, whilst he had some sympathy for the Parish Council's position, the proposal was an acceptable solution for the site and there was no planning reason to refuse it.

RESOLVED: (a) That, subject to the completion of a Section 106 Agreement in relation to development contributions, Application No DOV/24/00006 be APPROVED subject to the following conditions:

- (i) Submission of reserved matters;
- (ii) Reserved matters time limit;
- (iii) Time limits;

- (iv) Approved plans;
- (v) Samples of materials;
- (vi) Provision of refuse/recycling storage;
- (vii) Provision of bicycle storage;
- (viii) Provision of vehicle parking spaces;
- (ix) Detailed SuDS scheme;
- (x) Verification report for surface water system;
- (xi) Reserved matters to demonstrate surface water drainage can be accommodated;
- (xii) Strategy for potential contamination risks;
- (xiii) Verification report for contamination remediation strategy;
- (xiv) Previously unidentified contamination;
- (xv) No drainage systems infiltration into the ground without consent;
- (xvi) No piling without consent of the Local Planning Authority;
- (xvii) Works involving excavations;
- (xviii) Provision and maintenance of vehicle visibility splays;
- (xix) Pedestrian visibility splays;
- (xx) Bound surface for 5 metres;
- (xxi) Maintenance of vegetation along the access track;
- (xxii) Designing out crime measures;
- (xxiii) Completion and maintenance of the access;
- (xxiv) Programme of archaeological works;
- (xxv) Unexploded ordnance risk assessment;
- (xxvi) Construction management plan;
- (xxvii) Tree and hedge protection measures;
- (xxviii) Biodiversity Method Statement;
- (xxix) Approval of bat-sensitive lighting scheme;

(xxx) Ecological Design Strategy (biodiversity net gain and enhancements);

(xxxi) Habitat Management and Monitoring Plan;

(xxxii) Measures to prevent the discharge of surface water onto the highway;

(xxxiii) Details of foul drainage.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

157 APPLICATION NO DOV/23/00420 - WHITE MILLS AQUA PARK, ASH ROAD, SANDWICH

The Committee was shown an aerial view, plans and photographs of the application site which was situated to the north-west of Sandwich and outside the settlement confines. The Senior Planner advised that planning permission was sought for the creation of a training lake for water sports, a change of use of the land to facilitate 23 pitches for tents/touring caravans and seven static caravans and the erection of a single storey facilities building. She advised that concerns raised by local residents mainly involved noise disturbance. This issue was addressed in the report but the Council's Environmental Protection team had raised no objections and, whilst she sympathised with residents, their concerns had largely related to the wider site and specific events. The application was acceptable in terms of impact on the countryside, highways, residential amenity and drainage, and approval was therefore recommended.

Councillor Loffman welcomed the proposal which presented an excellent opportunity for the wider district. His only concerns were water run-off, the impact on wildlife and the A257/A256 roundabout. Councillor R M Knight agreed, congratulating the applicant on bringing an area of wasteland into use and providing a popular attraction for the area. The Chairman noted that comments objecting to the proposal had referred to noise generated by an historic event, and he hoped that such problems would not recur.

RESOLVED: (a) That, subject to a unilateral undertaking to secure ecological mitigation, Application No DOV/23/00420 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Static homes limited to short-term use associated with the aqua park;
- (iv) Samples of external materials;
- (v) Provision and permanent retention of parking spaces;

- (vi) Construction management plan (highways);
- (vii) Detailed sustainable surface water drainage scheme;
- (viii) Details of flood warning and evacuation plans;
- (ix) Submission of details to demonstrate compliance with principles of Secured by Design;
- (x) Archaeology watching brief;
- (xi) Submission of an ecological design and management strategy;
- (xii) Submission of a biodiversity method statement.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

158 APPLICATION DOV/24/00123 - DANEHURST, KINGSDOWN HILL, KINGSDOWN

Members were shown an aerial view, drawings, plans and photographs of the application site which was located within the settlement confines of Kingsdown. The TLDM advised that planning permission was sought for the erection of a dwelling in the side garden of an existing two-storey house. The proposed dwelling was in keeping with the character of the area and neighbouring properties, and approval was recommended.

In response to Councillor Williams, the TLDM advised that the proposed landscaping condition would seek to ensure there was suitable planting around the vehicular access. He confirmed that the obscure glazing required by condition would be a permanent feature. A late response had been received from Ringwould-with-Kingsdown Parish Council which strongly objected to the application, viewing the site as being too small and the proposal as an overdevelopment. He confirmed that the material issues raised had been assessed and were covered in the report to his satisfaction.

RESOLVED: (a) That Application No DOV/24/00123 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Samples of materials;
- (iv) Fenestration set in reveals;
- (v) Landscaping;
- (vi) Obscure glazing to first-floor side windows;
- (vii) Provision of bicycle storage facilities;

- (viii) Provision of refuse/recycling storage facilities;
- (ix) Provision and retention of parking;
- (x) Visibility splays;
- (xi) Removal of some permitted development rights;
- (xii) Archaeological watching brief.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions and legal agreement in line with the issues set out in the recommendation and as resolved by the Planning Committee.

159 APPLICATION NO DOV/23/01262 - MEADOW VIEW, THE FORSTAL, PRESTON

The Committee was shown drawings, plans and photographs of the application site. The Planning Officer advised that planning permission was sought for the erection of a dwelling within the grounds of an existing property which would involve the sub-division of the land to form two separate plots.

RESOLVED: (a) That, subject to no new material considerations being submitted during the 21-day re-advertisement period, Application No DOV/24/00123 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) List of approved plans;
- (iii) Samples of external materials;
- (iv) Parking and turning space provision;
- (v) Bicycle storage;
- (vi) Refuse storage;
- (vii) Hard and soft landscaping scheme and maintenance for 5 years following completion;
- (viii) Boundary treatment – including hedgehog holes;
- (ix) Ecological enhancement – bird boxes and bat bricks;
- (x) Window reveals;
- (xi) External lighting;
- (xii) Permitted development – Class A and B removal;
- (xiii) Permitted development – Class E removal for the rear meadow area of the site.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

160 APPLICATION NO DOV/23/01231 - 8 GREEN LANE, EYTHORNE

Members viewed drawings, a plan and a photograph of the application site which was situated within the settlement confines of Eythorne. The Planning Officer advised that planning permission was sought to erect a new dwelling in one half of the sub-divided rear garden of 8 Green Lane.

Councillor C F Woodgate expressed concerns about the proposed dwelling which looked considerably larger than, and out of keeping with, neighbouring properties. In his view, it was an overdevelopment of the site. Councillor S M S Mamjan agreed that it was an overdevelopment and queried whether more bedrooms could be added in the loft. She did not consider the proposed dwelling to be commensurate with its rural setting and surroundings. Councillor Loffman urged Officers to be cautious with the language used to describe proposals and to provide some definition of what was meant by 'significant'.

The Planning Officer advised that the type of dwelling proposed was in keeping with others in the area. Whilst it was slightly taller than neighbouring properties, and the footprint was slightly larger, it fitted comfortably within the site and the difference was such that refusal was not justified. She clarified that there could be no increase in height or further dormers added due to some permitted development rights having been removed. The TLDM clarified that the proposed dwelling would have its entire first floor within the roof space. The dwelling would be of a similar height to its neighbours and, in his view, it would not look noticeably different.

RESOLVED: (a) That Application No DOV/23/01231 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Details of materials;
- (iv) Landscaping;
- (v) Provision and retention of parking;
- (vi) Removal of some permitted development rights.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

161 APPLICATION NO DOV/23/01353 - LAND WEST OF NANDEOS, SAUNDERS LANE, ASH

The Committee viewed drawings, a plan and a photograph of the application site which was situated within the village confines of Ash. The Planning Officer advised

that planning permission was sought for the erection of a detached dwelling on a parcel of land that had originally formed the garden of Nandeos. A previous application for development on the land had been granted in 2020 but had since lapsed.

The Chairman reminded Members that a previous approval for the site meant that the principle of development had already been established and the positioning of the dwelling within the site was not for discussion. He emphasised that this dwelling would have the same or similar footprint to the one previously granted planning permission. The TLDM clarified that the previous application had been granted on appeal which meant that the planning inspector had considered a house on this site acceptable. Whilst there was no fallback position (the application having lapsed), if Members found the proposal unacceptable, they would have to identify where it had changed in order to come to a different conclusion this time. In respect of potential policy changes since 2020, he advised that the NPPFs of 2019 and 2023 were identical in relation to residential amenity. In response to Councillors Mamjan and Loffman who raised concerns about overlooking and the separation distance between the proposed dwelling and one to the rear, the Planning Officer reminded them that the 2020 approval was a material consideration. The proposed rear elevation line had been approved then, and it was difficult to argue against it now, particularly when it had been deemed acceptable as a result of an appeal.

RESOLVED: (a) That Application No DOV/23/01353 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Materials sample;
- (iv) Bicycle storage;
- (v) Refuse storage;
- (vi) Parking provision;
- (vii) No discharge of surface water onto highway;
- (viii) Landscaping scheme;
- (ix) Obscure glazing on flank elevations;
- (x) Permitted development restrictions – windows;
- (xi) Permitted development restrictions – Classes A, B, C, D, E;
- (xii) Drainage;
- (xiii) Finished floor levels;
- (xiv) Archaeology.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

162 APPLICATION NO DOV/23/01389 - STATENBOROUGH FARM, FELDERLAND LANE, WORTH

The Committee was shown drawings, a plan and photographs of the site which was situated outside the settlement confines of Worth. The Planning Officer advised that outline planning permission was sought for the erection of two dwellings. As an update to the report, she advised that it was recommended that planning permission should be granted, subject to the signing of a unilateral undertaking to prevent the conversion of a nearby machinery shed into five dwellings which had been granted prior approval under Class Q rights (the latter permitting the conversion of agricultural buildings into homes without planning permission).

Councillor Loffman queried local market conditions and viability, and what weight should be attached to section 11 of paragraph 124(b) of the NPPF by Members who wished to have smaller dwellings built. The TLDM advised that there was a need for a broad range of properties in the district, including ones of the size proposed by the application. If the application was acceptable on its own merits, Members should not seek to amend it. In response to Councillor Woodgate who questioned the access arrangements, the Chairman advised that the access in this case was a civil matter and it was not for the Committee to try to amend the application which should be assessed on its own merits.

Councillor Biggs sought clarity on the weight that should be attached to the new proposal when compared to the application that already had planning permission. The Planning Officer advised that page 149 of the report summarised the position in respect of the planning balance. The extant planning permission provided a fallback position which carried significant weight. However, the current proposal offered an opportunity to achieve a development that would sit more comfortably in the context of the wider site, and greater scope in managing the amenity and visual impacts of the scheme.

RESOLVED: (a) That, subject to the agreement of a Unilateral Undertaking to prevent the conversion of a nearby agricultural building into five dwellings, Application No DOV/23/01389 be APPROVED in outline subject to the following conditions:

- (i) Details of reserved matters;
- (ii) Application for reserved matters – 3 years from date of permission;
- (iii) Time – begun no later than the expiration of 2 years from the date of approval of the last reserved matters;
- (iv) Reserved matters – must include parking provision;
- (v) Approved plans.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with

the issues set out in the recommendation and as resolved by the Planning Committee.

(Councillor N S Kenton left the meeting during consideration of this item.)

163 APPEALS AND INFORMAL HEARINGS

The Committee noted that there was no information to receive regarding appeals.

164 ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE

The Committee noted that no action had been taken.

The meeting ended at 7.59 pm.