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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 24 March 2022 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: D G Beaney
E A Biggs
D G Cronk
D A Hawkes
P D Jull
N S Kenton
C F Woodgate

Officers: Planning and Development Manager
Team Leader (Development Management) - Strategic Sites
Team Leader (Development Management) - North Team
Principal Planner
Principal Planner
Planning Officer
Planning Consultant
Senior Heritage Officer
Planning Solicitor
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/21/01314	Mr Lee Hunter	-----
DOV/20/01566 & DOV/20/01567	Mr Karl Elliott	Cllr O C de R Richardson Ms Rebecca Simcox Ms Sydnee Gibson
DOV/21/00511	Ms Jane Scott	-----
DOV/21/01309	Mr Terence Hopper	-----
DOV/21/00274	Mr Chris Loughhead	Cllr D A Friend Mr Richard Parkinson
DOV/20/00155	-----	Mr Gary Bradbury
DOV/21/01618	Mr Jack Sedgwick	Ms Judith Pilatowicz

126 APOLOGIES

It was noted that apologies for absence had been received from Councillors M Bates, T A Bond and R S Walkden.

127 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors O C de R Richardson and N S Kenton had been appointed as substitute members for Councillors M Bates and R S Walkden respectively.

128 DECLARATIONS OF INTEREST

Councillor O C de R Richardson advised that he had registered to speak against Agenda Item 6 (Application Nos DOV/20/01566 & DOV/20/01567 – White Cliffs Hotel, High Street, St Margaret's-at-Cliffe) under the public speaking arrangements, and would absent himself from the Chamber after doing so on the grounds of predetermination.

129 MINUTES

The minutes of the meeting held on 24 February 2022 were approved as a correct record and signed by the Chairman.

130 APPLICATION NO DOV/21/01314 - SIR ROGER MANWOOD'S SCHOOL, MANWOOD ROAD, SANDWICH

The Committee was shown an aerial view, plans, drawings and photographs of the application site. The Planning Consultant advised that planning permission was sought for the construction of a new sports pitch, a two-storey pavilion, access and additional car parking at Sir Roger Manwood's School in Sandwich. Whilst the site was outside the settlement boundary, the proposal required this location and was ancillary to the existing development. The proposed pavilion was of simple form and considered attractive. The artificial hockey pitch would be lit with lighting columns but light spill beyond the perimeter would be limited. The hours of use would be controlled, and there was a sufficient distance between the pitch and neighbouring houses that no harm would be caused in terms of noise or light intrusion. It was clarified that there would be one disabled parking bay and there would be a lift in the pavilion which would be accessible to wheelchair users.

RESOLVED: (a) That Application No DOV/21/01314 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) Approved plans;
- (iii) Details of materials of pavilion (pre-commencement);
- (iv) Community Use Agreement (pre-commencement);
- (v) Construction Management Plan;
- (vi) Completion and maintenance of the access;
- (vii) Provision and maintenance of the visibility splays shown;
- (viii) Provision and maintenance of pedestrian visibility splays;
- (ix) Use of a bound surface for the first 5 metres of the access;
- (x) Provision of measures to prevent the discharge of surface water onto the highway;

- (xi) Provision and permanent retention of the electric vehicle charging facilities;
- (xii) Provision and permanent retention of the vehicle parking spaces, signs and alligator teeth;
- (xiii) Provision and permanent retention of secure, covered cycle parking facilities;
- (xiv) Provision and permanent retention of a Traffic Management Plan;
- (xv) Compliance with Travel Plan;
- (xvi) Hours of use of flood lighting;
- (xvii) Hours of operation of pavilion;
- (xviii) Repair of St George's Road piers and gates post-completion.

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

131 APPLICATION NOS DOV/20/01566 & DOV/20/01567 - WHITE CLIFFS HOTEL, HIGH STREET, ST MARGARET'S-AT-CLIFFE

Members viewed drawings, plans and photographs of the application site. The Planning Consultant advised that planning permission and listed building consent were sought for a change of use and conversion of the hotel into three residential dwellings. Members were advised that the building, Grade II-listed and in a conservation area, was distinctive with white weatherboarding. The hotel building would be split into three units, with the main alterations being the installation of dividing walls, the removal of bathrooms and an area to accommodate a new staircase. Six parking spaces would be provided at the front of the building and the rear garden would be divided into three.

The Planning Consultant advised that the loss of the hotel was addressed in the report. The applicants had stated that the hotel was unviable as an ongoing enterprise due to the lack of parking and the bar being restricted to guests only. Officers had challenged some of these arguments, for example citing the presence of a public car park opposite the hotel. However, the viability assessment report submitted with the application indicated that the income generated by the business, even operating at full occupancy, would amount to less than the national living wage. The site was considered suitable for residential development, and the proposed works would not cause harm to the listed building or conservation area. He added that marketing the ground floor as an independent bar and restaurant would be contrary to a condition that had been attached to planning permission granted in 2020 (for the erection of two dwellings and conversion of two annexe buildings). This had required the bar and restaurant in the hotel to close when the adjacent properties were occupied by residents in order to ensure the availability of parking for residents. He stressed that the Council was not in a position to ignore the condition.

Councillor P D Jull expressed surprise that the owners would use the hotel's parking spaces rather than leaving them empty for guests, particularly when there was a public car park opposite the building. He referred to the fact that there had been a significant drop in turnover since Brexit, questioning why a seven-bedroom hotel was unable to operate at a profit. The Planning Consultant emphasised that the viability report had been prepared by Pinders, a reputable company, and closely scrutinised by Officers.

Councillor N S Kenton commented that he, like the Council's Heritage Officer, had no issues with the conversion of the hotel building. The key issue with the application centred on viability and whether the hotel was genuinely a failing business or whether it should be retained for the benefit of the community. He queried whether the viability of the business was based on pre-Covid operations or simply a desktop study. He contested the applicant's claims about parking when there was a public car park nearby. Whilst the applicant would be in breach in respect of condition 15 relating to the bar and restaurant, they could apply to remove or vary the condition under Section 73 of the Town and Country Planning Act 1990 (as amended). It appeared to him that ways of making the business more viable had not been explored.

The Planning Consultant referred to the applicant's assertion that it was difficult for businesses to produce accurate accounts for the Covid period. Whilst the applicant could apply to vary condition 15, they were under no obligation to do so. Councillor C F Woodgate agreed that the application hinged on viability, but pointed to the number of pubs that had closed down across the county. He supported the proposal and suggested that the applications should be approved.

It was moved by Councillor C F Woodgate and duly seconded that Application No DOV/20/01566 (Planning Permission) be APPROVED in accordance with the report recommendation.

There being an equality of votes, the Chairman used his casting vote and the motion was CARRIED.

It was moved by Councillor C F Woodgate and duly seconded that Application No DOV/20/01567 (Listed Building Consent) be APPROVED.

On being put to the vote, the motion was CARRIED.

RESOLVED: (a) That Application No DOV/20/01566 (Planning Permission) be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) List of approved plans;
- (iii) Material samples;
- (iv) Details of improvements to north-west boundary wall;
- (v) Fencing details for internal gardens;
- (vi) Fenestration and new door details, including joinery;

- (vii) Construction Management Plan;
- (viii) Surface water drainage details;
- (ix) Parking spaces – provision and retention;
- (x) Bin and cycle storage in accordance with approved plans.

(b) That Application No DOV/20/01567 (Listed Building Consent) be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) List of approved plans;
- (iii) Material samples;
- (iv) Fenestration and new door details, including joinery;
- (v) Details of new staircase to house on plot 2 and plot 3.

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

(Councillor O C de R Richardson left the meeting during consideration of this item.)

132 APPLICATION NO DOV/21/00511 - 82-86 THE STREET, ASH

The Committee was shown drawings, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for works that would facilitate the change of use and conversion of two existing buildings to form four dwellings and the erection of an additional extension to create a fifth dwelling. As an update to the report, Members were advised that condition iv) would be amended to require the submission of a detailed drawing of the first-floor gallery in response to comments made by the Heritage Officer. The proposal related to the conversion of a former charitable school building in the centre of Ash. A number of objections had been received which appeared to centre on the development's impact on neighbouring properties, particularly 90A The Street which was close to the eastern boundary of the site. The issues were explored in paragraphs 2.17 to 2.20 of the report which concluded that there was unlikely to be a significant loss of privacy resulting from the proposal.

In response to Councillor E A Biggs, it was clarified that several buildings, probably used as air raid shelters, would be demolished. Whilst there would be noise and disturbance to 90A during construction, this would clearly be for a relatively short period and not an ongoing problem. The original plans discussed at the pre-application stage had proposed a larger fifth dwelling which, on the advice of Officers, had been scaled back and moved away from the boundary. A smaller dwelling would have been preferable, but the Committee was required to determine the application on the basis of the plans submitted.

Councillor O C de R Richardson expressed the view that there were too many dwellings on the site and suggested that the fifth dwelling should be removed. The Principal Planner reminded Members that they had to determine the proposal before them which included a fifth unit. The issues surrounding Stodmarsh were set out in the report at paragraphs 2.36 to 2.41. In summary, Natural England (NE) had concerns that the water and ecological quality of Stodmarsh Lakes, a protected site, were being degraded and harmed by nutrients entering the site from developments and agriculture. New developments were required to demonstrate that they would not make it worse. There was effectively an impasse with NE at the present time. An appropriate assessment of the site would be carried out in consultation with NE, and planning permission could not be granted until its approval had been given.

Councillor Woodgate stated that he was not against the development per se. However, he disliked the fifth dwelling because of its impact on 90A and was inclined to refuse the application. The Principal Planner clarified that a daylight/sunlight assessment had not been carried out. He cautioned against refusing the application on the basis of the impact on Stodmarsh Lakes as there was no evidence to support it and it would, more widely, undermine the Council's position. Whilst privacy was unlikely to be a significant issue, harm caused by overbearing and outlook might be a reasonable view to adopt. Councillor Kenton pointed out that residents did not have a right to light or a view. The proposal was a sensible use of old buildings which were attractive and contributed to the street scene. Nevertheless, it was apparent that the fifth dwelling was considered a problem due to its scale, massing, overbearing nature and proximity to 90A. These were the key considerations and he urged Members not to be distracted by others. The Principal Planner confirmed that the distance between 90A and the boundary varied, the details being set out in paragraph 2.17 of the report.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/21/00511 be REFUSED on the grounds that the proposed extension to accommodate dwelling 5 would have an unacceptable impact on the amenities of the neighbouring residential property by reason of its height, scale and proximity to the boundary, resulting in an overbearing effect and loss of outlook, thereby failing to achieve the high standard of amenity promoted by paragraph 130 of the National Planning Policy Framework.

(b) That powers be delegated to the Planning and Development Manager to finalise the wording of the grounds for refusal in line with the issues set out in the report and as resolved by the Planning Committee.

133 APPLICATION NO DOV/21/01309 - ROSE NURSERY, DOVER ROAD, SANDWICH

The Committee viewed an aerial view, a map, plans and photographs of the application site. The Planning Officer advised that the application sought outline planning permission, with all matters reserved, for the erection of seven self-build plots, with the existing dwelling to be retained. Concerns had been raised in relation to noise disturbance caused by traffic and a condition was suggested for the installation of an acoustic fence. Whilst the site was outside settlement confines, it was in close proximity to them and to the facilities of Sandwich. As Policy DM1, the most important policy for determining the application, was considered out-of-date, the 'tilted balance' of paragraph 11 of the National Planning Policy Framework (NPPF) was engaged. Officers were of the view that the benefits of the

development significantly and demonstrably outweighed any harm that would be caused and approval was therefore recommended.

In response to Councillor Richardson, the Planning and Development Manager advised that the Council could not insist that the dwellings were eco-houses. However, energy efficiency details could be requested by way of the parameter plan and design code condition.

RESOLVED: (a) That Application No DOV/21/01309 for outline planning permission be APPROVED subject to the following conditions:

- (i) Approval of the reserved matters;
 - (ii) Time condition;
 - (iii) List of approved plans (site outline);
 - (iv) Samples of materials;
 - (v) Cables for electric vehicle charging points;
 - (vi) Scheme for biodiversity protection and enhancements;
 - (vii) Dealing with contamination;
 - (viii) Development shall be constructed in accordance with glazing specification and acoustically screened trickle ventilation prior to occupation;
 - (ix) Details and acoustic qualities of fencing as set out in the acoustic assessment prior to occupation;
 - (x) Construction Management Plan;
 - (xi) Self-build only;
 - (xii) Submission of parameter plan/design code.
- (b) That powers be delegated to the Planning and Development Manager to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

134 APPLICATION NO DOV/21/00274 - LAND AT ARCHERS LOW FARM, SANDOWN ROAD, SANDWICH

Members were shown an aerial view, drawings, plans and photographs of the application site which was located outside the settlement confines of Sandwich. The Team Leader Development Management (Strategic Sites and Place) advised that the application sought planning permission to erect 44 dwellings with associated access, parking, open space, etc. Since the report was published, further representations had been received, one raising concerns that the proposed development would prejudice Royal St George's golf course hosting future events. The representation had been discussed with the Head of Investment, Growth and Tourism who had expressed no concerns in relation to the Open Golf.

The Committee was advised that the site had been removed from the 2015 draft Local Plan at inspection stage due to concerns about the visual appearance of development at this location, the trees giving a soft edge to Sandwich. The site had been included in the current draft Local Plan on the basis that the need for housing had increased since 2015 and subject to improved screening and reduced density. The requirement to deliver more housing meant that the new Plan had allocated sites which had previously been removed or not considered.

The Team Leader advised Members that Core Strategy Policies CP1, CP4, CP6, DM1, DM5, DM11, DM13, DM15 and DM16 were the most important policies for determining the application. Paragraph 11 of the NPPF directed that development which accorded with an up-to-date development plan should be approved without delay. However, where Local Plan policies were considered to be out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. Paragraphs 2.2 to 2.15 of the report assessed these matters in full but, in summary, the most relevant policies for determining the application were considered to be out-of-date and, as such, the 'tilted balance' of paragraph 11 was engaged. Members would therefore need to consider whether the harm caused by the development would be significantly and demonstrably outweighed by the benefits. Irrespective of the 'tilted balance' being engaged, it was considered that the development was contrary to Policies DM1, DM11 and DM15.

The Team Leader went on to explain that the proposed development was attractive and well-conceived in terms of character and layout. The development's impact on trees had proved to be a major concern for members of the public and the Council's Trees Officer. Whilst the existing trees would provide effective screening to the development, they were also a constraint. The north-eastern boundary of the site was heavily wooded and particularly susceptible in relation to pressure arising from future occupiers to cut back or remove the trees which were not yet fully grown. That being said, he noted that an area of new woodland would be planted behind Old Poplar Farmhouse. Kent County Council (KCC) Highways had initially raised concerns about additional traffic movements on the highway but had since advised that there would be no negative impact. Concerns had also been raised regarding on-street parking in St George's Road. However, parking would be provided within the development which, in fact, exceeded the requirement set out in the Local Plan.

The Committee was advised that it was a finely balanced case. In its favour, the site was in a sustainable location and the development would make a valuable contribution to the district's housing needs. However, the development would alter the character and appearance of the area and lead to the loss of a sizeable number of trees. Weighing up the benefits against the disadvantages of the proposal, Officers had concluded, on balance, that the application should be approved.

Councillor Richardson expressed concerns that 29 mature trees would be lost, to be replaced by a few saplings which would take 40/50 years to replicate the same carbon reduction benefits. He was particularly concerned about the proposed development's effect on the character and appearance of the countryside and could not support the erection of 44 dwellings at this location. Councillor Jull raised concerns that the developers had ignored KCC's policy that no more than five homes should be served by an unadopted road. He suggested that conditions be added to ensure the roads were built to an adoptable standard, in particular those serving affordable housing so that those residents were not subject to charges

levied by management companies. He also raised concerns about the loss of parking spaces in St George's Road that were used at school times.

Councillor Woodgate commented that, whilst he appreciated the need to build more houses, thought should be given as to whether this quintessential English green field was the right place. He queried what had changed since the site's removal from the draft 2015 Local Plan. Whilst not a planning consideration, residents' objections were compelling and should not be dismissed. Councillor Biggs stated that he was elected to represent the opinions of local people and he could not ignore the very large number of objections received. It was a contentious site and its development would be a loss to the area.

The Team Leader advised that KCC had assessed the proposed road layout for safety and functionality. There could actually be a reduction in the visual quality of the proposed roads if they were to be built to adoptable standards as KCC often required the use of standardised materials. This was particularly true if trees were to be provided along the roads. He accepted that the loss of parking during school times would be noticeable. However, there was a need for passing places and the provision of a pedestrian crossing near the school would be a benefit. The provision of bird boxes was an enhancement rather than necessary mitigation and was proposed due to the large number of birds that frequented the wider area.

In response to Councillor Woodgate, the Team Leader advised that the 2015 and current draft Plans were subject to different policies and requirements. In 2015 two other development sites had been available in Sandwich; one had since been built out but the other had not. The annual target of delivering 557 houses was a rolling one and the Local Planning Authority was therefore obliged to constantly look for suitable sites. As part of a long process, the Local Plan team had reviewed hundreds of sites, whittling them down to those considered most suitable. There was rarely a site that ticked all the boxes and there was a shortage of suitable sites in and around Sandwich. The Local Plan team had assessed what mitigation was needed to reduce the impact of development in this location, including a reduction in the number of dwellings from those proposed in 2015. He added that the site had been assessed by the team as 'amber' which meant that it could be made acceptable with suitable mitigation measures.

The Planning and Development Manager reminded the Committee that it was required to focus on planning policies and considerations. Councillor Richardson clarified that the loss of trees and impact on the countryside were the reasons why he wished to refuse the application.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/21/00274 be REFUSED on the grounds that the proposed development, if approved, would cause harm to trees and the character and appearance of the area, and have a detrimental impact on the landscape.

(b) That powers be delegated to the Planning and Development Manager to finalise the wording of the grounds of refusal in line with the issues set out in the report and as resolved by the Planning Committee.

Members viewed drawings, plans and photographs of the application site. The Team Leader Development Management (North) advised that planning permission was sought for the erection of six dwellings and works to an existing building to form a seventh dwelling. She corrected an error in the report which referred to 129 letters of support and 105 letters of objection having been received. In fact, 31 letters of objection and one neutral response had been received. In addition, the application had been called in by Councillor M D Conolly due to the number of objections received from members of the public and Ash Parish Council.

Members were advised that the existing property was a non-designated heritage asset which would be extended. The principle of development was accepted given the site's location within the built confines of Ash. Policy DM1, the most important policy for determining the application, was considered out-of-date for the reasons set out in paragraph 2.6 of the report. The 'tilted balance' approach of paragraph 11 of the NPPF was therefore engaged. The design of the dwellings responded well to the character of the area in a contemporary manner. KCC Highways had raised no objections following the receipt of amended plans for visibility splays. Due to the development's separation distance and orientation, it was considered that there would be no harmful impact on neighbouring properties, and approval was therefore recommended.

RESOLVED: (a) That Application No DOV/20/00155 be APPROVED subject to the following conditions:

- (i) Three-year standard time limit;
- (ii) Approved plans;
- (iii) Samples of materials;
- (iv) Provision of bike and bin storage prior to first occupation;
- (v) Pre-commencement condition – Demolition and Construction Management Plan (Routing of demolition, construction and delivery vehicles and site personnel; Timing of HGV movements (these are likely to be restricted during school drop-off and pick-up periods); Provision of wheel-washing facilities; Temporary traffic management/signage; Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development; Site access arrangements);
- (vi) Provision of measures to prevent the discharge of surface water onto the highway;
- (vii) Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing, including the retention of public access to the three spaces between units 1 and 2;

- (viii) Use of a bound surface for the first 5 metres of the access from the edge of the highway;
- (ix) Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing, in accordance with details to be submitted and approved by the Local Planning Authority;
- (x) Completion of the access and associated highway alterations (parking restrictions) shown on the submitted plans prior to the use of the site commencing. Applicant to use best endeavours to secure the necessary Traffic Regulation Order and implement the parking restrictions;
- (xi) Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter;
- (xii) Provision and maintenance of 43 metres x 2.4 metres x 43 metres visibility splays at the access with no obstructions over 1 metre above carriageway level within the splays, prior to use of the site commencing;
- (xiii) Completion of the step-free paved connection to public footpath EE117 at the rear of the site prior to the use of the site commencing;
- (xiv) Provision of electric charging points;
- (xv) Removal of permitted development rights (classes A, B, C, D and E);
- (xvi) Removal of permitted development rights for insertion of window openings at first-floor level;
- (xvii) Joinery details, eaves details, ridge details at 1:10 for the non-designated heritage asset;
- (xviii) Hand-dug condition and tree protection measures;
- (xix) Programme of archaeological works;
- (xx) Ecological mitigation and enhancement works;
- (xxi) Landscaping scheme;
- (xxii) Pre-commencement condition requiring submission of a detailed scheme for surface water disposal;
- (xxiii) Pre-commencement condition requiring submission of a detailed scheme for foul water drainage;
- (xxiv) Boundary treatment and hard surfacing.

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

136 APPLICATION NO DOV/21/01618 - 44 MILLAIS ROAD, DOVER

The Committee was shown a plan and photographs of the application site. The Team Leader Development Management (Strategic Sites and Place) advised that planning permission was sought for the erection of a detached dwelling with associated parking at a site within the settlement confines of Dover. Members were advised that the proposed dwelling would be built on garden land to the side of an existing dwelling following the demolition of a garage. The design of the dwelling would mirror that of the existing house and was considered acceptable. As an update to the report, he advised that additional conditions should be added requiring window reveals and removing permitted development rights.

RESOLVED: (a) That Application No DOV/21/01618 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Materials to match 44 Millais Road;
- (iv) Obscure glazing to first-floor rear windows;
- (v) Retention of parking spaces;
- (vi) Electric charging;
- (vii) Cycle parking and bin storage;
- (viii) Tree planting;
- (ix) Windows to be set in reveals;
- (x) Removal of permitted development rights for windows in roof to protect amenity of neighbours.

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

137 APPEALS AND INFORMAL HEARINGS

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

138 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 9.23 pm.