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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 1 June 2023 at 6.00 pm.

Present:

Chairman: Councillor E A Biggs

Councillors: J S Back
D G Beaney
S B Blair
N S Kenton
R M Knight
J P Loffman
S M S Mamjan
H M Williams
L M Wright

Officers: Team Leader (Development Management) - Strategic Sites
Team Leader (Development Management) - North Team
Principal Planner
Senior Planner
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/22/01617	Mr Ian Matheson	Mr George Knott
DOV/22/01601	Mr Bongani Andrias Jansen	Ms Justine Laws
DOV/22/01345	Mr Nick Stevens	-----
DOV/23/00124	Mr Clive Tidmarsh	-----
DOV/22/01642	Ms Karen Banks	Ms Debbie Bailey
DOV/23/00086	Mr Christopher Sherlock- Scougall	Ms Shelley Morris
DOV/23/00119	Mr Julian Thatcher	Mr Gary Bradbury Councillor Trevor Bartlett
DOV/22/00043	Ms Sophie Walker	-----

1 ELECTION OF CHAIRMAN

It was moved by Councillor S B Blair and duly seconded that Councillor E A Biggs be elected Chairman to preside over the meeting, in the absence of the Chairman and Vice-Chairman.

RESOLVED: That Councillor E A Biggs be elected Chairman to preside over the meeting.

2 APOLOGIES

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

3 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors S B Blair and L M Wright had been appointed as substitute members for Councillors D G Cronk and M J Nee respectively.

4 DECLARATIONS OF INTEREST

Councillor L M Wright declared an Other Significant Interest in Agenda Item 11 (Application No DOV/22/01642 – 22 The Street, West Hougham) by reason that her close friend lived in a neighbouring property and had objected to the application.

5 MINUTES

The minutes of the meeting held on 13 April 2023 were approved as a correct record and signed by the Chairman.

6 ITEMS DEFERRED

The Chairman advised the Committee that the application listed remained deferred but was likely to come back to the Committee in a month or so.

7 APPLICATION NO DOV/22/01617 - 37 THE MARINA, DEAL

The Committee was shown drawings and photographs of the application site. The Team Leader Development Management (TLDM) advised that planning permission was sought for the construction of a balcony to the front elevation of the dwelling, with the two existing windows being replaced by French doors. He reminded Members that a recent application for dormer windows to the front and rear of the dwelling had been refused by the Committee. Since publication of the report, further submissions had been received, raising no new material considerations.

The TLDM advised that the balcony would be a lightweight construction of stainless steel and glass. Responding to an issue raised by an objector, he advised that, should the applicant build something substantially different, further planning permission would be needed. In terms of overlooking, he clarified that the balcony would be around 1.8 metres in depth and there would be some overlooking back to the property next door. However, this was not considered to be sufficiently harmful to warrant a refusal. In response to concerns raised by Councillor H M Williams about privacy, he cautioned against conditioning a glass panel to block off the end of the balcony as this would significantly reduce the amount of space available. He suggested that a privacy screen, of about 1.6 to 1.8 metres in height, would be as effective but less intrusive. He added that the balcony would be slightly deeper than others in the terrace which were closer to 1.3 to 1.4 metres. Finally, he commented that, whilst the Heritage Officer had raised some concerns about the proposal, these were not sufficient to refuse the application.

RESOLVED: (a) That Application No DOV/22/01617 be APPROVED subject to the following conditions:

- (i) Standard time condition;

- (ii) In accordance with approved plans;
- (iii) Opaque glass privacy panel to be installed.

(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.

8 APPLICATION NO DOV/22/01601 - 233 FOLKESTONE ROAD, DOVER

Members were shown a map, plans and photographs of the application site which was situated within the urban boundary of Dover. The Planning Officer advised that planning permission was sought for a change of use from residential to a guest house. As an update, she advised that Kent County Council (KCC) Highways had raised further concerns about parking. However, these matters were addressed in the report and Officers were satisfied that parking provision met the requirements of the National Planning Policy Framework (NPPF). Following objections, conditions relating to a management plan and occupancy restrictions had been added, the latter restricting stays to less than six weeks and no returns for three months. It was clarified that no external alterations were proposed.

In response to a query from Councillor L M Wright, the TLDM confirmed that one of the plans in the committee report was incorrect. The Planning Officer clarified that the management plan would cover matters such as parking, refuse storage and booking. Addressing concerns raised by Councillor Williams about the untidiness of the site, she stressed that this was not a material consideration and, in any case, there was a limit on how far-reaching a management plan should be, not least with regards to practical enforcement. Councillor J P Loffman acknowledged that the Committee's role was to consider the planning merits of the application rather than wider issues. Nevertheless, he expressed concerns about parking provision and queried whether the number of occupants could be reduced.

The TLDM advised that the starting point for decision-making was to look positively at applications unless there were material planning reasons for a different approach. The application site was in a sustainable location where reduced parking provision was considered acceptable. The NPPF required Members to consider whether there would be a severe cumulative impact from the development. Whilst objectors would argue that there was severe pressure on parking in the area, severe impact was a high bar to reach in planning terms. Given the location's proximity to the town centre and public transport links, parking provision was considered satisfactory.

Councillor N S Kenton expressed reservations about the proposal which he viewed as a hostel rather than a guest house. It was a poorly designed scheme which would have an impact on the amenity of occupants and the wider area. He doubted the accommodation would appeal to the average tourist, and was struggling to see anything positive about the proposal. Councillors J S Back and M S Mamjan agreed with Councillor Kenton that the proposal was unappealing. The TLDM urged the Committee to consider whether there would be sufficient material planning harm from the proposal to warrant refusal. It was clear that Members did not consider the scheme to be of high quality. However, the principal consideration was whether the scheme would cause material planning harm rather than its merits as a business model.

RESOLVED: (a) That Application No DOV/22/01601 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Management plan;
- (iv) Occupancy restrictions.

(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.

9 APPLICATION NO DOV/22/01345 - 12 KING STREET, DEAL

The Committee viewed a map, drawings and photographs of the application site which was situated within the urban confines of Deal. The Principal Planner advised that planning permission was sought for the erection of a four-storey building incorporating sixteen flats and three retail units, with the existing building to be demolished. As an update, he advised that six additional representations had been received, with all matters raised addressed in the report. As a sustainable development within the town centre of Deal and close to shopping facilities, approval was recommended.

Councillor D G Beaney questioned whether the Design Panel had had an input to the scheme which, in his opinion, was unimaginative and could be improved upon. The Principal Planner confirmed that the Design Panel had not been consulted. He reminded Members that, whilst a previous planning permission had lapsed, it remained a material consideration. Since then, the opportunity had been taken to improve materials which were considered acceptable. In response to Councillor Wright who questioned the wisdom of adding retail units when shops in the high street were closing down, the Principal Planner explained that Use Class C covered a range of uses beyond retail. Furthermore, as modern units, they were more likely to attract occupants and encourage competition in the town centre. In response to concerns raised about the absence of parking, the Principal Planner advised that the site was in a sustainable location with good access to facilities, car parks and public transport. The TLDM added that the current Core Strategy encouraged reduced or no parking in town centre locations. It was clarified that money allocated towards works at the Dover waste and recycling centre would have stemmed from a KCC request which had obviously determined that this, rather than Deal, was the facility in need of enhanced provision.

RESOLVED: (a) That, subject to the completion of a Section 106 agreement in relation to development contributions as set out in the report, Application No DOV/22/01345 be APPROVED subject to the following:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Samples of materials;

- (iv) Details of windows (including the depth of reveals), doors, balconies, canopies, external services, meter cupboards and security shutters;
- (v) Details of privacy measures to west elevation;
- (vi) Sound insulation scheme;
- (vii) Provision of refuse/recycling storage;
- (viii) Provision of bicycle storage;
- (ix) Details of surface water management including base tank;
- (x) Details of foul drainage;
- (xi) Construction management plan;
- (xii) Archaeological watching brief;
- (xiii) Internal and external photographic record;
- (xiv) Details and provision of ecological enhancements;
- (xv) Affordable housing provision;
- (xvi) Housing to meet Building Regulations M4(2) standard;
- (xvii) Asbestos containing materials (ACM) survey and action plan;
- (xviii) Previously unidentified contamination;
- (xix) Provision of broadband;
- (xx) Details of works to adjacent Public Right of Way.

(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.

10 APPLICATION NO DOV/23/00124 - SOUTHBANK, NEWCASTLE LANE, EWELL MINNIS

The Committee viewed a map, drawings and photographs of the application site which was situated outside settlement confines and in an Area of Outstanding Natural Beauty (AONB). The TLDM advised that planning permission was sought for the erection of a dwelling, car port and access. The nearest settlement was Alkham which was one kilometre away along narrow, unlit lanes. A number of previous applications for development on the site had been refused, most recently in 2004. Many of the principles that were relevant in previous cases applied here, namely that the proposed development was in an unsustainable location and within

the AONB which should be afforded the highest protection. In addition, the application had not been supported by a tree survey or ecological appraisal. Whilst policies had moved on, it was the case that they were now less favourable to development on this site. The NPPF looked for development to support services in villages. However, the site was some distance from Alkham and occupants would have no choice but to use the car. The Planning Inspector had described the site as being in an area of dispersed clusters of dwellings, with an informal pattern of development, where the gaps between buildings contributed to the character of the area. Planning guidance was clear that ecological surveys had to be submitted in advance of the application being determined.

Councillor Beaney pointed out that the land already had a concrete structure on it and that other houses in the area had erected large extensions. Whilst the site was in the AONB, he did not believe the development would cause harm. The TLDM acknowledged that there was a garage on the site, but stressed that the proposed dwelling would be a one and a half storey building with a garage and therefore a substantial increase in scale to the structure that was already there. If the applicants were seeking to provide ancillary accommodation for parents, then that could be achieved by an extension or converting the outbuilding. This would enable the accommodation to be more easily subsumed back into the main dwelling once the need for it had passed. He emphasised the highly unsustainable location and its location in the AONB. Furthermore, both the Local Plan and NPPF were weighted towards the refusal of such applications. Councillor Kenton commented that, whilst he had some sympathy with developing infill plots, the proposed dwelling would be on a separate plot and therefore not ancillary to the main dwelling. This, together with its location in the AONB, weighed heavily against the proposal.

RESOLVED: (a) That Application No DOV/23/00124 be REFUSED for the following reasons:

- (i) The proposed development, if permitted, would result in a dwelling-house outside of any defined urban or village confines and in a location where travel for day-to-day needs would be reliant on the use of the car, the need for which has not been demonstrated sufficiently to override normal sustainability objectives. The proposal would result in an unsustainable and unjustified residential development in this rural location which would be contrary to Policies DM1 and DM11 of the Dover District Core Strategy and draft Dover District Local Plan Policies SP3 and T11 and paragraphs 7, 8, 11 and 80 of the National Planning Policy Framework.
- (ii) The introduction of a dwelling and associated works onto this undeveloped site would be out of keeping with the rural character of the area. The proposal would neither conserve nor enhance the landscape and scenic beauty of the Area of Outstanding Natural Beauty, contrary to Policies DM15 and DM16 of the Core Strategy, draft Dover District Local Plan Policy NE2 and paragraphs 174 and 176 of the National Planning Policy Framework.
- (iii) The narrow and undulating nature of the approach roads leading to the site, which lack footpaths or consistent lighting, are unsuitable for serving the increase in vehicular, bicycle and pedestrian traffic likely to be generated by the proposed

development which would be prejudicial to sustainable transport objectives and highway safety, contrary to Core Strategy Policy DM11, draft Dover District Local Plan Policy T11 and paragraphs 104, 105, 110, 111 and 112 of the National Planning Policy Framework.

- (iv) The application has not been supported by a Preliminary Ecological Appraisal or species-specific surveys to demonstrate whether protected species are present on the site. In the absence of evidence to the contrary, the proposal has failed to fully consider the impact of the proposal on protected species and demonstrate that this site would protect, enhance and minimise impacts to biodiversity contrary to paragraphs 174 and 180 of the National Planning Policy Framework (2021) and paragraph 99 of Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.
- (v) The application has not been supported by a Tree Survey. In the absence of evidence to the contrary, the proposal has failed to fully consider the impact of the proposal on trees present at the site and demonstrate that this site would protect, enhance and minimise impacts on trees, contrary to Core Strategy Policies DM15 and DM16, draft Dover District Local Plan Policy CC8 and paragraphs 113 and 174 of the National Planning Policy Framework.

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

11 APPLICATION NO DOV/22/01642 - 22 THE STREET, WEST HOUGHAM

Members were shown drawings, a plan and photographs of the application site which was situated within the village confines and in the AONB. The TLDM advised that full planning permission was sought for the erection of two dwellings. Outline planning permission had been granted in 2021 for a previous application which was extant and therefore a material consideration. A subsequent reserved matters application had been refused on the basis that it proposed the erection of two-storey dwellings which was contrary to the outline permission which had stipulated bungalows or chalet bungalows. A full application had now been submitted which sought permission for a larger footprint than the outline application and superseded both the outline and reserved matters applications.

Councillor Kenton commented that the principle of development on the site had been established. The previous application had been refused on grounds of scale and massing. Since the current application had addressed the grounds of refusal for the previous application, namely scale and massing, he proposed that the application should be approved. Councillor Williams questioned why the application was considered sustainable when the previous application had been refused on the grounds of its sustainability. The TLDM clarified that West Hougham was identified in the Core Strategy and the emerging Local Plan as a settlement with sufficient facilities and services to support further development. Along with

other development planned in the village, the proposal would help to support these facilities and services.

RESOLVED: (a) That Application No DOV/22/01642 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Plans;
- (iii) Materials;
- (iv) Slab levels;
- (v) Provision of parking;
- (vi) Cycle/refuse store;
- (vii) Means of enclosure;
- (viii) No windows in roof;
- (ix) No first-floor windows;
- (x) Landscaping.

(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 L M Wright left the meeting during consideration of this item.)

12 APPLICATION NO DOV/23/00086 - CROFTERS LODGE, DURLOCK ROAD, STAPLE

The Committee viewed a plan and photographs of the application site. The TLDM advised that outline planning permission was sought for the erection of six self and custom-build houses with car parking, access, etc. The site was a flat parcel of land located outside the settlement confines of Staple and elevated above the road. Policies DM1 of the Core Strategy and Policy SP4 of the emerging Local Plan were relevant. The Council had a required need for self-build plots which had been met. However, even if this were not the case, development outside the settlement confines and in an unsustainable location would not be permitted. In response to a query from Councillor J S Back, the TLDM clarified that a need for nine plots had been identified in October 2022. 23 planning permissions had been granted for self-build plots in 2021/22 and there was no reason to believe that they would not be progressed. Granting planning permission for the application would result in an over-supply of plots and give the green light to a development in an unsustainable location.

Councillor Kenton commented that the site was on the edge of and abutting the settlement confines which was a positive factor. However, the issue with this particular site was the surrounding landscape which was very open and could be seen from far-reaching views.

RESOLVED: (a) That Application No DOV/23/00086 be REFUSED on the grounds that the proposal would constitute unsustainable and unjustified residential development in this rural location, resulting in additional vehicle movements and the need to travel by private car. It would result in the loss of an important gap separating the built environment and the countryside, detracting from and causing harm to the rural character and appearance of this part of the countryside contrary to Policies DM1, DM11 and DM15 of the Core Strategy (2010), Policies SP4, PM1, NE2 and T11 of the draft Local Plan and Paragraphs 110 and 174 of the National Planning Policy Framework (2021).

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

13 APPLICATION NO DOV/23/00119 - 8 THE STREET, ASH

Members viewed a CGI, drawings, plans and photographs of the application site which was located within the settlement confines of Ash. The TLDM advised that planning permission was sought for the erection of seven dwellings and the demolition and rebuilding of an existing dwelling.

The TLDM recapped that planning permission had been granted for a previous scheme in September 2022. Since then, the existing dwelling had caught fire and the original permission could not now be implemented as granted. The application before the Committee was exactly the same as the previous one, albeit that the existing dwelling would now have to be rebuilt. The proposed scheme was considered acceptable in terms of layout, design and form. Moreover, Officers were satisfied that there would be no harm to the character and appearance of the area. She clarified that government guidance indicated that affordable housing should be provided for major developments of ten or more dwellings and was therefore not applicable in this case. The previous permission, having been recently granted, carried significant weight whilst Policy SP4 of the emerging Local Plan, which covered infill development, carried moderate weight.

Councillor Back referred to the plans having been amended to demonstrate emergency access and egress. KCC had raised no objections and he voiced his support for the application. In response to concerns raised by Councillor Loffman, the TLDM advised that the Council's policies on affordable housing had been superseded by paragraph 64 of the NPPF. In addition, she explained that the Government wanted local authorities to be more consistent with the NPPF and had released a statement which had to be taken into account. Whilst the Ash Neighbourhood Plan (ANP) carried significant weight, planning permission had already been granted for almost exactly the same development, a factor that overrode the ANP.

RESOLVED: (a) That, subject to the completion of a legal agreement to secure a payment towards the Thanet Coast and Sandwich Bay SPA and Ramsar sites mitigation strategy, Application No DOV/23/00119 be APPROVED subject to the following conditions:

- (i) Time limit;

- (ii) Approved plans;
- (iii) Samples of materials;
- (iv) Bicycle and bin storage;
- (v) Demolition and Construction Management Plan;
- (vi) Provision of measures to prevent the discharge of surface water onto the highway;
- (vii) Vehicle parking;
- (viii) Use of a bound surface for the first 5 metres of the access from the edge of the highway;
- (ix) Cycle parking;
- (x) Completion of the access and associated highway alterations (parking restrictions);
- (xi) Gradient of the access;
- (xii) Visibility splays;
- (xiii) Completion of the step-free paved connection to public footpath EE117 at the rear of the site;
- (xiv) Removal of permitted development rights (classes A, B, C, D and E);
- (xv) Removal of permitted development rights for insertion of window openings at first-floor level;
- (xvi) Joinery details, eaves details, ridge details at 1:10 for the non-designated heritage asset;
- (xvii) Tree protection measures, including hand-digging;
- (xviii) Programme of archaeological works;
- (xix) Ecological mitigation and enhancement;
- (xx) Landscaping scheme;
- (xxi) Surface water drainage details;
- (xxii) Foul water drainage details;
- (xxiii) Boundary treatment and hard surfacing.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions and the Section 106 agreement in line with the issues set out in the recommendation and as resolved by the Planning Committee.

14 APPLICATION NO DOV/22/00043 - LAND BETWEEN NOS 107 AND 127 CAPEL STREET, CAPEL-LE-FERNE

The Committee was shown an aerial view, drawings, plans and photographs of the application site. The Senior Planner advised that it was a reserved matters application for landscaping, layout, scale and appearance in connection with the erection of 34 dwellings. The site was undeveloped land which was currently used for grazing horses. The proposal was largely in accordance with the illustrative masterplan submitted at the outline stage which had been secured by condition. As agreed at the outline stage, ten parking spaces would be provided to replace the displaced parking, as well as two parking spaces per unit.

RESOLVED: (a) That Reserved Matters Application No DOV/22/00043 be APPROVED subject to the following conditions:

- (i) Approved plans and details;
- (ii) Samples of materials;
- (iii) Fenestration within reveals;
- (iv) Removal of some permitted development rights;
- (v) Archaeology;
- (vi) Obscure glazed and non-opening windows up to a height of 1.7 metres from internal finished floor level for first-floor side windows to Units 1 and 24;
- (vii) Pedestrian visibility splays provided and maintained;
- (viii) Provision, retention and maintenance of external lighting scheme in accordance with plans;
- (ix) Provision, retention and maintenance of approved hard surfacing and boundary treatments in accordance with approved plans;
- (x) Soft landscaping provision and retention (planting, seeding carried out in first planting season) in accordance with approved plans;
- (xi) Ecology avoidance, mitigation, management and enhancement measures in accordance with recommendations in the Updated Ecology Assessment.

(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.

15 APPEALS AND INFORMAL HEARINGS

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

16 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 8.28 pm.