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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 14 December 2023 at 6.00 pm.

Present:

Chairman: Councillor D G Cronk (Vice-Chairman in the chair)

Councillors: J S Back
D G Beaney
E A Biggs
R M Knight
J P Loffman
S M S Mamjan
C A Vinson
H M Williams
C F Woodgate

Officers: Team Leader (Development Management) - South Team
Principal Planner
Senior 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/23/00473	Mr Nicholas Blake	Ms Sylvia Laidlow-Petersen
DOV/23/00770	Mr Al King	Mr Stephen Addis
DOV/22/01353	Mr Daniel Jones	-----
DOV/23/00984	Mrs Selina Man Karlsson	-----
DOV/22/01652	Mr Chris Pragnell	-----

78 APOLOGIES

It was noted that apologies for absence had been received from Councillors M J Nee and N S Kenton.

79 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors C F Woodgate and C A Vinson had been appointed as substitute members for Councillors M J Nee and N S Kenton respectively.

80 DECLARATIONS OF INTEREST

There were no declarations of interest.

81 MINUTES

Councillor J F Loffman requested that the wording in the third paragraph of Minute No 72 be changed from 'a sufficient number of gypsy and traveller pitches' to 'the required number of...'. Subject to this amendment, the minutes of the meeting held on 9 November 2023 were approved as a correct record and signed by the Vice-Chairman.

82

APPLICATION NO DOV/23/00473 - JOSSENBLOCK FARM, EAST LANGDON

The Committee was shown an aerial view, plans and photographs of the application site which was outside, but adjacent to, the settlement boundary of East Langdon. The Senior Planner advised that the site formed part of the curtilage of Jossenblock Farm which was a Grade II*-listed farmhouse. The proposed dwelling was well designed and the proposal accorded with Policy SP4 of the emerging Local Plan. As the policies most relevant for determining the proposal were considered to be out-of-date, the tilted balance applied. In this respect the benefits of the proposal outweighed any adverse impacts and approval was therefore recommended. As an update to the report, she advised that an additional condition for landscaping was required.

Councillor E A Biggs noted that the new settlement boundary under the emerging Local Plan was nearer to the building than the old boundary. Given that the emerging Local Plan was not yet fully established, he felt that the Committee was currently in somewhat of a no-man's land when it came to assessing the application. He questioned how the dwelling's arts and craft design would fit in with the historical context of the village/area when his understanding was that new buildings should not be pastiches of the old.

The Senior Planner clarified that, whilst technically contrary to Core Strategy Policies DM1, DM11 and DM15 of the current Local Plan, the application was subject to the tilted balance approach of the National Planning Policy Framework (NPPF) because these policies were considered to be out-of-date. Accordingly, Members were required to have regard to the NPPF and the policies of the emerging Local Plan, and to consider whether the benefits of the proposal would be significantly and demonstrably outweighed by any harm. Officers were of the view that the proposal was compatible with surrounding built development and its benefits outweighed any adverse impacts. This was a sensitive area and the arts and craft design, whilst not a replica of buildings in the area, was traditional and sympathetic to the character of the village.

Councillor Loffman praised the report, but questioned how the building would enhance and contribute to the natural and local environment, as referred to in paragraph 2.11. The Team Leader Development Management (TLDM) explained that the dwelling was not required to make a contribution to the heritage setting, as long as it preserved and enhanced the setting. This particular proposal was not considered to be harmful and would therefore help to preserve the conservation area.

Councillor C A Vinson queried why the village had two separate settlement confines when it had amenities that were part of a single settlement. The TLDM clarified that the confines had been drawn up under the existing Core Strategy and minor tweaks had been made as part of the emerging Local Plan, including moving the boundary to the other side of the road from the village green. The character of the village changed from one area to the other and she suggested that the separate confines were designed to ensure that the two areas remained distinct. The Senior Planner added that the application site was in the historic part of the village, whilst

the other part of the village was more modern in character. Having separate confines would maintain these characters, especially the historic portion of the village. Councillor Vinson commented that, whilst other villages with similar configurations did not have two confines, he regarded the site as being within rather than outside the confines.

RESOLVED: (a) That Application No DOV/23/00473 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Materials and samples of bricks and tiles;
- (iv) Timber windows/doors;
- (v) Refuse and cycle storage;
- (vi) Provision and retention of parking;
- (vii) Visibility splays;
- (viii) Trees retained and protection measures;
- (ix) Removal of permitted development rights;
- (x) Method statement for potential bats in trees;
- (xi) Ecological enhancement measures;
- (xii) 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.

83 APPLICATION NO DOV/23/00770 - 15 THE GRANGE, SHEPHERDSWELL

Members were shown plans and photographs of the application site which was located within the settlement confines of Shepherdswell. The Senior Planner advised that planning permission was sought for a modest dwelling in the form of a chalet bungalow which would be erected in the side garden of an existing property.

In response to Councillor J S Back, the Senior Planner clarified that there was no requirement for windows facing properties in The Terrace to be obscure glazed because they were looking towards front elevations which were not regarded as private amenity space. In terms of restricted sightlines for vehicles exiting The Terrace to the east, the issues were set out in paragraph 2.20 of the report but, essentially, it was considered that the development would not make the existing situation any worse. In response to Councillor Biggs, she clarified that some permitted development rights, such as additions to the roof space and rear extensions, would be withdrawn since they were regarded as detrimental.

RESOLVED: (a) That Application No DOV/23/00770 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Details of materials;
- (iv) Fenestration set in reveals;
- (v) Landscaping;
- (vi) Obscure glazing first-floor rear window;
- (vii) Refuse and cycle storage;
- (viii) Provision and retention of parking;
- (ix) Visibility splays;
- (x) Removal of some permitted development rights;
- (xi) Tree protection measures.

(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.

84 APPLICATION NO DOV/22/01353 - DRELLINGORE BARN, STOMBERS LANE, DRELLINGORE, ALKHAM

The Committee viewed an aerial view, a plan and photographs of the application site which was situated in the countryside and outside the settlement confines of Alkham. The Planning Officer advised that planning permission was sought for the change of use and conversion of a farm building to a dwelling and the erection of an annexe, amongst other things. As an update to the report she advised that two additional preliminary ecological reports had been received. Whilst these had not changed Officers' concerns, it was felt that these issues could be dealt with by a condition, and it was therefore reasonable to withdraw the fourth reason for refusal.

Councillor Beaney referred to the applicant's statement that he wished to reuse the timbers and retain as much of the main structure of the building as possible. He sought clarification as to why the application was recommended for refusal. The TLDM referred to paragraphs 2.21 to 2.33 of the report which set out the visual and heritage impact concerns surrounding the proposal. Whilst the applicant had made statements about salvaging timbers, etc, no further details had been submitted with the application and without these a full assessment of the heritage implications could not be made. In respect of concerns raised about discrepancies between the report and online documents, the TLDM stressed that applications such as this one would normally be accompanied by a structural report detailing what was to be retained or replaced, along with a plan showing how the existing building would be incorporated into the new dwelling and interact with the living areas. That was not the case with this application. She went on to explain that the current barn was a

timber-framed Kentish barn with a catslide roof and it was the wider farm that was the heritage asset. The proposed dwelling would have different elevations which were not traditional. The conversion proposed in 2018 had been considered acceptable but the current proposal went beyond that.

Councillor Vinson stated that he applauded the applicant's ambitions and commented that his proposals appeared well designed. However, they were unsuitable for a heritage building. He noted that the applicant's statement stated that the framework of the building would be retained, but the online plans did not indicate this or show how the existing structure would interact with the new living area. It appeared that nothing would be retained and therefore the consideration for Members was whether the heritage asset and its setting within an Area of Outstanding Natural Beauty (AONB) would be significantly harmed by the proposal. He suggested that the answer was on page 46 of the report where the Heritage Officer had commented that the proposed works would result in the almost complete loss of the building.

Councillor Biggs welcomed the applicant's enthusiasm but stressed that the Local Planning Authority (LPA) had a duty to safeguard its heritage assets. The proposed style of roof was not sympathetic to the Kentish landscape. Moreover, without structural reports, it was difficult for the Committee to make an evidence-based assessment of the proposals. For these reasons, he supported the refusal of the application.

Councillor Beaney maintained that the online plans showed that the applicant was looking to retain the timber structure and lower walls. There were many barns and structures along the Alkham Valley and he did not consider the barn as being a heritage asset. He argued that the application could be approved with appropriate conditions. The TLDM referred to the rural exceptions policy which required dwellings to be of an exceptional and exemplary design to justify overturning other policies; this proposal did not meet that criterion. She emphasised that concerns did not just centre around the retention of the frame/timbers but also around how the dwelling would sit in the landscape.

Councillor Loffman stated that the applicant, whilst enthusiastic, had not supplied the appropriate evidence and, on that basis, he could not support the application. Councillor Vinson summarised that the design was unacceptable, and there would be such a loss of historic fabric that the applicant should go back to the drawing-board and seek advice from a heritage expert with a view to submitting a new application.

RESOLVED: (a) That Application No DOV/22/01353 be REFUSED on the following grounds:

- (i) The proposals do not represent a sensitive conversion/redevelopment of the historic farmstead due to their design and form that is out of character with the traditional rural and historic form of the farmstead and the surrounding landscape and fails to enhance its immediate setting. As a result, the proposals would cause visual harm and fail to conserve or enhance the landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty, contrary to paragraphs 130, 134, 174 and 176 of the National Planning Policy Framework (2023),

National Design Guidance (2021), policies DM15 and DM16 of the Dover Core Strategy (2010), draft policies SP4, E4, H6 and NE2 of the Submission Draft Dover District Local Plan (2023) and policies SD1, SD2, SD3, SD9, HCH1 and HCH6 of the Kent Downs Area of Outstanding Natural Beauty Management Plan 2021-2026.

- (ii) The proposals would result in an unacceptable loss of historic form and fabric to a non-designated heritage asset and would have a detrimental impact on the character and appearance of the existing building without overriding justification. The proposal would fail to comply with paragraph 203 of the National Planning Policy Framework (2023) and draft policy HE1 of the Submission Draft Dover District Local Plan (2023).
- (iii) The proposed new-build development would result in a dwelling-house outside of any defined confines and in a location where 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 unjustified residential development in this rural location contrary to policies DM1 and DM11 of the Dover Core Strategy (2010), Submission Draft Dover District Local Plan (2023), policies SP4 and TI1 and paragraphs 7, 8, 11 and 80 of the National Planning Policy Framework (2023).

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

85 APPLICATION NO DOV/23/00984 - ANCHORS, HAWKSHILL ROAD, WALMER

Members were shown an aerial view, a plan and photographs of the application site which was situated outside the settlement confines of Walmer. The Senior Planner advised that planning permission was sought for the erection of a two-storey rear extension, erection of an outbuilding and the formation of a vehicular access and parking, amongst other things. The proposals would have a limited impact and approval was therefore recommended.

In response to Councillor Back, the Senior Planner advised that there were other properties with rear extensions in the street. In respect of overlooking, she advised that a west-facing window would be obscure glazed and controlled by condition. In addition, permitted development rights had been removed for windows in the flank elevations.

RESOLVED: (a) That Application No DOV/23/00984 be APPROVED subject to the following conditions:

- (i) Time limit;

- (ii) Approved plans;
- (iii) Obscure glazing;
- (iv) Control of flank elevation windows;
- (v) Archaeology watching brief;
- (vi) Protection and retention of trees;
- (vii) Method statement for foundations.

(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.

86 APPLICATION NO DOV/22/01652 - DANEFIELD HOUSE, ST MARY'S GROVE, TILMANSTONE

The Committee viewed an aerial view, a plan and photographs of the application site which was situated outside the defined settlement boundaries of Tilmanstone. The Principal Planner advised that the application sought outline planning permission for the erection of a self-build dwelling following the demolition of an existing dwelling which was derelict. She advised that the site location plan in the report was incorrect and referred Members to the plan included in the presentation. Further comments had been received from Kent County Council (KCC) Highways in relation to a revised drawing and the extent of land ownership. She added that matters such as the width of the access and arrangements for refuse and emergency vehicles would be dealt with at the reserved matters stage.

Councillor C F Woodgate commented that, being a resident of Tilmanstone, he was very familiar with the site. Villagers objected to the proposal because they feared it was a precursor to other applications coming forward for the same site. He was personally concerned that the land behind the proposed dwelling would be the subject of future applications. Councillor Back commented that he had queried whether the erection of one property only could be conditioned and been advised that that would not be possible. If other applications came forward, they would need to be decided on their own merits. In response to a query from Councillor Biggs, the Principal Planner advised that the applicant was required to submit a written scheme for archaeological investigations which would then be subject to consultation with KCC. In response to questions regarding ecological mitigation, she stated that reptiles would be translocated to a field south of the site.

RESOLVED: (a) That, subject to the completion of a Section 106 legal agreement in relation to a SAMMS contribution, habit management and reptile translocation and, in addition, the submission of an addendum to address the additional ecology information required in an Ecological Impact Assessment, Outline Application No DOV/22/01652 be APPROVED subject to the following conditions:

- (i) Submission of reserved matters;
- (ii) Time limit for reserved matters;

- (iii) Time limits;
- (iv) Approved plans;
- (v) Materials;
- (vi) Contamination remediation strategy;
- (vii) Verification report for contamination;
- (viii) Contamination safeguarding;
- (ix) Refuse and cycle parking provision;
- (x) Parking provision;
- (xi) Visibility splays;
- (xii) Gates set back from highway by 5 metres;
- (xiii) Bound surface for first 5 metres of access;
- (xiv) Programme of archaeological works;
- (xv) Final arboricultural method statement;
- (xvi) Tree and hedge protection, retention and replacement plan;
- (xvii) Biodiversity Method Statement, including update surveys;
- (xviii) Ecological enhancements.

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

87 APPEALS AND INFORMAL HEARINGS

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

88 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 7.25 pm.