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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 14 March 2024 at 6.00 pm.

Present:

Chairman: Councillor M J Nee

Councillors: D G Cronk  
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

Officers: Team Leader (Development Management) - North Team  
Principal Planner  
Senior Planner  
Planning Officer  
Planning Consultant  
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/23/01113	-----	Ms Rebecca Simcox
DOV/23/01128	Mr Peter Hadley	-----
DOV/22/01341	Mr Andrew Rush	Mrs Kim Verrier Councillor M W Moorhouse
DOV/24/00038	-----	Ms Jill Murphy

## 124 APOLOGIES

It was noted that an apology for absence had been received from Councillor D G Beaney.

## 125 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor D R Friend had been appointed as a substitute member for Councillor D G Beaney.

## 126 DECLARATIONS OF INTEREST

Councillor D R Friend declared that he had been involved in numerous discussions about Agenda Item 11 (Application No DOV/22/01341 – Land Next to 95 St George's Road, Sandwich). As it could be perceived that he had predetermined the application, and in the interests of openness and transparency, he would leave the Council Chamber during consideration of the application.

Councillor S M S Mamjan made a statement that, whilst her son went to the school that was the applicant behind Agenda Item 11 (Application No DOV/22/01341 – Land Next to 95 St George’s Road, Sandwich), she had an open mind in relation to its determination.

Councillor M J Nee stated that the architect involved in Agenda Item 9 (Application No DOV/23/00918 – 2A Canada Road, Walmer) was known to him. However, this had no influence or bearing on his consideration of the application.

127 MINUTES

The minutes of the meeting held on 22 February 2024 were approved as a correct record and signed by the Chairman.

128 ITEMS DEFERRED

The Chairman advised that the deferred item was due to be considered at the meeting.

129 APPLICATION NO DOV/23/00690 - LAND SOUTH SIDE OF FERNE LANE, EWELL MINNIS

The Committee was shown an aerial view and photographs of the application site which was situated in the countryside and within the Kent Downs National Landscape (formerly Area of Outstanding Natural Beauty). The Planning Consultant advised that retrospective planning permission was sought for a change of use of the land for the keeping of horses, the erection of a stable building and the retention of a bund around the perimeter of the site.

Members were advised that the site had formed part of a wider parcel of land until 2021 when they had been separated. From photographs it could be seen that an access had been formed, with stables, gates and fencing erected in the corner of the site. The latter, along with the caravans and other vehicles present on the site, were the subject of enforcement investigation and not for the Committee’s consideration. In essence, Members were being asked to look at the bund whose scale and height were visible in the landscape, particularly from the public right of way on the adjacent site. Whilst Officers were not opposed to bunds per se, this one represented an alien form in this location and had a jarring and harmful visual impact on the landscape.

RESOLVED: (a) That Application No DOV/23/00690 be REFUSED on the grounds that the proposed development is not necessary or functionally required on the land, nor is it ancillary to the existing lawful agricultural use of the land. As such, the proposed bund, by reason of its location, form, scale and appearance is incongruous, alien and poorly related to the open and visual context of the land, unsympathetic with the surrounding open countryside and fails to conserve or enhance the natural beauty and quality of this nationally designated and protected landscape (AONB). As such, the proposed development is in conflict with Policies DM1, DM15 and DM16 of the Dover District Core Strategy; Policies PM1 and NE2 of the Draft Local Plan; contrary to the aims and objectives of the Kent Downs AONB Management Plan 2021-2026 at paragraphs SD1, SD2 and LLC1, and comprises an unsustainable form of development, in

conflict with Paragraph 8 and the aims and objectives of Paragraphs 135, 180 and 182 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.

130 APPLICATION NO DOV/23/01113 - DOLITTLE FARM, WESTCLIFFE PADDOCK, DOVER ROAD, WESTCLIFFE

Members viewed an aerial view and photographs of the application site. The Planning Consultant advised that temporary, retrospective planning permission was sought for a period of three years for the stationing of two residential caravans to accommodate a gypsy family.

Members were advised that the stated purpose of the proposal was to enable the applicant to establish his farming business on the adjoining site. Whilst not a circumstantial factor in determining a gypsy/traveller application, it was a material consideration. To the east of the site was Walleth's Court and gardens, a Grade II\*-listed building. To the south-east and within the former grounds of Walleth's Court, was a new house that had been erected under a 2021 planning permission. The visual impact of that house on Walleth's Court had been carefully considered whereas the impact of the fencing erected by the applicant had not. Whilst the development was not overly visible in the wider landscape, it could be seen from certain viewpoints from the public right of way.

Councillor J S Back sought clarification as to why the tilted balance approach was applied to other applications but not to gypsy/traveller applications. He commented that the proposal was either permissible or not and wondered why a temporary planning permission was therefore being proposed. He reiterated the significance of paragraph 3.2 of the report which referred to the proposal being harmful to the landscape and natural beauty of the Kent Downs Landscape and the visual quality of the street scape.

In response, the Planning Consultant advised that Policy H4 of the Draft Local Plan contained criteria about landscape impact. As set out in the report, Members were required to balance the harmful impact of the proposal against the personal circumstances of the applicant. The Council's position on gypsy/traveller need and supply had not yet been resolved and Policy H4 was unlikely to be settled for another 6 months or more, once the planning inspector had taken a view on it and further consultation had been undertaken on the main modifications. Furthermore, government guidance stated that if full planning permission was not to be granted, a temporary permission should be considered. In the case of a similar application at Ash, the planning inspector had concluded that because the policy position was unsettled and there were children involved, a temporary permission of two years should be granted. The Planning Consultant stressed that guidance on gypsy/traveller applications was unique and unlike other household applications in that it did not prohibit gypsy/traveller sites from being in the countryside. A condition was proposed that required the restoration of the land when the use had ceased. He clarified that the three-year period ran from September 2023 when the application had been submitted.

Councillor J P Loffman stated that he was unhappy with a temporary permission being given as it was his view that if the proposal was acceptable or unacceptable

now, the position was unlikely to have changed in three years' time. This factor tilted the balance for him in opposing the application, and he proposed that the application should be refused.

In response to Councillor S M S Mamjan, the Planning Consultant explained that the three-year period had been suggested by the applicant, but a shorter period of two years could be imposed if the Committee wanted. In response to Councillor E A Biggs who queried the significance of the fence and gates, the Planning Consultant clarified that it was the occupation of the land that had triggered enforcement action, adding that fences up to two metres high could be erected without permission in any case. That being said, there was a visual impact as the fence and gates could be seen from the street scene. There was nothing to stop the applicant from applying in three years' time (as he was entitled to do), at which point his children's educational needs would continue being a relevant factor. It was for the Committee to assess whether the applicant's personal circumstances outweighed the harm caused by the proposal, the latter centring around the level of encroachment into the landscape and impact on street scape. Councillor Biggs added that it seemed reasonable to grant a temporary permission for this type of application which lent itself to this approach, unlike other applications where the erection of buildings was involved.

In response to Councillor Loffman, the Planning Consultant advised that the Council had a 9-year supply of gypsy/traveller pitches when the minimum required was 5 years. Whilst that did not mean that every 'windfall' application should be vetoed, it did mean that full weight could be attached to the most important policies when determining the application, providing the application was in accordance with the Planning Policy for Traveller Sites and other policies. He clarified that the applicant's business was not relevant to the consideration of the application, only matters of accommodation and personal circumstances.

Councillor N S Kenton commented that the Committee had dealt with several similar applications where the impact on the countryside had normally been the determining factor. In his view, paragraph 2.14 of the report was key in that it stated that the proposal as a whole was considered to be unduly incongruous within the rural landscape and the visual context of the street scape, and contrary to Policies DM7, DM15 and DM16 of the Core Strategy, Policy H4 of the Draft Local Plan, paragraphs 180 and 184 of the National Planning Policy Framework and the objectives of the Kent Downs AONB management plan. He did not believe there was any clear justification for going against these policies and could not therefore support the application. Following a comment made by Councillor Back, the Chairman emphasised that, although the applicant had a residential address elsewhere in the district, that was not a material consideration. The Planning Consultant clarified that it was recognised that some gypsies/travellers lived in houses. The Council's gypsy/traveller policy accommodated their desire to move onto a gypsy/traveller site and they were entitled to apply to do so.

It was moved by Councillor J F Loffman and duly seconded that Application No DOV/23/01113 be refused on the grounds set out in paragraph 2.14 of the report and because it was contrary to AONB management policies, and on the basis that the applicant's personal circumstances did not outweigh the harm to the landscape.

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

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/23/01113 be REFUSED on the following grounds:

- (i) That the proposal as a whole is considered to be unduly incongruous within the rural landscape and the visual context of the street scape, contrary to Policies DM7, DM15 and DM16 of the Core Strategy, and paragraphs 180 and 184 of the National Planning Policy Framework. In addition, the proposal fails to meet the requirements of Policy H4 and NE2 of the Draft Local Plan, and is contrary to the objectives of the Kent Downs AONB management policies.
  - (ii) That it was the opinion of the Planning Committee that there was no justification for going against these policies, and the applicant's personal circumstances did not outweigh the harm to the landscape.
- (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 report and as resolved by the Planning Committee.

131 APPLICATION NO DOV/23/00679 - THE OLD RECTORY, CHURCH HILL, EYTHORNE

The Committee was shown plans and photographs of the application site. The Principal Planner reminded Members that the application had been deferred at the January committee meeting due to concerns about the location of relocated parking spaces for Rectory Bungalows to replace current on-street parking. Following discussions with the applicant, an updated site plan had been submitted, showing the revised location of the parking spaces within the application site; these had now been moved much closer to Church Hill. The pedestrian access route had also been revised. Other off-site highway works (a pedestrian crossing and a priority vehicle arrangement) had not changed. As an update to the report, Members were advised that Kent County Council (KCC) Highways had raised no objections to the revised layout, subject to conditions. A further representation had also been received from Eythorne Parish Council raising concerns about elderly and disabled residents crossing Church Hill and accessing the site, as well as the fact that there was nothing to indicate that the spaces were specifically reserved for residents of the bungalows.

In response to the Chairman, the Principal Planner advised that a condition would be attached requiring spaces to be provided on site as per the revised drawings. If Members wished, it could be worded in such a way that required the spaces to be reserved and appropriate signage installed. Councillor Kenton asked whether such a condition would be enforceable given that disabled parking spaces were normally taken on a first-come, first-served basis. The Principal Planner considered that it could be enforced as the spaces were being provided specifically to compensate for the loss of on-street parking spaces. The Chairman commented that residents would be no worse off since the original on-street spaces on Church Hill could have been used by anyone.

Councillor S M S Mamjan voiced concerns that some residents had difficulty crossing the road and the additional distance would be harmful to them. In her view the fact that parking was not guaranteed was problematic. She remained concerned about traffic on Church Hill. Particularly during school and work hours,

there was often a bottle neck there and speeding traffic was a problem. Although there was also a blind spot, this did not deter some motorists who often parked on double yellow lines at school times.

The Principal Planner clarified that the principle of removing parking spaces had been established in 2017 under the original application and could not now be changed. That application had not included the relocation on Church Hill of the existing designated disabled space, so this scheme was an improvement on the original in that respect. She clarified that off-site highway works approved in 2017 would involve the verge on the southern side of Church Hill being built out to allow visibility splays to be provided, thus improving visibility at this junction.

RESOLVED: (a) That Application No DOV/23/00679 be APPROVED subject to the following conditions:

- (i) Date of approval;
- (ii) Approved plans;
- (iii) In accordance with previously approved samples of materials;
- (iv) In accordance with previously approved construction details;
- (v) No external meter cupboards etc to be installed on elevations fronting a highway;
- (vi) Details of earthworks to be approved;
- (vii) Details of finished levels to be approved;
- (viii) In accordance with previously approved details of foul drainage;
- (ix) Provision of parking spaces;
- (x) Provision of cycle parking and refuse/recycling store;
- (xi) In accordance with previously approved construction management plan;
- (xii) Removal of some permitted development rights;
- (xiii) In accordance with previously approved programme of archaeological work;
- (xiv) Hard and soft landscaping details to be approved;
- (xv) In accordance with previously approved details of surface water drainage;
- (xvi) In accordance with previously approved foundation details;

- (xvii) Provision of additional four on-site parking spaces for residents of the Rectory Bungalows, to be provided prior to occupation and with appropriate signage installed;
- (xviii) Pedestrian crossing to be provided on Church Hill. Submission and approval of detailed designs for the pedestrian crossover and all other off-site highway works (Subject to separate S278 agreement);
- (xix) Provision and maintenance of pedestrian visibility splays;
- (xx) Provision and maintenance of vehicle visibility splays;
- (xxi) Proposed external lighting, details to be submitted;
- (xxii) Details of guarding for footpath at/near boundary of site through wall;
- (xxiii) Approval of final arboricultural method statement and tree protection plan.

(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.

132 APPLICATION NO DOV/23/00918 - 2A CANADA ROAD, WALMER

Members viewed an aerial view, drawings and photographs of the application site which was within the settlement confines of Walmer. The Planning Officer advised that planning permission was sought for the erection of a detached dwelling and the demolition of a commercial storage building. She clarified that the application site was already at a higher level than the neighbouring property and the erection of a two-metre fence would not have a harmful impact on next door's residential or visual amenity. A previous application had been refused on the grounds of its design and poor standard of accommodation. Whilst the refusal had been upheld on appeal, the planning inspector had supported only the second reason for refusal relating to the poor standard of accommodation. As an update, Members were advised that approval was recommended, subject to no new material planning considerations being raised during the outstanding consultation period. Given the nature of the application and the planning history of the site, such considerations were unlikely to arise and the decision had been taken not to delay the application.

The Chairman confirmed that the principle of the building had been accepted by the planning inspector and it was only the internal arrangements that had been of concern. These had now been addressed by the new application.

RESOLVED: (a) That, subject to the completion of a unilateral undertaking to secure financial payments towards mitigating the impact of the development on the Thanet Coast & Sandwich Bay SPA, and the carrying out of a further publicity period (for a period of no less than 21 days) to allow for a site notice to be displayed in York Road to

advertise the proposed development, Application No DOV/23/00918 be APPROVED subject to the following conditions:

- (i) 3-year time limit for commencement;
- (ii) Approved plans;
- (iii) Cycle and bin storage implemented before first occupation;
- (iv) Parking provision and retention;
- (v) One-bedroom property only.

(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.

133 APPLICATION NO DOV/23/01128 - THE SARACEN'S HEAD, 1 ALFRED SQUARE, DEAL

The Committee was shown an aerial view, plans, drawings and photographs of the application site. The Senior Planner advised that planning permission was sought for the change of use of a former public house and its conversion to a residential dwelling. As an update, she advised that the Council's heritage team had made a further comment addressing the impact on the conservation area of the loss of an historic building as a public house. In summary, the team had advised that the loss of a functioning pub did not harm the area's historic interest as there was a mixture of uses in the square which remained. The building's status as an asset of community value was a material consideration but, given the proximity of alternative facilities in the catchment area, the loss of the pub would not compromise the vitality and viability of the town.

The Chairman voiced concerns about the proposal, advising that the pub appeared to pass CAMRA's (Campaign for Real Ale) viability tests with flying colours. He did not believe the local community had been given a fair opportunity to bid for the pub. However, on receiving further advice, he noted that the sale of the building to community interests was a matter for the owner. Councillor Back pointed out that there were several pubs nearby and that the Council's heritage team had raised no objections.

RESOLVED: (a) That Application No DOV/23/01128 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Development to be carried out in accordance with the approved plans;
- (iii) External façade of the building to be painted 'chalk white' colour;



- (iv) Development to be carried out in accordance with the flood risk assessment and suggested flood mitigation measures within the report;
- (v) Investigation should any items of historic importance be uncovered during ground works.

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

134 APPLICATION NO DOV/22/01341 - LAND NEXT TO 95 ST GEORGE'S ROAD, SANDWICH

Members were shown an aerial view, a CGI, plans and photographs of the application site which was designated as open space and situated within the settlement confines of Sandwich. The Senior Planner advised that planning permission was sought for the erection of a detached dwelling on a site that formed part of the school grounds of Sir Roger Manwood's. As an update, she advised that two further representations had been received, referring to the validity of the application, the planning balance and the loss of trees and biodiversity. Also raised had been the lack of disclosure of internal consultees' responses. This had been the subject of correspondence, with advice given on internal procedures and that the responses had not been material to the outcome of the committee report.

The Senior Planner advised that, whilst there would be an impact on the residential amenity of 95 St George's Road in terms of overshadowing and reduction in daylight, it was not considered to be so significant as to warrant refusal. Other matters such as flood risk, drainage and archaeology were covered in the report, as was the impact on open space. The principle of residential development on the site was acceptable and, taking a balanced view of the proposal, approval was recommended.

Councillor Back referred to the site being designated open space and argued that the proposal contravened Policy DM25 of the Core Strategy and Policy PM5 of the Draft Local Plan. Councillor Loffman stated that, whilst he was sympathetic to the school and its financial position, and recognised the need for units of family housing in Sandwich, he could not overlook that the site was open space which had been cleared of trees and vegetation, the destruction of which concerned him. Although biodiversity enhancement/mitigation measures were proposed, there was no way of knowing whether these would be effective. Councillor H M Williams agreed that the loss of open space, protected trees and biodiversity was a concern. Given that the Committee had no control over how the money made from the development would be spent, the school's finances were irrelevant in the consideration of the application.

The Senior Planner clarified that the applicant would be required to submit a scheme in relation to the archaeology condition which would then have to be approved by KCC. The Senior Natural Environment Officer (SNEO) had reviewed the ecology appraisal and proposed mitigation measures and conditions for biodiversity enhancements. Some Members voiced concerns at the removal of trees from the site prior to the application being submitted. The Senior Planner advised that more trees and a hedge to the front of the site would be removed, but a replanting scheme and new native hedge would be required by condition.

Enhanced landscaping could be imposed if that was what Members wanted. In response to Councillor R M Knight who commented on the size of the proposed dwelling and how it would fit in with the street scene, she referred to the CGI and advised that it was considered acceptable, being a comparable size to neighbouring properties. The Team Leader Development Management (TLDM) advised that, in terms of scale, bulk and massing, the proposal was in keeping with the street scene, and noted that the building aligned with the existing building line of development.

Councillor Kenton expressed surprise that this area of open space had not been excluded from the settlement confines included in the Draft Local Plan. It appeared to him that losing this green space would be contrary to Policies PM5 and DM25. It was regrettable that the woodland area had been destroyed, but he noted that the school was now looking to address that by taking mitigation measures that were in accordance with Policy CP7. Whilst it was a finely balanced decision, he queried what weight should be attached to the fact that, according to the school, the development was needed to generate money for a new sports facility. The Chairman advised that the latter was not a material consideration, in the same way that it would not be relevant when considering any other application, since the Committee had no control over how the proceeds from developments were spent.

Councillor Back referred to page 84 of the report and the fact that the site was within a large area designated as open space which comprised all of the school's playing fields. He proposed that the application should be refused on that ground. Councillor Biggs expressed disappointment that part of the school grounds was being sold off for a residential scheme. The clearance of the site before a planning application had been submitted also troubled him. These spaces needed to be protected and he questioned whether a secondary ecological appraisal had been carried out. The Senior Planner advised that a preliminary ecological appraisal had been submitted that included a protected species assessment which had identified what species were present and suggested a range of recommendations and mitigations. Discussions with the SNEO had led to the proposed conditions being attached, along with mitigation measures which had been informed by the preliminary assessment.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/22/01341 be REFUSED on the grounds that it would result in the loss of designated open space that makes a positive contribution to the amenity of the area and was contrary to Core Strategy Policies DM25 and CP7 and Draft Local Plan Policies SP14 and PM5.

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

(Councillor D R Friend left the meeting during consideration of this item.)

135 APPLICATION NO DOV/24/00038 - 11A THE MARINA, DEAL

The Committee was shown an aerial view, plan and photographs of the application site. The TLDM advised that planning permission was sought for the erection of a second-floor roof extension with a front terrace and balustrade, together with replacement door and windows and alterations to external finishes. She advised that there was an eclectic mix of buildings in the street, with several dwellings

having been modernised to fit in with their seaside location. The proposal was considered acceptable in terms of design, form, bulk, scale and materials. Furthermore, there would be no impact on highways and approval was therefore recommended.

Councillor Loffman referred to paragraph 2.4 of the report, stating that some buildings along this stretch of the seafront retained their Edwardian/Victorian elements and he queried how the proposal would fit in with those. He referred to views expressed by objectors that there were discordant elements to the proposal, particularly the terrace which could be seen as overbearing. Councillor Knight commented that, with so many different designs and elements to many of the houses, the new extension and other alterations were unlikely to make much difference. In response to Councillor Loffman, the Chairman advised that measuring 'significant' impact was ultimately a matter of opinion with the 'tilted balance' being the 'pivot' in the middle. It was for Members to accept or reject the case put forward in the committee report.

The TLDM advised that the proposed alterations were consistent with the eclectic character of the area. There was no overall, defined design to the street scene which meant there was more scope to introduce different design elements, such as balconies. In response to queries about overshadowing and overlooking, she advised that, whilst there would be an element of overshadowing, it was not sufficient to warrant refusal. The use of obscure glazing in most of the rear windows would ensure that there was no potential for overlooking, particularly given that the windows and gardens of neighbouring properties were some distance away. She added that a condition would require the glazing to be retained and maintained in perpetuity. In relation to the terrace/balcony, she advised that it would be facing the sea and would therefore not be overlooking any private amenity space. The issue of overbearing was a natural consideration and had been fully explored in assessing the application.

RESOLVED: (a) That Application No DOV/24/00038 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Obscure glazing to be installed, retained and maintained to the rear.

(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.

136 APPEALS AND INFORMAL HEARINGS

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

137 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 8.00 pm.