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10 October 2022

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 13 October 2022 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-12)

To confirm the attached minutes of the meeting of the Committee held on 15 September 2022.

Yours sincerely

A handwritten signature in black ink, appearing to read "Nicky", written over a white background.

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 15 September 2022 at 6.02 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
M Bates
D G Beaney
E A Biggs
T A Bond
D G Cronk
D A Hawkes
P D Jull
C F Woodgate

Officers: Team Leader (Development Management) - South Team
Team Leader (Development Management) - North Team
Senior Planner
Planning 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/20/01569	Mr Dan Codrea	Mr James Blomfield
DOV/21/01088	Mr John Ferguson	Mr Roger McKibbin
DOV/21/01783	-----	Mr Peter Hughes
DOV/21/01760	-----	Councillor Chris Vinson Mr Christopher Harbridge

48 CHAIRMAN'S ANNOUNCEMENT

The Chairman called for a minute's silence to be held as a mark of respect for Her Majesty Queen Elizabeth II.

49 APOLOGIES

It was noted that there were no apologies for absence.

50 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

51 DECLARATIONS OF INTEREST

There were no declarations of interest.

52 MINUTES

The minutes of the meeting held on 11 August 2022 were approved as a correct record and signed by the Chairman.

53 ITEMS DEFERRED

The Chairman advised that, of the two outstanding items, Application No DOV/20/01569 (Longships, Cauldham Lane, Capel-le-Ferne) was due to be considered at the meeting under Agenda Item 6.

54 APPLICATION NO DOV/20/01569 - LONGSHIPS, CAULDHAM LANE, CAPEL-LE-FERNE

The Committee was shown drawings, plans and photographs of the application site. The Senior Planner advised that the application sought planning permission for the erection of a two-storey building containing fifteen flats. She reminded Members that the application had been deferred at the Planning Committee meeting held in August due to concerns around parking, the wording of conditions relating to surface water drainage and footway provision, and to allow Officers to come back with an additional condition relating to safeguarding land for future pavement/footway provision. An updated report had now been provided which set out how these issues had been addressed. Three further representations had been received since the August Planning Committee meeting, raising issues such as refuse storage, etc

In respect of parking, amended plans had been submitted indicating that four new disabled parking spaces would now be provided. This had increased the total number of spaces to 21 which accorded with Core Strategy Policy DM13 and was considered satisfactory. With regards to surface water drainage, comments had been sought from Kent County Council's (KCC) Flood and Water Management team which had raised no objections, subject to the addition of an informative and additional conditions. The full wording of condition 21 was set out in paragraph 2.8 of the report. Turning to the suggestion made at the meeting that the footway along Cauldham Lane should be set as far back as possible onto KCC Highways' land, the applicant's engineer had argued against this (as set out in paragraph 2.4 of the report). The proposed footway/highway layout had been the subject of considerable consultation with KCC Highways and the design was considered to be acceptable. Whilst the wording of condition 16 had been amended to secure these works, a Section 278 agreement would be needed to address the relocation of utilities as it was not appropriate to include this in the condition. As for safeguarding additional land at the front of the site for future pavement/footway provision, the Senior Planner referred to paragraph 2.7 of the report and clarified that there would be land available for this purpose. However, it was not appropriate to include this as a condition and the matter would be dealt with as part of the S106 agreement.

As previously advised, the application was outside the settlement confines and contrary to Core Strategy Policies DM1, DM11 and DM15. However, some of these policies were considered to carry reduced weight or to be out-of-date and the tilted balance approach set out in paragraph 11 of the National Planning Policy Framework (NPPF) was therefore engaged. The proposal was considered acceptable in terms of design and its impact on residential amenity and the character and appearance of the countryside. The addition of four disabled parking spaces and clarification that a strip of land at the front of the site would be reserved for future footway provision were positive developments. Officers were of the view that the benefits of the scheme outweighed any disadvantages and approval was therefore recommended.

Councillor D G Beaney asked whether it was possible to condition that some of the properties should be reserved for local residents. He also asked whether the Natural Environment Officer's comments about lighting would be covered in the conditions. In respect of the former, the Planning Solicitor advised that, whilst it was possible in principle, evidence of an established need would have to be demonstrated to the Council's satisfaction in order to secure properties for local residents which would usually be achieved via a Section 106 agreement. Without such a demonstrated need, it would not be reasonable to require a Section 106 agreement to address the point nor to include it as a condition as it was unlikely to meet the six tests used to assess conditions. The Team Leader Development Management (TLDM) commented that conditions 6, 17 and 18 would cover the Natural Environment Officer's suggestions for enhancements around bat-sensitive lighting, etc.

Councillor P D Jull stated that he took issue with the applicant's engineer's assertions. He was of the view that his suggestion would not encourage parking on the verge which occurred now in any case. The proposed design would be a full height kerb that would make it difficult for vehicles to pass each other and thus encourage them to mount the footway which was dangerous. He also queried the location of bin storage. The Senior Planner confirmed that bin storage would be provided at the front of the site. Details of the storage would be required, at which point Officers would check that it was screened and ventilated. In response to a further question, the TLDM advised that the bin storage was adjacent to the highway for the purposes of collection and not as a receptacle for all waste. There was a discussion about disabled parking bays, with some Members feeling there were too many and others not enough.

Councillor E A Biggs welcomed the development, stating that it was of high quality and noting that the applicant had done what he could to address the issues raised at the last meeting. He proposed that the application should be approved.

RESOLVED: (a) That, subject to a Section 106 agreement to secure development contributions and restriction of occupancy to age 55 and over, Application No DOV/20/01569 be APPROVED subject to the following conditions:

- (i) 3-year time limit for commencement of development;
- (ii) List of approved plans;
- (iii) Samples/details of external materials;
- (iv) Obscured glazing on first-floor windows of south-west corner unit;
- (v) Existing and proposed ground, eaves and ridge levels;
- (vi) Details of bat-sensitive external lighting;
- (vii) Provision of refuse and recycling storage;
- (viii) Provision of bicycle storage;

- (ix) Removal of materials in relation to demolished dwelling prior to first occupation of development;
- (x) Construction management plan;
- (xi) Dealing with unexpected contamination/safeguarding;
- (xii) Provision and maintenance of visibility splays prior to first use of the access;
- (xiii) Details of cabling to enable installation of electric vehicle charging points;
- (xiv) Completion of parking with drainage measures to prevent surface water run-off prior to first occupation;
- (xv) Use of a bound surface for the first 5 metres of the access from the carriageway;
- (xvi) The offsite footpath and highway works shown on the approved plan shall be fully operational prior to the first occupation of the development;
- (xvii) Details of biodiversity enhancements;
- (xviii) Biodiversity method statement in respect of bats;
- (xix) Development in accordance with arboricultural report and tree protection measures;
- (xx) Provision of landscaping within first planting season and replacement of any tree or hedge removed, destroyed, damaged or diseased within 5 years;
- (xxi) No infiltration of surface water drainage to the ground;
- (xxii) Detailed sustainable surface water drainage scheme;
- (xxiii) Verification report relating to surface water drainage system;
- (xxiv) Programme of archaeological work;
- (xxv) High-speed fibre optic.

(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.

55 APPLICATION NO DOV/21/01088 - GROVE VILLA, 28 MILL ROAD, DEAL

Members were shown an aerial view, CGIs, drawings, plans and photographs of the application site. The TLDM advised that planning permission was sought to erect a three-storey building with flats at the front of the site and a partly one-storey/two-

storey building with supported living units at the rear. The site was currently occupied by a vacant care home comprising two buildings which would be demolished. 29 unallocated parking spaces would be provided, including six spaces for visitors and three for staff. Following negotiations, amendments had been made to the scheme which had resulted in a reduction in roof height and the front of the building being pushed back from Mill Road. Other amendments had also been made which were summarised at paragraph 1.10 of the report.

In response to Councillor Jull, the TLDM confirmed that there were no proposals relating to the track that led to the allotments. In respect of impact on the roundabout at London Road/Manor Road, she reminded the Committee that the draft Local Plan was an emerging document that related to future development. The draft Plan reflected advice received from KCC Highways that the London Road/Manor Road roundabout had reached capacity and no new development that would affect the roundabout should be permitted. Whilst KCC Highways had raised no objections to this application, it would have taken into account the draft Plan and recognised that the development would generate vehicle movements. In response to Councillor M Bates, the TLDM advised that the internal levels of the front building had been reduced to accommodate a reduction in height so that it was broadly the same as the ridge levels of 28 and 32 Mill Road.

Councillor T A Bond expressed concerns about overdevelopment of the site which were supported by Councillor Beaney. He challenged the number of parking spaces to be provided and voiced concerns about surface water drainage. It was clear that the local sewerage network was unable to cope, and he sought to add a condition that would require the use of a sustainable urban drainage system (SuDS) should planning permission be granted. He referred to the lack of parking in Mill Road and the fact that Beechwood Avenue was a residents' parking zone which meant that residents of the new development would not be able to park there. The parking proposed was totally inadequate and he could not support the application for that reason. Councillor D A Hawkes agreed, querying why the spaces were unallocated and pointing out that there would be only 20 spaces for 28 flats once the staff and visitor spaces were deducted which was inadequate. Councillor D G Cronk voiced concerns that unallocated parking spaces would be used by people using the train station. He also sought clarity on the arrangements for emergency fire and rescue access. Councillor Biggs queried the arrangements for managing the supported living units and refuse collection.

The TLDM referred to paragraph 2.16 of the report which set out the parking arrangements and the policy requirements. In summary, KCC Highways was of the view that the site was able to provide sufficient parking in line with DM13. It would also have noted and been comfortable with the fact that the parking spaces would be unallocated. That said, the spaces could be allocated but she reminded Members that there were twelve supported living units, some of whose occupants were unlikely to drive. Surface water drainage was covered in the report and would be dealt with by conditions 15, 16 and 17 which required details of the drainage scheme, infiltration and SuDS to be submitted. Emergency access would be provided at the junction of Mill Road and Park Side which would be widened accordingly. She advised that a management company would be responsible for managing the units and moving refuse bins. Whilst no further information was available, a condition could be included.

Councillor Beaney suggested that the application should be refused on the grounds of massing and overdevelopment. Councillor Bond agreed, adding that, as a three-storey modern building, the proposal was also out-of-keeping with the area.

(The meeting was adjourned at 7.19pm to allow Officers to confer and reconvened at 7.25pm.)

The TLDM cautioned Members against refusal on the ground of insufficient parking given that the proposal was policy compliant. She advised Members to focus on matters such as massing, overdevelopment and concerns that the proposal was not in keeping with the character of the area.

It was moved by Councillor D G Beaney and duly seconded and

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/21/01088 be REFUSED on the grounds that the proposed development, by virtue of its bulk, scale, massing and extent of development, together with design and form, fails to respond positively to the prevailing character and setting of the site and would therefore be contrary to paragraphs 124 and 130 of the National Planning Policy Framework.

56 APPLICATION NO DOV/21/01783 - LAND ADJOINING 4 WOODNESBOROUGH ROAD, SANDWICH

The Committee viewed CGIs, drawings, a plan and photographs of the application site. The TLDM advised that planning permission was sought for the erection of two detached dwellings on a site that was within the settlement confines of Sandwich. The site had been the subject of previous applications for the erection of three dwellings which had been refused due to concerns surrounding harm to the character of the area, highway safety and residential amenity. The current scheme was for two dwellings and amendments had been made during the course of the application to reduce the bulk and scale of these dwellings. There was now an increased separation distance between the dwellings and the conservation area and 4 Woodnesborough Road, such that concerns about the scheme's impact on the setting of the conservation area had been overcome. A Scots pine would be removed but replaced with a crab apple tree. Other matters relating to trees were set out in paragraphs 2.24 and 2.25 of the report.

Councillor Bates referred to a letter from KCC Highways and the omission of any reference to highway safety. In his view access into and out of the site, on a very busy road which was on a tight bend was dangerous. He was certain that visibility of 40 metres could not be achieved for traffic approaching from the left. Given that previous applications had been refused because visibility splays could not be provided, he was reluctant to vote for the application without further information. The TLDM advised that under this proposal there were only two dwellings and one of those had been moved further to the west which was why KCC Highways had raised no objections. Referring to paragraph 2.18 of the report, she confirmed that the application had been supported by an access note. KCC Highways had reviewed the note and supporting information and had deemed that the proposed visibility splays for vehicle access were safe.

Councillor Jull commented that, with a level crossing barrier and lights between the proposed development and the conservation area, very little weight should be given to this particular matter. In addition, he could not see that the proposal would increase overlooking to 4 Woodnesborough Road which was already overlooked by other neighbours. The TLDM confirmed that high-level windows on the proposed dwellings would ensure that there was no increase in overlooking. Furthermore,

due to the positioning of the new houses, any overlooking to no. 4 would be at an oblique angle.

RESOLVED: (a) That Application No DOV/21/01783 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Archaeology works;
- (iv) Material samples;
- (v) Window details – recesses;
- (vi) Obscure glazing- to first-floor windows;
- (vii) No additional windows in the rear elevation at first-floor level;
- (viii) Retention of parking spaces;
- (ix) Electric vehicle charging points;
- (x) Cycle parking and bin storage retention;
- (xi) Use of bound surface for the first 5 metres of the access;
- (xii) Replacement tree planting;
- (xiii) RPA protection and driveway construction;
- (xiv) Retention of land for cycle route in accordance with policy TR10;
- (xv) Foul and surface water drainage details.

(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.

57 APPLICATION NO DOV/21/01760 - 17 CHURCH STREET, WALMER

The Committee viewed an aerial view, plans, drawings and photographs of the application site which was within the settlement confines of Walmer and in a conservation area. The Planning Officer advised that planning permission was sought for the erection of a single storey dwelling. A 2006 application had been refused due to concerns about the dwelling's size and the impact on the conservation area. The current application was considered acceptable in terms of its impact on the character and appearance of the conservation area and surrounding area. There would be no harm to residential amenity or highway safety and approval was therefore recommended.

Councillor Bates queried whether advice had been sought from the Council's Heritage Officer given that the proposal was in a conservation area and close to listed buildings. The Planning Officer advised that informal discussions had been held with the Heritage Officer which had led to an amendment to replace uPVC windows and doors with timber ones. The TLDM agreed with Councillor Jull's suggestion that permitted development rights should be removed to prevent the dwelling being converted into a three-bedroom house, at which point parking provision would be considered inadequate. Councillor Jull remarked that he was sure that at some point in the future the hedge would be removed and the grassed area paved over due to the lack of on-street parking.

In response to Councillor Hawkes who requested that a condition requiring a construction management plan be imposed, the Planning Officer advised that it was not normal practice to require a construction management plan for a development of this size, particularly as the disturbance would only be for a temporary period. Councillor Hawkes argued that, due to the narrow nature of the road and area, a plan would be critical to control construction vehicles. Councillor Bates acknowledged that a construction management plan would not normally be required but, in this case, felt that one was essential due to the character of the road and surrounding area. The TLDM recognised the concerns raised by Members and advised that a construction management plan could be conditioned. She added that a condition should be added to ensure the retention of a parking space.

RESOLVED: (a) That Application No DOV/21/01760 be APPROVED subject to the following conditions:

- (i) 3-year time limit for commencement;
- (ii) Compliance with approved plans;
- (iii) Details condition for conservation area joinery;
- (iv) Cycle and bin storage implemented before first occupation;
- (v) Provision and retention of parking space;
- (vi) Construction management plan;
- (vii) Electric vehicle charging point;
- (viii) Hedgerow to be retained;
- (ix) Removal of permitted development rights for extensions;
- (x) Deal foul drainage safeguarding condition.

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

APPLICATION NO DOV/20/00693 - AYLESHAM SPORTS CLUB, BURGESS ROAD, AYLESHAM

The Committee was shown an aerial view, drawings, plans and photographs of the application site which was outside settlement confines. The TLDM advised that planning permission was sought for the erection of a three-storey building comprising 21 self-contained flats and a drinking establishment. As an update to the report, she advised that the first part of recommendation I should be removed as the restrictions imposed by Natural England in relation to Stodmarsh had been lifted following technical reports and assessments. Accordingly, paragraphs 2.40 to 2.45 of the report no longer applied.

Members were advised that the site was currently classified as an area of public open space. The TLDM noted that the application approved in 2018 would have been extant if it had not been for delays caused by matters relating to Stodmarsh. A similar size building on the site, which had received planning permission for conversion in 2018, had burnt down in 2020. The current application proposed a similar size building with a bar/pub and some additional landscaping. The proposed building was of a simple design with accommodation in the roof space and additional mass at roof level. Whilst there was mixed support for the bar/pub in the local community, the proposal accorded with the Council's policies and the NPPF. Financial contributions, which were set out in full in paragraphs 2.46 to 2.52 of the report, would be made towards affordable housing and education, amongst others.

Councillor Bates welcomed the development and stated that the type of accommodation proposed was needed in many areas of the district, including Aylesham. Councillor Bond agreed, adding that the site was brownfield land where there had already been a large building. Councillor C F Woodgate opposed the proposal, arguing that Aylesham had already seen too much development. Burgess Road was already very busy and the development was likely to exacerbate congestion. As a three-storey building situated on top of a hill it would appear prominent and out-of-keeping with the area. Furthermore, he questioned the need for a bar/pub.

RESOLVED: (a) That Application No DOV/20/00693 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Materials samples;
- (iv) Window details – recesses;
- (v) Landscaping scheme;
- (vi) Retention of existing trees;
- (vii) Tree protection – root protection zones;
- (viii) Biodiversity method statement (reptiles/birds/hedgehogs);

- (ix) Ecological design strategy – compensatory habitats for reptiles and biodiversity enhancements;
- (x) Habitat management and monitoring;
- (xi) Updated reptile survey;
- (xii) Provision and retention of parking spaces;
- (xiii) Electric vehicle charging points;
- (xiv) Cycle parking and refuse storage retention;
- (xv) Provision of visibility splays – new access;
- (xvi) Provision of pedestrian visibility splays;
- (xvii) Use of bound surface for the first 5 metres of the access;
- (xviii) Construction Management Plan;
- (xix) Submission of a SuDS drainage scheme prior to commencement;
- (xx) Submission of drainage infiltration information;
- (xxi) Submission of a SuDS drainage verification report;
- (xxii) Contamination safeguarding;
- (xxiii) Sound insulation measures to safeguard occupiers from the railway track;
- (xxiv) Sound insulation between the first-floor flats and ground-floor flats adjoining the public house;
- (xxv) Pub opening times;
- (xxvi) Archaeological watching brief;
- (xxvii) Scheme to demonstrate Secured by Design principles.

(b) That powers be delegated to the Head of Planning and Development to resolve details of any necessary planning conditions and/or legal agreements in accordance with the issues set out in the report and as resolved by the Planning Committee.

59 APPEALS AND INFORMAL HEARINGS

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

60 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 8.24 pm.