

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 7 November 2019 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
D G Beaney
E A Biggs
J P J Burman
S S Chandler
D G Cronk
D P Murphy
O C de R Richardson
H M Williams

Also present: Councillor T J Bartlett
Councillor P D Jull

Officers: Principal Planner
Principal Planner
Planning Officer
Planning Officer
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/19/00455	Mr Kevin Gilligan	Mr Neil Matthews
DOV/18/00769	-----	Mr Richard Styles
DOV/19/00848	Mrs Donna Morling-Grove	Councillor M J Holloway Mr Phil Rooke
DOV/19/00838	Mr Clive Tidmarsh	Mrs Mog Ovenden

56 APOLOGIES

It was noted that an apology for absence had been received from Councillor T A Bond.

57 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor S S Chandler had been appointed as a substitute member for Councillor T A Bond.

58 DECLARATIONS OF INTEREST

There were no declarations of interest.

59 MINUTES

The minutes of the meeting held on 10 October 2019 were approved as a correct record and signed by the Chairman.

60 ITEMS DEFERRED

The Chairman advised that the deferred item (Application No DOV/19/00669 – Land between numbers 107 and 127 Capel Street, Capel-le-Ferne) would come before the Committee in January.

61 APPLICATION NO DOV/19/00455 - 18 MALVERN MEADOW, TEMPLE EWELL

Members viewed aerial views, drawings, plans and photographs of the application site. The Principal Planner advised that a representation circulated to Members on 5 November had previously been circulated in June. Members were advised that points made by the correspondent about the plot size and massing of the proposed development were addressed in the report. It was clarified that the applicant would have to pay to be connected to the water supply, and that the issue of boundary and hedge ownership was not a planning matter. The latter was therefore for the applicant to resolve with the neighbour. Vehicle access and parking were shown on the plans and addressed through conditions. Whilst some trees had been felled prior to planning permission being sought, none of them had been subject to a Tree Preservation Order (TPO). The boundary of the site had been amended so that the wildlife area was now excluded from the development. Lastly, it was confirmed that sufficient information had been submitted to enable the application to be determined.

The Principal Planner explained that the key points for Members to consider were whether the proposed dwelling would fit into the space and its impact on the street scene and neighbouring properties. Some objections had been received raising concerns about the impact on the character of the road. The dwelling would be approximately in line with neighbouring properties and, whilst it would have an engineered appearance, in his view, the character of the street was not sufficiently strong to warrant refusal of the application. A side dormer window at no. 18 would face towards the proposed dwelling at ground-floor level. However, the window served a bedroom in a house owned by the applicant. Given that it was not a room that was used throughout the day, it would be a case of 'buyer beware' if the house was sold on.

Councillor H M Williams expressed concerns about the distance between the two dwellings. She was of the opinion that the proposal was too large a dwelling on a cramped site and would have an overbearing effect on no. 18. She proposed that the application should be refused. Councillor S S Chandler pointed out that there were two properties on the other side of the road that were equally close together. Moreover, the neighbouring property at no. 20 was very large and dominant.

In response to Councillor O C de R Richardson, the Principal Planner advised that a condition could be imposed to require details of sustainable construction methods and renewable energy measures.

It was proposed by Councillor H M Williams and duly seconded that Application No DOV/19/00455 be REFUSED on the grounds that the proposed dwelling would have a dominating and overbearing effect on no. 18 Malvern Meadow and a harmful impact on the street scene.

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

It was proposed by Councillor D P Murphy and duly seconded that Application No DOV/19/00455 be APPROVED subject to the addition of a condition regarding sustainable construction and renewable energy.

RESOLVED: (a) That Application No DOV/19/00455 be APPROVED subject to the following conditions:

- (i) Standard time limit;
- (ii) Approved plans;
- (iii) Materials;
- (iv) Hard and soft landscaping plan and means of enclosure;
- (v) Details of earthworks;
- (vi) Sections and thresholds;
- (vii) Parking to be provided and retained;
- (viii) Details of replacement parking and provision;
- (ix) Access gradient;
- (x) Bound surface;
- (xi) No surface water to be discharged on to the highway;
- (xii) Surface water drainage scheme;
- (xiii) Cycle parking;
- (xiv) Refuse storage;
- (xv) Obscure glazing; - flank elevations;
- (xvi) Removal of permitted development rights – A, B, C, D, E;
- (xvii) Archaeology;
- (xviii) Construction management plan;
- (xix) Details of sustainable construction methods and renewable energy.

(b) That powers be delegated to the Head of Planning, Regeneration 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.

APPLICATION NO DOV/18/00769 - POND AT PALMERSTONE COURT, LORD WARDEN AVENUE, WALMER

The Committee was shown plans and photographs of the application site. The Planning Officer advised that the application sought planning permission for works to an existing pond which was currently heavily silted. The new pond would be 10 metres shorter than the existing one. The banks of the existing pond would be retained and grassed over. The Council's Heritage Officer had advised that the pond would have been an important feature in planning the layout of the estate. Whilst not listed, the pond was deemed by Heritage England to be a non-designated heritage asset.

In response to concerns raised, it was clarified that the ecological report had been verified by the Council's ecology team and found to be satisfactory, although it was recognised that summer was not the optimum time for such a study. It was worth noting that the new pond would be easier to access for amphibians as the banks would be lower. The pond had been an ornamental feature when originally constructed, but had been integrated into water drainage systems when the estate was built. It would continue to act as an area for water to gather in during the winter months. Moreover, its reduction would have no impact on the road network as there was no connection between them.

Given that the proposal had come about as a result of poor maintenance, Members requested that conditions be amended so as to ensure that permission was implemented within two years and the pond was adequately maintained.

RESOLVED: (a) That Application No DOV/18/00769 be APPROVED subject to the following conditions:

- (i) 2-year time commencement;
- (ii) Approved plans;
- (iii) Details of habitat enhancements and timeline for provision, including management and maintenance schedule;
- (iv) Hard and soft landscaping;
- (v) Site section and land level details, including sections through the pond.

(b) That powers be delegated to the Head of Planning, Regeneration 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.

APPLICATION NO DOV/19/00848 - THE HAVEN, DEAL ROAD, SANDWICH

Members were shown drawings, a plan and photographs of the application site. The Planning Officer advised that the application sought planning permission for the erection of a detached dwelling and the demolition of an existing bungalow within the settlement confines of Sandwich.

Since the report was published, e-mails had been received from an objector querying the method used to assess residential amenity impact and an amended elevation plan. Two additional representations had also been received raising various matters. In response to these representations, it was explained that the submission of cross-section drawings and daylight and sunlight assessments was not a mandatory requirement. With regards to flood risk and surface water flooding, it was proposed to add a condition requiring details of surface water disposal. Applicants were not required to submit sustainability information. In respect of the arboricultural assessment, outdated satellite images had shown the presence of trees within the garden of the site which had been removed prior to the Officer's visit and, as such, no habitat report was required. It was clarified that the design and access statement had not been amended following revisions to the design of the dwelling. However, this was typical of most applications. Policy CP4 related to the design of major applications for 10 or more dwellings.

The Principal Planner clarified that a number of the issues covered in the letter circulated directly to Members were not applicable to a replacement dwelling. Amongst other things the letter had raised the possibility that the site was suitable as a bat-roosting habitat. However, there was no evidence of this and, if found, the presence of bats could be addressed by a licence. The Chairman reminded Members that, whilst they should take heed of objections, they should not be led by them.

Members were advised that there was an oversight at paragraph 2.20 of the report which should read: 'Given the limited scale of the development proposed by this application, a contribution towards the Council's Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy will not be required as the costs of administration would negate the benefit of collecting a contribution. However, the development would still be mitigated by the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy as the Council will draw on existing resources to fully implement the agreed Strategy.'

Councillor Chandler commented that, whilst she had no objections to replacing the existing bungalow with a two-storey dwelling, she had concerns that the new dwelling, being sited to the rear of the existing bungalow, would leave a big gap in the street frontage. This was not typical of Sandwich and would have a harmful impact on the street scene. The siting of the dwelling would also lead to a loss of light to Ryarsh, particularly its conservatory.

Councillor D G Beaney spoke in support of the proposal which he thought would fit in well. Councillor Richardson congratulated the applicant for going beyond the sustainable building regulations.

The Planning Officer recapped that, following concerns raised about the design and scale of the proposal, the scheme had been amended, with the dwelling being moved approximately half a metre to the west and its depth reduced by approximately 0.95 metres. Weatherboarding had been replaced with render, and the design of the roof had been amended. An assessment of the impact on neighbouring properties was contained in the report at paragraphs 2.5 to 2.14. With conditions, it was recommended that, on balance, the application should be approved.

Councillor S S Chandler proposed and it was duly seconded and

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/19/00848 be REFUSED on the grounds of negative impact on the street scene and the loss of light to Ryarsh.

64 APPLICATION DOV/19/00838 - 45 EYTHORNE ROAD, SHEPHERDSWELL

The Committee was shown plans and photographs of the application site. The Planning Officer advised that the application sought planning permission for the erection of one detached and six semi-detached dwellings. As an update, she reported that a representation had been received from the occupier of no. 43 Eythorne Road raising concerns about a loss of light.

The Committee was advised that land levels fell from the front of the site on Eythorne Road to the rear. The proposed dwellings would have a roofline consistent with the properties on either side. The distance between no. 43 and the proposed dwelling next door would be about 3 metres. Whilst it was recognised that there would be less light entering no. 43, the harm caused would be limited and was therefore, on balance, considered acceptable. There was no consistency in architectural styles along Eythorne Road, and it was considered that the scheme would have an acceptable impact on the street scene.

In response to Members' queries, the Planning Officer explained that there was no local requirement in respect of electrical charging points. However, such a requirement could be conditioned, as could one requiring sustainable construction methods. In respect of drainage, she explained that the developer would be required to submit a scheme for foul water disposal. In essence, the development could not be built until the drainage scheme had been approved by Southern Water. She also undertook to impose a condition requiring the submission of an overall lighting scheme. It was confirmed that the two semi-detached properties, whilst slightly deeper and narrower, had a similar footprint to the detached dwelling previously approved. It was agreed that details of the retaining wall should be sought.

RESOLVED: (a) That Application No DOV/19/0083 be APPROVED subject to the following conditions:

- (i) 3-year time limit;
- (ii) Approved plans;
- (iii) Samples of materials;
- (iv) Provision of parking facilities;
- (v) Measures to prevent the discharge of surface water onto the highway;
- (vi) Use of bound surface for the first 5 metres of the access from the edge of the highways;
- (vii) Cycle parking retention;
- (viii) Bin storage details;
- (ix) Completion of access prior to first use;

- (x) Gradient of the accesses to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter;
- (xi) Provision and maintenance visibility strip measuring 2.4 metres in width from the edge of carriageway along the Eythorne Road frontage with no obstructions over 1 metre above carriageway level within the strip, prior to use of the site commencing;
- (xii) Provision and maintenance of 2 metre x 2 metre pedestrian visibility splays behind the footway on both sides of the Eythorne Road access with no obstructions over 0.6 metres above footway level, prior to the use of the site commencing;
- (xiii) Removal of permitted development rights (classes A, B and E);
- (xiv) Hand dug condition and tree protection measures including protective fencing;
- (xv) Contamination land condition;
- (xvi) Construction management plan;
- (xvii) Ecology – plantation of native species and biodiversity enhancements as detailed within the report;
- (xviii) Sensitive lighting scheme (bats);
- (xix) Surface water disposal;
- (xx) Foul water drainage;
- (xxi) Windows conditions permitted development removal and 1.7/obscure glazing;
- (xxii) Existing and proposed site levels;
- (xxiii) Landscaping scheme;
- (xxiv) Boundary treatments and hard surfacing materials;
- (xxv) Front boundary constructed prior to first occupation.
- (xxvi) Details of sustainable means of construction;
- (xxvii) Electric vehicle charging points;
- (xxviii) Details of overall lighting scheme;
- (xxix) Details of retaining wall.

(b) That powers be delegated to the Head of Planning, Regeneration 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.

65 FEES AND CHARGES 2020/21

The Head of Planning, Regeneration and Development introduced the report which set out details of the Council's planning fees and charges. In response to Councillor D G Cronk, she confirmed that the fees and charges were reviewed every year and benchmarked against Kent colleagues. That said, most of the planning fees were set by Government and outside the authority's control, the exception being the pre-application charging system which would be reviewed to establish how it could be simplified. There were two new charges, namely a modest charge for Section 106 monitoring, and a charge for people who wished to appear on the self-build register.

RESOLVED: That the report be noted.

66 APPEALS AND INFORMAL HEARINGS

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

67 ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE

The Committee noted that no action had been taken since the last meeting.

The meeting ended at 7.57 pm.