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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 23 August 2018 at 6.00 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: B W Butcher
P M Beresford
T A Bond
D G Cronk (Minute Nos 48-54 only)
M R Eddy
B Gardner
D P Murphy
M J Ovenden
P M Wallace

Officers: Principal Planner
Principal Planner
Principal Planner
Senior Planner
Planning Officer
Planning Delivery Manager
Solicitor to the Council
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/18/00687	Mrs Pauline Sonnex	Ms Shelagh Wright
DOV/18/00684	Mr Jay Chamberlain	Ms Sarah Frankland
DOV/18/00110	Mrs Margaret Russell	-----
DOV/18/00139	Mrs Penny Hever	-----
DOV/18/00300	Ms Zoe Horton	Mr Thomas Johnstone
DOV/17/01345	Mr Philip Rawle	Mr Derek Wanstall
DOV/17/00056	Mr Paul Lulham	-----
DOV/18/00201	Councillor J S Back	Ms Vicki Cooke
	Ms Karen Banks	Mr Jules Gomez

41 APOLOGIES

It was noted that there were no apologies for absence.

42 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members.

43 DECLARATIONS OF INTEREST

Councillor B Gardner made a Voluntary Announcement of Other Interests in Agenda Item 11 (Application No DOV/17/01345 - Land at Churchfield Farm, The Street, Sholden) by reason that he was a trustee of the Mary Hougham Almshouses charity which was looking to buy affordable housing, potentially at this site.

Councillor Gardner also made a Voluntary Announcement of Other Interests in Agenda Items 8 (Application Nos DOV/18/00110 - Land at Warren House, Buckland Lane, Staple) and 10 (Application No DOV/18/00300 - Aylesham Sports Club, Burgess Road, Aylesham) by reason that the applicant for the first application and one of the public speakers on the second application were former councillors who were known to him.

44 MINUTES

The minutes of the meeting held on 19 July 2018 were approved as a correct record and signed by the Chairman.

45 ITEMS DEFERRED

The Chairman advised that the only deferred item was dealt with elsewhere on the agenda.

46 APPLICATION NO DOV/18/00687 - 32 KINSON WAY, WHITFIELD

The Committee was shown drawings, plans and photographs of the application site. The Principal Planner advised that the application sought permission to convert a garage to habitable accommodation and to erect a link structure between the garage and the dwelling. The limited changes proposed were sympathetically designed, and Officers had no concerns regarding overlooking. Whilst a condition attached to the original planning permission had required the retention of the garage, the application should be considered on its merits. Even with the loss of the garage, there would be sufficient parking space within the curtilage of the property for at least two cars.

The Principal Planner clarified that the two larger windows proposed would be looking onto the front parking area of the host dwelling and the street. The other window would serve the bathroom and be looking onto the rear area of the host dwelling. In terms of overlooking, there were no concerns in respect of potential harm to the house opposite. The Chairman reminded Members that the existence of a covenant was not a material planning consideration, and therefore not something that the Committee should consider when determining the application.

Councillor B Gardner suggested that, should planning permission be granted, the Committee should note in its resolution that it was only doing so because of the personal circumstances of the applicant in order to prevent others following suit. However, the Committee was advised that if the application was acceptable in its own right, it would be unnecessarily confusing to refer to the applicant's personal circumstances. The applicant's personal circumstances, whilst relevant, did not necessarily carry much weight. The Principal Planner advised against removing permitted development rights as the proposed dwelling could not be extended into the roof and adding more windows was unlikely to cause harm.

RESOLVED: (a) That Application No DOV/18/00687 be APPROVED subject to the following conditions:

(i) Time;

(ii) Compliance with plans;

(iii) Use of the accommodation hereby permitted shall remain ancillary to the main house and not used as a separate residential unit of accommodation.

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

47 APPLICATION NO DOV/18/00684 - LAND ADJACENT TO PICA PAU, MOORLAND ROAD, SHEPHERDSWELL

Members were shown drawings, plans and photographs of the application site. The Planning Officer advised that the application site was a triangular plot of land with an area of hardstanding in the northern corner, possibly related to planning permission given for the erection of three garages that had not been constructed. A previous application for the erection of a two-storey, two-bedroomed house had been refused. Two parking spaces had originally been proposed but, following pre-application discussions, amendments had been made and one wider parking space was now proposed. The design was considered sympathetic, and Officers had no concerns about overlooking or harmful impact on neighbouring properties. The proposal was considered acceptable, having overcome the previous reasons for refusal, and approval was therefore recommended.

As an update, Members were advised that a further representation had been received since the report was written. This raised concerns about the accuracy of the drawings, the stability of the land, a discrepancy regarding the drop in land levels, subsidence and overlooking. Officers had worked with the drawings that had been submitted but, in the event that these proved inaccurate, steps would be taken outside the planning process. In respect of land stability and subsidence, it was the applicant's responsibility to ensure that the proposal could be accommodated, and these were technical issues for Building Control to address if necessary. It was clarified that the drop in land levels between the application site and 34 Church Hill was six to seven metres rather than four to five metres.

Councillor M J Ovenden advised that she was very familiar with the application site which was situated on a very steep embankment, on the site of an old chalk pit. Because of its steepness, she had concerns surrounding privacy and overlooking. Councillor Gardner was of the opinion that the site was too small for anything other than garages, and proposed that the application should be refused. In response to concerns raised by Members, the Planning Officer clarified that there was only a slight difference in land levels between the site and Pica Pau. The dwelling would be 0.5 metres from the western boundary of the site, with a 1.8-metre fence erected along the boundary. The existing hedge along that boundary would be retained.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/18/00684 be REFUSED on the grounds that the development, by virtue of its siting, scale and form and by virtue of the restricted size of the plot, would give rise to a cramped form of development when read in the context of the existing street scene, causing unacceptable harm to the character and appearance of the area, contrary to paragraphs 127 and 130 of the National Planning Policy Framework.

The Committee viewed plans and photographs of the application site. The Principal Planner advised that the application sought outline planning permission for the erection of four dwellings on garden land of 0.4 hectares. Whilst the dwelling known as Warren House was within the settlement boundary of Staple, the large majority of the site lay outside the village confines and was therefore considered to be in the countryside. Policies DM15 and DM16 of the Core Strategy were therefore relevant. In particular, the visual impact of the proposed dwellings and associated paraphernalia on the character and appearance of the area should be considered.

A representation from the applicant had referred to a Planning Inspector's decision to allow a development of four dwellings at the nearby hamlet of Barnsole. However, the site at Barnsole was not elevated and was surrounded by other properties, making it very different to the site under consideration. Officers considered that the proposal would introduce density into an area of open farmland and scattered dwellings. Moreover, it would have an urbanising effect on what was an edge of village location. The Committee was reminded that, as a consequence of the European Court of Justice decision in the 'People Over Wind' case, the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) no longer applied where a development required appropriate assessment because of its potential impact on a habitats site.

Councillor B W Butcher referred to the fact that the proposal would improve highway safety, and that the visual impact of the development would be mitigated by the significant amount of screening around the site. He suggested that a site visit should be held. The Chairman agreed that more details would have been helpful. In his view, the development of four dwellings on a plot of just under half an acre was unlikely to raise concerns about density. In addition, there would be a modest benefit in the provision of four houses close to a village which had been identified in the Local Plan as needing additional housing for community purposes.

In response, the Principal Planner clarified that density concerns were principally due to the location of the site. There were no gardens to the south or the north of the site, and the proposal would undoubtedly have a visual impact on the area. Moreover, whilst village boundaries were not so hard and fast that they could never be changed, this one had been drawn as it was for a reason - so as to exclude the elevated garden from the village confines in order to identify the end of built development and the start of open countryside.

Councillor T A Bond agreed that there was insufficient detail. The proposal was contrary to Policies DM15 and DM16 and he could see no reason for going against the Officer's recommendation. Councillor M R Eddy also lamented the lack of detail and argued that without an indication of where houses would be located, a site visit was pointless. In the absence of more detail, the Committee did not have enough information to make an informed decision on whether there was justification for changing the use of the land.

The Principal Planner (Mr Blaskett) reminded Members that they should consider whether the principle of development on the site was acceptable. Staple was identified as a village in the Local Plan, a tertiary focus for development in the rural area, and suitable for a scale of development that would reinforce its role as a provider of services to its home community. No sites within Staple had been allocated in the Land Allocations Local Plan, but the village confines had been

extended to allow additional housing to be constructed. The site in question was outside the village confines. Staple itself offered a limited number of services. Potential occupiers of the development were unlikely to walk into Staple as Buckland Lane had no footpath and high hedges. The development would thus lead to additional car journeys. Notwithstanding the lack of a five-year housing land supply, the benefit of four dwellings needed to be weighed against the unsustainable nature of the development and its harmful impact on the character and appearance of the area.

It was moved by Councillor B W Butcher and duly seconded that the application should be deferred for a site visit. On being put to the vote, the motion was LOST.

It was moved by Councillor B Gardner and duly seconded and

RESOLVED: That Application No DOV/18/00110 be REFUSED on the grounds that, in the absence of information to demonstrate otherwise, the proposed development, if permitted, by virtue of its siting, would result in an incongruous, intrusive and unsustainable form of development, bringing about significant harm to the character and appearance of the countryside. The proposal would be highly visible within its rural setting. The proposal is therefore contrary to Policies DM1, DM11, DM15 and DM16 of the Core Strategy and paragraph 79 of the National Planning Policy Framework.

49 APPLICATION NO DOV/18/00139 - BRACKNELL HOUSE, 34 HELENA ROAD, CAPEL-LE-FERNE

The Committee was shown plans and photographs of the application site. The Senior Planner advised that the application sought planning permission for the change of use of the building from a residential care home to a single residential dwelling. Since the report was written, two additional representations had been received. The first claimed that the proposal would be detrimental to local residents and raised concerns about the absence of full plans. The second referred to the side hedge being cut back which would allow cars to park at the rear of the property, thus affecting the privacy of a neighbouring property.

Members were advised that the property was a failed care home which, regrettably, had failed to sell when marketed as such. A number of unsympathetic changes/extensions had been made to the property as a care home, and the application for a change of use would allow the building to revert to its former, more appealing, form. Members were referred to paragraphs 3.10 and 3.11 of the report which covered alterations and alternative uses.

Councillor Gardner advised that, whilst he welcomed the notion of reverting the building to residential use, he could not support an application with so little detail. The Chairman reminded the Committee that its first consideration was whether the proposal was acceptable in principle; further detail was not required to make that decision. Councillor Eddy argued that Members' role was to determine the proper use of the building which, in this instance, was acceptable.

RESOLVED: (a) That Application No DOV/18/00139 be APPROVED subject to the following conditions:

- (i) Standard time restrictions;

(ii) Carried out in accordance with approved plans.

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

50 APPLICATION NO DOV/18/00300 - AYLESHAM SPORTS CLUB, BURGESS ROAD, AYLESHAM

Members were shown an aerial view, plan, drawings and photographs of the application site which was just outside, but adjacent to, the settlement confines of Aylesham. The Principal Planner advised that planning permission was sought for the conversion of a former public house building into nineteen flats and the erection of two-storey side extensions and a three-storey rear extension, along with the provision of a public house, vehicular access and parking. Aylesham Parish Council had submitted a further representation, referring to the long-term retention of the pub and the use of Section 106 monies for a skate park. In response, the Principal Planner advised that any application to change the pub to residential accommodation would need to be tested against policy. No case had been put forward by the parish council for the provision of a skate park, and such a request was likely to be deemed unreasonable in any case.

Members were advised that previous applications for the conversion of the building had been refused due to the loss of the pub. However, at appeal, the Planning Inspector had found the appearance of the proposed scheme acceptable. Unlike the previous applications, this one sought to retain a portion of the building for use as a public house. The conversion of the building into flats was considered acceptable. Following amendments to the scheme, Kent County Council (KCC) Highways had removed its objections. An application to have the building listed had been refused by Historic England, although it was understood that an appeal had been lodged. There would be a contribution towards off-site affordable housing. Approval was recommended, subject to a Section 106 agreement and conditions, including one to safeguard the delivery of the pub.

In response to Councillor Bond, the Principal Planner clarified that the provision of dwellings would be phased to coincide with the provision of sewerage infrastructure off site. In other words, there would be no occupation until the requisite infrastructure had been provided. It was reported that the Council's Head of Strategic Housing had recommended against providing affordable housing on site due to the difficulty in attracting registered social landlords to bid for affordable properties co-located with private properties. The off-site affordable housing contribution was based on an average cost of £140,000 per flat in the new block, reduced by 40% in line with Planning Policy Guidance that sought to encourage the re-use of brownfield land by reducing the amount of affordable housing contribution payable in respect of such developments. Councillor Gardner argued that the contribution should be much higher, and questioned why the Council had not taken the flats on as affordable housing. The Chairman commented that there was a risk of challenge if the Council failed to adhere to the methodologies set out in its planning policies.

It was clarified that there would be four parking spaces for the use of pub patrons and four general visitor spaces. KCC Highways had agreed to a fewer number of parking spaces for the pub due to the site being within walking distance of the village. Councillor Ovenden expressed concern that patrons and residents would

end up vying for parking spaces unless these were clearly marked. Councillor Eddy agreed and raised concerns about the proposed layout of parking within the site. Visibility around the corner of the building was limited, and he envisaged conflict between cars negotiating their way around the site. The Chairman commented that, whilst it was a tight site for car manoeuvring, this in itself would help to keep speeds down. The Principal Planner clarified that a gate had originally been included in the application, and agreed that this would help to designate residential parking.

Councillor P M Wallace argued that a significant amount of new development had taken place in Aylesham in recent years. A pub was an important facility and a focal point for creating new communities. He was disappointed at the size of the new facility and could not therefore support the application.

RESOLVED: (a) That Application No DOV/18/00300 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Samples of materials
- (iii) Full details of hard and soft landscaping;
- (iv) Scheme of sound insulation;
- (v) Provision and approval of a timetable for the implementation of the residential dwellings and the public house;
- (vi) Provision of access, car parking and turning areas prior to first occupation (including use of a bound surface material);
- (vii) Provision and retention of cycle parking;
- (viii) Provision and retention of access;
- (ix) Provision and retention of visibility splays;
- (x) Construction Management Plan;
- (xi) No gates to access (remove permitted development rights);
- (xii) Full details of foul drainage including a timetable for the works and a maintenance programme;
- (xiii) Full details of surface water drainage including a timetable for the works and a maintenance programme;
- (xiv) Previously unidentified contamination;
- (xv) Ecological mitigation and enhancements;
- (xvi) Provision of refuse storage;
- (xvii) Programme of building recording;

(xviii) Archaeology.

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

51 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.23pm for a short break and reconvened at 8.30pm.

52 APPLICATION NO DOV/17/01345 - LAND AT CHURCHFIELD FARM, THE STREET, SHOLDEN

The Committee viewed an aerial view, plans and photographs of the application site. The Principal Planner advised that the application had been deferred at the July meeting for a site visit in order for Members to: understand traffic movements; assess the proposed access and off-site highway works at the junctions; assess the landscape and visual impact of the proposals on the character and appearance of Sholden; assess whether the proposals would cause any harm to the setting of the church; and, finally, the potential for motorised traffic to use footpath ED56 as a shortcut between Timperley Place/Church Lane and the proposed development.

Members were advised that a number of comments had been received since the report was written from Sholden Parish Council and the applicants. The parish council had raised a number of points about the report, including there being no provision for outline or indicative applications under the NPPF, too many conditions and insufficient information. It had also made reference to the national Inclusive Transport Strategy and the requested suspension of shared space schemes, and argued that the application had been reported to the Committee prematurely. In response, the Principal Planner advised that it was a standard approach to impose conditions where necessary, and that Officers considered that there was sufficient information to determine the application. Referring to paragraph 2.18 of the report, KCC Highways had indicated that the shared space proposal for vehicles and pedestrians was acceptable. Members were also advised that, since its initial comments, the South Kent Coast Clinical Commissioning Group (CCG) had come back with a request for a financial contribution. In the Local Planning Authority's view this was an acknowledgement that the impact of the care home could be addressed. It was clarified that the proposed C2 use of the care home would not incur an affordable housing requirement. This meant that it did not affect the calculation for the provision of affordable housing which was due from the 48 dwellings.

Members were reminded that the proposed development would generate 35 extra vehicle movements in the morning peak and 32 movements in the afternoon peak. There would be an increase in traffic of 2.5% at the London Road/The Street junction which was well below the 5% figure that was considered to represent a material change in the amount of traffic using the junction. Referring to paragraph 2.13 of the report, it was reported that the presumption in favour of sustainable development no longer applied to the application following a European Court of Justice ruling which indirectly required that an appropriate assessment should be carried out in relation to the potential impact of the proposal on the integrity of the European sites at Thanet and Sandwich Bay. Under paragraph 177 of the revised NPPF, the presumption did not apply in these circumstances. However, Officers

still considered that, whilst it was contrary to the Development Plan, the benefits of the proposed development were such that permission should be granted.

Councillor Gardner reported on the site visit which had been very well attended by parish councillors and the public. In respect of traffic movements and the proposed works to the London Road/The Street junction, Members had concerns that large numbers of children and elderly people were likely to make use of the shared space. In terms of assessing the landscape impact, it was feared that opening up vistas of the church to the new development would have a detrimental impact on the church. Members were also of the view that the green wedge separating Sholden from Deal should be retained. Councillor Gardner confirmed that the site visit panel had witnessed congestion at the London Road/The Street junction, particularly for cars waiting to turn right towards Sandwich. The traffic generated by the development would worsen this situation and almost certainly lead to a greater increase in movements than 2.5%. He recommended that the application should be refused.

Councillor Ovenden reported that, whilst the site visit was taking place, a car had been parked on the double yellow lines by the shop. She had also noticed that one of the bollards by the shop had been knocked over. These indicated a congested junction that was already hazardous for vehicles and pedestrians. Councillor Wallace commented that witnessing traffic movements near the site had been very important as it enabled Members to understand how difficult it would be for elderly care home residents, particularly wheelchair users, to visit the nearby shop or move around safely. In respect of healthcare, he referred to the existing pressures on GP surgeries, and expressed doubts that they could cope with the proposed care home. He wished to prevent Sholden, currently a quiet village, going the same way as Maxton and Walmer which were now just extensions of Dover and Deal.

Councillor D G Cronk expressed concerns about the safety of the junction which was a tight one. In his view mixing pedestrians and traffic was hazardous, particularly as there was no lighting or clear right-of-way markings at the junction. Furthermore, there was bound to be a significant increase in traffic movements as a result of deliveries to the care home. Councillor Eddy agreed that turning right out of the junction was a problem. Whilst he expressed appreciation that the applicant was trying to address the situation, he was sceptical that the junction would be able to cope with the increased levels of traffic. Councillor Bond expressed doubts that the full impact of the traffic generated by the care home (laundry trucks, ambulances, etc) had been adequately recognised. He also raised concerns that, as an outline application, there were no guarantees that the remaining undeveloped land between Sholden and Deal could be protected. In respect of education, the local primary school was already full so children would have to travel to north Deal or elsewhere. In his opinion, the potential harm caused by the development far outweighed any benefits.

The Principal Planner clarified that the 35 additional traffic movements predicted in during the morning peak would be two-way movements, i.e. in both directions. He referred Members to the report which explained that care home residents would typically come from within a 10-mile radius of the home, in other words, existing users of nearby GP surgeries. In respect of education, children from the development would gain places at the local primary school in time given that one of the criteria for school intake was the distance between a child's home address and the school. This would therefore, in time, offset the number of traffic movements.

The Principal Planner (Mr Blaskett) made reference to page 71 of the report and KCC Highways' comments about the proposed shared space and how it would

improve upon the current arrangement. The proposal had also passed a highways safety audit. Members were reminded that pages 86, 87 and 88 of the report also set out KCC Highways' views on the proposal in some detail. Members needed to satisfy themselves that, if appealed, they could produce evidence relating to highways that would justify a refusal.

The Chairman agreed that the application was supported by a significant amount of evidence. However, Members with their extensive local knowledge were very familiar with the junction and had significant concerns about its safety. Even without the development, he suspected the improvements would not be beneficial. Along with the overall increase in traffic in Sholden arising from other developments, he shared Members' concerns about the impact on this junction.

The Principal Planner reminded the Committee that the proposed development would provide 48 dwellings at a time when the Council was unable to demonstrate a 5-year housing land supply. Spatially it was a good scheme which was well planned and gave due consideration to the setting of the church. The proposal recognised the separation of Sholden from Deal by retaining an area of public open space, with the intention that this would be protected in perpetuity through a legal agreement. There would be ecological enhancements and no visual harm caused to the landscape in long distance views. The scheme would also help to define and improve this area of land and open up Church Lane. The applicant had agreed to meet all the financial contributions requested, and the proposed highway mitigation works had passed a safety audit. For these reasons, there was justification for going against the Development Plan.

It was moved by Councillor B Gardner and duly seconded and

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/17/01345 be REFUSED on the grounds that the proposed development, by virtue of the number of vehicle movements generated by the development, the design of the proposed 'shared surface' on The Street and the geometry of the junction between The Street and London Road, would lead to an unacceptable impact on highway safety and, cumulatively with other existing and committed development, cause a severe impact on the local road network, contrary to paragraph 109 of the National Planning Policy Framework.

53 APPLICATION NO DOV/17/00056 - PHASE 1A OF WHITFIELD URBAN EXTENSION, WHITFIELD

The Committee viewed an aerial view, drawings, plans and photographs of the application site which was located between Napchester Road and Arable Drive. The Principal Planner advised that the application was for reserved matters in relation to Phase 1A of the Whitfield Urban Extension (WUE), for which outline planning permission had been granted under DOV/10/01011. The site had been identified for affordable housing, and the application by Dover District Council sought the erection of 26 affordable dwellings.

As a correction to the report, and in relation to the closure of Napchester Road, Members were advised that, technically, the road would be the subject of a Traffic Regulation Order (TRO) rather than being stopped up. This would restrict the use of the road by vehicles and bollards would be installed. It was clarified that the

archaeological condition attached to the outline planning permission would be carried forward for the reserved matters application.

A number of comments had been received, raising objections on infrastructure grounds. However, the outline planning permission had accepted the principle of the development, and the provision of infrastructure would be controlled by a legal agreement under the outline permission. Langdon Parish Council had also submitted comments which had been circulated to members of the Committee. Issues raised relating to the visual impact and overbearing aspect of the proposed dwellings were covered in the report. The closure of Napchester Road had been advertised a number of times. The timescale for constructing the new spine road and associated infrastructure would be covered by the Section 106 agreement. The revised routeing of Napchester Road via Arable Drive was considered a potential issue. However, it was noted that this would be addressed by condition, with the requirement for a timetable to be agreed that would identify at which time the bollards would be installed on Napchester Road. In relation to 90 dwellings accessing Sandwich Road via Field View Road, it was noted that in time this number was likely to rise, as planned for by the WUE.

74 dwellings had already been built to the south-west of the site. Significant concerns had been raised regarding drainage in Whitfield. It was evident that a number of misconceptions had been made over the years, with surface water drainage being connected to the foul sewer. This had resulted in foul sewage flooding residential areas during periods of heavy rainfall. To address this problem, Southern Water was proposing to construct a tank which would hold the foul sewage from 2,000 houses, allowing excess water to be accommodated during periods of heavy rainfall. The water would then be pumped on to the treatment plant. It was clarified that the outline planning permission contained a condition which prohibited any occupation until such time as a drainage scheme was in place. The Principal Planner read out correspondence from Southern Water to this effect.

RESOLVED: (a) That Application No DOV/17/00056 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved drawings;
- (iii) Materials;
- (iv) Landscaping scheme, including means of enclosure;
- (v) Obscure glazing, first floor side elevation, units 26 and 22;
- (vi) Permitted Development Rights removal from houses – classes A and B;
- (vii) Refuse bins;
- (viii) Cycle storage;
- (ix) Parking areas;
- (x) Bound surface;

- (xi) Visibility splays in relation to cycle paths;
- (xii) No surface water onto highway;
- (xiii) Timetable for Traffic Regulation Order works to Napchester Road;
- (xiv) Treatment of highway stopped ends – details.

(a) That powers be delegated to the Head of 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.

54 EXTENSION OF MEETING

The Chairman advised the Committee that, in accordance with Council Procedure Rule 9, the Committee was required to pass a resolution to continue the meeting beyond 10.00pm.

RESOLVED: That the Committee proceed with the business remaining on the agenda.

55 APPLICATION NO DOV/18/00201 - MATTHEEUWS TRANSPORT LTD, LAND SOUTH-WEST OF PALMERSTON ROAD, PORT ZONE, WHITE CLIFFS BUSINESS PARK, WHITFIELD

Members were shown an aerial view, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the extension of an existing transport depot in an area where there were already a number of companies operating. The extension would accommodate an additional 59 lorries and provide 38 car parking spaces.

There was Government support for the growth of businesses and for the provision of lorry parks. The applicant had demonstrated that lorry movements would be spread out through the day and would occur mostly outside peak hours. A noise management plan had been submitted, and the Council's Environmental Health team had raised no objections. Air quality issues were also considered to be satisfactory. There would be a solid boundary treatment, located inside a landscape buffer which would screen the site and, in any case, the site was not prominent in public views. There would be a condition to control lighting. As a correction to the report, conditions xi) and xii) would be amended to ensure that there would be no external lighting or refrigerated lorries on site.

In respect of drainage, Southern Water's comments were awaited and further work was needed to finalise drainage details. KCC's Sustainable Drainage Systems (SuDS) team had maintained its objections to the proposal, but further discussions would be held. Whilst the Environment Agency had objected initially, it had since withdrawn its objection, subject to conditions being imposed. It was clarified that the drainage solution proposed by the applicant was to collect surface water via an impermeable membrane, from where it would be directed to an oil interceptor and then pumped into the existing surface water sewer on site.

In response to Councillor Bond, it was clarified that there would be a solid fence around the site which would provide some noise protection. The proposal had been

reviewed by the Environmental Health team who was satisfied that the proposal would not cause unacceptable noise or disturbance. Accordingly, imposing a condition requiring the installation of an acoustic fence could be deemed unreasonable.

The Principal Planner reassured Members that planning permission could be granted, subject to drainage issues being resolved by Officers, in consultation with the Chairman of the Planning Committee and Councillor Gardner (as Committee Spokesman).

RESOLVED: (a) That powers be delegated to the Head of Regeneration and Development to continue a dialogue with KCC SuDS and Southern Water to address the outstanding matters and settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee, in consultation with the Chairman and Spokesman of the Planning Committee.

(b) That, subject to (a), Application No DOV/18/00201 be APPROVED subject to the following conditions:

- (i) Standard Time;
- (ii) Approved Plans list;
- (iii) Details of landscaping scheme and planting;
- (iv) Development in accordance with the submitted Noise Management Plan;
- (v) Safeguarding land contamination;
- (vi) Site to be used by Romac/Mattheeuws Transportation services only;
- (vii) Details of HGV and car parking layout submitted for approval;
- (viii) Landscaping maintenance plan submitted for approval;
- (ix) Details of a solid means of boundary enclosure;
- (x) Construction Management Plan;
- (xi) No external lighting;
- (xii) No refrigerated lorries on site;
- (xiii) Surface water drainage design submitted for approval;
- (xiv) Details of imported materials submitted for approval;
- (xv) Verification of the above imported materials;
- (xvi) Environmental Management Plan submitted for approval.

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

Informatives:

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
2. We would draw the developer's attention to the Institution of Lighting Engineers' guidance notes for the reduction of obtrusive light when considering any lighting to the site. This can be at the construction stage or during plans for the occupation of the development. I would ask the developer to pay particular attention when considering any lighted signage at the front of the planned development.
3. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during land development works and intended for re-use are waste or have ceased to be waste. Under the Code of Practice:
 - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA.
 - some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- the Environmental regulations page on GOV.UK

Any re-use of excavated materials not undertaken formally using the CLAIRE DoWCoP would require an environmental permit for deposit, unless materials are solely aggregates from virgin sources, or from a fully compliant Quality Protocol aggregates supplier. Any deposit of materials outside of these scenarios could be subject to enforcement actions and/or landfill tax liabilities.

(Councillor D G Cronk declared an Other Significant Interest in this agenda item by reason that he worked for a transportation company, and left the Chamber)

56 APPEALS AND INFORMAL HEARINGS

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

57 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 10.27 pm.