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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 13 February 2020 at 6.00 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
O C de R Richardson
H M Williams

Officers: Team Leader (Development Management)
Principal Planner
Principal Transport and Development Planner (Kent County Council Highways)
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/19/00669	Mr Alister Hume	Mr Keith Pilcher Councillor J Rose
DOV/19/00642	Mr John Mackenzie	Mrs Sharon Laflin Councillor P D Jull

93 APOLOGIES

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94 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor M Bates had been appointed as substitute member for Councillor D P Murphy.

95 DECLARATIONS OF INTEREST

There were no declarations of interest.

96 MINUTES

The minutes of the meeting held on 16 January 2020 were approved as a correct record and signed by the Chairman.

97 ITEMS DEFERRED

Members were advised that the two deferred items were due for consideration at the meeting.

98 APPLICATION NO DOV/19/00669 - LAND BETWEEN NOS 107 AND 127 CAPEL STREET, CAPEL-LE-FERNE

Members viewed drawings, plans and photographs of the application site. The Principal Planner reminded Members that the application had originally come to Committee in October 2019, but had been deferred for, amongst other things, further details and clarification of proposed off-site highway works, including footpaths and parking. The application had subsequently been withdrawn from the 16 January agenda due to the late submission of a technical note by Capel-le-Ferne Parish Council which required due consideration.

In respect of the reasons for deferral and the applicant's response, the Principal Planner advised that these were addressed in detail in paragraphs 1.4 to 1.11 of the report. In summary, an amended master plan and an additional highway works plan had been submitted and been the subject of re-consultation. The applicant had prepared a drawing and layout plan indicating where parking would be provided, particularly parking spaces that could be used by parents at school collection and drop-off times. As a result of concerns raised by Members, the description of the application and the site layout plan had been amended to give some certainty over the design of the scheme that would be delivered. This meant that the indicative layout would form a masterplan that would be included in the approved plans list. Whilst it could be varied in a minor way at the reserved matters stage, it would need to be largely in conformity with the approved site masterplan/layout plan. In terms of concerns raised about financial contributions to education, Kent County Council's (KCC) position was set out at paragraphs 1.14 to 1.17 of the report.

Members were reminded that the application sought outline permission for the erection of 34 dwellings on a site which had been allocated for development in 2015 under Policy LA26 of the Land Allocations Local Plan (LALP). Subject to the caveat relating to the site layout, all matters were reserved, except for access. A previous application for a more intensive development had been refused and dismissed at appeal in 2016. The current scheme had a better variety of housing types which were more in keeping with Capel Street. A new footpath would be provided along the frontage of the site, and there would be four accesses serving separate dwellings. Double yellow lines would be installed on Capel Street to facilitate the free movement of traffic and to help with the current problems experienced at school times. Formal passing bays would also be provided.

KCC Highways had provided a comprehensive response to the technical note produced by Lime Transport, and this was set out on pages 18 to 20 of the report. In particular, KCC Officers had looked at the visibility splays and found these to be of a suitable standard. A lot of work had gone into addressing highways matters, and it was considered that the proposed measures would mitigate any impact of the scheme on the existing situation. It was reiterated that the applicant was not required to resolve or improve the existing situation. The Principal Transport and Development Planner (PTDP) added that the technical note raised no new issues

which had not already been considered when coming to a balanced judgement about the application.

The Committee was advised that, since publication of the report, four additional comments had been received from neighbours, and four letters had been submitted by the parish council, highlighting a failure to identify safety concerns. A letter had also been received from Capel Residents' Group, reiterating concerns submitted by the parish council and those raised in the technical note. The applicant had also provided a response to the technical note.

In response to Councillor O C de R Richardson, the Principal Planner clarified that the primary school had not been consulted about the proposals because it was not a statutory consultee. Councillor T A Bond stated that, whilst it was difficult to argue with the principle of development on the site as it was an allocated one, the traffic was a concern - albeit that it was likely to be problematic for only two hours a day. He felt that concerns about the impact at school times had not been properly addressed.

The PTDP reiterated that passing places were included in the highway works scheme which would extend and formalise existing passing places outside 34 to 32 and 86 to 82 Capel Street. Whilst there was ad hoc parking at present, the new development would incorporate properly designed and designated parking spaces and facilitate the movement of traffic along Capel Street. A national, standardised database had been used to predict the 19 two-way traffic movements per hour during school times. Members should also bear in mind that some of the children living in the new development would be attending the school which would lead to a reduction in traffic movements over time. An informal crossing point would be installed outside 120 Capel Street. This, together with the fact that Capel Street was within a 20mph zone, and that visibility and sightlines around the proposed crossing point were considered satisfactory, had led Officers to conclude that pedestrian safety issues had been thoroughly addressed. The school had a travel plan, and there were measures that it could take to lessen traffic impact, such as promoting its 'walking bus'. Having visited Capel Street during peak hours, highways officers were confident that the scheme would mitigate its own impact.

In response to Councillor D G Beaney who suggested that a site visit should be held, the Principal Planner cautioned that another deferral on highways grounds might be considered unreasonable, with the risk that the applicant could appeal on grounds of non-determination. In any case, highways issues had been considered in detail, with visits made by the highways officer at peak times. It was therefore difficult to justify holding a site visit at this stage in the process.

The PTDP advised that waiting restrictions would help to manage traffic. When visiting the site he had observed that there had not been many local residents exiting their driveways at school times. This indicated that residents tended to time their trips to avoid peak times. In response to Councillor E A Biggs who queried the review procedure, he advised that the review process would involve a Stage 3 road safety audit which would review the alterations and how they were operating. Officers were confident that the predicted trip rates were robust. He added that, when forecasting movements, previous national guidelines did not require any junction with fewer than 30 traffic movements to be considered which gave Members an indication of how severe traffic impacts had to be before a full assessment of highway capacity was required. He confirmed that sightlines would be checked before construction works took place, and that access points were fixed and could not be changed.

It was moved by Councillor E A Biggs, duly seconded and

RESOLVED: (a) That, subject to a Section 106 legal agreement to secure necessary planning contributions, Application No DOV/19/00669 be APPROVED subject to the following conditions:

- (i) Reserved matters details;
- (ii) Outline time limits;
- (iii) Approved plans;
- (iv) Existing and proposed site levels and building heights;
- (v) Ecological mitigation and recommendations implemented;
- (vi) Ecological/biodiversity mitigation, enhancement and management plan;
- (vii) Construction Management Plan;
- (viii) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage);
- (ix) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme);
- (x) Landscaping details and maintenance of buffer zones;
- (xi) Open space management plan;
- (xii) Protection of trees and hedges;
- (xiii) Hard landscaping works and boundary details/enclosures;
- (xiv) Reporting of unexpected land contamination;
- (xv) No works on site until final SuDS testing is undertaken and submitted;
- (xvi) Design details of surface water drainage strategy;
- (xvii) Implementation and verification of SuDS scheme;
- (xviii) No other infiltration on site other than that approved;
- (xix) Contamination safeguarding;

- (xx) Off-site highway works undertaken and implementation of a Traffic Regulation Order;
- (xxi) External lighting to be addressed at reserved matters;
- (xxii) Details of replacement/visitor parking to be submitted for approval.

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

99

APPLICATION NO DOV/19/00642 - SITE AT CROSS ROAD, DEAL

The Committee was shown an aerial view and photographs of the application site which adjoined the settlement confines of Deal. The Principal Planner reminded Members that the application sought outline planning permission for the erection of up to 100 dwellings, with a layout that was indicative at this stage. A number of off-site highway works were proposed, including the widening of Cross and Station Roads and the installation of passing places. These works would formalise the management of traffic along these roads which was happening informally at present. Double yellow lines would be installed on both sides of Station Road, from underneath the bridge to the riding school. The application had been deferred at the meeting held on 16 January for a site visit.

A large number of representations had been received since the report was published, including three letters from Sholden Parish Council and three from the riding school, largely reiterating concerns previously raised. The owners of the riding school had stated that the development would affect not only the health and safety of their horses and riders but also business. They also raised concerns regarding the ownership of the strip of land along the boundary of the school.

The Principal Planner advised that plans indicated that the strip of land was, in fact, highways adopted land. If the proposed works could not be carried out due to ownership issues, the development would not go ahead. Accordingly, a condition was recommended that would ensure that these particular works took place before the commencement of construction. The applicant had responded to the riding school's representations, referring to the fact that there would be construction and environmental management plans. The applicant also argued that highway safety and visibility would be improved as a result of the roads being widened, the formalisation of rights of way and passing places, etc.

In response to Sholden Parish Council, Officers had circulated a briefing note that set out the Council's policy position which was supported by case law. The scheme complied with the National Planning Policy Framework, and was considered to be a sustainable development. Approval was therefore recommended.

Councillor Biggs reported on the site visit which had taken place on 11 February. A large contingent of members of the public had attended, together with parish council representatives, the applicant and KCC Highways Officers. As well as making their representations, the public had been given the opportunity to ask questions of KCC Officers. Site visit members had looked at Station Road and the disputed boundary of the riding school. Whilst Members had not come to an overall conclusion on the highway network and the impact on the riding school, they had agreed that

conditions should be attached to ensure that some of the highway works were completed before construction commenced in order to address ownership issues. They had also requested that dropped kerbs be installed opposite 112 and 114 Station Road to help residents access their driveways.

The Principal Planner clarified that conditions would be added to address these issues, including the installation of double yellow lines which would be progressed at the same time as other works. She read out the proposed wording of the two conditions. She also advised that, whilst not a statutory consultee, the British Horse Society had been contacted but no response had been received.

In response to Councillor H M Williams, the PTDP clarified that 58 two-way traffic movements were predicted in peak hours, with half travelling via Cross Road and others via St Richard's Road where some traffic was likely to split. The actual impact of these movements would diminish quickly as vehicles dispersed through the road network. He was of the view that there would not be the level of pedestrian flow to justify installing an additional pedestrian crossing in St Richard's Road to accommodate those walking from Cross Road to the shops and facilities in Mill Hill. However, the suggestion could be looked at. He confirmed that the 2018 Deal Transport Study (DTS) had not informed Officers' assessments of the scheme as they were only required to consider committed development and growth predictions. In any case, the DTS was an emerging document that was designed to inform the Local Plan. In summary, the applicant's transport assessment had used the appropriate methodology, and was robust and proportionate to the size of the development.

In response to Councillor Bond, the PTDP reassured the Committee that the highway works along Station Road would help to manage traffic flow and potential conflict. In terms of land ownership, he advised that a highways boundary search had been carried out by the KCC Highways Definition Team which showed that the riding school's boundary was within the adopted highway. He clarified that, whilst there were often areas of the highway that fell within homeowners' land title, KCC had highways rights over that land. The Planning Solicitor added that the question of land ownership was not a matter with which the Planning Committee needed to concern itself. It was a matter for the applicant to resolve before highway works or the development could take place. He emphasised that, if the Committee were minded to grant planning permission, this would not give the applicant any control over other people's land.

In response to concerns raised about double yellow lines, the PTDP acknowledged that there would be a loss of parking. However, this was of secondary importance to highway safety. The highways scheme would be subject to a road safety audit, and Officers were confident that no problems would be identified. With the proposed traffic management measures and a new 30mph speed limit, he was certain Station Road would be safer for horses and riders. In response to suggestions, he advised that the idea of installing horse warning triangles in both directions could be picked up at the detailed design stage of the Section 278 agreement.

Councillor Bond expressed reservations about the development which was outside the town confines, in a rural area. He was concerned that it would have a harmful impact on the riding school, parking and traffic flow.

The Chairman asked whether it would be possible to impose a condition that reserved future Section 73 applications relating to off-site highway works for

determination by the Planning Committee. The Planning Solicitor advised that a condition was not the appropriate mechanism for securing what was an administrative matter as it did not meet the tests for conditions. Notwithstanding this, the Committee's wishes could be noted in the minutes and respected if any such applications were forthcoming.

It was moved by Councillor D G Cronk and duly seconded that Application No DOV/19/00669 be APPROVED with additional conditions.

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

Councillor Richardson expressed concerns about the safety of school children and horses. He was also concerned that development was being contemplated outside the confines, contrary to Policy DM1 of the Core Strategy. At the very least, he wanted to receive advice from the British Horse Society before determining the application.

The Development Management Team Leader recapped that there were no objections to the development on highway technical grounds, nor would there be any unacceptable landscape impact. In respect of Policy DM1, he cautioned Members about attributing full weight to the policy given that it was now acknowledged as being out-of-date. This meant that the application should be judged on its own merits. If deferred, there was a risk that the applicant would appeal on the grounds of non-determination. A refusal of the application could lead to a public enquiry where robust evidence would be needed to defend the decision.

The Principal Planner clarified that the applicant had submitted a landscape and visual impact assessment which had been assessed by independent consultants. This assessment of the scheme was set out in the report in some detail.

It was moved by Councillor R S Walkden, duly seconded and

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/19/00642 be DEFERRED pending advice from the British Horse Society.

(Councillor H M Williams stated that, whilst she may have been seen applauding one of the public speakers at the site visit, she was approaching the application with an open mind.)

100 APPEALS AND INFORMAL HEARINGS

The Development Management Team Leader introduced the report which outlined details of planning appeals determined between October and December 2019. In particular, he highlighted that costs of £46,500 had been awarded against the Council following the dismissal of an appeal for dwellings at Singledge Lane, Whitfield.

RESOLVED: That the report be noted.

101 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 8.18 pm.