

Planning Committee

**Minutes of the meeting held on 1 July 2020 at 2.00 pm in Online Only.**

**Present:** Councillor Michael Tomlinson (Chairman); Councillors Coleman-Cooke, J Bayford, Currie, Dennis, Garner, Hart, Keen, Moore, Rusiecki, Scott and Wright

**596. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Albon, Duckworth and Taylor for whom Councillor Rusiecki was present.

**597. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**598. SCHEDULE OF PLANNING APPLICATIONS**

**599. A01 - F/TH/18/1109 - 14 SUFFOLK AVENUE, WESTGATE ON SEA**

PROPOSAL: Change of use from light industrial (use class B2) to residential (use class C3) with erection of 12No. 2 bedroom dwellings, 8no. 2 bedroom maisonettes, and 3No. 1 bedroom dwellings, with associated parking and landscaping, following demolition of existing office building, showroom buildings and manufacturing/storage buildings

It was proposed by the Chairman and seconded by the Vice Chairman:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be APPROVED subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND;**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawing numbered 16/19/12 Rev C, received 25th February 2020; the additional plan numbered C10902 Rev B, received 24th February 2020; revised drawings numbered 16/19/09 Rev D and 16/19/02 Rev F, received 2nd January 2020; revised drawings numbered 16/19/03 Rev C, 16/19/06 Rev C, 16/19/07 Rev E, 16/19/08 Rev D, 16/19/10 Rev C, 16/19/11 Rev B, and 16/19/13 Rev B, received 22nd February 2019.

**GROUND;**

To secure the proper development of the area.

3 No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;and
  - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**GROUND;**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

4 Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**GROUND;**

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

5 If, during development, significant contamination is suspected or found to be present at the site, then works shall cease, and this contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority. The approved works shall be implemented within a timetable agreed by the Local Planning Authority and shall be of such a nature as to render harmless the identified contamination given the proposed end use of

the site and surrounding environment, including controlled waters. Prior to first occupation/use and following completion of approved measures, a verification report shall be submitted to the Local Planning Authority for approval.

**GROUND;**

To ensure that the proposed development will not cause harm to human health or pollution of the environment, in accordance with DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11) and National Planning Policy Framework.

6 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**GROUND;**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

7 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

**GROUND;**

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

8 No development shall take place (excluding demolition) until details of the means of foul drainage have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter maintained.

**GROUND;**

To prevent pollution, in accordance with the advice contained within the National Planning Policy Framework.

9 No development (excluding demolition) shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

**GROUND;**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with the NPPF

10 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

**GROUND;**

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding, in accordance with the NPPF

11 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures

**GROUND;**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

12 The area shown on the approved plan numbered 16/19/11 Rev B for vehicle parking and manoeuvring areas, shall be kept available for such use at all times and such land and access thereto shall be provided prior to the first occupation of the dwelling hereby permitted.

**GROUND;**

Development without adequate provision for the parking or turning of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

13 Prior to the first use of the site the vehicle loading/unloading and turning facilities shown on the submitted plan numbers 16/19/11 Rev B shall be provided and permanently retained.

**GROUND;**

In the interests of highway safety.

14 Prior to the first occupation of each unit, cycle parking for that unit shall be provided and made available for use. This shall be at a ratio of one per maisonette and one per bedroom for each dwelling. Details of the location and design of the cycle parking shall be submitted to and approved in writing by the Local Planning Authority prior to installation, which shall be in accordance with the approved details.

**GROUND;**

In the interests of promoting increased cycling in accordance with Policy TR12 of the Thanet Local Plan

15 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted.
- the treatment proposed for all hard surfaced areas beyond the limits of the highway.
- walls, fences, other means of enclosure proposed, which shall include a new side boundary treatment adjacent to the rear garden of no. 12 Suffolk Avenue, to a minimum height of 2m.

shall be submitted to, and approved in writing by, the Local Planning Authority.

**GROUND;**

In the interests of the visual amenities of the area, neighbouring privacy, and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.

16 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

**GROUND;**

In the interests of the visual amenities of the area in accordance with Policies D1 and D2 of the Thanet Local Plan

17 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

**GROUND;**

In the interests of highway safety.

18 Prior to the construction of the external surfaces of the development hereby approved samples of the materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved samples.

**GROUND;**

In the interests of visual amenity in accordance with Policy D1 of the Thanet Local Plan

19 Prior to the first occupation of the development hereby permitted, details of the refuse storage location shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be in accordance with the approved details and thereafter maintained.

**GROUND;**

To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with Policy D1 of the Thanet Local Plan.

20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no windows or other openings shall be inserted in the northern rear elevation of units 9-11 (adjacent to no.12 Suffolk Avenue) of the development hereby approved without the prior written permission of the Local Planning Authority.

**GROUND;**

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with Policy D1 of the Thanet Local Plan.

21 The first floor side facing windows serving bedroom 2 of units 1-8 of the development hereby permitted shall be obscure glazed and non-opening below a cill height of 1.7m when measured from the internal floor level. The obscured glass shall be of a minimum level of obscurity to conform to Pilkington Glass level 4 or equivalent, and shall be installed prior to first occupation of units 1-8, and permanently retained thereafter.

**GROUND;**

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with Policy D1 of the Thanet Local Plan.

22 Prior to the first occupation of the development hereby permitted, electric vehicle charging points shall be provided within the site in the form of one active space per ten unallocated spaces, and one active space per allocated space. Details of the location and design of the electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority prior to installation, with the development carried out in accordance with the approved details.

**GROUND;**

To reduce the impact upon air quality, in accordance with the NPPF.

23 At least 10% of the development shall be built in compliance with building regulation part M4(2).

**GROUND;**

To meet a range of community needs, in accordance with the NPPF and Policy QD05 of the Draft Local Plan.

24 No development shall take place (excluding demolition) until a specification outlining the measures to be taken to demonstrate compliance with the submitted sustainability statement received 5th November 2019, which requires the development to achieve zero carbon in the form of a Home Quality Mark 5\* rating or equivalent, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed specification, with the identified measures in place and made operational prior to the first occupation of the development.

**GROUND;**

To achieve sustainable design in accordance with Policy QD01 of the Draft Thanet Local Plan, and for the development to provide sufficient benefits from environmentally high quality homes that would outweigh a lack of financial contribution towards local infrastructure provision, to accord with Policy SP41 of the Draft Thanet Local Plan.

25 Prior to the commencement of works hereby permitted (including demolition and site clearance), an Arboricultural Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The method statement shall include tree protection fencing locations; a schedule of any tree works required to existing trees; details of the works to be carried out within the root protection areas; and a scheme for auditing tree protection and subsequent reporting of this to the Local Planning Authority. The development shall be carried out in accordance with the approved details and methodology.

**GROUND;**

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policies D1 and D2.”

Further to debate, the motion was put to the vote and declared CARRIED.

**600. A02 - F/TH/19/1740 - 51 - 59 NORFOLK ROAD, MARGATE**

PROPOSAL: Change of use and conversion of upper floors to 14 self contained flats with access from ground floor and erection of first and second floor rear extensions, enlargement of front dormer window, alterations to fenestration and removal of existing fire escapes together with associated parking and bin stores.

A statement from Mr Brown, in favour of the application was read out by an officer.

A statement from Mr Ward, raising points of concern was read out by an officer.

It was proposed by the Chairman and seconded by Councillor Rusiecki:

“THAT the officer’s recommendation be adopted, namely:

'That the application be APPROVED subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND;**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 009 Rev B received 27 May 2020, 013 Rev E, 015 Rev E, received 28 May 2020, 010 Rev E, 011 Rev E, 014 Rev G, received 15 June 2020.

**GROUND;**

To secure the proper development of the area.

3 Prior to the commencement of any development on site details to include the following shall be submitted to and approved by the Local Planning Authority and should be carried out in accordance with the approved details.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to control noise affecting nearby residents
- (g) Dust control measures

**GROUND;**

In the interests of highway safety and neighbouring amenity, in accordance with Policy D1 of the Thanet Local Plan and the National Planning Policy Framework.

4 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted.
- o the treatment proposed for all hard surfaced areas beyond the limits of the highway.
- o walls, fences, other means of enclosure proposed.

shall be submitted to, and approved in writing by, the Local Planning Authority.

**GROUND;**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.

5 Prior to the installation of any external windows and doors, joinery details at a scale of 1:5 of the windows and doors to include sections through glazing bars, frames and mouldings shall be submitted to and approved in writing by the Local Planning Authority. Such details as



are approved shall be carried out concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.

**GROUND;**

To secure a satisfactory external treatment and to safeguard the special character and appearance of the designated heritage asset in accordance with advice contained within the National Planning Policy Framework.

6 Prior to the first occupation of the development hereby permitted, details of the refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be in accordance with the approved details and thereafter maintained.

**GROUND;**

To secure a satisfactory standard of development and in the interests of the amenities of the area, in accordance with Policy D1 of the Thanet Local Plan.

7 The development hereby approved shall incorporate a bound surface material for the first 5 metres of the access from the edge of the highway.

**GROUND;**

In the interests of highway safety.

8 Prior to the first use of the development, the area shown on approved plan numbered 009 Rev B received 27 May 2020 for the parking and manoeuvring of vehicles shall be operational. The area approved shall thereafter be maintained for that purpose.

**GROUND;**

Development without adequate provision for the parking or turning of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity and in pursuance of policy D1 of the Thanet Local Plan.

9 Prior to the first use of the development, the secure cycle parking facilities, as shown on approved drawing no. shall be provided and thereafter maintained.

**GROUND;**

In the interests of promoting increased cycling in accordance with policy TR12 of the Thanet Local Plan

10 The proposed first, second and third floor windows in the southern side elevation serving bathrooms for units 6, 12 and 14 shall be obscure glazed and fixed shut to a height of 1.7m above the internal floor level.

**GROUND;**

To safeguard the privacy and amenities currently enjoyed by the occupiers of adjoining residential properties in accordance with Policy D1 of the Thanet Local Plan.”

Further to debate, the motion was put to the vote and declared LOST.

Then, it was proposed by the Vice Chairman and seconded by Councillor J Bayford:

“That officers prepare a report with potential reasons for refusal and providing additional information about whether the buildings can be converted into family housing, and then reported to members at a future meeting for a final decision on the application.”

Upon being put to the vote, the motion was declared CARRIED.

**601. R03 - OL/TH/20/0466 - LAND NORTH WEST OF DOWN BARTON ROAD, BIRCHINGTON**

PROPOSAL: Outline application for the erection of a single storey detached dwelling with all matters reserved

A statement from Mr Brown, in favour of the application was read out by an officer.

A statement from Mr Syme, raising points of concern was read out by an officer.

It was proposed by the Chairman and seconded by Councillor Rusiecki:

“THAT the officer’s recommendation be adopted, namely:

‘That the application be REFUSED for the following reasons:

1 The site lies outside of the village settlement boundary, and as such represents an unsustainable form of development within the countryside for which there is no overriding need, contrary to Policies H1 and CC1 of the Thanet Local Plan, Policies H01, SP01 and SP24 of the Draft Thanet Local Plan, and paragraphs 7 and 8 of the National Planning Policy Framework.

2 The proposed dwelling, by virtue of its prominent location, would appear visually divorced and isolated, impacting upon long distance views, and detracting from the open and undeveloped rural character of the area, severely detrimental to the appearance of the Landscape Character Area, whilst failing to protect the intrinsic character and beauty of the countryside, contrary to Thanet Local Plan Policies CC1, CC2 and D1, Draft Thanet Local Plan Policies SR24, SR26, and QD02, and paragraphs 127 and 170 of the National Planning Policy Framework.

3 The proposed development will result in additional pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to paragraph 177 of the National Planning Policy Framework.”

Upon being put to the vote, the motion was declared CARRIED.

**602. D04 - F/TH/20/0451 - STABLES, LAND NORTH WEST OF DOWN, BARTON ROAD, BIRCHINGTON**

PROPOSAL: Change of use from existing stable to single dwelling and the insertion of new windows and roof light

It was proposed by the Chairman and seconded by Councillor Rusiecki:

“THAT the officer’s recommendation be adopted, namely:

‘Defer and delegate the application to officers for approval subject to the receipt of a satisfactory legal agreement within six months of the date of this resolution securing the required planning contribution and the following safeguarding conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**GROUND;**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The development hereby approved shall be carried out in accordance with the submitted drawings numbered MW/20/3/1, MW/20/3/2 and MW/20/3/3

**GROUND;**

To secure the proper development of the area.

3 No further alterations to the building, or the erection of garden buildings, or erection of boundary or internal fences or means of enclosure, whether permitted by Classes A, B, C, D, or E of Part One or Class A of Part Two of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 or not, shall be carried out without the prior permission in writing of the District Planning Authority.

**GROUND:**

To ensure a satisfactory external treatment and in the interests of the visual amenities of the locality in accordance with Policy D1 of the Thanet Local Plan.

4 Prior to the first occupation of the development hereby approved, full details of both hard and soft landscape works, to include

- o species, size and location of new trees, shrubs, hedges and grassed areas to be planted.

- o the treatment proposed for all hard surfaced areas beyond the limits of the highway.

- o walls, fences, other means of enclosure proposed.

shall be submitted to, and approved in writing by, the Local Planning Authority.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation; of any part of the development, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

**GROUND;**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies D1 and D2 of the Thanet Local Plan.”

Further to debate, the motion was put to the vote and declared CARRIED.

Meeting concluded : 4.05pm