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Planning Committee

Minutes of the meeting held on 19 April 2017 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Bob Grove (Chairman); Councillors Jaye-Jones, Bambridge, Buckley, Connor, Dennis, Edwards, J Fairbrass, Fenner, K Gregory, Partington, R Potts, D. Saunders, Taylor and Tomlinson

In Attendance: Councillors Ashbee, Brimm, L Fairbrass, Johnston, M Saunders and Shonk

164. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Dawson and Councillor Howes for whom Councillor D Saunders and Councillor Dennis were present.

165. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

166. **MINUTES OF PREVIOUS MEETING**

It was proposed by Councillor Jaye-Jones, seconded by Councillor Tomlinson and agreed that the minutes of the Planning Committee held on 15 March 2017 be approved and signed by the Chairman.

167. **OL/TH/15/0187 – FLAMBEAU EUROPLAST LTD, MANSTON ROAD, RAMSGATE**

The Planning Applications Manager outlined the report.

It was proposed by the Chairman and seconded by Councillor K Gregory:

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

‘Option 4.1 - Members confirm that planning permission be deferred to officers for approval subject to securing a legal agreement for the provision of contributions to the SAMM and affordable housing as set out in the report and conditions outlined at Appendix A.’”

Following debate, the motion was out to the vote and declared CARRIED.

168. **SCHEDULE OF PLANNING APPLICATIONS**

169. **A01 - F/TH/16/1579 - DISUSED RAILWAY LINE BETWEEN NASH COURT GARDENS AND NASH ROAD, MARGATE**

PROPOSAL: Erection of 7no. single storey dwellings with associated access road.

Speaking in favour of the application was Mr Brown.

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 development hereby approved shall be carried out in accordance with the submitted drawings numbered:
16122-01-D (received 18/01/17)
16122-02-C (received 18/01/17)
16122-03-B
16122-04-A
16122-05-D (received 02/02/17)
16122-07-A (received 22/03/17)
16122-08-A (received 22/03/17)
11903/A1/01 Revision D (received 23/01/17)
11903/A1/02 Revision A (received 23/01/17)

GROUND:

To secure the proper development of the area.

- 3 No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

- 4 Before the first occupation of plot 7 hereby permitted the kitchen window within the rear elevation shall not be less than 1.7 metres above the floor of the room in which it is installed. The window shall be permanently retained in that condition thereafter.

GROUND:

To protect the residential amenities of the occupiers of nearby property.

- 5 Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any

order revoking and re-enacting that Order with or without modification), the enlargement of the dwelling house consisting of an addition or alteration to its roof shall not be allowed without the granting of specific planning permission.

GROUND:

In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the above mentioned Order.

- 6 Prior to first occupation of any part of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation hereby permitted is commenced or before the buildings are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

GROUND:

To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.

- 7 Prior to the commencement of 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

- 8 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 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, unless the Local Planning Authority gives any written consent to any variation.

GROUND:

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

- 9 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small,

privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The landscape management plan shall be carried out as approved.

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

- 10 Prior to development commencing the developer shall submit a detailed construction management plan to the local authority. The local authority shall confirm approval of the plan in writing prior to development commencing. The construction management plan will be adhered to by the developer at all times. The construction management plan shall include (but not limited to) the following titles:

- a. Construction process
 - i To include any mitigation measures for neighbouring sensitive premises
 - ii To include hours of operational construction work.
- b. Site deliveries plan
 - i Given the limited access this is to include times deliveries will be accepted and if required plans to mitigate for large scale deliveries of materials and equipment.
 - ii Areas for loading and unloading for delivery vehicles
- c. Construction site dust management strategy
- d. Construction noise management
 - i To include expected significant noise generating activities and mitigation
- e. Site parking strategy for staff and traffic management
 - i To include strategy on dealing with overflow of site staff parking in the vicinity.
 - ii Traffic movements to and from the site and any necessary traffic management measures
 - iii Wheel washing facilities
- f. Waste Management policy
 - i We advise this includes a restriction on any burning of material at the site
- g. Mitigation for the construction phase of the development

Shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

GROUND:

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties, and pollution measures are in place for all potentially polluting activities during construction and highway safety in accordance with paragraph 109 of the National Planning Policy Framework and saved policy D1 of the Thanet Local Plan.

- 11 Prior to the commencement of the development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority

GROUND:

To ensure that the archaeological history of the site is recorded in accordance with the advice contained within National Planning Policy Framework.

- 12 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 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
 - . 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

GROUND:

In the interests of protecting the environment and the future occupants of the development in accordance with the NPPF. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.

- 13 No occupation of any part of the permitted development shall take place until a verification report demonstrating 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. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

GROUND:

To prevent pollution of controlled waters, in accordance with the National Planning Policy Framework (NPPF).

- 14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation

strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

GROUND:

To prevent pollution of controlled waters, in accordance with the National Planning Policy Framework (NPPF).

- 15 The developer must ensure a watching brief is carried out by a suitable consultant during demolition and foundation works. Any measures to control any contamination identified during these activities shall be agreed with the Local Planning Authority before further construction commences.

GROUND:

To prevent pollution of controlled waters, in accordance with the National Planning Policy Framework (NPPF).

- 16 Piling or any other foundation designs/ investigation boreholes 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 that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

GROUND:

To prevent pollution of the underlying chalk Principal Aquifer in line with the sustainable development aims of the NPPF.

- 17 No drainage systems for the infiltration of surface water drainage into the ground are 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 that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

GROUND:

Infiltration through contaminated land has the potential to impact on groundwater quality.

- 18 No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

GROUND:

To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

- 19 No works shall commence on the site until such time as detailed plans of the measures to prevent discharge of surface water onto the highway have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.

GROUND:

To ensure satisfactory development of the site.

- 20 Prior to the first occupation of the development hereby permitted the proposed on-site car parking, vehicle loading/unloading and turning facilities shall be provided in accordance with the approved plan and retained thereafter available for that specific use.

GROUND:

To minimise the potential for on-street parking and thereby safeguard the interest of safety and convenience of road users.

- 21 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.

- 22 No dwelling hereby permitted, shall be occupied until the completion of the access as shown on the submitted plans.

GROUND:

To ensure satisfactory development of the site.

- 23 Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

GROUND:

In the interests of highway safety.

- 24 The Reptile Receptor Area as shown on drawings 16122-01-D and 16122-02-C shall be used for no other purpose both during and after construction. Details of the boundary treatment to enclose this area shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling hereby approved. The boundary treatment shall be retained as approved.

GROUND:

In the interests of nature conservation.

- 25 The habitat management and moitoring works for the reptile receptor site set out in the Reptile Capture Report (dated October 2016) shall be carried out. The results of the monitoring work shall be submitted to, and approved in writing by, the Local Planning Authority and the habitat management works shall thereafter be permanently retained.

GROUND:

In the interest of nature conservation.”

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

170. A02 - FH/TH/17/0119 - 139 SEA ROAD, WESTGATE-ON-SEA

PROPOSAL: Erection of first floor side extension; part two storey/part single storey rear extension; enlargement of balcony area to the east of the front elevation, together with erection of balcony to the west of the front elevation, and alterations to front fenestration

Speaking in favour of the application was Mr Linnane.

Speaking raising points of concern was Mr Matthews.

Speaking under council procedure 20.1 was Councillor Ashbee.

It was proposed by the Chairman and seconded by Councillor J Fairbrass:

“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 2015.06 J received 27 February 2017 and 2015.06 K received 01 March 2017.

GROUND:

To secure the proper development of the area.

- 3 The development hereby approved will be finished in render and red tiles to match the existing property, together with light grey cedar cladding, white UPVC windows and doors and glazed balustrading as annotated on the approved plans numbered 2015.06 K received 01 March 2017.

GROUND:

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

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

171. A03 - F/TH/16/1714 - CASCADES CASINO, ZION PLACE, MARGATE

PROPOSAL: Erection of 1.9m wrought iron fence and gate

Speaking in favour of the application was Mr Minter.

Speaking raising points of concern was Mr Chapman.

Speaking as ward councillor was Councillor Johnston.

It was proposed by the Chairman and seconded by Councillor J Fairbrass:

“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 development hereby approved shall be carried out in accordance with the submitted drawings numbered 5598-402 and received 20 December 2016.

GROUND:

To secure the proper development of the area.”

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

172. A04 - F/TH/17/0029 - LAND ADJACENT APPLE GARTH, GREEN ROAD, BIRCHINGTON

PROPOSAL: Erection of a single storey two bedroom dwelling and single garage.

It was proposed by Councillor K Gregory, seconded by Councillor Tomlinson and RESOLVED:

“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 development hereby approved shall be carried out in accordance with the submitted drawings numbered CT7001 received 16 January 2017, CT7002, CT7003 entitled 'Drainage Layout' CT7003 entitled 'Elevations - Garage' received 08 January 2017.

GROUND:

To secure the proper development of the area.

- 3 Prior to the commencement of the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby approved 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

- 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.”

173. R05 - OL/TH/17/0195 - LAND ADJACENT 12 TO 14 FORT ROAD, MARGATE

PROPOSAL: Outline application with some matters reserved for the erection of 3No. two storey dwellings, including access, layout and scale

It was proposed by Councillor K Gregory, seconded by Councillor Tomlinson and RESOLVED:

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

‘That the application be REFUSED for the following reasons:

- 1 The proposed development, would lead to the loss of an important gap within the Conservation Area. The loss of this gap would fail to preserve the established pattern and rhythm of development within the street scene and would represent a development that appears cramped and congested. The proposal fails to demonstrate that the development would preserve or enhance the character and appearance of the Conservation Area, resulting in significant harm to the character and appearance of Margate Conservation Area not outweighed by the public benefits of the development, contrary to Policy D1 of the Thanet Local Plan, and paragraphs 132 and 134 of the National Planning Policy.

- 2 The proposal, by virtue of obscuring the only window to a habitable room in the side elevation of the adjacent property would result in unacceptable living standards for the future occupiers of that property. The proposal is, therefore, contrary to Thanet Local Plan Policy D1 and paragraph 17 of the National Planning Policy Framework.”

174. R06 - F/TH/16/1756 - REAR OF 44 CANTERBURY ROAD, MARGATE

PROPOSAL: Erection of 3No. dwellings with associated parking and landscaping

Speaking in favour of the application was Mrs Gregson.

Speaking as ward councillor was Councillor Ashbee.

It was proposed by the Chairman and seconded by Councillor J Fairbrass:

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

‘That the application be REFUSED for the following reasons:

- 1 The proposed development will result in an isolated form of backland development, appearing cramped, congested and unrelated to the pattern of surrounding development, significantly detrimental to the character and appearance of the area, contrary to Policy D1 of the Thanet Local Plan and paragraphs 58 and 64 of the NPPF.
- 2 The proposed dwellings by virtue of their proximity to and relationship with the residential properties within the Royal Seabathing development and approved development to the west of the development yet to be built, will result in an unacceptable degree of mutual overlooking, for both neighbouring and future occupiers of the development, contrary to Policy D1 of the Thanet Local Plan.
- 3 The proposed dwellings by virtue of their location, height and relationship with and proximity to the adjacent existing residential properties within the Royal Seabathing development will result in an unacceptable loss of outlook to the detriment of neighbouring living conditions, contrary to Policy D1 of the Thanet Local Plan.”

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

Then, it was proposed by Councillor K Gregory and seconded by Councillor Tomlinson:

“That Members approve the application subject to safeguarding conditions, as it will not have a significantly harmful impact on the character and appearance of the area or neighbouring living 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 3991-PD-02 Rev B, 3991-PD-03 Rev A Received on 23 Dec 2016, 3991-PD-04, 3991-PD-06 as amended Received on 27 January 2017

GROUND:

To secure the proper development of the area.

3 The first and second floor windows in the East Side Elevation of the development; hereby approved shall be provided and maintained with obscure glass.

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.

4 All new windows shall be timber and set within 100mm reveals

GROUND:

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

5 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, unless the Local Planning Authority gives any written consent to any variation.

GROUND:

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

6 The refuse storage facilities as specified upon the approved drawing 3991-PD-06 and dated 27 January 2017; shall be provided prior to the first occupation of the dwellings; hereby approved and shall be kept available for that use at all times.

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 Prior to the first occupation of the development, the area shown on the plan numbered 3991-PD-06 received on 27th January 2017 for the parking and manoeuvring of vehicles shall be operational prior to any part of the development hereby approved being brought into use, unless otherwise agreed in writing by the Local Planning Authority. The area shall thereafter be maintained for that purpose.

GROUND

In the interests of highway safety.

8 Prior to the commencement of the development hereby approved joinery details including sections through glazing bars, frames and mouldings; at a scale of 1:5 of all new external windows and doors 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:

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

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

175. R07 - OL/TH/16/0724 - 15A TOTHILL STREET, MINSTER, RAMSGATE

This item was withdrawn.

176. R08 - F/TH/16/1271 - FORMER ST MARY MAGDALENE CHURCH, WOODCHURCH ROAD, BIRCHINGTON

PROPOSAL: Erection of 2No. two storey dwellings with access and parking

Speaking in favour of the application is Mr Gradus.

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

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

‘That the application be REFUSED for the follow reason:

- 1 The proposed development would result in new homes in the countryside and have a detrimental impact upon the character of the rural area as a result; it is not considered that there is any special justification why countryside protection should be relaxed, under paragraphs 17 and 55 of the NPPF. The proposal is therefore contrary to the NPPF and there are no material considerations that suggest it is appropriate. In this instance permitting development would significantly and demonstrably outweigh the benefits of providing two dwellings.”

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

177. R09 - F/TH/17/0139 - LAND REAR OF 10 CORNFORD ROAD, BIRCHINGTON

PROPOSAL: Erection of a detached 2-storey dwelling

Speaking as ward councillor was Councillor Brimm.

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

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

‘That the application be REFUSED for the follow reason:

1 The dwelling, by virtue of the small plot size and 2m high close boarded fence to the front amenity space, would result in a cramped and over intensive development with the fence as a detrimental and incongruous feature which fails to respect the surrounding pattern of development and the character and appearance of the area, to the detriment of the visual amenities of the locality, contrary to saved policy D1 of the Thanet Local Plan D1 and paragraphs 17, 56 and 64 of the National Planning Policy Framework.”

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

Meeting concluded : 8.50pm