

## Planning Committee

### Minutes of the meeting held on 18 May 2022 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Michael Tomlinson (Chair); Councillors Coleman-Cooke, Crittenden, Dexter, Everitt, Garner, Hart, Keen, Pat Moore, Rusiecki, Shrubbs, Wing and Wright.

**In Attendance:** Councillors Towning, Austin, Leys, Anne-Marie Nixey and Shonk.

#### 1. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Albon and Councillor J Bayford, for whom Councillor Dexter was present as a substitute.

#### 2. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### 3. **MINUTES OF PREVIOUS MEETING**

Councillor Coleman-Cooke proposed, Councillor Shrubbs seconded and Members agreed that the minutes of the meeting held on 20 April 2022 be approved as a correct record.

#### 4. **SCHEDULE OF PLANNING APPLICATIONS**

##### (a) **A01 PA/TH/22/0132 - Berth 4 And 5 Port Of Ramsgate, Royal Harbour Approach, Ramsgate**

**PROPOSAL:** Application for prior approval for the installation of a 119m long berth following the removal of existing berth 4/5 under Part 18 Class A of Town Country Planning (General Permitted Development) Order 2015.

Mr Murphy raised points of concern.

Town Councillor Green spoke on behalf of Ramsgate Town Council.

Councillor Austin spoke under council procedure 20.1.

Councillor Nixey spoke under council procedure 20.1.

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

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

That the application be APPROVED and to adopt the Appropriate Assessment at Annex 1, subject to the following conditions:

1 The development hereby approved shall be carried out in accordance with the submitted drawings numbered 3611\_502A and 3611\_503A received 28 January 2022.

**GROUND;**

To secure the proper development of the area.

2 The development hereby approved shall be carried out in accordance with the submitted Construction Environment Management Plan (Appendix 2.5) received 28 January 2022.

**GROUND;**

In order to protect the environment and safeguard protected species, in accordance with advice as contained within the NPPF.

3 No piling works in the construction of the development hereby approved shall be completed during the bird overwintering period (September to March inclusive).

**GROUND;**

In order to safeguard protected species that may be present, in accordance with advice as contained within the NPPF.

4 Soft start piling shall be used in accordance with the details included within the Construction Environmental Management Plan received 28 January 2022.

**GROUND;**

In order to protect the environment and safeguard protected species, in accordance with advice as contained within the NPPF.

5 Prior to works commencing on site, a pre-commencement breeding bird survey must be carried out by a qualified ecologist within the port and harbour area. If any breeding birds are present and are judged by the ecologist to be disturbed by the construction work, all works must cease until all observed young have fledged.

**GROUND;**

In order to safeguard protected species, in accordance with advice as contained within the NPPF.

6 A Marine Mammal Observer shall oversee the development in accordance with the details included within the Construction Environmental Management Plan received 28 January 2022.

**GROUND;**

In order to safeguard protected species, in accordance with advice as contained within the NPPF.'

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

In accordance with council procedure rule 17.5, it was noted that Councillors Garner and Wing voted against the motion.

(b) **A02 FH/TH/22/0215 - 7 Seacroft Road, BROADSTAIRS**

**PROPOSAL:** Erection of a ground floor extension to existing rear projection with balcony over together with first floor extension above existing

Mr Francis raised points of concern.

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

'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 as set out in accordance with the submitted documents referenced Site Location Plan and Proposed Block and Roof Plan received 11 February 2022 and amended drawing DA2 C received 6th May 2022.

**GROUND:**

To secure the proper development of the area.

3 Prior to the use of the balcony hereby approved, the obscured glazed glass balustrading at a height of 1.4m above finished floor level as shown on drawing DA2 C received 6th May 2022 shall be installed and thereafter maintained.

**GROUND:**

In the interests of the living conditions of the neighbouring property in accordance with Policy QD03 of the Thanet Local Plan.'

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

Councillor Rusiecki proposed, Councillor Shrubbs seconded and Members agreed to hold a SITE VISIT.

(c) **D03 F/TH/21/0688 - 2 - 12 Harold Road, MARGATE**

**PROPOSAL:** Erection of a four storey building containing 26No. 2 bed flats and 8No. 3 bed flats and erection of 3No. 3 storey 4 bed terraced houses,

with associated parking, access and landscaping works following demolition of the existing commercial buildings

Mr Shepherd spoke in favour of the application.

Ms Leaning raised points of concern.

Mr Bryant raised points of concern.

Mrs Munt raised points of concern.

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

'THAT the officer's recommendation be adopted, namely:

That the application be DEFERRED and DELEGATED for approval 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 4052/p113 rev b floor plans of terrace), 4052/p212 rev b (ground floor of the flats), 4052/p211 rev b, and 4052/p220, received 10 May 2022; and the revised drawings numbered 4052\_p203 rev A, 4052\_p206 rev A, 4052\_p204 rev A, 4052\_p213 rev B, 4052\_p216 rev B, 4052\_p215 rev B, and 4052\_p200 rev A, received 10 February 2022.

**GROUND;**

To secure the proper development of the area.

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

**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 Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

4 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 Policy CC02 of the Thanet Local Plan and advice contained within the NPPF

5 No development shall take place 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 protect the district's groundwater, in accordance with Policy SE04 of the Thanet Local Plan, and the advice contained within the National Planning Policy Framework.

6 Phase 2) Intrusive Investigation

a) An intrusive investigation and updated risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. It shall include an assessment of the nature and extent of any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to:
  - Human health;
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - Adjoining land;
  - Ground waters and surface waters;

- Ecological systems;
- (iii) An appraisal of remedial options and identification of the preferred option(s).

All work pursuant to this Condition shall be conducted in accordance with the DEFRA and Environment Agency document Model Procedures for the Management of Land Contamination (Contamination Report 11).

b) If investigation and risk assessment shows that remediation is necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include details of all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works, site management procedures and a verification plan. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with the approved terms including the timetable, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation scheme 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 proposed site investigation, remediation and development will not cause harm to human health or pollution of the environment, in accordance with Policy SE03 of the Thanet Local Plan and the advice contained within the National Planning Policy Framework.

7 Prior to the commencement of the development hereby approved, including demolition and site clearance, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to, and approved in writing by the Local Planning Authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the Local Planning Authority's request.

**GROUND:**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection

Act 1990 in relation to the intended use of land after remediation, in accordance with Policy SE03 of the Thanet Local Plan and advice contained within the National Planning Policy Framework.

8 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
- (h) Access arrangements

**GROUND:**

In the interests of highway safety and neighbouring amenity, in accordance with Policy QD03 of the Thanet Local Plan and the advice contained within the NPPF.

9 Prior to the first use of the site hereby permitted, the vehicular access and associated vehicle crossing point onto the highway, as shown on the approved plan numbered 4052\_p206 rev A should be completed and made operational.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

10 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, in accordance with the advice contained within the NPPF.

11 The vehicular access gates hereby permitted shall open away from the highway and be set back to a minimum of 5.5 metres from the edge of the highway.

**GROUND:**

In the interests of highway safety, in accordance with the advice contained within the NPPF.

12 Prior to the first occupation of the development hereby approved, the redundant vehicle crossing to Harold Road shall be removed and the footway

reinstated in accordance with the specifications set out in the Kent Design Guide.

**GROUND:**

In the interests of highway safety and visual amenity in accordance with Policy QD02 of the Thanet Local Plan and the advice contained within the NPPF.

13 Prior to the first use of the site the vehicle loading/unloading and turning facilities shown on the submitted plan numbers 4052\_p206 rev A shall be provided and permanently retained.

**GROUND:**

In the interests of highway safety, in accordance with Policy TP08 of the Thanet Local Plan.

14 Prior to the first occupation of the flats hereby permitted, the secure cycle parking facilities as shown on approved drawing no. 4052\_p206 Rev a shall be provided and thereafter maintained. with details of the design to be first submitted to and approved in writing by the Local Planning Authority. The details shall include a double stacked design to accommodate 34.no bikes.

**GROUND:**

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

15 Prior to the commencement of the development hereby permitted, details of the electric vehicle charging points to be provided within the development, including their location and design, shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be in the form of one active charging point per allocated parking space, and one active charging point per ten unallocated parking spaces. The electric vehicle charging points shall be provided prior to the first occupation of the development and thereafter maintained.

**GROUND**

To protect air quality, in accordance with Policy SP14 and SE05 of the Thanet Local Plan and the advice as contained within the NPPF

16 The area shown on the approved plan numbered 4052\_p206 rev A 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**

To provide satisfactory off street parking for vehicles in accordance with Policy TP06 of the Thanet Local Plan and the advice contained within the NPPF

17 Prior to the first use of the flats hereby approved visibility splays of 2 metres by 2 metres behind the footway on both sides of the vehicular access



and parking spaces fronting Harold Road access with no obstructions over 0.6m above footway level shall be provided and thereafter maintained.

**GROUND**

In the interest of highway safety in accordance with the advice contained within the NPPF.

18 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, the front railings, and any other means of enclosure proposed, which shall include a 1.8m high boundary treatment around the car park area, and a minimum 1.5m high enclosure around the communal and private doorstep playspace,
- ecological enhancements to be provided within the site, including bird boxes,

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 QD02 and GI04 of the Thanet Local Plan

19 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 QD02 and GI04 of the Thanet Local Plan

20 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 amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

**GROUND**

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

21 Existing trees, shrubs and hedgerows identified for retention within the development site or existing trees growing on an adjacent site, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837 2012 as set out within the tree survey report reference: 1903/07/2021. The fence shall be erected below the outer most limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed. At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area. Nothing shall be attached or fixed to any part of a retained tree and it should not be used as an anchor point. There shall be no change in the original soil level, nor trenches excavated within the protective fenced area.

**GROUND:**

To Protect existing trees and to adequately integrate the development into the environment, in accordance with Thanet Local Plan Policy QD02.

22 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

**GROUND:**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

23 Prior to the first occupation of the development hereby permitted, the doorstep play area as shown on the approved plan numbered 4052\_p206 Rev A, shall be provided and thereafter maintained.

**GROUND:**

In order to provide a safe doorstep play area in accordance with Policies QD03 and GI04 of the Thanet Local Plan.

24 The refuse storage facilities as specified upon the approved drawing numbered 4052\_p206 rev A shall be provided prior to the first occupation of the development hereby approved and shall be kept available for that use at all times. The 'bin collection' area for the dwellings shall be used on collection day only, with the bins moved back to the bin storage area at all other times.

**GROUND:**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

25 Prior 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 unless otherwise agreed in writing by the Local Planning Authority.

**GROUND:**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

26 All new window and door openings shall be set within a reveal of not less than 100mm

**GROUND:**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

27 Prior to the installation of any external lighting a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall

- a) Identify those areas/features on site that are particularly sensitive for badgers and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.
- c) Details of the types of lighting to be used including their fittings, illumination levels and spread of light

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

**GROUND:**

In order to limit the impact upon protected species that may be present, in accordance with Policy SP30 of the Thanet Local Plan and the advice as contained within the NPPF.

28 Prior to the installation of the gate within the access road leading from Norfolk Road, details of the design, materials and method of operation shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be installed in accordance with the approved details.

**GROUND:**

In the interests of visual amenity in accordance with Policy QD02 of the Thanet Local Plan

29 Prior to the commencement of development hereby permitted, a land level plan that identifies the location of any retaining walls to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate the height of all boundary treatment to be installed around the perimeter of the site. Development shall be carried out in accordance with the approved details, and any boundary treatment thereafter maintained.

**GROUND**

In the interests of visual amenity and neighbouring amenity, in accordance with Policies QD02 and QD03 of the Thanet Local Plan'

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

Councillor Hart proposed and Councillor Garner seconded that the application be:

'Deferred and brought back to Members to consider potential reasons for refusal on impact on character and appearance of area, lack of play space and lack of affordable housing.'

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

Meeting concluded : 9.45 pm