

Minutes of the meeting of the **PLANNING** Committee held at the Council Offices, Whitfield on Thursday 24 September 2009 at 5.00 pm.

Present:

Chairman: Councillor S G Leith

Councillors: T A Bond
S S Chandler
J M Munt
J C Record
A F Richardson
J M Smith
R J Thompson
R S Walkden

Officers: Head of Development and Public Protection
Head of Governance/Monitoring Officer
Development Control Manager
Senior Planner
Development Engineer, KCC
Principal Solicitor
Senior Democratic Support Officer

The following persons were also in attendance and spoke in connection with the items indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/08/1196	Mr J Elvidge	Mrs Bean
DOV/07/1081	Mr T Hillier	Ward Councillor Keen Parish Councillor Cartledge Miss Obee

Apologies for absence were received from Councillors M S Furnival and C J Meredith.

207 SUBSTITUTE MEMBERS

It was noted that in accordance with Rule 4 of the Council's Procedure Rules Councillor J M Smith had been appointed as substitute for Councillor M S Furnival.

208 MINUTES

The Minutes of the meeting held on 27 August 2009 were approved as a correct record and signed by the Chairman.

209 DEFERRED ITEMS

The Development Control Manager recommended that Application No DOV/09/0363 (Land between Fancies Follies and Hambleton Lodge, Staple) remain deferred pending a full report to the October meeting of Committee.

The views were reported of those Members who had visited the sites in respect of Application Nos DOV/09/00440 (Sparrow Court, Forge Lane, Whitfield) and

DOV/09/0544 (132 New Dover Road, Capel-le-Ferne). A letter from the agent on the Whitfield application had been circulated to Members. Since the previous meeting further letters from neighbouring objectors to the latter application had been received reiterating their objections and inviting Members to visit the rear gardens of their properties. This had been accomplished during the site visit.

- RESOLVED: (a) That consideration of Application No DOV/09/0363 remain deferred and a further report brought to the next meeting of the Committee.
- (b) That Application No DOV/09/0440 (Erection of a pair of semi-detached dwellings together with parking and internal access road – Sparrow Court, Forge Lane, Whitfield) be approved in accordance with the recommendation of the Development Control Manager as set out on page 66 of the report dated 27 August 2009.
- (c) That Application No DOV/09/0554 (Erection of an attached three bedroom dwelling incorporating front and rear dormer roof extensions and construction of vehicular access (existing garage to be demolished) – 132 New Dover Road, Capel-le-Ferne) be approved in accordance with the recommendation of the Development Control Manager as set out on pages 105-106 of the report dated 27 August 2009.

210 APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

- (1) Application No DOV/08/1196 – Residential development of site to provide 14 self-contained residential units consisting of change of use and conversion of main building to 5 flats; change of use, conversion and extension of existing ancillary building to 2 dwellings with associated detached garage; erection of a detached three storey building to provide 7 flats together with associated vehicular access, parking and landscaping – Alderden House, Hawksdown Road, Walmer

The Development Engineer KCC confirmed that parking provision met the required standards and clarified details of the sight lines to the nearby road junctions.

RESOLVED: That the application be approved in accordance with the recommendation of the Development Control Manager.

- (2) Application No DOV/09/0322 – Conversion and extension of garages to form gym – Kingsdown Chalet Park, Upper Street, Kingsdown

The Development Control Manager reported receipt of a letter of support for the proposal which stated that it would be an improvement and that many chalet owners were not concerned one way or the other. The text in paragraph 3.6 of the report required amendment to delete the words "of the gym".

RESOLVED: That the application be approved in accordance with the recommendation of the Development Control Manager.

- (3) Application No DOV/07/1081 – (A) Outline application for a residential development of up to 1210 dwellings; associated infrastructure and works including new and enhanced sports and leisure grounds and facilities; new shops and apartments with alterations to existing shops and apartments; temporary construction access and compound areas; an area of live/work units; new and altered roads; parking facilities and traffic management within and nearby to Aylesham village; and (B) A full application for residential development for 191 dwellings of which 20% will be affordable; all associated works and infrastructure, together with new shops and apartments; alterations to existing shops and apartments; landscaping to existing streets and public open spaces including Market Square; the formation of new public open spaces; upgrade of sports pitch and provision of changing facilities at Ratling Road; formation of squares and a strategic play area; traffic management schemes and new car parking areas; other landscaping works; temporary works and access; construction compounds and off site highway works

Prior to consideration of the applications the Council's Monitoring Officer explained to the Committee the significance of a Councillor's predisposition towards or predetermination of an application, having regard to recent case law. He clarified the instance of a member of the Committee also being a member of the Aylesham Parish Council which, in the particular circumstances of these applications, constituted a personal and prejudicial interest. That being the case, in accordance with the Code of Conduct and the Protocol for public speaking at Planning Committee, the Member would be entitled to speak for three minutes in the same way as a member of the public but would be required to leave the meeting afterwards, taking no part in the debate or the vote.

The Head of Development and Public Protection stated that the applications were a significant milestone in the transformation of the District and the culmination of a great deal of hard work by all parties, including public participation in Enquiry by Design and approval of Supplementary Planning Guidance. Although some details remained outstanding, officers were confident that the report provided sufficient information for Members to safely make a decision and the timescale for possible financial input from the Kickstart initiative added to the need for the decision to be made.

The complex report on the hybrid application was clarified by the Development Control Manager together with the appendices relating to policies, consultee and third party responses, and phasing of the development. The recommendations contained in section 4 of the report were subject to resolution of a number of matters and expiry of the period of public comment on the revised plans. Committee was advised that the application should be referred to the Government Office for the South East (GOSE). Particular attention was drawn to the approval for the 2007 Welfare Club ground improvements, the current application to amend this scheme and the outstanding determination of the Snowdown Colliery site redevelopment; these matters had implications for the Aylesham development. The applicants' intention to introduce two-way traffic in the Market Square had attracted strong objections and details remained to be finalised. However it was understood that further thought was currently being given to retaining the existing one-way system.

The Head of Development and Public Protection reported that the developers were separately seeking a Deed of Variation to the Development Agreement in view of the current economic climate and falling land values which had affected the viability

of the development. The Council's Section 106 (Developer Contributions) Executive Committee had met on 21 September to consider the implications of viability issues on the ability to make development contributions in connection with the Aylesham Development Scheme and had agreed as follows:

"To recommend that the Planning Committee should agree in principle to development contributions sought by KCC for Youth Services, Library and Adult Social Services but subject to negotiations on the amounts, nature, timing and triggers of such provision which should be fully evidenced and confirmed through a legal agreement under Section 106 attached to the planning permission."

The Committee received updated information from the Senior Planner with regard to GOSE's awaited decision on whether to call in the application or refer the application to them; the preferred option of a management vehicle for public realm issues; the anticipated creation of 350 jobs arising separately from the Homes and Communities Agency (HCA) under the National Coalfields Programme; a response awaited from the Highways Agency and various Highways issues raised by KHS. With regard to sport, funding for improvements to the Welfare Club and grounds involved developer contributions and the imposition of a Grampian condition ensuring that no development will take place until such a time as the Phase 1 of the Welfare Club has been carried out and is in use is proposed. Discussions with regard to the Aylesham Primary School pitch need to take place. Sport England have raised no objection to the proposed development provided that three specific criteria are met. Amended plans had been received on 21 August 2009; further objections had been raised to the loss of the Ratling Road play area, loss of the Derwent Way play area, and rumble strips rather than traffic calming tables; resiting the access and parking area to the other side of Kings Road; and the siting of a play area behind elderly persons' bungalows. In addition concern had been raised about the percentage of affordable housing, retention of hedges round Market Square and siting of a bus stop.

Having regard to the points raised by the public speakers Committee discussed the following matters:

- the developer's agreement to reconsider retaining the one-way traffic flow in the Market Square;
- further evaluation of the B2046 capacity and the effect of increased traffic on local villages;
- allotments, managed grass areas, verges and wildlife corridors;
- future management of public realm areas;
- ensuring new play areas were in place before old ones were removed;
- the amount of existing employment space within Aylesham;
- economic viability of the S106 agreement;
- distribution of play areas and alternatives to the Ratling Road play area;
- a risk assessment on support services which could be lost if the development did not come to fruition;
- future opportunities for the Committee to be updated on outstanding issues, phasing and further applications.

The Head of Development and Public Protection advised that the Committee could accept the developer's offer regarding one-way traffic in Market Square, retaining the steps to the Co-Operative supermarket and the site for the bus stop and that such plans would be examined to ensure they had Highway approval. Should officers have any concerns about outstanding matters these would be brought back

to Committee, including negotiations with KCC on developer contributions which would continue if the Committee accepted the recommendation of the Section 106 (Developer Contributions) Executive Committee. The Senior Planner explained ecology benefits about retention and enhancement of native woodland and possible conflict between this and the Ratling Road play space as green infrastructure was a key component of growth areas. The Senior Planner advised on the undesirability of detached play areas in light of the comments by the Council's Community Safety officer. The Development Engineer KCC reassured Committee that effects of traffic on local villages would be monitored and reiterated that Kent Highways had not required two-way traffic round the Market Square and had, in fact, disputed that it was technically possible. Traffic calming measures would also be evaluated. The Development Control Manager advised that issues concerning the dwellings and car parking adjacent to the Post Office which included land levels and potential over-bearing effects on existing elderly persons' bungalows, could be revisited.

RESOLVED: (a) That the recommendation of the Section 106 (Developer Contributions) Executive Committee be accepted.

(b) That, subject to the following issues, delegated powers be given to the Development Control Manager to grant outline and full planning permission subject to conditions:

- (i) resolution of all outstanding matters including a satisfactory scheme showing the retention of one way traffic around Market Square including associated traffic calming; investigation of the re-arrangement of the dwellings and car parking to the rear of the Post Office; achievement of replacement provision for the Ratling Road play area in the near vicinity to serve that part of the village; and agreement over commuted sums and the Highways Agency's concerns.
- (ii) the signing of a legal agreement relating to issues including commuted sums for public realm management and maintenance, planting, highways and transport matters;
- (iii) receipt of comments from outstanding consultees or other third parties which do not raise new objections;
- (iv) reference of the application to the Government Office for the South East; and
- (v) expiry of the re-advertisement period.

(Councillor R J Thompson stated that he retained an open mind in respect of the applications but declared a personal and prejudicial interest for the reason that he was the Chairman of the Aylesham Parish Council and, as such, would speak as a member of the public and then withdraw from the meeting taking no part in the debate or the vote. The Chairman allowed Councillor Thompson to speak for three

minutes notwithstanding that notice had not been given in accordance with Part 5, Appendix B of the Council's Constitution.)

The meeting ended at 7.50 pm.