

## Development Management Committee

Minutes of the meeting held on 15 February 2024 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Horwood (Vice-Chairman)

Cllrs. Baker, Camp, Edwards-Winsor, Esler, Harrison, Hudson, Malone, Manston, Purves, Silander, Skinner, Varley and Williams

Apologies for absence were received from Cllrs. Ball, Bayley, P. Darrington and Hogarth

Cllrs. Bulford, Reay, and Thornton were also present.

### 55. Minutes

Resolved: That the Minutes of the Development Management Committee held on 25 January 2024 be approved and signed by the Chairman as a correct record.

### 56. Declarations of Interest or Predetermination

Cllrs Harrison and Malone declared for Minute 58 – 23/03279/FUL – Co-op, 30 – 32 Hever Road, West Kingsdown, Kent TN15 6HD that they were Ward Members, but remained open minded.

### 57. Declarations of Lobbying

There were none.

### 58. 23/03279/FUL - Co-op, 30 - 32 Hever Road, West Kingsdown Kent TN15 6HD

The proposal sought planning permission to divide the existing supermarket unit into 3 separate Class E Commercial, Business and Service units, consisting of a gym at no. 30, a barber at unit 1, 32 and a hair and beauty salon at unit 2, 32. The application had been referred to the Committee by Councillor Bulford out of concern for its impact on neighbour amenity and parking.

Members' attention was brought to the main agenda papers.

The Committee was addressed by the following speakers:

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Against the Application:	-
For the Application:	-
Parish Representatives:	Cllr Ian Bosley
Local Members:	Cllr Bulford

Members asked questions of clarification of the speakers which focused on noise and the impact on parking, as the proposal could necessitate longer stays than from customers using the supermarket.

In response to questions, the officer explained that a noise condition had not been included in the recommendation, as they considered it would not be reasonable under the Planning Policy Guidelines and the National Planning Policy Framework. The application was only for changes to the shop front, not for a change of use, because gyms and shops were both Use Class E. Members were advised however that the applicant had given their agreement for this additional condition. The officer explained that the plans showed the site ownership, and did not include the internal layouts of proposed development; toilets and fire escapes were not included at this stage.

Officers considered that cars were able to park on nearby roads including Multon Road while others passed. It was not felt that a Construction and Environmental Management Plan was reasonable, as the development would not involve long periods of construction or heavy goods vehicles. There had been no objection from the Highways Authority with regards to parking.

It was moved by the Chairman that the recommendations within the report, alongside an additional condition relating to the submission of a noise impact and acoustic assessment and details of any necessary mitigation as well as the closing of the external doors, be agreed.

Members discussed the application. They noted that the building was owned by the developer, and thus avoiding noise issues that would impact his tenants would be a priority. They discussed whether the changes to the frontage would influence the noise generated, noting that the additional exits to properties could generate adverse noise for certain residents directly above them. It was felt an acoustic assessment would also be appropriate, because of the proposed new internal walls.

An amendment was moved by Cllr Malone and duly seconded by Cllr Harrison that an additional condition be imposed restricting the opening hours of the units from 9am – 7pm. Members discussed the amendment, noting that the applicant's consent for audio restrictions related to the initial hours proposed, and that the shop at the site previously was open from 7am – 10pm. Members thought that restricting the opening time would not be a reasonable restriction, as planning permission was not being granted for use.

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The amendment was put to the vote and it was lost.

The original motion was put to the vote and it was:

Resolved: That planning permission be granted, 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.

In pursuance of section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Block Plan (Map.002), Proposed Floor Plans (PR.001 Rev2) and Proposed Elevations (PR.002 Rev2).

For the avoidance of doubt and in the interests of proper planning.

- 3) Prior to the first use of any unit hereby approved, a noise impact and acoustic assessment including details of mitigation measures shall be submitted to the local planning authority for approval in writing. The assessment and mitigation scheme shall be undertaken by a suitably qualified acoustic consultant and shall include consideration of the following matters:
  - Plant Noise - including extract ventilation and air conditioning;
  - Amplified music and sound systems (including speech);
  - Noise and vibration impact from the dropping of free weights, kettlebells, cable station weights, weight machines, treadmills, etc;
  - Voices - suitable sound insulation to prevent the breakout of raised voices must be assessed and designed.
  - Potential necessity to keep external doors closed to prevent noise emissions.

Prior to operation a post completion noise survey shall be undertaken by a suitably qualified acoustic consultant, and a report submitted to the local planning authority for approval in writing.

If the mitigation measures tested in the post-completion report prove to be insufficient, additional noise mitigation measures (where necessary to ensure the appropriate noise levels can be met), shall be submitted to the local planning authority for approval in writing and installed and tested prior to operation. The scheme shall be maintained as approved thereafter.

**Informatives**

The applicant is advised that with regard to the noise impact and acoustic assessment condition, the Environmental Health Team recommend the following detailed specifications:

Plant Noise - including extract ventilation and air conditioning - must be designed to be 10 dB below the representative background noise levels (LA90) over the time periods that the applicant wishes to operate. Note the necessary ventilation of the premises must exclude the use of opening doors and windows);

Music -amplified sound systems (including speech) should be able to limit the 31.5 Hz and 63 Hz octave band and or have appropriate sound insulation to (such as "box-in-box" Studio construction) to prevent the breakout of these frequencies.

**National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

THE MEETING WAS CONCLUDED AT 7:53PM

CHAIRMAN