

Agenda

Planning Committee

Tuesday

2 April 2024

at 7.00 pm

The Guildhall
St Peter's Place
Canterbury
CT1 2DB

A. The Committee may only resolve its decisions when exercising its express delegated powers as set out under the name of the Committee in the scheme of delegation approved by the Council.

B. The public (which includes the press) will be excluded from the meeting during any item of business which falls within the exempt provisions of Schedule 12A of the Local Government Act 1972 or the Freedom of Information Act 2000, or both.

Quorum - 7 Councillors

Membership of the Planning Committee

Councillors

Pat Edwards (Chair)
Dan Smith (Vice Chair)
Keith Bothwell
Dane Buckman
Elizabeth Carr-Ellis
Roben Franklin
Robert Jones
Harry McKenzie
Tom Mellish
Peter Old
Paul Prentice
Ian Stockley
David Thomas

Ward

Barton;
Blean Forest;
Swalecliffe;
Wincheap;
St Stephen's;
Wincheap;
Herne and Broomfield;
Sturry;
Heron;
Chestfield;
Barton;
Beltinge;
Heron;

Members of the public may speak at meetings of the Committee for no more than three minutes upon any item which appears on the agenda for the meeting PROVIDED THAT notice has been given to Democratic Services (e-mail democracy@canterbury.gov.uk, telephone 01227 862 009) not later than 12.30pm on the working day before the meeting.

Everyone is welcome to record meetings of the Council and its Committees using whatever non-disruptive methods you think are suitable. If you are intending to do this please mention it to the Democratic Services Officer and do not use flash photograph unless you have previously asked whether you may do so. If you have any questions about this please contact Democratic Services (members of the press please contact the Press Office).

Please note that the Chair of the meeting has the discretion to withdraw permission and halt any recording if in the Chair's opinion continuing to do so would prejudice proceedings at the meeting. Reasons may include disruption caused by the filming or recording or the nature of the business being conducted.

Anyone filming a meeting is asked to only focus on those actively participating but please also be aware that you may be filmed or recorded whilst attending a council meeting and that attendance at the meeting signifies your agreement to this if it occurs. You are also reminded that the laws of defamation apply and all participants whether speaking, filming or recording are reminded that respect should be shown to all those included in the democratic process.

Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.

If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.



1 Apologies for absence

2 Substitute councillors

3 Declaration of any interests by councillors or officers

(Councillors and officers are encouraged to give their declarations in advance to Democratic Services where possible.)

TO RECEIVE any declarations of the following in so far as they relate to the business for the meeting:

- a. Disclosable Pecuniary Interests
- b. Other Significant Interests (what were previously thought of as non-pecuniary Prejudicial Interests)
- c. Voluntary Announcements of Other Interests not required to be disclosed as DPs or OSIs, i.e. announcements made for transparency reasons alone, such as:
 - Membership of outside bodies that have made representations on agenda items, or
 - Where a Councillor knows a person involved, but does not have a close association with that person, or
 - Where an item would affect the wellbeing of a Councillor, relative, close associate, employer, etc but not their financial position.

[Note: an effect on the financial position of a Councillor, relative, close associate, employer, etc; OR an application made by a Councillor, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

4 Public participation

If any member of the public wishes to speak on any item / planning application for the meeting they must give notice to Democratic Services **by 12.30pm on Thursday 28th March**. They can do this [online here](#) or by calling 01227 862009 or emailing democracy@canterbury.gov.uk.

It is the usual practice of the Committee to allow any public speakers to be heard immediately before the consideration of the relevant application / item.

Further information about public participation and the procedure at the meeting is included in this agenda or on the Council's [website here](#).

5 Minutes of the Planning Committee meeting of 5th March 2024

6 - 8

TO RECEIVE the minutes of the above meeting.

6 Application No.CA/23/02263/FUL Canterbury Christchurch University College, North Holmes Road, Canterbury

9 - 32

Retention of the existing medical school building with some of the existing rooftop plant to remain on the roof of the building together with proposed screening and the relocation of some of the plant from the roof to ground level together with hard and soft landscaping, parking and other associated works

Recommendation: Grant, subject to safeguarding conditions

Planning Officer: Jessica Harrison

7 Planning appeals - decisions

33 - 46

To NOTE the report of the Planning Manager.

8 Any other urgent business to be dealt with in public

9 Any other urgent business which falls under the exempt provisions of the Local Government Act 1972 or the Freedom of Information Act 2000 or both

It will be necessary to pass a resolution to exclude the press and public for any urgent confidential business under this item.

Criteria for public speakers

It is the usual practice of the Committee to allow any public speakers to be heard immediately before the consideration of the relevant application /item.

The number of speakers for each planning application is limited to

3 in favour, 3 against the proposal;

a representative of the Parish Council, Canterbury Heritage and Design Forum (previously known as the Canterbury Conservation Advisory Committee), Whitstable Society, or Herne Bay & District Residents Association in whose area the proposed development is situated, and that representative gives notice that he/ she would attend the Committee to support the representation;

a representative of an advisory / amenity group or resident association speaking for a proposal, and one against a proposal whose terms of reference have a direct interest in the proposal;

the Applicant or Agent but not both who shall also be afforded the opportunity to speak last.

No more than one person per household shall be entitled to speak, including persons wishing to speak on behalf of someone else, unless offering opposing views.

In circumstances where more than 3 persons wish to speak, those not selected, shall be provided with the names of ward councillors and the nominated speakers in order that they can seek to have their points raised.

All persons speaking shall be strictly limited to 3 minutes each.

There will be no speakers heard on any application where they are supporting the officer recommendation and no councillor wishes to speak against it.

All persons shall have a maximum of two opportunities to speak i.e. at two meetings of the Committee or at one Committee and one Member site visit.

If you wish you may circulate photographs to illustrate a point but written information or circulation of reports or letters will not be allowed.

All persons wishing to speak shall notify Democratic Services **no later than 12.30pm on the working day before the day of the meeting** (by email to democracy@canterbury.gov.uk or by telephone 01227 862 009).

Procedure at committee

All speakers shall be directed to a cordoned off area in the public gallery prior to the start of the meeting, and shall then be directed to the 'public speaking chair' at the appropriate time.

The chairman shall explain procedures and order of applications at the start of the meeting. All site visits shall be determined at the start of the meeting - with the exception of those which might be subsequently agreed during the meeting. Items recommended and agreed for deferral shall also be considered at this stage.

CANTERBURY CITY COUNCIL

PLANNING COMMITTEE

Draft Minutes of a meeting held on 5 March 2024,
At 7.00 pm in The Guildhall, St. Peter's Place, Westgate, Canterbury

Present:

Councillor Dan Smith (Chair)
Councillor Keith Bothwell
Councillor Dane Buckman
Councillor Elizabeth Carr-Ellis
Councillor Chris Cornell
Councillor Roben Franklin
Councillor Robert Jones
Councillor Harry McKenzie
Councillor Tom Mellish
Councillor Peter Old
Councillor Naomi Smith
Councillor Ian Stockley
Councillor David Thomas

Officers:

Stevie Andrews - Planning Manager (Development Manager)
Cath Wallen - Principal Solicitor
Christian De Grussa - Planning Officer
Lauren Wheeler - Democratic Services Officer

1. Apologies

Apologies were received from Councillor Pat Edwards and Councillor Paul Prentice.

2. Substitutes

Councillor Chris Cornell was present for Councillor Pat Edwards, and Councillor Naomi Smith was present for Councillor Paul Prentice.

3. Declarations of any interests by councillors or officers

A generic announcement was made on behalf of all Committee members, as follows: All or some councillors may have received correspondence from or spoken with applicants, agents, supporters or objectors, and some of the public speakers may also be known to members of the Committee due to their work as councillors. Neither circumstance prevents councillors from participating in the meeting. However, any councillor who considers that they do not have an open mind, in respect of any item on the agenda, should not participate in the meeting when the relevant item is to be discussed.

No interests were declared at the meeting.

4. Public Participation

There were no public speakers at the meeting.

5. Minutes of the meetings held on 9th January and 6th February

The minutes were confirmed as a true record by general assent.

6. LIST OF APPLICATIONS AND PROPOSALS

The Committee considered the planning applications, received the observations thereon of interested parties, the reports and recommendations of the Head of Planning, and the comments at the meeting from the public speakers on the applications referred to below. At the commencement of the consideration of the applications, the Committee received a presentation about each application, which included a display of plans, drawings and photographs.

Planning Application No. / Site / Page Nos.	Speakers
Item 6 Application No. CA/23/02378/FUL Land between Allora and Mill Tor Marlborough Road, Whitstable (pages 19-27)	

6.1 Application No. CA/23/02378/FUL Land between Allora and Mill Tor Marlborough Road, Whitstable

Two-storey detached dwelling together with detached garage

A proposal was put that planning permission be GRANTED for the development described in the above application, subject to safeguarding conditions.

When put to a vote, the proposal was AGREED by the Committee.
A record of the vote was taken as follows:

For the proposal: Councillors Bothwell, Buckman, Carr-Ellis, Chris Cornell, Franklin, Jones, McKenzie, Mellish, Old, D Smith, N Smith, I Stockley, Thomas (13)

Against the proposal: None (0)

Abstained from voting: None (0)

7. Planning Appeals Report

There were no planning appeals decisions to report.

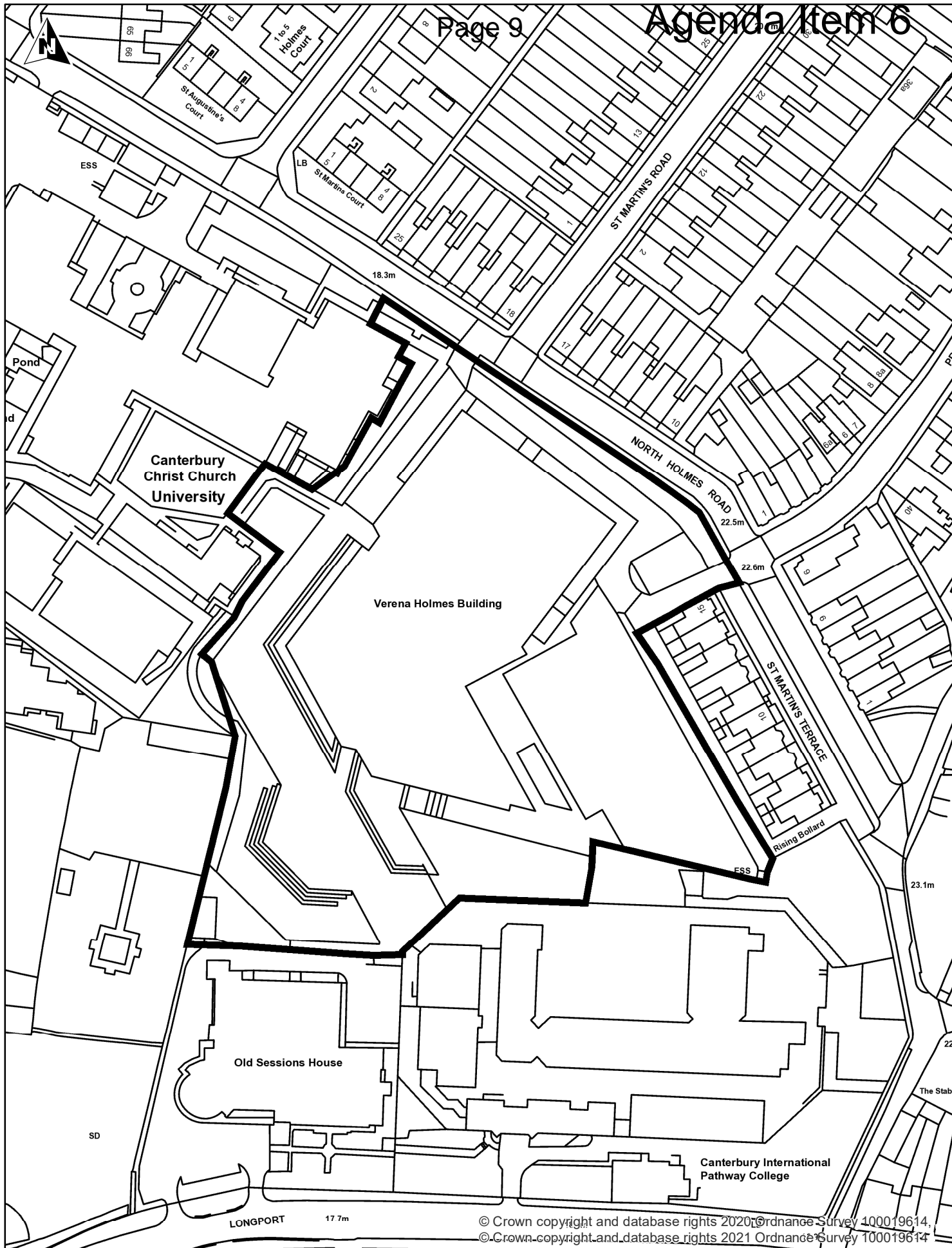
8. Any other urgent business to be dealt with in public

There was no other urgent business to be dealt with in public.

9. Any other business which falls under the exempt provisions

There was no other business which fell under the exempt provisions.

There being no other business the meeting closed at 7:14pm.



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Case Ref: CA/23/02263

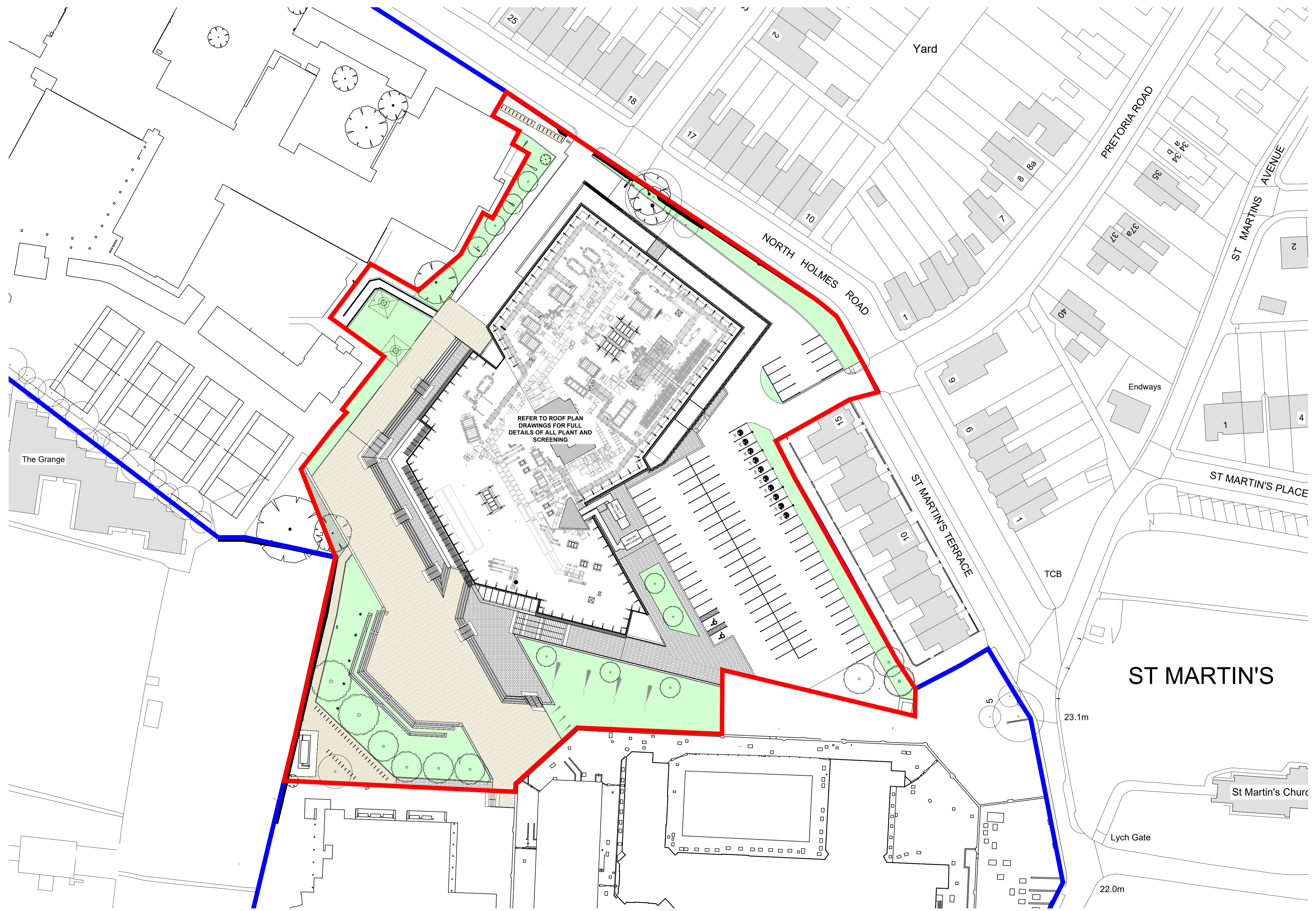
Author: Planning Services

Scale 1:1,250

Map Dated: 20/03/2024

- Notes:
1. Do not scale.
 2. Contractor to check all dimensions and report omissions and errors to the Architect.
 3. Hamilton Architects LLP accepts no liability for use of this drawing by parties other than the party for whom it was prepared or for purposes other than those for which it was prepared.
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 5. This drawing does not contain shared coordinates and is not issued for coordination purposes.

- Denotes Application Area
- Denotes Applicants ownership



P4	EV Parking Update	13.03.24	MS	MH
P5	EV Parking Bays Indicated	23.02.24	MS	MH
P2	Issued for Coordination	11.10.23	MS	MH
P1	Issued for Planning Application	18.11.20	MS	MH
Rev	Comment	Date	Initial	Chk'd

Canterbury Christ Church University
 Building 2 - Planning For As Constructed Elements
 Proposed Site Layout

Planning 1:1500@A1 18.11.2020

Project No	Originator	Zone	Level	Type	Role	Number	Rev
18021	HAM	XX	XX	DR	A	1002	P4



W: www.hamiltonarchitects.co.uk E: design@hamiltonarchitects.co.uk

PLANNING COMMITTEE

APPLICATION NUMBER: CA/23/02263

SITE LOCATION: Canterbury Christchurch University College
North Holmes Road Canterbury Kent CT1 1QU

PROPOSAL: Retention of the existing medical school building with some of the existing rooftop plant to remain on the roof of the building together with proposed screening and the relocation of some of the plant from the roof to ground level together with hard and soft landscaping, parking and other associated works

APPLICATION TYPE: Full planning application

DATE REGISTERED: 5 December 2023

TARGET DATE: 3 March 2024

LISTED BUILDING: No

CONSERVATION AREA: No

WARD: Barton

APPLICANT: Canterbury Christchurch University Department of Estates & Facilities

AGENT: DHA Planning

CASE OFFICER: Jessica Harrison

WEBLINK: <https://pa.canterbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S4ZYCAEA07P00>

RECOMMENDATION: Grant, subject to safeguarding conditions

SITE LOCATION AND DESCRIPTION

1. The application site is located to the east of Canterbury city centre and extends to an area of approximately 1.59 ha. The application site comprises the Kent and Medway medical school building, associated public realm (Abbey Square) and parking on the Canterbury Christ Church University (CCCU) campus. The surrounding area comprises a mix of uses. North of the application site are residential streets characterised by terraced and semi-detached housing. To the east is St Martin's terrace, a group of two storey dwellings fronting North Holmes Road.
2. With regards to heritage, the application site lies adjacent to the Canterbury St Martins Conservation Area and the Canterbury City Conservation Area. To the east is St Martin's Church and churchyard, which is Grade I listed and forms part of the Canterbury World Heritage Site (WHS). To the south is Old Sessions House, which is in education use, and the former prison (which has permission to be converted), both of which are Grade II listed. West of the site is St Augustine's Abbey, which is Grade I listed and designated as a Scheduled Monument, which also forms part of the Canterbury WHS. The north-western edge of the application site falls just within the WHS and the remainder of the application site is within the WHS buffer zone.

RELEVANT PLANNING HISTORY

3. **CA/16/02081 and CA/16/02082** - full planning permission and listed building consent granted for the comprehensive redevelopment of the site to provide new D1 and A3 floor space, involving part demolition with alterations and extensions to the Grade II listed former HMP Canterbury and walls and change of use from Prison (Use Class C2a) to museum (Use Class D1), food village (Use Class A3) and student services hub (Use Class D1); demolition of back land buildings and ancillary university buildings and erection of a three storey standalone building to provide new teaching and learning facilities together with a lower ground car park; erection of single storey Energy Centre; and landscaping works to enable creation of new public realm and all necessary external works.
4. The above planning permission has been implemented and remains extant. However, the three storey building cannot be built out as the medical building subject to this application has been built in its place.

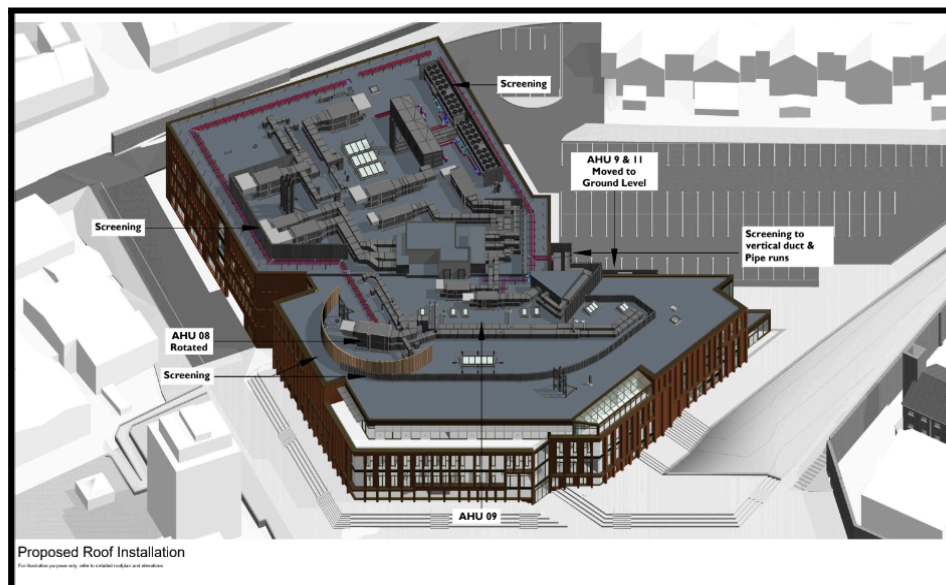
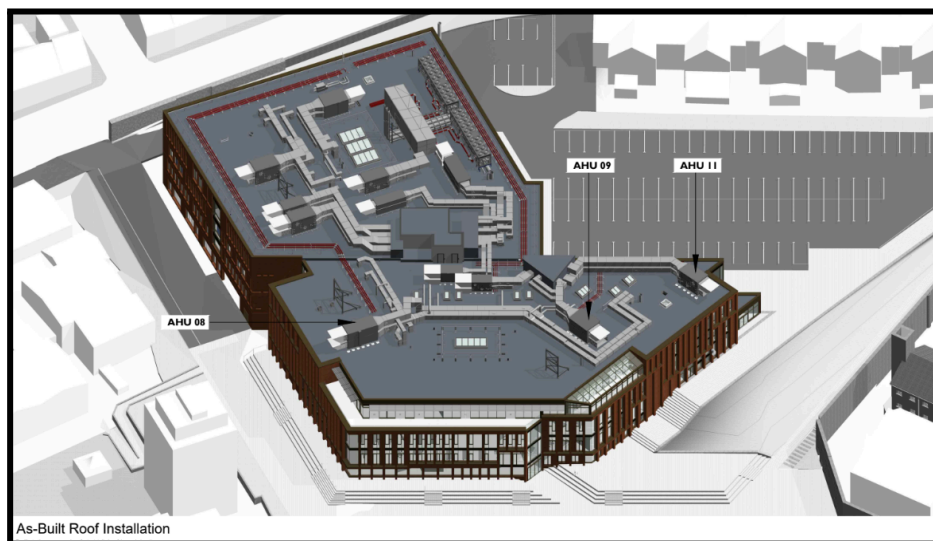
PROPOSED DEVELOPMENT

5. Full planning permission is sought for the retention of the medical school building, with some of the rooftop plant to remain on the roof, together with proposed screening and the relocation of some of the plant from the roof to ground level, together with hard and soft landscaping, parking and other associated works.
6. The medical school building comprises a three-storey building (with basement floorspace and car parking) used by Canterbury Christchurch University and Kent University for educational purposes as part of the Kent and Medway Medical School. Within the medical building, a vast range of university courses are taught, including

healthcare, public health and social care, social sciences, sport exercise and rehabilitation sciences, law policing and criminal justice, engineering and computing.

7. The medical school building was completed in September 2020. As part of this application, the existing roof plant configuration is proposed to be amended. The amendments are as follows:

- The air handling units 9 and 11, which are currently located on the eastern corner of the roof, will be removed from the roof and placed at ground level.
- Air handling unit 8, which is currently located on the western side of the roof, will be rotated and screened by a curved timber screen.
- Additional screening is proposed on the roof to screen the plant that will remain as existing.



8. In accordance with the EIA Regulations, an Environmental Statement (ES) comprising a Non-Technical Summary, Environmental Statement and Technical

Appendices accompanies the application. The ES includes the key areas where there are likely to be significant environmental effects. These are:

- Climate Change
- Noise
- Cultural Heritage
- Townscape and Visual Impact
- Cumulative Effects

CONSULTATIONS

CCC Air Quality - no objection.

CCC Trees - no objection.

CCC Environmental Health - no objection, subject to a condition requiring validation testing of the plant.

CCC Climate Change - no objection.

CCC Heritage - comment as follows:

- It is considered that the proposal results in less than substantial harm to the OUV of the WHS and should be weighed against the other public benefits of the scheme to outweigh the harm identified as per NPPF para 208.

KCC Flood and Water Management - no objection.

KCC Ecological Advisory Service - recommend that the following condition be imposed:

- Within 3 months of planning permission being granted an updated landscaping must be submitted to the LPA for written approval. It must demonstrate how any additional planting within the site will increase opportunities for biodiversity. The plan must be implemented as approved.

KCC Highways and Transportation - no objection, subject to the following conditions:

- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans
- Provision and permanent retention of Electric Vehicle charging facilities
- Provision and permanent retention of the cycle parking facilities
- Completion of a new kerb line and widened footway along Monastery Street/Lady Wootton's Green to improve pedestrian access near Fyndons Gate, in accordance with details to be submitted and approved by the local planning authority in conjunction with the local highway authority.
- Completion of lighting improvements along the existing walking / cycling route between Spring Lane and St Augustine's Road (Pilgrims Way) in accordance with

details to be submitted to and approved by the local planning authority in conjunction with the local highway authority.

KCC Archaeology - no objection, subject to a condition requiring a post excavation report to be submitted to the LPA.

Historic England - no objection, commenting as follows:

- It is for your council to determine the baseline against which this scheme should be assessed. If this is a cleared site, there would be an element of harm which would need to be weighed against the public benefits of the proposals. However, if the baseline is the consented scheme the proposals would not entail any additional harm.
- It is clear from the information provided that the configuration of plant proposed has been carefully designed to minimise intrusion into key views while still ensuring that the buildings can function properly.
- The proposals would be more harmful than the position prior to development taking place. Prior to development it was possible to see not only the cathedral tower but the top of the east end from some vantage points within the churchyard, as is shown on page 29 of the 2010 edition of the Conservation Area Appraisal. The current plant obscures the lower part of the east end and the accurate visual representation prepared in support of this application suggests that this would remain the case. Removing part of the cathedral from the view has diminished its quality albeit only slightly, causing a degree of harm to the outstanding universal value of the World Heritage Site, the significance of these listed buildings and the conservation areas in which they sit.
- However, the proposals would be no more harmful than the consented scheme would have been. Comparing AVRs prepared in support of this application and the consented scheme it is clear, even though they were taken from a slightly different position, that the consented scheme would have also obscured the east end of the Cathedral had it been built. The proportion of the Cathedral that would be visible in the view from St Martin's churchyard would be similar in both cases.
- In the view from St Martin's Steps the Cathedral tower is framed by the Victorian prison on the left and the new building on the right. Moving and screening the plant would greatly improve the appearance of the right-hand side of the frame. As the scheme as built has not obscured this view, merely introduced unsightly distractions, removing these would clearly put its impact on a par with the 2016 baseline, however this is defined.
- Likewise, the backdrop in views of St Augustine's Abbey has been modern buildings for some time. Removing the poorly sited plant would remove clutter in this view, improving it to a point where there would be no appreciable difference between the quality of view shown in the proposals in and the 2016 baseline.

Conclusion

- Historic England has no objection to the application on heritage grounds.
- Your council will need to determine the most appropriate baseline against which the impact of these proposals on the view from St Martin's churchyard should be

assessed. If the approved proposals are used as the baseline, then the proposals would not harm the Outstanding Universal Value of the World Heritage Site, conservation areas and the significance of the Grade I listed Cathedral and Church of St Martin. Thus, the proposals do not raise heritage issues.

- If the baseline chosen is a cleared site, then the Council will need to weigh the harm entailed to the OUV of the World Heritage Site, conservation areas and the Grade I listed Cathedral and Church of St Martin against the public benefits of the proposals in accordance with the NPPF. We are content that this harm has been minimised as far as is possible.

Environment Agency - no objection.

REPRESENTATIONS

9. The application as submitted was publicised within the local press, several site notices were posted within the vicinity of the site and neighbouring occupiers adjoining the site were notified in writing.
10. Seven representations were received, five objecting to the application on the following grounds:
 - The plant equipment on the roof of the Verena Holmes building was installed without planning permission, and with no regard as to its impact on the UNESCO World Heritage Site within which it is situated. These units must be entirely relocated to a location below cornice level of the current building.
 - Any plan moving forward must protect the view from St Martin's Church to Canterbury Cathedral, and mitigate further vandalism to Canterbury's cultural heritage.
 - The proposals reduce the impact but does not go far enough to protect an important part of Canterbury and Christianity in England.
 - This proposal was not widely published for consultation.
 - The whole building is unsightly and inappropriate for the area, a World Heritage Site.
 - Appendix 5.2 is a missing document.

and two supporting the application on the grounds that the proposal for screening and relocation of some of the plant from the roof to ground level would be an improvement to the current situation.

Canterbury Heritage Design Forum (CHDF) - object to the application on the following grounds:

- This roof plant is a long-standing issue dating back to the 2016 application. The photomontages show a definite improvement, although the plant is still very bulky. The screening helps a lot to improve the overall appearance from the long views. The view through St Martin's churchyard is a lot better.

- The key issue is of course, should this be granted permission retrospectively, since if it were not and the non-compliant plant were removed, the building could not function.
- CHDF would argue that the planning report and CGIs contain distortions or errors. The argument that the original 2018 scheme could all be built, ie, the currently omitted Building 3, because the permission for all three buildings is still valid, as construction has started, is contradicted by the council interpretation. It is thus argued that potential future harm that it might cause is currently avoided, reducing the overall impact. The council and we disagree. The CGIs are also disingenuously rendered - the approved building is illustrated with bright silvery roof plant screens, whereas the alternative plant screens in the application are rendered in dark recessive colours, with much reduced visual impact. The relative increase of one third of the height is thus discounted in an unrealistic and improper way. CHDF also view the large rising duct necessary to connect new alternative ground level plant to roof level distribution system as unsightly and badly designed.
- However, we recognise that within the framework of the positions taken by CCC and HE in their comments on the original permission, the small increase in harm to the World Heritage Site sightlines posed by the modified as built scheme is marginal, and the permission is likely to be granted.
- The whole impact of the plant has not been understood and appreciated by most of the councillors - this application should be called in to planning committee to be debated by councillors and lessons learned.
- CHDF want to see all parts of the building built using architectural materials and a condition for providing samples prior to use - the vertical ducting as submitted looks like temporary materials.

DEVELOPMENT PLAN POLICIES

Canterbury District Local Plan 2017

CC2 - Reducing carbon emissions from new development

CC3 - Strategic sites and large developments to provide site wide renewable or gas fired Combined Heat and Power unless specific criteria met

CC4 - Flood risk

CC11 - Sustainable Drainage Systems

DBE1 - All development to incorporate sustainable design and construction measures.

DBE3 - Principles of design

DBE5 - Inclusive design

DBE7 - Public realm

DBE8 - Public open space

DBE9 - Outdoor lighting

EMP8 - Canterbury Christ Church University

HE1 - Historic Environment

HE2 - World Heritage Site and Buffer Zone

HE3 - Significant Views of the City and World Heritage Site

HE4 - Listed Buildings

HE6 - Conservation Areas

HE8 - Heritage Assets in Conservation Areas

HE11 - Archaeology

HE12 - Area of Archaeological Interest

HE13 - Historic Landscapes, Parks and Gardens

LB8 - Ecological improvements to be incorporated into new developments to improve connectivity

LB9 - All development to avoid a net loss of biodiversity and pursue opportunities to achieve a net gain

LB10 - Trees, Hedgerows and Woodland

SP1 - Sustainable Development

T1 - Transport Strategy

T9 - Vehicular Parking Provision

T17 - Transport Assessment and Travel Plans required for developments which would have significant transport implications

QL11 - Air quality

QL12 - Mitigation of pollution from new development

Draft Canterbury District Local Plan 2040

SS1 - Environmental Strategy for the district

SS2 - Sustainable Design Strategy

SS3 - Development Strategy for the district

DS6 - Sustainable Design

DS9 - Education and associated development

DS13 - Movement Hierarchy

DS14 - Active and Sustainable Travel

DS15 - Highways and Parking

DS16 - Air Quality

DS18 - Habitats and landscapes of national importance

DS20 - Flood risk and sustainable drainage

DS21 - Supporting Biodiversity Recovery

DS26 - Historic environment and archaeology

DM12 - Non-residential design

DM15 - Sustainable drainage

DM17 - Noise pollution and tranquillity

DM18 - Light pollution and dark skies

DM25 - Parking Design

C5 - Canterbury Urban Area

National Planning Policy Framework

Section 6 - Building a strong, competitive economy, in particular:

- Paragraphs 85 and 87

Section 8 - Promoting healthy and safe communities, in particular:

- Paragraph 100

Section 11 - Making effective use of land, in particular:

- Paragraph 123

Section 12 - Achieving well designed and beautiful places, in particular:

- Paragraph 131 and 135

Section 16 - Conserving and enhancing the historic environment, in particular:

- Paragraphs 195, 205, 206, 208 and 212

Other material planning considerations

Canterbury Conservation Area Appraisal 2023

Canterbury World Heritage Site Management Plan 2002

Heritage, Archaeology & Conservation 2007

ASSESSMENT

11. This application is brought before the Planning Committee for determination at the request of Councillor Connie Nolan for Members to consider the impact of the development on the WHS. The main considerations in the assessment of this application are:

- Principle
- Design and heritage
- Archaeology
- Parking and highway safety
- Biodiversity and ecology
- Drainage and flood risk
- Sustainability and air quality
- Living conditions

Principle

Use of the site for Higher Education

12. Policy EMP8 of the adopted Local Plan supports the development of new facilities for Canterbury Christ Church University in suitable locations within the urban area of the city, for managed student accommodation and for teaching and general office accommodation. The preamble to this policy acknowledges that education is a very important sector in the District, as well as being important for culture and learning, and the education sector makes a significant economic contribution too as it is a major employer in the public and private sectors. Paragraph 85 of the NPPF confirms that when determining planning applications, that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 100 asserts that to ensure faster delivery of other public service infrastructure, such as further education colleges, local planning authorities should work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.

13. The application proposes the retention of the medical school building on the CCCU campus. This building forms one part of the establishment of Kent's first medical school; the second building (Pears) is located on the University of Kent campus. Jointly delivered by CCCU and the University of Kent, the medical school responds to

a need to grow the medical workforce in Kent and Medway. This building provides students with a state-of-the-art facility, including an anatomy learning centre for dissection, prosection and radiology, lecture theatres, seminar rooms and work spaces.

14. The Council supports new facilities for the university in sustainable areas such as this. The development would support learning in the District and would encourage economic growth. As such, the development accords with policies SP1 and EMP8 of the adopted Local Plan 2017 as well as the NPPF.

Design and heritage

15. Policy DBE3 of the adopted Local Plan requires new developments to have sufficient regard for the context, setting and character of the site. This policy requires developments to be high quality, provide visually interesting frontages, appropriate hard and soft landscaping and provision of amenity and open space amongst other things. Policy DBE7 sets out a list of criteria to achieve high quality public realm. This is endorsed by paragraph 131 of the NPPF, which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
16. The medical building is of three storey scale above ground level and includes basement parking and teaching space. The building has a largely flat roof and is constructed in red brick. The upper floor on the front elevation (visible from within the university campus) has been set back from the frontage façade and is fully glazed, creating a visually interesting and attractive entrance. The building has been designed with numerous projections and recesses and the brick to glass ratio helps to break up the mass and bulk of the building. The fenestration design and placement help to create an attractive modern building. The scale, design and materiality of the medical building is considered to be high quality and responds coherently to the surrounding context.
17. The hard and soft landscaping surrounding the medical building is appropriate given the nature of the site. A car park has been built to the east which has been laid with tarmac. The public realm (Abbey Square) is considered to be a positive element of the proposal and promotes high quality surfacing and landscape design, with key views of the WHS.
18. Turning to the rooftop, air handling units 9 and 11, which are currently located on the eastern corner of the roof, will be removed from the roof and placed at ground level. Air handling unit 8, which is currently located on the western side of the roof, will be rotated and screened by a curved timber slatted screen. Additional screening is proposed on the roof to screen the plant which will remain. This screening will consist of dark grey PPC slats. In my view, the proposed roof plant layout, design and scale has been carefully designed to ensure the building can function properly whilst reducing harm to heritage assets as far as possible. A condition is recommended to ensure samples of the screening are submitted to the Council before being erected on the roof.

Heritage assets

19. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
20. Paragraph 205 of the NPPF states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation (and the more important the asset, the greater the weight should be). Paragraph 206 states that significance can be harmed or lost through development within its setting and that any harm should require clear and convincing justification. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
21. Policy HE1 of the adopted Local Plan seeks to support proposals that protect, conserve and enhance the historic environment but where harm is established, it also seeks to balance this against the public benefits. Policy HE2 states the Council will protect and enhance the Outstanding Universal Value of the inscribed Canterbury World Heritage Site. Development within it should protect and enhance the character, integrity and quality of these values. Development within the buffer zone and setting should not have an adverse impact on those values, including views into and from the Site. Further, major development within the Buffer Zone must preserve and, where possible, improve the links and connections between the three separate parts of the WHS. Policy HE3 protects significant views of the City, and in particular the three parts of the WHS and their setting, from both within and from outside the City. Policy HE4 seeks to preserve and enhance the character and appearance of listed buildings, including their setting and policy HE6 seeks to preserve or enhance conservation areas.

Grade II listed former prison and Grade II listed Old Sessions House

22. The former HMP Canterbury consists of a Grade II listed nineteenth-century complex of three cell blocks, a central octagonal core and an octagonal perimeter wall with entrance gateway. The prison is identified as a landmark building, owing to its historical importance and visual prominence within the area. Old Sessions House is located adjacent to the prison and was constructed in the early 1800s to accommodate a courtroom, public hall, prisoners' dock and a jury room. The Grade II listed building has been extensively altered and refurbished although the original Georgian façade remains to the west of the large 1990s extension.

23. The most southerly part of the medical building is separated from the former prison and Old Sessions House by over 20m. The relationship between these heritage assets and the medical building is considered to be appropriate. The height and bulk of the building successfully integrates to the historic context and does not detract from the setting of the prison or Old Sessions House. The use of red brick and the fenestration arrangement provides a visual 'link' to the prison, ensuring the building does not appear incongruous when viewed alongside it. The public realm (Abbey Square) is considered a positive feature in the setting of the listed buildings. Its open expanse is considered to aid the sense of arrival to the prison quarter on approach from the west with the exposed prison wall in full view from this public vantage point.
24. Therefore, it is considered that no harm is caused to the setting of the former prison and Old Sessions House and as such the setting of these heritage assets are preserved.

Impact on the setting of the World Heritage site (WHS) and other heritage assets

25. The north western edge of the application site falls just within the Canterbury Cathedral, St Augustine's Abbey and St Martin's Church WHS and the remainder of the application site is within the WHS buffer zone. The three sites, which together form the WHS, are of Outstanding Universal Value for illustrating key milestones in the history of Christianity in Britain and for their display of medieval architecture, stained glass and furnishings. Each component of the WHS is individually designated and are within conservation areas.
26. The application site sits between the upstanding remains of St Augustine's Abbey and the pre-Augustinian Church of St Martin. St Augustine's Abbey dates from 598 AD and was built originally for monks who followed St Augustine from Rome. St Martin's Church dates back to a building that St Augustine and his followers worshipped at on their arrival from Rome in 597. The church is thought to be the oldest continuously used Christian site in England.
27. Due to the modern expansion of the city, there has been a severing of the physical and visual connection between St Augustine's Abbey and St Martin's Church and interruption of long views of the Cathedral from the church. From a number of points in the graveyard of St Martin's Church, the Cathedral's Bell Harry tower can be seen. The most important of these views is from the top of the graveyard, where all three parts of the WHS are aligned. This particularly has a symbolic resonance as it is possible to stand by the oldest site of continual Christian worship in the country and look out towards the central tower of the Cathedral, the symbolic centre of Anglican worship worldwide.
28. Assessments of the impact on views of the proposed development from St Augustine's Abbey and St Martin's Church are incorporated into the ES, which demonstrate the proposals potential to affect the Outstanding Universal Value (OUV) and significance of the WHS.

29. This proposal is to retain the existing building, which is smaller than the building that was previously approved on the site in 2016. The decision to approve the previous proposed building is a material consideration, which should be taken into account in deciding the current application. It is also, however, acknowledged that the previously approved building was not in fact built and now is incapable of being built given the existence of the building that has been built in its place.
30. From St Martin's Church, the two key views are from the steps and the churchyard (views L1 and L2 respectively in the World Heritage Impact Assessment (WHIA)). From view L1, the WHIA concludes that the proposed development would preserve the visibility of the tower of the Cathedral. Historic England has reviewed the submitted information and considers that the impact of the proposed development is on par with the 2016 baseline. In my view, the Cathedral tower remains the focal point of the view, framed by the prison on the left and the medical building on the right. The choice of red brick and the appropriate scale of the medical building help assimilate the building into the view. The plant would be screened through a vertical slatted arrangement, with an enclosure at ground floor linked from roof level. I concur with Historic England, that the impact on the heritage assets from this view is similar to that which was agreed with the planning permission from 2016.
31. The proposals have the greatest potential impact on the view from St Martin's churchyard (view L2). This is identified as being of importance in the Canterbury Conservation Area Appraisal 2023, which states that "any new development should ensure that the cathedral retains its dominance in this view's skyline". Some of the trees which existed in the 2016 baseline scenario have been removed. This opens up the view of the Cathedral (and the medical building). The WHIA states that, with the proposed development, the Cathedral would remain the dominant element in the skyline, attractively framed by the trees and therefore the legibility of the relationship between the two parts of the WHS would remain. The medical building lies below the horizon, although a small part of the plant screen would stand above the ridgeline of the east end of the Cathedral.
32. Historic England explains that, in its view, the proposals would be more harmful than the position prior to development taking place. Prior to development it was possible to see not only the cathedral tower but the top of the east end from some vantage points within the churchyard. The development would remove part of the cathedral from this view, causing a low level of harm to the outstanding universal value of the WHS, the significance of the listed buildings and the conservation areas in which they sit. However, Historic England go on to conclude that the proposals would be no more harmful than the permitted scheme would have been because the permitted scheme would have also obscured the east end of the Cathedral had it been built. Importantly, therefore, the proportion of the Cathedral that would be visible in the view from St Martin's churchyard would be similar in both cases.
33. Another important viewpoint is from within St Augustine's Abbey looking eastwards, towards the medical building itself. The WHIA considers that from this view, the development would appear as a high-quality new development in the background of views across the abbey ruins. At roof level, air handling unit 8 would be screened by

timber and grey PPC slats. The screen is proposed to be cured to ensure the plant cannot be viewed as one moves around the Abbey complex. Historic England considers that there would be no appreciable difference between the quality of view shown in the proposals and the 2016 baseline. The backdrop in views of St Augustine's Abbey has been modern buildings for some time.

Balancing the less than substantial harm against public benefits

34. The proposed development would result in less than substantial harm to the heritage assets, including the conservation areas, Grade I listed Cathedral, the Church of St Martin and to the OUV of the World Heritage Site. The harm to heritage assets is considered to be on the lower end of the scale. Members must afford considerable importance and weight to such harm. Paragraph 206 of the NPPF requires clear and convincing justification for harm to heritage assets and paragraph 208 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Public benefits can be anything that delivers economic, social or environmental objectives.
35. The applicant has reviewed a number of different options throughout the pre-application stage in order to ensure that the chosen scheme is the least harmful to heritage assets. The scheme proposed minimises the impact on heritage assets as much as possible, whilst still ensuring that the medical building can function. Historic England agree that the harm has been minimised as much as possible.
36. The medical school provides a centre for medical training and research in Kent to enable the training of new doctors. The proposed development provides medical students with a state-of-the-art facility, including an anatomy learning centre for dissection, prosection and radiology, lecture theatres, seminar rooms and work spaces. To date, the facility has created 74 jobs for staff and provided 111 additional university places in 2021 and is on course to provide 535 new university places by 2025 and a total of circa 130 full time jobs are proposed to be created by 2033. The proposed development would support learning in the District and would encourage economic growth which is given significant weight.
37. The proposed development also provides a high quality quasi-public open space (Abbey Square), which offers considerable opportunities for enhanced appreciation and interpretation of the World Heritage Site. This is considered to be a heritage benefit and accords with paragraph 212 of the NPPF, which states that local planning authorities should look for opportunities for new development within conservation areas and world heritage sites, and within the setting of heritage assets, to enhance or better reveal their significance.
38. Overall, I have had special regard to the statutory duty to pay special attention to the desirability of preserving the OUV of the World Heritage Site, the adjoining conservation areas, designated Scheduled Ancient Monument and listed buildings. In the balance of public benefits against the effect of the proposal on the setting and significance of heritage assets considerable importance and great weight has been

given. Less than substantial harm has been identified to the heritage assets, however, this in my view, is outweighed by the significant public benefits of the proposal. The scheme therefore complies with paragraph 208 of the NPPF.

Archaeology

39. The Local Plan states that planning applications, on sites where there is or is the potential for an archaeological heritage asset, must include an appropriate desk based assessment of the asset. The application site lies within an Area of Archaeological Importance and close to St Augustine's Abbey scheduled ancient monument.
40. The building has already been built and no further ground works are proposed as part of this application. KCC Archaeology request a condition for a post-excavation report to be submitted to the LPA to include a description and assessment of the results of all archaeological investigations that have been undertaken, an updated project design outlining measures to analyse and publish the findings of archaeological investigations and a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition.
41. Subject to this condition, the development is in accordance with policies HE11 and HE12 of the Canterbury District Local Plan 2017 and the NPPF.

Parking and highway safety

42. The Local Plan states that when assessing design quality, safe movement within and around a proposed development must be a consideration. Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if the residual cumulative impacts on the road network would be severe.
43. A Transport Assessment has been submitted with this application, which concludes that the proposed scheme sees a reduction in student/staff numbers when compared to the permitted scheme due to the reduction in floorspace. As such, there will be fewer trip generations compared to what has previously been granted. With regards to parking, 20 parking spaces have been provided in the underground car park and 92 parking spaces have been provided to the east of the building, giving a total of 112 spaces. This represents a small increase in what was originally granted (105 spaces) which is acceptable. Secure cycle parking provision has been provided on site and the EV charging points are proposed to be increased to 10%.
44. KCC Highways and Transportation have requested improvement works to be carried out, including the completion of a new kerb line and widened footway along Monastery Street/Lady Wootton's Green to improve pedestrian access near Fyndons Gate and completion of lighting improvements along the existing walking / cycling route between Spring Lane and St Augustine's Road (Pilgrims Way). The applicant has confirmed they are committed to the improvements requested and raise no objection to them being secured by condition.

45. Subject to conditions, the proposal is considered to have an acceptable highways impact in accordance with policies DBE3, T1 and T9 of the Canterbury District Local Plan 2017 and the NPPF.

Biodiversity and ecology

46. The Local Plan states that development should avoid a net loss of biodiversity/nature conservation value. This will be secured by ensuring that a development site evaluation is undertaken to establish the nature conservation value of the proposed development site.
47. A Preliminary Ecological Appraisal (PEA) has been submitted in support of this application. The submitted PEA identifies that the site, pre development, was of low ecological importance and no additional ecological surveys are required. As part of the development, soft landscaping has been implemented including tree planting, hedgerows, grassland and a small vineyard.
48. The report recommends that further enhancements are incorporated into the development, such as infilling gaps in the hedgerows, creating species rich grassland and native shrubs.
49. KCC Ecological Advisory Service raises no objection, subject to a condition requiring further ecological enhancements. Subject to the above condition, the proposal is considered to comply with policy LB9 of the Canterbury District Local Plan 2017 and the NPPF.

Drainage and flood risk

50. The Local Plan states that all development applications should include drainage provision to ensure that surface water is appropriately controlled within the development site, manage flood risk on-site and off-site and not exacerbate any existing flood risk in the locality.
51. The application site lies within Flood Zone 1 and therefore is at low risk of flooding. A Flood Risk Assessment report submitted with the application. The foul drainage for the building connects to the Southern Water foul sewer on Longport Road. With regards to surface water, the sustainable urban drainage systems have been designed to manage surface water run-off and allow the rainwater to soak into the ground through infiltration. The SUDS scheme was designed to account for 1 in 100-year storm event with a 40% allowance for climate change.
52. KCC Flood and Water Management raise no objection and no conditions are necessary, given the drainage has been built. The building would not increase the risk of flooding and therefore the proposal is considered to comply with policies CC4 and CC11 of the Canterbury District Local Plan 2017 and the NPPF.

Sustainability and air quality

53. The Local Plan requires new development to incorporate sustainable design and construction measures and measures to reduce carbon emissions from energy use. The Local Plan also seeks to avoid any significant effects on air quality taking account of the cumulative effects of individual sites.
54. A BREEAM Certificate has been provided with the application, demonstrating that the building achieved a 'Very Good' rating, in line with policy DBE1. The development includes solar panels on the roof of the building and 10% of parking spaces will be EV. The Council's Climate Change officer raises no objections to the information provided.
55. An Air Quality Assessment has been submitted with the application, which concludes that the building will not cause an adverse impact on air quality. The assessment has been viewed by an external consultant, who raised no objection.
56. Given the above, the proposed development would be in accordance with policies DBE1, CC2, CC3, QL11 and QL12 of the adopted Canterbury District Local Plan 2017 and the NPPF.

Living conditions

57. The NPPF states that planning decisions should aim to secure a good standard of amenity for all existing and future occupants of land and buildings.
58. The nearest neighbouring properties to the medical building are the row of two storey terraces on St Martin's to the east. Given the scale of the building, together with the separation distances to these neighbours, no unacceptable impacts would result.
59. A site lighting report has been submitted, which shows locations and types of lights fitted on the building and in the car park. The report confirms that the siting and location of all fixtures and fittings were chosen to carefully consider potential for overspill to neighbouring properties and to eliminate light pollution. As such, the lighting details are considered to be acceptable and would not adversely impact neighbouring properties.
60. A Noise Impact Assessment has been submitted with the application, in the ES which has been reviewed by an external consultant. The consultant has reviewed the submitted information and concludes that, with the mitigation as proposed (acoustic screening around the two chillers), the noise impacts from the rooftop plant at the nearest noise sensitive receptors (terrace row on St Martin's) would not be unacceptable.
61. A condition is recommended to ensure validation testing is carried out to demonstrate that the noise emissions from the rooftop mechanical plant items comply with the proposed emission limits of 52 dBA at 1m or 59 dBA at 3m in accordance with Table 4.2 of the Noise Impact Assessment.

62. Subject to this condition, no adverse impacts on neighbouring properties would result and the development accords with policy DBE3 of the Local Plan 2017.

Conclusion

63. The application site is located on the CCCU campus, in the urban area of Canterbury, where the principle of educational uses is acceptable in principle. The medical school provides a centre for medical training and research in Kent to enable the training of new doctors. The facility has increased student enrollment at CCCU and provided new job opportunities. I attach significant weight to the economic and academic benefits arising from this proposal. The proposal also makes effective use of brownfield land and provides high-quality public realm where the World Heritage Site can be appreciated.

64. This report has set out and evaluated the material considerations, including the heritage assets, archaeology, drainage, biodiversity, living conditions of neighbouring occupiers, sustainability, air quality and highway safety. I have identified that the proposal would result in less than substantial harm to heritage assets, which include listed buildings, conservation areas and the World Heritage Site. In accordance with local and national policies, I have weighed this harm against the public benefits, of which I consider to be significant.

65. The Environmental Statement submitted with the planning application provides an adequate assessment of the environmental effects of the proposed development. It is concluded that the environmental effects of the development would not be such that planning permission should not be granted.

RECOMMENDATION

66. For the reasons set out above, it is recommended that planning permission is granted, subject to safeguarding conditions.

DRAFT CONDITIONS FOR DECISION NOTICE

Application No: **CA/23/02263**

Proposal: **Retention of the existing medical school building with some of the existing rooftop plant to remain on the roof of the building together with proposed screening and the relocation of some of the plant from the roof to ground level together with hard and soft landscaping, parking and other associated works**

Location: **Canterbury Christchurch University College North
Holmes Road Canterbury Kent CT1 1QU**

1. The development hereby approved shall be carried out in accordance with the submitted drawings:

- Site Location Plan 18021 - HAM - XX - XX - DR - A - 1000 P2
- Proposed Site Layout 18021 - HAM - XX - XX - DR - A - 1002 P4
- Proposed Landscaping 1003 P1
- As Built External Lighting Layout 1005 P1
- Landscape Details 18021 - HAM - XX - XX - DR - A - 1006 P1
- Landscape Details 18021 - HAM - XX - XX - DR - A - 1007 P1
- Landscape Details 18021 - HAM - XX - XX - DR - A - 1008 P1
- Landscape Details 18021 - HAM - XX - XX - DR - A - 1009 P1
- Landscape Details 18021 - HAM - XX - XX - DR - A - 1010 P1
- Landscape Details 18021 - HAM - XX - XX - DR - A - 1011 P1
- Landscape Details 18021 - HAM - XX - XX - DR - A - 1012 P1
- Landscape Details 18021 - HAM - XX - XX - DR - A - 1013 P1
- Landscape Details 18021 - HAM - XX - XX - DR - A - 1014 P1
- Landscape Management Plan 18021-HAM-XX-XX-RP-A-0001
- Gate 5 Details 18021 - HAM - XX - XX - DR - A - 1015 P1
- As Built Ground Floor Plan 18021 - HAM - XX - XX - DR - A - 1100
- As Built First Floor Plan 18021 - HAM - XX - XX - DR - A - 1101
- As Built Second Floor Plan 18021 - HAM - XX - XX - DR - A - 1102
- As Built Third Floor Plan 18021 - HAM - XX - XX - DR - A - 1103
- Proposed Roof Plan 18021 - HAM - XX - XX - DR - A - 1200 P2
- Proposed Elevations 18021 - HAM - XX - XX - DR - A - 3002 P2
- Proposed PV Installation 18021 - HAM - XX - XX - DR - A - 1004 P1

REASON: To secure the proper development of the area.

2. A scheme of highway works comprising:

- Completion of a new kerb line and widened footway along Monastery Street/Lady Wootton's Green to improve pedestrian access near Fyndons Gate
- Lighting improvements along the existing walking/cycling route between Spring Lane and St Augustine's Road (Pilgrims Way)

shall be submitted to and approved in writing by the Local Planning Authority. These works shall subsequently be completed within **18 months** of planning permission being granted.

REASON: In the interests of highway safety and to mitigate the impacts arising from the development in accordance with Policies T10 and T17 of the Canterbury District Local Plan 2017.

3. Within **6 months** of planning permission being granted, an updated landscaping plan shall be submitted to the Local Planning Authority for approval. The updated landscaping plan shall incorporate the measures included with page 38 'Ecological Constraints and Opportunities Plan' of the submitted PEA and shall demonstrate how these measures will increase opportunities for biodiversity. The plan shall be implemented as approved and in accordance with a timetable to be agreed with the Local Planning Authority.

REASON: In the interests of biodiversity.

4. Within **6 months** of planning permission being granted, a Post-Excavation Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. The Post-Excavation Assessment Report shall include:
 - a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
 - b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
 - c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

The measures outlined in the Post- Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

REASON: To ensure appropriate assessment of the archaeological implications of the development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

5. Within **18 months** of planning permission being granted, the 5 EV charging points, serving 10 parking spaces, as shown on approved drawing Proposed Site Layout 18021 - HAM - XX - XX - DR - A - 1002 P4 shall be installed and thereafter maintained in perpetuity.

REASON: In the interests of sustainability.

6. The acoustic screening shall be installed within **18 months** of planning permission being granted. Following the installation, a competent person shall have ensured that the level of noise emitted from the site's plant, equipment and machinery shall not exceed 52dBA at 1m or 59 dBA at 3m, in accordance with table 4.2 of the Noise Impact Assessment. The assessment shall have been made in accordance with the current version of British Standard and confirmation of the findings of the assessment shall be submitted to and agreed in writing by the Local Planning Authority and shall be adhered to thereafter.

Until such time that the chiller acoustic screening is installed, use of the chillers shall be limited to 10:00 to 16:00 hours Monday to Friday from 1st May to 30th September inclusive.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance in accordance with policy DBE3 of the Canterbury District Local Plan 2017 and the National Planning Policy Framework.

7. Any trees or plants which within a period of 5 years, from the date of this Decision, 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.

REASON: In the interests of the visual amenities of the area in accordance with policy DBE3 of the Canterbury District Local Plan 2017.

8. The development hereby approved shall be carried out in accordance with the Travel Plan (August 2021).

REASON: In the interests of sustainability.

9. The area shown on the approved drawing Proposed Site Layout 18021 - HAM - XX - XX - DR - A - 1002 P4 for parking and manoeuvring of vehicles shall be maintained for this purpose in perpetuity.

REASON: In the interest of highway safety.

10. The cycle storage, as shown on approved drawing Proposed Site Layout 18021 - HAM - XX - XX - DR - A - 1002 P4 shall remain in perpetuity.

REASON: In the interests of promoting increased cycling in accordance with the National Planning Policy Framework and in accordance with policy T9 of the Canterbury District Local Plan 2017.

11. Prior to the erection of the screening on the rooftop, physical samples of the screening shall be submitted to the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved samples.

REASON: To secure the proper development of the area.

AGENDA ITEM NO

Subject:	Planning Appeals - Decisions
Director/Head of Service:	Head of Planning
Decision Issues:	These matters are within the authority of the Committee.
Decision:	Non-key.
Classification:	This report is open to the public.
Ward:	Nailbourne
Appellant:	Mrs Sandra Clay
Application No:	CA/22/02705
Proposal:	Two storey dwelling.
Location:	Bridge Down, Bridge Road, Bridge, Canterbury, Kent, CT4 5AL
Application Decision Level:	Delegated
Planning Inspector:	David Wyborn
Appeal Decision:	Appeal Dismissed

The application was refused on the grounds that the site lies outside of any identified settlement, resulting in an unsustainable form of development, its backland location being harmful to the Conservation Area and failure to mitigate impacts on Stodmarsh.

The Inspector considered the site would not be in a sustainable location for future occupiers as future occupiers would have to rely on the use of a car to services and facilities. They also commented that the dwelling would not be conspicuous in the landscape, eroding the contribution the undeveloped space makes to the conservation area. The Inspector noted the small benefit to the housing supply along with its sustainability credentials, however did not consider this to outweigh the harm to the character and appearance of the conservation area.

No detailed drainage plan and specifications of the treatment package plant proposed were submitted with the appeal and so, there is uncertainty that the scheme would be able to achieve nutrient neutrality.

For these reasons, the appeal was dismissed.

Ward: Little Stour and Adisham

Appellant: Mr J Miller

Application No: CA/22/02019/FUL

Proposal: Detached 3 bedroom single storey dwelling

Location: Rear of 15 Station Road, Adisham, Canterbury, Kent, CT3 3JF

Application Decision Level: Delegated Decision

Planning Inspector: D Wyborn

Appeal Decision: Appeal Dismissed

The application was refused on the grounds of its backland location being out of keeping with the character of development in the area and potential harm to highway safety, in the absence of plans showing adequate visibility splays can be achieved from the access and vehicles can turn and safely exit the site and emergency services can access the site.

The Inspector disagreed that the proposed dwelling was in a backland position. Both visibility splays and a swept path analysis were submitted during the appeal but the Inspector considered that due to the lack of turning area, a fire appliance would be unable to safely access the site. Furthermore, given the dwelling's distance from the highway, it could neither achieve the 90m hose lay distance as required by the fire services. As such, the proposal was considered to have an unacceptable impact upon the safe movement of emergency service vehicles.

For these reasons, the appeal was dismissed.

Ward: Chartham and Stone Street

Appellant: Mr P Baker

Application No: CA/22/01969/FUL

Proposal: Erection of 2 dwellings and 1 garage, together with associated garaging to existing dwelling

Location: The Retreat, London Road, Upper Harbledown, Canterbury, Kent, CT2 9AY

Application Decision Level: Delegated Decision

Planning Inspector: D Wyborn

Appeal Decision: Appeal Dismissed

The application was refused on the grounds that the site lies outside of any identified settlement and encroaches into the countryside, resulting in an unsustainable and harmful form of development.

The Inspector agreed, commenting that future occupants would be without the reasonable ability to access services and facilities other than by private vehicle.

For these reasons, the appeal was dismissed.

Ward: Barton

Appellant: Mrs. Leah

Application No: CA/23/01367

Proposal: Application under the prior approval process for enlargement of a dwelling house by construction of an additional storey with a maximum overall height of 7.30 metres

Location: Wilmington Lodge Trenley Drive Canterbury Kent CT3 4AW

Application Decision Level: Delegated Decision

Planning Inspector: S. Glassar

Appeal Decision: Allowed

The application for prior approval was refused on the grounds that the height and resultant scale of the dwelling would cause significant harm to the appearance of the dwelling and surrounding area.

Acknowledging the intent of the prior approval process is to allow some increase in height to properties, the Inspector concluded that the proposal would not harm the existing building nor appear visually dominant in the street scene, noting that there was a variety of architectural style and design of properties within the vicinity. This included a nearby two storey property that, although larger in scale, did not appear incongruous within the site context.

For these reasons, the appeal was allowed.

Ward: Chestfield

Appellant: Mr and Mrs K. Coleman

Application No: CA/23/00285/FUL

Proposal: Single-storey detached dwelling

Location: 38 Nursery Close, Whitstable, CT5 1PD

Application Decision Level: Delegated Decision

Planning Inspector: R Buchanan

Appeal Decision: Dismissed

The application was refused on the grounds of the backland siting of the proposed dwelling being out of character with the linear pattern of residential development in the area.

The Inspector agreed, commenting that the proposal would be out of keeping and incompatible with the prevailing pattern, sequence and layout of the surrounding properties.

For this reason, the appeal was dismissed

Ward: Seasalter

Application No: CA/23/00136/FUL

Proposal: Detached two-storey dwelling with associated parking following demolition of existing garage

Location: 43 Grimthorpe Avenue, Whitstable, CT5 4PZ

Application Decision Level: Delegated Decision

Planning Inspector: R Buchanan

Appeal Decision: Dismissed

The application was refused on the grounds that the plot size for the dwelling would result in a cramped form of development that would be out of character with the character of the area.

The Inspector agreed, commenting that the proposal would undermine both the integrity and cohesiveness of the low-key properties in the immediate vicinity, resulting in an overbearing and overly imposing form of development.

For this reason, the appeal was dismissed.

Ward: Herne and Broomfield

Appellant: Mr and Mrs Walters

Application No: CA/23/01001

Proposal: First floor extension and single-storey extensions to front and rear including balcony to rear

Location: Waltersville, Bullockstone Road, South Of Thanet Way, Herne Bay, Kent, CT6 7NL

Application Decision Level: Delegated Decision

Planning Inspector: S. Glassar

Appeal Decision: Dismissed

The application was refused on the grounds that the resultant building would be of a bulk and scale that would appear unduly prominent and out of keeping with the predominant character of the street scene.

The Inspector noted the scheme proposed a shallow roof pitch and accommodation within the roofslope, to try to reduce the visual impact and scale of the property. However, they acknowledged that the resultant dwelling would still be a significantly larger building that would dominate and significantly harm this part of the street scene, which consisted of single storey dwellings, some with accommodation within their roofslopes.

For this reason, the appeal was dismissed

Ward: Beltinge

Address: 97 Beltinge Road, Herne Bay, Kent, CT6 6HW

Reference Number: HH/20/00330,

Notice Type: High Hedge Remedial Notice

Appeal Reference: APP/HH/1999

Planning Inspector: R J Perrins MA ND Arbor Tech ArborA

Appeal Decision: Appeal is allowed in part, with variation to Notice.

The Inspector agreed with the Council's decision to issue the High Hedge Remedial Notice but considered that the reduction in height required by the Notice was more than what was actually required to strike a balance between the neighbours right of enjoyment of their property and the health of the hedge. The Inspector therefore varied the Notice to allow for a smaller reduction of height.

Ward: Blean Forest
Appellant: Father P. Hernden
Application No: CA/22/01294/FUL
Proposal: Detached two-storey dwelling following demolition of existing chapel.
Location: Church of St Gabriel, Rough Common Road, Canterbury, CT2 9DJ

Application Decision Level: Delegated Decision

Planning Inspector: C Shearing

Appeal Decision: Dismissed

The application was refused on the grounds that the development would result in the loss of a church, together with the cramped and contrived appearance of the resultant dwelling itself.

The Inspector commented that the unique circumstances surrounding the use of the building as a church rendered it impractical for marketing. They also commented that considering the infrequent, ill-attended services on offer prior to its closure along with its lack of basic facilities, this evidence alone was sufficient to demonstrate that the use was no longer viable.

In terms of the proposed dwelling, the Inspector commented that whilst the resultant plot would be irregular in shape and smaller than those properties in the immediate vicinity, this was considered to be acceptable given there is little consistency in the size and layout of these plots; meaning the development would not cause any visual harm.

Notwithstanding the above, the proposal did not include any mitigation in relation to Stodmarsh. For this reason, the appeal was dismissed.

Ward: Sturry
Appellant: Mr N Masters
Application No: CA/22/02231
Proposal: Erection of 4 residential dwellings, associated highways works and landscaping
Location: Land West of Herne Bay Road, Calcott, Sturry, CT3 4NB

Application Decision Level: Delegated Decision

Planning Inspector: J Downs
Appeal Decision: Dismissed

The application was refused on the grounds that the site lies outside of any identified settlement and encroaches into the countryside, resulting in an unsustainable and harmful form of development, along with unacceptable harm to protected species and habitats.

The Inspector agreed on both counts, commenting that future occupants would be without the reasonable ability to access local amenities other than by private vehicle and that, in the absence of further ecological reports, the proposal would cause harm to protected species.

For these reasons, the appeal was dismissed.

Ward: Tankerton
Appellant: Whitstable Oyster Company
Application No: CA/22/02356/FUL
Proposal: Three-storey building containing five flats following demolition of existing detached dwelling
Location: Penny Lodge, Tower Hill, Whitstable, Kent, CT5 2BW

Application Decision Level: Delegated Decision

Planning Inspector: S Glassar

Appeal Decision: Dismissed

The application was refused by reason of the building's scale, form and design which would have appeared as an unduly prominent and incongruous addition in the streetscene, thereby failing to preserve the character and appearance of the Tankerton Conservation Area.

The Inspector agreed with this assessment, commenting that the angular, zinc seamed roof would constitute a jarring element when viewed from Tower Hill which becomes exacerbated by the building's massing and bulk, accentuating its discordant nature. As such, the scheme was unsympathetic to the Tankerton Conservation Area, causing less than substantial harm.

For this reason, the appeal was dismissed.

Ward: Gorrell
Appellant: Mr J Green
Application No: CA/22/00888

Proposal: Details submitted pursuant to condition 04 (beach safety assessment) of appeal decisions APP/J2210/C/18/3209297, 3209299 and 3209300

Location: Land At Whitstable Beach, Whitstable Foreshore,, Landward Of Mean Low Water Line, Whitstable, CT5 1EJ

Application Decision Level: Committee
Planning Inspector: B Pattison
Appeal Decision: Allowed
Costs Appeal Decision Dismissed

The application was refused on the grounds that the Beach Safety Assessments submitted by the applicant were neither a sufficiently reasoned nor robust appraisal of the level of risk associated with the installation of the trestles and how they impact on users of the beach.

The Inspector clarified that the original appeal decision considered marine safety in detail and that condition 4 was imposed to ensure that an assessment of the safety measures needed to further limit any risk to the users of the beach were considered and put into place.

The Inspector noted that the BSA included a detailed Hazards and Control Measures table, detailing actions to be undertaken to minimise risk to beach and water users. Scoring attributed to each of the risks were considered to represent a sufficient and reasoned appraisal of the level of risk, with clear control and management measures identified with linked actions. Measures to mitigate potential identified risks were also set out within the BSA.

To conclude, the Inspector did not find the BSAs to be vague, imprecise or lacking sufficient detail. Overall, they considered that the documents allowed the appellant sufficient discretion in the management of hazards and related actions, whilst ensuring that the safety of beach users is mitigated.

For the reasons above, the appeal was allowed.

In relation to the costs appeal, the Inspector found that the reason for refusal was complete, precise, specific, relevant to the application which was considered and detailed the alleged shortcomings in the appellants' BSAs. On that basis, the Inspector found that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated. The costs appeal was therefore dismissed.

Ward:

Appellant: Mrs Lillian Kyei
Application No: CA/22/002299
Proposal: Change of use from existing brigade building to 3 residential units with a roof dormer extension to front and rear elevation.
Location: St John Ambulance Brigade Hall, New Street, Herne Bay, Kent, CT6 5AH
Application Decision Level: Delegated
Planning Inspector: Jane Smith
Appeal Decision: Dismissed

The application was refused on the grounds of the unjustified loss of a community facility and the form and design of the dormer window appearing prominent and out of keeping in the locality and the Herne Bay Conservation Area. The application was also refused on failure to secure SAMMS and failure to mitigate its impacts on Stodmarsh.

The Inspector agreed that it had not been evidenced that other community uses or alternative users were explored. They also agreed that proposed design of the dormer window would be alien within the street, failing to preserve the character and appearance of the conservation area.

For these reasons, the appeal was dismissed.

Ward: Seasalter
Appellant: Mr Geering
Application No: CA/22/02062
Proposal: Outline application for 9 self-build homes with all matters reserved except access
Location: Land South East of Dargate Road, Yorkletts, Whitstable, Kent, CT5 3AH
Application Decision Level: Delegated
Planning Inspector: C Shearing
Appeal Decision: Allowed

The application was refused on the grounds that the site lies outside of any identified settlement and encroaches into the countryside, resulting in an unsustainable and harmful

form of development, along with unacceptable harm to protected species and habitats and failure to secure SAMMS.

The Inspector stated that whilst Yorkletts is not identified as a settlement suitable for housing in the Local Plan, the site is not isolated, with facilities around the petrol station being a short walk from the site, along with a bus service. Although the Inspector notes that there is not a consistent pathway with street lighting and pavements to and from this, they comment that the site is a short drive from Whitstable with all the services and facilities. As such, the Inspector concluded that the site is not unsustainable.

The Inspector states that the proposal would change the character of the area with the introduction of the dwellings and associated works, but concluded there would not be adverse harm - the development would be concealed from some viewpoints due to vegetation and topography and the proposal could be designed in a way to avoid any landscape harm.

The Inspector considered the presumption in favour of sustainable development and noted that in previous appeals for housing developments elsewhere in Yorkletts, the area was not considered to be isolated. The benefits of the proposal have been highlighted such as contribution towards housing stock and self-build housing. Alongside, some biodiversity benefits and economic benefits to the proposal into the local economy. As such, the Inspector concluded that any adverse impacts would not significantly outweigh the contribution of the proposal to housing stock, as well as the economic benefits from the construction process and the biodiversity benefit to the site.

A unilateral undertaking to secure SAMMS was provided with the appeal, along with further ecology information to address this reason for refusal.

For these reasons, the appeal was allowed.

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