

Minutes of the meeting of the **PLANNING** Committee held at the Council Offices, Whitfield on Thursday 2 April 2009 at 6.00 pm.

Present:

Chairman: Councillor S G Leith

Councillors: T A Bond  
S S Chandler  
M S Furnival  
J M Munt  
J C Record  
F J W Scales  
A R Smith  
J M Smith  
R S Walkden

Officers: Head of Development and Public Protection  
Development Control Manager  
Development Engineer, KCC  
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/08/0863	–	Mr G Davies
DOV/08/1364	Councillor T J Bartlett and Mr S Skinner	–
DOV/09/0109	Mr N Aziz	Mr D Todd
DOV/09/0146	Mr S Kirkaldie and Councillor M D Conolly	

An apology for absence was received from Councillor A F Richardson.

563 SUBSTITUTE MEMBERS

It was noted that, in accordance with Rule 4 of the Council's Procedure Rules, Councillor F J W Scales had been appointed as substitute for Councillor A F Richardson.

564 MINUTES

Subject to the amendment of Minute No 527(3) to refer to County Highways instead of The Highways Agency, the Minutes of the meeting held on 12 March 2009 were approved as a correct record and signed by the Chairman.

565 DEFERRED ITEMS

The Development Control Manager reported the views of Members visiting the site in connection with Application No DOV/08/1085 (Rear of Lion Hotel, Queens Road, Ash) who had concluded that the officer's recommendation for approval should be upheld. At the site visit questions were raised about the consistency of the

recommendation with previous decisions on the adjoining land to the west (Lion Walk) when access across the site to the same point in Queens Road had been resisted. Committee was advised that since that time highway standards had relaxed, in particular, visibility requirements were less stringent. The critical point was how the access was likely to operate in practice and, on this basis, it had been judged that the development was not likely to give rise to hazardous conditions. In 2002 an Inspector considering an appeal on one of the Lion Walk houses had made much the same point.

Details of the site visit in connection with Application No DOV/09/0109 would be reported later in the agenda.

RESOLVED: That Application No DOV/08/1085 (Erection of two detached dwellings, garages and construction of vehicular access – Land rear of the Lion Hotel, Queens Road, Ash) be approved in accordance with the recommendation set out on page 83 of the report to Committee dated 12 March 2009.

566 APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

RESOLVED: (a) That the recommendation contained in the report of the Development Control Manager in respect of Application No DOV/09/0041 (Outline application for the erection of a detached dwelling, garage and construction of a vehicular access (existing garage to be demolished) – 4 Malvern Meadow Temple Ewell) be approved.

(b) That the following applications be determined as indicated:

(1) Application No DOV/05/0835 – Erection of a single storey rear extension to form a private living room (existing lounge to be demolished), a side extension to form a fish and chip take away (class A5) and erection of a chimney to provide a flue – Key Stores, 14 King Edward Road, Deal

RESOLVED: That it be noted that the application had been withdrawn by the applicant .

(2) Application No DOV/08/0863 – Erection of 9 three storey dwellings with associated garages and parking and construction of vehicular access – Land behind the Old Gymnasium, The Old Barracks, Canada Road, Walmer

The Development Control Manager referred to an email which had been sent to all members of the Committee by the Parish Council regarding the proximity of the rugby field to the proposed development, stated as six feet from the touchline, and requesting a site visit. Members were advised that the houses would be set back from the perimeter path by gardens 12m deep and the walled boundary of the gardens would be 5m from the pitch resulting in a total separation distance of approximately 17m. Three further letters had been received from third parties raising additional material considerations concerning foul drainage, ownership of parts of the site, tree removal, unacceptable enclosure, and misleading plans. Subsequently the applicant had confirmed that no other parties had legal claim to the area.

RESOLVED: That, in order to assist Members to assess the visual appearance of the development on the Conservation Area, the effects on the operation of the Rugby Club, the open space, and the neighbouring residents arising from overlooking and overbearing, a site visit be held on Tuesday 5 May 2009 and Councillors S G Leith (Chairman), J M Munt, J C Record, A R Smith and R S Walkden (reserves: Councillors A F Richardson and J M Smith) be appointed to view this and any other site.

(3) Application No DOV/08/1364 – Erection of a detached dwelling (existing dwelling and outbuildings to be demolished) – Orchard Lea, The Street, Staple

The Development Control Manager reported the reasons that the application had been brought to Committee at the request of a Councillor. Comments made by the Conservation Officer were specifically in respect of the effect of the proposed house on the setting of two listed buildings, St James' Church and White Gate, rather than wider design issues and PPS1 and PPS3 referred to design in its widest sense.

RESOLVED: That, notwithstanding the recommendation of officers for refusal, the application be approved for the reason that the design conforms with the issues set out in the report and bulk and massing would not be unacceptable and could be addressed by landscaping to the front of the property, with all conditions being delegated to the Development Control Manager including Tree Preservation Orders in respect of the two yew and beech trees.

(4) Application No DOV/09/0109 – Erection of a 4.2m x 8.1m television screen and housing on a single support leg – Southeast side of Market Square, Dover (Minute No 527(5))

The Development Control Manager reminded Members that the application had been reported to the previous meeting on 12 March with the specific purpose of deciding whether a site visit should be made. The site visit had taken place in three parts, firstly in the Market Square, then at the Town Hall with public and third parties present, and finally back at the Market Square including a visit to two residences in Dolphin House. Those present at the Town Hall had been advised of a number of additional representations made since the March Committee meeting and three third parties had reiterated earlier objections, including reference to the use of Pencester Gardens. Another objector had written at length, with copies to Members, raising a number of differences between the proposed screen and those installed in 7 other cities and towns. Members at the site visit had also been informed of a new concern raised by County Highways concerning the proximity of the revised screen position to the effective carriageway.

Environmental Health had recently altered a recommended condition and the Police continued to be concerned about the lack of any protocol for the screen's management, how the potential for disorder had been taken into account, how they might veto particular events, how emergency action could be taken to turn off the screen or place a message on it, whether a counter-terrorism assessment had been carried out and how extra policing would be financed. The County Archaeologist had received the results of trial boreholes and had concluded that, subject to

discussion with English Heritage, conditions should be imposed were permission to be granted.

Members had considered each of the reasons for the site visit and were content that the screen would not give rise to unacceptable distraction to drivers. A majority considered that noise from the screen and the crowd could be satisfactorily controlled or otherwise managed through the Events Management process which should also deal with the concerns of the Police and Fire Officer. The design of the screen was acceptable and its impacts on the Conservation Area, the setting of the nearby listed museum façade and the townscape and public realm generally were not such as to justify a refusal. Therefore the majority recommendation from Members visiting the site was that planning permission be given subject to conditions including those recommended by Environmental Health. Members made no recommendation on whether the permission should be temporary but recognized that any permission required resolution of the outstanding County Highways concern. In addition, Members recommended an informative to the applicants to the effect that all appropriate steps should be taken through the process of managing events to ensure that the concerns of the Police, the Fire Officer and Environmental Health were satisfactorily addressed and appropriate protocols put in place.

Since the site visit, two further letters had been received from an objector and the final observations of the County Archaeologist had been received advising that a less sensitive site in archaeological terms was preferred but if none were available and the Council was minded to grant permission, then the impacts of the screen needed to be mitigated by conditions. The three recommended conditions would all require submission and approval of various details prior to work commencing and one concerned monitoring the effects of proposed piling on the water table which the County Archaeologist suggested would be assisted by a temporary approval.

More recently, it had come to light that the applicants should have served notice of the application on another party, which had subsequently been accomplished. Any decision should be subject to consideration of comments received from this and any other third party within the next 21 days and it was suggested that, provided no new material considerations were raised during that period, any matters raised be delegated to officers to resolve. Members were also advised that should they decide to approve the recommendation from the site visit, the expediency of a temporary permission would need consideration and had been given added weight by the recent views of the County Archaeologist.

- RESOLVED: (a) That, subject to the receipt of no further third party comments raising additional material matters during the period to 23 April 2009 and to satisfactory resolution of the outstanding concern of County Highways, permission be given subject to conditions to be delegated, but to include a 5 year temporary period, the conditions recommended by Environmental Health and the County Archaeologist and any other conditions to be delegated to the Development Control Manager.
- (b) That an informative be issued to the applicant regarding event management to ensure that the concerns of the Police, the Fire Officer and Environmental Health are satisfactorily addressed and appropriate Protocols put in place.

- (c) That in view of the large number of third parties and the likely press coverage, the usual letters informing third parties of the outcome be dispensed with.
- (5) Application No DOV/09/0135 – Erection of 2 four bedroom detached dwellings, detached garages and construction of vehicular access (existing dwelling to be demolished) – Farthings, St Vincent Road, St Margaret's-at-Cliffe

The Development Control Manager reported receipt of further correspondence from third parties regarding accidents in the vicinity and advised that photographs were on display at the meeting.

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

- (6) Application No DOV/09/0146 – Erection of two storey side extension (existing extension to be demolished) – Fern Cottage, The Street, East Stourmouth

Following the details given by the applicant who spoke regarding his personal circumstances and the need for the extension to accommodate a family member, the Development Control Manager reported that this information had not been supplied previously. Members were required to take into account the design of the extension and were advised that the footprint of the proposed extension was larger than that of the existing one.

RESOLVED: That, in order to assist Members to assess the design and impact of the proposed extension on the existing house, the surrounding area and the street scene, a site visit be held on Tuesday 5 May 2009 and in the meantime further information be sought on the need for the extension together with the views of the Environment Agency.

#### 567 PUBLICITY FROM PLANNING APPLICATIONS

The Committee considered the report of the Head of Development and Public Protection on proposed changes to the publicity given to planning applications. The report, which would also be considered by Cabinet at its meeting to be held on 6 April 2009, set out the financial savings which could be made by ceasing to publicise many planning applications in local newspapers which was not a statutory necessity. Site notices would continue to be produced and the Development Control Manager was asked to give greater prominence on the notices to details of the Council's website.

RESOLVED: That the report be noted.

#### 568 FEES AND CHARGES (Minute No 467)

Following initial consideration of this item in February 2009, the Committee received a revised table of fees and charges which included figures which had previously been omitted.

RESOLVED: That the table of fees and charges in respect of Planning services be noted.

The Head of Development and Public Protection reported that consultation had been undertaken with agents and the public during the period 26 January to 6 March 2009 on proposals to charge for pre-application advice on planning applications in line with the provisions of the Local Government Act 2003. The Royal Town Planning Institute was in favour of structured charges and the Planning Advisory Service had concluded in 2007 that pre-application discussions would be helpful; this conclusion had been reinforced by a subsequent study in November 2008. Proposed charges had been developed for Dover District and details were appended to the report. The date for implementation would need to be decided by the Portfolio Holder and, following a review within the first 12 months of operation, another report would be brought to Committee. Fee income had been projected in the approved budget for 2009-10. A request was made for information on similar proposals by neighbouring Kent authorities and Members were reminded that the chief benefit would be to reduce the number of incomplete or invalid applications, as agents and applicants would previously have been advised of all the information required and issues to be addressed, which would speed up the process. Agents had expressed concern about the authority's level of resources to support these proposals rather than the costs proposed.

RESOLVED: That, subject to the provision of details of charges to be made by neighbouring Kent authorities, Cabinet be recommended to:

- (a) Introduce charging for pre-application planning advice as set out in the Scheme appended to the report of the Head of Development and Public Protection, effective from a date to be delegated to the Head of Development and Public Protection in consultation with the Portfolio Holder, including the conclusion of all necessary arrangements.
- (b) Agree to a review of the outcomes of the system of charging within 12 months of implementation.

The meeting ended at 8.53 pm.