

Minutes of the meeting of the **PLANNING** Committee held at the Council Offices, Whitfield on Thursday 7 May 2009 at 6.00 pm.

Present:

Chairman: Councillor S G Leith

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

Officers: Development Control Manager  
Senior Planner  
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/09/066	Mr K Elliott	–
DOV/09/0169	–	Mr R Buttner
DOV/09/0176	Mr J Upton	Mr P Timpson
DOV/09/0204	Ms J Taylor	–
DOV/09/257	Mr B Morse	–

Apologies for absence were received from Councillors S S Chandler, A F Richardson and A R Smith.

616 SUBSTITUTE MEMBERS

It was noted that, in accordance with Rule 4 of the Council's Procedure Rules, Councillors C E Kirby, F J W Scales and R J Thompson had been appointed as substitutes for Councillors A F Richardson, S S Chandler and A R Smith respectively.

617 MINUTES

The Minutes of the meeting held on 2 April 2009 were approved as a correct record and signed by the Chairman.

618 DEFERRED ITEMS

The Development Control Manager reported the views of Members visiting the site in connection with Application No DOV/08/0863 (Land rear of the Gymnasium, The Old Barracks, Walmer) who were content that the development was acceptable in design, conservation and amenity terms and potential conflict with the use of the

adjoining rugby pitch was not sufficient to override the conclusion that the development was acceptable. However third parties had raised concerns about the effect of the proposed development on the operation of the Rugby Club arising from proximity of dwellings to the existing pavilion where events were regularly held. The Committee was advised that PPG17 gave advice on factors to be taken into account in respect of new open space; appeal cases elsewhere had addressed similar but not identical circumstances; Environmental Health officers continued to raise no objections and noise issues would be dealt with under the provisions of the Environmental Protection Act 1990. At the site visit the Rugby Club Secretary had handed in documents relating to the Club's objections. Since the site visit two further representations had been received referring to existing nets erected at the rear of properties behind the goal line at the SE end of the pitch and whether the site was brown field in character. The Development Control Manager advised that the nets had not been the subject of any condition imposed on the previous planning permission, permission for them had been refused and an appeal against the refusal dismissed. Had the site previously been allotments then it would not meet the definition of brown field. The applicant's agent had repeated an offer of a Unilateral Undertaking in respect of prospective occupiers of the dwellings claiming damage from rugby balls or noise nuisance from the pavilion but such an undertaking would not meet any of the criteria set out in S106 of the Town & County Planning Act. The applicant had also offered to accept a condition that windows facing the drill field be fitted with toughened glass.

The views of Members visiting the site of Application No DOV/09/0146 were also reported to Committee and the Development Control Manager summarised the personal and medical circumstances of a member of the applicant's family which gave rise to the application and written details had been copied to all Members by the applicant. No recommendation had been made by the site panel and, notwithstanding the evidence of need, concerns remained about the size and design of the proposed annexe and its effect upon the existing house and surrounding area. Personal circumstances were seldom sufficient to overcome design objections on a permanent development.

RESOLVED: (a) That, notwithstanding the officer's recommendation, Application No DOV/08/0863 for erection of 9 three storey dwellings with garages and parking and construction of vehicular access at land behind the Gymnasium, Old Barracks, Canada Road, Walmer be refused on the grounds that:

- (i) the proposed development would be likely to prejudice the continued and effective use of the adjoining drill field for community and sports use and give rise to undesirable conflict between users of the field and residents of the proposed properties and would not comply with policies QL1 and QL11 of the Kent and Medway Structure Plan.
- (ii) the proposal would give rise to loss of open space detrimental to the setting of the drill field and contrary to policies QL1 of the Kent and Medway Structure Plan and DD1 and OS1 of the Dover District Local Plan.

- (b) That, notwithstanding the officer's recommendation, Application No DOV/09/0146 for erection of a two storey side extension (existing extension to be demolished) at Fern Cottage, East Stourmouth be approved subject firstly to a satisfactory outcome of negotiations regarding the design of the extension and all conditions to be delegated to the Development Control Manager, failing which the application be referred to a future meeting of the Committee.

619 APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

RESOLVED: (a) That the recommendations contained in the report of the Development Control Manager in respect of the following applications be approved:

- (i) DOV/09/0178 – 15 Beech Green Close, Eythorne
- (ii) DOV/09/0190 – The Laurels, Lower Goldstone, Ash
- (iii) DOV/09/0201 – Statenborough Farm, Sandwich Road, Eastry
- (iv) DOV/09/0238 – Statenborough Farm, Sandwich Road, Eastry

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

- (1) Application No DOV/09/0066 – Erection of two detached dwellings and detached garage and construction of vehicular access (existing dwelling and outbuildings to be demolished) – 47 New Street, Ash

The Development Control Manager reported that further discussions had been held with the applicant's agent since the report had been written and revised plans had been received which aimed to address the previous issues of concern. A bat survey and further comments from Conservation would be required.

RESOLVED: That, subject to the receipt of a satisfactory bat survey and further comments of the Conservation Officer, the application be approved with any outstanding conditions to be delegated to the Development Control Manager.

- (2) Application No DOV/09/0169 – Restoration of existing memorial, installation of memorial seat, creation and surfacing of paths, creation of gateway entrances and resurfacing and reinstatement of car park together with ancillary works – Bleriot Memorial, Guston, Dover

The Committee was advised that the County Archaeologist was satisfied with the revised plans, and had recommended a watching brief condition. English Heritage was similarly satisfied and all outstanding issues contained in the report had been overcome. Six further letters of objection had been received referring to need for a roadside fence, potential floodlights, crime risk, car park, lack of environmental reasons for the effect on trees, use by motorcycles and no litter or dog bins. The Development Control Manager advised that revised plans had been received, no floodlighting was proposed, pot holes in the car park would be filled in and the surface gravelled, and visibility would be provided at the accesses to Upper Road. .

If permission were granted it would be for a two year temporary period and the Development Engineer, KCC reported that a sign would be erected to exclude coaches from the car park.

RESOLVED: That, subject to a condition requiring the provision of a suitable litter scheme, the application be approved in accordance with the recommendation of the Development Control Manager.

- (3) Application No DOV/09/0204 – Variation of condition 13 of planning permission DOV/95/580 to require that the workshop shall be used only for use falling within Use Class B1 as defined in the Town & Country Planning Act (Use Classes) Order 1987 – Ceramic Sculpture Studio, The Cottage, Twitham Court Farm, Staple Road, Wingham

RESOLVED: That, subject to condition (vii) being amended to prohibit display of goods for sale, the application be approved in accordance with the recommendation of the Development Control Manager.

- (4) Application No DOV/09/0257 – Erection of six semi detached dwellings, construction of a vehicular access and associated car parking – Rear of Marine Mews, Ravenscourt Road, Walmer

The Senior Planner clarified that Application No DOV/08/127 had been dismissed at appeal and that the car parking ratio for that development was actually 1.5 spaces per unit and not 1.2 as stated at paragraph 3.15 of the report. Highways officers were satisfied with the proposed parking and turning but maintained objection to the level of car parking; and Environmental Health officers had recommended noise conditions and the submission of a vibration report. The Council's Ecology Officer had raised concerns about bats foraging at the site but had not required a bat survey to be undertaken. However a reptile survey would be necessary and it was noted that although some of the trees would need to be felled, they were not considered to be significant. The Development Engineer KCC explained that the previous application had provided 9 spaces for six flats and 2 spaces for one house. The current application was for houses only and the parking ratio of 1.5 per unit was considered to be low in view of limited on-street parking but of insufficient weight to refuse planning permission.

RESOLVED: That, subject to conditions in respect of vibration and the need for a reptile survey, the application be approved in accordance with the recommendation of the Development Control Manager.

- 620 APPLICATION NO DOV/09/1248: APPLICATION FOR CERTIFICATE OF LAWFUL USE (EXISTING) FOR USE AS A SINGLE DWELLING HOUSE – BRADLEYS BARN, STATENBOROUGH FARM, SANDWICH ROAD, EASTRY

The Committee considered the report of the Development Control Manager on the use of premises at Statenborough Farm including the relevant planning history from 1999 involving Bradleys Barn and land around the property. Allegations had been made concerning the use of the property and garden and evidence had been gathered from third parties and from the current tenant of the premises. The report concluded that, on the balance of probability, use of the building as a single unit of residential accommodation had continued for a period in excess of 4 years prior to

the submission of the application and therefore the certificate of lawful use should be issued. Were the certificate to be issued, use of the surrounding land as garden area would remain unlawful and future applications could be effected to remedy any breaches of planning control.

RESOLVED: That the Development Control Manager be authorised to issue a certificate confirming that the use of the former barn at Statenborough Farm, Eastry as a single unit of residential accommodation is lawful since, following consideration of evidence submitted, the use has continued, on the balance of probabilities, for more than 4 years prior to submission of the application.

621 APPLICATION NO DOV/09/0109: ERECTION OF A 4.2 x 8.1m TELEVISION SCREEN AND HOUSING ON A SINGLE SUPPORT LEG – SOUTH EAST SIDE OF MARKET SQUARE, DOVER (Minute No 566(4))

The Development Control Manager reported that this item had been placed on the agenda as the 21 day period regarding service of notice in respect of the application for the erection of the screen expired on 23 April 2009. A letter had been received from the objector just before the end of the 21 day period but it had not raised any fresh matters and therefore the Committee's previous decision to grant permission remained unchanged and the decision had been made.

RESOLVED: That the report be noted.

The meeting ended at 9.17 pm.