

Minutes of the meeting of the **PLANNING** Committee held at the Council Offices, Whitfield on Thursday 12 February 2009 at 6.00 pm.

Present:

Chairman: Councillor S G Leith

Councillors: T A Bond
Mrs S S Chandler
M S Furnival
C E Kirby
Mrs J M Munt
Mrs J C Record
Mrs A R Smith
J M Smith
R S Walkden

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

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

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/08/0903	Mr M Simmonds	Mrs A Campling
DOV/08/1248	Miss M Foster	Ms V Owen
DOV/08/1250	Mr D Meredith	Councillor G Cowan
DOV/09/0034	–	Mr R May

462 SUBSTITUTE MEMBERS

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

463 MINUTES

The Minutes of the meeting held on 15 January 2009 were approved as a correct record and signed by the Chairman.

464 DEFERRED ITEMS

The Development Control Manager reminded Committee that this item had been deferred from the January Committee meeting in order to permit receipt of advice from the S106 (Developer Contributions) Executive Committee which would meet on 19 February 2009.

RESOLVED: That consideration of this item remain deferred.

PLANNING APPLICATION DOV/05/0814: DOVER TOWN CENTRE REDEVELOPMENT PROPOSALS SHOWING THE ERECTION OF 7 RETAIL UNITS (INCLUDING ASDA SUPERSTORE), 53 FLATS, HOTEL WITH RESTAURANT/BARS (A3/A4) AND MAST (INCORPORATING TELECOMMUNICATIONS EQUIPMENT), "FEATURE" BUILDING/ PAVILION, CANOPY STRUCTURES, HARD AND SOFT LANDSCAPING AND CAR PARKING (EXISTING BUILDING TO BE DEMOLISHED) – ST. JAMES' SITE BETWEEN TOWNWALL STREET, CASTLE STREET/KING STREET, RUSSELL STREET AND WOOLCOMBER STREET, DOVER (Minute No 396)

At the meeting held on 18 December 2008 the Committee had agreed to the replacement of the decision 'mechanism' previously approved in order to enable the release of the planning permission. The Development Control Manager had prepared a report which detailed a revised mechanism under the Local Government Act 2000. The Highways Agency had agreed that the Park Management Agreement could be dealt with by a condition. Consideration was also being given to whether the S106 Agreement would be necessary later in the development process.

- RESOLVED: (a) That the replacement of the decision 'mechanism' previously approved by Committee on 18 December 2008 (Minute No 396) be agreed for the reasons set out in the report of the Development Control Manager.
- (b) That agreement be given to issuing the planning permission subsequent to signing the Planning Financial Contribution Agreement (PFCA), an Executive Decision agreeing the payments in the PFCA under Section 2 of the Local Government Act 2000 and the payment of such monies to the local authority.
- (c) That planning permission be granted subject to conditions with any subsequent variations to the conditions (alterations/deletions/additions) being delegated to the Head of Development and Public Protection and Development Control Manager.
- (d) That the signing of any subsequent S106 legal agreement covering those matters agreed by the Planning Committee on 18 December 2008 be agreed with any subsequent variations and amendments to the S106 agreement being delegated to the Head of Development and Public Protection and Development Control Manager.

(Councillor T A Bond declared a personal and prejudicial interest in this item for the reason that his employer had hotel, restaurant and bar interests and left the Chamber for consideration of the matter.)

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/08/1281 – Erection of three terraced dwellings and construction of vehicular access (existing garages

to be demolished) – Site adjoining 9 Lydia Road, Walmer, be approved.

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

- (1) Application No DOV/08/0614 – Part retrospective application for the creation of a vehicular access and engineering operations to former pond – The Alders, 6 Yew Tree Farm, Chillenden

The Head of Development and Public Protection reported receipt of further views of County Highways. Photographs were on display showing the amount of water in the pond as at 23 January 2009. The pond was part of the visual amenity of the Conservation Area and provided for rainwater run-off from the road together with field wash after heavy rain, thereby helping to avoid flooding in the area. The Planning Policy Statement referred to in part (c) of the report should be PPS25 not PPS 24.

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

- (2) Application No DOV/08/ 0903 – Erection of a detached building incorporating 10 flats, associated parking, access and landscaping – land adjoining 3 Warwick Road, Walmer

The Development Control Manager reported that the sight lines were shown correctly on the plans and been approved by Highways. Environmental Health officers were satisfied, subject to a condition regarding sound insulation. The Parish Council had submitted further views that the proposals were incongruous and dominant, contrary to policy and the Walmer Design statement, out of character with the street scene, traffic levels had not been assessed and the trees on the Dover Road frontage should be protected. It also reiterated its request for Members to visit the site.

A further nine letters had been received expressing concerns that the building would be too large and high and the footprint and façade too big, the adverse effect on neighbouring houses and gardens, lack of consultation, pollution, precedent, materials being out of character, parking, noise, lighting disturbance, overlooking and privacy, and the ineffective screening afforded by the lime trees. One letter of support referred to the suitability of the use of the land for housing. The Development Control Manager advised the applicant had stated that it was likely that one of the lime trees would need to be removed in order to achieve the proposed pedestrian access but the remainder were to be retained. The existing boundary wall would also be retained apart from the section necessary to create the accesses.

RESOLVED: That, in order to assist Members to assess the setting, design and effect of the proposed development on neighbouring properties and the character of the area, together with Highway concerns, a site visit be held on Tuesday 10 March 2009 and Councillors S G Leith (Chairman), Mrs S S Chandler, C E Kirby, Mrs J M Munt and Mrs A R Smith (reserves: Councillors J M Smith and R S Walkden) be appointed to view this and any other sites.

- (3) Application No DOV/08/1238 – Erection of a pair of semi-detached dwellings (existing dwelling to be demolished) – 41 Eythorne Road, Shepherdswell

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

- (4) Application No DOV/08/1248 – Erection of a beach hut/boat shed – Beach Plot 37, Walmer Beach, The Strand, Walmer

The Development Control Manager reported that County Highways had raised no objection to the proposal. Further letters had been received from two individuals who had helped with producing the Walmer Design Statement and who disputed third party views that beach huts blighted the beach. They expressed the opinion that selective parts of the Design Statement had been taken out of context. The Committee was advised that policy HE2, referred to by a public speaker, was no longer in effect, not having been saved in the LDF process, but relevant issues were covered by policy QL6.

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

- (5) Application No DOV/08/1250 – Erection of roof extension (to provide first floor habitable accommodation) incorporating dormer windows and erection of pitched roof over garage – 8 Danes Court, Dover

The Committee was advised that two further letters had been received; one from an objector referring to the pleasant symmetry of Danes Court, precedent and exclusive parking, and one from the applicant referring to parking by other residents in the turning head and the screening effect of the neighbour's garage and tree. The Development Engineer KCC clarified that the site had hard standing for one car, garage space for a second vehicle and an informal area which was not surfaced but on which two further cars were parked. The Development Control Manager explained that the applicants were entitled to park on the informal area without the need for planning permission and would only require permission should certain materials be used to surface a specific amount of that area.

RESOLVED: That, in order to assist Members to assess the effect of the proposal on neighbours, the character of the area and the street scene together with highway and parking issues, a site visit be held on Tuesday 10 March 2009.

- (6) Application No DOV/08/1367 – Erection of a detached dwelling (details pursuant to DOV/07/1510 – Farthing Cottage, Lower Road, Staple

The Development Control Manager reported that the final views of Southern Water were still awaited and suggested that implementation of the decision be deferred until 19 February 2009 in order to permit the comments to be received. In the event that no views were received, the application should be refused as set out in the report.

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

(7) Application No DOV/09/0034 – Extension of existing 20m mast to 25m and the erection of 3 antennae – Homestead Farm Telecom Site, Woodnesborough Road, Sandwich

The views of Sandwich Town Council were read to the Committee by the Development Control Manager and referred to the mast extension being excessive, unjustified, unreasonable and unsightly, the effect on the visual amenity and landscape, noise pollution and public perception of health issues in particular the proximity to the Scout hut. A letter of objection had been received from the Scout Group leader stating the scout's premises were too close to the mast, raising fears for the three meetings per week which were held there and attended by 70 young people who also used the adjacent field. Copies of the previous appeal decision dated 19 April 2007 were circulated to Members in order to clarify the Inspector's decision to allow the appeal and grant planning permission for a previous 5m extension which was a significant material consideration in determining the current application.

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

467 FEES AND CHARGES 2009/10 (CAB 118)

The Committee considered the report of the Head of Development and Public Protection on the proposed fees and charges for 2009/2010 in respect of the Planning Section.

RESOLVED That consideration of this item be deferred to allow for clarification of the Committee's powers to approve the levels of fees and charges and for the receipt of any further information on total expected income for 2009/10.

468 APPLICATION NO DOV/08/0603 – CERTIFICATE OF LAWFULNESS (EXISTING) FOR THE CONTINUED USE AS A RESIDENTIAL CARE HOME FOR PEOPLE WITH LEARNING DIFFICULTIES, EAST WING AND BEACH HOUSE, 110 WELLINGTON PARADE, KINGSDOWN

The Development Control Manager explained the background to the application which related to one property which had previously been two but currently had a common use. In addition, the reference in the report to people with learning disabilities should be removed. The Committee was reminded that an application for a certificate of lawful use was not a planning application and referred purely to confirming the use during the 10 years prior to the date of application, in this case since May 1998. Fairly clear evidence existed that Beach House had been used since 1988/89 as a residential home for the elderly and from 1995 the use extended to the East Wing. However planning permission had not been granted for either the East Wing or combined use, therefore a new planning chapter had started at that point. In the officer's opinion evidence was sufficiently precise and unambiguous, on the balance of probabilities, to support the continued use and no contrary evidence had been submitted to outweigh this conclusion.

Six additional letters had been received making several points: the amended description had not been advertised therefore consideration should be deferred; the certificate should refer to the use of constituent parts; the certificate should not refer to the extension; the status of permission for the extension should be examined; and general concern at how an unlawful use could become lawful. The

Development Control Manager explained that there was no statutory duty to advertise the amendment but all those who had commented were advised in September 2008 and details had been added to the Council's website a few days after they had been received. There was therefore no reason to defer consideration of the matter. The 'impacts' referred to were not relevant to the application under consideration as the decision was required to be evidence-based; any certificate would not relate to the extension; the status of the permission for the extension was being investigated and planning law provided for lawful use to be granted after a period of 10 years. The Solicitor to the Council had agreed the conclusions contained in the report.

RESOLVED: That a Certificate of Lawful Use for the existing use of the property at East Wing and Beach House, 110 Wellington Parade, Kingsdown as a residential care home for up to 19 residents be granted.

The meeting ended at 8.17 pm.