

Minutes of the meeting of the **PLANNING** Committee held at the Council Offices, Whitfield on Thursday 17 December 2009 at 6.00 pm.

Present:

Chairman: Councillor S G Leith

Councillors: T A Bond
S S Chandler
M S Furnival
N S Kenton
C J Meredith
J M Munt
A F Richardson
J M Smith
R S Walkden

Officers: Development Control Manager
Principal Planner (PT)
Principal Planner (LJ)
Senior Planner
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/09/0298	Mr S Fox and Councillor M D Conolly	–
DOV/09/0567	Mr Sadull	Mr Bidgood
DOV/09/0584	Mr B Curtis	–
DOV/09/0873	Ms J Taylor	Mr R Green
DOV/09/0888	Mr N Lawn	–
DOV/09/0915	Mr D Scott and Councillor T J Bartlett	–
DOV/09/0945	Councillor T J Bartlett	–
DOV/09/0973	Mr M Whitby	Mr H Thoresby

Apologies for absence were received from Councillors J C Record and R J Thompson.

355 SUBSTITUTE MEMBERS

It was noted that in accordance with Rule 4 of the Council's Procedure Rules Councillors N S Kenton and J M Smith had been appointed as substitutes for Councillors J C Record and R J Thompson respectively.

356 MINUTES

Subject to the addition of Councillor T A Bond's name to the list of Members attending, the Minutes of the meeting held on 19 November 2009 were approved as a correct record and signed by the Chairman.

357 DEFERRED ITEMS

The Development Control Manager advised that Application No DOV/09/0709 should remain deferred as no further information had been received.

RESOLVED: That consideration of Application No DOV/09/0709 (Dover Castle, Upper Road, Dover) remain deferred.

358 APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

RESOLVED: (a) That the recommendations contained in the reports of the Development Control Manager in respect of the following Application Nos be approved:

<u>Application No</u>	<u>Property</u>
DOV/09/0779	Beach Plot 35, Walmer
DOV/09/0900	9 The Ridgeway, River
DOV/09/0929	18 Chilton Way, River
DOV/09/0945	Old Rectory Residential Home, Ash

(Councillor T A Bond declared a personal and prejudicial interest in Application No DOV/09/0945 for the reason that his employers had a similar business, and left the room during its consideration.)

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

- (1) Application No DOV/07/0802 – Erection of non-food retail warehouse units (5,573.6 sqm floor area), 1 restaurant unit (255.5 sqm floor area), construction of vehicular access together with associated highway works, parking and landscaping – Land off Honeywood Parkway, White Cliffs Business Park, Whitfield

The Development Control Manager reported that a detailed letter had been received from the applicant and circulated to all Members and there had been insufficient time to respond to all the points raised by the writer. In order to deal fully with the various issues it was recommended that the matter be deferred and a revised report presented to Committee.

RESOLVED: That consideration of the application be deferred in order that a revised report could be prepared for a future meeting of the Committee.

(Councillor R S Walkden declared a personal and prejudicial interest in this item for the reason that he was employed as a Business Support Manager, and left the room during its consideration.

Councillor A F Richardson declared a personal interest for the reason that he was employed by the Canterbury Archaeological Trust and the County Archaeologist had recommended a condition.)

- (2) Application No DOV/09/0234 – Erection of extensions and refurbishment to existing fire damaged building to enable use as 'golfers accommodation' including 14 self catering flats, gym, bar, lounge, office, together with associated parking and landscaping – The Old Clubhouse, Princes Golf Club, Sandwich Bay, Worth

Members were informed that Counsel's advice had been sought and had been received earlier that day which had left insufficient time for consideration. Therefore it was recommended that this item be deferred to a future meeting of the Committee.

RESOLVED: That consideration of the application be deferred in order to allow time to assess Counsel's advice.

(Councillor T A Bond declared a personal and prejudicial interest in the item for the reason that his employer was engaged in a similar hotel business, and left the room during its consideration.

Councillor A F Richardson declared a personal interest for the reason that he was employed by the Canterbury Archaeological Trust and the County Archaeologist had recommended a condition.)

- (3) Application No DOV/09/0298 – Erection of a detached dwelling (existing dwelling to be demolished) – One The Old Fairground, High Street, Wingham

All members of the Committee had been circulated with further documents from the applicant's agent prior to the meeting and the Development Control Manager responded to the various points raised in the document. The relevant planning history referred to in the report did indeed show a different reference number for the enforcement notice but this had no material effect. The site did adjoin the Conservation Area but only in part; the building referred to as The Grange was within the village confines but the western part of its curtilage was outside the confines; and the site, while developed, was outside the confines and part of the countryside setting of Wingham. The existing unit was referred to in the 2008 Planning Inspector's report as a building; there were indeed material conservation issues as part of the site adjoined the Conservation Area; the design of a dwelling negotiated 20 years ago did not automatically mean permission for such a dwelling later on and no precedent had been set. Each application fell to be determined on its own merits. The agent had referred to the proposed dwelling being surrounded by two and three storey buildings but officers did not accept this as the site was relatively isolated. The proposal was clearly new development; other planning applications did not provide a benchmark as the Development Plan formed the basis for determination of all applications and other cases were of little, if any, material weight. Finally the agent had stated that a site visit would be helpful.

RESOLVED: That in order to assist Members to assess whether the scale, siting and design of the proposal would be visually intrusive in the countryside and impact adversely on the Conservation Area, a site visit be held on Tuesday 12 January 2010 and Councillors S G Leith (Chairman), S S Chandler, C J Meredith, J M Munt and R J Thompson be appointed to view this and any other site.

- (4) Application No DOV/09/0567 – Erection of a building incorporating 6 flats and 1 detached bungalow, construction of a vehicular access and associated car parking (existing building to be demolished) – St Margaret's Lodge, Sea Street, St Margaret's-at-Cliffe

The Senior Planner advised that the word 'link' should be deleted from the title and reported that the Parish Council had made further comments in respect of the width of Chapel Lane, the safety of schoolchildren at the Sea Street and Chapel Lane road junction and inadequate car parking provision. Two further letters of objection had been received raising issues already dealt with in the report; Environmental Health did not require further investigation into contamination; and the Ecology officer had recommended hand digging near trees on the site together with a permeable surface in that area. Acceptable design drawings had been received and Kent Highways were satisfied with the car parking proposals. Following issues raised by the public speakers Members were advised that the proposed footpath would be on part of the site and would not reduce the width of Sea Street or Chapel Lane; the sight-lines would be improved and drivers at the access point would be able to see to the road junction. Although parking was a problem in that area the proposal met current standards for parking provision.

RESOLVED: That in order to assist Members to assess the scale, massing and design of the proposal, its impact on the Conservation Area and highway safety issues, a site visit be held on Tuesday 12 January 2010.

- (5) Application No DOV/09/0584 – Erection of 15 rural exception affordable residential units (5 three bedroom houses, 7 two bedroom houses, 1 two bedroom bungalow and 2 two bedroom flats), construction of vehicular access and associated car parking and landscaping – Land adjoining Miller Close, Staple Road, Wingham

The Committee was advised that the Parish Council strongly supported the application and the English Rural Housing Association had expressed an interest in developing and managing the scheme. However this site was more prominent than the previous development at Miller Close and while the need for affordable housing had been established this had to be balanced against the visual impact on the area.

RESOLVED: That in order to assess whether the site was acceptable in principle for development and whether this particular proposal was acceptable in terms of design and layout, a site visit be held on Tuesday 12 January 2010.

- (6) Application No DOV/09/0677 – Erection of two detached dwellings and creation of vehicular access (existing dwelling to be demolished) – Franconia, The Drove, St Margaret's Bay

The Senior Planner reported receipt of amended plans and supporting information regarding solar panels on the rear elevations, native species used in landscaping, vision splays and spot heights. Kent Highways had confirmed that the sight lines were acceptable. Three further letters of objection had been received referring to the character of the area, cramped development, flooding from surface water, the ecology study being too late, and inadequate light. Two previous applications had been refused and the ensuing appeals dismissed but the present application addressed the grounds for refusal and the objections previously raised.

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

- (7) Application No DOV/09/0843 – Retrospective application for erection of a detached garage – 23-27 Church Street St Mary's, Sandwich

The Development Control Manager reported receipt of a letter of support and clarified that the garage, as built, had been an unauthorised development which required retrospective permission but, as it was no longer to be attached to the listed garden boundary wall, Listed Building Consent would not be required for the scheme now proposed. The garage door should be of timber construction.

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

- (8) Application No DOV/09/0873 – Erection of a GP Surgery, Community centre, 28 flats and 41 houses, related infrastructure and car parking – Land at Golf Road/Cannon Street, Deal

The Principal Planner referred to the longstanding objective to redevelop this site for residential, community, and employment uses and the applicant's need for a decision by the end of March 2010 in order to be able to access £2m funding from the Government's Kickstart initiative. This funding would pay for decontamination and remediation of the site. The Environment Agency was satisfied with proposals to deal with flooding. The applicants had advised that no affordable housing would be provided and also that the additional car parking would not result in the loss of any residential units. A financial viability appraisal of the developer contributions issues was still awaited as Kent Adult Social Services and Libraries and Leisure Services wanted to use the total of £90,000. However KCC had not provided evidence in support of their request and therefore the Committee had three options available: to approve the application and delegate all outstanding items to officers to determine; to defer a decision and ask the S106 Developer Contributions Executive Committee for recommendations regarding the viability appraisal; or to grant the application, apply the contributions to Leisure Services at the North Deal play area and delegate the remaining outstanding items to officers. Whilst the Town Council's aspirations for affordable housing were understandable and the District Council's policy remained as requiring a level of provision of 30%, there was a limit to what could be provided by the developer.

Members congratulated all parties concerned in bringing the application forward.

RESOLVED: That, subject to all outstanding matters being determined by the Development Control Manager in consultation with the Chairman of the Committee, the application be approved, in order that the funding deadline should not be compromised, and a further report on the outcome be brought to Committee in due course.

(Councillor A F Richardson declared a personal interest for the reason that he was employed by the Canterbury Archaeological Trust and the County Archaeologist had recommended a condition.)

- (9) Application No DOV/09/0888 – Installation of replacement windows, sub-cills and doors, alterations to rear fenestration and installation of solar panels to rear roof slope – Gorely Almshouses, Cowgate Hill, Dover

The Committee was informed that Environmental Health had raised no objection to the proposal, the County Archaeologist did not require any measures to be taken, and there had been no response from English Heritage. The Council's Climate Change Officer and Private Sector Housing Officer supported the application and the public representation section of the report should have shown that the Member had raised no objection to the scheme.

RESOLVED: That, notwithstanding the officer's recommendation, the application be approved with all conditions to be determined by the Development Control Manager, for the reason that the development is acceptable in the context of PPS22 and the statutory requirement relating to determination of planning applications in Conservation Areas.

(Councillor R S Walkden declared a personal and prejudicial interest in this item for the reason that he was a Trustee of the Municipal Charities of Dover and left the room during its consideration.)

- (10) Application No DOV/09/0915 – Erection of a detached building incorporating a mixed use of residential dwelling and bed & breakfast and an attached cottage – Land between Look Cottage & Rose Cottage, The Forstal, Preston

The Development Control Manager reported receipt of a detailed letter from the applicant's agent which had expressed the opinion that the officer's report was flawed. The agent denied that the site was outside the village in the open countryside; stated that the Preston Design Statement had been approved; the correct procedure should be set aside to alter the village confines; that the proposal would be effective use of land and policy LE19 was not relevant. It was further maintained that the scale, design and proportions were acceptable and the new property would be absorbed by new planting. The Taylor Review was also referred to and a site visit requested.

The Committee was advised that the site was outside the village confines; the Preston Design Statement had not been approved or adopted and should not take precedent over the Development Plan; the Local Development Framework was the basis for reviewing village confines; the design and scale were not acceptable and only parts of the Taylor Review had been supported by government which had emphasised the role of the LDF.

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

(Councillor N S Kenton declared a personal interest in this item for the reason that a member of his family lived at the property.)

- (11) Application No DOV/09/0973 – Erection of a detached chalet bungalow and construction of vehicular access – Land rear of 8 Granville Road, Walmer

The Development Control Manager reported receipt of a total of eight letters of objection which had raised one additional point regarding noise. The floor level of

the proposed building had been raised and the ridge height had also risen as a result.

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

359 APPLICATION NO DOV/09/0411 – RETROSPECTIVE VARIATIONS OF CONDITIONS 2, 3 AND 4 OF PLANNING PERMISSION GRANTED UNDER REFERENCE NO DOV/08/0744 – LAND ADJACENT TO TRESOR, WIGMORE LANE, EYTHORNE (Minute No 297(2))

Following the Committee's decision at its previous meeting to approve the application for retrospective variation of the conditions of planning permission DOV/08/0744, further representations had been received concerning the exact position of the new bungalow and, subsequently, officers had again visited the site. Measurements taken indicated that the new bungalow had been correctly sited by reference to its distance from the highway and from the newly constructed garage. Although it was marginally forward of the adjacent property by some 200 mm, this was considered to be within normal tolerances and the change was of such a minor scale as to be inconsequential.

RESOLVED: That the Committee's previous decision set out in Minute No 297(2) be confirmed.

The meeting ended at 10.00 pm.