

Minutes of the meeting of the **PLANNING** Committee held at the Council Offices, Whitfield on Thursday 18 December 2008 at 6.00 pm.

Present:

Chairman: Councillor S G Leith

Councillors: T A Bond
Mrs S S Chandler
M S Furnival
Mrs J M Munt
Mrs J C Record
A F Richardson
J M Smith
R J Thompson
R S Walkden

Officers: Head of Development and Public Protection
Development Control Manager
Development Engineer, KCC
Principal Planner
Principal Planner (Enforcement)
Principal Solicitor
Democratic Support Officer

An apology for absence was received from Councillor Mrs A R Smith.

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/07/00112	Mr C Tidmarsh	–
DOV/07/00167	–	Mrs E Orlando
DOV/08/00898	Councillor T J Bartlett	Mrs G Norman
DOV/08/00904	Mr Luckhurst	Mrs Fright
DOV/08/01150	–	Mr D Howarth

392 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Rule 4 of the Council's Procedure Rules, Councillor R J Thompson had been appointed as a substitute for Councillor Mrs A R Smith.

393 MINUTES

The Minutes of the meeting held on 20 November 2008 were approved as a correct record and signed by the Chairman.

394 DEFERRED ITEMS

The Development Control Manager advised that Application No DOV/07/01502 (Clipgate Farm, Lodge Lees, Denton) had been deferred at the last meeting

pending a further written report. A written report was not yet available and it was therefore recommended that the application be deferred once again.

RESOLVED: That consideration of the application be further deferred in order to permit a report on the outstanding issues.

395 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) Application No DOV/08/0146 – The Grain Store, Langdon Court Farm, The Street, East Langdon
- (ii) Application No DOV/08/1171 – Manor Farm, Egerton Road, Temple Ewell

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

- (1) Application No DOV/07/00112 – Erection of 3 three bedroom dwellings, 3 two bedroom dwellings, 4 one bedroom dwellings and 1 two bedroom flat with associated car parking (existing buildings to be demolished) – Former Car Sales Site, St Martins Yard, Lorne Road, Dover

The Committee was advised that the first bullet point in paragraph 3.14 of the report was incorrect and should read 'Plots 5 and 6'. The Development Control Manager reported that the agent had confirmed that, following negotiations with the Environment Agency (EA), the application would not be able to comply with all the recommendations made by the EA in respect of flood mitigation, and consequently the EA had maintained its objection to the development. Two further letters had been received. One correspondent had reiterated concerns raised previously over parking, congestion, loss of light to adjoining gardens and EA requirements. The other had referred to issues that were largely outside the planning remit, and requested that specific conditions be attached to any planning permission granted. However, these conditions did not meet the tests for conditions. Notwithstanding the EA's concerns about flooding, Members were mindful that the site had extant planning permission which did not provide the same level of flood mitigation measures as the current application.

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

- (2) Application No DOV/07/00167 – Erection of detached dwelling, provision of parking and alterations to existing vehicle access – Land r/o Sunnyside Bungalow, Anchor Lane, Deal

The Principal Planner (Enforcement) reported the receipt of a late representation from the Mayor of Deal which referred to overlooking of Century Walk and delay in determination of the application. The Committee was advised that drainage in the turning area could be covered by a condition, and that the application now achieved the 5.3-metre minimum floor level required by the EA. The first-floor window overlooking Century Walk was now obscure glazed but could be opened. However, this was not considered by Officers to be unreasonable given that the window-to-

window distance between the properties was in excess of the distance required by other authorities. Although there was a limited amount of overlooking, mainly into parking areas, the Committee was advised that the level of opening, and type of window, could be determined by conditions. The issue of the applicant's vehicles parking in the turning area was for the applicant and third parties to resolve, since the Planning Authority was unable to enforce such matters.

RESOLVED: That, subject to the addition of conditions relating to surface water drainage and the restricted opening of the north elevation window, the application be approved in accordance with the recommendation of the Development Control Manager.

(4) Application No DOV/08/00898 – Erection of a single storey side extension incorporating gym and swimming-pool (retrospective application) – Barnsole House, Barnsole Road, Barnsole, Staple

The Principal Planner (Enforcement) reported the receipt of representations which alleged that the report lacked balance. Reference was made to a condition attached to a previous permission and earlier officer advice that this condition could be enforced. The correspondent disputed the manner in which the representations had been reported, as well as the number of objectors and supporters cited in the report. The refusal of a previous application on grounds of over-development and the site lying outside village confines were also referred to. The Committee was advised that the previous application, refused by reference to over-development, had related to a triple garage that would have been built on the western side of the site, beyond the current group of buildings. The current application proposed building between the house and the barn, and was therefore not considered to be over-development. In response to concerns raised by Members, it was reported that the bulkhead lights between the boundary of the swimming pool and gym were considered to have a limited impact on the neighbouring property.

RESOLVED: That, subject to the addition of a condition in respect of the position and luminance of lighting, the application be approved in accordance with the recommendation of the Development Control Manager.

(5) Application No DOV/08/00904 – Erection of single storey and two storey rear extensions – 441 Dover Road, Ripple

The Development Control Manager advised that the reference at the top of page 59 of the report to the insertion of a first floor window should be deleted. It was reported that the discrepancies mentioned at paragraph 1.14 of the report had now been resolved, and that the applicant had confirmed that the rear side windows in the single storey extension would be obscure glazed. The Development Control Manager confirmed that it would not be appropriate to apply the 45° guideline to the application as this guideline was applied when windows were at right angles to each other, and in this case the windows of 439 Dover Road would face the side wall of the extension.

RESOLVED: That, in order to assist Members to assess the scale and massing, the impact on neighbouring properties and street scene, and to examine the material differences between the current and previous applications, a site visit be held on Tuesday 13 January 2009 and Councillors A F Richardson

(Chairman), Mrs S S Chandler, Mrs J M Munt, R S Walkden and R J Thompson (reserves: T A Bond and J M Smith) be appointed to view the site.

(Councillor A F Richardson declared a personal interest for the reason that he was employed as an archaeologist by the County Council which had recommended a condition.)

- (6) Application No DOV/08/01149 – Installation of 2 antennae and radio equipment cabinet – 1 Westbury Road, Dover

The Development Control Manager reported that comments had now been received from Dover College and Vale View School, neither of which had any objections to the application. Astor College had no comment to make and the Pre-school Group had not responded.

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

- (7) Application No DOV/08/01150 – Part-retrospective application for the erection of a detached dwelling with alterations to existing vehicular access – Channel Heights, The Droveaway, St Margaret's Bay

RESOLVED: That, in order to assist Members to assess the impact on neighbouring properties and street scene, a site visit be held on Tuesday 13 January 2009.

(Councillor A F Richardson declared a personal and prejudicial interest for the reason that he was employed by the Canterbury Archaeological Trust which had undertaken works at the site and left the Chamber for consideration of the matter.)

- 396 PLANNING APPLICATION NO 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 BUILDINGS TO BE DEMOLISHED), ST JAMES SITE, BETWEEN TOWNWALL STREET, CASTLE STREET/KING STREET, RUSSELL STREET AND WOOLCOMBER STREET, DOVER

The Committee was advised by the Head of Development and Public Protection that the mechanisms outlined in the report would put the Planning Authority in a position to grant planning permission with minimum delay. The recommendations followed a review of material considerations that had emerged since the Committee last considered the scheme, including as a result of new legislation. The Principal Planner highlighted that the proposed Section 106 agreement would no longer refer to Dover District Council's (DDC) responsibility for the LED screen, although this responsibility would still fall to DDC. The issue of viability was a material consideration to the proposal, and an independent consultant's conclusions held good. The Committee was advised that there was no update to give on the Development Agreement.

- RESOLVED: (a) That the replacement of the decision 'mechanism' previously approved by Committee on 13 March 2008 be approved for the reasons set out in the report.
- (b) That planning permission be issued subsequent to the applicant gaining an appropriate legal or equitable interest in the site sufficient to enter into a S.106 legal agreement with the Council to cover those matters set out in the report.
- (c) That the conclusions of the report regarding the material consideration matters discussed at paragraphs 10 to 29 be approved.
- (d) That the measures and the approach advocated in respect of ensuring that the Land Drainage Consent does not unacceptably compromise the urban design quality of the scheme as described at paragraphs 29 and 30 of the report be approved.
- (e) That the conclusions of the report regarding any necessary assessment of the new PPS4 and PPS6 as discussed at paragraph 31 be approved.
- (f) That the measures and the approach advocated in respect of the 'feature building/pavilion' as described at paragraphs 33 and 34 of the report be approved.
- (g) That the measures and the approach advocated in respect of the LED screen as described at paragraph 35 of the report be approved.
- (h) That, subject to the submission of a Car Park Management Agreement and approval by the Head of Development and Public Protection/Development Control Manager, planning permission be granted, subject to conditions and the signing of necessary agreements with any subsequent variations to the conditions (alterations/deletions/additions) and amendments to the S106 agreement being delegated to the Head of Development and Public Protection/Development Control Manager.

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

Councillor A F Richardson declared a personal and prejudicial interest for the reason that his family owned a retail food business and his employment with the Canterbury Archaeological Trust and left the Chamber for consideration of the matter.)

The meeting ended at 7.45 pm.