

Minutes of the meeting of the **PLANNING** Committee held at the Council Offices, Whitfield on Thursday 22 October 2009 at 6.00 pm.

Present:

Chairman: Councillor S G Leith

Councillors: B W Butcher
M S Furnival
C E Kirby
C J Meredith
J M Munt
J C Record
J M Smith
R J Thompson
R S Walkden

Officers: Development Control Manager
Principal Planner
Development Engineer, KCC
Principal Solicitor
Private Sector Housing Manager (Minute No 254 only)
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/09/0600	Mr S Burke	Mr I Miller
DOV/09/0618	Mr D Foley	–
DOV/09/0664	–	Mrs J Linning
DOV/09/0667	–	Mr H J Bragg
DOV/09/0729	Mr D Hughes	–

Apologies for absence were received from Councillors T A Bond, S S Chandler and A F Richardson.

249 CHAIRMAN'S ANNOUNCEMENT

The Chairman paid tribute to the support and advice given by Mr Steve Lower, Principal Planner – Enforcement, whose sudden and untimely death had recently occurred. He would be very much missed by colleagues and Members alike.

250 SUBSTITUTE MEMBERS

It was noted that in accordance with Rule 4 of the Council's Procedure Rules Councillors B W Butcher and C E Kirby had been appointed as substitutes for Councillors T A Bond and S S Chandler respectively.

251 MINUTES

The Minutes of the meeting held on 27 August 2009 were approved as a correct record and signed by the Chairman.

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/09/0600 (Calmwater, Queensdown Road, Kingsdown) be approved.

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

- (1) Application No DOV/09/0363 – Erection of a detached dwelling and construction of vehicular access – Land between Fancy's Folly and Hambleton Lodge, Lower Road, Staple (Minute No 154(3))

The Principal Planner advised that paragraph 1.2 of the report should show the boundary as 250 metres to the west rather than 350 metres as stated. In addition the relevant planning history required amendment in that an appeal had been received in respect of Application No DOV/09/0203. Consideration of the present application had been deferred in order that further information could be obtained and the report before Committee contained the additional details. At 4.00 pm that afternoon a lengthy email had been received from the agent which referred, amongst other things, to planning applications in Staple and East Stourmouth, to PPS 3 in respect of design and other matters, and to Local Plan Policies some of which had not been saved. A site visit had also been requested. Committee was advised that the Staple and East Stourmouth developments had resulted in extensions and that the applicant's personal circumstances were the central issue which would not benefit from a site visit. In the officer's opinion the recommendation was consistent with policy and no exceptional, overriding case had been made for acting contrary to policy.

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

- (2) Application No DOV/09/0395 – Erection of a detached dwelling – Casa Marina, Beach Road, St Margaret's Bay

The Development Control Manager reported that KCC Footpaths had no comment on the application.

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

- (3) Application No DOV/09/0618 – Change of use to tattoo studio – 14-16 Broad Street, Deal

The Development Control Manager advised that a flood risk assessment had been received and comments on the assessment were awaited from the Environment Agency. It was likely that condition (ii) of the officer's recommendation would not be necessary.

RESOLVED: That, subject to the views of the Environment Agency and the omission of condition (ii), the application be approved in accordance with the recommendation of the Development Control Manager.

(Councillor R S Walkden declared a personal interest in this item for the reason that the public speaker was known to him, and left the Chamber during its consideration.)

- (4) Application No DOV/09/0664 – Erection of a two storey building for use as a restaurant (existing building to be demolished) – 6A, 6B and 6C Strand Street, Sandwich

The Committee was advised that the final sentence of paragraph 3.6 of the report should refer to Conservation Area Consent, not Comment. The proposed opening hours could potentially limit the use of the premises, requiring a further application to extend the hours at a later date if the business was successful. Environmental Health officers had suggested that the opening hours be from 10.00 am to 11.00 pm. Members expressed concern about the limited space for storing food and other waste together with access for disposing of the waste in an area where traffic was easily congested by narrow streets and traffic lights at the Toll Bridge. The Development Engineer KCC explained that the previous use of the premises had been three retail outlets each of which would have generated waste for collection. The Development Control Manager read from the Design and Access Statement that food waste would be sealed in refrigerated containers and disposed of daily to a disposal site.

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

(Councillor S G Leith declared a personal interest in the item for the reason that a close relative had signed the application and withdrew from the meeting. In the absence of the Vice-Chairman, it was moved, seconded and resolved that Councillor M S Furnival should take the Chair for this application and the following application.)

(Councillor B W Butcher declared that he was a member of the Sandwich Town Council but had taken no part in any debate or vote on this application.)

- (5) Application No DOV/09/0664 – Demolition of existing buildings – 6A, 6B and 6C Strand Street, Sandwich

The Development Control Manager reported that concerns raised about demolished premises not being replaced would be overcome by a condition which required that demolition could not take place until a contract for the replacement building had been signed.

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

(Councillor S G Leith had declared a personal interest in this and the previous item and had withdrawn from the meeting. It had been resolved that Councillor M S Furnival should take the Chair for this application and the previous one.)

(Councillor B W Butcher declared that he was a member of the Sandwich Town Council but had taken no part in any debate or vote on this application.)

(6) Application No DOV/09/0709 – Retrospective application for the erection of a fence – Dover Castle, Upper Road, Dover

Members were advised that Kent Highways had raised no objections to the proposal, English Heritage had made no comments and a further emailed letter of objection had been received raising no fresh issues but asking for a site visit. A condition was recommended requiring that the fence be painted to match the existing fence. Questions were asked about possible risks to pedestrians and/or cyclists who could fall on the 1m high spiked fence.

RESOLVED: That consideration of the application be deferred to allow for a further report in respect of safety issues.

(7) Application No DOV/09/0729 – Erection of high level lighting waves, steps, seating, planting, lighting and a new surface to the public esplanade – Seafront, Marine Parade, Dover

The Principal Planner reported receipt of a further letter of objection which raised no fresh issues and advised that lighting intensity had been discussed with the Council's Environmental Protection Officer and Kent Highways. The lighting condition was still felt to be necessary but delegation was requested to amend or delete it if the matter were resolved. Condition (iii) of the officer's recommendation should be deleted as details of materials had been agreed and condition (iv) should refer to plans received on 13 October 2009.

RESOLVED: That, subject to the amended conditions, the application be approved in accordance with the recommendation of the Development Control Manager.

253 ROLE OF THE CHAIRMAN OF THE PLANNING COMMITTEE

The Committee was reminded that role descriptions for all Members had been circulated at the request of the Governance Committee and that, in addition to individual comments being sought, the views of specific Committees on the role of their respective Chairman were needed.

RESOLVED: That the Governance Committee be informed of the following amendments to be made to the duties and responsibilities of the Chairman of the Planning Committee:

- (a) Purpose of Role to be extended to include representing the Planning Committee in the media and public realm.
- (b) Point (i) to read "... act in the interests of Dover District and not ...".
- (c) Point (ii) second sentence to be omitted.
- (d) Point (iv) to read 'to act in consultation with the Head of Development and Public Protection' and omit the words 'for comment.'
- (e) Add to point (v) the words ' and practices' after the words 'other policies'.

APPROVAL OF EMPTY HOMES STRATEGY (CAB 59)

At its meeting held on 5 October 2009 the Cabinet had considered the report of the Head of Housing, Culture and Community Safety on a strategy to be adopted to deal with the problem of empty properties. Dover had the second highest number of empty homes in Kent and a higher than average compared to England and the South East. Cabinet had decided to approve the Draft Empty Homes Strategy and, following the consultation period, to receive an analysis of all comments together with an amended final Strategy for approval. This Committee had been invited to approve the draft Strategy.

The Development Control Manager explained that a notice served under Section 215 of the Town and Country Planning Act 1990 required the owner to address unsightly land or the external appearance of property which adversely affected the amenity of an area. This had clear implications for the work of the Planning Section.

RESOLVED: That Cabinet decision CAB 59 be endorsed.

The meeting ended at 8.03 pm.