

Minutes of the meeting of the **PLANNING** Committee held at the Council Offices, Whitfield on Thursday 30 July 2009 at 6.00 pm.

Present:

Chairman: Councillor S G Leith

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

Officers: 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/09/0360	Mr P Starck and Councillor T J Bartlett	
DOV/09/0363	Mr R Crompton	–
DOV/09/0462	Mr A Burns	–
DOV/09/0524	–	Mr P Shaw
DOV/09/0591	Mr R Etchells	Mr R Green

152 MINUTES

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

153 DEFERRED ITEMS

The Development Control Manager anticipated that a report might be submitted to the next meeting of the Committee in respect of Application No DOV/08/1196 (Alderden House, Hawksdown Road, Walmer).

The views were reported of those Members who had visited the site in respect of Application No DOV/09/0256 (198 Dover Road, Walmer) and who had concluded that the application should be approved subject to the deletion of the eleventh car parking space in order to provide sufficient room for further tree screening to be planted at the boundary of the site facing 2 Knoll Place. An amended plan would be required in respect of the deletion of the car parking space and further conditions could be delegated to the Development Control Manager.

RESOLVED: (a) That consideration of Application No DOV/08/1196 remain deferred.

- (b) That Application No DOV/09/0256 (Regularisation and amendments to approved application DOV/08/802 to omit underground basement parking and repositioning of building on site further from front boundary (retrospective in part) – 198 Dover Road, Walmer) be approved subject firstly to receipt of satisfactory amended plans in respect of deletion of the eleventh proposed car parking space and minor highway matters, a condition in respect of extended landscape screening along the boundary with 2 Knoll Place and all other conditions to be determined by the Development Control Manager.

154 APPLICATIONS WHICH MAY BE SUBJECT TO PUBLIC SPEAKING

- (1) Application No DOV/09/0171 – Erection of a detached dwelling, garage and stables and retrospective change of use of part of the land for the keeping of horses (existing dwelling and outbuildings to be demolished) – Meg's Dene, Agester Lane, Denton

The Development Control Manager reported that Environmental Protection officers had no objection to the proposal and had recommended conditions in respect of keeping horses. The views of the Parish Council were summarised and concluded with an overall objection. A further report had been received from the applicant's consultant which satisfied the tests required under the Conservation (Natural Habitats etc) (Amendment) Regulations 2007 regarding the pipistrelle bat roost. This aspect was therefore considered to be satisfactory and no further views would be required from Natural England but an additional condition was recommended. Additional plans had been received which satisfied the Fire & Rescue Service's concerns about the width of the access. An informative was also recommended with regard to removal of the mobile homes and caravans on site.

RESOLVED: That, subject to the addition of conditions regarding bats and an informative in respect of removal of the mobile homes and caravans, the application be approved in accordance with the recommendation of the Development Control Manager.

- (2) Application No DOV/09/0360 – Erection of a detached dwelling (and demolition of existing bungalow) – Belvoir Cottage, Overland, Ash

Members were advised that a further letter had been received from the applicant which challenged some points in the officer's report and that the outline planning permission granted in 2006 had recently expired.

RESOLVED: That, in order to assist Members to assess the height, form, design and detailing of the proposed dwelling and whether it would be a prominent and discordant feature in the rural landscape, out of character with its surroundings and detrimental to the appearance of the countryside, a site visit be made on Tuesday 25 August 2009 and Councillor S G Leith (Chairman), C J Meredith, J M Munt, J C Record and R J Thompson (reserves: Councillors T A Bond and M S Furnival) be appointed to view the site.

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

The Development Control Manager summarised emailed correspondence received from the public speaker on this application which had referred to the Council's obligations under its Disabilities and Equalities Scheme and associated legislation, the opinion that permission could be granted if the dwelling were considered to be ancillary, the style of other dwellings in Lower Road, and Affordable Housing Guidance. It was also stated that the applicant had a legal interest in the land. Many other points made by the speaker were being responded to under the Freedom of Information Act 2000 and the Council's Efficiency and Improvement Officer saw no inconsistency between the assessment and recommendation and the documents referred to. The applicant's agent had been invited to clarify why this particular site had been chosen and what alternatives had been explored but no information had been received. Amended plans had been received regarding the vision splays and this matter could be the subject of a condition should Members be minded to approve the application. The Property Services Manager and Private Sector Housing Manager had been consulted and the former had expressed doubts about the application.

RESOLVED: That consideration of the application be deferred to permit receipt of further details about the precise circumstances of the applicant and occupiers of the proposed dwelling in order that a full report may be made to the next meeting of the Committee setting out any material considerations which might override planning policies.

(4) Application No DOV/09/0462 – Erection of 80 bed care home (C2) with associated parking and garden amenity space, regrading of land levels, formation of new vehicular access and erection of boundary treatment (existing warehouse building to be demolished) – Land adjoining Buckland House, Buckland Mill, Crabble Lane, Dover

Members were advised that neither Environmental Protection nor the Environment Agency had raised objection to the application but both had recommended conditions. KCC Social Services had referred to an inadequate demand for such facilities and alternative ways of meeting any demand that might arise. Revised plans had been received which satisfied the concerns raised about sight lines on the access. The Development Control Manager reported that good progress was being made on the remainder of the Mill site to which planning application reference DOV/06/1455 related and no adverse effects would arise from permitting the care home element at this stage.

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

(Councillor T A Bond declared a personal and prejudicial interest in the application for the reason that his employers had an interest in a care home within 3 miles of the application site, and withdrew from the meeting while the application was considered.

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

- (5) Application No DOV/09/0386 – Erection of a detached bungalow – Site rear of 43 Balmoral Road, Kingsdown

The Development Control Manager reported that the KCC Public Rights of Way officer had asked belatedly to comment on the application and their views had been requested by the end of the following day. The Special Landscape Area referred to in third party letters of support no longer existed as it had formed part of the Kent & Medway Structure Plan which had been replaced. The site boundary referred to in paragraph 3.5 of the report comprised a panel fence and some shrubs including hawthorn and elder trees which did not exactly fit the ordinary understanding of mature trees.

RESOLVED: That, subject to the receipt of the views of KCC Public Rights of Way officer by 3 August 2009, the application be approved in accordance with the recommendation of the Development Control Manager .

- (6) Application No DOV/09/0524 – Change of use to takeaway (Use Class A5) and installation of ventilation duct to side and rear elevations – 333 Dover Road, Walmer

Committee was informed that County Highways raised no objections, Environmental Protection conditions could address public concerns regarding noise, smells, disturbance and air pollution and that Community Safety Officers had raised no concerns or objections. Three additional letters had been received from members of the public, the contents of which were summarised by the Development Control Manager as referring to the reasons for previous applications being refused, night disturbance, the area being residential, vermin, noise, traffic levels and pollution, and on street parking problems. Members were advised that the three grounds for refusal of the 2008 application had been addressed by the applicant and approval had therefore been recommended.

RESOLVED: That subject to the addition of an informative regarding prevention of litter, the application be approved in accordance with the recommendation of the Development Control Manager

- (7) Application No DOV/09/0591 – Change of use of ground floor to café (Use class A3) and amusement centre – Ground Floor, The Strand Public House, 36 High Street, Deal

The Development Control Manager updated Committee on views received since the report had been written: Environmental Protection had recommended a condition, the Environment Agency had raised no objection, and Deal Town Council had objected, referring to dilution of the High Street, effects on amenities and concern about access within the building.. Community Safety officers had raised no objection. Twelve further letters of objection had been received referring to the development being inappropriate for Deal, access to toilets being through the amusement centre, discouragement of other investment, detrimental to the scale and character of the town centre, the café being a 'fig leaf' and loss of hotel premises which contributed to the degeneration process of seaside towns. Ten

letters of support mentioned using a vacant building to provide a community service, good location, diversity and competition, job creation, government policy, preferable to a noisy pub, and shops closing in the vicinity. The agents had confirmed that a toilet would be provided to serve the café directly.

A complaint had been received from the Deal Society regarding the fact that the application was being considered before the period for public representations had expired and requesting that a decision be deferred. The Development Control Manager advised Committee that the period would expire at the end of the following day. This practice was neither unprecedented nor unusual and a safeguard was provided in the officer's recommendation which was subject to no contrary representations raising fresh issues being received within the period for comment. Should such representations be received the application would be brought to Committee again. An outstanding appeal against a previous refusal (DOV/09/0140) was due to be heard by public inquiry on 22 September 2009 and if the current application could be satisfactorily resolved the appeal would be withdrawn.

RESOLVED: That, subject to receipt of plans regarding the toilet facilities to be provided, and to no further contrary representations raising fresh issues being received within the period for comment, the application be approved in accordance with the recommendation of the Development Control Manager.

155 PARTIAL REVIEW OF THE SOUTH EAST PLAN – GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE ACCOMMODATION NEEDS IN THE SOUTH EAST (CAB 16)

At its meeting held on 6 July the Cabinet had considered the report of the Head of Development and Public Protection on consultation by the South East England Partnerships Board in respect of accommodation needs and the number of pitches to be provided for gypsies, travellers and travelling showpeople. This Council had supported option A for six pitches within the Dover District as had the other three East Kent Districts but option D, which required 23 pitches to be provided in Dover District, had been identified in the latest consultation document. Cabinet had resolved:

- (a) That subject to amendment by the Portfolio Holders and Leader as may be appropriate following a Members' meeting at Kent County Council on 13 July 2009, the Panel Secretary to the Inspectorate be advised that:
 - (i) Dover District Council continues to support and favour the pitch requirements identified in Option A (6 new pitches for Gypsies and Travellers) as this is the only option that reflects the identified needs and aspirations of the gypsy and traveller community;
 - (ii) Dover District Council supports the pitch requirements identified in Option A (0 pitches provision for Travelling Showpeople) as this has also been based on firm empirical evidence.

Cabinet had also recommended to this Committee that serious consideration be given to granting temporary planning permission to run over the period to 31 March 2011 for gypsy and traveller sites where there was a proven case of need and all other policy considerations had been fully addressed.

RESOLVED: That Cabinet decision CAB 16(a)(i) and (ii) be endorsed and this Committee will consider granting temporary planning permission for gypsy and travellers' sites where there are proven cases of need and all other policy and material considerations are fully addressed whilst maintaining its freedom and duty to assess each application on its individual merits and circumstances.

The meeting ended at 8.27 pm.