

Minutes of the meeting of the **PLANNING** Committee held at the Council Offices, Whitfield on Thursday, 30 September 2004 at 6.00 pm.

Present:

Chairman: Councillor S G Leith

Councillors: G P Allt
Mrs J A Birkett
B W Butcher
J A Cronk
P G Heath
N S Kenton
Mrs J M Munt
Mrs M M Sansum
R S Walkden

Officers: Chief Planning and Building Control Officer
Development Control Manager
Principal Engineer
Assistant Solicitor
Committees and Members Services 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/04/0605	Mrs A Doherty	Mr M C Welham
DOV/04/0935	Mr S Green	–

230 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Rule 4 of the Council's Procedure Rules, Councillors Mrs J A Birkett, B W Butcher and J A Cronk had been appointed substitutes for Councillors M S Furnival, P Southgate and Mrs S C Delling respectively.

231 MINUTES

The Minutes of the meeting of the Committee held on 9 September 2004 were approved as a correct record and signed by the Chairman.

232 ITEMS DEFERRED

The views of Members visiting the site in connection with Application No DOV/04/0851 (The Watch House, Undercliffe Road, Kingsdown) were reported to the Committee and it was noted that the application which had been the subject of the second visit (10 Dover Road, Sandwich) was reported elsewhere on the agenda.

RESOLVED: That, subject to the addition of a condition requiring the window in the side elevation of the property to be both obscure glazed and unopenable, Application No DOV/04/0851 (Erection of two storey side extension, –

The Watch House, Undercliffe Road, Kingsdown) be approved in accordance with the recommendation of the Chief Planning and Building Control Officer as set out on page 75 of his report to Committee on 9 September 2004.

233 PLANNING APPLICATIONS

RESOLVED: (a) That Application No DOV/04/0992 (Former Bus Station, South Street, Deal) be approved in accordance with the recommendation of the Chief Planning and Building Control Officer.

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

(1) Application No DOV/04/0396 – Construction of terrace of four cottages with car parking facilities – 61-63 Gladstone Road, Walmer

The Committee was advised that the agent had responded to the concern raised by the Environment Agency regarding the height of the floor slab and had confirmed that the actual height would be in excess of the Agency's requirements. Details of material to be used for glazing the bottom half of the windows on the rear elevation had been received and it permitted 84% light transmission but provided 100% privacy. The windows would be part fixed and, in response to concerns raised about fire safety, the applicant was proposing to make provision for a fire escape route elsewhere in the premises which would satisfy the Building Regulations. Demolition of the existing building would be included in the description and the use of a yellow stock brick had been confirmed.

The Development Control Manager reported receipt of a letter from one of the objectors advising that they would be unable to attend the meeting and it was suggested that, in order to accord with Article 6 of the Human Rights Act 1998, this reinforced the case for a site visit to be held.

RESOLVED: That, in order to assist Members in determining the application and to gain information directly from inspecting the site, a site visit be held on Tuesday, 26 October 2004 and Councillors N S Kenton (Chairman), B W Butcher, Mrs S C Delling, Mrs J M Munt and R S Walkden (reserves: Councillors P G Heath and Mrs M M Sansum) be appointed to view this and any other site.

(2) Application No DOV/04/0605 – Change of use to 148 place childcare centre and erection of a two storey extension to rear, formation of new access and construction of bridge, associated works and alterations, parking provision (relocation of bus stop) – 10 Dover Road, Sandwich

The Chief Planning and Building Control Officer updated the Committee on information received prior to the meeting which included an emailed letter regarding the need for an exceptional case to be made in order to justify breach of policies, whether the particular site was the correct one, safety of school children and young cyclists crossing the roads in the morning and reference to air pollution on the Pfizer site. A late letter had been received regarding traffic issues and the perceived encroachment by Pfizer on Sandwich. Revised details of the proposed bridge had been received and had been given public advertisement. Outcomes of the

advertisement would be analysed and reported to a future meeting of the Committee. The Chairman stated that the site panel had visited the location between 8.00 am and 9.00 am to observe traffic levels and pedestrian use of the road and crossing, had attended a public meeting from 9.30 am to 1.30 pm and had subsequently revisited all parts of the site during the afternoon before making a recommendation. The detailed recommendation was read to the Committee and the Chief Planning and Building Control Officer advised that any condition regarding noise levels on the boundary of the site would not be practicable because the ambient noise levels were too high to permit monitoring or enforcement. During the ensuing discussion concern was raised about on-street parking in the region of St Bart's Chapel, the positioning of a traffic island near the junction with St Bart's Road and traffic using "rat runs" through the town of Sandwich. The Principal Engineer referred to the appendix to the report which had been considered by the Committee at its previous meeting and which contained a letter from the applicants specifically addressing these issues. Should parking problems arise from the proposal, were it to be granted, traffic orders and enforcement action could be used to solve the problems. However it was expected that a scheme of operations could be agreed with the applicant to avoid traffic and parking problems in the first place. Insufficient crash record data existed to support the case for a pedestrian island in Dover Road through normal highway procedures. A condition could, however, be imposed requiring the traffic island to be in place before use of the childcare centre commenced. With regard to traffic movements through Sandwich, a phased arrival and departure programme for users of the childcare centre would be encouraged through the scheme of operations together with means of monitoring the operation and taking any necessary action. A detailed traffic assessment had been undertaken and, subsequently, independently scrutinised by KCC Highways and also HM Railways Inspectorate. Responding to further questions, the Chief Planning and Building Control Officer advised that Environmental Health did not appear to have any additional comments and the Health and Safety Executive had submitted no further views. The Principal Engineer confirmed that the application included proposals to improve Poplar Avenue which would, if implemented, improve pedestrian access on to the Dover Road at that point.

RESOLVED: That, subject to the following matters, the application be approved:

- (a) Confirmation of agreement by the applicants to providing a scheme of operations including appropriate provision for pedestrians and vehicles during times of peak usage of the childcare facility.
- (b) Following the outcome of public consultation, satisfactory resolution of details of the bridge and highway issues, including moving the bus stop and creating a traffic island.
- (c) Provision for addressing any parking issues should the proposed on-street parking prove insufficient.
- (d) Clarification that there are no additional comments from Environmental Health or the Health and Safety Executive.
- (e) Subject to legal advice, restriction of the number of childcare places to 148 and any other conditions to be

determined by the Chief Planning and Building Control Officer.

(Councillor J A Cronk declared a personal interest in this item for the reason that his wife was employed by one of the contractors to Pfizer.)

- (3) Application No DOV/04/0856 – Variation of Condition 6 of DOV/02/0847 (to allow for a modified landscaping scheme) and to consider retrospective amendments relating to a revised location for the day centre approved under DOV/02/0847 – Eastry House, High Street, Eastry

The Development Control Manager reported receipt of revised plans which showed a reduction in the height of the fence from 2.4 metres to 2.1 metres and advised, therefore, that part (i) of the recommendation should be amended to refer to Revision H.

RESOLVED: That the applications be approved in accordance with the amended recommendation of the Chief Planning and Building Control Officer.

- (4) Application No DOV/04/04/0935 – Construction of double garage – 40 Lower Road, River

The Development Control Manager clarified that the application referred to in the relevant planning history, which had been approved in 1993, referred to 44 Lower Road, River. Both in that case and in another involving a hardstanding at 42 Lower Road in 2003, no consideration had been given to the Conservation Area or the setting of the nearby Listed Building.

RESOLVED: That, in order to assist Members to assess the impact of the proposal on the Grade II Listed Building, the Conservation Area and the street scene, a site visit be held on Tuesday, 26 October 2004.

- (5) Application Nos DOV/04/0938 and 0939 – Part conversion and part demolition of existing building and construction of new building to form 37 flats – Prince of Wales House, Princes Street, Dover

The Committee was advised that the number of units proposed in this application had been reduced to 35, that the legal agreement referred to in the recommendation was no longer necessary and that the bat survey which had been received had been inadequate. Concern was expressed by the Committee over the level of affordable housing proposed by the applicant which fell short of the 30% currently required by policy HS9. The Chief Planning and Building Control Officer explained that, having taken all circumstances into account in this particular application, a relaxation of the policy requirement had been justified in view of the conservation benefits of the scheme. In order to clarify this matter further it would be possible to commission a commercial appraisal.

RESOLVED: That consideration of this application be deferred to permit further investigation into the scale of social housing provision.

234 APPEALS

The Chief Planning and Building Control Officer submitted a list of 37 appeals outstanding and reported that decisions had been made by or on behalf of the Secretary of State in respect of Application Nos DOV/03/1494 (108 Sandwich Road, Eythorne), DOV/03/1240 (124 West Street, Deal) and DOV/03/1535 (2 Westcliffe Cottages, Dover Road, St Margaret's-at-Cliffe) all of which had all been dismissed.

RESOLVED: That the report be noted.

235 CORPORATE ENFORCEMENT POLICIES

The Committee considered the Corporate Enforcement Strategy which had been adopted by the Council at its meeting held on 16 June 2004 and drafts of the particular policies which included Town and Country Planning. In order that a final set of enforcement policies could be presented to Council for adoption on 15 December 2004, the Committee was required to comment upon the document.

RESOLVED: That it be recommended to (Cabinet and) Council that paragraph 4 of the Enforcement Policy: Town and Country Planning be expanded to include reference to the impending High Hedges legislation, the Hedgerow Regulations, unauthorised works to trees covered by Tree Preservation Orders, execution of unauthorised works to Listed Buildings, and failure to reply to Planning Contravention Notices.

The meeting ended at 7.50 pm.