

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 16 May 2013 at 6.02 pm.

Present:

Chairman: Councillor F J W Scales

Councillors: P M Beresford (In place of K E Morris)
J S Back
T A Bond
J A Cronk
M R Eddy (In place of R J Thompson)
B Gardner
P J Hawkins
G Lymer (In place of B W Butcher)

Officers: Principal Planner
Senior Planner
Principal Solicitor
Democratic Support Officer
Democratic Support Officer

The following persons were also present and spoke in connection with the applications indicated:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/13/0208	–	Miss Eirwen Thomas
DOV/13/0142	–	Mrs Jane Brophy

639 APOLOGIES

It was noted that apologies for absence had been received from Councillors B W Butcher, K E Morris, R J Thompson and R S Walkden.

640 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors G Lymer, P M Beresford and M R Eddy had been appointed as substitutes for Councillors B W Butcher, K E Morris and R J Thompson respectively.

641 DECLARATIONS OF INTEREST

In respect of Application No DOV/13/0142, Councillors P J Hawkins and M R Eddy advised that, although they did not have a Disclosable Pecuniary Interest or an Other Significant Interest, in the interests of transparency they wished to state that they knew people who lived in Manor Avenue, Deal but they were not Associated Persons as defined in the Members' Code of Conduct.

642 MINUTES

The Minutes of the meeting held on 18 April 2013 were approved as a correct record and signed by the Chairman, subject to Minute No 632 being amended to read:

'In response to concerns raised by Councillor B Gardner and Councillor T A Bond, it was agreed that ward Members would be notified of Tree Preservation matters and related emergency works to any trees that were the subject of Tree Preservation Orders in the area.'

643 ORDER OF BUSINESS

The Chairman suggested that the order of business be changed to allow an additional item of urgent business relating to informal hearings to be considered, and Agenda Item 10 to be considered before Agenda Item 9 (Application No DOV/12/0386). By placing Agenda Item 9 last on the agenda, and on the basis of advice received from the Principal Solicitor, Members who wished to withdraw for Application No DOV/12/0386 would be able to do so, the remainder of the business on the agenda having been concluded.

In relation to Application No DOV/12/0386, the Principal Solicitor advised that Members should not vote on the application unless they had been present to hear all discussions and arguments on the matter. In the interests of fairness, they should not participate in proceedings and withdraw from the Chamber.

In response to concerns raised by Councillor J A Cronk and Councillor M R Eddy, the Chairman advised Members that, if they believed that the Members' Planning Code of Good Practice had not been adhered to when considering previous applications, their concerns should be relayed in writing to Officers.

RESOLVED: That, in accordance with Council Procedure Rule 14, the order of business be amended in order that an item of urgent business relating to informal hearings is considered as Agenda Item 8a and Agenda Item 10 is considered as Agenda Item 8b.

644 ITEMS DEFERRED

The Chairman reported that Application No DOV/12/00386, which had been deferred on 21 March 2013, appeared later on the agenda.

RESOLVED: That the report be noted.

645 APPLICATION NO DOV/13/0166 - FELL 17 SYCAMORE TREES; CUT BACK ONE OAK TREE TO ALLOW UP TO 2M CLEARANCE FROM ROOF -CAPELING HOUSE, GORE ROAD, EASTRY

The Committee was shown photographs of the site. The Principal Planner presented the report and advised that the description of the application had been amended in order to reflect the fact that only 11 trees were to be felled. The discrepancy in numbers was attributable to some of the trees being multi-stemmed. Conditions would be amended to require the planting of up to 11 trees and no works to take place during the bird nesting season. Councillor B Gardner stressed that any trees that were removed or lopped to stump height should be replanted within an agreed time from the commencement of works.

RESOLVED: That Application No DOV/13/00166 be APPROVED, subject to the following conditions:

- (a) Details relating to the replanting of trees, to include provision of between 6 to 11 replacement trees, identifying their size, species and planting location, shall be submitted to and approved by the Local Planning Authority prior to works to the trees commencing;
- (b) Replacement planting of trees, in accordance with the approved details, to be carried out within 12 months of commencement of works to the trees that are to be felled;
- (c) Should any replacement tree die, become diseased, or be removed within 5 years of its planting then a like for like species shall be planted in its place within the current or next planting season following its loss;
- (d) No works to any trees shall be carried out within any bird nesting season.

646 APPLICATION NO DOV/13/0208 - ERECTION OF A DETACHED DWELLING (EXISTING GARAGES TO BE DEMOLISHED) - LAND REAR OF 30 CROSS ROAD, WALMER

The Committee viewed photographs of the site. The Senior Planner advised that the application was for a detached dwelling, to be located where a block of garages was currently sited. A previous application had been refused, but Officers were satisfied that the application now before Committee had overcome previous shortcomings. Since the report was written, the Habitat Suitability Survey had been received and had raised no concerns. In addition, the applicant had submitted further information regarding the use of the garages. Of the existing garages, 4 were used solely for storage, 1 was empty, 2 were used for parking and another rented by the owner of 30 Cross Road.

Several Members raised concerns over emergency access and the loss of the garages. Cross Road was very narrow with limited parking and the removal of the garages was likely to create further problems. Councillor Eddy was of the view that the proposal would extend the built element of housing beyond the frontage of the street itself and therefore beyond urban confines. This was likely to encourage other garden development which would not be in keeping with the street scene. The Committee was reminded that the applicant was entitled to demolish the garages without planning permission.

Councillor T A Bond raised concerns regarding the removal of foul sewerage from the site and, notwithstanding that Southern Water had raised no objections, was of the view that the septic tank vehicle would have difficulty using the narrow driveway. The Chairman clarified that the vehicle would have to stop at the end of the driveway, on the road, and the removal of sewerage was therefore likely to have a significant and unpleasant impact on neighbouring residents.

The Senior Planner reminded the Committee that the development site was within settlement confines. A condition relating to the installation of sprinklers had been omitted from the report in error. KCC Highways had raised no objections to the loss of the garages, particularly since it appeared that several of them were used only for storage. On sewerage, the applicant had confirmed that it was not feasible to

connect the proposed development directly to the foul sewer. If the Committee was minded to grant permission, sewerage conditions could be attached.

In response to concerns raised by Councillor Eddy about the information received from the applicant regarding the garages, the Senior Planner advised that reference to it had been made in the report, but further elaboration had not been considered necessary because no objections had been received from KCC Highways over the loss of parking.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/13/0208 be REFUSED on the grounds that:

- (a) The development would result in unacceptable backland development and would harm the appearance of the street scene;
- (b) Loss of parking facilities;
- (c) Inadequate sewerage disposal facilities.

647 APPLICATION NO DOV/13/0142 - OUTLINE APPLICATION FOR THE ERECTION OF A DETACHED CHALET BUNGALOW - PINE COTTAGE, MANOR AVENUE, DEAL

The Committee viewed photographs of the site. The Senior Planner advised that this was an outline application, with all matters reserved, for a 3-bedroom bungalow sited between Pine Cottage and Leyswood. Since the report was written, further updates had been received from KCC Highways and Southern Water. KCC Highways had raised no objections, stating that this was a private road and access was sufficient to serve an additional dwelling. Southern Water had also raised no objections. It was confirmed that five letters of objection had been received, including one from Deal Town Council.

Concerns were raised by several Members regarding the street scene. Councillor Bond stated that Manor Avenue was a unique part of Deal and the proposed development was likely to harm the street scene due to the narrow nature of the proposed site and its proximity to other houses. Referring to the report, Councillor Cronk commented that the distance between the houses would be quite considerable and the photographs were therefore misleading. Councillors B Gardner and P J Hawkins raised concerns over potential damage to trees and landscaping. In response to reservations expressed by Members regarding the difficulty of achieving a good design at the site due to its size, the Senior Planner encouraged Members to consider Policy HS2 of the Local Plan and whether the site could accommodate an additional dwelling.

RESOLVED: That, in order to assist Members to consider the effect on the street scene and to consider whether the site could accommodate an additional dwelling, a site visit be held on Tuesday 11 June 2013 and Councillors B W Butcher, J A Cronk, B Gardner, P J Hawkins and K E Morris (reserves: P M Beresford and G Lymer) be appointed to view the site.

648 URGENT ITEM OF BUSINESS - INFORMAL HEARINGS

The Chairman advised the Committee that Application No DOV/11/0553 (Retrospective application for the change of use of land for the siting of 6 mobile homes for occupation by seasonal agricultural workers and erection of fencing – site at Park Farm, Queens Road, Ash), which had been refused by the Committee on 4 October 2012, was due to be considered at an Informal Hearing and two Members were required to attend.

RESOLVED: That Councillors B W Butcher, J A Cronk, B Gardner and F J W Scales be appointed to attend the Informal Hearing for Application No DOV/11/0553.

(In accordance with the provisions of Section 100(B)(4)(b), the Chairman agreed that this item, which was not detailed on the agenda, should be considered as a matter of urgency as there is a need to appoint Planning Committee Members to attend the Informal Hearing.)

649 ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE

The Committee noted that no action had been taken since the last meeting.

650 APPLICATION NO DOV/12/0386 - CHANGE OF USE TO AN EQUESTRIAN CENTRE, INCLUDING OFFICE / RECEPTION AND STAFF WELFARE FACILITIES TO PROVIDE 24 HOUR SECURITY, ERECTION OF 8 STABLES AND TACK ROOM, EXTENSION TO EXISTING BUILDING AT ENTRANCE, HORSE WALKER, CONSTRUCTION OF A MÉNAGE WITH ASSOCIATED LIGHTING, AND RELOCATION OF EXISTING SHED (EXISTING SILOS TO BE DEMOLISHED) - GREAT POULDERS FARM, POULDERS ROAD, SANDWICH

The Principal Planner referred to the report and advised that paragraph 3.18 no longer applied. The Committee was reminded that there had been a site visit on 19 March 2013 for Members to assess the highways impact of the proposed development, and its impact on the rural setting and character of the area. The outcome of the site visit had been reported to the Committee on 21 March 2013. The application had been deferred at that meeting, pending further information relating to the structural integrity of the byway 'bridge' and the replacement of the mobile home with a permanent alternative.

The Committee was advised that the structural engineer's report had confirmed that the 'bridge' was structurally sound and would be able to withstand traffic arising from the proposed development. The mobile home had been removed and staff welfare facilities would be provided within existing buildings. In addition, the hours of use had been reduced from 6am-10pm to 6am-9pm. KCC's Public Rights of Way (PROW) Officer had advised that KCC was responsible for maintaining the surface of the PROW and 'bridge', but not where damage had been caused by private users. KCC had raised no objections to the proposal, subject to repairs being carried out to the PROW and the 'bridge', and bicycle facilities being provided on site. In respect of staff facilities, the applicant had since submitted details confirming that rest and refreshment facilities would not be residential in nature. Members were advised that facilities could be conditioned if permission were granted.

Councillor Cronk commented that the main concerns arising from the site visit, namely the 'bridge' and mobile home, had now been resolved. He recognised that this was a difficult application that would be decided on balance, but was minded to grant the application. On the one hand it would generate employment in a rural area and regenerate a derelict site. On the other, there were concerns surrounding the increase in traffic, its impact on residents and the maintenance of the private road. The applicant had stated at the site visit that 20 horses would generate 2,100 trips per year and KCC Highways had advised that these would not have a major effect on the junction. The location was not ideal and it was possible that the additional traffic would have a detrimental effect. However, the Committee could not be certain of this.

Councillor Gardner queried why KCC Highways had raised no objections to an access point at Poulders Road, but had raised objections to access being at the other end of the site. At the site visit the applicant had offered to install a passing bay, but this had not come through in the amended proposals. In response, the Chairman advised that this had not been part of the original application. The hours of use were also questioned as it was inevitable that horses attending major events further afield would be returning to the centre after 9.00 pm. Furthermore, the byway was potholed and in very poor condition. With reference to paragraph 3.8 of the report, the Chairman advised that the statement referred to by Councillor Gardner was supported by the structural engineer's report, as set out at paragraphs 3.9 and 3.10 of the report to Committee. With further clarification, Councillor Gardner suggested that the application should be refused on the basis that the junction access at Poulders Road was unsuitable, and the byway was in poor condition and in need of resurfacing and widening.

Councillor Bond stated that the proposal had much to recommend it in terms of rural development. However, it was incumbent upon the Committee to take into account the likely effect of a proposal on residents and the surrounding area. The road was currently maintained by residents, and the proposal was likely to place a financial as well as a physical burden upon residents as a result of maintenance costs and the increase in traffic. It was his opinion that the financial burden was a material consideration which could be mitigated if KCC Highways adopted the road. The Chairman added that the financial burden could be considered as a material planning consideration but, if planning permission were granted, a condition could be included to assist residents. The Senior Planner clarified that it would be for residents to come to an agreement with the applicant on road maintenance.

The Chairman reminded the Committee that the site could be used for various agricultural purposes, requiring no planning permission, which could entail much larger vehicles using Poulders Road and the byway. The Senior Planner advised the Committee that a condition could be added to restrict the weight limit of vehicles using the road, but Councillor Cronk questioned how this would be policed. Councillor Bond reminded the Committee that with two farms previously on site, residents would naturally have expected some traffic movements arising from farming operations. However, they would not have foreseen, nor been prepared for, the significant increase in traffic that was likely to be generated by the proposal. Whilst KCC Highways had raised no concerns about the impact of increased traffic on the junction, some Members remained concerned. In response to Councillor Cronk, the Chairman confirmed that a Section 106 agreement could be used to address maintenance issues.

RESOLVED: That, notwithstanding the Officer's recommendation, Application No DOV/12/0386 be REFUSED on the grounds

that the access and byway are of an unacceptable standard and condition to accommodate the additional levels of traffic generated by the proposal and, if permitted, the development would place undue financial burden on the local residents to maintain the byway, overall resulting in an unacceptable social, environmental and economic impact on neighbouring residential properties, which would outweigh the benefits of the development, contrary to the sustainability objectives of the National Planning Policy Framework.

(Councillors P M Beresford, M R Eddy and G Lymer left the Chamber for consideration of this item.)

The meeting ended at 8.06 pm.