

Public Document Pack



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21 February 2024

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 22 February 2024 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-15)

To confirm the minutes of the meeting of the Committee held on 25 January 2024.

Yours sincerely

A handwritten signature in black ink, appearing to be "Nicky", written over the printed name "Chief Executive".

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 25 January 2024 at 6.00 pm.

Present:

Chairman: Councillor M J Nee

Councillors: D G Cronk
J S Back
D G Beaney
E A Biggs
N S Kenton
R M Knight
J P Loffman
S M S Mamjan
H M Williams

Also present: Mr Paul Lulham (DHA Planning)

Officers: Planning and Development Manager
Team Leader (Development Management) - North Team
Principal Planner
Principal Planner
Senior Planner
Planning Consultant
Principal Planning Solicitor
Property/Planning Lawyer
Democratic Services 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/23/01104 | Mr Matthew Parnham | Ms Jane Scott |
| DOV/23/01228 | Mr Shaun Harris | Councillor M Bates Mr David Carter |
| DOV/23/00976 | Mr David Maher | ----- |
| DOV/21/00075 | Mr Clive Tidmarsh | Mr Sebastian Charles Mr Barry Yorke Mr Chris Shaw |
| DOV/23/00370 | Mr John Mackenzie | ----- |
| DOV/23/00678 & DOV/23/00679 | Mr Dan Town | |

89 CHAIRMAN'S STATEMENT

For those in the public gallery and watching online, the Chairman explained why he had decided to vary the public speaking procedures for the meeting.

As some might have been aware, there had been disruption to the Council's IT system over the last few days which had meant that the online system for registering to speak at Planning Committee had not been working since 17 January. Whilst some speakers had managed to submit online requests, Democratic Services had been unaware of them until very recently. Other requests to speak had subsequently come in by e-mail or phone.

In these exceptional circumstances, and in the interests of fairness to all parties, the Chairman advised that he had used his discretion to allow more than one speaker on some of the applications where normally only one would have been allowed.

90 APOLOGIES

It was noted that there were no apologies for absence.

91 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

92 DECLARATIONS OF INTEREST

There were no declarations of interest.

93 MINUTES

The minutes of the meeting held on 14 December 2023 were approved as a correct record and signed by the Chairman.

94 POLICY UPDATE

The Team Leader Development Management (TLDM) gave an update on the current position in relation to the Local Planning Authority's (LPA) housing land supply following the publication of recent amendments to the National Planning Policy Framework (NPPF). Whilst the exact figures were currently being calculated, she confirmed that the LPA was able to meet the criteria set out in paragraphs 75 to 77 of the NPPF which required it to identify a minimum of 4 years' housing supply. She advised that the amendments had no bearing on the applications at agenda items 7, 8 and 9.

95 APPLICATION NO DOV/23/01104 - 8 ORCHARD CLOSE, WHITFIELD

The Committee was shown an aerial view and photographs of the application site which was within the settlement confines of Whitfield. The Planning Consultant advised that planning permission was sought for the erection of single storey side and rear extensions, front and rear dormer extensions and first-floor windows on the side elevations, amongst other things. As an update to the report, he advised that a further representation had been received, raising no new material considerations. The applicant had also submitted an application for a certificate of lawful use to establish whether the existing use of part of the property as a treatment room required planning permission. The latter was not a planning application and had no impact on the application before the Committee that evening.

The Chairman noted that there had been a considerable amount of correspondence about the application. He emphasised that the planning application was for an extension to a residential property, and any other matters relating to the property were of no relevance to determining the application.

Turning to the application, the Planning Consultant referred to the slight drop in land levels and the variety of roof forms, ridgelines and sizes against which the proposals would be viewed. The design, scale and appearance of the proposals were considered acceptable, with no harm caused to visual amenity nor any material loss

to the residential amenity of neighbouring properties. The proposals complied with the NPPF and approval was therefore recommended.

In response to Councillor J P Loffman, the Planning Consultant advised that if the use of a property changed the character of the dwelling, it became a material change of use and automatically a breach of planning control. Should it be considered a material breach, then the planning enforcement team would consider whether it was expedient to take enforcement action. The evidence submitted in connection with the application for a certificate of lawful use would be reviewed and, if appropriate, enforcement action would be considered.

Councillor R M Knight acknowledged that the Committee's remit was only to look at matters such as overlooking, overshadowing, loss of light, etc, and sought clarification on these. The Planning Consultant advised that the gable ridge of the property would be raised by one metre. The application property was to the south of no. 9, which had a small secondary garden to the side but a large rear garden, and north of no. 7. There would be no overshadowing to those properties. The residents of no. 9 had expressed concerns about overlooking from the dormer extensions. However, the proposed dormers to no. 8 would be below no. 9's and therefore upward looking. The proposed design was not significantly different to that of no. 9, and Officers considered that it would blend into the street scene and the backdrop of agricultural land. In respect of parking, Members were advised that the two existing parallel spaces would become tandem parking spaces. He added that garages were no longer considered by Kent County Council (KCC) to be usable parking spaces and were therefore discounted in any calculations.

Councillor N S Kenton commented that, in principle, he did not have an issue with the application, but sought reassurance that French doors could not be reinstated above the flat roof to the rear. The Planning Consultant confirmed that the French doors and Juliet balcony had been removed and would need planning permission if the applicant wished to reinstate them. The TLDM added that a condition could be imposed to prevent the installation of windows but it would have to meet the six tests of being reasonable, relevant, etc.

In response to Councillor D G Beaney, the TLDM advised that removing all permitted development rights could be viewed as overly restrictive, and it was necessary to identify specific planning harm arising from the development. In any case, she opined that, with the proposed extensions, the applicant had probably exceeded the quota allowed under permitted development rights. This meant that planning permission would be required for any further development. She advised Councillor H M Williams that imposing a condition for hours of construction was not appropriate for a residential development of this size. If construction led to reports of noise nuisance or disturbance, it would be investigated under environmental health legislation and dealt with by the Council's Environmental Health team.

RESOLVED: (a) That Application No DOV/23/01104 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Parking before being brought into use;
- (iv) No additional windows on side or rear elevations or gable ends;
- (v) No balconies on flat roof.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

96 APPLICATION NO DOV/23/01228 - 18 ST EDMUNDS ROAD, DEAL

Members viewed an aerial view and photographs of the application site which was situated within the urban boundary of Sholden. The Planning Consultant advised that planning permission was sought for the erection of a two-storey side extension, front porch alterations and a rear roof dormer, amongst other things. As a correction to the report, he advised that the reference to a four-bedroomed home at paragraph 2.6 should be five bedrooms. The proposal was considered acceptable in terms of its bulk, scale and design, and it met the relevant highways requirements. Furthermore, there would be no adverse impact on the residential amenity of neighbouring properties, nor any material harm caused to the character and appearance of the area. Approval was therefore recommended.

Members referred to the existence of other extensions nearby. In response to Members' comments, the Planning Consultant advised that the application included provision for two new tandem parking spaces in the front garden area which had, in fact, already been created. The rear dormer would be looking out over a field and any views would be at such an acute angle that it was unrealistic to think there would be overlooking. The TLDM highlighted an anomaly between the drawings of the front and rear elevations included on page 34 of the report. Whilst this made no material difference to Members' consideration of the application, the grant of planning permission should be subject to the receipt of amended plans.

The Planning Consultant clarified that the rear dormer could be built under permitted development rights. Notwithstanding that the dormer could be built without planning permission which was a material consideration, Members should consider the application as a whole. He confirmed that as a five-bedroomed property the proposal met the requirements for parking provision (i.e. two separately accessible spaces). Councillor E A Biggs spoke in favour of the proposal, citing the sympathetic extension layouts, lower ridge height and setting back from the road.

RESOLVED: (a) That, subject to the receipt of amended plans to address the drafting anomaly, Application No DOV23/01228 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Retention of parking;

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

97 APPLICATION NO DOV/23/00976 - FOOTPATH FIELD, STAPLE ROAD, WINGHAM

Members were shown an aerial view, plans and photographs of the application site which was situated outside the existing settlement confines of Wingham. The Principal Planner advised that planning permission was sought for the erection of 71

dwellings at a site of 3.6 hectares. As an update to the report, the Principal Planner advised that an affordable housing report had been received from Wingham Parish Council which had reached an agreement with the applicant that the shared ownership and rental properties would be offered to local residents in the first instance. Members were advised that the site lay within flood zone 1 where there was a low probability of flooding. Public right of way (PROW) EE174 crossed the site diagonally, connecting with Staple Road to the south and Wingham High Street to the north-west.

The Principal Planner advised that the most important Core Strategy policies for determining the application were considered to be out-of-date, and the tilted balance approach of the NPPF was therefore engaged. The site had been allocated for development in the emerging Local Plan which carried moderate weight at this time.

Councillor J S Back noted that none of the consultees had raised objections to the proposed development which was in the emerging Local Plan. He applauded the fact that the shared ownership and rental properties would be offered to local residents and proposed that the application should be approved. In response to Councillor Williams, the Principal Planner explained that KCC had requested financial contributions towards the extension of primary schools in Wingham and Ash. At secondary level, the contributions would be allocated to non-selective schools in Deal and Sandwich and selective schools in Dover.

RESOLVED: (a) That, subject to a Section 106 agreement to secure the required contributions, the provision and retention of a play area, and to secure a proportionate contribution to the off-site highway improvement works, Application No DOV/23/00976 be APPROVED subject to the following conditions:

- (i) Timit limits;
- (ii) Approved plans;
- (iii) Existing and proposed site levels and building heights;
- (iv) Samples of materials;
- (v) Full details of windows and doors, including the depth of reveals;
- (vi) Biodiversity Method Statement;
- (vii) Bat-sensitive lighting;
- (viii) Ecological Design Strategy, Habitat Management and Monitoring Plan;
- (ix) Soft landscaping plan to include turtle dove compensatory habitat;
- (x) Landscape management plan;
- (xi) Arboricultural Method Statement;
- (xii) Details of LEAP play areas;
- (xiii) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme) (if not covered in the Section 106 agreement);
- (xiv) Construction Management Plan;
- (xv) Highway conditions (bicycle parking, visibility splays, turning facilities and details of the construction of roads);
- (xvi) Retention of parking spaces;
- (xvii) Submission of a pedestrian routeing strategy;

- (xviii) PROW diversion;
- (xix) Hard landscaping works and boundary details/enclosures;
- (xx) Contamination;
- (xxi) Full details of surface water drainage;
- (xxii) Surface water drainage verification report;
- (xxiii) Programme of archaeological works;
- (xxiv) Full details of foul drainage, including timetable for implementation and connection;
- (xxv) Refuse and recycling facilities;
- (xxvi) No flues, vents, grilles or meter boxes;
- (xxvii) Demolition Management Plan.

(b) That powers be delegated to the Head of Planning and Development to agree a contribution for off-site highway work, settle any necessary planning conditions and secure a legal agreement, in line with the issues set out in the recommendation and as resolved by the Planning Committee.

98 APPLICATION NO DOV/21/00075 - 74 AND LAND REAR OF ARCHERS COURT ROAD, WHITFIELD

The Committee viewed plans and photographs of the application site. The Principal Planner reminded the Committee that the application sought planning permission for up to 38 dwellings and had been refused by the Committee in September on the grounds that the proposed access would be contrary to Core Strategy Policy CP11, the Whitfield Masterplan Supplementary Planning Document (SPD) and Policy SAP1 of the emerging Local Plan. Following the refusal, Officers had approached DHA Planning, an independent consultancy, for advice on highways matters related to the case, and to understand whether a reasonable defence could be mounted should the applicant decide to appeal against the decision. DHA Planning had produced a technical note for Officers in October, and Mr Paul Lulham from the consultancy was at the meeting to answer questions. Since the September meeting, a further representation had been received from Halsbury Homes that raised no new material issues.

The Chairman asked Members to focus solely on the proposed access onto Archers Court Road rather than being distracted by other options which were not for consideration.

Councillor Back stated that the Whitfield Masterplan SPD indicated that access to the application site should be from Light Hill in Phase 1. He referred to September's committee report which made reference to the fact that access should be via the Richmond Park development on the basis that the application was within the first phase of the urban expansion of Whitfield and that most of the site was within Richmond Park. Core Strategy Policy CP11 was designed to ensure that the expansion of Whitfield was managed and coordinated in relation to matters such as master planning, infrastructure, highways, environment and housing, with the SPD providing a framework for this. The SPD was underpinned by the principle that the existing settlement of Whitfield should be protected. He stressed that the SPD specifically precluded traffic (except for buses and cyclists) generated by the urban expansion from using this section of Archers Court Road so as to limit the impact on Whitfield roundabout. In summary, the Council had clear policies that precluded the use of Archers Court Road for this development. In his view the NPPF was sacrosanct in that it contained all the policies the Committee was expected to

adhere to. It was therefore wrong to ask Members to pick and choose which policies to follow to suit a particular application. He proposed that the application should be refused on these grounds.

Mr Paul Lulham advised that he had applied the relevant policies in the NPPF when carrying out his assessment and forming his advice to the LPA. In this regard, paragraph 115 of the NPPF stated that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

With regards to safety, KCC Highways was satisfied that safe on-site and off-site access could be achieved by all users, including refuse vehicles. Although Archers Court Road had a relatively good safety record, he acknowledged that Whitfield roundabout had a poor one, largely caused by rear-end or side impact collisions. To address this, National Highways (NH) would be introducing better signage and markings to improve lane discipline and roundabout legibility, aimed in particular at foreign drivers using the port. It was his opinion that a modest development of this scale would not have an unacceptable impact on highway safety. In terms of cumulative impact, Whitfield roundabout was already over capacity. However, a mitigation scheme was proposed which would introduce part signalisation, widening, etc by 2028. He urged Members to consider the application in the context of the movements that would be generated by a development of 38 dwellings. The numbers were well within the daily variations for the roundabout and would not reach a severe impact, the test for which was set at a high bar. In any case, it was unlikely that the proposed development would be built out and occupied before the mitigation works were carried out. He clarified that road traffic accidents that did not involve the emergency services were not counted in NH's accident statistics. He added that whether the site was occupied before the introduction of the mitigation scheme or not, his advice would remain the same.

As a local resident, Councillor Knight commented that Whitfield roundabout was getting worse which was not something non-residents would be aware of. Improvements had been promised as long ago as 2008 yet, despite several developments, nothing had been done to the roundabout. The relevant policies stated that access should be from the A256 via Richmond Park and he could not support the application if the recommendation was to go against them. He added that he also disliked the design of the scheme and questioned the development of this particular site.

In response to Councillor Beaney, Mr Lulham referred to paragraph 1.22 of the report that explained the trajectory of development which would dictate when the roundabout mitigation works were provided. Based on advice received from developers, this was projected to be 2028 when the tipping point would be reached. In response to Councillor Biggs, Mr Lulham stated that, although not familiar with the exact details, he believed the mitigation scheme had evolved over time and would involve part signalisation of the roundabout plus widening and circulatory improvements.

The Chairman reminded the Committee that it was only looking at access onto Archers Court Road, and discussions about Whitfield roundabout were not relevant. There was no definition of severe impact, and traffic congestion and inconvenience were not sufficient reasons for refusal on highways grounds. He urged Members to be pragmatic and pointed out that the projected trajectory of delivering homes might not be as predicted given the state of the current housing market. Councillor Beaney noted the comments made by Halsbury Homes and agreed that, although

38 houses was not an insignificant number, access should be onto Archers Court Road rather than through Richmond Park. Councillor Loffman raised concerns that there was no definition of severe impact and expressed support for the parish councils that had objected to the proposed development. He queried whether the application could be refused on the grounds suggested by Councillor Back.

The Principal Planning Solicitor reminded Members that the report acknowledged that there was a conflict with the Local Plan which was the starting point for decision-making, and that decisions should be made in accordance with the Plan, unless material considerations indicated otherwise. Whilst the reasons suggested for refusal were theoretically defensible, the cumulative highways impact that would be caused by permitting access onto Archers Court Road was not considered to be severe and the proposal was therefore not in conflict with the relevant paragraph in the NPPF. Officers had analysed this matter carefully and concluded that there was no reason to refuse the application on this basis.

Councillor Loffman sought clarity on the accuracy of previous traffic projections. Mr Lulham confirmed that the applicant had used industry standard methodology to predict trip rates to and from the proposed development which had produced forecasts at the robust end of the scale, more in line with rates (38 trips at peak hours) seen pre-pandemic. He added that the methodology had been tested many times at appeal. Moreover, there had been a significant amount of correspondence between the applicant and KCC/NH. Cumulative impact had been taken into account when assessing the application and it had been determined that 2028 would be the appropriate time for mitigation.

Councillor Biggs commented that highways was often an area that the Committee struggled with. However, it was important to note that it had fulfilled its responsibility by seeking a review of highways matters from an independent consultant. He urged Members to give careful consideration to their decision. Councillor Kenton commented that, whilst most Members disliked the scheme because of the proposed access, the independent consultant had reviewed the scheme and advised that there was no valid reason to refuse the application. In response to Councillor Back, Mr Lulham emphasised that the NPPF referred to severe cumulative impact which had to be tested. Like other areas such as Sittingbourne, the conclusion from NH was that Whitfield was not yet at that point.

The Principal Planning Solicitor suggested that if the Committee was minded to refuse the application, then it might wish to use the grounds cited previously when it resolved to refuse the application and which were set out on page 96 of the report. In response to Councillor Beaney, he advised that, having heard the Officer's assessment and that of the independent consultant, as well as the view of NH, the LPA would struggle to find a consultant to defend the Council's case at appeal. Whilst the breach of a Local Plan policy would normally be a reasonable basis on which to refuse an application, the harm that would be caused by the access proposed by this scheme was not considered by the experts to be severe and approval was, in the light of all the circumstances of the matter, a logical step. He cautioned that a refusal which was not supported by evidence and which went in the face of expert advice could potentially be deemed as unreasonable conduct and lead to costs being awarded against the Council. He urged Members to steer clear of speculating as to what a future viability assessment might conclude about an application that proposed access through Richmond Park and onto the A256. He reminded Members that the application did accord with many aspects of the Local Plan.

It was moved by Councillor J S Back and duly seconded that Application No DOV/21/00075 be REFUSED on the following grounds: (i) That the proposed vehicular access onto Archers Court Road, having regard to the timetable for delivering Whitfield roundabout works, would be contrary to Policy CP11 of the Core Strategy, page 66 of the Whitfield Supplementary Planning Document 2011 and point (i) of SAP of the emerging Local Plan; and (ii) That powers be delegated to the Head of Planning and Development to finalise the wording of the grounds of refusal, in consultation with the Chairman of the Planning Committee and ward Members.

On being put to the vote, the motion FAILED.

It was moved by Councillor D G Cronk and duly seconded that Application No DOV/21/00075 be APPROVED as per the report recommendation.

On being put to the vote, the motion was CARRIED.

RESOLVED: (a) That, subject to a Section 106 agreement to secure the required contributions, Application No DOV/21/00075 be APPROVED subject to the following conditions:

- (i) Reserved matters details;
- (ii) Outline time limits;
- (iii) Approved plans;
- (iv) Existing and proposed site levels and building heights;
- (v) Biodiversity Method Statement, including biodiversity mitigation and enhancement;
- (vi) Construction Management Plan;
- (vii) Highway conditions (provision of the access, vehicle parking, bicycle parking, visibility splays, turning facilities and details of the construction of roads);
- (viii) Affordable housing provision (numbers, type, tenure, location, timing of construction, housing provider and occupancy criteria scheme) (if not covered in the Section 106 agreement);
- (ix) Landscaping details and maintenance of green spaces;
- (x) Protection of trees and hedges;
- (xi) Hard landscaping works and boundary details/enclosures;
- (xii) Full details of surface water drainage, with no other infiltration on site other than that approved;
- (xiii) Programme of archaeological works;

- (xiv) Broadband connection;
- (xv) Samples of materials;
- (xvi) Full details of windows and doors, including the depth of reveals;
- (xvii) Details of refuse and recycling facilities;
- (xviii) No flues, vents, grilles or meter boxes;
- (xix) Noise Impact Assessment;
- (xx) Travel Plan.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions and secure a legal agreement, in line with the issues set out in the recommendation and as resolved by the Planning Committee.

99 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.15pm and reconvened at 8.24pm.

100 APPLICATION NO DOV/23/00370 - LAND OFF THE STREET, EAST LANGDON

Members were shown an aerial view, plans and photographs of the application site which was situated outside, but adjacent to, the settlement confines of East Langdon. The Senior Planner advised that before the Committee was an outline application for the erection of up to 40 dwellings, with all matters reserved except for access. As an update to the report, she advised that one further representation had been received from Langdon Parish Council raising various matters including archaeology, climate change, emissions and school capacity. References in paragraphs 2.12 and 2.13 of the report to paragraph 174 of the NPPF should read paragraph 180.

The Chairman reported that, despite reservations about the location and road, he had looked at the online Regulation 19 documents for the site and noted that only one submission had been made about the site. Given that the emerging Local Plan was nearing completion, it was his view that the land would almost certainly be developed. Councillor Knight likened the development to the Archers Court Road application, remarking that a lot of traffic from the development would travel via Archers Court Road. Councillor Williams voiced concerns about the development which was not in a sustainable location, there being no facilities and limited bus services serving East Langdon and narrow roads without footpaths. She also expressed concerns about the capacity of the local school which was nearly full and unlikely to be able to take children from this development. This meant that parents would be forced to drive children to school. She suggested that, like the Wingham application considered earlier in the evening, a local lettings policy should also be sought for this development.

The Senior Planner advised that a Transport Statement had been submitted, reviewed by KCC Highways and subsequently amended. The developer would be required to contribute towards the strategic transport strategy by providing £2,000 per dwelling towards improvements at the Duke of York's and Whitfield

roundabouts. On sustainability, she advised that the policy team had considered a number of factors including the fact that there was a bus service and a train link. The TLDM advised that any agreement regarding a local lettings plan would be dictated by the outcome of a housing needs survey. This was something Officers could pursue with the applicant and implement if necessary. In response to Councillor Kenton who referred to the existence of a covenant, the TLDM advised that the issue of covenants had no bearing on the merits of the planning application. In response to Councillor Kenton, the Senior Planner advised that, although it was an outline application, there was a condition requiring the reserved matters application to include indicative plans so there would be an opportunity to secure buffer zones at that stage.

RESOLVED: (a) That, subject to the completion of a Section 106 legal agreement to secure the required contributions and conditions, Outline Application No DOV/23/00370 be APPROVED subject to the following conditions:

- (i) Approval of reserved matters;
- (ii) Time condition;
- (iii) List of approved plans (including the development framework plan)
- (iv) Samples of materials;
- (v) Biodiversity method statement;
- (vi) Ecological design strategy;
- (vii) Habitat management and monitoring plan;
- (viii) External lighting strategy;
- (ix) Construction management plan (including dust and noise control);
- (x) Submission of parameter plan/ design code;
- (xi) Programme of archaeological work in accordance with a written specification and timetable to be submitted;
- (xii) Land contamination;
- (xiii) Verification report for any necessary remediation;
- (xiv) Remediation for any contamination found not previously identified;
- (xv) Restricting use of piling and penetrative foundation designs;
- (xvi) Restricting infiltration of surface water drainage into the ground;

- (xvii) Submission and approval of shuttle working at The Street, including suitable signage and 'give way' markings and gateway feature;
 - (xviii) Evidence of submission of a Traffic Regulation Order, prior to first occupation;
 - (xix) Submission and approval of details of a footway link with PROW ER44;
 - (xx) Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1 metre above carriageway level within the splays, prior to the use of the site commencing;
 - (xxi) The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority;
 - (xxii) Submission of a Construction Management Plan;
 - (xxiii) Details of surface water drainage for rainfall durations to be submitted with the reserved matters;
 - (xxiv) Detailed surface water drainage scheme;
 - (xxv) Verification report relating to surface water drainage.
- (b) That powers be delegated to the Head of Planning and Development to explore a local lettings policy for the affordable housing dependent upon the outcome of any housing needs survey, and to settle any necessary planning conditions, legal agreements and reasons in line with the issues set out in the recommendation and as resolved by the Planning Committee.

101 APPLICATION NOS DOV/23/00678 & DOV/23/00679 - THE OLD RECTORY, CHURCH HILL, EYTHORNE

The Committee viewed an aerial view, plan and photographs of the application site which was located within the village confines of Eythorne. The Principal Planner advised that the first application sought listed building consent for the creation of an access through a listed boundary wall. The second application was a Section 73 application to vary condition 2 of planning permission granted for application DOV/17/00246. The variation sought to amend pedestrian access into the site and the location of a pedestrian crossing on Church Hill. As an update, she advised that the committee report should have made reference to Part 1, Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which required local planning authorities to have regard to the desirability of preserving a building or its setting, or any features of architectural or historical interest. Furthermore, an additional representation had been received from a member of the public, raising

concerns about the structural stability of the listed wall and the accessibility and safety of the revised pedestrian route.

Councillor Kenton commented that the wall was only listed because there had formerly been a listed building on the site which had burnt down some years previously. The wall had been listed as part of the curtilage of that building and not in its own right. He was confident the wall would be maintained in a better condition as part of the new development. Given that there was extant planning permission and the proposed variations to condition 2 were of a minor nature, he proposed that the applications should be approved. Councillor Beaney explained that he had called the application in on behalf of Eythorne Parish Council because it had been a while since the last application was considered and there was a wish to clarify what traffic calming measures were proposed and whether there was additional Section 106 money available for further highway improvements.

The Principal Planner clarified that the original application included proposals to narrow part of Church Hill by installing double yellow lines and a priority/one-way arrangement with appropriate signage. In addition, a pedestrian crossing would be provided for residents of the bungalows opposite the application site whose parking spaces were to be relocated and provided within the site. The off-site works proposed would improve visibility for vehicles at the junction of the private street serving the site onto Church Hill.

Councillor S M S Mamjan commented that traffic was a significant problem on Church Hill due to the narrow road, blind bend and proximity of a primary school. Whilst mitigation measures were necessary, she was not convinced that double yellow lines would not just make the congestion worse.

The Chairman expressed concerns about the relocation of the parking spaces provided for the residents of the bungalows. The original application showed them as being located close to the entrance of the site, but drawings included with the current application showed only two disabled spaces situated on the far side of the site. Whilst he had no concerns about the proposed gap in the wall and footpath, if the drawings set a precedent for the relocation of the parking spaces, he would not be voting in favour of the application, unless the parking proposals for the residents could be clarified.

The Principal Planner advised that the entrance to the site was now located off a private road which would be unadopted, meaning that residents could park where they liked. The Chairman pointed out that the residents' on-street spaces would be lost in order to allow traffic to use the entrance off Church Hill, and he could not support the spaces being situated so far away. He added that the original condition relating to the location of the spaces had not been discharged nor any details submitted. That said, he was satisfied that as long as Officers had a clear steer on the Committee's views, the application should be approved rather than coming back to the Committee. The TLDM advised that Officers could take into account the Committee's concerns on this matter when reviewing the details of parking spaces. Councillor Kenton suggested that the application should be deferred to ensure that the Committee retained control of the issue.

RESOLVED: (a) That Listed Building Consent Application No DOV/23/00678 be **APPROVED** subject to the following conditions:

- (i) Standard time condition;

- (ii) List of approved plans;
- (iii) Prior to commencement, submission of scale sections at 1:20 showing the new opening and details of any repairs to the existing listed wall.

(b) That powers be delegated to the Head of Planning and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by the Planning Committee.

(c) That, notwithstanding the Officer's recommendation, Application No DOV/23/00679 be DEFERRED for Officers to consult with the applicant on the relocation of parking spaces provided for residents of the disability bungalows.

(Councillor Beaney stated that it had been brought to his attention that he may have an interest in the application. In clarification, he advised that he had been asked to quote for works at the site but had declined to do so because he disagreed with how the applicant proposed to do the works. The application had nothing to do with how he conducted his day-to-day business which was a personal matter. He had no interest in the application, nor had he predetermined how he would vote on it. He added that he had called the application in on behalf of Eythorne Parish Council which had also approached other Members in this regard.)

102 APPEALS AND INFORMAL HEARINGS

The Committee noted that there was no information to receive regarding appeals.

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

The Committee noted that no action had been taken.

The meeting ended at 9.21 pm.