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24 June 2021

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 24 June 2021 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-16)

To confirm the minutes of the meeting of the Committee held on 27 May 2021.

Yours sincerely

A handwritten signature in dark ink, appearing to read "N. Smith", written over a horizontal line.

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 27 May 2021 at 6.09 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
M Bates
D G Beaney
E A Biggs
T A Bond
D G Cronk
P D Jull
O C de R Richardson
C F Woodgate

Officers: Team Leader (Development Management)
Principal Planner
Principal Planner
Senior Planner
Planning Officer
Planning Officer
Planning Solicitor
Democratic and Corporate Services Manager
Democratic Services Officer

The following persons submitted written statements which were read out by the Democratic and Corporate Services Manager in lieu of public speaking:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/20/00419	Mr Alex Kalorkoti Mr Jim Davies	Mr Peter Cutler Mrs Sue Sullivan Councillor H M Williams Councillor S C Manion
DOV/20/00640	Mr Luke Cooper	-----
DOV/20/00519	Mr and Mrs Nigel Stevenson	Ms Joanna Jones
DOV/20/00227	Mr Terry Norton	-----

1 APOLOGIES

It was noted that there were no apologies for absence.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

3 DECLARATIONS OF INTEREST

Councillor T A Bond declared an Other Significant Interest in Agenda Item 7 (Application No DOV/20/00519 – Farm Cottage, Cherry Lane, Great Mongeham) by reason that he had some business arrangements with the applicant.

4 MINUTES

The minutes of the meeting held on 22 April 2021 were approved as a correct record and signed by the Chairman.

5 APPLICATION NO DOV/20/00419 - ALMOND HOUSE, BETTESHANGER SUSTAINABLE PARKS, SANDWICH ROAD, SHOLDEN

The Committee was shown an aerial view and plans of the application site. The Principal Planner reminded Members that the application was being reported back to the Committee following its consideration at the 25 February 2021 meeting when the Committee had indicated that it was minded to approve the principle of residential development on the site, subject to a further report on outstanding ecology matters, at which point a final decision would be taken by Members. Whilst the report presented to Members dealt specifically with those ecology matters, the previous report was germane to the determination of the application since it dealt with all other material considerations.

As an update to the report, Members were advised that eight additional letters of objection had been received, largely raising points made previously. These could be summarised as follows:

- The contamination and geology of the site should be fully assessed prior to determination
- Need further evidence on the impact of the development on Betteshanger Country Park in terms of its cultural provisions and plans for the future
- The existing and extensive green corridor used by wildlife would be disrupted
- Photos of the pit heads provided
- Biodiversity and conservation targets should take priority
- The requirements of the National Planning Policy Framework had not been met
- The site was a community asset and should be protected, including rare species
- Development on the site was contrary to Kent County Council policy

A further consultation response had also been received from the Royal Society for the Protection of Birds. This reiterated that concerns raised previously should be addressed prior to determination, and following full ecological and turtle dove surveys at Betteshanger Country Park (BCP).

The Principal Planner recapped some important points for Members. The application site was the former Betteshanger Colliery site which, for planning purposes, was considered to be a partially developed site. This was due to the site having been fully cleared of mining waste and the land remediated, and the carrying out of enabling and site levelling works by the South East England Development Agency (SEEDA) 13 years previously. The site had also been allocated for employment purposes since the 2002 Local Plan.

The key change since the application had last been reported to the Committee was that a robust approach had been taken to dealing with ecology. This included dealing with compensation and mitigation measures post-planning permission by means of a Section 106 agreement and detailed conditions, as set out fully in paragraphs 2.18 to 2.22 of the report. The Principal Planner stressed that the Section 106 agreement would require the applicant to carry out full ecological surveys of the whole of the BCP, along with turtle dove surveys, to establish the

most suitable locations within the BCP for the compensation and mitigation works; only at that stage would the final locations for the compensation scheme be confirmed. Whilst potential locations were shown on the plan presented to Members, these were not expected to be the final locations for compensation or mitigation works since these would be confirmed following the full ecological appraisal which could potentially identify more suitable sites. In essence, the plan demonstrated that there was sufficient land available to provide the required mitigation and compensation works for land lost within the application site, along with a net gain in biodiversity.

This approach was a far more robust method of addressing these matters than the previous details and outline strategies submitted which had lacked detail or appropriate control mechanisms. The control of the ecological mitigation and compensatory works through the Section 106 agreement and proposed conditions provided certainty that these matters could be addressed. Moreover, it was an approach that was in accordance with planning guidance and the key test at paragraph 175(a) of the National Planning Policy Framework (NPPF) which sought to mitigate or compensate for harm to biodiversity. Such an approach had also been endorsed by planning inspectors in respect of other applications for planning permission where similar ecological questions had arisen.

The Principal Planner emphasised that the work would be undertaken or overseen by a recognised expert ecological body. In addition, securing Open Mosaic Habitat for a 30-year period at BCP would enable the habitat to be maintained in the long term. Open Mosaic Habitat was unique, partly because it mostly occurred on brownfield sites but also because it was an early successional habitat which was often lost over time through the succession of other species which took over if left uncontrolled. As set out in paragraph 2.26 of the report, securing existing and compensatory Open Mosaic Habitat management in BCP for 30 years would ensure that the habitat was maintained on the site rather than being lost to successional plant species, and was a significant material consideration,

In respect of ecological matters, and in summary, the Principal Planner stated that she was satisfied that the key NPPF tests had been met, with the determinative factor being that mitigation and compensation could be provided and controlled through a suitable mechanism, namely a legally binding Section 106 agreement. Moreover, the terms of the agreement would require that the strategies were resolved prior to the submission of a reserved matters application. She added that the use of legal agreements was supported in the NPPF.

Turning to other matters, she advised that issues such as contamination, geology and potential mineshafts were set out in paragraphs 2.116 and 2.117 of the first committee report. A suite of five contamination conditions was proposed, along with three further conditions required by the Coal Authority. These issues had already been addressed and assessed by DDC's Environmental Health team and the Environment Agency (EA). However, to ensure that the advice was robust, the Environmental Health team and the EA had been asked to review the recent documentation. Both had subsequently confirmed that the existing recommended conditions were sufficiently robust to deal with these matters. However, the EA had also suggested a no-piling condition without further agreement which would be added to the recommendation. Environmental Health had also confirmed that all key areas of concern had been addressed or that provision had been made to address them at some future point. In conclusion, she was therefore satisfied that these matters had been fully addressed at this stage and complied with the requirements of the NPPF.

In respect of foul drainage, this was dealt with at paragraphs 2.92 and 2.93 of the first committee report. Foul drainage at Betteshanger would use the existing and upgraded waste-water treatment plant on site which would treat water before its discharge to ground water. Whilst it was not expected that the site connected to the public foul drainage system, a condition had been included to require details of foul drainage.

With measures to address the ecology and biodiversity concerns, as well as the other material planning considerations set out in the first report, the conclusion of Officers was that the proposed development either fully complied with the NPPF or that outstanding matters could be dealt with by means of the legal agreement or planning conditions. For these reasons, the outline planning application was recommended for approval.

In response to points raised by Councillor P D Jull, the Principal Planner advised that it would not be appropriate to attach a condition relating to building materials at this stage when the details of the dwellings were not being considered. She also emphasised that the Open Mosaic Habitat was a priority habitat and one of the key features of the site. Its importance should not carry less weight simply because it would be lost over time in any event if left unmanaged. Councillor C F Woodgate commented that, whilst biodiversity was not a 'sexy' topic, it was critical. Development could not be reversed, and these species would be lost to the site forever. In his view the site was unsustainable.

In response to Councillor D G Cronk, the Principal Planner advised that the site was so unique, and the number of mitigation and compensatory measures required so many, that a legal agreement was the appropriate means of securing these measures. The use of such agreements for ecology was likely to become more commonplace, particularly as their use had been supported by appeal decisions. Given that the ecological and turtle dove surveys would be expert reports, she guarded against these being reported back to Members as they could only be presented in a simplistic form which was unlikely to add to the determination process. The Planning Solicitor added that, whilst possible, it would not be desirable for the Committee to agree the specific details of the legal agreement as the terms of the agreement would be informed by expert advice and the Committee was not well-placed to exercise its judgement on such matters. However, he explained that it would be feasible for a report with information about the agreement to be presented to the Chairman and Shadow Spokesman if Members were so minded.

Councillor T A Bond expressed concerns about a number of matters, including contamination, the loss of the path along the southern boundary, the loss of the wood and green corridor between the northern and southern boundaries, and the unsustainability of the location. The site was outside the settlement confines and therefore contrary to Policy DM1. In his view there were too many uncertainties at this outline stage, and far too many conditions needed to make it acceptable.

The Principal Planner referred to her earlier comments about contamination, advising that these issues had been thoroughly explored by the Environmental Health team, the EA and the Coal Authority. The LPA could only seek to safeguard official Public Rights of Way and could not control the loss of informal footpaths. She advised that Officers had made strenuous efforts to secure the natural tree corridor but without success. That said, a large number of trees on the site, including all boundary planting, would be retained. Sustainability issues were set

out fully in the previous report, but provision had been made for additional bus-stops to serve the site. A number of cycle and footpaths or upgrades were also proposed. She clarified that BCP was not statutorily protected and confirmed that it was in the same private ownership as the application site. Compensatory measures at BCP would protect the ecology of the park in the long term which could technically be developed without statutory protection. Finally, she advised that the number of conditions was not overly onerous or unusual for a development of this size.

Councillor E A Biggs stressed the need to ensure that biodiversity compensation was provided on a like-for-like basis. He supported earlier requests to receive further information about the ecology reports required as part of the legal agreement. The Principal Planner clarified that BCP was protected as open space in the Local Plan but had no statutory designation for wildlife. The applicants had initially proposed to provide additional compensatory land. However, their latest ecology report had set out a like-for-like approach rather than providing a 10% biodiversity net gain or upgrade. The applicants were aware that they were required to deliver such a gain but, until the ecological surveys had been completed, it was not clear how much this would be or where it would be provided. It was also the view of Officers that small blocks of land would not be acceptable. Experts would be included in consideration and discussions throughout the process, as required under the legal agreement. She confirmed that there was evidence of translocation of the plant species on the application site, bar one.

In response to Councillor M Bates, the Principal Planner clarified that details of the biodiversity offsetting scheme was required to be received before the reserved matters application. The Section 106 agreement could be amended during the process by agreement between the applicant and the Council. The agreement referred to a 10% biodiversity net gain but could be increased or amended subject to the agreement of both parties. In response to a point made by Councillor Jull about plans by the River Stour Internal Drainage Board to charge developers for discharging into a water course, it was clarified that the legal agreement could only reflect the regulations in force at the time. She reiterated that junction improvements at Mongeham/London Roads had been sought by Kent County Council (KCC) Highways.

It was moved by Councillor T A Bond and duly seconded that the application should be deferred for further information about ecology and biodiversity mitigation and sustainability.

On receiving advice from the Planning Solicitor, Councillor Bond confirmed that he wished to withdraw his motion to defer the application.

The Planning Solicitor advised that if the application were to be deferred for further information, Members would need to be very clear as to what additional information they were seeking in order for such a decision to be reasonable. It was difficult to understand how Members could specify what additional information on biodiversity and ecology they required as they were not experts on these topics and nor were the Officers in attendance at the meeting. Such an approach was further undermined by the fact that there was precedent for dealing with ecology matters after planning permission had been granted. The use of a legal agreement and conditions in this case would ensure that there were robust controls in place to require the measures and details that were currently unavailable. He also commented that, should the Committee now be minded to refuse the application on grounds of unsustainability, this could be viewed as unreasonable given that the Committee had previously indicated that it considered the proposal sustainable, and

that there had been no change in the material considerations or planning policy since this indication. He noted that there was a strong body of evidence to support the fact that the land had been decontaminated and, with appropriate conditions, was suitable for development. He warned Members that deferral could potentially prompt an appeal against non-determination.

The Development Management Team Leader reiterated the fact that the application site had been decontaminated by SEEDA several years previously. This, together with the range of conditions requested by the Environmental Health team and the EA, should reassure Members that the land was suitable for development.

Councillor R S Walkden argued that it was unwise to vote for refusal in relation to matters which were not being considered at this stage. If Officers and experts were advising that the harm to ecology and biodiversity could be mitigated by measures taken elsewhere, then that should be considered acceptable and voted on accordingly.

It was moved by Councillor T A Bond and duly seconded that Application No DOV/20/00419 be REFUSED on the grounds that it was unsustainable and that there would be harm caused to the environment under paragraph 175 of the National Planning Policy Framework (with exact wording delegated to Officers).

On being put to the vote, the motion FAILED.

It was moved by Councillor D G Beaney and duly seconded that Application No DOV/20/00419 be APPROVED as per the Officer's recommendation.

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

(There being an equality of votes, the Chairman used his casting vote.)

RESOLVED: (a) That Outline Planning Permission for Application No DOV/20/00419 be APPROVED subject to the completion of a Section 106 legal agreement to secure the necessary contributions and ecological mitigation and compensation measures as set out in the report, and subject to the following conditions:

- (i) Reserved matters details;
- (ii) Outline time limit;
- (iii) Approved plans;
- (iv) Phasing plan to be approved in writing;
- (v) Self-build design code to be agreed as part of reserved matters;
- (vi) Details of play space to form part of reserved matters;
- (vii) Existing and proposed site levels and building heights;
- (viii) Internal acoustic requirements for dwellings;

- (ix) Construction Management Plan (updated to include Environmental Health matters such as dust mitigation etc);
- (x) Highway conditions (parking, visibility splays, highway works fully implemented, turning facilities, cycle parking, gradient, surface, works to all footpaths and drainage, bound surface, surface water);
- (xi) Sustainable Travel Plan to be agreed prior to commencement;
- (xii) Completion of the A258 Sandwich Road bus-stop scheme prior to first occupation;
- (xiii) Public Right of Way upgrades and management scheme;
- (xiv) Completion of off-site improvements to Mongeham Road prior to commencement and subject to a safety audit process;
- (xv) Provision and maintenance of a pedestrian connection to Circular Road;
- (xvi) Full landscaping details of all green spaces;
- (xvii) Open space management plan;
- (xviii) Details of children's play spaces;
- (xix) Protection of trees and hedges and root protection zones;
- (xx) Hard landscaping works and boundary details/enclosures;
- (xxi) No works on site until final SuDS details are submitted;
- (xxii) Design details of surface water drainage strategy;
- (xxiii) Implementation and verification of SuDS scheme;
- (xxiv) No other infiltration on site other than that approved;
- (xxv) Full foul drainage strategy for approval;
- (xxvi) Environmental Construction Management Plan (as set out in report);
- (xxvii) Programme of archaeological works;

- (xxviii) Details to be submitted at reserved matters for compliance with Secured by Design principles;
- (xxix) Electric vehicle charging points for each dwelling and 10% unallocated and employment parking spaces;
- (xxx) Broadband connection;
- (xxxi) 4 Stage contamination, remediation and verification conditions;
- (xxxii) Reporting of unexpected land contamination;
- (xxxiii) Three conditions recommended by the Coal Authority;
- (xxxiv) Update survey to be carried out for badgers prior to commencement;
- (xxxv) Landscape and ecological mitigation plan setting out safeguards for retained habitats on site (as set out in report);
- (xxxvi) Grass-Poly translocation strategy (as set out in report);
- (xxxvii) Management plan for new habitat creation, to include details of green roof/brownfield habitat provision;
- (xxxviii) Design of a sensitive lighting strategy in relation to bats and other nocturnal species (in line with established guidance);
- (xxxix) Implementation of a habitat manipulation exercise in relation to reptiles;
- (xl) Works affecting nesting bird habitat to be undertaken outside of the nesting bird season, or following nesting bird checks;
- (xli) Sustainable energy measures to be approved in accordance with the approved Energy Statement and Sustainability Assessment;
- (xlii) BREEAM very good criteria for commercial buildings;
- (xliii) Floor levels 150mm above ground level;
- (xliv) No piling on site without prior approval.

(b) That powers be delegated to the Head of Planning, Regeneration 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.

6 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.08pm for a short break and reconvened at 8.13pm.

7 APPLICATION NO DOV/20/00640 - WHITFIELD URBAN EXTENSION PHASE 1C, ARCHERS COURT ROAD, WHITFIELD

Members viewed plans, drawings and photographs of the application site. The Principal Planner advised that the application was a reserved matters application for the approval of internal access, appearance, layout, landscaping and the scale of 185 dwellings. The principle of development had been established by the granting of outline planning permission for Phase 1 of the Whitfield Urban Expansion. To the east of the site lay the A256 and to the north Archers Court Road and the existing settlement of Whitfield. Also to the north of the site was the new school serving the development which was substantially completed. As originally submitted, the scheme had proposed 236 dwellings. However, following discussions, the applicant had removed land within the scheme identified as open space and reduced the number of dwellings accordingly. No objections had been received following the scheme's readvertisement. Highways concerns had also led to some amendments. The applicant had confirmed that they intended to offer the main access routes for adoption. Whilst the detailed design of the dwellings was not locally distinctive, and it was felt that an opportunity had been missed, efforts had been made through the use of materials, window reveals and brick details to produce a set of designs that were not unattractive in their own right. The application was considered acceptable in all respects and approval was therefore recommended.

In response to Councillor O C De R Richardson, the Principal Planner advised that, notwithstanding that a request had not been made at the appropriate outline application stage, the applicant had undertaken to provide cable ducting for electric vehicle charging points. In respect of requiring air source heat pumps, he reminded Members that the NPPF was more ambiguous in relation to these, and the Council's policies did not currently impose such a requirement. The situation would change as the draft Local Plan went through the Regulation 18 stage and beyond but, for now, imposing such a condition could be challenged. In response to Councillor Bates, it was clarified that the majority of larger roads would be adopted, including all turning heads, but private drives would not. In respect of street-lighting, there was a condition at outline stage requiring details to be submitted for approval prior to works taking place.

In response to queries from Councillor Jull, he clarified that the purpose of the Special Area of Conservation (SAC) was to divert people away from the existing SAC where there had been problems with dogwalkers and effluent. The mown footpaths provided for dogwalkers in this area were visually more appealing and more appropriate for that environment. He clarified that an upgrade to footpath ER63 had been required at the outline application stage. Councillor Jull also raised concerns about the number of unadopted roads in the south-eastern half of the scheme, and the density of the development. The Principal Planner advised that, whilst the vast majority of roads would not be adopted, the road along the south-eastern boundary would be. The lower density was necessary due to the need for a high level of SAC mitigation in this area which had a larger area of green space than others. He added that a series of conditions would control the provision and

maintenance of the development's open spaces but that these would invariably end up being maintained by management companies.

RESOLVED: (a) That Application No DOV/20/00640 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Materials to accord with submitted details;
- (iii) Noise mitigation measures in accordance with submitted noise report;
- (iv) Removal of permitted development rights for the insertion of new openings to certain dwellings;
- (v) Obscure and non-opening windows;
- (vi) Windows to be set in reveals;
- (vii) Bicycle storage;
- (viii) Details for the maintenance of the mown paths;
- (ix) Cable ducting for electric vehicle charging points.

(b) That powers be delegated to the Head of Planning, Regeneration 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.

8 APPLICATION NO DOV/20/00519 - FARM COTTAGE, CHERRY LANE, GREAT MONGEHAM

The Committee was shown an aerial view, plans, drawings and photographs of the application site. The Planning Officer advised that the application sought planning permission for the erection of a detached annexe for ancillary use. The existing outbuilding would be demolished. The design and scale of the proposed annexe was set out at paragraph 1.4 of the report. As originally submitted, the proposed building had been overly bulky. Following amendments, it was now considerably less bulky with a simplified form and a reduced ridge height of 5.8 metres. The footprint of the outbuilding would remain the same, as would the distance between it and the property's boundaries.

The Planning Officer confirmed that the ridge height of the current outbuilding was about four metres. Councillor Jull referred to the dwelling's historical interest and that the proposed annexe would be noticeable to the closest neighbours. However, it would not be visible from countryside views and, whilst not a fan, he could see no planning grounds on which to refuse the application.

RESOLVED: (a) That Application No DOV/20/00519 be APPROVED subject to the following conditions:

- (i) 3-year time limit;

- (ii) Compliance with approved plans;
- (iii) Annexe to be used only for uses ancillary to the main dwelling-house;
- (iv) Confirmation that the cill of the rooflight would be no lower than 1.7 metres above the first-floor level and consideration be given to the removal of permitted development rights to avoid any new window openings.

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

(Councillor T A Bond left the Council Chamber during consideration of this item.)

9 APPLICATION NO DOV/21/00227 - NORTON TIMBER, LONG LANE, SHEPHERDSWELL

Members viewed an aerial view, drawings, plans and photographs of the application site which was situated outside any defined settlement confines and within the countryside. The Senior Planner advised that the application sought planning permission for the erection of a two-storey detached dwelling.

As updates to the report, Members were advised that two letters of objection had been received, raising issues such as the site not being brownfield land, situated within a special landscape area, outside the village settlement and the danger of a precedent being set. The third ground of refusal set out in the recommendation had been withdrawn following the receipt of further information from the applicant regarding building heights. Subsequent discussions with the Building Control Manager proved inconclusive in respect of whether such a structure could or could not be satisfactorily constructed, although concerns were expressed about constrained floor heights. With regards to refuse bins, it was clear that dragging bins for 120 metres to the access every week would result in inconvenience to future occupants of the dwelling. That said, it was recognised that in this case, and bearing in mind the withdrawal of concerns in respect of constrained building height, it would not be sufficient to warrant a ground of refusal. As a correction to the report, the Senior Planner noted the existence of a tall hedge that ran along Mill Lane and would therefore partially screen the proposed dwelling from a particular viewpoint. Nevertheless, the first-floor of the dwelling would still be visible, particularly in the winter months. The assessment of the effect on the view from this position had consequently been altered from severe adverse to moderate adverse. However, this error did not change the recommendation to refuse the application.

The Senior Planner advised that the application site was located in a relatively unspoilt area, 630 metres from the settlement confines of Shepherdsweil and its cluster of facilities and services. The site was in an unsustainable location, surrounded by single track rural lanes with no footpaths or lighting. The topography of the surrounding land meant that the proposed dwelling would be prominent in views across the countryside. In this respect, Policies DM15 and DM16 sought to resist development in the countryside that would result in the loss of, or adversely affect, the character and appearance of the countryside. Furthermore, paragraph

170 of the NPPF stated that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Whilst security problems had been cited in support of the development, these were not considered to be sufficient reason to justify granting permission for a dwelling in the countryside, particularly when these issues could be addressed with security measures. Furthermore, a reptile survey had not been conducted, and harm to a protected species could not be ruled out. Taking all these factors into account, refusal was recommended.

Councillor Walkden spoke in support of the application, arguing that the building was of good design and not too high. Members were told that the draft Local Plan carried limited weight, yet the report referred to the application as being contrary to Policy DM1.

Councillor Biggs questioned why the application was before Committee when it was evidently contrary to local and national policies. If granted, what was to stop any rural business building a dwelling on the basis that it would form an essential part of the business. The rationale behind key worker policies had been to support animal husbandry, etc. In his view there was no justification for this type of business to have such a dwelling. Councillor Bond agreed that there was not a strong enough case to warrant the dwelling. This would be a large house in a rural setting, contrary to Policies DM1, DM11 and DM15. Councillor Jull questioned why the business was referred to as a rural business when it was in fact only a business situated in a rural area. Even if it were a rural business, it was difficult to see how a dwelling of the proposed size could be justified. Councillor Cronk pointed out that the proposed dwelling would be situated at some distance from the yard, thereby calling into question its role as a deterrent to thieves. He warned against approving the application as this would be contrary to local and national planning policies.

Councillor Bates referred to the large amount of information in the applicant's access statement regarding security. Moreover, it was stated that the house would be used as a show house for the timber business. He pointed out that there was a row of about 3/4 houses a short distance from the application site. The railway station, shops, etc of Shepherdsweil were a 15-minute walk away, facilities that many villages did not have. These factors changed his view of the proposal. The Senior Planner emphasised that it was for the applicant to present a compelling case and demonstrate that there were exceptional circumstances that would warrant the dwelling, as required by the NPPF. It was evident that it would be convenient for the applicant to live next to his workplace. However, there was a need to consider travel demand and its impacts over the lifetime of the building and beyond. Future occupiers were likely to have to travel elsewhere for work, and the site was some distance from facilities and services.

Councillor D G Beaney argued that the Committee had granted outline permission for another application in a less sustainable location. This proposal was well designed and would benefit the business. He queried whether a condition could be attached to require that the house remained within the ownership of Norton Timber. The Development Management Team Leader advised that the Committee could condition that the dwelling be occupied by someone employed by Norton Timber.

It was moved by Councillor D G Cronk and duly seconded that the application be REFUSED as per the report recommendation.

On being put to the vote, the motion FAILED.

(There being an equality of votes, the Chairman used his casting vote.)

In response to further questions, the Planning Solicitor commented that he understood the rationale for imposing a condition regarding ownership or occupancy. However, if Norton Timber were to relocate, any application to remove such a condition would be difficult to resist. A condition attached to the buildings rather than the business would undermine the stated purpose for imposing the condition as it was improving the security of this particular business premises which appeared to be the argument in favour of imposing the condition. In addition, whilst linking occupation of the property to the use of the buildings might work in the short term, it was unlikely to provide any guarantees in the longer term as the Council could not require the buildings to remain in use.

The Development Management Team Leader advised that if Members were minded to approve the application, a condition should be added requiring details of an ecological survey. Standard conditions, plus those dealing with electric vehicle charging points and details of sustainable development, would also need to be imposed. It was agreed that conditions and their wording should be delegated to Officers.

It was moved by Councillor D G Beaney and duly seconded that the application be APPROVED on the grounds that the proposed development: (i) Was in a sustainable location, being within walking distance of the facilities and services of Shepherds Well; (ii) Was well designed and appropriate for the location; (iii) Would have no adverse impact on the countryside setting; and (iv) Offered benefits such as energy efficiency measures.

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

(There being an equality of votes, the Chairman used his casting vote.)

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/21/00227 be APPROVED subject to the following conditions:

- (i) Electric vehicle charging points;
- (ii) Pre-commencement condition requiring submission of a reptile survey.

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

10 APPLICATION NO DOV/20/01542 - 31 BEWSBURY CRESCENT, WHITFIELD

The Committee was shown an aerial view, drawings, plans and photographs of the application site which was situated within the settlement confines of Whitfield where extensions to existing dwellings, as well as new residential development, were considered acceptable in principle. The Planning Officer advised that the application sought planning permission for the erection of a dwelling with vehicular access and associated parking, together with the erection of a first-floor extension, garage and roof extension to the existing dwelling. The existing garage, side elevation, sheds and greenhouse were to be demolished.

The Planning Officer advised that a number of applications had been submitted for backland development within the crescent. Some had been granted and others had been refused and dismissed at appeal. The application site had also been the subject of a refusal for a similar scheme due to the siting of the proposed dwelling which had been considered to be out-of-keeping with the existing prevailing pattern of development, along with the formation of the access driveway and its use which was considered to harm the living conditions of 29 and 31 Bewsbury Crescent. However, as set out in paragraph 2.18 of the report, the approval of two more recent applications along the north-eastern side of the crescent since that refusal, together with the approach taken by Planning Inspectors in appeal cases along the southern section of the crescent, had led to a review of the robustness of the first ground for refusal in respect of the siting of the proposed dwelling. Officers had concluded that, whilst balanced, it was unlikely to constitute a sufficiently strong basis for refusing the current application.

Paragraph 2.24 of the report set out changes made to the driveway, such that it was now considered that the proposed surface would result in less noise and disturbance to the occupiers of 29 and 31 Bewsbury Crescent. In summary, the proposal was acceptable in this location and preserved the character and appearance of the street scene. The proposal accorded with the objectives of the NPPF, and approval was therefore recommended.

RESOLVED: (a) That Application No DOV/20/01542 be APPROVED subject to the following conditions:

- (i) Standard time condition;
- (ii) List of approved plans;
- (iii) Samples of materials;
- (iv) Details of soft and hard landscaping (including boundary treatments and driveway/hardstanding surfaces) and schedule of planting;
- (v) Provision and retention of the parking area with drainage measures installed and completion of the dropped kerb for the new access before first use;
- (vi) Details of surface water disposal;
- (vii) Details of foul sewage disposal;
- (viii) Cables for electric vehicle charging points;
- (ix) Details of secured cycle storage;
- (x) Details of refuse and recycling storage;
- (xi) Bathroom window on west elevation of new bungalow to be fitted with obscured glazing and be non-opening below 1.7 metres above internal ground level;

(xii) Removal of permitted development rights for Class B of Part 1, Schedule 2 of the GPDO in respect of proposed bungalow;

(xiii) Details to be submitted of a sprinkler system to be installed in the new bungalow.

(b) That powers be delegated to the Head of Planning, Regeneration 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.

(The Chairman advised the Committee that, in accordance with Council Procedure Rule 9, it was required to pass a resolution to continue the meeting beyond 10.00pm.

RESOLVED: That, in accordance with Council Procedure Rule 9, the Committee proceeds with the business remaining on the agenda.).

11 APPEALS AND INFORMAL HEARINGS

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

12 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 10.02 pm.