

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 11 July 2024 at 6.00 pm.

Present:

Chairman: Councillor M J Nee

Councillors: J P Loffman
J S Back
D G Beaney
S B Blair
N S Kenton
R M Knight
H M Williams
C F Woodgate

Officers: Team Leader (Development Management)
Principal Planner
Principal Planner
Planning Officer
Trainee Planner
Principal Planning Solicitor
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/22/01320	-----	Mr John Caisbrook
DOV/23/01441	Mrs Mog Ovenden Cllr S C Manion	-----
DOV/24/00170	Mrs Rachel Humber	Mr Chris Saville Cllr O C de R Richardson
DOV/23/00951	Mr Dan Town	Mr David Fleck
DOV/24/00181	Ms Elouise Mitchell	-----

12 APOLOGIES

It was noted that apologies had been received from Councillors D G Cronk and S Hill.

13 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor S B Blair had been appointed as a substitute member for Councillor S Hill.

14 DECLARATIONS OF INTEREST

There were no declarations of interest.

15 MINUTES

The minutes of the meeting held on 13 June 2024 were approved as a correct record and signed by the Chairman.

The Team Leader Development Management (TLDM) advised the Committee that, since the report was drafted, the Council had reviewed and responded to comments received from consultees as part of the Main Modifications consultation on the draft Local Plan. Ripple Parish Council had responded to the consultation, raising concerns in relation to the settlement scoring for Ripple and how the scoring had affected the categorisation of the settlement in draft policy SP4.

In its response to the Main Modifications consultee comments, the Council had advised the Local Plan inspectors that it supported a modification to draft policy SP4 which would result in Ripple being reclassified and thereby falling within paragraph 2 of draft policy SP4 rather than under paragraph 1. Should the amendment be accepted by the inspectors, only development within the settlement confines of Ripple would meet the requirements of policy SP4.

Members were advised that paragraph 48 of the National Planning Policy Framework (NPPF) indicated that weight might be given to the relevant policies in an emerging plan according to, amongst other things, the extent to which there were unresolved objections (the less significant the objection, the greater the weight that could be given). As Ripple Parish Council's objection was considered to be highly significant to the application of policy SP4 in the context of this proposal, and was also an objection supported by the Council, the weight that could be given to policy SP4 must be greatly reduced. In these circumstances, it was officers' recommendation that no weight should be given to the policy. Whilst the committee report gave weight to draft policy SP4 which was not now appropriate, the tilted balance continued to be engaged. Planning permission should therefore be granted unless the adverse impacts of doing so significantly and demonstrably outweighed the benefits when assessed against the policies of the NPPF as a whole.

The Committee viewed an aerial view, plans and photographs of the application site which was situated outside, but adjacent to, the settlement confines of Ripple. The Principal Planner advised that outline planning permission was sought for the erection of six dwellings with all matters reserved except access. As an update, she advised that 30% affordable housing would be provided. In addition, revised drawings had been submitted to address a holding objection from Kent County Council (KCC) Highways relating to emergency and refuse vehicle tracking; KCC's comments on the drawings were awaited. Amendments were also needed to the report recommendation so that approval would be subject to the completion of a unilateral undertaking for SAMMS mitigation and affordable housing, and the readvertisement and approval of the final drawings in relation to the proposed double yellow lines on Church Lane to allow access for emergency and refuse vehicles.

Members were advised that improvements were proposed to the existing access off Church Lane. There would also be a free car park provided on site, for use by villagers and visitors. To the east of the car park would be open space. Whilst there would be some landscape and visual impacts, these could be adequately mitigated. In conclusion, when applying the tilted balance, the socio-economic benefits, car park, open space, 30% affordable housing and biodiversity enhancements were considered to significantly and demonstrably outweigh any adverse impacts. Approval was therefore recommended.

Councillor J P Loffman expressed his reservations about the development which, being at an elevated level, would have an impact on visual amenity. Although there had been a reduction in the number of dwellings, a question remained in his mind about sustainability given the facilities available in Ripple. Councillor H M Williams referred to landscape matters and the need for significant landscaping as mitigation for the development's visual impact. Other matters that concerned her were the removal of a hedge, poor drainage, highways and parking. In her view the site was not a sustainable one and the adverse effects of the development outweighed any benefits. Councillor N S Kenton commented that he understood why the parish council and local residents were opposed to the development as a windfall site. He found it interesting that Ripple's status in the settlement hierarchy had changed and that the proposal was no longer supported by SP4. Heritage impact was a key factor and he did not share the opinion put forward by others that the amended scheme no longer had an impact on the conservation area, listed building or long views of the church. In his view, this harm to heritage assets outweighed any benefits arising from the proposal. As a consequence, he suggested that the tilted balance approach was not engaged.

The Chairman commented that there was a slight rise in the topography of the area and any development there would have a significant impact on landscape character which was afforded protection under the Council's policies. In addition, KCC Highways required the installation of double yellow lines along Church Lane. This meant that some households would lose the ability to park outside their homes, and he noted the presence of a disabled parking bay.

It was proposed by Councillor M J Nee and duly seconded that the application should be refused on the grounds that it was contrary to Core Strategy policies DM1, DM15 and DM16, and emerging Local Plan policies HE1 and HE2 due to the harm to heritage assets. Councillor Kenton emphasised the importance of including a reference to the fact that the proposal's impact on the countryside, heritage assets and the setting of listed buildings meant that the tilted balance was not engaged. The TLDM confirmed that if it was the Committee's opinion that there would be clear harm to heritage assets, the tilted balance was not engaged.

The Principal Planner agreed that consideration of the sustainability of the scheme under draft policy SP4 would not be included in the tilted balance. She advised that the applicant had attempted to reduce the scheme's visual impact by reducing the amount of development, and confirmed that the position of the proposed double yellow lines would be finalised at the reserved matters stage. Drainage was covered by Building Regulations and would also be finalised at the reserved matters stage, but drainage onto Church Lane could be conditioned. No objections had been received from the Council's Heritage Officer. The provision of a replacement hedge and a biodiversity method statement were included in conditions.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/22/01320 be REFUSED on the grounds that it is contrary to Core Strategy Policies DM1, DM15 and DM16, and Policies HE1 and HE2 (heritage harm) of the emerging Local Plan. Furthermore, it is the Committee's view that, due to the development's impact on heritage assets, the countryside and the setting of listed buildings, the tilted balance set out in paragraph 11 of the National Planning Policy Framework is not engaged.

(b) That powers be delegated to the Head of Planning and Development to finalise the wording of the reasons for refusal in line

with the issues set out in the report and as resolved by the Committee.

17 APPLICATION NO DOV/23/01441 - EASTLING DOWN FARM, SANDWICH ROAD, WALDERSHARE

Members were shown an aerial view, plan and photograph of the application site which was outside the settlement confines. The Planning Officer advised that outline planning permission was sought for the erection of four dwellings, with all matters reserved except access. An application for development on a site to the west of this site had been refused for reasons similar to those recommended for this application. Due to its location and for the reasons set out in the report, refusal was recommended.

Councillor D G Beaney commented that, being very familiar with Whitfield and plans for its further expansion, he did not feel comfortable with the reasons given for refusing the application. The dial-a-bus service stopped outside the site so, in his opinion, it was inaccurate to describe the site as unsustainable. An application for a nearby traveller site had also been approved. Given that the visual impact could be mitigated, he could not support a refusal. Councillor J S Back queried why the application was recommended for refusal when other applications on the agenda, where the sites were also outside the confines, had been recommended for approval. The Chairman stated that he had some sympathy with the points raised. However, he reminded the Committee that it was required to assess each application on its own merits, and Members were not in a position to attempt to predict how the future expansion of Whitfield would evolve.

The TLDM advised that, whilst the site had been allocated for development in policy SAP1 of the draft Local Plan, the masterplan required by the policy had not been completed and, in any case, the Local Plan had not yet been adopted. Turning to sustainability, he pointed out that there were no footpaths or lighting on the road between the site and Whitfield, and occupants of the dwellings would therefore be reliant on the use of a car. It was the Council's view, supported by planning inspector decisions, that bus routes were only one tranche of sustainability and sites were required to be nearer facilities in order to be considered sustainable locations.

This site was outside the settlement confines of Whitfield as defined by the Core Strategy and emerging Local Plan. Although it formed part of the Whitfield extension under policy SAP1 of the emerging Local Plan, the policy was clear that any development should be backed by a masterplan. Looking ahead, it was not known what was likely to surround the site in the future, whether that be landscaping, open space or housing. If Members were minded to approve the application, he suggested that this could be done on the basis that the additional units and socio-economic benefits outweighed any harm caused by the development.

Councillor Kenton referred to the complex history of the site and questioned whether it was a brownfield/commercial site. The TLDM advised that officers could find no record of the planning history of the site. However, even if it did fall into the category of previously developed land, the NPPF was clear that the number of buildings currently on the site should be taken into account when reaching a decision. In this case, there were currently no buildings within the red line boundary. It was officers' view that four dwellings would have a visual impact and undoubtedly be seen.

Councillor Beaney stressed that it was clear that Whitfield would, over time, be extended close to this site. He would rather allow four houses on this site than see fifteen built on an agricultural field. He proposed that the application should be approved on the grounds that the site was served by sustainable transport and any visual impact could be mitigated.

In response to Councillor Loffman who queried how much weight should be given to draft policies SAP1 and NE2, the TLDM advised that the tilted balance was engaged and Members would need to identify the benefits of the development over any harm that might be caused. SAP1 and NE2 of the draft Local Plan could be given considerable weight in this case, and SAP1 was quite clear that any development on this site should be supported by a masterplan.

It was moved by Councillor D G Beaney and duly seconded that the application should be APPROVED on the grounds that it was the Committee's view that the additional units of housing and socio-economic benefits of the scheme significantly and demonstrably outweighed the harm identified in the report.

On being put to the vote, there was an equality of votes. The Chairman therefore used his casting vote and the motion FAILED.

It was moved by Councillor M J Nee and duly seconded that Application No DOV/23/01441 be REFUSED on the grounds set out in the report.

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

RESOLVED: (a) That Application No DOV/23/01441 be REFUSED on the grounds that the development would result in an unjustified development located in an unsustainable location beyond the settlement confines, where occupants would be isolated from the facilities and services upon which they would rely. The development would represent encroachment of built form into the countryside and, by virtue of its location, scale and layout, would introduce an urbanising development that would detract from the open, rural quality of the area. This would cause visual harm to the character and beauty of the countryside. Consequently, the development would be contract to Core Strategy Policies DM1, DM11, DM15 and DM16, paragraphs 83, 84, 128, 135 and 180 of the National Planning Policy Framework and Policies SAP1, SP4, PM1 and NE2 of the draft Local Plan.

18 APPLICATION NO DOV/24/00170 - LAND SOUTH-WEST OF ST EDMUNDS ROAD, DEAL

The Committee viewed plans and photographs of the application site which was outside, but adjacent to, the existing and emerging settlement confines of Deal. The Principal Planner advised that outline planning permission was sought for the erection of 23 houses, with all matters (landscaping, layout, scale and appearance) reserved except access. There was a conservation area and listed buildings to the west of the site. The impacts on visual amenity and heritage assets were addressed in the report and considered acceptable. An existing public right of way that crossed the eastern corner of the site would be retained, and 30% affordable housing would be provided. Subject to design details, the application accorded with draft policy SP4 and was recommended for approval.

Councillor Williams raised concerns that the location was poorly served in terms of shops, schools and GP surgeries. Public transport was all but non-existent so occupants of the new dwellings would be reliant on travelling by car. Councillor S B Blair noted that the road was a busy one as it served two schools. In her view the number of two-way traffic movements predicted by KCC Highways of eleven was misleading. Councillor Loffman agreed, pointing out the level of traffic congestion in the area, questioning how KCC Highways could conclude that there would be no severe traffic impact arising from the development, and raising concerns about cumulative impacts. Moreover, there were inconsistencies in the report relating to how the application had been assessed. As other speakers had suggested, this was an essential green corridor hosting 375 species and defined the rural setting of the village.

The Principal Planner referred to paragraphs 2.10 and 2.11 of the report, emphasising that the site was adjacent to the settlement confines of Deal, a tier 1 settlement, and had therefore been assessed against that and draft policy SP4. The site was considered acceptable in terms of its sustainability as it was close to Deal and within 15 minutes' walking distance of schools. The NHS and KCC had submitted requests for contributions towards GP surgeries and secondary education, amongst other things, which would address any requirements generated by the development. The Council's Senior Natural Environment Officer had reviewed the ecology reports submitted by the applicant and had raised no concerns regarding the timing of surveys or the report recommendations, although she had recommended that conditions be attached.

The Chairman acknowledged the points raised by Members about traffic and KCC Highways' assertion that the incremental increase in traffic was of no significance. He mooted the idea of deferring the application rather than refusing it so that KCC's calculations could be challenged/verified. Councillor Back recalled that the Committee had taken a similar approach with an application for a site at Singledge Lane. Unfortunately, by the time a traffic survey had been completed, the applicant had already lodged an appeal for non-determination. In his view it was obvious that KCC Highways rarely took cumulative impact into account. The TLDM advised that the application had been supported by a transport statement which had been reviewed by, and prompted no concerns from, KCC. Moreover, the NPPF set a high bar for 'severe' impact. Although the statutory deadline for determination had passed, an extension to the end of the month had been agreed.

Councillor Kenton raised concerns that the report had been written on the basis that the proposed development was a minor extension to greater Deal. However, the site was in Great Mongeham and its impact would be felt there and in surrounding villages. Furthermore, the site had been considered at the Regulation 18 stage of the draft Local Plan and rejected as being unsuitable. Its assessment against Deal was a technicality and, in his view, highlighted a flaw in the policy. The Chairman pointed out that there were references to both Great Mongeham and Deal in the report which was confusing and inconsistent. The Principal Planner clarified that it was an omission and Deal should have been referenced at both pages 65 and 73 of the report. She also clarified that the development proposed at the Regulation 18 stage for the wider site and covered at paragraph 2.11 of the report had been significantly larger than this one, with an estimated capacity of 450 dwellings.

Councillor Loffman proposed that the application should be refused as it was contrary to policies DM1, DM11, DM15 and SP4, and because the Council had a deliverable 5-year supply of housing.

In connection with the proposed reasons for refusal, the Principal Planning Solicitor reminded Members that it was the officer's assessment that the application complied with policy SP4. Furthermore, whilst the Council had a 5-year supply of housing land, this was not a ceiling or a bar to approving other developments. The TLDM added that DM11 was about the location of development and managing travel demand and it would thus be inappropriate to include it in the reasons for refusal given that the site was adjacent to Deal and therefore considered sustainable.

(The meeting was adjourned at 7.28pm for officer discussions and reconvened at 7.38pm.)

Councillor Loffman expressed his frustration at not being able to place more weight on the community's concerns such as traffic impact, and being stymied by KCC Highways and policy criteria.

The TLDM reminded Members that the tilted balance was engaged which presumed that development should be granted unless any harm significantly and demonstrably outweighed the benefits. Moreover, the application complied with policy SP4 of the emerging Local Plan which carried significant weight.

It was proposed by Councillor J P Loffman and duly seconded that Application No DOV/24/00170 should be REFUSED on the grounds that it was contrary to policies DM15, DM16, SP4 (d) and NE2 and due to its impact on the countryside and local landscape character.

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

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/24/00170 be REFUSED on the grounds that it was contrary to Core Strategy policies DM15 and DM16, policies SP4 (d) and NE2 of the emerging Local Plan and due to its impact on the countryside and local landscape character of the area.

(b) That powers be delegated to the Head of Planning and Development to settle the reasons for refusal in line with the issues set out in the report and as resolved by the Planning Committee.

19 APPLICATION NO DOV/23/00951 - PHASE 3 OF PARCEL 1 OF LAND FOR VILLAGE EXPANSION NORTH OF DORMAN AVENUE NORTH, AYLESHAM

Members were shown an aerial view, plans and photographs of the application site which formed part of the northern parcel identified in the Aylesham Masterplan. The Principal Planner advised that the application sought the approval of reserved matters relating to layout, scale, appearance, access and landscaping for 39 dwellings, together with details of several conditions. As an update to the report, she advised that two additional representations had been received from Aylesham Parish Council reiterating its objections to the scheme and raising the following matters: removal of connectivity to existing public rights of way; crossing point to native woodland; substandard quality of pedestrian facilities; traffic and road safety; insufficient visitor parking, passing points and consultation with community; removal of pavements to onsite play area; omission of EE283 from plans; unsafe design of footpath near plot 35; widening of Ratling Road and impact on adjacent nature reserve.

Comments had also been received from the Council's Ecology Officer in respect of bats, reptiles and hazel dormice. These had led to an additional condition being added that required the provision of on-site ecological enhancements.

The Chairman noted that Councillor J L Pout had called the application in and had apologised for being unable to attend and speak due to a prior engagement. His concerns related to the transport elements of the scheme, including connectivity in relation to the area where footpath EE283 (which ran alongside the railway) met Ratling Road. The Chairman stated that it would be relatively straightforward to incorporate a crossing point there and a footpath on the edge of the development so that pedestrians, including those accessing the social club to the north of the site and EE283, were not reliant on walking along Ratling Road. He also stated that the abrupt left turn on the footpath to the south of the site needed more work. Directly opposite was EE286 which would be at the entrance to further development, and there would be a 'desire line' to this footpath (EE286). He commented that, whilst he had no reservations about the reserved matters going through, it would be useful to give officers a steer on these details as they were highly important.

Councillor Beaney sought confirmation that 100% affordable housing would be provided on the site. He also asked whether Section 106 contributions could be used to extend the 'dial-a-bus' service which was coming to an end and largely transported schoolchildren. Councillor C F Woodgate stated that, whilst he was not opposed to the development, the devil was in the detail and footpaths and road width were matters that needed addressing.

The Principal Planner advised that, whilst the application proposed 100% affordable housing, officers had assessed the proposals in line with the Council's policy requirement which was 30%. Documents submitted with the application were consistent with meeting the 30% requirement. Under condition 7 of the outline application, officers would assess the number, type and tenure of the proposed affordable housing units which should be no less than 22%, the minimum figure required under the planning permission granted for DOV/19/00821. She advised that the 'dial-a-bus' service had been raised with KCC Highways which had indicated that it would not be seeking financial contributions towards it.

In respect of ecology, the Principal Planner clarified that there was a local nature reserve to the south-east of the site that acted as a reptile receptor site for other developments in Aylesham. As part of this application, a preliminary ecological survey and ecological impact assessment had been undertaken. As a result, the Council's Ecology Officer had recommended that mitigation measures for reptiles should be provided; this was likely to be in the form of an off-site receptor site. There were no details as yet, but these would be secured by a Section 106 agreement. She added that the additional condition for ecological enhancements mentioned at the beginning of the meeting would include a requirement for a biodiversity construction plan.

In response to Councillor Williams, the Principal Planner advised that a condition requiring a construction management plan for each phase of the development had been imposed on the outline planning permission. The Chairman added that any problems relating to another site and the developer's adherence to the construction management plan were a matter for Planning Enforcement.

The Principal Planner suggested that the Committee's concerns around pedestrian connectivity could be dealt with by adding specific conditions or delegated to officers to finalise improvements with the applicant prior to determination. It was agreed

that the Committee's concerns could be addressed by officers using delegated powers and, subject to this, Councillor Kenton proposed that the application should be approved.

RESOLVED: (a) That, subject to the approval of a village traffic impact assessment, improvements to pedestrian connectivity, a Section 106 agreement to secure financial contributions and off-site reptile mitigation measures, Application No DOV/23/00951 be APPROVED subject to the following conditions:

- (i) Approved plans;
- (ii) Samples of materials for external surfaces of homes;
- (iii) Details and provision of external lighting;
- (iv) Details and provision of off-site highways works – footway to connect to existing footway on Ratling Road to south of site;
- (v) Details and provision of off-site highways works – uncontrolled pedestrian crossing to west of site, to be provided prior to commencement above ground;
- (vi) Provision and maintenance of vehicle visibility splays;
- (vii) Provision and maintenance of pedestrian visibility splays;
- (viii) Details of the construction of highways, footways and shared surface areas;
- (ix) Noise and vibration report for impact from railway;
- (x) Programme for landscaping and open space implementation, and maintenance of buffer with railway line;
- (xi) Final details of boundary treatments;
- (xii) On-site ecological enhancements.

(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.

20 APPLICATION NO DOV/24/00181 - THE BEACON PROJECT, BENCH STREET, DOVER

Members viewed an aerial view, plans, photographs and CGIs of the application site which was situated within Dover town centre. The Principal Planner advised that planning permission was sought for the erection of an up to four-storey building for uses including education, offices, studio and gallery, etc. The building would be occupied by three tenants and had been designed to reflect its surrounding

historical context, providing a landmark building of high architectural quality. There would be hard and soft landscaping around the building to create areas of public realm, together with tree, shrub and raingarden planting which would act as a green buffer to the A20 to the south. The building would offer significant public benefits and a mix of uses which would make a positive contribution to the vitality and viability of the town centre. As an update to the report, Members were advised that no financial contributions were being sought by KCC Highways towards the Fastrack project.

The Chairman clarified that the application was before the Committee because it was a Dover District Council application and, although not required by the Constitution, it was the Council's wish that there should be openness and transparency around the application. Councillor Beaney expressed his full support for the proposal, welcoming the opportunity to be involved in considering such an important new building for the town. It was acknowledged by some Members that the red brickwork was not popular in some quarters, but the materials had been chosen to minimise the impact of the building's proximity to a busy road and the seafront.

RESOLVED: (a) That, subject to the completion of a Memorandum of Understanding to secure a Travel Plan and Travel Plan Monitoring, Application No DOV/24/00181 be APPROVED subject to the following conditions:

- (i) Time Limit;
- (ii) Approved plans;
- (iii) Sample materials and panels of brickwork and pointing and grouting;
- (iv) Details of solar array and roof plant;
- (v) Details showing fine construction details including external windows and doors, and window and door positions within openings;
- (vi) Details of external lighting in accordance with submitted strategy;
- (vii) Details of measures to accord with designing out crime principles;
- (viii) Compliance with BREEAM "Excellent" standard;
- (ix) Final details of hard and soft landscaping, including planting schedules;
- (x) Management and maintenance of hard and soft landscaping/public realm;
- (xi) Cycle storage provision;

- (xii) Details of parking restrictions to consider loading and maintain highway access for the area surrounding the site;
- (xiii) Totem wayfinding signage;
- (xiv) Restriction of signage on the building;
- (xv) Heritage engagement and strategy/ details of heritage interpretation;
- (xvi) Submission of a hydrological water environment survey;
- (xvii) Programme of hydrological monitoring;
- (xviii) Archaeological field evaluation;
- (xix) Details of foundations designs;
- (xx) Works in accordance with the programme of archaeological and geoarchaeological works;
- (xxi) Details of public art strategy;
- (xxii) Detailed sustainable surface water drainage scheme;
- (xxiii) SUDS Verification Report;
- (xxiv) Submission of a highways condition survey;
- (xxv) Submission of an Air Quality Impact;
- (xxvi) Protection of bats and nesting birds (implementation of method statement);
- (xxvii) Protection of bats (update survey if required);
- (xxviii) Updated Construction Environment Management Plan;
- (xxix) Biodiversity Enhancement Measures;
- (xxx) Bat-Sensitive Lighting.

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

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

22 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 8.21 pm.