

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 16 January 2025 at 6.00 pm.

Present:

Chairman: Councillor M J Nee

Councillors: J P Loffman
J S Back
P M Brivio
D G Cronk
D R Friend
R M Knight
H M Williams
C F Woodgate

Officers: Planning and Development Manager
Team Leader (Development Management) - Strategic Sites
Principal Planner
Principal Planner
Planning Officer
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/22/01652	Mr Chris Pragnell	-----
DOV/23/01601	Mr John Wilde	Mr Ryan Booth
DOV/21/00075	Mr Clive Tidmarsh	Mr Jeff Goodsell
DOV/22/01625	-----	Mr Alan Latham
DOV/24/00932	Mr Peter Wallace	-----

84 APOLOGIES

It was noted that apologies for absence had been received from Councillors D G Beaney, S Hill and N S Kenton.

85 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillors D R Friend and P M Brivio had been appointed as substitute members for Councillors D G Beaney and S Hill respectively.

86 DECLARATIONS OF INTEREST

There were no declarations of interest.

87 MINUTES

The minutes of the meeting held on 16 January 2025 were approved as a correct record and signed by the Chairman.

88 ITEMS DEFERRED

The Chairman advised that the item listed (DOV/24/00580 – Land north of Gobery Hill, Wingham) remained deferred but a report was anticipated in March.

89 APPLICATION NO DOV/22/01652 - DANEFIELD HOUSE, ST MARY'S GROVE, TILMANSTONE

The Committee was shown an aerial view, drawings, plans and photographs of the application site which was located outside the settlement confines. The Principal Planner advised that planning permission was sought for the erection of one self-build dwelling, with all matters reserved except for access.

She reminded Members that the application had originally been to the Committee in December 2023 when Officers had recommended that the application should be approved under the tilted balance approach of paragraph 11 of the National Planning Policy Framework (NPPF). Outline planning permission had been granted, subject to the completion of a unilateral undertaking covering various matters and the submission of additional ecology information. Permission had been granted on the basis that the adverse effects of the proposal would not significantly and demonstrably outweigh the benefits. The latter included the bringing back into use of a longstanding derelict site; the enhancement to the character and appearance and visual amenity of the area; and the development's role in supporting the future vitality of the village. However, planning permission had not been issued due to a unilateral undertaking for off-site reptile mitigation not having been signed. The tilted balance no longer applied and, since the adoption of the new Local Plan, full weight could now be accorded to Policy SP4 which sought to prevent development on sites that were neither within nor adjacent to settlement confines. With the shift in the Council's policy position, the application had been brought back to the Committee with a new recommendation for refusal.

Councillor J S Back queried the position given that the public speaker had commented that the Section 106 agreement had not been necessary in the first place. If true, he suggested that the Council's position should revert back to the original decision to approve the application. The Principal Planner clarified that the unilateral undertaking had been requested to secure reptile mitigation and a SAMMS payment for the Special Protection Area. Whilst the latter could now be made by telephone, that had not been the case when planning permission was originally granted. If the application was being assessed now, a Grampian condition for reptile mitigation could be considered, requiring 5 years of monitoring before commencement of development on the site. For that reason, Officers had alighted on the idea of using a unilateral undertaking.

Councillor Back commented that it had been common practice for the Council to use Grampian conditions and that one should have been imposed in this instance. He proposed that the application should be approved. Councillor D R Friend agreed with the previous decision made by the Committee and seconded the motion.

The Team Leader (Development Management) (TL) advised that a legal agreement or unilateral undertaking was the typical way of dealing with something that was required over a prolonged period of time. Planning permission was normally granted with a condition requiring commencement within three years and would have expired by the time the required reptile monitoring was completed. His view was that Officers had put in a lot of effort to come up with a novel way of dealing

with the situation. In relation to the motion to approve the application, he mentioned that the new Local Plan required additional standard conditions such as tree planting, water standards, etc and that these would be included. Councillor Friend agreed that the final conditions and wording should be delegated to Officers.

Councillor J P Loffman sought clarification on whether there were now specific policies that overrode the tilted balance and the re-use of a brownfield site. In other words, should the Committee refuse the application in order to be consistent with the newly adopted Local Plan. The TL advised that there had always been an element of policy support for the reuse of brownfield land which had been strengthened in the recently updated NPPF – but not to such an extent that it added significantly greater weight to the argument for approving the application. The new Local Plan had been adopted and was consistent with the most recent NPPF. He reiterated that the application site was outside the settlement confines and, as such, development there would be contrary to SP4.

For Councillor Loffman, the TL clarified the exceptional circumstances that allowed development outside the settlement boundaries which included the reuse of redundant or disused buildings which would enhance the immediate setting. On the latter, he stressed that the proposal was to demolish the existing building and erect a new-build dwelling so it did not meet this or any of the other exceptional circumstances. In response to Councillor D G Cronk, the Principal Planner advised that the unilateral undertaking had been necessary to cover the reptile mitigation which, in this case, was proposed to be addressed by imposing a Grampian condition. The SAMMS payment could now be done by telephone and the habitat management plan would be covered by a condition rather than a legal agreement.

Councillor Back commented that there was already a property on the site. A Grampian condition could and should have been used and he was of the view that an exception should be made in this case because a mistake had been made. In response, the Principal Planner advised that Officers had had no choice but to require a legal agreement in order to secure the SAMMS payment. Councillor Friend argued that the reason for the application now being before the Committee was quite narrow and, in his view, it was a question of fairness. He agreed with the original resolution and proposed that the application should be approved because of the reuse of the land, its significant benefits and the absence of any harm to residential amenity.

The Chairman commented that whilst the new Local Plan was quite clear in policy terms, the equity of the decision should be considered.

The meeting was adjourned for Officer deliberations at 6.27pm and reconvened at 6.31pm.

The Chairman restated that the reasons for approving the application were the re-use of the land; the development's significant benefit to supporting the vitality of the local community and the enhancement to the area. Whilst the previous decision was a material consideration, it was of limited benefit given that the new Local Plan had come into effect.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/22/01652 be APPROVED on the following grounds: (i) Re-use of the land; (b) Contribution and support to the vitality of the village and local community; and (c) Enhancement to the character, appearance and visual amenity of the area.

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

90 APPLICATION NO DOV/23/01061 - LAND OFF CHURCH LANE, LYDDEN

Members were shown an aerial view, plans and photographs of the application site which was land to the east of Church Lane in Lydden. The Principal Planner advised that outline planning permission was sought for the erection of 23 dwellings with associated parking, infrastructure and open space. Except for access, all other matters such as layout, scale, appearance and landscaping were reserved. As an update to the report, she advised that five additional public representations had been received raising matters which were largely addressed in the report, aside from an accident which was reported to have occurred recently in Church Lane.

Members were advised that the site was allocated for residential development in the new Local Plan and, in allocating the land, the policy team had considered the sustainability of the site and the fact that the village had a doctor's surgery, village hall, primary school, a pub and links to public transport to Dover and Canterbury. The principle of development here had been established. Indicative plans had been submitted and alterations had been requested due to the impact on nearby heritage assets which would be considered further at the reserved matters stage. The access road would be built to adoptable standards. Areas of grassland and biodiversity were proposed, as well as a tree planted buffer. A potential link to the PROW at the north-east corner of the site was included in the proposals, as was an uncontrolled pedestrian crossing where the PROW joined Canterbury Road to provide access to a bus-stop on the opposite side of the road. Further details of these and other improvements to the PROW and off-site highway works would be subject to approval by KCC and secured via a legal agreement.

The Principal Planner confirmed that tracking details had been submitted and found to be acceptable by KCC Highways. In respect of concerns raised about the width of the proposed footpath which would run from the development to the west of the garage and onto Canterbury Road, she advised that paragraph 2.23 of the report addressed this matter. KCC Highways had indicated its satisfaction with the proposals on the basis that the distance covered by the footpath was relatively short and the development a modest one.

Councillor H M Williams raised concerns about the unsustainable location given that there was no shop or post office in Lydden and the GP surgery was apparently full. The Principal Planner advised that when allocating sites for development, the policy team had considered the facilities available in all settlements across the district. Lydden had a pub, school, GP surgery and transport connections and facilities in the wider area would also have been taken into account. Developer contributions had been requested by KCC for primary and secondary education, community learning and skills and children's services. Councillor C F Woodgate remarked that there were flooding problems at this location, with the nearby pond often flooding. Water currently soaked away naturally into the adjacent field but this would be concreted over with the proposed development. In response to Councillor Woodgate, the Principal Planner confirmed that there were regular buses serving Lydden.

Councillor Cronk raised concerns about the width of the pathway and access into and egress from the site given the narrowness of the lane, particularly for lorries and refuse vehicles. The Principal Planner advised that the policy required vehicles to enter and exit the site from Canterbury Road to the south rather than going northwards onto Church Lane which had been considered in the design of the access. It was clarified that upgrades to the PROW could be secured by a legal agreement and that drainage details would need to be submitted to ensure that surface water/run-off did not accumulate.

The Chairman commented that the conditions on drainage and infiltration were suitably intense. He noted that there was a gap marked on the indicative plan for a pedestrian access onto the footpath. However, he was sure residents living in those houses would use the existing PROW, which he agreed should be upgraded, rather than going round the garage. He commented that refuse vehicles had to access Stonehall and he could not imagine drivers using Church Lane in preference to Canterbury Road. There were pedestrians living in Church Lane already and he thought the footpath would be lightly used in any case. He suggested an amendment to condition 20 to require the applicant to submit a fully measured drawing for final approval by KCC Highways.

Councillor Friend echoed others' concerns about flooding. Although lots of conditions were attached, he was not convinced that the development would not have a drainage impact on adjoining farmland. Councillor Williams asked whether there was a local need for housing and, if so, that this be prioritised. The Principal Planner advised that there were currently 105 applications for affordable housing from people expressing a preference for Lydden. She undertook to look into whether the affordable housing could be reserved for local residents. She advised that condition 10 required the submission of an ecological design strategy, addressing habitat enhancements such as native species planting, integrated bee, bat and bird boxes, etc.

Councillor Loffman noted that the parish council had described the site as a flood bowl, and it was evident that lots of conditions were required to address that. He queried whether other measures could be taken to allay Members' and residents' concerns. The Principal Planner advised that the footpath had been subject to a detailed analysis and approved by KCC. In terms of drainage, a number of conditions had been requested by the Environment Agency, KCC, etc which would secure surface water and foul water drainage via schemes and strategies that would also secure the design of the piling and foundations. At the reserved matters stage, Officers would ultimately be looking for a drainage scheme that would accommodate a worse case flood event. The Chairman commented that the pond would always flood because it was at the lowest point of the village. The objective of these conditions would be to make the current situation no worse, if not better, in terms of flood risk. In respect of local housing needs, he suggested that a local lettings plan should be considered by Officers.

Councillor R M Knight raised concerns about the proposals, being very familiar with the road and junction. That junction and traffic along Canterbury Road had always been a problem and forbidding vehicles to turn right out of the site was illogical in his view. Access would be a nightmare and, whilst the proposed development was a modest and seemingly attractive one, he was struggling to see the benefits of it.

The TL stressed that the land was an allocated site and had already been through the Local Plan process. The number of dwellings proposed was significantly less than the 30 designated in the allocation. As part of the Local Plan process, a

strategic flood risk assessment had been carried out and all the agencies were satisfied that the flood risk could be mitigated with conditions, including a 100-year storm event. Ultimately, the development would not be able to proceed unless it met the requirements of all the agencies involved. Under the Local Plan, there was a strategy that each village should accommodate development in proportion to its facilities. Whilst there was a local need for housing, the wider needs of the district also had to be considered in order to encourage growth across the district and support the sustainability of all settlements. Although the footpath did not meet the width guidelines, improvements could be secured to the PROW which was an alternative route for pedestrians leaving the site.

RESOLVED: (a) That, subject to matters relating to the Habitats Regulation Assessment being agreed in consultation with Natural England, and the completion of a Section 106 legal agreement to secure the required contributions, affordable housing, uncontrolled pedestrian crossing and public rights of way improvements, Outline Application No DOV/23/01061 be APPROVED subject to the following conditions:

- (i) Approval of the reserved matters;
- (ii) Time condition;
- (iii) List of the approved plans;
- (iv) Programme of archaeological work;
- (v) Biodiversity method statement (for the protection of biodiversity);
- (vi) The reserved matters for landscape and/or layout (whichever is submitted first) to be accompanied by a supporting document demonstrating how important ecological features have been taken account of in the design of the proposals;
- (vii) Construction environmental management plan;
- (viii) Demolition and construction management plan;
- (ix) Bat-sensitive lighting strategy;
- (x) Ecological design strategy (addressing habitat enhancement measures);
- (xi) Habitat management and monitoring plan;
- (xii) Samples of external materials;
- (xiii) Dwellings to meet higher water efficiency standard (under Building Regulations);
- (xiv) Inclusion of mitigation measures (double glazing and acoustically treated trickle vents) identified in the noise report;

- (xv) Construction management plan (highways);
- (xvi) Completion of footways and/or footpaths and carriageways (with the exception of the wearing course) between a dwelling and the adopted highway prior to first occupation;
- (xvii) Provision and retention of vehicle parking spaces to be set out;
- (xviii) Provision and maintenance of visibility splays shown on the plans (with no obstruction over 1.05 metres above carriageway level within the splays or 0.6 metres where a footway crosses the access);
- (xix) Provision and retention of secured covered cycle parking facilities;
- (xx) Highway improvements, prior to first occupation, as detailed on 'Proposed site access and Canterbury Road junction' drawing 20-045/009 Rev.A – a fully measured drawing for final approval by KCC Highways to be submitted;
- (xxi) Remediation strategy in relation to any contamination found not previously identified;
- (xxii) No drainage systems infiltration of surface water into the ground unless with the consent of the Local Planning Authority;
- (xxiii) Foul drainage strategy;
- (xxiv) No piling or other penetrative foundation methods permitted other than with the consent of the Local Planning Authority;
- (xxv) Reserved matters to demonstrate requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm can be accommodated within the proposed development layout;
- (xxvi) Detailed sustainable surface water drainage scheme;
- (xxvii) Verification report pertaining to the sustainable surface water drainage scheme;
- (xxviii) Infiltration of surface water only within parts of the site where information is submitted to demonstrate there is no resultant unacceptable risk to controlled waters and/or ground stability;

(xxix) Details of measures to be taken to protect public sewers;

(xxx) Affordable housing – local lettings plan.

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

91 APPLICATION NO DOV/21/00075 - ARCHERS COURT ROAD, WHITFIELD

The Committee viewed an aerial view, plans and photographs of the application site which was located to the east of the built-up area of Whitfield. The TL advised that outline planning permission was sought for the erection of up to 38 dwellings and the formation of an access road, with all matters reserved except for access. As an update to the report, he advised that the plan on page 70 of the agenda was incorrect, the correct one appearing on page 74.

Members were advised that five consultation responses had been received from National Highways, the KCC Local Lead Flood Authority (LLFA), KCC Highways, the Council's Local Plan team and Whitfield Parish Council. The LLFA had raised no objections but had queried whether the level of attenuation had been reduced, the separation distance between dwellings and the drainage basins and whether the detailed designs met the guidance. The TL confirmed that the level of attenuation had not been reduced, and there was separation distance between dwellings and the drainage basins. Detailed designs of the drainage scheme would be required and subject to reserved matters approval. KCC Highways had queried whether the access to the site would be adopted and it was understood that it would not be adopted, at least not initially. There had been a slight increase in the open space contributions required and the applicant had agreed to this. Whitfield Parish Council had submitted an additional comment, supporting the objections from local residents, including the impact on amenities and neighbouring properties. It had also urged full public consultation on the reserved matters application and public oversight of the decision, along with welcoming the new access arrangement. One objection from a neighbouring landowner had been rescinded subject to the terms of the new recommendation being agreed.

Since legal concerns had been raised by a third party, the applicant had chosen to amend the access to the site which would now link into the existing estate roads of phase 1 of the Whitfield Urban Expansion and onto the A256. Whilst the scheme had moved on, interim proposals for Whitfield roundabout were not in National Highways' spending plans and would not now be progressed. However, financial contributions from this development would contribute to more substantial improvements that were due to be made to Whitfield roundabout. The Local Plan had been adopted since the application last came to Committee and the report assessment and recommendations had been updated to ensure they were compliant with the new Local Plan.

Councillor Back stated that he had voted against the application the last time it had come before the Committee because the access had been via Archers Court Road. Now that access would be via Richmond Park and the A256 he was able to support the application. The site was located within the Whitfield Urban Expansion scheme and in the new Local Plan. 30% affordable housing would be provided and, now that the access had been changed, there were no planning reasons to refuse the

outline application. He requested that he and the Chairman be informed when the reserved matters application came forward as most of the objections had pertained to reserved matters.

Councillor Loffman expressed concerns about Whitfield roundabout and the fact that the Committee had approved the application previously based on the fact that improvements to the roundabout would go ahead. Councillor Williams commented that she would like to see at least one of the affordable housing units built to M4(3) standards. The Chairman added that it was a new policy requirement. The Planning and Delivery Manager advised that it should be included as a condition at the outline stage as this would ensure it was then brought forward at reserved matters.

Councillor Knight welcomed the amended access but noted that he had seen nothing about construction access being through Richmond Park. He agreed with Whitfield Parish Council's views and raised concerns about the designs, scales and sizes of some of the dwellings already constructed which were not always necessarily sympathetic to the village. When the reserved matters application came forward, he personally would be looking for buffer zones, planting and good design. The TL warned that the point of access could not be changed at a later date. He undertook to let the Chairman and the ward Members know when the reserved matters application was submitted so that they could call it in for determination by the Committee, if necessary.

RESOLVED: (a) That, subject to no new material considerations being raised by consultees or third parties and a Section 106 agreement to secure the required contribution, 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);
- (ix) Landscaping details and maintenance of green spaces, including new tree planting;
- (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) Samples of materials;
- (xv) Full details of windows and doors, including the depth of reveals;
- (xvi) Details of refuse and recycling facilities;
- (xvii) Details of water usage;
- (xviii) No flues, vents, grilles or meter boxes;
- (xix) Travel plan;
- (xx) One affordable housing unit to be built to M4(3) standard.

(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 Planning Committee.

92 APPLICATION NO DOV/22/01625 - EVERGREEN, SLIP LANE, ALKHAM

The Committee was shown drawings, plans and photographs of the application site which was situated within the Alkham conservation area and Kent Downs National Landscape. The Planning Officer advised that planning permission was sought for the erection of a porch, raised terrace with balustrade and other works (some retrospective). The original plans submitted had shown the terrace encroaching into the PROW and causing an obstruction. The terrace had now been reduced in size and KCC's PROW team had since withdrawn its objection. Two further objections had been received – one from the parish council and another from a member of the public. The member of the public had raised concerns about noise generated by the use of the patio area and doors to the rear. Patios with French doors were not uncommon in residential areas and the proposal was not considered unacceptable in terms of noise impact. Comments made by the parish council had been covered in the report.

In response to the Chairman, the Planning Officer confirmed that the terrace no longer obstructed the PROW. In response to Councillor Loffman who mentioned visual amenity, she advised that there was no strong uniformity in the street scene, with dwellings of different materials and heights. In her view the dwelling would not stand out as being different to other houses in the street.

RESOLVED: (a) That Application No DOV/22/01625 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Materials samples for cladding.

(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.

93 APPLICATION NO DOV/24/00932 - ELLANDUNE, COLDBLOW, DEAL

Members viewed an aerial view, plans and photographs of the application site which was located to the west of Coldblow and outside any settlement boundaries. The TL advised that outline planning permission was sought for the erection of a detached dwelling on a site that was currently used as garden land for Ellandune. Land to the east of the site had gained planning permission for development. This site was separated from the settlement confines of Walmer by 300 metres and, as such, unsustainable and unsuitable for windfall housing. In policy terms, development in this location would be contrary to Policy SP4 of the new Local Plan, and refusal was therefore recommended.

Councillor Knight queried whether the development to the east was going ahead. If so, it was evident that development was already happening outside the confines which led him to question why this development should not be supported. The TL advised that development at the approved site had stalled but could recommence at any time. The confines were drawn so that they aligned approximately with where the development had got to now, and would be extended in accordance with further development. The site to the east had been permitted under a previous policy and would comply with SP4 if being assessed now because it was physically adjacent to the confines. The site for determination was visually separated from the confines and part of a clear landscape buffer, indicating the edge of built confines. Whilst the material considerations put forward by the applicant had been considered by Officers, this was an isolated site and the default mode of transport would be by car. SP4 was there to restrict development to avoid a situation where a single dwelling or group of dwellings were not physically attached to the confines. He emphasised that, with the new Local Plan in place, Members should be refusing development on this site unless material considerations indicated otherwise.

Councillor Back pointed out that the confines had already been changed to accommodate the other development and, once that was built out, they would be redrawn and become even closer to this site. The TL stressed that there was an intervening railway line and this site was not physically related to the other development site. If Members' rationale was taken a stage further and other sites within 150 metres of the confines were considered, the majority of the countryside would be opened up for possible development. SP4 was a newly adopted policy and, as such, should be afforded full weight. The proposal was clearly contrary to policy and the Committee should not set a precedent for other developments in the countryside by granting outline planning permission.

Councillor Loffman agreed that there was a clear policy and if the Committee started tampering with that policy, which they had voted for at full Council, settlement confines would become fluid and somewhat meaningless. The fact was that the

railway line separated this site from the other and Officers deemed the proposal contrary to policy. He proposed that the application should be refused.

RESOLVED: (a) That Application No DOV/24/00932 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 reliant upon unsustainable forms of transport to access the facilities and services upon which they would rely. The development would be contrary to Policy SP4 of the Local Plan and paragraphs 83 and 84 of the National Planning Policy Framework.

(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 recommendation and as resolved by the Planning Committee.

94 APPEALS AND INFORMAL HEARINGS

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

95 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 8.07 pm.