

PLANNING COMMITTEE

Wednesday, 27 January 2021

Present: Councillor Barry Noakes (Chairman)
Councillors Bland (Vice-Chairman), Atwood, Mrs Cobbold, Funnell, Dr Hall, Hamilton,
Poile, Pound and Warne

Officers in Attendance: Marie Bolton (Principal Planning Officer), Richard Hazelgrove (Principal Planning Officer), Peter Hockney (Development Manager), Debbie Salter (Conservation and Urban Design Officer), David Scully (Landscape and Biodiversity Officer), Tracey Wagstaff (Senior Lawyer) and Emer Moran (Democratic Services Officer)

Other Members in Attendance: Councillors McDermott

CHAIRMAN'S INTRODUCTION

PLA100/20 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

APOLOGIES

PLA101/20 Apologies were received from Councillor Mrs Thomas. Councillor Backhouse was not present.

DECLARATIONS OF INTEREST

PLA102/20 Councillor Warne declared that she had fettered her discretion on application PLA106/20 Land adjacent to Turnden, Hartley Road, Cranbrook. Councillor Warne made a statement related to this application and withdrew from the meeting while it was discussed.

Councillor Warne also stated that on application PLA/107/20 Land at Brick Kiln Farm, High Street, Cranbrook, the site already benefited from outline planning permission and this application related to the approval of the reserved matters. Although Councillor Warne had some prior knowledge of the case, as she had met with the applicant on a number of occasions in her role as Chairman of the Cranbrook and Sissinghurst Neighbourhood Development Plan Steering Group, before the reserved matters application was submitted, she was able to confirm that she had not yet made up my mind. Councillor Warne confirmed that she was considering the application with an open mind and therefore had not predetermined her decision.

DECLARATIONS OF LOBBYING (IN ACCORDANCE WITH THE PROTOCOL FOR MEMBERS TAKING PART IN THE PLANNING PROCESS, PART 5, SECTION 5.11, PARAGRAPH 6.6)

PLA103/20 Councillors Atwood, Cobbold, Funnell, Dr Hall, Hamilton, Poile, Pound, Warne, Bland and Noakes had been lobbied by objectors on application PLA106/20 Land Adjacent To Turnden Hartley Road Cranbrook Kent.

Councillors Hamilton, Poile, Pound, Warne, and Noakes had been lobbied by supporters on application PLA106/20 Land Adjacent To Turnden Hartley Road Cranbrook Kent.

Councillors Pound and Noakes had been lobbied by objectors on application

PLA107/20 Land At Brick Kiln Farm High Street Cranbrook Kent.

Councillors Pound and Noakes had been lobbied by supporters on application Land At Brick Kiln Farm High Street Cranbrook Kent.

Councillors Atwood, Mrs Cobbold, Funnell, Hamilton, Poile, Pound, Warne and Noakes declared that they had received a bird box and/or mug from lobbyists.

SITE INSPECTIONS

PLA104/20 Due to the current restrictions Members had not undertaken any site visits.

REPORTS OF HEAD OF PLANNING SERVICES (ATTACHED)

PLA105/20

APPLICATION FOR CONSIDERATION - 20/00815/FULL LAND ADJACENT TO TURNDEN HARTLEY ROAD CRANBROOK KENT

PLA106/20 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA106/20 OS Land Adjacent To Turnden Hartley Road Cranbrook Kent and this was summarised at the meeting by Mr Richard Hazelgrove Principal Planning Officer and illustrated by means of a visual presentation.

Updates and additional representation – Since publication of the agenda report, the presenting officer updated as follows:

Additional representations:

- One additional local representation raised matters of Area of Outstanding Natural Beauty (AONB) impact, ecology, pre-submission consultation by the applicants and highway safety matters
- An additional representation had been received from the Parish Council in which it raised objection to the level of pre-submission consultation from the applicants.
- One additional representation had been received from Campaign Protection Rural England (CPRE) and highlighted issues which related to the assessment of alternative sites. The issue of alternatives was stated by officers to be correctly addressed in the report.

The CPRE representation also mistakenly stated the Limits to Built Development (LBD) was not adjacent to the site when it was: its current extent includes Brick Kiln Farm and was set by the Site Allocations Local Plan 2016. The need for this extent of affordable housing was also questioned by the CPRE, however the officers advised the purpose of affordable housing was to provide low cost housing for the future, not just satisfy current demand. Further, the shortage of affordable housing was borough-wide and affordable housing was not intended to simply satisfy local demand. Other matters related to air quality and highways were raised.

AONB Unit

A letter had been received from the High Weald AONB Unit to which Officers

had responded, points included:

- The letter quoted selectively from the report to Planning Committee and did not reflect the overall detailed appraisal of the application (which amounted to some 43 pages), or the impact on the AONB in particular (at least 17 pages).
- Tunbridge Wells Borough Council's (TWBC) approach to assess major development in the AONB in delegated and committee reports was tried and tested – both the Planning Inspectorate and the High Court had not raised concerns or issues with this approach. The High Weald AONB Unit, when previously disagreeing with TWBC's decisions, had not previously offered such a criticism of the approach taken to the consideration of AONB matters in committee or delegated reports;
- As was well established, including through case law, planning officers' reports to committee were written for councillors experienced in AONB matters who already had local knowledge and who had had the opportunity to familiarise themselves with the plans and documents prior to the meeting. Members were also very familiar with the importance of the AONB as a development constraint and of the importance of having regards to its purposes.
- The AONB Unit disagreed with the conclusions of the Officer report however there was no evidence of a failure to properly fulfil the duty to 'have regard' for the purposes of AONB designation. Whilst not down playing the importance of the AONB in anyway, planning assessments must reach an overall judgement as to the planning merits, often referred to as the planning balance, and the report to Committee does this.
- The response from TWBC expressed surprise that the AONB Unit had not previously approached TWBC on the way in which it dealt with AONB matters in committee reports.
- Correspondence was received from Cllr Warne, raising several queries regarding the report – Cllr Warne provided a copy of this to Members. A written response was provided to Cllr Warne on these points, which was copied to Members of the Committee.

Points of clarification:

- Page 86 S106 table: Total of benefits should read 1,387,009.30 (the KCC Youth Service figure not included in total)
- Page 86 financial benefits: New Homes Bonus was being withdrawn
- Page 96/97, para 2.14: Cycle lane within the site was 3m not 1.5m
- Page 103, para 2.33: The applicants have confirmed the figure for the soil spread area should be 5.6ha and not 9.4ha as stated in the Environmental Statement. The area over which it would be spread was clearly shown in the submitted plans.
- Page 107, para 5.02 and Page 147, para 10.21: the report stated that 'no weight' can be given to NDP. Local consultation on the NDP concluded in December 2020. As the NDP has not progressed to the formal examination or referendum stage (timetabled for 30 April 2021 and 3 June 2021 respectively according to the NDP group's website) this should read 'very minimal weight'.
- Page 158, para 10.93: '19ha would be put in to ecological management'. This figure was intended to denote the area to be managed by the LEMP (which proposes ecological enhancements

of varying degrees across the whole area). Circa 14ha would be ecologically managed.

- Also here: The open space figures should read 1.66ha of open space not 1.41ha and 6.12ha of accessible land in the wider land holding, not 6.11ha. The correct figures were at para 10.207.
- Pages 164- 166, paras 10.121 – 10.126 Officers clarified the weight to be given to the Hankisson Duckett LVIA (which was not in the public domain yet). This document has been received in draft, and was subject to final minimal changes following proof reading, ahead of being made publically available ahead of the Regulation 19 consultation on the Pre-Submission Local Plan, subject to the decision of Full Council on 3rd February. A small section relating to the recent Hartley Gate Farm public inquiry was released as part of the Inquiry due to exceptional circumstances of the inquiry's timing.
- This document was referred to in detail in TWBC's complaint reply to the High Weald JAC, which had been circulated amongst all Members.
- On reflection, there was a wording error in the Committee report in that Para 10.126 states 'Overall the Cranbrook LVIA has assessed the harm to the AONB from the allocation as Medium and subject to the recommended mitigation Medium-Low. The proposal is very similar to the allocation which is why the Cranbrook LVIA carries weight in this matter.' The highlighted section indicates Officers have given weight to it in the overall assessment of AONB/landscape impact. The words 'carries weight' were intended to refer to the Pre-submission local plan allocation. However, on reflection, officers advise that this was a poor choice of words and can be ambiguously read as though the LVIA has been given weight in the application's recommendation. It should have stated 'The proposal is very similar to the allocation which is why the Cranbrook LVIA has been referred to in this matter.'

Registered Speakers – There were 8 speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

Public Objectors

- Ms June Bell, member of the public.
- Ms Philippa Gill, member of the public.
- Ms Liz Daley, member of the public.
- Mr Patrick McKernan on behalf of Natural England.

Public Supporters

- Mr Vincent Ganley, Managing Director KWT Consultants
- Mr Alex Davies, Development Director Berkeleys.

Parish Council Representative

- Councillor Kim Fletcher, Chairman of Cranbrook and Sissinghurst Parish Council.

Borough Councillor (Not on the Committee)

- Sean Holden, Benenden and Cranbrook.

Matters of Clarification by Officers and Committee Members' Questions to Officers – Members raised a number of questions and officers confirmed

the following:

- i. It was advised that the Landscape and Economical Management Plan (LEMP) was to be secured in perpetuity under a legal agreement.
- ii. Comments from the Council's Landscape and Biodiversity Officer and Urban Design Officer showed that this was not thought to be a generic development but well thought out and integrated into the landscape.
- iii. It was confirmed that the routes through to the town would be secured through by the site adjacent which had outline planning permission and the remaining allocation from the 2016 original allocation.
- iv. Members were reminded of their duty under Section 85 of the CROW Act and were reassured that this scheme had been developed and avoided harm where possible, considerable and exceptional mitigation had been provided and was effective and could be taken into account.
- v. It was confirmed that the affordable housing was above the current adopted policy standard.
- vi. It was confirmed that the biodiversity enhancements were above the current adopted policy standard.
- vii. The National Planning Policy Framework (NPPF) inspector would give significant weight to housing supply under appeal where no 5 year housing supply exists.
- viii. There was no guarantee that the offer of current benefits would remain in place after an appeal.
- ix. The application had been commented on by the TWBC's own specialist advisor whose professional role was dealing with development of climate change and sustainability, and there was a current requirement to deliver a 10% gain which applicant had shown and demonstrated and was addressed in the report.
- x. With regard to other zero carbon pledges, the Planning Environmental Officer was happy for that matter to be left to condition and for the developer to have explored ways to achieve sustainable gains through design of houses and had already pledged to use PV panels and EV charging points.
- xi. It was advised that the applicant was currently working with Town and Country Housing (TCHG) with regard to affordable and social rents, Section 106 negotiations were ongoing a tenure split had not been settled on yet.
- xii. It was advised that great weight given to AONB matters could have meant both to harm and benefits along with other issues such as scale and proportion.
- xiii. With regard to soils and 30% nature recovery, it was advised that much more than 30% of the site was put into positive landscape and biodiversity enhancement with the professional input from Kent Wildlife Trust.
- xiv. Pages 159-161 of the report addressed the requirement to look at alternatives and this was explained.
- xv. It was advised that the Council was duty bound to consider the application that had been received and fell to be considered at that time.
- xvi. Members attention was brought to paragraphs 49 and 50 of the NPPF which set out that refusal of permission on grounds of prematurity would seldom be justified where a draft plan has yet to be submitted for examination.

- xvii. It was the professional advice to Members from the Head of Planning that the development proposed was not so substantial that to grant consent would undermine the plan making process and while it was at a progressed stage it did not meet criteria under section B.
- xviii. The potential cumulative impact of the development on Cranbrook was discussed.
- xix. Members were reminded that the application was covered under the Environmental Impact Assessment regulations; therefore an Environmental Statement had been submitted which considered cumulative effects.
- xx. Adjacent sites allocated under the existing adopted plan were discussed.
- xxi. Members were advised that minimal weight should be given to the neighbourhood plan which had not been through statutory consultation period yet or subject to referendum.
- xxii. The economic sustainability of the development was discussed.
- xxiii. It was advised that conditions 33 and 39 addressed EV charging points and location of PV panels as well as air quality mitigation and what the applicant had proposed already calculated to exceed 10% reduction in CO2 emissions which was the policy threshold.

Committee Member Debate – Members of the Committee took account of the presentations made and raised a number of questions and issues within their discussions. These included:

- i. The relationship between the landscape and conservation area was discussed.
- ii. An Independent survey confirmed that it was not unimproved grassland.
- iii. Frustration and empathy with residents was expressed with regard to the development however, it was acknowledged that it was important to maintain planning control through local Government.
- iv. The implications of turning down the development and if it went to appeal was addressed.
- v. The effect that the pandemic has had on how people will live and the changes it would bring was highlighted.
- vi. Elements of the NPPF had been robustly tested as well as the officers report, paragraphs 8, 11, 49, 50, 79 and 172 of the NPPF and it was concluded it was difficult to find a reason not to accept the application.
- vii. Concerns were raised about the quality of the build.
- viii. Concerns were raised about clustering of social housing.
- ix. Concerns were raised about the lack of bungalows
- x. It was acknowledged that the Planning Committee was not only the elected protectors of the AONB but also the elected facilitators of development.
- xi. It was suggested that it would be more appropriate for Berkleys to donate funds to a charity in Cranbrook village rather than lobby the Committee with a brochure.
- xii. The lack of a 5 year housing supply was acknowledged and the difficulty that raised for the Committees decisions.
- xiii. Congratulations were given to planning officers and how they have handled the landscape and affordable housing issues.
- xiv. It was acknowledged that if the application was refused and went to appeal that it would be granted as the lack of 5 year housing supply would have been a predominant element in their decision.

- xv. Natural England had requested that the application if granted would be called in by the Secretary of State, that decision would be taken by ministers in Ministry of Housing Communities and Local Government (MHCLG).

Decision/voting – On the basis that members were satisfied that all relevant planning considerations had been covered within the report, a motion was proposed by Councillor Dr Hall to refuse the application against the officers recommendation, this motion was not carried. A motion was proposed by Councillor Bland seconded by Councillor Poile and a vote was taken to approve the application in line with the officer recommendation.

RESOLVED – That application PLA106/20 be granted subject to the completion of a Section 106 legal agreement and subject to the plans, conditions and informatives as set out in the agenda report.

APPLICATION FOR CONSIDERATION - 20/00814/REM LAND AT BRICK KILN FARM HIGH STREET CRANBROOK KENT

PLA107/20 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA107/20 OS Land At Brick Kiln Farm High Street Cranbrook Kent and this was summarised at the meeting by Mrs Marie Bolton Principal Planning Officer and illustrated by means of a visual presentation.

Updates and additional representation – None.

Registered Speakers – There were 5 speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

Public Objectors

- Ms Liz Daley, member of the public.
- Ms Philippa Gill, member of the public.
- Mr John Wotton, member of the public.

Public Supporters

- Judith Ashton, Judith Ashton Associates.

Parish Council Representative

- Councillor Kim Fletcher, Chairman of Cranbrook and Sissinghurst Parish Council.

Matters of Clarification by Officers and Committee Members' Questions to Officers – Members raised a number of questions and officers confirmed the following:

- i. It was confirmed that the Crane Valley ran to the east of the site and on the lower ground was the stream corridor that ran from south west to the north east.
- ii. The idea was to protect the Crane Valley from development by making sure the ancient woodland was protected.
- iii. It was confirmed that majority of this development was more than 15 metres from the ancient woodland edge.
- iv. Officers worked for a considerable length of time with the applicant to ensure that the design was not a standard Persimmon scheme but one of high quality.

- v. A number of conditions were attached to the outline which included the implementation of a travel plan and EV charging points as well as other methods which sought to improve air quality.
- vi. Energy was subject to a condition which the Council's Environmental Planning officer agreed with in principal.
- vii. Flood alleviation was addressed by conditions 30, 31 and 32 with a final element to be clarified related to the pipe leading to the Crane Brook, this was discussed in detail.
- viii. Outline consent was granted in March 2020 and it was requested that the reserved matters came back to Planning Committee.
- ix. The remainder of the 2016 allocation site was where the pedestrian links would go through.
- x. It was confirmed that the application had outline consent with 41 conditions which included energy conservation which still had to be discharged.
- xi. Ongoing discussions had been had with the applicant related to green space, design changes , approach to restoration of features and details of the LEMP and officers were satisfied with the outcome of those conservation, landscape and AONB issues.
- xii. Officers were satisfied and supportive of the design access statement and the way the design was developed.
- xiii. Concerns raised about the attenuation basin were addressed.
- xiv. Concerns raised related to the ancient woodland and the management along the Crane Valley were addressed.
- xv. It was confirmed that the new residents would pay a maintenance fee for the management of the green space.
- xvi. Semi mature trees would be sought to replace the tree (T24) that was unable to be kept on the site
- xvii. It was confirmed there was a good mix native species proposed for public spaces.
- xviii. The Council's landscape and Biodiversity officer advised that he would discuss with the applicant the removal of the Winter Heliotrope from the access point to the high street to ensure the rural feel of the lane was not lost.
- xix. Details had been proposed about how to protect the tree (T59) which would be on private land.
- xx. Kent County Council Flood Authority were involved at each stage of the application related to drainage and the applicant had responded proactively to requests.
- xxi. Condition 3 asked for detailed aspects of the scheme including windows, frames, doorways down to meter boxes.
- xxii. It was confirmed that the woodland set at least 15 meters back from residents gardens would be protected so there could not be any in discriminatory cutting back.
- xxiii. Tree shading would have an effect on some properties however this was usual for properties in a wooded valley area.
- xxiv. It was advised there was no prescribed methodology for assessing harm on conservation area but recommended ones such as Historic England guidance as mentioned in comments in the report.
- xxv. It was deemed appropriate to use weatherboarding as the site was not in the conservation area and there may also be fire safety reasons for using various types, final details would be confirmed at a later stage.
- xxvi. With regard to the quantum of the development, it was confirmed

- that officers and the applicant had looked at the constraints and character areas of the development and it was considered that the provision of 180 dwellings could be achieved without undue harm.
- xxvii. Connectivity of the site was discussed in detail.
 - xxviii. Condition 26 requested the source and manufacturer of materials so that could be looked at carefully.
 - xxix. It was possible for Members to attach an informative that the applicant sought to use local materials for both boundary treatments and dwellings to avoid unwanted pathogens.

Committee Member Debate – Members of the Committee took account of the presentations made and raised a number of questions and issues within their discussions. These included:

- i. Sympathy was expressed for the speakers.
- ii. It was felt by some that the design was not distinctive of Cranbrook however, it was acknowledged that design could not be used as a reason to refuse.
- iii. It was possible for Members to attach an informative to shape the expectation of the existing condition related to the start of the working day to be changed no earlier than 8am.
- iv. There was a suggestion of a liaison group for this large scale development would work well to resolve resident issues.
- v. The impact to the AONB and historic landscape was mentioned.
- vi. It was acknowledged that there had been improvement on scheme.
- vii. Members had been reassured that mitigation related to the access road to other parts of the allocation could be achieved.
- viii. The proximity of the development to the ancient woodland and Cranebrook was a concern.
- ix. The consequences of what the impact on Cranbrook would be if the application was refused was a concern.
- x. The Council's landscape and Biodiversity officer confirmed again that he would discuss with the developer about the removal of the Winter Heliotroup from the access point.

Decision/voting – On the basis that members were satisfied that all relevant planning considerations had been covered within the report, a motion was proposed by Councillor Poile, seconded by Councillor Mrs Cobbold and a vote was taken to approve the application in line with the officer recommendation.

RESOLVED – That application PLA107/20 be granted subject to the plans, conditions, informatives and the completion of a legal agreement (in a form to be agreed by the Head of Legal Partnership Mid Kent Legal Services) as set out in the agenda report and two additional informatives as set out below:

- i. Details to be submitted in relation to condition 8 (Construction and Environmental Management Plan) of the outline consent 16/502860/OUT - including details of working hours, shall ensure work on noise generating parts of the site shall start no earlier than 8am on any day.
- ii. The applicant is requested to incorporate local materials in the construction of boundaries/construction materials for the dwellings and landscaping should be of a local origin.

URGENT BUSINESS

PLA108/20 There was no urgent business for consideration.

DATE OF NEXT MEETING

PLA109/20 The next Planning Committee meeting was scheduled for Wednesday 3 February 2021.

NOTE: The meeting concluded at 5.15 pm.