

Minutes of the meeting of the **PLANNING COMMITTEE** held remotely on Thursday, 24 September 2020 at 4.30 pm.

Present:

Chairman: Councillor J S Back

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

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

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

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/20/00461	Miss Jade Smyth	-----
DOV/19/01495	Mr Doug Brown	Mrs Barbara Cook Councillor S S Chandler
DOV/20/00319	Mr Stuart Bennett	Mrs Susan Harvey
DOV/20/00425	Mrs Beth Watts	Ms Tessa Woodward

35 APOLOGIES

It was noted that apologies for absence had been received from Councillors D G Beaney and J P J Burman.

36 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that, in accordance with Council Procedure Rule 4, Councillor P D Jull had been appointed as a substitute member for Councillor D G Beaney.

37 DECLARATIONS OF INTEREST

Councillor J S Back advised that he would absent himself from the meeting during consideration of Agenda Item 6 (Application No DOV/20/00461 – Land at Roman Road, North of Pineham, Whitfield) due to the perception that he could be biased against the application as a result of historical tensions between himself and people associated with the application site.

38 MINUTES

The minutes of the meeting held on 13 August 2020 were approved as a correct record and signed by the Chairman.

39 ITEMS DEFERRED

Members noted that the deferred item was not for consideration at the meeting.

40 CHAIRMAN'S ANNOUNCEMENT

The Chairman advised that Agenda Item 7 (Application No DOV/20/00304 – Land fronting Chapel Hill, Eythorne) had been withdrawn from the agenda.

41 APPLICATION NO DOV/20/00461 - LAND AT ROMAN ROAD, NORTH OF PINEHAM, WHITFIELD

The Committee viewed CGIs, drawings, plans and photographs of the application site. The Planning Consultant advised that the application sought permission to erect a building that was intended to provide storage for horse-related items such as hay bales, a horse box and machinery. The proposed building was likely to take the form of a barn with a steel frame, timber cladding, a brick plinth and corrugated roof. Whilst the applicant had stated that the building was required for purposes ancillary to the use of the land for the keeping of horses, the land was not currently used for that purpose, nor was there any certainty that such a use would take place. Of particular relevance was the fact that a stable building which had been granted planning permission in 2014 had not been built. Moreover, in 2019, in relation to a dismissed appeal, the Planning Inspector (PI) had ruled that the current use of the land was agricultural. The application site currently appeared vacant with no obvious agricultural use taking place.

The application set out that the building was needed to provide secure storage for horse-related items as the site had been the subject of theft and vandalism. The proposed building was of a significant scale and, whilst there were no obvious views from the Public Right of Way (PROW), it was Officers' opinion that the visual impact of the building would harm the countryside. Furthermore, the need for the scale and location of the building had not been demonstrated. Although Officers appreciated the difficulties faced by the applicant in relation to theft and criminal damage, and understood that there was possibly a reluctance to keep horses on the land without additional security, the fact remained that permission was being sought for a large building for a purpose that was unrelated to the current use of the land. As it stood, the proposed building would not be ancillary and refusal was therefore recommended.

Several Members raised concerns about the size of the proposed building and why so much storage was necessary. Councillor T A Bond expressed some sympathy for the applicant, commenting that he was, on balance, minded to approve the application. The Planning Consultant clarified that there had previously been a barn on the site. He also referred to advice received from the rural adviser that a single storey building, using two-thirds of the floor space of the proposed building, would be a viable and more acceptable option. He emphasised that Members should weigh up the harm that would be caused by the proposed building against the applicant's need for secure storage, bearing in mind that the latter could be achieved with a less intrusive building.

RESOLVED: (a) That Application No DOV/20/00461 be REFUSED on the grounds that the proposed development, by reason of its scale, location and appearance, would appear intrusive, dominant and harmful to the open character, appearance and beauty of the countryside, contrary to Policies DM1, DM15 and DM16 of the Core Strategy and Paragraphs 127 and 170 of the National Planning Policy Framework, and that insufficient justification has been provided to demonstrate that the need for the development outweighs the harm identified.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

(Councillor J S Back digitally left the meeting during consideration of this application. The Vice-Chairman, Councillor R S Walkden, assumed chairmanship of the meeting.)

42 APPLICATION NO DOV/19/01495 - THE HAVEN, DEAL ROAD, SANDWICH

The Committee was shown plans and photographs of the application site. The Planning Officer advised that the application sought planning permission for the erection of a detached dwelling and the demolition of the existing dwelling. She reminded Members that the application site was located within the settlement confines of Sandwich. A similar application had been refused by the Committee in November 2019, notwithstanding that it had been recommended for approval by Officers. A subsequent appeal had been dismissed.

As an update to the report, an additional condition was proposed following concerns raised by objectors in respect of the exact positioning of the proposed dwelling within the plot. The condition would state that there would be no development other than demolition to take place until a fully dimensioned block plan (at scale 1:50), showing the precise finished distance of the development from all site boundaries, had been submitted to and approved in writing by the Local Planning Authority. The works would have to be carried out strictly in accordance with the approved block plan.

The Planning Officer also referred to a daylight and sunlight report which had been circulated to Members by a third party. The report provided an analysis of the impact of the proposed development on the conservatory to the rear of Ryarsh, the approach being based on the British Research Establishment (BRE) document entitled 'Site Layout Planning for Daylight and Sunlight' which was generally accepted as good practice by planning authorities. Existing and proposed 3D computer models of the application site and neighbouring properties had been constructed and shadow plans for December, February and March submitted. The annual probable sunlight hours test had been conducted to establish the impact on the neighbouring conservatory. The guidelines stated that if the window would receive more than 25% of the annual probable sunlight hours, including at least 5% during the winter months, then the room should still receive sufficient sunlight. The report set out that there would be 66% annual probable sunlight hours and 15% winter sunlight hours. Whilst there would be a 40% reduction in winter sunlight hours received, the 25% and 5% annual probable sunlight hours targets set out in the BRE document would be met.

The planning history of the site, including the reasons for refusal and findings of the appeal decision, were set out in paragraphs 2.3 to 2.7 of the report.

To recap, the previous proposal had sought permission for a detached two-storey dwelling with a barn hipped roof which was to be set back approximately 11 metres from the public highway. The application had been refused by the Committee due to its being set back from the road which was considered to be out-of-keeping with the character and appearance of the street scene. In addition, it was considered that the proposal would result in an unacceptable loss of light to the amenities of Ryarsh, the property to the north of the site.

At appeal, the PI had considered that the design of the dwelling would not be out of place in its immediate context. Furthermore, the positioning of the dwelling, set back in line with Ryarsh, would help to bring a degree of cohesion and retain the built rhythm along Deal Road. As such, the design and siting of the dwelling had been considered to accord with the character and appearance of the area. However, the PI had found that, throughout the course of the year, the sunlight and daylight to the rear of Ryarsh would be eroded by the scale and bulk of the development, contrary to Paragraph 127 (f) of the National Planning Policy Framework (NPPF).

As a result of the appeal decision, the design of the current scheme had been amended. The dwelling was broadly aligned with Ryarsh, as proposed under the previous application. The dwelling would be set back approximately 11.4 metres from the public highway and approximately 5.3 metres from Ryarsh, the latter being approximately 0.2 metres further away than previously proposed. The depth of the garage to the south-east side of the dwelling had been increased, projecting forwards of the front elevation. The roof shape now proposed was fully hipped, with the ridge height reduced by around 1.1 metres. Of note was the incorporation of a flat roof which had further reduced the massing of the roof to the northern half of the dwelling which was in closest proximity to Ryarsh. Whilst windows were proposed on the flank elevations, these served lavatories or en-suite bathrooms and a condition was suggested for them to be obscure glazed and non-opening below 1.7 metres above internal floor level in order to preserve the privacy of neighbouring properties. A further condition was suggested to restrict permitted development rights for the insertion of other windows in the flank elevations of the dwelling for the same reason. A full assessment of the impact of the development on the residential amenities of neighbouring dwellings was set out in paragraphs 2.12 to 2.23 of the report.

In response to shadow studies submitted in support of the application, the professional opinion of daylight and sunlight consultants Herrington Consulting Ltd had been submitted as a third-party representation. The consultant had not undertaken any comparative study, but had questioned the software used to produce the study and some of the information used. The relevant points were covered in paragraph 2.20 of the report. Subsequently, a further shadow study had been submitted by the applicant and advertised accordingly. An assessment of the study was set out at paragraph 2.22 of the report.

In summary, Members were advised that the design and siting of the proposed scheme, being set back from the public highway, was similar to that previously proposed which had been considered acceptable in respect of the impact on the character and appearance of the street scene by the PI at appeal. The impact on the residential amenities of surrounding occupiers was considered in the report and found to be acceptable. In response to the conclusions of the PI, the development now featured a hipped roof with a lower ridge height and a section of flat roof which reduced the massing and lessened the impact on the amenities of Ryarsh when compared with the scheme previously refused. Subject to the conditions proposed within the report, and an additional condition

requiring the submission of a dimensioned block plan showing distances from all site boundaries, the proposal was, on balance, considered to accord with the objectives of the NPPF and was recommended for approval.

In response to Councillor H M Williams, the Planning Officer agreed that top-opening windows would be preferable to sash windows in terms of reducing overlooking. It was suggested by Councillor Biggs that further details of sustainability measures should also be required. The Planning Officer clarified that the proposed dwelling would reduce Ryarsh's annual sunlight hours from 76% to 66%. She stressed that the proposed dwelling had been moved further away from Ryarsh and the ridge height reduced by 1.1 metres. Whilst the shadow study had not been submitted until the appeal stage, it met the shadow and sunlight criteria set out in the BRE guidance.

RESOLVED: (a) That Application No DOV/19/01495 be APPROVED subject to the following conditions:

- (i) Standard time condition;
- (ii) List of approved plans;
- (iii) Samples of materials;
- (iv) Demolition of the existing bungalow within one month of the completion of the new dwelling;
- (v) Details of soft and hard landscaping (including boundary treatments) and schedule of planting;
- (vi) Submission of a construction management plan;
- (vii) Provision and retention of the parking area;
- (viii) Measures to prevent the discharge of surface water;
- (ix) Details of surface water disposal;
- (x) Removal of permitted development rights (Classes A, B and C);
- (xi) Restrict permitted development rights for the insertion of windows on the flank elevations of the dwelling;
- (xii) Require windows on the flank elevations to be fitted with obscured glazing and be non-opening below 1.7 metres from internal floor level;
- (xiii) Windows on flank elevations to be top-opening only;
- (xiv) Details of sustainability measures to be incorporated within the site;

(xv) Submission of a fully dimensioned block plan showing the precise finished distance of the development from all site boundaries and sections through the building.

(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.

Informatives:

1. KCC Highways and Transportation
2. Environment Agency
3. Southern Water
4. Bats

43 APPLICATION NO DOV/20/00319 - SANDWICH TENNIS CLUB, SANDOWN ROAD, SANDWICH

Members were shown plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the construction of an additional tennis court and the erection of a 2.5-metre high fence. As an update to the report, she read out a letter received in support of the application from Sandwich Town Councillor Paul Carter. She also advised of an error in the report at paragraph 2.17, clarifying that, in line with the aims and objectives of Policy DM11 of the Core Strategy, the projected demand for on-street parking generated by the proposal would not warrant a reason for refusal. Finally, comments had been received from KCC Archaeology which indicated that a greater degree of monitoring would be required during construction.

Whilst concerns had been raised about the loss of informal vehicle access arrangements for allotment holders, KCC Highways had advised that it was satisfied that there would be no detrimental impact on parking or traffic as a result of the loss. It was understood that negotiations were taking place between the Council (as land-owner), the club and allotment holders to secure vehicular access by other means. In any case, this was a private matter which was outside the scope of the application. In respect of other matters, the Principal Planner advised that a condition could be attached to ensure that no banners were erected on the north-facing fence to prevent overshadowing. Whilst it would not be reasonable to attach a condition prohibiting the use of chemical herbicides, an informative could be considered. She confirmed that it would be possible to condition details of soakaways as water run-off was a concern that had been raised by allotment holders.

In response to concerns raised by Councillor Biggs about vehicular access for allotment holders, the Principal Planner stressed that there was currently only an informal agreement between the club and allotment holders. Negotiations were taking place outside the planning process and it was a matter for the parties to resolve. The Committee's role was solely to assess the proposal for a new tennis court in this location. In respect of concerns raised about construction access, Members were advised that Southern Water lorries had been able to access the site

without problems. She confirmed that there were no plans to remove the replacement hedging planted by Southern Water.

Councillor Bond agreed that it was not for the Committee to consider the lease arrangements between the Council and the club, nor the informal vehicular access arrangements that existed for allotment holders who would retain their legal right to pedestrian access. The proposal was supported by Sandwich Town Council, and he could see no reason not to do the same. Councillor P D Jull added that Members were required to assess the proposal against planning policies and could not favour one party over another.

RESOLVED: (a) That Application No DOV/20/00319 be APPROVED subject to the following conditions:

- (i) Time limits for implementation;
- (ii) Approved plans;
- (iii) Details of hard and soft landscaping with details of maintenance;
- (iv) Construction management plan;
- (v) Provision of loading and unloading areas for vehicles;
- (vi) Relevant archaeological conditions;
- (vii) No banner to be erected on north-facing fence;
- (viii) Details of soakaways.

(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 report and as resolved by the Planning Committee, and to draft and issue a Statement of Reasons.

Informative: Use of chemical herbicides

44 APPLICATION NO DOV/20/00425 - ELMSTONE COURT FARM, PADBROOK LANE, ELMSTONE

Members viewed a plan and photographs of the application site which was situated in Elmstone, a hamlet to the east of Preston and outside the settlement confines. The Senior Planner advised that the proposal sought planning permission for a change of use for the siting of nine caravans for seasonal workers, the conversion of a barn to an amenity block and the conversion of a farm building to a residential dwelling. The site was part of Elmstone Court Farm where fruit growing and packing took place as part of a wider operation based in Kent. Comments received from Elmstone Parish Council and the ward Member, Councillor Mike Conolly, had been duly noted.

The Committee was advised that the applicant had applied for a Certificate of Lawful Development (CLD) for the installation and use of nine caravans for seasonal agricultural workers for a period of ten months. For reasons outlined in the report at paragraphs 2.8 to 2.11, a CLD had been issued to cover the period from August to November only. Subsequently, the current application had been submitted to avoid the costs, upheaval and traffic movements involved in moving the units permitted to be on the site temporarily under the CLD. The caravans were needed to provide accommodation for seasonal farm workers, with around 40 occupants at the busiest time of year and 9-12 at other times. The existing farmhouse would be used to accommodate other workers, as was presently the case.

The other elements of the application comprised the conversion of a barn for use as a staff amenity block and the conversion of a farm building to provide accommodation for a farm manager. Whilst the Council's rural planning consultant had indicated that the latter was not essential, the proposal would make use of an existing building and help to limit traffic movements generated by the farm manager who currently travelled from Sandwich.

The applicant had provided a detailed account of the business's activities, and it was evident that the proposals functionally required this location. The provision of an amenity block and farm manager's accommodation were a logical next step if workers were to be accommodated permanently on site. The proposals would also improve the sustainability of the site, by reducing the need for workers (and caravans) to be transported back and forth. It was proposed that two conditions should be added - one requiring the maintenance of a written log of workers occupying each caravan that would be open to inspection by the Council, and another removing permitted development rights for the farm manager's dwelling. There was no evidence to suggest that harm would be caused to the residential amenity of neighbouring properties. Advice had been sought from Southern Water, the Environment Agency and KCC as the lead flood authority. Foul water would be discharged into the main sewer and there was no flooding history at the site.

In response to Councillors Biggs and Richardson who raised concerns about drainage, sustainability and the standard of accommodation, the Senior Planner advised that the proposal was modest so infiltration measures installed around the caravans were adequate to deal with surface water. A minibus would take workers grocery shopping twice a week. She clarified that agricultural holdings enjoyed certain permitted development rights, providing the works were seasonal. The Council's view on the CLD application had been that the ten months applied for did not meet the seasonal criteria so, in order to meet the practical needs of the business and enable caravans to be sited on the land all year round, the applicant had submitted the current application. The Development Management Team Leader commented that details of the caravans could be conditioned. Being partly in a conservation area, it was confirmed that the Council's Senior Heritage Officer had looked at the proposal and raised no objections.

Councillor Bond proposed that one of the conditions should be amended to require the removal of any caravans not used for twelve months. The Senior Planner advised that the wording of condition 4 had been supported at appeal and was nationally recognised. She advised that an informative could be added in respect of the installation of additional caravans.

RESOLVED: (a) That Application No DOV/20/00425 be APPROVED subject to the following conditions:

- (i) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision;
- (ii) The development hereby permitted shall be carried out in accordance with the following approved plans: ACG&S_ESF_541, 542 and 550 to 557 received 21.4.20, ACG&S_ESF_540 received 16.6.20 and 543 received 7.7.20, Planning Statement received 20.4.20, Heritage Statement received 7.7.20 and Building Inspection Report received 19.8.20;
- (iii) The 9 caravans hereby approved shall only be occupied by agricultural workers employed at Elmstone Court Farm, Padbroke Lane, Elmstone, and in accordance with the details received 20.5.20. At no time shall they be occupied as permanent residential accommodation;
- (iv) If any of the caravans subject to this permission are not used for accommodating seasonal agricultural workers for 12 months or, if at any time they are no longer required for accommodating seasonal workers, they shall be removed from the site and the land upon which they were sited restored within 3 months to its previous condition, unless any variation is otherwise first agreed in writing by the Local Planning Authority;
- (v) No more than 9 caravans shall be located on the site at any one time;
- (vi) The caravans hereby approved shall be painted green in accordance with a colour sample that shall first be submitted to and approved in writing by the Local Planning Authority. The caravans shall be maintained thereafter in that colour;
- (vii) The landscaping scheme outlined in the details received 27.7.20 and 15.9.20 shall be carried out fully within 12 months of the first occupation of the caravans hereby approved. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives prior written consent to any variation.
- (viii) No development above ground level shall take place until samples of materials to be used in the construction of the external surfaces of the buildings hereby permitted to be converted have been submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved details;

- (ix) The occupation of the dwelling shall be limited to a person solely or mainly working or last working in the locality in agriculture or forestry or a widow or widower of such a person and to any resident dependants;
- (x) The amenity building hereby approved shall only be used by the agricultural workers based at Elmstone Court Farm;
- (xi) The construction management arrangements shall be carried out in accordance with the details received 15.9.20;
- (xii) The area shown on the approved drawings as vehicle parking space and turning space shall be provided, surfaced and drained before the use is commenced/accommodation to which it relates hereby is/are first occupied, and shall be retained for that use thereafter whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015;
- (xiii) The minibus service for workers to undertake shopping and other trips shall be carried out in accordance with the details received 15.9.20 and shall be implemented in this way at all times;
- (xiv) No caravan hereby approved shall be occupied, and the residential unit and amenity block shall not be brought into use, until details of refuse/recycling storage facilities for each have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before the caravan/dwelling/amenity block to which it relates is first brought into use/occupied and shall thereafter be kept available for their approved purpose at all times;
- (xv) No infiltration of surface water drainage into the ground is permitted other than the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details;
- (xvi) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details submitted to and agreed in writing by the Local Planning Authority. Such details shall include a statement as to the need for the lighting, the hours and frequency of operation, the areas of illumination and beam angles, and the number and location of any lighting. Thereafter any

lighting details shall be installed as agreed and retained in that condition;

- (xvii) A management plan shall be submitted to and approved in writing by the Local Planning Authority before the use first commences. The management plan shall set out how the applicant will monitor the use in respect of its impact on the residential amenity of nearby local residents, ensure impacts are minimised and how local residents will be informed of a named person whom they can contact to discuss any concerns arising from the use. Once approved, the management plan shall be implemented in full and operated for the duration of the use hereby approved;
- (xviii) Prior to the development hereby approved commencing, details of infiltration trenches around the perimeter of each caravan, sufficient to manage clear roof run-off, shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development and maintained at all times;
- (xix) Written log of caravan occupants to be maintained;
- (xx) Removal of permitted development rights for farm manager's dwelling;
- (xxi) Details of caravans to be submitted for the purpose of assessing the standard of accommodation.

(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 report and as resolved by the Planning Committee, and to draft and issue a Statement of Reasons.

Informatives:

1. Formal application for connection to the public sewerage system.
2. Foul sewage shall be disposed of in accordance with Part H1 of Building Regulations hierarchy.
3. Only clean uncontaminated water should drain to the surface water system.
4. The Local Planning Authority would not wish to see an intensification in the number of caravans at the site.

45 APPEALS AND INFORMAL HEARINGS

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

46 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 7.37 pm.