

Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 13 October 2022 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden  
M Bates  
D G Beaney  
E A Biggs  
T A Bond  
D G Cronk  
D A Hawkes  
P D Jull

Officers: Planning and Development Manager  
Team Leader (Development Management) - North Team  
Senior Development Planner (KCC Highways) (attended via Teams)  
Senior Planner  
Planning Officer  
Planning Consultant  
Planning Consultant  
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/21/00626	Ms Ann Bartaby	Ms Valerie Owen Councillor Oliver Richardson
DOV/22/00333	Mr Clive Tidmarsh	Mrs Brenda Baker
DOV/22/00262	Mr Ross Hamilton	Councillor Peter Walker
	Reverend Sean Sheffield	Mr Steven French
DOV/22/00493	Ms Amanda Wetz	Mr Malcolm Barnard
DOV/22/00170	Mr Keith Rogers	-----
DOV/22/00971	Mr Paul Terrey	-----

61 APOLOGIES

It was noted that an apology for absence had been received from Councillor C F Woodgate.

62 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

63 DECLARATIONS OF INTEREST

There were no declarations of interest.

64 MINUTES

The minutes of the meeting held on 15 September 2022 were approved as a correct record and signed by the Chairman.

65 ITEMS DEFERRED

The Chairman advised that Application No DOV/22/00262 (Forest School Activities and Education Centre, Woodpecker Court, 45 Wigmore Lane, Eythorne) was due to be considered at the meeting under Agenda Item 8.

66 APPLICATION NO DOV/21/00626 - MANOR FARM, WILLOW WOODS ROAD, LITTLE MONGEHAM

The Committee was shown an aerial view, a map, drawings and photographs of the application site. The Planning Consultant advised that planning permission was sought for a change of use of land to a general aviation airfield that would include a runway, helipad, two aircraft hangars, flight office and glamping for ten pitches. As an update, one additional letter of objection and another letter of support had been received since the report was published. The solicitor representing the campaign group, Chocks Go Away, had also submitted a letter.

Members were advised that the site comprised part of an existing farm and agricultural land to the north of Willow Woods Road, approximately 1.5 kilometres from Great Mongeham to the east. The site was classified as grade 2 Best and Most Versatile agricultural land and was located within flood zone 1. The hangar buildings would accommodate ten aircraft each and be clad in green metal sheeting. The runway would be mown grass and 750 metres in length. There would be a maximum of 7,500 aircraft movements per annum which equated to an average of 20 per day. However, there would be more activity in the summer months when up to 40 aircraft movements per day were possible. The maximum weight of aircraft permitted to use the airfield would be 2,500 kgs, and no commercial usage, training or circuit flying would be permitted.

The key matters for consideration were the provision of an outdoor recreational facility, the impact on landscape character and noise impacts. The principle of general aviation airfields was generally supported by national planning guidance, as were camping/glamping facilities which would encourage tourism and leisure development in rural areas. Core Strategy Policy DM16 sought to protect the district's landscape character. Whilst the proposals would require mitigation, their impact on landscape character would be minor and thus acceptable. In terms of acoustic impact, the proposed airfield would have a negative impact on the character of the landscape. However, this was not to an extent that would warrant refusal. The area surrounding the site was regarded as tranquil, but it was not an area that was prized for its tranquillity, amenity and recreation.

Turning to noise impacts, the Planning Consultant advised that a noise assessment had been submitted by the applicant and assessed by external consultants on behalf of the Council's Environmental Protection team. The proposals would require effective mitigation measures which were not available. This meant that the level of noise would be such that there would be a significant loss of amenity for local residents and refusal was therefore appropriate. With regards to the Thanet Coast and Sandwich Bay SPA and Ramsar sites, an agreement in principle between the applicant and Natural England had been reached whereby aircraft would not fly over the sites. Natural England had subsequently advised that final mitigation measures to avoid impacts to these sites would need to be secured. In connection with this, a unilateral undertaking had been submitted by the applicant the day before the

committee meeting. However, as there had been insufficient time to consider the implications of the unilateral undertaking or to consult Natural England or other interested parties, the recommendation to refuse the application remained unaltered. The benefits of the proposal had been considered, but these did not amount to material considerations that would justify approval of planning permission.

Councillor D G Beaney expressed surprise that Policy DM11 had not been mentioned given that the proposal would increase vehicle movements. He failed to see the benefits of the proposal and moved that the application should be refused. Councillor D G Cronk queried why Kent Fire and Rescue had not responded to consultation. In response to matters raised by Councillor E A Biggs, the Planning Consultant advised Members that the closure of hangar facilities at Maypole airfield was not relevant to their consideration of the application which should be assessed on its own merits. He clarified that electric aircraft were an emerging technology to which no weight had been attached when assessing the application. He agreed that the use of the airfield for emergency helicopter landings was of limited benefit given that landing areas for helicopters were generally widely available. He reiterated that aircraft movements at the site would generate an increase in noise, such that there would be a loss of amenity for local residents and some adverse effects on health and quality of life. The proposed mitigation measures designed to address this were considered inadequate. He was unable to advise why Kent Fire and Rescue had not responded to consultation, but underlined that fire safety requirements were covered by other, non-Planning, guidance and regulations.

Councillor T A Bond stated that, whilst the location was reasonable in that it was situated at a low point in the area's topography, he was against the proposal for additional reasons not cited in the report, including the access being on a bend and the site being adjacent to an area of groundwater source protection and above a principal aquifer. He suggested that these matters should be included in the reasons for refusal. The Planning Consultant responded that Officers had considered each of the relevant issues as well as those raised by objectors. Assessing them objectively, it had been decided not to include the other matters raised because they were compliant with either policy or guidance. He stressed that any reason for refusal must be robust, defensible and reasonable, and cautioned against refusing for reasons where there was no strong policy support for doing so.

Councillor M Bates queried the applicant's plans regarding events which were likely to attract a large number of people and vehicles. The Planning Consultant advised that no further information had been sought regarding events with 30 or more departures in a day due to the fact that there were more fundamental issues with the application which meant that progression of these matters had not been considered worthwhile. Councillor P D Jull was of the opinion that the refusal was vulnerable to being overturned at appeal and stated that he would like to have seen the application refused on landscape impact as well. He could not support the proposal by Councillor Bond to include an additional ground of refusal related to the aquifer as he was confident that pilots would be no more careless than anybody else when refuelling their planes. He also questioned the airfield being described as a local facility.

The Planning Consultant explained that saved Local Plan Policy OS7 related to recreational facilities for local needs. However, the National Planning Policy Framework (NPPF) looked at recreational facilities on a wider basis and local need was not solely defined by surrounding villages. He added that local residents exposed to noise on a daily basis would perceive it in a different way to those

walking along a footpath. Ultimately it was for Members to decide whether it was necessary to add further conditions.

RESOLVED: (a) That Application No DOV/21/00626 be REFUSED for the following reasons:

- (i) The operation of the proposed airfield would lead to a level of noise and disturbance to nearby residents that would be materially harmful to their amenity, health and quality of life. Development is therefore contrary to saved Local Plan Policy OS7 and paragraphs 174 and 185 of the National Planning Policy Framework.
- (ii) Without more detailed information of how mitigation measures required to avoid likely significant effects from aircraft on the Thanet Coast & Sandwich Bay SPA and Ramsar sites would be effective, the Local Planning Authority cannot positively conclude (through an appropriate assessment under the Conservation of Habitats and Species Regulations 2017) that development would not be harmful to the conservation objectives of the Thanet Coast & Sandwich Bay SPA and Ramsar sites. Development is therefore contrary to the Conservation of Habitats and Species Regulations 2017 and paragraph 180 of the National Planning Policy Framework.

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

67 APPLICATION NO DOV/22/00333 - LAND SOUTH-EAST OF BIRNAM MUSHROOM FARM, HAMMILL ROAD, WOODNESBOROUGH

Members were shown an aerial view, drawings and plans of the application site which was situated south-west of Woodnesborough. The Planning Consultant advised that the application sought planning permission for the erection of seven dwellings on a site that was one kilometre from the settlement edge of Woodnesborough. The principle of residential development in the countryside, in an unsustainable location and with no public transport links, was contrary to Local Plan policies and the NPPF. The development would adversely affect the wider landscape and, internally, was cramped and lacked open space. Moreover, the application had failed to demonstrate that adequate visibility splays could be provided, nor had the potential impact on reptiles and groundwater supply been properly assessed. The refusal of the application was therefore recommended.

Councillor Bates questioned why Core Strategy Policy DM1 was considered so important in determining the application when it had been considered out-of-date in several previous cases. If considered out-of-date, the tilted balance of the NPPF would be triggered and the report recommendation could then potentially have been different. The site was close to a number of other houses and to Woodnesborough which offered a range of facilities. He argued that the houses were desperately needed. The Planning Consultant advised that the tilted balance could not be applied in this case because the proposal was clearly contrary to the objectives of

DM1 which were to protect the countryside against unsustainable patterns of development. The policy should therefore be afforded significant weight in this instance. He stressed that the scheme did not include affordable housing. He cautioned against approval as there were many other similar sites around the edges of villages that could be subject to development if a precedent was set at this site.

Councillor Beaney commented that there was an industrial unit across the road from the site which hardly supported the view that it was in the countryside. There was a need for high-quality houses in the district and the site was close to Woodnesborough and Eastry. He argued that the reasons for refusal numbered 4, 5 and 6 could be overcome by attaching conditions. Councillor Bond acknowledged that there was a need to protect the environment and avoid development outside village confines. However, the proposal appeared to be an infill site between buildings and there was an ugly commercial development on the opposite side of the road. Whilst he shared concerns about groundwater protection and hedges, he was of the view that the issues could be overcome by conditions and, on balance, was inclined to support the application. He proposed that it should be approved subject to conditions relating to groundwater protection and hedges. Councillor R S Walkden seconded the motion and commented that villages needed small-scale developments like the one proposed. Although the gardens were relatively small, this was not likely to be a problem for some buyers.

With regards to condition 4, the Planning Consultant emphasised that the applicant had not demonstrated that adequate visibility splays could be provided nor what their impact would be on the hedgerow. In respect of condition 5, survey work was required where the presence of reptiles was likely and the fact was that this had not been carried out. Moreover, strong objections had been received from the Environment Agency regarding the lack of information on how foul and surface water drainage matters would be addressed. Councillor Beaney suggested that the application could be deferred until this information was available.

Councillor D A Hawkes stated that it was not for the Committee to determine whether the development would harm the countryside. Kent County Council (KCC) Highways, Natural England, etc had advised that surveys were required and it would be premature to approve the application without that information. Councillor Biggs referred to the numerous reasons for refusal and questioned why the application had been brought forward with so many fundamental issues unresolved. He was puzzled why some Members had sought to add reasons for refusal to the application previously considered at the meeting but, in this case, where there were numerous and overwhelming reasons for refusal, they were looking to defer or approve the application. The proposed scheme was a random, eclectic group of houses that lacked cohesion and amenity. He was completely against this type of development which should be strongly resisted. Councillor Jull proposed that the application should be refused in accordance with the Officer's recommendation, but wished to amend the first reason for refusal to remove the reference to congestion which appeared incongruous to him in the context of a country lane. Councillor Cronk questioned whether there would be legal consequences for going against Local Plan policies. He proposed that the application should be deferred. Councillor Hawkes seconded the motion.

The Planning Consultant reminded the Committee that the principle of development on a site outside the settlement confines was unacceptable and against policies that sought to prevent sporadic development in the countryside. He advised that the reference to congestion in the refusal related more to surrounding roads and lanes

and the greater use of the car more broadly. Legally there were no consequences arising from approval and it was for Members to determine the application.

The Planning Solicitor agreed that it was for Members to reach their own decision on the application. The Committee would need to consider whether its decision was reasonable and whether there was evidence to support its coming to a different conclusion to the one set out in the Officer's report. He clarified that there was no right of appeal against an approval, a judicial review being the only route available to challenge the decision. He strongly urged the Committee not to approve the application when that would entail attaching conditions relating to information or drawings which were either not approved or simply not known or available. If Members were minded to approve the application, it would be more prudent to defer the application so that these matters could be investigated and resolved. He added that the courts had ruled that the creation of a precedent was a material consideration when planning permission was being granted contrary to policy and for a site that was capable of replication elsewhere.

Councillor Bond confirmed that, notwithstanding the advice given, he was still minded to approve the application. Should the applicant be unable to address the concerns raised by consultees, the application could come back to the Committee for determination. Otherwise, he was content for Officers to decide whether the conditions had been met. The Planning and Development Manager (PDM) cautioned against approval. He reminded Members that the site was one kilometre from the nearest settlement and its development would therefore be against sustainable development principles. It would be seen as sporadic development in the countryside where there was no public transport and residents would therefore have to rely on vehicular travel. The Council's Core Strategy policies were ageing and regard therefore had to be had to the NPPF which directed that only sustainable development should be granted planning permission. Whilst the emerging Local Plan carried limited weight, this site had been looked at as part of the review and found to be unacceptable in principle. He warned that development of the site would be contrary to the emerging Local Plan, could open the door to development at other rural sites and there were very strong reasons for refusing it.

The Chairman commented that the cluster of buildings near the site were also outside the settlement boundary. In response to Councillor Bates, the Planning Consultant advised that he had not sought further information relating to the reasons for refusal since the principle of development on the site was so fundamentally unacceptable. Even if the information had been submitted, it would not have overcome the reason for refusal in principle. In response to Councillor Bond who commented that Officers' advice in relation to this and the Hammill Road brickworks development was inconsistent, the PDM reminded Members that the Hammill Road scheme had been recommended for refusal. However, the Committee had gone against that advice and approved the application.

Councillor Bond advised that he wished to approve the application on the grounds that Policy DM1 was out-of-date and that it was an infill site which had industrial buildings nearby. He stated that conditions relating to groundwater, etc should be delegated to Officers.

The Planning Solicitor reiterated that the application was not an outline application and should be deferred so that, at the very least, a safe access could be agreed prior to granting planning permission. This would be based on a plan which was not currently available, and in relation to which a condition could then be imposed. The required surveys could also be progressed through deferral. Referring to

precedence, he commented that the development should not be approved simply because the Hammill Road scheme had been granted. Whilst Policy DM1 was considered out-of-date due to the need to deliver more houses, it was still part of the existing Local Plan and, therefore, remained the starting point for decision-making. The Council accepted that the delivery of more houses would involve the expansion of the settlement boundaries. However, the boundaries in the draft Regulation 19 Local Plan did not encompass this site and the location remained unsustainable. In these circumstances, it was logical to attribute more weight rather than less weight to Policy DM1.

Councillor Beaney referred to the Officer not having followed up on the absent information and voiced his support for development at small infill sites in preference to large developments.

It was moved by Councillor T A Bond and duly seconded that Application No DOV/22/00333 be APPROVED.

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

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/22/00333 be APPROVED for the following reasons:

- (i) The Committee considered that Policy DM1 was out-of-date. The tilted balance approach of paragraph 11 of the National Planning Policy Framework was therefore engaged and, on balance, the Committee was of the opinion that the benefits of the proposal significantly and demonstrably outweighed any harm that would be caused.
- (ii) It was the Committee's view that: (i) the character and appearance of the landscape in the surrounding area had already been compromised by the presence of industrial buildings adjacent to and opposite the site; and (ii) that conditions could be imposed to address the concerns and issues outlined in the report, such as access and highway safety, reptile surveys and groundwater protection.

(b) That powers be delegated to the Head of Planning and Development to settle the outstanding matters described in the report with the applicant and to impose conditions as required.

68 APPLICATION NO DOV/22/00262 - FOREST SCHOOL ACTIVITIES AND EDUCATION CENTRE, WOODPECKER COURT, 45 WIGMORE LANE, EYTHORNE

The Committee viewed drawings, plans and photographs of the application site. The Planning Consultant advised that the application sought planning permission for the erection of two buildings for use as a catering unit and classroom, the formation of a parking and turning area, an increase in the number of students from 40 to 60 and an increase in the number of community events permitted from one to six per term. The application had been deferred by the Committee at its meeting held on 11 August for a site visit to enable Members to look at access, highway safety and traffic issues. In addition, Members had asked for further information to

be provided relating to access and practical arrangements in the event of a fire emergency, the feasibility of a one-way traffic system, signage and land ownership.

The Committee was advised that a total of 198 representations had been received at the time of report publication, of which 161 were in support, 36 were objecting and one was neutral. Further representations had been received since the August meeting raising issues such as traffic increase, parking, harm to neighbours and overlooking. One letter had been received raising questions and providing commentary on the Officer's report, but introduced no new matters that were material to the application.

The Planning Consultant advised Members that, following the site visit on 13 September where Members had raised concerns about the potential for vehicles to obstruct the drive whilst waiting to drop off students, the applicant had submitted a new plan showing an additional waiting area and amended turning circle. The plan indicated that fifteen vehicles could be accommodated in the waiting area and amended turning circle. As also requested by site visit panel members, a draft traffic management plan had been submitted.

Addressing issues raised by the Committee at the last meeting, Members were informed that KCC Highways had advised that there were no objections on highway safety grounds. The proposal offered the opportunity to manage the drop-off arrangements which were currently uncontrolled. The school's internal traffic management system would not have a detrimental impact on the highway and would, if anything, improve the traffic situation outside the school. In relation to questions asked about a fire emergency, the school had had a recent fire assessment, as part of which the assessor had been asked to look at the proposed buildings. The assessor had advised that a fire engine entering the site and able to access the grassed area would be within 45 metres of the buildings. Evidence of land ownership had been submitted and the requisite notice had been served. On this basis, it was reasonable and safe for the Committee to determine the application. Finally, an internal one-way system had been considered but, due to the road camber, it would be difficult for cars to drive from Wigmore Lane, through the site and out towards Adelaide Road.

As a correction to advice given previously, the Planning Consultant advised that students were not dropped off at the bend outside the entrance to Woodpecker Court itself but in the adjacent Tilmanstone Welfare Club car park. The proposal was to drop students off at the new turning circle where they could access the site through a pedestrian gate. Four traffic marshals would be on site during the drop-off period which would be extended to take place between 8.30am and 8.45am. Condition (ix) which required the submission of a traffic management plan would control these arrangements. He clarified that condition (v) required the new parking and turning areas to be provided prior to the uplift in student numbers. An additional condition had been added requiring a written record to be kept of people attending the site each day. He referred to a query from Councillor Cronk about disabled toilets and advised that permission had been granted in 2019 for a building that incorporated a disabled toilet. A grant had since been made available for an additional disabled toilet.

Councillor Walkden reported the findings of the panel of Members who attended the site visit on 13 September. Members had concluded that a significant number of the traffic movements at the junction of Adelaide Road and the drive to Woodpecker Court appeared to be generated by drop-offs to the primary school rather than to Woodpecker Court. They had also observed on the day of the site visit that vehicles



dropping students off had been held in the car park of Tilmanstone Welfare Club for up to around 20 minutes (although representations had been made by some site visit attendees that this was not normal practice). One matter that had concerned Members was that the proposal to site the turning circle on the two pig pens could lead to an obstruction of the driveway due to the number of vehicles having to wait there before and during the drop-off period. As a result of this concern, Members decided that they would like to see an additional drawing to show whether a new waiting area for cars could be formed on land within the application site and close to the turning circle, together with information on how many cars could be accommodated on this new area. In addition, the panel requested that a draft traffic management plan be submitted that would demonstrate how it would help to mitigate the impact of the existing and additional traffic generated by the proposed increase in the school roll.

Councillor Beaney stated that, whilst he supported the good work the school was doing, he was concerned that there was still insufficient space to hold twenty or so taxis if they turned up at the same time. Despite reassurances, he continued to have concerns about traffic arrangements in the event of a fire or a large social gathering at the welfare club. The Senior Development Planner (KCC Highways) (SDP) advised that the circumstances mentioned were exactly those that the marshals and traffic management plan were designed to address and where they were likely to have most impact. Councillor Beaney was not convinced that the marshals would be of much assistance on a single-track path. The SDP confirmed that Wigmore Lane would be the most feasible access for Kent Fire and Rescue. She stressed that the principal reason for the arrangements were to manage traffic movements during the school's drop-off period and those being proposed were an improvement on existing arrangements. She clarified that the Public Right of Way (PROW) finished at the first bend within the site so there would be no impact on it from these arrangements.

Councillor Bond praised the work done by the school and the excellent service it was providing. However, he noted that the proposed increase in student numbers was 50% which was not insignificant. The surrounding road network had congestion issues and, if this was a new application for a change of use of the site, he was doubtful that planning permission would be granted given the access and traffic issues. The Planning Consultant clarified that the section of road from the end of the PROW on the bend of the drive to the turning circle area appeared to be owned by the applicant. Councillor Jull sought to clarify whether the applicant would be in breach of conditions if they came to an agreement with the welfare club that removed the need to provide a turning circle. He also queried whether the traffic management plan would be enforceable and, if so, by whom.

The Planning Consultant advised that the school's current arrangement with the welfare club was a verbal agreement over which the Local Planning Authority (LPA) had no control. The proposed arrangements would provide a fallback position in the event that the current agreement was rescinded. Whilst there would be a degree of monitoring of the traffic management plan, Planning Enforcement colleagues did not routinely visit sites and enforcement would rely on members of the public to report breaches. He was confident that the traffic management plan would deliver a better arrangement and provide mitigation that was not currently in place. In response to Councillor Bates, the SDP confirmed that she had seen the traffic management plan and the drawing submitted with it. Formal comments had been submitted on these and KCC Highways had no objections, subject to conditions being imposed.

The Planning Consultant acknowledged that Wigmore Lane was the closest access to the proposed classrooms. The Kent Fire and Rescue Service would access the site by whatever means possible, but this would not necessarily be via the Adelaide Road entrance. Whatever the case, this matter was one for Building Control to resolve rather than Planning.

Councillor Biggs commented that his understanding was that the increase in students was not a problem and that a restriction had only been imposed due to KCC Highways' concerns about the access at Wigmore Lane which it considered to be dangerous. In his view, the fact that KCC Highways was satisfied with the scheme was sufficient to grant planning permission. The Planning Consultant agreed that KCC Highways' concerns had been centred around the access being via Wigmore Lane which was not now the case. In response to Councillor Hawkes who questioned the technical aspects of the drawing submitted, the SDP confirmed that the numbers were achievable based on tracking details that had already been received. She pointed out that the fundamental issue was how the site would be managed and that the taxi drivers using the 'system' were best placed to understand how it operated.

RESOLVED: (a) That Application No DOV/22/00262 be APPROVED subject to the following conditions:

- (i) Permission to be implemented within 3 years;
- (ii) Development should be in accordance with the layout plan and drawings;
- (iii) Materials of the buildings to be as those submitted with the application;
- (iv) Materials of the new hard surfacing areas to be submitted for approval;
- (v) Provision of the parking and turning areas on the site, prior to the proposed increase in the number of pupils, and their retention thereafter;
- (vi) No more than 60 pupils to be allowed on the application site at any one time;
- (vii) The open events for the local community shall only take place between 09.00 hours and 20.00 hours on any day;
- (viii) The previous condition 5 (imposed on 19/01241) on the hours and days of the operation of the use to be reimposed with the increase from one open community event per school year to six;
- (ix) A Traffic Management Plan should be submitted for approval. This shall include signage and the use of traffic marshals and other ways to control traffic movements along the Public Right of Way and within the site;

- (x) Only deliveries, service, school and staff vehicles shall use the access from Wigmore Lane;
- (xi) The vehicles used to construct the buildings shall only access the site from Wigmore Lane;
- (xii) Upon implementation of the development hereby permitted, a written record of the number of people (pupils, staff and visitors) attending the site each day shall be kept. This record shall be made available for inspection on request at any reasonable time by an Officer of the Local Planning Authority, provided the request is made within six months of the date or dates that are intended to be inspected;
- (xiii) External lighting on the site shall be switched off when the site is not in use, unless it is fitted with a motion-activated detector, such that lighting remains switched off until such times when it is activated by movement. The timer on the detector shall be set to ensure that the lighting remains on for no more than one minute;
- (xiv) Prior to the increase in the number of students/pupils on the site hereby permitted, a Community Inclusivity Plan shall be submitted to the Local Planning Authority for its written approval. This Plan shall demonstrate the means by which the operation of the school engages with the local residents and community around it and shall include contact names and details in cases of emergency, complaints or reporting incidents, the means by which reports and complaints are handled, and information as to when planned maintenance will take place involving the use of chainsaws and bonfires.

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

69 APPLICATION NO DOV/22/00493 - BARFRESTONE COURT FARM, BARFRESTONE ROAD, BARFRESTONE

Members were shown an aerial view, a map, a plan and photographs of the application site which was in the countryside and partially in a conservation area. The Senior Planner advised that planning permission was sought for a change of use to a mixed use agricultural and weddings venue. As an update to the report, additional comments had been received regarding the hours of use, visibility splays and the regularity of weddings/events per week.

The Committee was advised that the main barn building and attached building to the south of the courtyard would, together with an enclosed external area, be used as a wedding and events venue. The remaining buildings on the site would continue being used for agricultural storage. All of the buildings were curtilage-listed by virtue of their relationship with the Grade II-listed farmhouse. The existing access route would be hard surfaced and a parking area for 55 vehicles would be provided

to the rear. During the course of the application, amendments had been made to address highway and residential amenity concerns, as well as clarifying the PROW that ran along the access route to the west of the courtyard buildings. The application now proposed a maximum of 150 guests and had addressed concerns raised by Environmental Health about noise and disturbance, with further conditions and controls being attached as a result of discussions with the applicant. For example, the hours of use would be restricted by condition to 11.00am to 00.30am, and the use of the site for weddings and events would be limited to one day within a one-week period from 1 September to 30 June and to two days within a one-week period from 1 July to 31 August.

In respect of highways, the proposal would give rise to an increase in vehicular movements. A travel plan submitted with the application had been reviewed and approved by KCC Highways. Likewise, parking provision and manoeuvring areas had been amended and were now considered satisfactory by KCC Highways. It had come to light that the land within the applicant's ownership designated for visibility splays was in fact unregistered land. KCC Highways had re-visited the site and, given the observed traffic speeds, road layout and position of the junction, were satisfied that visibility splays could be achieved on the existing highway without the need for cutting back vegetation on the unregistered land. The condition would be updated accordingly.

The principle of the proposal was accepted, according with Core Strategy Policy DM4 which permitted the conversion of structurally sound, permanent rural buildings for commercial use. The proposal also functionally required this location which was outside the settlement confines. Moreover, it was compliant with Policies DM1 and DM11 and was consistent with the NPPF. The wedding venue was set back within the site and there was a considerable separation distance from surrounding roads and neighbours; 90 metres in fact from the closest neighbour. Limited external alterations were proposed and the site was largely visually discreet from the surrounding public realm and landscape. The development was therefore considered not to be unduly harmful to the character and appearance of the countryside, landscape or heritage assets. For these reasons, approval was recommended.

In response to points raised by Councillor Cronk, the Senior Planner advised that details of the external lighting were required by condition and subject to approval by the Local Planning Authority. It was proposed that hard surfacing would be porous. The six disabled parking spaces would be located within the courtyard. She could not advise on the toilet facilities as these would be hired in. With regards to a point raised by Councillor Walkden, she clarified that the noise-limiting device was only for the barn where amplified music would be played. By condition, no amplified music was allowed in the marquee or external areas so a noise-limiting device was not necessary there. She agreed that condition v) should be tweaked to include a specific reference to the marquee.

Councillor Biggs raised concerns about the impact of the toilets on the curtilage-listed buildings. The Senior Planner noted that the toilets would be a compact and temporary structure, sited in the corner of the site, and not present on the site all the time. They were necessary to enable the venue to function and their visual impact would not be so unduly detrimental to warrant a refusal. The Team Leader Development Management (TLDM) added that, whilst a screening condition could be added, on balance the impact of the toilets was likely to be negligible.

RESOLVED: (a) That Application No DOV/22/00493 be APPROVED subject to the following conditions:

- (i) 3-year commencement;
- (ii) In accordance with the approved plans and details;
- (iii) Site to be used as wedding/function venue only between hours of 11.00am and 00.30am each operational day;
- (iv) Restriction of use of site for wedding/functions venue to 1 day within a 1-week period commencing 1 September to 30 June and 2 days within a 1-week period commencing 1 July to 31 August;
- (v) No amplified music in external areas including the marquee;
- (vi) Noise-limiting device installed within internal venue prior to first use of site and thereafter maintained;
- (vii) North-facing doors of barn building to remain closed except for the purposes of access and egress;
- (viii) Records of wedding or function events to be recorded and made available for inspection;
- (ix) Maximum number of 150 guests at any one time;
- (x) No deliveries or collections from site before 08.00am or after 18.00pm;
- (xi) Prior to first use of site, details of measures to promote sustainable travel to and from the site, building upon submitted travel plan, to be approved and implemented;
- (xii) Visibility splays of 25 metres x 2.4 metres x 25 metres at site access to Barfrestone Road provided and thereafter maintained with no obstructions over 1.05 metres;
- (xiii) Approved vehicular parking spaces, electric vehicle charging points and maneuvring areas provided and thereafter retained;
- (xiv) Cable provision for electrical vehicle charging spaces;
- (xv) Traffic Management Plan in relation to Public Right of Way EE334 and maintenance of pedestrian priority provided and implemented;
- (xvi) No parking of vehicles on Public Right of Way EE334;

- (xvii) Details of external lighting to be approved and thereafter maintained;
- (xviii) Details of proposed material finish of hard surfacing to the access to parking area;
- (xix) Parking area to rear to comprise heavy duty grass matting;
- (xx) Toilet facilities and provision of marquee temporarily hired on an event-by-event basis and not permanently situated on site;
- (xxi) Hire company of temporary toilet facilities responsible for disposal of foul waste which is to be removed from site to be disposed of.

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

70 ADJOURNMENT OF MEETING

The meeting was adjourned at 9.25pm for a short break and reconvened at 9.34pm.

71 APPLICATION NO DOV/22/00170 - LAND SOUTH-WEST OF TRYSTAR, ELLENS ROAD, DEAL

The Committee viewed an aerial view, a map and photographs of the application site. The Planning Officer advised that the application sought outline planning permission for the erection of a three to four-bedroom, self-build dwelling. As an update to the report, Members were advised that three comments had been received objecting to the proposal and warning that permitting development in this location would 'open the floodgates' to further development.

The Planning Officer advised that the site was situated to the north-east of Ellens Road and outside the settlement confines of Deal. Whilst the site was not isolated, there being a number of other dwellings near the site, it was not in a sustainable location. There was a footpath that led to St Richards Road which was within the confines of Deal. However, it was unlit and not a PROW and, in adverse weather conditions or at night, would not be a suitable walking route to Deal. Furthermore, Ellens Road itself had no pavements or streetlights and was also considered unsuitable for pedestrian use at night. Occupants of the property would therefore rely on the car to access local facilities and services which would be contrary to Policy DM11 and paragraph 110 of the NPPF. Finally, turning to paragraph 2.19 of the report, the Planning Officer recapped that the proposed dwelling was located in a rural location, beyond the settlement confines. The development was not justified by the needs of agriculture and no overriding justification had been provided that demonstrated the need for a dwelling in this location. For these reasons, refusal was recommended.

Councillor Jull confirmed that Alexandra Road was definitely not a PROW. He was in favour of adding precedence as an additional reason for refusal given that there were lots of plots nearby where similar development could take place. He moved that the application should be refused. The TLDM advised that, whilst precedence

was a material consideration, in this instance the ground for refusal was considered to be sufficiently watertight. Councillor Biggs spoke in favour of self-build projects and was of the view that more could be done by the Council to support them. That being said, this particular application had a number of fundamental problems that militated against it. It was outside the settlement confines, and in an unsustainable location, where development would be contrary to the LPA's policies. In addition, the application had failed to demonstrate the benefits of sustainable design. Whilst he favoured self-build dwellings, he was unable to support the proposal.

Councillor Bond acknowledged that the site was outside the confines but spoke in favour of the proposal. He could not understand why development on this small plot of land was contentious when other much bigger developments nearby and also outside the confines had been considered acceptable. Only one dwelling was proposed in this case and he felt that self-build development should be encouraged wherever possible. He proposed that the application should be approved. Councillor Beaney stated that he had visited the site which was only a few hundred metres from a site at Cross Road where the principle of development had been considered acceptable. He recognised that, if approved, conditions would need to be imposed to control design and scale. Councillor Walkden also spoke in favour of the development, referring to the report which mentioned that the proposal was unlikely to be highly prominent within the landscape.

The TLDM reminded Members that the application was outline only with no indicative plans submitted. If Members were minded to approve the application, it was advisable to impose a condition that the dwelling should be single storey only due to the impact on the surrounding landscape.

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

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

When asked to clarify his reasons for approving the application, Councillor Bond stated that, since he considered Policy DM1 to be out-of-date, the tilted balance approach of the NPPF was engaged which presumed approval of sustainable development proposals. He was also of the view that there would be no visual harm to the countryside given that the plot was situated in a valley and providing a condition was imposed restricting development to a bungalow.

The PDM stressed that the Cross Road development was a completely different scheme where a range of planning considerations had been relevant, including the provision of works and measures to facilitate sustainable travel. In contrast, this proposal would be contrary to the NPPF. It was unlikely that occupants would use the footpath to access services and the development would therefore encourage an unsustainable form of travel. The Planning Solicitor added that, whilst there was no definition of an infill site, it was generally considered to be a vacant plot within existing development that could be developed to increase density. The site in question did not appear to fit that description. He emphasised that the starting point for assessing the application was the existing Local Plan and Policy DM1 of the Plan still carried some weight. He reminded the Committee that approving the application was likely to set a precedent and suggested that this was another reason why the application should not be approved.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/22/00170 be APPROVED for the following reasons:

- (i) The Committee considered that Policy DM1 was out-of-date. The tilted balance approach of paragraph 11 of the National Planning Policy Framework was therefore engaged and, on balance, the Committee was of the opinion that the benefits of the proposal significantly and demonstrably outweighed any harm that would be caused.
- (ii) The Committee reached the above view on the proviso that any new dwelling would be single storey and would not be visible within the surrounding landscape.

(b) That powers be delegated to the Head of Planning and Development to settle the matters described in the report and to impose conditions as required.

72 APPLICATION NO DOV/22/00971 - 8 BEECH TREE AVENUE, SHOLDEN, DEAL

Members viewed drawings and photographs of the site which was within the urban boundary of Sholden. The TLDM advised that planning permission was sought for the erection of a hip to gable roof extension with two front dormers and four rooflights in the rear roof slope. The difference in roof configuration would not make a significant change to the street scene and the proposal accorded with the concepts of the estate that had been built following the granting of planning permission in 2010. Two previous applications to extend above the car port had been refused and one subsequently dismissed at appeal. This proposal would not compromise the car port and approval was therefore recommended.

RESOLVED: (a) That Application No DOV/22/00971 be APPROVED subject to the following conditions:

- (i) 3-year time limit for commencement;
- (ii) Compliance with the approved plans;
- (iii) Ensure that the rear dormer windows have a cill level at a minimum of 1.8 metres above adjacent finished floor level.

(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.

73 APPEALS AND INFORMAL HEARINGS

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

74 ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE

The Committee noted that no action had been taken.



The meeting ended at 10.14 pm.