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Minutes of the meeting of the **PLANNING COMMITTEE** held at the Council Offices, Whitfield on Thursday, 26 May 2022 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden  
M Bates  
D G Beaney  
T A Bond  
D G Cronk  
D A Hawkes  
P D Jull  
C F Woodgate

Officers: Team Leader (Development Management) - South Team  
Principal Planner  
Senior Planner  
Senior Planner  
Planning Officer  
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/20/01538	Mr Ross Moat	Mr Mark Haley
DOV/21/01935	Mr Matt Smith	Ms Anne Siggins
DOV/21/01699	-----	Ms Rachel Larkin

## 1 APOLOGIES

It was noted that an apology for absence had been received from Councillor E A Biggs.

## 2 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no substitute members appointed.

## 3 DECLARATIONS OF INTEREST

Councillor D G Beaney declared an Other Significant Interest in Agenda Item 7 (Application No DOV/20/01538 – Stalisfield Lodge, Park Road, Temple Ewell) by reason that he had carried out work for the applicant on several occasions and was likely to do so again in the future.

## 4 MINUTES

The minutes of the meeting held on 21 April 2022 were approved as a correct record and signed by the Chairman.

ITEMS DEFERRED

The Chairman advised that the application listed was due for consideration at the meeting.

APPLICATION NO DOV/21/01354 - STONEHALL FARM, THE STREET, STOURMOUTH

The Committee was shown an aerial view, plans and photographs of the application site which was a fruit farm located in the countryside, close to the hamlet of Stourmouth. The Planning Consultant advised that the application sought planning permission for the storing of four caravans out of season, from 1 May to 30 November in any year. In addition, retrospective permission was sought for the erection of a shower/toilet block and the stationing of a caravan already on site for use as a kitchen. A number of representations had been received raising concerns about the amount of noise and disturbance that would ensue from the use of the caravans. There were permitted development rights for farmers to locate caravans on their land during the farming season but, as an application for storage, it was only visual impact and residential amenity that would be considered in this case. Since publication of the report, one additional letter had been received which raised no new matters. As a correction to the report, Members were advised that the dates referred to in paragraph 1.5 should read 1 May to 30 November.

Councillor M Bates commented that the report was well balanced and proposed that the application should be approved. In response to Councillor T A Bond who raised concerns about the number of caravans on the site, the Planning Consultant advised that there was no minimum or maximum number permitted as their purpose was to accommodate however many farm workers were needed on site. Outside picking season the kitchen caravan and others on site would not be needed; the owner had agreed to the condition on the kitchen caravan and was content with the arrangement. He added that the farm had been monitored and investigated in the past, including in relation to the use of the kitchen caravan. In response to Councillor P D Jull who questioned whether the existing caravans had permission to be on site outside the season, the Planning Consultant advised that the applicant had only recently acquired the land. He undertook to raise the issue with enforcement colleagues. He clarified that septic waste was taken away by lorry, and it was likely that two rows of trees would need to be removed to accommodate the four caravans.

RESOLVED: (a) That Application No DOV/21/01354 be APPROVED subject to the following conditions:

- (i) In respect of the proposed caravans, a three-year period for implementation is required;
- (ii) Development should be in accordance with the layout plan and photographs;
- (iii) Only four caravans to be stored on site;
- (iv) Outside the periods of 1 May to 30 November, in any year, the caravans shall not be occupied/used for residential purposes;

- (v) Outside the periods of 1 May to 30 November, in any year, the caravan accommodating the existing kitchen shall not be used.
- (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.

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APPLICATION NO DOV/20/01538 - STALISFIELD LODGE, PARK ROAD, TEMPLE EWELL

Members viewed an aerial view, drawings, plans and photographs of the application site which was within the settlement confines of Temple Ewell. The Senior Planner advised that the application sought planning permission for the erection of a dwelling with associated parking and access on a site within the garden of Stalisfield Lodge. As an update to the report, she advised that residents had sent three letters to Members raising concerns about the loss of biodiversity and residential amenity. Advice had been sought from the Council's Ecology Officer who had requested that conditions be added requiring an ecological enhancement scheme and low-level lighting due to the presence of bats.

The Committee was advised that the original scheme for a pair of detached dwellings had been considered an overdevelopment. A new proposal for one dwelling had been submitted, to which amendments had subsequently been made. The 'tilted balance' approach of paragraph 11 of the National Planning Policy Framework (NPPF) was engaged in this case due to the relevant Local Plan policies being out-of-date. On balance, Officers considered that the adverse impacts did not significantly and demonstrably outweigh the benefits of the proposal and approval was recommended.

RESOLVED: (a) That Application No DOV/20/01538 be APPROVED subject to the following conditions:

- (i) Time period;
- (ii) In accordance with approved plans;
- (iii) Materials;
- (iv) Landscaping;
- (v) Drainage details;
- (vi) Parking provision;
- (vii) Visibility splays;
- (viii) Construction management plan;
- (ix) Measures to accommodate electric vehicle charging facility;
- (x) Provision of refuse and cycle storage facilities;
- (xi) Low-level lights for bats;

- (xii) Ecological enhancement scheme;
- (xiii) Removal of permitted development rights within Part 1, Classes A, B and C;
- (xiv) Archaeology.

(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 report and as resolved by the Planning Committee.

(Councillor D G Beaney left the meeting during consideration of this item.)

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APPLICATION NO DOV/21/01938 - LLOYDS BANK BUILDING, HIGH STREET, WINGHAM

The Committee was shown plans and photographs of the application site which was situated within the settlement confines of Wingham and in a conservation area. The Planning Officer advised that the application sought planning permission for a change of use and the conversion of the former Lloyds Bank building into four self-contained flats. In response to Councillor Bates, the Planning Officer advised that, as a development in a sustainable location, the provision of parking was not required under Policy DM13.

RESOLVED: (a) That Application No DOV/21/01938 be APPROVED subject to the following conditions:

- (i) 3-year time limit for commencement;
- (ii) Compliance with the approved plans;
- (iii) Specific details conditions for conservation area (joinery and flues/vents);
- (iv) Cycle and bin storage implemented before first occupation.

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

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APPLICATION NO DOV/21/01935 - CHAPEL FARM, CHAPEL LANE, ASHLEY

Members were shown an aerial view, drawings, plans and photographs of the application site which was situated within the hamlet of Ashley and therefore considered to be within the countryside for planning purposes. The Senior Planner advised that the application sought planning permission for several extensions, a double garage and the creation of parking at the site of an existing dwelling. There was a variety of dwelling styles and types in the immediate area, and the proposals would increase the footprint of the existing dwelling by only a modest amount. The existing access would be retained, and there would be no unacceptable harm to the

residential amenity of the nearest dwelling known as Blue Cedars. For these reasons, approval was recommended.

The Senior Planner clarified that, whilst the development of the land to the southwest of the site to accommodate a rural worker's dwelling had not specifically been mentioned in the report, an assessment had been carried out on the impact of the proposal on surrounding properties. In response to Councillor D G Cronk, she advised that details of the access and drainage would be clarified as part of condition 6, and a permeable membrane could be secured then. In response to Councillor Bates, she clarified that the proposed roof terrace and balcony would be enclosed. With the elevation of Blue Cedars being set forward, only oblique views of the far end of the property's garden would be gained. She added that there would be 18 metres between the proposed balcony and the garden.

**RESOLVED:** (a) That Application No DOV/21/01935 be APPROVED subject to the following conditions:

- (i) Standard commencement condition;
- (ii) List of approved plans;
- (iii) Submission of samples of external materials;
- (iv) Provision of parking space;
- (v) Maintenance and retention of visibility;
- (vi) Submission of details of surfacing of access and measures to prevent water draining onto the highway.

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

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#### APPLICATION NO DOV/21/01699 - GORE COTTAGE, GORE LANE, EASTRY

Members viewed an aerial view, drawings, plans and photographs of the application site. The Senior Planner reminded Members that a previous application had been considered by the Committee in February 2021 when planning permission had been granted subject to the conclusion of a legal agreement relating to visibility splays. The legal agreement had not been secured and the application had therefore been refused by Officers. As an update to the report, she advised that a further consultation response had been received from Eastry Parish Council which objected to the application pending the resolution of the issue of visibility splays. She advised of a correction to paragraph 1.5 of the report, namely that amendments had been made during the course of the previous application, but the current scheme had not been amended or re-advertised.

The proposed dwelling was of the same size, scale and design as the one previously considered by the Committee. The site was within the settlement confines and the proposal would not unduly detract from the street scene. Whilst the land which the visibility splays would cross was unregistered, a condition was proposed that would address this.

Councillor C F Woodgate commented that the Committee was dealing with a challenging application. The previous application had failed due to the visibility splays and nothing appeared to have changed. Councillor Bates expressed concerns around condition 13 and, due to the dangerous nature of the road, requested that the condition be strengthened to a Grampian condition to ensure the splays were adequately provided. The Team Leader Development Management (South) reminded Members that the previous application had been approved by the Committee subject to the signing of a Section 106 agreement in relation to the provision of visibility splays. Although that had not been possible in relation to the previous application, it was believed that the proposed condition would address the matter satisfactorily. The onus was on the applicant to resolve the issue. The fact of the matter was that if the splays could not be secured, the development would not proceed.

Councillor Bond expressed disappointment that an almost identical application had come back to the Committee without an explanation included in the report. Whilst the owner had attempted to secure the visibility splays, it was obvious that the owner of Lavender Cottage was not going to accede. He proposed that the application should be refused. Councillor Jull added that without condition 13 the application would be a refusal and, since there appeared to be little or no possibility that it could be discharged, he was in agreement with Councillor Bond about how the Committee should determine the application. Councillor Cronk also questioned why the application had come to the Committee given the advice from KCC Highways and the outcome of the previous application.

Councillor Beaney disagreed, commenting that it was only the splays that were preventing the development going ahead, and it was for the applicant to resolve the situation. Councillor R S Walkden agreed that the issue of the visibility splays was outside the remit of the Committee.

The Planning Solicitor clarified that there was a dispute surrounding the ownership of the land required for the visibility splays. At this point, both the applicant and the neighbour believed that they had a claim to the land which was required for the splays. He reminded the Committee that its role was to consider whether the proposed use of the land was acceptable in the context of the advice received from KCC Highways that without the splays the use would not be acceptable on highway safety grounds. A strongly worded Grampian condition would ensure that the development could proceed if the conditions were met but would prevent the dwelling being built if the visibility splays could not be secured. The solution proposed by Officers was a pragmatic one and avoided the Committee having to make judgements about land ownership when the issue was currently unresolved and there was the possibility that future landowners might be willing to negotiate. Whilst he agreed with Members that a condition should not be imposed when there was no prospect of an agreement being reached, there was an ongoing dispute and a pending application to the Land Registry, and it was not possible to reach the conclusion that it could not be resolved. A similar situation had arisen in relation to a development at the Old Rectory at Great Mongeham and, in that case, the Committee had resolved to grant planning permission subject to a Grampian condition. In his view, there was not much to distinguish between the two applications.

The Planning Solicitor reminded Councillor Bond that the previous application had been refused by Officers because it had not been possible to secure a Section 106 agreement in relation to the visibility splays. It was also clarified that KCC Highways

had not objected to the application as the visibility splay to the north could be provided. A refusal on this basis was therefore not recommended.

It was proposed by Councillor T A Bond and duly seconded that Application No DOV/21/01699 be REFUSED.

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

**RESOLVED:** That, notwithstanding the Officer's recommendation, Application No DOV/21/01699 be REFUSED on the grounds that the application has failed to demonstrate that adequate visibility splays could be secured across land not under the ownership of the applicant and, consequently, the development would fail to provide and maintain safe vehicular access onto Gore Lane, causing an unacceptable impact on highway safety contrary to Paragraph 111 of the National Planning Policy Framework 2021.

**Informative:** In reaching this conclusion particular regard has been had to whether a pre-commencement ('Grampian') condition could be used to secure the provision and ongoing maintenance of the visibility splays required for highway safety, however, it is considered that there is a limited prospect of this being secured within the timeframe which would be imposed on any permission.

11      APPLICATION NO DOV/21/01459 - LAND NORTH-WEST OF PEGASUS, LONDON ROAD, SHOLDEN

Members were shown an aerial view, a CGI, plans and photographs of the application site. The Team Leader Development Management (South) reminded the Committee that the application had been deferred at the meeting held on 21 April 2022 in order to allow Officers to explore amendments to the scheme with the applicant due to concerns around parking and parking layout. Members were advised that amendments had been made to the scheme, notably a new hedge along the London Road frontage, additional tree planting and enhanced landscaping. In addition, the number of visitor car parking spaces had been increased by 2 to 19 across the site, and some tandem parking spaces replaced with side-by-side spaces. The parking plan demonstrated that all the parking spaces met the required standard and were fully accessible. Moreover, KCC Highways was satisfied with the amendments that had been made.

Councillor Beaney expressed support for the proposal as a result of the amendments that had been made. Councillor Bates agreed, stating that his concerns about the parking layout had now been addressed. Councillor Jull stated that he could not vote for the proposal as he considered it to be an inappropriate development that should have been brought forward with the adjacent site. There was no connection to the adjacent public right of way for dog walkers, and seven of the visitor spaces could only be accessed via private driveways.

**RESOLVED:** (a) That Application No DOV/21/01459 be APPROVED subject to the following conditions:

- (i)      Approved plans;
- (ii)     Samples of materials;

- (iii) Removal of permitted development rights for roof extensions/dormers;
- (iv) SW foul drainage network capacity;
- (v) Noise mitigation, internal noise levels;
- (vi) Works to access undertaken prior to commencement and completed in accordance with an agreed schedule prior to occupation;
- (vii) Broadband provision;
- (viii) Secured by Design details.

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

12 APPEALS AND INFORMAL HEARINGS

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

13 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 7.38 pm.