

**PLANNING COMMITTEE – 5<sup>th</sup> December 2024****DEFERRED ITEM**

Report of the Head of Planning

**DEFERRED ITEMS**

Reports shown in previous Minutes as being deferred from that Meeting

<b>DEFERRED ITEM 1 REFERENCE NO - 22/502692/FULL</b>		
<b>PROPOSAL</b> Section 73 - Application for minor material amendment to approved plans condition 2 (to allow an increase in size and relocation of the building within the site) pursuant to 19/500224/FULL for - Erection of a single storey storage building.		
<b>SITE LOCATION</b> Land North of Perry Leigh Grove Road Selling Kent ME13 9RN		
<b>RECOMMENDATION</b> Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions.		
<b>APPLICATION TYPE</b> Large Major Other		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council Objection		
<b>Case Officer</b> Paul Gregory		
<b>WARD</b> Boughton and Courtenay	<b>PARISH/TOWN COUNCIL</b> Selling	<b>APPLICANT</b> Mr Brian Macey  <b>AGENT</b> VLH Associates
<b>DATE REGISTERED</b> 22.07.2022		<b>TARGET DATE</b> 17.10.2022
<b>BACKGROUND PAPERS AND INFORMATION:</b> <b>Documents referenced in report are as follows: -</b>  All drawings submitted Kent Downs National Landscape Unit comments, received 29.10.2024 KCC Highways comments, received 07.11.2024  The full suite of documents submitted pursuant to the above application are available via the link below: -  <b>INCLUDE WEB LINK</b> <a href="https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RCHWS0TYL4B00">https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=RCHWS0TYL4B00</a>		

## 1. INTRODUCTION

1.1 This application was initially reported to Planning Committee on 10 October 2024, with a recommendation that permission be granted. The original Committee report is attached at Appendix A.

1.2 The Planning Committee resolved to defer the determination of the application. The draft minutes from the 10 October 2024 Committee meeting are attached at Appendix B of this report. The application was deferred for the following reasons:

*“Resolved: That application 22/502692/FULL be deferred to allow the Planning Working Group to meet on site visit. That the Kent Downs National Landscape Unit be consulted and for biodiversity enhancements on the building to be explored.”*

1.3 The site visit took place on 31 October 2024. The Minutes from that Planning Working Group site visit are attached at Appendix C.

## 2. RESPONSE TO REASONS FOR DEFERRAL

2.1 In respect of the matters included in the resolution from 10 October 2024 Committee meeting, the Kent Downs National Landscape Unit have been consulted on the application. Their comments are set out on the application file in full. In summary, they have concluded that the proposed amended design creates a building which is more industrial in design than the previously approved building. However, they recognise that the amendment may assist in achieving the overall aim of screening the existing storage containers on the site. The Kent Downs National Landscape Unit also state that they agree with Officers that the previously approved earth bund would be incongruous and out of character in this sensitive location, as this man-made engineered feature would contrast strongly with the generally flat topography of the site. They therefore consider that the proposal to remove the bund and replace it with landscaping (as per the recommendation as set out in the Committee Report provided at Appendix A) would be beneficial and assist in ensuring an enhancement over the existing approved scheme. The Kent Downs National Landscape Unit have recommended that to be in keeping with existing landscape character, this landscaping would be most beneficial provided along the western and southern boundaries of the applicant's landholding, to provide visual containment enhancements to this part of the Kent Downs, and also provide ecological enhancement within the site. Alternatively, they recommend that a hedge be provided immediately west of the proposed access track and hard standing, to the front of the proposed building and existing stable. In order to maximise biodiversity benefits it has been suggested that this landscaping should continue to link in with existing trees along the site's northern boundary. Appropriate species have been suggested as hawthorn, hazel, field maple, pedunculate oak and beech.

2.2 In respect of the above comments related to the precise location of landscaping, as the storage building is proposed to be used in connection with the wider use of the site, the second landscaping option would create a barrier between the building and the remainder of the site. As a result, it is considered that the first option is the most appropriate. On this basis it is therefore recommended that condition 7 (soft landscaping) as set out in the 10 October 2024 Committee report be supplemented with additional wording to require landscaping in accordance with the above comments.

- 2.3 The comments from the Kent Downs National Landscape Unit also refer to the proposed materials in terms of staining the walls black and for the roof to be a dark colour. The matter of staining the walls was included as a condition as recommended in the 10 October 2024 Committee report (condition 5), however, this condition has also been expanded in order to also refer to the colour of the roof to ensure that this is appropriate.
- 2.4 Having taken into account the comments from the Kent Downs National Landscape Unit it is considered that the proposal remains in accordance with policies DM14 and DM24 of the Local Plan and the NPPF.
- 2.5 The deferral also required biodiversity enhancements upon the building to be explored. In respect of this, it is considered that a further condition can adequately deal with this matter and would meet the relevant tests on the basis that policy DM28 and the NPPF both refer to biodiversity enhancements.
- 2.6 At the site visit, there was also a request from the Chair of the Planning Committee that the comments of KCC Highways be obtained. These views have been received and KCC Highways have commented *“that there are no highway implications associated with the proposals.”* In respect of this, it is important to note that the proposal seeks consent for an enlargement to a previously approved building. As such, the scheme solely relates to whether the amendments are appropriate. The building itself is proposed to be used for storage related to existing activities on the land and to allow the containers to be stored in the building (with a condition requiring the remainder of the containers to be removed from the site). Turning to the original proposal (19/500224/FULL) of which this application seeks an amendment to, the application form states that the proposed development does not require the employment of any staff. In addition, the Committee report presented to the 10 October 2024 Committee meeting deals with the matter raised by third parties in respect of the building comprising a commercial storage facility. As set out above, this is not the terms on which the application has been submitted and assessed, and the matter as to what can be stored by the building is controlled by condition. On the basis of the above, there is not considered to be any highway related reason to refuse this application.
- 2.7 The matter of the need / reasoning for the extension to the approved storage building was also raised at the site visit. The agent has set out that it is for practical reasons, and to allow easier access arrangements to the containers in the building. In respect of this matter, on the basis that the building is intended to store a number of the containers, this is considered to be reasonable. In addition, and importantly, is that the matter of need is not specifically set out as a requirement in any of the relevant policies. The key consideration is the impact of the proposed amendments and it is considered that this would remain acceptable.

### **3. CONCLUSION**

- 3.1 The matters raised via the deferral and the site visit have been considered by virtue of the discussion above. The proposal remains recommended for approval. Due to the matters related to the wording of conditions and an additional condition being recommended, the updated list has been set out below.

## **CONDITIONS**

- (1) The development hereby approved shall not be carried out otherwise than in complete accordance with drawings PL0052.18.02.C and PL0052.18.03.B.

Reason: In the interests of visual amenity.

- (2) The building hereby permitted shall be used only for the storage of machinery and materials associated with the paddocks and pallet business.

Reason: In the interests of residential and visual amenity.

- (3) Any containers positioned within the building hereby permitted shall be so positioned that no part of it is visible from outside the building.

Reason: In the interests of visual amenity.

- (4) Any container within the application site that is not re-positioned within the building hereby permitted shall be removed from the site within one calendar month of the substantial completion of the building.

Reason: In the interests of visual amenity.

- (5) All external boarding in the development hereby permitted shall be black stained featheredged timber weatherboarding and the roof shall be coloured black.

Reason: In the interests of visual amenity.

- (6) The timber up and over doors to be used on the development hereby permitted shall be stained black.

Reason: In the interests of visual amenity.

- (7) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works – which shall be provided along the western and southern boundaries of the site - have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be comprised of hawthorn / hazel / field maple / pedunculate oak / beech), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (8) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of the building or in accordance with the programme agreed in writing with the Local Planning

Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (9) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (10) No development beyond the construction of foundations shall take place until a scheme of biodiversity enhancements to be provided on the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall be installed on the building within 3 months of its practical completion.

Reason: In the interests of encouraging wildlife and biodiversity.

