

**PLANNING COMMITTEE – 6th February 2025****DEFERRED ITEM**

Report of the Head of Planning

**DEFERRED ITEMS**

Reports shown in previous Minutes as being deferred from that Meeting

<b>DEF Item 1 - REFERENCE NO - 20/505877/OUT</b>		
<b>PROPOSAL</b> Outline planning application for mixed-use development comprising up to 360sqm nursery school (use Class Ef), up to five holiday lets and up to 1,710sqm of flexible workshop, industrial & research and development floorspace (use Class Eg (ii, iii), with all matters reserved except access from Brogdale Road.		
<b>SITE LOCATION</b> Brogdale Farm, Brogdale Road, Ospringe, ME13 8XU		
<b>RECOMMENDATION</b> Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement as set out in the report, with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions and precise Heads of Terms as may be consequently necessary and appropriate.		
<b>APPLICATION TYPE</b> - Outline Planning Permission		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Ospringe Parish Council have submitted objections to the application that are contrary to the officer recommendation.		
<b>Case Officer</b> Ben Oates		
<b>WARD</b> East Downs	<b>PARISH/TOWN COUNCIL</b> Ospringe	<b>APPLICANT</b> Brogdale Farm Ltd  <b>AGENT</b> Hume Planning Consultancy Ltd
<b>DATE REGISTERED</b> 19/03/2021		<b>TARGET DATE</b> 01/12/2023
<b>BACKGROUND PAPERS AND INFORMATION:</b> Documents referenced in report are as follows: - All drawings submitted All representations received Design and Access Statement (uploaded 09 Dec 2020) Design and Access Statement Addendum (uploaded 04 Aug 2021)		

Heritage Advice Note (uploaded 13 July 2021)  
Transport Statement (uploaded 04 Aug 2021)  
Transport Statement Addendum (uploaded 16 Nov 2021)  
Planning Statement Addendum (uploaded 30 Jul 2024)  
Landscape and Visual Appraisal (uploaded 10 Jul 2024)  
Letter to Economic Development Officer (uploaded 03 Oct 2023)  
Ecological Impact Assessment (uploaded 10 Nov 2023)  
Arboricultural Assessment (uploaded 04 Aug 2021)

**INCLUDE WEB LINK**

<https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QL2Y7FTYMH700>

**1. INTRODUCTION**

- 1.1. This application was initially reported to Planning Committee on 5 December 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 minutes from the 5 December 2024 Committee meeting are attached at Appendix B of this report. The application was deferred for a Planning Working Group site visit in order to consider the heritage impacts of the proposal. The minutes of the previous meeting note that concerns were also raised in relation to the safety of the proposed access, concerns of site management leading to increased disturbance to neighbours, impacts on trees, loss of agricultural land, conflict between the proposed nursery and other proposed uses, and whether the nursery can be suitably secured in the application.
- 1.3. The site visit took place on 7<sup>th</sup> January 2025. The minutes of that Planning Working Group site visit are attached at Appendix C.
- 1.4. There have been no further representations formally received by the Local Planning Authority.

**2. RESPONSE TO THE REASONS FOR DEFERRAL**

- 2.1. Members of the Planning Working Group attended a site visit on 7<sup>th</sup> January 2025 and viewed the site and the highway along Brogdale Road including the location of the proposed access. Members also heard representations from local residents and the applicant.

**3. UPDATE FROM PREVIOUS COMMITTEE MEETING**

- 3.1. A question was raised through the Chair if the proposed nursery could be secured by condition to ensure its delivery, given it was considered to provide a public benefit. Officers have agreed the following condition to be included in the recommendation for approval:

**Condition 42: Nursery operation**

No more than 50% of the flexible workshop, industrial & research and development floorspace hereby approved shall be occupied until the nursery school has been constructed and brought into first use on the site.

Reason: To secure the provision of an early-years facility to the benefit of the wider community.

- 3.2 It is noted that the Councillors who visited the site paid particular attention to the access into the site and a representative of Ospringe Parish Council advised that vehicle speed evidence would be submitted. No such evidence has been submitted. In this regard it is considered relevant to re-iterate that the Highway Authority have raised no objection to the proposal subject to the imposition of conditions, one of which (Condition 22) relates to the provision of visibility splays prior to the first use of the proposed access and their subsequent retention.
- 3.3 Given some of the comments made by interested parties, it is considered appropriate to stress that Broagdale Road is not a designated 'rural road' in the context of Local Plan policy DM26.
- 3.4 Moreover, it is relevant to highlight that, in the context of the Town and Country Planning Use Classes Order (1987) (as amended), uses that are deemed to fall within the definition of Use Classes E(g)(ii) and (iii) ('research and development' or 'light industry,') are, by definition, those that *"can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit."*

**4. CONCLUSION**

- 4.1. The matters raised via the deferral for a site visit have already been covered in the officers report to the Planning Committee on 5 December 2024 or above. The additional condition will also sufficiently secure the provision of the proposed nursery. The application therefore remains recommended for approval as set out in the previous committee report.

