
PLANNING COMMITTEE

MINUTES of the Virtual Meeting held Via Skype on Thursday, 7 January 2021 from 7.00pm - 9.58pm.

PRESENT: Councillors Cameron Beart, Monique Bonney, Roger Clark, Simon Clark, Richard Darby, Mike Dendor, James Hall, James Hunt, Carole Jackson, Elliott Jayes (Vice-Chairman, in the Chair), Peter Marchington, Ben J Martin, Ken Rowles (Substitute for Councillor Tim Gibson), David Simmons, Paul Stephen, Tim Valentine and Tony Winckless.

OFFICERS PRESENT: Claire Attaway, Rob Bailey, Andy Byrne, Philippa Davies, Colin Finch, James Freeman, Andrew Jeffers, Jhilmil Kishore, Kellie MacKenzie, Graham Thomas and Jim Wilson.

ALSO IN ATTENDANCE: Councillors Steve Davey, Alan Horton, Benjamin A Martin, Richard Palmer, Julian Saunders and Corrie Woodford.

APOLOGY: Councillor Tim Gibson (Chairman).

391 INTRODUCTION

The Vice-Chairman in-the-Chair (to be referred to as 'Chairman' for the rest of these minutes) explained that the meeting would be conducted in accordance with the Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority Policy and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392.

In welcoming all Members and members of the public, the Chairman explained which Swale Borough Council (SBC) officers were in attendance.

392 MINUTES

The Minutes of the Meeting held on 10 December 2020 (Minute Nos. 327 – 331) were taken as read, approved and signed by the Chairman as a correct record.

393 DECLARATIONS OF INTEREST

Councillor Carole Jackson declared a disclosable non-pecuniary interest in respect of item 2.1 20/504747/FULL 1 Saxon Road, Faversham as she was a member of Faversham Town Council. Councillor Jackson stated that she was not pre-determined.

Councillor David Simmons declared a disclosable non-pecuniary interest in respect of item 2.3 20/504753/PNQCLA Forge Farm, Staple Street, Hernhill as he was a friend of the applicants. Councillor Simmons stated that he was not pre-determined.

394 PLANNING WORKING GROUP

The Minutes of the Meeting held on 21 December 2020 (Minute Nos. 373 – 375) were taken as read, approved and signed by the Chairman as a correct record.

18/504562/FULL – Ellens Court, Lady Margaret Manor Road, Doddington, Kent, ME9 0NT

The Major Projects Officer drew attention to the tabled update which outlined comments from Kent Police. The update had been emailed to Members and published on the Council’s website prior to the meeting. The Major Projects Officer reported that officers remained of the view that the proposal was acceptable and in-line with the Council’s Local Plan and the National Planning Policy Framework (NPPF) and he recommended that planning permission be granted.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

The Ward Member spoke against the application. He raised the following points: access to the site was via very narrow lanes and would be an issue for construction vehicles; the remote nature of the site made it unsuitable for the proposed use; the site was within an Area of Outstanding Natural Beauty (AONB) which the NPPF stated should be enhanced; it was a 100% increase in floorspace; it had an adverse impact on Greet Cottage; and it was too big for the site.

Resolved: That application 18/504562/FULL be approved subject to conditions (1) to (35) in the report and as amended by the tabled update to the Committee meeting on 15 October 2020.

395 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO 20/504747/FULL			
APPLICATION PROPOSAL			
Conversion of existing dwelling to form 2no. flats, together with a first floor extension above road access to site, two storey rear extension and loft conversion with front dormer, including associated parking, landscaping and cycle store (revised scheme to 19/504257/FULL) as amended by drawings 202 A and 203 A.			
ADDRESS 1 Saxon Road, Faversham, Kent, ME13 8QA			
WARD St Ann’s	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Construction Ltd	GPML
		AGENT Architects	Kirby Cove

The Area Planning Officer introduced the application.

Town Councillor Julian Saunders, representing Faversham Town Council, spoke against the application.

Justin Croft, an objector, spoke against the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

A Ward Member spoke against the application and raised concern that work had already commenced at the site. She also raised concern about the potential impact of noise and pollution from the proposed car parking spaces on local residents, given the compact layout of the site.

In response to a query from a Member, the Area Planning Officer stated that officers were aware that some building work had already commenced and had ordered the applicant to cease this work. He explained that the applicant had advised that this had been due to a miscommunication between them and their builder.

Members were invited to debate the application.

The Area Planning Officer responded to questions raised by a Member and he confirmed that an additional parking space was proposed. He stated that the proposed rear extension was 1.4 metres from the rear elevation, and showed Members drawings of the proposed extension in relation to the rear gardens of properties in Norman Road, Faversham.

Resolved: That application 20/504747/FULL be approved subject to conditions (1) to (10) in the report.

2.2 REFERENCE NO – 20/505270/FULL		
APPLICATION PROPOSAL		
Proposed first floor extension to front southwest elevation, including alterations to fenestration and extension to rear balcony to second floor.		
ADDRESS 21 Waterside Close Faversham Kent ME13 7AU		
WARD Priory	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Richard Henley AGENT Michael Miller Local Architect

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

A Ward Member spoke in support of the application.

Resolved: That application 20/505270/FULL be approved subject to conditions (1) to (3) in the report.

2.3 REFERENCE NO – 20/504753/PNQCLA		
APPLICATION PROPOSAL		
Prior notification for the change of use of building and land within its curtilage to 1 no. dwellinghouse and associated operation development. For its prior approval to: Transport and Highways impacts of the development; Noise impacts of the development; Contamination risks on the site; Flooding risks on the site; Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change from agricultural use to C3 (dwellinghouses); Design and external appearance impacts on the building, and Provision of adequate natural light in all habitable rooms of the dwellinghouses.		
ADDRESS Forge Farm Staple Street Hernhill Faversham Kent ME13 9UD		
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT Mr & Mrs Bryant AGENT Bloomfields

The Area Planning Officer reported that a letter had been received from a neighbour who had not been notified about the application due to an administrative error. The Area Planning Officer explained that the neighbour raised no objection to the application but asked that the historic significance of the building be considered and the 18th century hips on the roof be conserved and incorporated into the design.

Beth Watts, the Agent, spoke in support of the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

The Planner considered the conversion would not have any adverse impact on the listed building and welcomed the long-term use of the building as a dwelling.

Resolved: That prior approval was not required for application 20/504753/PNQCLA.

2.4 REFERENCE NO – 19/501332/FULL		
APPLICATION PROPOSAL		
Erection of 69 dwellings accessed from Grovehurst Road; public open and amenity space; together with associated landscaping and ecological enhancement works; drainage; utilities; and internal access roads, footpaths, cycleways and parking.		
ADDRESS Land At Pond Farm Grovehurst Road Iwade Sittingbourne Kent ME9 8RD		
WARD Bobbing, Iwade and Lower Halstow	PARISH/TOWN COUNCIL	APPLICANT Persimmon Homes South East AGENT J B Planning

The Senior Planning Officer introduced the report and referred to the two tabled updates which had been emailed to Members and published on the Council's website prior to the meeting. The updates included: responses to Members' questions; further consultee responses from Kent County Council (KCC), Natural England, Highways England; an additional condition removing permitted development rights to erect boundary enclosures to the front of dwellings; modifications to condition (15) which related to surface water drainage; completion of a suitably worded Section 106 Agreement to include an agreed sum for the parish hall contribution if required; and that further advice would be required from the KCC Ecologist regarding removal of trees from within the orchard.

The Senior Planning Officer outlined the application and showed Members the masterplan for the scheme which showed that much of the existing orchard and pond would be retained. The Senior Planning Officer reported that there was some encroachment of the development outside the designated built confines line and within an Important Local Countryside Gap. He explained that the encroachment was between 15 and 25 metres in depth and the reasons for this were set-out in paragraph 8.32 of the report. The Senior Planning Officer showed a plan of existing Local Plan allocations in the area to assist Members in understanding how the application sat in relation to site allocations of the Council's Local Plan.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

Tom Ashley, the Applicant, spoke in support of the application.

Ward Members spoke against the application and raised concerns which included: pleased that the proposed block of flats had been removed from the scheme as this was out-of-character with the village; the infrastructure in Iwade was already at breaking point; the application should not be supported until improvements to the Grovehurst Road/A249 junction and M2 junction 5 had been completed; unacceptable that two hectares of the Important Local Countryside Gap would be lost; the Council was close to achieving a five-year housing supply so was the proposal necessary?; unacceptable that the carbon emissions would only be reduced by 30% rather than the 50% aspired to by the Council, could this be imposed?; other applications were refused due to encroachment into an Important Local Countryside Gap so should this one be supported?; it would cause demonstrable harm to the residents of Iwade; the Parish Council were against; and there was already traffic congestion in and out of Iwade during peak times.

The Senior Planning Officer clarified that the proposal would encroach onto the Important Local Countryside Gap by 0.8 hectares leaving 1.2 hectares of open space remaining.

Members were invited to debate the application and raised points which included:

- The site was allocated within the Council's Local Plan for development;
- improvements to Grovehurst Road/A249 junction and M2 junction 5 were out for consultation now because applications like this one were in the Local Plan so it would be difficult now to refuse this application on that basis;

- the development would not encroach onto the nature park part of the Countryside Gap which would remain as open space;
- considered that the design of the proposed dwellings was good;
- this was a small development which would have a small impact on the highway network;
- welcomed the proposed footpath and linkage to existing development to the west of the site;
- pleased to see that the orchard would remain but requested that if any trees did need to be removed from that area then officers needed to consider any endangered priority species and liaise with the Peoples Trust for Endangered Species;
- referred to an area of land set-side for the Grovehurst area upgrade and considered installing bird boxes etc. should not be carried out in that area as the trees would be removed once the upgrade commenced;
- as the land was allocated for housing within the Council's Local Plan it would be difficult for the Council to defend refusal at any subsequent appeal;
- seriously concerned about the encroachment into the Countryside Gap which was unacceptable;
- concerned about lack of parking as a result of lots of different types of development in the area;
- requested a condition requiring no occupation of dwellings until construction work on the Grovehurst Road/A249 junction improvements and M2 junction 5 improvements commenced; and
- the design of the proposed dwellings was "atrocious" and should ask the applicants to submit a better design.

A Member drew attention to paragraphs 8.04 and 8.05 on page 45 of the report, and asked whether there was an update of the 5-year housing supply? The Head of Planning Services reported that recent monitoring indicated that the Council had a 5.1-year housing supply but officers were not in a position to confirm this.

In response to a question from a Member, the Senior Planning Officer explained that officers considered a 31% reduction in dwelling emission rates was acceptable. He said that whilst officers were aware of the Council's aspirations to meet a 50% dwelling emission rate, it was not currently included as a policy within the Council's Local Plan and therefore the Council would not be able to defend refusal of the application in that respect at any subsequent appeal.

With regard to a request from a Member to restrict occupation of the dwellings until commencement of the Grovehurst Road/A249 junction improvements works, the Principal Transport and Development Planner (KCC), stated that they had worked closely with Highways England on assessing vehicle movements on the highway network at the Grovehurst Road/A249 junction, Key Street junction, and the M2 junction 5 and both had agreed that the development would be permissible. He referred to other applications that were coming forward in the area which would be subject to restrictions relating to commencement of works at Grovehurst Road/A249 junction.

Resolved: That application 19/501332/FULL be delegated to officers to approve subject to conditions (1) to (36) in the report; completion of a

suitably worded Section 106 Agreement (including an agreed sum for the parish hall contribution if required); no objection raised by Kent Police to the revised layout and design on crime prevention grounds (including conditions if necessary); no objection raised by the KCC Ecologist to the removal of orchard trees as shown in the recently submitted Arboricultural Impact Assessment (including any necessary change to ecology conditions as advised by the KCC Ecologist) and minor layout changes if they would address any outstanding concerns from Kent Police or the KCC Ecologist.

2.5 REFERENCE NO – 20/505771/PNQCLA		
APPLICATION PROPOSAL		
<p>Prior notification for the change of use of agricultural buildings to 3no. dwellings and associated operational development. For it's prior approval to:</p> <ul style="list-style-type: none"> - Transport and Highways impacts of the development. - Noise impacts of the development. - Contamination risks on the site. - Flooding risks on the site. - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change from agricultural use to C3 (dwellinghouses). - Design and external appearance impact on the building, and - Provision of adequate natural light in all habitable rooms of the dwellinghouses. 		
ADDRESS Paradise Farm Lower Hartlip Road Hartlip Sittingbourne Kent ME9 7SU		
WARD Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL Hartlip	APPLICANT Mr J Robson AGENT Cyma Architects Ltd

The Area Planning Officer introduced the application and drew attention to the tabled responses to questions from a Member which had been emailed to Members and published on the Council’s website prior to the meeting.

The Area Planning Officer reported he was aware that Members had received numerous objections from a neighbouring property. He stated that it was worth noting that the objector had accepted that the site was not subject to an agricultural tenancy and agreed that the application could now be determined by Members. The Area Planning Officer explained that the objector had stated his intention to lock the gates to prevent visitors gaining entrance or to allow them to turn within the site. He explained that the objector was seemingly trying to create a situation whereby vehicles trying to access the site would need to reverse 180 metres down the track onto Lower Hartlip Road, harming all uses of the highway. He stated that this was not the basis on which to consider an application under the Planning Acts.

The Area Planning Officer reported that he had spoken to the Agent and it was evident that the existing gates would not be locked if people were living at the site. He had checked Land Registry details which confirmed that any subsequent landowners would have an unencumbered access to the entirety of the track, and the land was in single ownership.

John Wright, an objector, spoke against the application.

Mark Hall, the Agent, spoke in support of the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

The Ward Member who had called-in the application removed his objection and concluded that he considered the access issues were a neighbour dispute.

A Ward Member stated that despite what it stated in the report he had not called-in the application. He spoke against the application and raised concern about poor highway visibility. The Member considered that appeal decisions where highway access had been a reason for refusal were relevant to this application.

Members were invited to debate the application and points raised included:

- Unimpressed by the comments from KCC Highways;
- concerned that vehicles would have to reverse out of the site which was dangerous;
- visibility on leaving the site was a concern;
- did not consider that the appeals referred to by the objector related to this application; and
- could not refuse on highway grounds.

The Lawyer (Planning) reminded Members that prior approval had been granted at the site in 2017 under application 17/504563/PNQCLA for the same four points as this application and Members needed to provide clear reasons as to what had materially changed in respect of highways since that application. The Lawyer confirmed that if not determined within the required timescale there was a deemed approval for the application.

Resolved: *That prior approval was required for application 20/505771/PNQCLA in respect of contamination risks and granted subject to conditions (1) and (2) in the report.*

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO – 20/500617/FULL		
APPLICATION PROPOSAL Demolition of existing structures and erection of a detached dwelling and a detached tractor shed/stable building.		
ADDRESS Land At The Corner Of Seasalter Road And Monkshill Road Graveney Kent ME13 9ED		
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Graveney with Goodnestone	APPLICANT Mr & Mrs Carol and Roger Mitchell AGENT Jhd Architects

The Area Planning Officer introduced the application.

Tim Ball, the Agent, spoke in support of the application.

The Chairman moved the officer recommendation to refuse the application and this was seconded by Councillor Ben J Martin.

Members were invited to comment on the application and raised points which included:

- Welcomed the design of the proposed dwelling;
- good design and environmentally very good;
- this would improve the area; and
- it was a shame that Members had not been able to make the decision on the application as would have supported it.

In response to a query from a Member, the Area Planning Officer reported that the eastern end of the site might be prone to flooding but not where the dwelling was proposed.

Resolved: *That application 20/500617/FULL would have been refused if the appeal for non-determination of the application had not been submitted.*

3.2 REFERENCE NO – 20/504048/FULL		
APPLICATION PROPOSAL Erection of a detached dwelling with associated access and parking.		
ADDRESS Land Adjacent To Rose Cottage 10 The Street Bredgar Kent ME9 8EX		
WARD West Downs	PARISH/TOWN COUNCIL Bredgar	APPLICANT Mr & Mrs Allen AGENT Corstorphine + Wright

The Area Planning Officer introduced the application.

Lucy Allen, the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation to refuse the application and this was seconded by Councillor Ben J Martin.

The Ward Member spoke in support of the application. She noted that the Parish Council fully supported the application and considered the applicants had given a compelling reason to go against some of the policies set-out in the report.

Members were invited to debate the application and raised points which included:

- Concerned that some Members were not being consistent in relation to developments outside the built-up area and the Council's policies in that respect;

- liked the design of the building;
- nice design and would fit in well within the village;
- should be making consistent decisions;
- was within an AONB so should refuse;
- bungalow would fit in well to the local area;
- we had approved larger applications which were within the Countryside Gap; and
- the family were dedicated to the village and the application should be supported.

On being put to the vote the motion to refuse the application was lost.

Councillor Monique Bonney moved the following motion: That the application be delegated to officers to approve subject to the imposition of appropriate conditions. This was seconded by Councillor Ben J Martin.

The Area Planning Officer clarified that the motion should include the imposition of conditions requiring a 50% dwelling emission rate and a programme of archaeological work as requested by the County Archaeological Officer. The proposer and seconder of the motion to approve the application agreed that those conditions be included.

In accordance with Procedure Rule 19 (2) three Members requested a recorded vote, and voting was as follows:

For: Councillors Bonney, R Clark, S Clark, Rowles, Hunt, Jackson, Jayes, Marchington, Martin, Stephen, Winckless. Total Equals 11.

Against: Councillors Beart, Darby, Dendor, Hall, Simmons, Valentine. Total Equals 6.

Abstain: Total Equals 0.

Resolved: That application 20/504048/FULL be delegated to officers to approve subject to the imposition of suitable conditions including a condition requiring a 50% dwelling emission rate and a programme of archaeological work as requested by the County Archaeological Officer.

PART 5

Decisions by the County Council and Secretary of State reported for information.

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- **Item 5.1 – 6 Ellens Place Boyces Hill Newington**

APPEAL DISMISSED

DELEGATED REFUSAL

- **Item 5.2 – Rhode House Service Station London Road Sittingbourne**

APPEAL ALLOWED

DELEGATED REFUSAL

- **Item 5.3 – Webbenditch Cottage Cold Harbour Lane Bobbing**

APPEAL DISMISSED

DELEGATED REFUSAL

- **Item 5.4 – Rosalyn Chestnut Street Borden**

APPEAL DISMISSED

DELEGATED REFUSAL

- **Item 5.5 – Land Off Jubilee Fields Upchurch**

APPEAL DISMISSED

DELEGATED REFUSAL

396 PLANNING WORKING GROUP 20/500887/FULL 224-226 MINSTER ROAD, MINSTER-ON-SEA, SHEERNESS, KENT, ME12 3LL

At this point the Chairman, agreed that whilst not on the agenda, the following item could be considered.

20/500887/FULL – 224-226 Minster Road, Minster-on-Sea, Sheerness

The Area Planning Officer reminded Members that at a previous meeting they had resolved: That application 20/500887/FULL be deferred to allow the Planning Working Group to either meet on site or have a video of the site submitted to the next Planning Committee, pending further legal advice.

The Area Planning Officer stated that the first virtual Planning Working Group had been held on Monday 21 December 2020 and following the success of that meeting were Members happy for officers to arrange a virtual meeting to consider application 20/500887/FULL.

Discussion ensued and points raised included:

- Supported the virtual meeting format for the site meeting; and
- Request that the meeting be held in the evening to ensure that any member of the public that wanted to attend would be able to.

The Chairman asked that the virtual meeting be arranged to be held as an evening meeting.

397 EXCLUSION OF THE PRESS AND PUBLIC

Resolved:

(1) That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 5 and 7 of Part 1 of Schedule 12A of the Act:

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.

398 LAND AT SPADE LANE, HARTLIP

The Area Planning Officer summarised the report for Members.

A Ward Member spoke in support of the officer recommendation to enforce an Article 4 Direction.

Resolved: That delegated authority be granted to the Head of Planning Services, in consultation with the Leader of the Council, the Cabinet Member for Planning and the Chairman of the Planning Committee, to determine whether it is expedient to make an immediate or a non-immediate Article 4 Direction, and the precise time period after which such a direction becomes effective, based on the level of risk to the Council in doing so, and to delegate authority to the Head of Planning Services and the Head of Legal Services to prepare and serve the necessary paperwork, (including on the Secretary of State) together with the precise wording therein.

399 ADJOURNMENT OF MEETING

The Meeting was adjourned from 9.02pm to 9.07pm.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All Minutes are draft until agreed at the next meeting of the Committee/Panel