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## PLANNING COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 21 July 2022 from 7.00 pm - 10.35 pm.

**PRESENT:** Councillors Cameron Beart, Richard Darby, Oliver Eakin, Tim Gibson (Chair), James Hall, James Hunt, Carole Jackson, Elliott Jayes (Vice-Chair), Peter Marchington, Ben J Martin, Hannah Perkin (Substitute for Councillor Mike Henderson), Ken Rowles, David Simmons, Paul Stephen, Tim Valentine and Tony Winckless.

**OFFICERS PRESENT:** Billy Attaway, Andy Byrne, Flo Churchill, Corinna Griffiths, Terry Hardwick, Andrew Jeffers, Andrew Lainton and Cheryl Parks.

**OFFICERS PRESENT (Virtually):** Simon Algar, Kellie MacKenzie, Thomas Webster and Jim Wilson.

**ALSO IN ATTENDANCE:** Councillors Ken Ingleton, Peter Macdonald and Pete Neal.

**ALSO IN ATTENDANCE (Virtually):** Councillors Richard Palmer and Alan Horton.

**APOLOGIES:** Councillors Monique Bonney and Mike Henderson.

### 201 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

### 202 **Minutes**

The Minutes of the Meeting held on 23 June 2022 (Minute Nos. 138 – 145) were taken as read, approved and signed by the Chair as a correct record.

### 203 **Declarations of Interest**

Councillor Ben J Martin declared a Disclosable Interest in respect of item 2.2 22/501594/FULL 8 Park Road Faversham as he was a substitute at the Faversham Town Council Planning meeting which decided to bring this application to Planning Committee. He spoke on behalf of Faversham Town Council and then left the meeting during consideration of the item.

### 204 **Planning Working Group**

The Minutes of the Meeting held on 11 July 2022 (Minute Nos. 186 – 187) were taken as read, approved and signed by the Chair as a correct record subject to a change in the apologies for absence. Councillor Ben J Martin had given his apologies for the meeting.

#### **21/506474/FULL Burntwick, The Street, Upchurch, Sittingbourne, Kent, ME9 7EU**

The Area Planning Officer introduced the application and outlined the details of the application site, which was close to the centre of Upchurch, but in the countryside. The site was adjacent to the Upchurch Conservation Area boundary and close to St Mary's Church which was a Grade 1 listed building. Following the comments made at the site visit, the Area Planning Officer provided information on the common daylight assessment which

officers used to determine the impacts a development had on neighbouring properties. He showed the Committee drawings which indicated the impact this proposed development would have on neighbouring properties and how it would comply with guidelines for daylight and sunlight. He added that as the Council was not able to demonstrate a five-year housing supply, the titled balance applied to this application despite the location beyond the built-up confines.

A Ward Member, spoke against the application.

The Chair proposed the officer recommendation to approve the application and this was seconded by the Vice-Chair.

Members considered the application and raised points which included:

- The site visit was very helpful to understand the concerns of overshadowing from neighbouring properties;
- even though the site was in the countryside, it was in a sustainable location near to shops and bus stops;
- upon visiting the site only two properties would be impacted from overshadowing but the impact was minimal;
- it was good to see residents of Upchurch supporting organic growth of the village to keep younger people in small villages; and
- villages needed housing for younger families to move into and this proposed development gave them the opportunity to.

**Resolved:**

***(1) That application 21/506474/FULL be approved subject to payment of the Strategic Access Management and Monitoring (SAMMS) contribution and conditions (1) to (21) in the report and tabled update.***

**205 Deferred Items**

Reports shown in previous Minutes as being deferred from that Meeting.

<b>DEF ITEM 1 REFERENCE NO - 20/505921/OUT</b>		
<b>APPLICATION PROPOSAL</b>		
Outline application for the development of up to 16 dwellings and all necessary supporting infrastructure including internal access roads, footpaths and parking, open space and landscaping, drainage, utilities and service infrastructure works. All detailed matters are reserved for subsequent approval except for access to Highfield Road.		
<b>ADDRESS</b> Land at Highfield Road, Minster-on-Sea, Kent		
<b>WARD</b> Queenborough and Halfway	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> New Homes and Land <b>AGENT</b> JB Planning

The Senior Planning Officer introduced the application and reminded Members that it had previously been considered at the Planning Committee on 10 March 2022 where it had been deferred for an independent assessment of traffic and highways considerations despite Kent County Council (KCC) Highways and Transportation comments advising that they had no concerns with the development.

Simon Braysher, an objector, spoke against the application.

Michelle Bolger, the Agent, spoke in support of the application.

The Chair moved the officer recommendation to approve the application, and this was seconded by the Vice-Chair.

Members considered the application and raised points which included:

- It was important that 'green lanes' for wildlife were maintained;
- concerned that this development would lead to further development into the Important Local Countryside Gap;
- noted the independent highways advice;
- understood that the Council needed to supply sufficient housing to meet the 5-year supply, but this site was not sustainable due to the road network around the site;
- the road and proposed access was unsuitable;
- Minster needed more greenspaces, rather than housing;
- the development would bring an increase in the amount of traffic on the narrow road;
- due to some recent planned roadworks being refused by the Swale Joint Transportation Board, this road would be used as a 'rat run' and become very dangerous;
- the Council could not demonstrate a 5-year housing supply, and the titled balance was engaged, resulting in less weight on restrictive policies including on the Important Local Countryside Gap;
- dwellings should be located behind the slope, with soft landscaping (ideally native species) and a community orchard; and
- this was a well-designed scheme with limited harm.

The Legal officer reminded Members that where the Council could not demonstrate a five-year supply of housing and/or had failed the Housing Delivery Test the 'titled balance' set-out in paragraph 11(d) of the National Planning Policy Framework (NPPF) applied. If the committee were minded to go against the officer recommendation to approve they would need to explain how, in their judgement, the harm significantly and demonstrably outweighed the benefits of the proposed development.

**In accordance with Council Procedure Rule 3.1.18(2), a recorded vote was taken and voting was as follows:**

**For: Gibson, Hall, Hunt, Jackson, Martin, Perkin, Rowles, Simmons, Valentine, Winckless. Total = 10.**

**Against: Beart, Darby, Eakin, Jayes, Marchington and P Stephen. Total = 6.**

**Abstain: Total = 0.**

**Resolved: That application 20/505921/OUT be approved subject to the signing of a suitably worded Section 106 agreement and conditions (1) to (36) in the report, and with delegated authority to amend the wording of the Section 106 agreement and of conditions as might reasonably be required.**

<b>DEF ITEM 2 REFERENCE NO - 19/503511/FULL</b>		
<b>APPLICATION PROPOSAL</b> Retrospective application for a new front wall with driveway access from main highway (Plough Road).		
<b>ADDRESS</b> Cripps Farm Plough Road Minster-on-sea Sheerness Kent ME12 4JH		
<b>WARD</b> Sheppey East	<b>PARISH/TOWN COUNCIL</b> Minster-on-sea	<b>APPLICANT</b> D.Buckley Limited <b>AGENT</b> Deva Design

The Area Planning Officer introduced the application and reminded Members that it had previously been considered at the Planning Committee on 28 May 2020 and had been recommended for refusal. Members had resolved to defer the application to enable clarification of matters related to land ownership to the front of the wall and whether sufficient space was available to provide landscaping to the front and side of the wall to soften its appearance. The Area Planning Officer referred to the tabled update which provided comments from the Council’s Tree Officer who confirmed that the area would not be able to grow meaningful landscaping to soften the wall’s appearance. The Area Planning Officer presented some current pictures of the site.

The Chair moved the officer recommendation to refuse the application and this was seconded by the Vice-Chair.

A Member considered the current level of landscaping was now sufficient enough to hide the wall when travelling down the road and that it was acceptable to keep the wall.

**Resolved: That application 19/503511/FULL be refused for the reason set out in the report.**

<b>DEF ITEM 3 REFERENCE NO - 21/503749/REM</b>		
<b>APPLICATION PROPOSAL</b> Approval of Reserved Matters for Appearance, Landscaping, Layout and Scale pursuant of 19/503810/OUT (allowed on appeal) for – Outline application for the erection of 17 dwellings with new access road, associated parking and landscaping. (Access being sought, all other matters reserved for future consideration).		
<b>ADDRESS</b> Land On The South East Side of Bartletts Close Halway Kent ME12 3EG		
<b>WARD</b> Queenborough and Halfway	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr R Theobald <b>AGENT</b> Synergy

The Senior Planning Officer introduced the application and reminded Members that it had been previously considered by the Planning Committee on 12 May 2022 where Members resolved to hold a site visit. The Senior Planning Officer confirmed that since the site visit the applicant had made changes to the proposals for plots one and two, to provide one single storey four-bedroom bungalow as opposed to the previous scheme which showed two 2-storey houses. As a result, only 16 dwellings would be provided rather than 17. The officer reminded Members that the site fell within the Important Local Countryside Gap and the Council did not currently have a five-year housing supply.

Philip Healy, an objector, was unable to join the remote meeting. His statement (against the development) was read out by the Democratic Services Officer.

Mr Bashir, the Agent, spoke in support of the application.

The Chair moved the officer recommendation to approve the application, and this was seconded by the Vice-Chair.

Members considered the application and raised points which included:

- Barletts Close, Halfway was a busy road and was single lane only;
- road and drainage were key issues;
- concerned with the scale of the development, and the area was made up of bungalows and this development included two storey houses;
- impressed with the changes the applicant had made since the site visit;
- there were no affordable units proposed on the site; and
- could an extra condition be placed for biodiversity to reduce the impacts of the development?.

The Senior Planning Officer drew Members' attention to the outline consent which included nature and landscape designs. She added that KCC were happy with the biodiversity conditions in the outline consent.

**In accordance with Council Procedure Rule 3.1.18(2), a recorded vote was taken and voting was as follows:**

**For: Eakin, Gibson, Hall, Hunt, Jackson, Martin, Perkin, Rowles, Simmons and P Stephen. Total = 10.**

**Against: Beart, Darby, Jayes, Marchington. Total = 4.**

**Abstain: Valentine, Winckless. Total = 2.**

***Resolved: That application 21/503749/REM be approved subject to conditions (1) to (9) in the report.***

206 **Schedule of decisions**

**Part 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO – 21/503124/OUT</b>		
<b>APPLICATION PROPOSAL</b> Proposed Development of Up to 44 Dwellings (Outline Planning Application all matters reserved apart from means of access off Drake Avenue)		
<b>ADDRESS</b> Land to The North of Elm Lane Minster-on-sea Sheerness Kent ME12 3RZ		
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN COUNCIL</b> Minster-on-Sea	<b>APPLICANT</b> Provectus Holdings Limited <b>AGENT</b> Consilium Town Planning Services Limited

The Planning Consultant introduced the report which was for a proposed development of up to 44 dwellings on the north of Elm Lane, Minster-on-Sea. The Planning Consultant advised that the site was situated on the edge of the Minster urban area and under the Local Plan Policy ST3, Minster had been designated as an urban area and was one of the areas to provide the potential focus on housing growth within the Borough.

Parish Councillor John Standford, representing Minster Parish Council, spoke against the application.

Ken Mackness, a supporter, spoke in support of the application.

Peter Rickard, an objector, spoke against the application.

Andrew Street the Agent, spoke in support of the application.

Visiting Ward Members spoke against the application.

The Chair moved the officer recommendation to approve the application and this was seconded by the Vice-Chair.

Members considered the application and points raised included:

- Kent had the worst patient-to-doctor ratio in the country and the Isle of Sheppey had recently had another General Practice shut down, so how were the additional residents going to see a doctor?;
- there were only four buses throughout the day in this area which meant residents of the development would be reliant on a car;
- the report did not provide any comments from the Greenspaces Officer;
- there was no mention of Historical England’s comments given the impact of the historical railway; and
- there were not enough measures to improve air quality.

Councillor Elliott Jayes moved a motion for a site meeting. This was seconded by Councillor Richard Darby. On being put to the vote the motion was agreed.

**In accordance with Council Procedure Rule 3.1.18(2), a recorded vote was taken and voting was as follows:**

**For: Beart, Darby, Eakin, Gibson, Hall, Jackson, Jayes, Marchington, Perkin, Rowles, P Stephen and Winckless. Total = 12.**

**Against: Hunt, Martin, Simmons, Valentine. Total = 4.**

**Abstain: Total = 0.**

**Resolved: That application 21/503124/OUT be deferred to allow the Planning Working Group to meet on site.**

<b>2.2 REFERENCE NO – 22/501594/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of a single storey rear extension (retrospective).		
<b>ADDRESS</b> 8 Park Road Faversham Kent ME13 8ES		
<b>WARD</b> Abbey	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Mr Alexander Rozema <b>AGENT</b> Invicta Planning

The Area Planning Officer introduced the application which sought retrospective planning permission for the erection of a single storey rear extension. The proposed extension was 2.2m wide, 2.8m high and 3.05m deep. The Area Planning Officer explained that the extension had been constructed with unrendered breeze blocks and encroached onto the neighbouring property. He advised that the rear of the application could be seen from the conservation area, but the Design and Conservation Manager advised that the street scene was not affected by this single storey rear extension.

Town Councillor Ben J Martin, representing Faversham Town Council, spoke against the application and left the meeting whilst the item was being considered.

Kate Holland, the Agent, spoke in support of the application.

The Chair moved the officer recommendation to approve the application and this was seconded by the Vice-Chair.

Members considered the application and points made included:

- The extension had been built 3 years ago when the applicant applied for permission and it had been refused, but the applicant decided to go ahead and build the extension anyway;
- what were the reasons for refusal 3 years ago when the committee last debated this application?; and
- could not see any real harm to the conservation area and considered the Committee should work with planning officers to improve the design of the extension.

On being put to the vote, the motion to approve the application was lost.

There was some discussion on the possible reasons for refusal which included: loss of amenity for residents at no.9 Park Road, including loss of light due to the canyoning affect

of the development; inappropriate materials in the conservation area and the poor quality of the design of the development.

In response, the Design and Conservation Manager explained that the harm to the conservation area for this development was low as the use of inappropriate materials could be mitigated by requiring the wall to be rendered by the use of a planning condition to improve the look of the extension.

Councillor David Simmons moved the following motion: That the application be refused on the grounds that the retrospective development had led to a loss of residential amenity for the neighbours at no. 9 Park Road, including loss of light due to the canyoning affect of the development, and the poor quality of the design of the development. This was seconded by Councillor Tony Winckless.

**Resolved: That application 22/501594/FULL be refused on the grounds that the retrospective development had led to a loss of residential amenity for the neighbours at no. 9 Park Road, including loss of light due to the canyoning affect of the development, and the poor quality of the design of the development.**

<b>2.3 REFERENCE NO – 21/506797/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use of land to residential garden and one bay of the tractor shed for use as a domestic garage (part retrospective).		
<b>ADDRESS</b> Hartlip Barn Sweepstakes Farm Lower Hartlip Road Hartlip Kent ME9 7SU		
<b>WARD</b> Hartlip, Newington and Upchurch	<b>PARISH/TOWN COUNCIL</b> Hartlip	<b>APPLICANT</b> Mr Ray Shepherd <b>AGENT</b> Jane Elizabeth Architects

The Area Planning Officer outlined the application which sought partial retrospective planning permission for the change of use of part of the approved tractor shed to a domestic garage and the change of agricultural land to a residential garden. He added that, the site was located within the Hartlip Conservation Area and in the open countryside and the residential garden would extend to the northwest of the site and it had an approximate area of 13m by 33m.

The Chair moved the officer recommendation to approve the application, and this was seconded by the Vice-Chair.

**Resolved: That application 21/506797/FULL be approved subject to conditions (1) to (6) in the report.**

<b>2.4 REFERENCE NO – 21/502972/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use of land and erection of 35no. general commercial units (use classes E9g), B2 and B8 with allocated parking and associated landscaping.		
<b>ADDRESS</b> Land South East of A299 Slip Road Off Thanet Way Highstreet Road Hernhill Kent ME13 9EN		



<b>WARD</b> Boughton and Courtenay	<b>PARISH/TOWN COUNCIL</b> Hernhill	<b>APPLICANT</b> Barton Bridging Capital <b>AGENT</b> Turner Jackson Day Associates
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The Senior Planner introduced the application which sought approval for 35 new-build small industrial units with associated parking and landscaping. He reminded Members that planning permission had already been granted for 34 small industrial units on this site at Planning Committee on 20 May 2019, and this application proposed one extra unit with the same size and design as those already approved.

The Chair moved the officer recommendation to approve the application, and this was seconded by the Vice-Chair.

Members considered the application and points made included:

- The view of the industrial buildings was not nice and seemed very large when driving past;
- would have liked to see a larger gap between the site and the road; and
- wanted to see more landscaping on the site to soften it.

The Senior Planner referred to paragraph 2.08 of the report which set-out the landscaping scheme to increase wildlife and soften the view of the site.

**Resolved: That application 21/504972/FULL be approved subject to conditions (1) to (22) in the report.**

### Part 3

Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 22/502148/FULL</b>		
<b>APPLICATION PROPOSAL</b> Proposed new stone wall and electric gates to entrance. New field access gates.		
<b>ADDRESS</b> Callum Park Basser Hill Lower Halstow Sittingbourne Kent ME9 7TY		
<b>WARD</b> Bobbing, Iwade and Lower Halstow	<b>PARISH/TOWN COUNCIL</b> Lower Halstow	<b>APPLICANT</b> Master Knowles Developments <b>AGENT</b> Kent Design Studio Ltd

This item was withdrawn from the agenda in advance of the meeting.

<b>3.2 REFERENCE NO - 20/504408/OUT</b>
<b>APPLICATION PROPOSAL</b> Outline application for residential development of up to 100no. dwellings (Access being sought with all other matters reserved)

<b>ADDRESS</b> Land West of Elm Lane, Minster-on-sea, Kent		
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN COUNCIL</b> Minster-on-Sea	<b>APPLICANT</b> Land Allocation Ltd <b>AGENT</b> AAH Planning

The Senior Planner introduced the report for an outline scheme for 100 houses (with 35% affordable housing) with all matters reserved aside from access. He advised that the application had now been appealed on the grounds of non-determination by the Council and so the determination would now be by the appointed Planning Inspector for the appeal, rather than the Council. The views of the Committee as to what it would have agreed were it to determine the application were being sought. The Senior Planner referred to the tabled update which re-worded the proposed putative reasons for refusal on the effect the development had on the landscape of the area, and removed the refusal reason related to air quality implications. He explained that the site was outside the urban boundary of Minster-on-Sea and would result in permanent adverse effects to visual amenity for users of the local roads and footpaths.

Parish Councillor Dolley White, representing Minster Parish Council, spoke against the application.

Lee Jarman an objector, spoke against the application

Visiting Ward Members spoke against the application.

The Chair moved the officer recommendation to refuse the application, and this was seconded by the Vice-Chair.

A Member commented on the application and said he was surprised KCC Highways & Transport had no concerns with the rural location of the site and the access onto the site.

**In accordance with Council Procedure Rule 3.1.18(2), a recorded vote was taken and voting was as follows:**

**For: Beart, Darby, Eakin, Gibson, Hall, Hunt, Jackson, Jayes, Marchington, Martin, Perkin, Rowles, Simmons, P Stephen, Valentine and Winckless. Total = 16.**

**Against: Total = 0.**

**Abstain: Total = 0.**

**Resolved:**

***(1) That application 20/504408/OUT would have been refused for the reasons set-out in the report as amended by the tabled update.***

## **PART 5**

Decisions by County Council and Secretary of State, reporting for information.

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- **Item 5.1 – 31 Forbes Road Faversham**

**DELEGATED REFUSAL**

**APPEAL DISMISSED**

- **Item 5.2 Brookside Park First Avenue Eastchurch**

**DELEGATED REFUSAL**

**APPEAL DISMISSED AND COSTS REFUSED**

207 **Adjournment of Meeting**

The meeting was adjourned from 7.05 pm until 7.15 pm and 9.03 pm until 9.11 pm.

208 **Suspension of Standing Orders**

At 10 pm and 10.30 pm Members agreed to the suspension of Standing Orders in order that the Committee could complete its business.

Chair

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