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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, 13 April 2023 from 7.00 pm - 9.10 pm.

**PRESENT:** Councillors Richard Darby, Steve Davey, Mike Dendor, Oliver Eakin, Tim Gibson, James Hunt, Elliott Jayes, Peter Marchington, Ben J Martin, Lee McCall (Substitute for Councillor Monique Bonney), Richard Palmer (Substitute for Councillor James Hall), Ken Rowles, David Simmons, Paul Stephen, Eddie Thomas (Substitute for Councillor Mike Henderson), Tim Valentine and Tony Winckless.

**OFFICERS PRESENT:** Billy Attaway, Flo Churchill, Rebecca Corrigan, Simon Dunn-Lwin, Paul Gregory and Cheryl Parks.

**OFFICERS PRESENT (VIRTUALLY):** Simon Algar and Philippa Davies.

**ALSO IN ATTENDANCE:** Councillors Alan Horton.

**APOLOGIES:** Councillors Monique Bonney, James Hall and Mike Henderson.

### 817 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

### 818 **Minutes**

The Minutes of the Meeting held on 9 March 2023 (Minute Nos. 785 – 789) were taken as read, approved and signed by the Chair as a correct record subject to a change to Minute No. 789, on item 2.2 Land North of Lower Road, Eastchurch, from 'A Ward Member spoke against the application.' to 'A Ward Member spoke on the application'.

### 819 **Declarations of Interest**

Councillor Eddie Thomas declared a Disclosable Non-Pecuniary Interest in respect of Item 2.3 21/506465/HYBRID Land at Lady Dane Farm, Love Lane, Faversham and left the meeting during consideration of this item.

Councillor Richard Palmer declared a Disclosable Pecuniary Interest in respect of Deferred Item 1 20/505046/FULL High Hopes, Poot Lane, Upchurch. Once he had spoken on the item as Ward Member, Councillor Palmer left the meeting during consideration of this item.

### 820 **Planning Working Group Minutes**

#### **2.2 21/505041/OUT Land North of Lower Road, Eastchurch**

The Minutes of the Meeting held on 4 April 2023 (Minute Nos. 802 - 803) were taken as read, approved and signed by the Chair as a correct record.

The Chair advised that this application would be considered at the next meeting.

### 821 **Deferred Items**

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

The Senior Planning Officer introduced the report as set out in the report.

Parish Councillor Gary Rosewell, representing Upchurch Parish Council, spoke in support of the application.

<b>DEF ITEM 1 REFERENCE NO 20/505046/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 2no. holiday homes		
<b>ADDRESS</b> High Hopes Poot Lane Upchurch Sittingbourne Kent ME9 7HL		
<b>WARD</b> Hartlip, Newington and Upchurch	<b>PARISH/TOWN COUNCIL</b> Upchurch	<b>APPLICANT</b> Mr Curtis <b>AGENT</b> Woodstock Associates

Stephen Curtis, the applicant, spoke in support of the application.

A Ward Member, also a member of the Planning Committee, spoke in support of the application.

A visiting Ward Member spoke in support of the application.

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

The Chair invited Members to make comments, and points raised included:

- The committee had made exceptions to the rules before, and this application could be one of those exceptions;
- noted that both Ward Members and the Parish Council were in support of the application;
- there were no objections from public;
- acknowledged the work the applicant had put into the application but thought there was too many issues that were unresolved;
- the proposal did not prove a ‘real clear need’ in the rural countryside area;
- sought clarification as to whether an application to run a business on the site had been made as it was not clear in the report;
- the business plan was based on two-bedroom accommodation, but the applicant had told the committee there would only be one-bedroom;
- considered the business would encourage economy in a rural area and welcomed the proposal; and
- the flood risk test was something that could be overturned at appeal and was something that officers needed to look further into.

The Senior Planning Officer advised Members that there were no planning records of a scuba diving business at the adjoining site and that officers had concerns with the intensified used of the business at this rural location. She added that the original application proposed two-bedroom units, but the application had been revised to two one-bedroom units to meet the requirements of the Environment Agency.

The Senior Lawyer (Planning) read out an extract from the National Planning Policy Framework (NPPF), which clarified the process in respect of the Sequential and Exception Tests in areas of flood risk so that Members could understand why the need to consider alternative site was important.

**Resolved: That application 20/505046/FULL be refused for the reasons outlined in the report.**

822 **Schedule of Decisions**

**Part 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO 22/502692/FULL</b>		
<b>APPLICATION 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>ADDRESS</b> Land North of Perry Leigh Grove Road Selling Kent ME13 9RN		
<b>WARD</b> Boughton and Courtenay	<b>PARISH/TOWN COUNCIL</b> Selling	<b>APPLICANT</b> Mr Brian Macey <b>AGENT</b> VLH Associates

This Item was withdrawn from the agenda.

<b>2.2 REFERENCE NO 22/505535/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Replacement of garden shed with a single storey garden room, including link to dwelling.		
<b>ADDRESS</b> Owens Court Cottage, Owens Court Lane Selling Kent ME13 9QN		
<b>WARD</b> Boughton and Courtenay	<b>PARISH/TOWN COUNCIL</b> Selling	<b>APPLICANT</b> Mr and Mrs M Homan <b>AGENT</b> Ian Barber & Associates LTD

The Area Team Leader introduced the application as set out in the report.

Parish Councillor Andrew Bowles, representing Selling Parish Council, spoke against the application.

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

The Chair invited Members to make comments, and points raised included:

- The site was located in an Area of Outstanding Natural Beauty (AONB) with a number of listed buildings in close proximity to the site;
- thought that the design of the proposal should be more traditional, similar to the buildings nearby;
- congratulated officers on their work to mitigate the impact of the proposal;
- the proposed link between the two buildings was 23 metres away from the adjacent property, so the impact of the lighting would be minimal;
- what was the proposed difference in height between the original roof and the proposed roof?;
- thought that the proposed sloped roof was a good design;
- glad to see that the proposed roofing would be a 'green roof' to minimise the impact; and
- thought that the design was poor and that a pitched roof would have blended in better with the surrounding buildings.

The Area Team Leader responded to say that the height of the pitch of the existing roof would be in line with the same part of the proposed monopitch roof and confirmed with Members that the link was 23 metres away from the nearest bedroom of the adjacent property, which officers felt was far enough away to not cause any lighting issues.

The Conservation & Design Manager commented on the designs issues and said that he felt that the applicant had done enough to mitigate the impact of the proposed linked extension on the setting of the adjacent listed building. He commented that the application property displayed some contemporary design features and that the applicant was proposing to use similar materials to those already seen on the setting of the site, but he advised it would be a neutral one given that the proposed extension would sit comfortably in its context with Owens Court Cottage.

**Resolved: That application 22/505535/FULL be approved subject to conditions (1) to (6) in the report.**

<b>2.3 REFERENCE NO 21/506465/HYBRID</b>		
<b>APPLICATION PROPOSAL</b>		
Hybrid Planning Application consisting of a: Full planning application for 84 residential dwellings, 3 no commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline planning application (with all matters reserved) for 70 residential swellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.		
<b>ADDRESS</b> Land at Lady Dane Farm Love Land Faversham		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Fernham Homes <b>AGENT</b> DHA Planning

The Planning Consultant introduced the application as set out in the report. He drew attention to the tabled update which included; the applicant’s response to the Faversham Society’s latest comments, a minor correction to the Affordable Housing mix in the report. He gave a verbal update on additional Section 106 contributions, including a monitoring fee.

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

The Chair invited Members to make comments, and points raised included:

- The previous applications on this site promised sports pitches and new traffic lights to control traffic, but these had not been completed;
- the applicant constantly refused to carry out promises;
- Faversham Town Council made good points and raised good concerns;
- the Council was short of the five-year housing supply so developments like this one needed to be approved;
- there was nothing that could be done with the application as it had already gone to appeal and it was up to the Planning Inspector to make a decision;
- the site was allocated housing in the Local Plan, so Members could not refuse it;
- who was the care home provider? and;
- what happened if the care home provider decided against a care home.

In response the Planning Consultant said the developer, Fernham Homes, were dealing with the care home provider directly and that the application was for outline permission only. He said that it was expected that with the detail the Council required for outline permission, officers would see a care home proposal come forward from the developer.

The Planning Consultant advised that an identical application was also before the Council (23/500857/HYBRID) and was currently not the subject of any appeal. He explained that there might be scope to delay the appeal and avoid unnecessary costs if the second application could be determined, now that the Committee had given a view on this application. Therefore, he sought delegated authority from the Committee to determine this newer application with the addition of conditions and a Section 106 agreement in terms that accorded with the appeal application.

***Resolved: That application 21/506465/HYBRID would have been approved subject to conditions (1) to (45) in the report.***

**PART 3**

Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO 22/504165/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Conversion of agricultural building into a single dwellinghouse, including insertion of rear dormer, alterations to fenestration, and raising and altering the roof height to allow for a second storey (change of use previously approved under 20/504753/PNQCLA).		
<b>ADDRESS</b> Forge Farm Hernhill Kent ME13 9FW		
<b>WARD</b> Boughton and Courtenay	<b>PARISH/TOWN COUNCIL</b> Hernhill	<b>APPLICANT</b> Dr Sam Gilbert <b>AGENT</b> Studio Ben Allen

The Area Team Leader introduced the application as set out in the report. He said the

tabled update which was circulated to Members was no longer valid as the Council had received the Strategic Access Management and Monitoring Scheme (SAMMS) payment from the applicant.

Professor Sam Gilbert, the Applicant, spoke in support of the application.

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

The Chair invited Members to make comments and points raised included:

- The design could have been better, but thought it was the preferred option to the fallback design;
- it was hard to see encroachment into the countryside as it was near a recently approved new development site;
- what was the fallback position for the applicant?;
- if the application was to be refused would the applicant be able to automatically proceed with their fallback option?;
- the development was using an already small building on large piece of land so could not see it having any impact on the local area;
- the dwelling only had one bedroom and would have minimal impact on the land; and
- the design was unusual but if Members were minded to approve then conditions could be imposed to improve the design.

The Area Team Leader responded to Members points and explained that the fallback position of the applicant related to the Prior Approval under Class Q which was referenced in the report. He added that the Prior Approval allowed the applicant to convert buildings, but not to increase its size and that the sustainability of the development in location terms was not something that was taken into consideration when dealing with Class Q applications.

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

Councillor Ben J Martin moved the following motion: that the application be delegated to officers to approve subject to the imposition of suitable conditions. This was seconded by Councillor David Simmons. Officers suggested conditions might be included in respect of materials palettes to be provided and the removal of any future residential permitted development rights. On being put to the vote the motion was agreed.

Members asked officers to include a condition requiring the design of the house to be up to the Passivehaus requirements. The Area Team Leader responded to say that this was something that could be included in the conditions.

Given the simple character and modest scale of the existing agricultural building, the Interim Head of Planning Services advised that it would be appropriate to consider removing permitted development rights through the use of an appropriately worded planning condition. The Conservation & Design Manager reiterated that this would be appropriate in his view and that there was a parallel application for conversion of the agricultural building which did not involve any material alteration to the roof, except for replacement of the existing concrete roof tiles with clay tiles.

***Resolved: That application 22/502692/FULL be delegated to officers to approve***

***subject to the imposition of suitable conditions.***

## **PART 5**

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

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- **Item 5.1 – Land at Central Car Park, Leslie Smith Drive, Faversham**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

Members were pleased and said that the site was not suitable for a telephone mast.

- **Item 5.2 – 8 Park Road, Faversham**

**APPEAL ALLOWED**

**AGAINST OFFICER RECOMMENDATION**

- **Item 5.3 – Horseshoe Farm, Elverland Lane, Ospringe**

**APPEAL DISMISSED**

**ENFORCEMENT APPEAL**

A Member thanked officers for their work on the appeal and said it was a good decision.

- **Item 5.4 – Land off Otterham Quay Lane, Upchurch**

**APPEAL ALLOWED**

**DELEGATED REFUSAL**

- **Item 5.5 – My Retreat, Norman Road, Eastchurch**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

## **823 Record of Thanks**

The Chair thanked those members of the Committee who were not standing in the forthcoming election for their service over the last four years. The Chair also thanked officers for their guidance over the years.

As it was Flo Churchill's last meeting as Interim Head of Planning Services, Members thanked Flo for all her hard work and wished her all the best.

Chair

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