
Planning Committee

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 25 May 2023 from 7.00 pm - 9.50 pm.

PRESENT: Councillors Mike Baldock (Chair), Andy Booth, Kieran Golding, James Hall, Angela Harrison (Substitute for Councillor Simon Clark), Mike Henderson, James Hunt, Peter Marchington, Claire Martin, Charlie Miller, Chris Palmer (Substitute for Councillor Elliott Jayes), Richard Palmer (Substitute for Councillor Paul Stephen), Julien Speed, Terry Thompson, Angie Valls, Karen Watson and Tony Winckless.

OFFICERS PRESENT: Simon Algar, Andy Byrne, Philippa Davies, Joanne Johnson, Cheryl Parks, Carly Stoddart and Ceri Williams.

OFFICERS PRESENT (VIRTUALLY): William Allwood, Paul Casey, Colin Finch and Kellie MacKenzie.

ALSO IN ATTENDANCE (VIRTUALLY): Councillors Monique Bonney, Hayden Brawn, Ann Cavanagh, Tim Gibson, Ken Ingleton, Tara Noe, Tom Nundy, Mark Tucker and Dolley White.

APOLOGIES: Councillors Simon Clark, Elliott Jayes and Paul Stephen.

45 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

46 **Declarations of Interest**

Councillor Tony Winckless declared a Disclosable Non-Pecuniary Interest in respect of the Part 6 item (this was considered at the reconvened meeting on 1 June 2023).

Councillor Richard Palmer declared a Disclosable Non-Pecuniary Interest in respect of Item 3.1 21/504388/FULL Woodland Farm, High Oak Hill, Iwade Road, Newington (this item was considered at the re-convened meeting on 1 June 2023) as he had voiced his opinion on the application already but said that he still had an open mind. He explained that he would speak as Ward Member and then leave the meeting whilst the item was considered.

Councillor Andy Booth advised that he had attended the 4 April 2023 site meeting as a member of the public, for the Deferred Item, and although not an interest to declare, he wished to be transparent.

The Chair declared an interest during consideration of item 2.1 22/505735/REM, Land at Manor Farm, Chestnut Street, Borden, as he was a member of Borden Parish Council, but had not taken part in discussions on this application.

47 **Minutes**

The Minutes of the Meeting held on 13 April 2023 (Minute Nos. 817 – 823) were taken as read, approved and signed by the Chair as a correct record, subject to an amendment to Minute No. 822, item 2.3, to read:

The committee also resolved unanimously that the twin application 23/500857/HYBRID be delegated to officers for approval on similar terms to item 2.3.

48 **Deferred Item**

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO - 21/505041/OUT		
APPLICATION PROPOSAL		
Outline application for the development of up to 63 dwellings and all necessary supporting infrastructure including internal access roads, footpaths and parking, open space and landscaping, drainage, utilities, and service infrastructure works. (Access to Lower Road being sought, all other matters for future consideration)		
ADDRESS Land North of Lower Road Eastchurch Kent		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT New Homes and Land AGENT Carter Jonas

The Planning Consultant introduced the application as set out in the report. She drew attention to the tabled update which included an amendment to condition (16). The Planning Consultant gave a comprehensive overview of the application, bearing in mind that there were newly elected Members on the Committee. She summarised and referred to the tilted balance and stated that as the Council did not have a 5-year housing supply, officers recommended the application be granted, unless there were material planning considerations not to, and she said officers considered the benefits of the scheme outweighed any harm.

A visiting Ward Member spoke against the application.

Two visiting Members spoke against the application.

The Chair moved the officer recommendation to approve the application, to include the amendment to condition (16) and the Section 106 Agreement as set out on the tabled paper, and this was seconded by Councillor James Hunt.

In response to a question, the Senior Lawyer explained the process of how Section 106 monies were determined, based on details of where growth was likely to occur and where additional health and education etc. facilities were required. This process would have taken place with this application and the monies for education had been directed to secondary schools in Sittingbourne, the nearest secondary schools to the application site, rather than the Isle of Sheppey. She added that the Academy on the Isle of Sheppey was not under the jurisdiction of Kent County Council (KCC) and was funded elsewhere, and as such the funds from the Section 106 Agreement would not be directed there.

The Chair invited Members to make comments, and these included the following points:

- Welcomed the inclusion of 15% affordable housing on the development;

- concerned with the effect of the development on groundwater;
- the development would add to congestion on Lower Road;
- the roads were not suitable for further development;
- the site was unsustainable, with a lack of health and education provision, and this outweighed the tilted balance;
- the infrastructure was not sufficient now, prior to any more development;
- acknowledged that local knowledge of the area was up against the views of the statutory consultees although there were mitigation measures through the Section 106 Agreement;
- this would be difficult to defend on appeal if the statutory consultees had no objection to the application;
- the development would increase delays on the Lower Road;
- the application could not be refused unless there were very clear planning reasons to do so;
- acknowledged the lack of infrastructure in Eastchurch and the eastern end of the Isle of Sheppey;
- the application site was outside the defined Eastchurch boundary;
- the development contravened some of the Council's planning policies;
- there would be a detrimental impact on wildlife, especially birds who used the corridor for hunting;
- the development would increase the traffic flow each day with a significant impact on the road network;
- this land was an important separation between established communities;
- the view of the church would be obscured by the development;
- this was demonstrable harm on the visual character and beauty of the countryside; and
- this was not a sustainable development.

The Conservation & Design Manager commented on concerns raised on the impact of the development on the setting of the church. He advised that from a distance, some of the housing could be seen, but he considered the level of harm to be very low, with the application site being in a lower position than the church.

In accordance with Council Procedure Rule 3.1.19(2), a recorded vote was taken, and voting was as follows:

For: Harrison; Golding; Henderson; Hunt. Total = 4.

Against: Baldock; Booth; C Palmer; Marchington; C Martin; Miller Speed; R Palmer; Thompson; Valls; Watson; Winckless. Total = 12.

Abstain: Hall. Total = 1.

The motion to approve the application was lost.

The Senior Lawyer reminded Members of paragraph 11d of the National Planning Policy Framework (NPPF) and the tilted balance to be considered if there was not a 5-year housing supply.

There was some discussion on the possible reasons for refusing the application. The following points were made:

- This was contrary to paragraph 8b of the NPPF;
- it would lead to urbanisation of the countryside;
- there would be encroachment onto the countryside gap;
- demonstrable harm to the countryside;
- contrary to paragraphs 170; 189; 130 and DM19 of the NPPF;
- this would result in a coalescence of Eastchurch and Kingsborough;
- the Council should engage a planning consultant for an independent traffic survey; and
- acknowledged that it was important to consider if the harm significantly outweighed the benefits, but the development needed to be sustainable.

Councillor Richard Palmer moved the following motion: That the application be refused on the grounds that it was contrary to paragraphs 8b, 130, 170 and 189 of the NPPF and it would lead to the urbanisation of the countryside. This was seconded by Councillor Andy Booth.

In response, the Planning Consultant advised that there was not a countryside 'gap', in this instance and that it should be referred to as solely 'countryside', and that the relevant policies were 174; 189 and 130, not 170. The Development Manager urged caution on the inclusion of highway issues, as KCC Highways & Transportation had not objected to the application.

Councillor Richard Palmer withdrew his motion.

Councillor Richard Palmer moved the following motion: That the application be deferred to allow an independent traffic survey to be carried out. This was seconded by Councillor Andy Booth. On being put to the vote, the motion was lost.

Councillor Richard Palmer moved the following motion: That the application be refused on the grounds that it was contrary to paragraphs 8b, 130, 174, 189, DM24, DM31 and ST4 of the NPPF and it would lead to the urbanisation of the countryside, the coalescence of Eastchurch and Kingsborough, and there was a lack of infrastructure. This was seconded by Councillor Andy Booth.

There was some discussion on the term 'infrastructure' and the Development Manager advised that this term should not be included, as the statutory consultees had not objected to the impact of the development on infrastructure. Members agreed that the term not be related to highways, but remained to include general infrastructure in that Eastchurch could not sustain further development. Officers also recommended that policy DM31 not be included.

In accordance with Council Procedure Rule 3.1.19(2), a recorded vote was taken, and voting was as follows:

For: Baldock; Booth; C Palmer; Marchington; C Martin; Miller Speed; R Palmer; Thompson; Valls; Watson; Winckless. Total = 12.

Against: Harrison; Golding; Henderson; Hunt. Total = 4.

Abstain: Hall. Total = 1.

Resolved: That application 21/505041/OUT be refused on the grounds that it was contrary to paragraphs 8b, 130, 174, 189, DM24 and ST4 of the NPPF and it would lead to the urbanisation of the countryside, the coalescence of Eastchurch and Kingsborough, and there was a lack of ‘general infrastructure’, not ‘highway infrastructure’.

49 **Schedule of Decisions**

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 22/505735/REM		
APPLICATION PROPOSAL		
Approval of Reserved Matters of appearance, landscaping, layout and scale for erection of 50 dwellinghouses pursuant to application 17/500727/OUT - Outline application for residential development for up to 50 dwellings with access off Chestnut Street (All others matters reserved), as amended by drawings received 31/05/2017.		
ADDRESS Land at Manor Farm, Chestnut Street, Borden, Kent, ME10 1YU		
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Abbey Development Ltd AGENT CMYK

The Planning Consultant introduced the application as set out in the report.

The registered speaker withdrew from speaking.

The Chair moved the officer recommendation to approve the application, and this was seconded by Councillor Mike Henderson.

The Chair invited Members to make comments, and these included the following points:

- Concerned that badger activity had been recorded adjacent to the application site, but that the developer had not allowed a survey to be carried out on the actual application site;
- it was important to ensure that the landscaping scheme included native species, with berry-bearing plants;
- concerned with the traffic speed in the vicinity and the need for visibility splays, and the green verges should be kept low for sightlines;
- right turns from the development would be dangerous;
- the housing would dominate existing dwellings;
- concerned that there might be badgers on the application site and that badger setts could become isolated on the site;
- overall this was a well-designed development;
- considered it would be difficult to enforce condition (5) in the report;
- concerned with the loss of badger foraging ground and the conflict between badgers and the development; and

- the developers should allow access to the site to enable a full badger survey to be carried out.

In response, the Planning Consultant explained the following: KCC Ecology had reviewed all of the report [the applicant’s, the report commissioned by Borden Parish Council and the one submitted in relation to Wises Lane] and KCC Ecology had acknowledged badger activity, particularly in the vicinity of the eastern boundary of the site; condition (8) in the report included reference to native species for the landscaping scheme; access had been approved already, with visibility splays and disabled access; there were bungalows on the site to mitigate any over-looking issues and some were set back from the boundary; there were no restrictions in turning right exiting the site; restrictions in respect of permitted developments rights (condition (15)) were in place, however, planning permission could be sought if someone wished to convert a bungalow to a house; conditions were included to minimise conflict between badgers and the development, and officers considered that mitigation measures put in place were sufficient.

The Area Planning Officer explained that the exact locality of the badger sett could not be revealed. He said there was a strip of landscaping on the site which provided access for the badgers. He reminded Members that outline planning permission had already been granted, and so the principle of the development had been established. The Area Planning Officer referred to condition (18) of the outline application, with the requirement of a method statement for ecological mitigation, which would include badgers, and the requirement to carry out detailed badger, and other, surveys.

Councillor Richard Palmer moved the following motion: That the application be deferred until an independent survey, with full access to the application site had been carried out. This was seconded by Councillor Chris Palmer and upon being put to the vote, the motion was lost.

Members voted on the substantive motion and this was won.

Resolved: That application 22/505735/REM be approved subject to conditions (1) to (15) in the report.

2.2 REFERENCE NO - 22/505981/FULL		
APPLICATION PROPOSAL		
Garage conversion into a habitable space including changes to fenestration and creation of 2no. parking spaces on drive way.		
ADDRESS 47 Lady Winter Drive Minster-on-sea Sheerness Kent ME12 2GF		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Shaun Browne AGENT Mr Karl O'Brien

This item was considered at the reconvened meeting on 1 June 2023.

2.3 REFERENCE NO - 22/500007/FULL		
APPLICATION PROPOSAL Change of use of former bus depot (Sui Generis) to vehicle servicing and repair business (Class B2) and construction of additional workshop unit.		
ADDRESS Sheerness Bus Station Bridge Road Sheerness ME12 1RH		
WARD Sheerness	PARISH/TOWN COUNCIL Sheerness Town Council	APPLICANT WP Commercials Ltd AGENT Kevin Wise Town Planning

This item was considered at the reconvened meeting on 1 June 2023.

2.4 REFERENCE NO - 23/500240/FULL			
APPLICATION PROPOSAL Erection of a two storey pitched roof side and a single storey linked to garage rear extension including changes to fenestration (Resubmission 22/505026/FULL).			
ADDRESS 7 Cinnabar Drive Sittingbourne Kent ME10 5LA			
WARD Meads	The	PARISH/TOWN COUNCIL Bobbing	APPLICANT Mr Paul Thompson AGENT Alpha Design Studio Limited

This item was considered at the reconvened meeting on 1 June 2023.

2.5 REFERENCE NO - 22/504907/FULL		
APPLICATION PROPOSAL Conversion of first floor and loft to 2no. two bedroom flats, including erection of a two storey rear extension, creation of a roof terrace, and internal alteration to existing pub/restaurant.		
ADDRESS Napier Hotel 1 Alma Road Sheerness Kent ME12 2NZ		
WARD Sheerness	PARISH/TOWN COUNCIL Sheerness Town Council	APPLICANT Newton Developments AGENT Richard Baker Partnership

This item was considered at the reconvened meeting on 1 June 2023.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 21/504388/FULL
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APPLICATION PROPOSAL Erection of a permanent agricultural dwelling with associated parking.		
ADDRESS Woodland Farm High Oak Hill Iwade Road Newington Kent ME9 7HY		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Bobbing	APPLICANT Mr Jy Stedman AGENT Consilium Town Planning Services Limited

This item was considered at the reconvened meeting on 1 June 2023.

PART 5

Decisions by County Council and Secretary of State, reported for information

This item was considered at the reconvened meeting on 1 June 2023.

50 **Exclusion of the Press and Public**

This item was considered at the reconvened meeting on 1 June 2023.

51 **Report of the Head of Planning Services**

This item was considered at the reconvened meeting on 1 June 2023.

52 **Extension of Standing Orders**

At 9.50 pm, Members did not agree to the suspension of Standing Orders and so the meeting was reconvened in order that the Committee could complete its business.

Post Meeting Note: the meeting was reconvened at 10 am on 1 June 2023.

Chair

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