
Planning Committee

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 22 June 2023 from 7.00 pm - 10.31 pm.

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

OFFICERS PRESENT: Andy Byrne, Philippa Davies, Paul Gregory, Joanne Johnson, Carly Stoddart and Ceri Williams.

OFFICERS PRESENT (VIRTUALLY): William Allwood and Billy Attaway.

ALSO IN ATTENDANCE: Councillor Richard Palmer.

ALSO IN ATTENDANCE (VIRTUALLY): Councillors Hayden Brawn, Ann Cavanagh, Tim Gibson and Ken Ingleton.

APOLOGIES: Councillors James Hall, Elliott Jayes, Claire Martin, Charlie Miller and Terry Thompson.

127 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

128 **Declarations of Interest**

Councillor Monique Bonney declared a Disclosable Pecuniary Interest in respect of item 2.3 23/501317/ADV Land at Station Road; land at Market Place & land at Partridge Lane/Court Street, Faversham as she was previously the Cabinet Member for Regeneration and was also the Chair of the Regeneration and Property Committee. Councillor Bonney left the chamber whilst the item was considered.

Councillor Mike Baldock declared a Disclosable Non Pecuniary Interest in respect of item 3.1 22/505870/FULL Land adjacent to Pebble Court Farm, Woodgate Lane Borden as he sat on Borden Parish Council, but had not discussed the application.

Councillor Chris Palmer declared a Disclosable Non Pecuniary Interest in respect of the first Planning Working Group item, 22/505618/FULL Land at School Lane, Newington. Councillor Palmer spoke as Ward Member and then left the chamber whilst the application was considered.

129 **Minutes**

The Minutes of the following meetings were taken as read, approved and signed by the Chair as correct records:

17 May 2023 (Minute Nos. 29 – 30)

25 May 2023 (Minute Nos. 45 – 52)

1 June 2023 (Reconvened) (Minute Nos. 53 – 57)

5 June 2023 (Extraordinary) (Minute Nos (58 – 63)

130 Planning Working Group

The Minutes of the Meeting held on 13 June 2023 (Minute Nos. 87 - 89) were taken as read, approved and signed by the Chair as a correct record.

22/505618/FULL – Land at School Lane, Newington

The Planning Consultant introduced the application. She referred to the tabled papers for the application which included: the report, appendix and tabled update which went to the Planning Committee on 9 March 2023; an updated report, with appendices, following the site visit on 13 June 2023; and an updated report dated 14 June 2023. The Planning Consultant explained that the applicant had advised that photovoltaic cells would be installed on the roofs of the properties. She highlighted that highway concerns had been raised at the site visit, but reminded Members that highway issues were not part of the reasons for refusal on the previous application, and that the impact on the countryside should be the focus of debate.

A visiting Ward Member spoke against the application.

The Chair raised concern with the late submission of documents and the Development Manager explained, that after seeking advice from the Council's solicitors, due process had taken place in the sharing of documents that had been submitted.

The Chair moved the officer recommendation to approve the application and this was seconded by Councillor James Hunt.

A Ward Member who was also a member of the Planning Committee spoke against the application, then left the Chamber during the discussion.

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

- Concerned with the impact on the highway from the proposed development, including the low bridge at Church Lane, Newington;
- the development would be built on Grade I agricultural land;
- supported officers' view that they did not consider the development would impact the area;
- concerned that this was outside of the built-up boundary, but needed to consider the Council's lack of a 5-year housing supply;
- clarification sought on the 'enhanced renewable features' and the potential financial implications if any contaminated land was found;
- not impressed with the 'enhanced environmental measures';
- did not consider that Kent County Council (KCC) Highways & Transportation's assumption that traffic would turn right onto Church Lane was correct as this was not what was evidenced at the site visit;
- referring to paragraph 9.31 on the 9 March 2023 report, considered the application did create significant harm to the landscape character, and that the benefits did not outweigh the harm;
- concerned with the impact on the rural lanes;
- did not consider traffic could enter or exit the site safely;

- this development would result in erosion of the countryside;
- there could be an issue with construction traffic accessing the site and turning;
- concerned that the Railton report, which was more detailed than the KCC report was not provided alongside the other tabled reports;
- the nearby roads were not suited to Heavy Goods Vehicles (HGVs); and
- concerned with highway safety and considered Newington could not cope with any increased traffic.

In response, the Planning Consultant outlined the environmental measures proposed on the development, with the addition of the photovoltaic tiles. She referred to the 9 March 2023 report which set out the Environmental Health Officer's views on the development, and explained that conditions were in place to address any contamination issues. She advised that a remediation strategy might be required, and the developer would bear the cost of that. The Planning Consultant explained that the Railton report was available to view online, and had been considered by the applicant and KCC, and KCC's opinion had not changed.

In response to a question, the Planning Consultant said the width of Church Lane was approximately five metres, and she referred to condition (3) in the updated report where the developer was required to submit details of a Construction Environmental Management Plan.

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

There was some discussion on the suggested reasons for refusal and a Member suggested using the same reasons for application 21/504028/FULL.

Councillor Tony Winckless moved the motion as noted in the resolution below. This was seconded by Councillor Monique Bonney and upon being put to the vote, the motion was agreed.

Resolved: That application 22/505618/FULL be refused as the proposed development would represent unjustified and unnecessary residential development within the countryside resulting in an urbanising impact, outside of the defined built-up area boundary, in a manner which is significantly and demonstrably harmful to the character, appearance, and intrinsic amenity value of the countryside. The proposal is therefore contrary to policies ST1, ST3, ST5, CP4, DM14, DM24, and DM26 of Bearing Fruits 2031 - The Swale Borough Local Plan 2017, and the National Planning Policy Framework.

In the absence of a completed S106 agreement to secure relevant contributions and obligations, the development fails to mitigate the impacts of the additional residential units on local services and infrastructure, fails to secure the provision of affordable housing, and fails to mitigate ecological impacts on the Swale and Medway Estuary Special Protection Areas and Ramsar sites, contrary to Policies DM6, DM8, CP5, CP6, CP7 and DM28 of "Bearing Fruits" - The Swale Borough Local Plan 2017. Such contributions being required towards the following infrastructure - Highways, Air Quality, Primary Education, Secondary Education, Special Education Needs, Community Learning, Youth Services, Library Bookstock, Social Care, Waste, refuse bin provision, healthcare (NHS) and Swale SPA and Ramsar Sites.

22/500007/FULL – Sheerness Bus Station, Bridge Road, Sheerness

The Area Planning Officer introduced the application. He referred to the tabled papers for the application which included: the report and tabled update which were considered by the Planning Committee on 25 May 2023.

The Chair moved the officer recommendation to approve the application and this was seconded by Councillor Tony Winckless.

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

- Welcomed the fence being painted green;
- visibility through the fence was important;
- it was important to employ local labour and apprentices;
- this location was a really important site;
- supported the landscaping proposals, and suggested mature planting;
- considered the design of the fencing could be improved as it looked quite austere and imposing;
- suggested hedge planting;
- this development would enhance the area; and
- needed to ensure the site was large enough for commercial vehicles to turn around.

In response, the Area Planning Officer reminded Members that the fencing would be moved back two metres and the landscaping was required by condition and could be amended so that the planting was more substantial than just whips, and could include hedging as well. He explained that the site was large and there would be no issues with HGVs turning within the site.

Resolved: That application 22/500007/FULL be delegated to officers to approve subject to conditions (1) to (14) in the report, an amended/additional condition to ensure the fence was painted green and condition (6) be amended to include more substantial planting, plus hedging, in consultation with the Ward Members.

131 **Schedule of Decisions**

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 22/504625/FULL		
APPLICATION PROPOSAL		
Demolition of existing bungalow. Conversion of an existing store/garage to a holiday let with the erection of a front porch with access ramp. Installation of a new metal sliding access gate.		
ADDRESS Cairo Lodge Butlers Hill Dargate Faversham Kent ME13 9HH		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT Mr Steve Waterman

		AGENT Ingrain Architecture Ltd
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The Area Planning Officer introduced the application as set out in the report.

Steve Waterman, the Applicant, spoke in support of the application.

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

Resolved: That application 22/504625/FULL be approved subject to conditions (1) to (11) in the report and the receipt of a Strategic Access Management and Monitoring Strategy payment.

2.2 REFERENCE NO - 23/500162/FULL		
APPLICATION PROPOSAL Proposed change of use of existing commercial building to single unit of holiday accommodation, with parking and turning space, amenity space and landscaping.		
ADDRESS The Stables Rushett Lane Norton Kent ME13 0SG		
WARD Teynham And Lynsted	PARISH/TOWN COUNCIL Norton, Buckland And Stone	APPLICANT Mr D Petherick AGENT Kingsway Planning

The Area Planning Officer introduced the application as set out in the report.

Parish Councillor Tony Trim, representing Norton Parish Council, spoke against the application.

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

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

- Clarification sought on the refusal of a similar application (19/504418/FULL) set out on page 22 of the report;
- clarification sought on the doors and windows on the building;
- concerned the building could become a residential use, a condition was needed to ensure the use was only for holiday let;
- condition (3) restricted the use to holiday lets;
- had a business case assessment been carried out?; and
- considered it was difficult to enforce condition (3) in the report.

In response, the Area Planning Officer explained the following: the refusal of application 19/504418/FULL was because it was a new dwelling in the countryside, whereas this application was for the conversion of a commercial building to a holiday let; planning policy supported the conversion of rural buildings to holiday accommodation, and this application was very different to unrestricted residential use in the countryside; the windows and doors were the same as those on the existing building located on the site

and gave the building a residential appearance, and this was restricted by conditions; there were permitted development rights in respect of the lawful commercial use of the building and the minor changes to the windows and doors would come under this in any case; a business case assessment was only needed on a new build holiday let, not a conversion; if there was a complaint regarding the use of the building, officers could request to see the booking schedule; and he considered condition (3) was enforceable.

There was some discussion on the second part of condition (3) ‘...and the accommodation shall not be occupied by any person or group of persons for more than four weeks in any calendar year.’

Councillor Mike Baldock moved the following amendment: That condition (3) be amended to include the word ‘consecutive’ and that a record of bookings be kept for three years. This was seconded by Councillor Mike Henderson and on being put to the vote, the amendment was agreed.

Resolved: That application 23/500162/FULL be approved subject to conditions (1) to (12) in the report, and the second part of condition (3) be amended to read: ‘...and the accommodation shall not be occupied by any person or group of persons for more than four consecutive weeks in any calendar year, and that a record of bookings be kept for three years’ and the receipt of a Strategic Access Management and Monitoring Strategy payment.

2.3 REFERENCE NO - 23/501317/ADV		
APPLICATION PROPOSAL		
Advertisement Consent Application for 3 double sided map totems (non-illuminated) located as shown on Site Location Plan.		
ADDRESS Land At Station Road; Land At Market Place; And Land At Partridge Lane / Court Street Faversham Kent		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Swale Borough Council AGENT Momentum Wayshowing

Councillor Monique Bonney left the chamber whilst this item was discussed.

The Area Planning Officer introduced the application as set out in the report.

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

Resolved: That application 23/501317/ADV be approved subject to conditions (1) to (5) in the report.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 22/505870/FULL		
APPLICATION PROPOSAL Conversion and change of use of existing detached disused and abandoned former light industrial workshop into a three bedroom dwelling (C3) and conversion and change of use of existing adjacent detached former associated office and store (previously hay barn) currently disused into a home office to be used for the dwelling occupier including part demolition of existing commercial workshop and installation of a sewage treatment plant and EV charging point.		
ADDRESS Light Industrial Unit (Disused) Land Adjacent To Pebble Court Farm Woodgate Lane Borden Kent ME9 7QB		
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Mr & Mrs Michael Miller AGENT

The Area Planning Officer introduced the application as set out in the report.

Mrs Marion Miller, the Applicant, spoke in support of the application.

The Chair moved the officer recommendation to refuse the application, and this was seconded by Councillor Monique Bonney.

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

- This could be an improvement to what was on the site; and
- supported the officers’ recommendation.

Resolved: That application 22/505870/FULL be refused for the reasons set out in the report.

3.2 REFERENCE NO - 23/501726/FULL		
APPLICATION PROPOSAL Erection of a single storey rear extension with rooflight to replace existing rear lobby.		
ADDRESS 130 Horsham Lane Upchurch Gillingham Kent ME8 7XB		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Mr Clive Piper AGENT Mr Philip Taylor

The Area Planning Officer introduced the application as set out in the report and referred to the tabled paper. He explained that the Council’s supplementary planning guidance recommended that extensions should not extend beyond three metres when they were on shared boundaries. Officers had advised the Applicant to reduce the depth to three metres, rather than four metres.

Clive Piper, the Applicant, 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 Councillor Andy Booth.

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

- Some sympathy with the Applicant; and
- clarification sought on the orientation of the property and the increased impact of an additional one metre of development.

In response, the Area Planning Officer referred Members to paragraph 7.5 in the report where it set out the Supplementary Planning Guidance advice that rear extensions on or close to a boundary should have a maximum projection of three metres. He explained that the issue was not so much overshadowing, but a loss of daylight and an enclosing effect, brought about by the proposed size, and depth of the extension.

Councillor Simon Clark moved a motion for a site visit, and this was seconded by the Chair. On being put to the vote the motion was lost.

Members made further comments:

- Noted that there were no objections from the Parish Council or neighbouring residents;
- not permitting one more metre than the allowed three metres seemed trivial; and
- four metre depth would be a more usable space.

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

The Chair moved the following motion: That the application be approved as the light issues were not significant enough to refuse the application, and this was seconded by Councillor Paul Stephen. On being put to the vote, the motion was agreed.

Resolved: That application 23/501726/FULL be approved as the light issues were not significant enough to refuse the application, and subject to the imposition of suitable conditions.

3.3 REFERENCE NO - 22/506000/FULL		
APPLICATION PROPOSAL		
Section 73 - Application for Removal of Condition (ii) agricultural occupancy condition pursuant to application SW/91/456 for - Minor Alterations to previously approved design of the house (SW/90/992).		
ADDRESS Callum Park House Callum Park Basser Hill Lower Halstow Kent ME9 7TY		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Lower Halstow	APPLICANT Mr and Mrs John McGee AGENT

The Area Planning Officer introduced the application as set out in the report. He confirmed that under the relevant planning history, on page 53 of the report, the decision date for application 22/502148/FULL should be 10.08.22.

Dan Page, a supporter, spoke in support of the application.

John McGee, the Applicant, spoke in support of the application.

The Chair moved the officer recommendation to refuse the application, and this was seconded by Councillor Andy Booth.

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

- Clarification sought on the marketing of the property;
- noted the policies in paragraph 4 of the report, particularly DM12, and the Applicant's 26-year breach of its agricultural occupancy condition;
- agreed with the officer recommendation; and
- the dwelling should remain as a farm dwelling in agricultural occupancy.

In response, the Area Planning Officer clarified that no marketing had taken place, nor had any valuation been provided with the application, as set out in paragraph 8.4 of the report.

Resolved: That application 22/506000/FULL be refused for the reasons set out in the report.

PART 5

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

- **Item 5.1 – Greet Cottage Lady Margaret Manor Road Doddington**

DELEGATED REFUSAL

APPEAL DISMISSED

- **Item 5.2 – Land Off Swanstree Avenue Sittingbourne**

NON-DETERMINATION

APPEAL ALLOWED

A Member considered this was a very disappointing outcome.

- **Item 5.3 – Land North of Warden Road Eastchurch**

COMMITTEE REFUSAL

APPEAL DISMISSED

- **Item 5.4 – 2 Bells Forstal Cottages Throwley Road Faversham**

DELEGATED REFUSAL

APPEAL DISMISSED

132 Extension of Standing Orders

At 10 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