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## PLANNING COMMITTEE

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**MINUTES** of the Meeting held in The Sapling Room, The Appleyard, Avenue of Remembrance, Sittingbourne, Kent, ME10 4DE on Thursday, 13 October 2022 from 7.02 - 10.45 pm.

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

**OFFICERS PRESENT:** Andy Byrne, Flo Churchill, Philippa Davies, Eze Ekeledo, Emma Gore, Duncan Haynes, Kellie MacKenzie and Cheryl Parks.

**OFFICERS PRESENT (Virtually):** Simon Algar, William Allwood and Clare Lydon.

**ALSO IN ATTENDANCE:** Councillors Alan Horton, Richard Palmer and Corrie Woodford.

**ALSO IN ATTENDANCE (Virtually):** Councillors Alastair Gould and Roger Truelove.

**APOLOGIES:** Councillors David Simmons and Paul Stephen.

### 388 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

### 389 **Minutes**

The Minutes of the Meeting held on 21 September 2022 (Minute Nos. 291 – 296) were taken as read, approved and signed by the Chair as a correct record.

### 390 **Declarations of Interest**

Councillor Mike Baldock declared a disclosable non-pecuniary interest in respect of Deferred Item 1 as he was a Ward Member and had attended the site meeting with the applicants to discuss improvements to the design. Councillor Baldock spoke but did not vote on the item.

### 391 **Deferred Items**

<b>Deferred Item 1    REFERENCE NO 22/501315/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Raising of roof height and insertion of dormer window and roof lights together with two storey front and rear extension as amended by drawing No's. 01.22.06D and 01.22.10A.			
<b>ADDRESS</b> St Mawes, The Street, Borden, Kent, ME9 8JN			
<b>WARD</b>	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b>	Mr    Scott
Borden and Grove Park	Borden	Hawkins	
		<b>AGENT</b>	Jane    Elizabeth

		Architects
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The Faversham Area Team Leader introduced the application. He reminded Members that it had been deferred at the meeting held on 18 August 2022 following concerns that Ward Members had not been involved in discussions.

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

A Ward Member, also a member of the Planning Committee, considered the current design was probably the best the applicant was going to offer.

A Member said the applicant had amended the design so could not see any reason to refuse the application.

In response to a question from a Member about the delay in making a decision on the application, the Chair advised that due to an oversight by officers Ward Members had not been consulted.

***Resolved: That application 22/501315/FULL be approved subject to conditions (1) to (3) in the report.***

<b>Deferred Item 2 REFERENCE NO 21/506027/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Section 73 - Application for removal of condition 8 (noise levels) pursuant to application 21/503772/FULL for - Section 73 - Application for Variation of condition 2 (permanent change of use), 4 (to allow external lighting) and 7 (to allow music to cease Sun-Thu at 10 PM Fri-Sat at 11 PM) pursuant to application 18/501494/FULL for - Change of Use of the space to re-instate it's previous early historical use for the local community and as a centre for the local cultural arts and to provide food and drink.		
<b>ADDRESS</b> St Saviours Church, Whitstable Road, Faversham, Kent, ME13 8BD		
<b>WARD</b> Abbey	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Mrs Romana Bellinger <b>AGENT</b>

The Faversham Area Team Leader introduced the application and the reasons it had been deferred as set out in the report. He reported that further letters of support had been received from local residents, and the applicant had also submitted a letter which had been circulated to Members.

Town Councillor Chris Williams, representing Faversham Town Council, was not present so his statement was read out by the Democratic Services Officer.

Karen Christopher, a supporter, spoke in support of the application.

Martin Collins, an objector, spoke against the application.

Romana Bellinger, the applicant, 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 raised included:

- Conc  
erned that there was evidence that some of the noise from the premises could affect residential amenity;
- the  
applicant had waited long enough for a decision and environmental health had no issues;
- still  
had concerns regarding noise from the premises;
- the  
applicant had suffered enough and considered the new condition (8) was a logical compromise;
- astoni  
shed by the content of the applicants letter and felt that they had clearly not read the report or comments from local residents;
- consi  
dered that the applicant was trying to run the business properly and any noise from the property would settle down;
- the  
application would be detrimental to the amenity of local residents;
- vibrati  
on caused to 1 Whitstable Road, Faversham with the doors and windows closed was unacceptable;
- monit  
oring of the premises would have a significant burden on the Council's environmental enforcement team;
- the  
noise from the premises was noise pollution; and
- consi  
dered the previous condition (8) should be approved as the applicant considered it was better than the new condition (8).

In response to questions from Members, the Environmental Team Leader confirmed that it was noise from an event held at the premises, which was measured, and the observations of the officers were most relevant and supported by the measured levels. He did not consider that the previous condition (8) would have enabled the business to operate in a meaningful way as the volume inside would need to be too low to comply with it. The proposed condition sought to find a compromise to mitigate noise from the premises.

The Senior Lawyer (Planning) clarified the application proposal for Members. The Interim Head of Planning Services read out the proposed condition (8) set out on page 31 of the report.

In response to a question from a Member, the Senior Lawyer (Planning) said that the Council needed to approve the Noise Management Plan (NMP) including triggers for its

review. She said all elements of the NMP would need to be approved by the Environmental Health team and Planning team before the condition could be discharged.

**Resolved: That application 21/506027/FULL be approved subject to conditions (1) to (8) in the report.**

392 **Schedule of Decisions**

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO 22/501799/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Replacement of chain link metal gate with a wooden gate of the same size (retrospective), addition of a small wooden pedestrian gate and creation of an open block paved courtyard.		
<b>ADDRESS</b> Tonge Mill, Church Road, Tonge, Kent, ME9 9AP		
<b>WARD</b>	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Dr Jonathan Iliffe
Teynham and Lynsted	Tonge	<b>AGENT</b>

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

The Conversation & Design Manager considered the gate was an improvement on the existing one and would cause limited harm to views of Tonge mill pond. He said it would be difficult to refuse on heritage grounds.

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:

- sed that the Council were supporting this design within a Conservation Area; Surpri
- verges needed protecting so did not support hardstanding; grass
- a condition be imposed that the gate be painted black?; could
- informative should be imposed as a condition; and the
- applicant was hoping to improve the site. the

Councillor Mike Baldock moved a motion for a site visit. This was seconded by Councillor Monique Bonney. On being put to the vote the motion was lost.

The Area Planning Officer said that additional wording could be added to condition (3) that the gates were painted black within six months of being installed, and that a further condition could be added to require a gap between the hard surface and the listed building. This was agreed by Members.

***Resolved: That application 22/501799/FULL be approved subject to conditions (1) to (4) in the report, with an additional condition to maintain a gap between the hardsurface and the listed building, and that condition (3) be amended to include “..and the gates to be painted black within six months of being erected.”***

<b>2.2 REFERENCE NO – 21/504028/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Erection of 25no. residential dwellings and the provision of a 20-space staff car park and 20 space pupil pick-up/drop-off area for Newington C of E Primary School, together with associated access, landscaping, drainage and infrastructure works.		
<b>ADDRESS</b> Land at School Lane, Newington, Kent, ME9 7JU		
<b>WARD</b>	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Fernham Homes
Hartlip, Newington and Upchurch	Newington	<b>AGENT</b> DHA Planning

The Senior Planning Officer introduced the application as set out in the report. She drew attention to the tabled paper which had previously been circulated to Members, and had provided updates on: details of the notification to appeal on non-determination; hedgerow removal; road name clarification; the economic benefits; a suggested amendment to condition (33); Newington Parish Council objections, set-out at Appendix 1 of the update; planning balance; neighbour comments; and an amendment to paragraph 2.6 of the report which indicated the incorrect housing mix.

The Senior Planning Officer reported that the Council's Green Spaces Manager had confirmed the contribution amount as set-out in paragraph 8.221 on page 111 of the report. She further reported that the applicant had provided a response to a letter provided on behalf of the Parish Council from Railton about achieving a reduction in car use.

Parish Councillor Stephen Harvey, representing Newington Parish Council, spoke against the application.

Christopher Simmons, an objector, spoke against the application.

Chris Loughhead, the applicant, spoke in support of the application.

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:

- Conc
- erved that the tenant farmer had removed the hedgerow;
- this
- was outside the built-up area of Newington;
- this
- was a considerable development that would alter Newington;
- could
- not think of a worse location for this type of development in Newington;
- all of
- the proposed units should have solar panels fitted;
- consi
- dered more 4-bed affordable units should be provided;
- conce
- rned that no evidence had been submitted to support the claim that the land was not of the highest agricultural value;
- it
- would cause moderate harm to the Grade I listed church;
- more
- one and two-bed affordable units were needed in Swale not four-bed units;
- consu
- ltees' comments made it difficult to defend refusal at any subsequent appeal;
- clear
- from the report that balance was in favour of approving the application;
- welco
- med the additional school car parking;
- noted
- the development was outside of the built-up area of Newington, however that had to be balanced against the need for housing;
- the
- proposed residential units were of a high design;
- the
- proposal would have a negative impact on the area but the Council was not in a strong enough position in terms of it's Local Plan to refuse the application;
- conce
- rned about the impact the proposal would have on the rural area;
- it
- would have an adverse impact on the character of the rural lanes;
- did
- not agree with the comments from Kent County Council (KCC) Highways and Transportation; and
- the
- benefits of the application did not outweigh the harm it would cause.

The Senior Planning Officer confirmed that a portion of hedgerow had been removed by the tenant farmer, however if the application was approved the proposed landscaping condition would ensure the replacement of the hedgerow.

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

In response to a suggested reason for refusal from a Member, the Conservation & Design Manager said that whilst there was a heritage impact related to the setting of the church views from the adjacent footpaths the development would be well screened. He said it would be difficult to support heritage harm at any subsequent appeal.

At this point, the Chair agreed to a short recess to allow officers to provide suitable wording for the Committee's stated reasons for refusing the application.

The Senior Planning Officer read out two suggested reasons to refuse the application that had been formulated from the Committee's discussions.

Councillor Mike Baldock moved a motion to refuse the application for the reasons outlined by the Senior Planning Officer. This was seconded by Councillor Elliott Jayes. On being put to the vote the motion was agreed.

***Resolved: That application 21/504028/FULL be refused for the following reasons (subject to minor amendments to the wording as deemed necessary by the Interim Head of Planning Services):***

- (1) 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.***
  
- (2) 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, DM17 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), Swale SPA and Ramsar Sites, open space and off site sport and recreation.***

**PART 3**

Applications for which **REFUSAL** is recommended

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<b>3.1 REFERENCE NO – 22/503662/FULL</b>
<b>APPLICATION PROPOSAL</b> Demolition of existing rear extension and erection of single storey extensions to north and west elevations.
<b>ADDRESS</b> The Gate House, Lees Court Road, Sheldwich, Faversham, Kent, ME13 0ED

<b>WARD</b> Boughton and Courtenay	<b>PARISH/TOWN COUNCIL</b> Sheldwich	<b>APPLICANT</b> Mr James Wilson <b>AGENT</b> Claire Attaway
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The Faversham Area Team Leader introduced the application.

James Wilson, 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.

A Ward Member, who had called-in the application spoke on the application.

A Ward Member, also a member of the Planning Committee spoke against the application. He said it was a very large extension in a sensitive location.

Members considered the application and points raised included:

- The personal circumstances of the applicant made it difficult to refuse, but considered officers were correct to recommend refusal in this instance;
- noted that the Parish Council and local residents supported the application;
- the applicant already had permission for an extension; and
- it was important to maintain smaller properties in rural areas.

***Resolved: That application 22/503662/FULL be refused for the reasons outlined in the report.***

<b>3.2 REFERENCE NO – 20/503636/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Change of use of part of the ground floor of the former Public House to provide 1 no. flexible Retail space (A1, A3 or A4). Change of use of the rest of former Public House and erection of a two-storey rear extension to provide 5 no. 2 bed, 14 no. 1 bed and 1 no. studio apartment. Erection of a two-storey block of flats consisting of 7 no. 2 bed and 1 no. 1 bed apartments. With associated parking, access arrangements and landscaping.		
<b>ADDRESS</b> The Former Kemsley Arms Public House The Square Sittingbourne Kent ME10 2SL		
<b>WARD</b> Kemsley	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> UK Land Investors Ltd <b>AGENT</b> Pllanit Wright

This application was withdrawn from the agenda.

<b>3.3 REFERENCE NO – 22/502340/OUT</b>
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<b>APPLICATION PROPOSAL</b>		
Outline application (all matters reserved except access) for the erection of a single detached self-build dwellinghouse and carport/garage.		
<b>ADDRESS</b> Land Adjacent Westfield Cottages, Breach Lane, Lower Halstow, Kent, ME9 7DD		
<b>WARD</b> Bobbing, Iwade and Lower Halstow	<b>PARISH/TOWN COUNCIL</b> Lower Halstow	<b>APPLICANT</b> Mr & Mrs Keith Tress <b>AGENT</b> TaD Planning Ltd

The Area Planning Officer introduced the application.

Nathan Tress, a supporter, spoke in support of the application.

Keith Tress, the applicant, spoke in support of the application.

A Ward Member spoke in support of the application.

The Democratic Services Officer read out the statement from a Ward Member who was in support of the application.

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

In response to a question from the Chair, the Interim Head of Planning Services confirmed that village local plans and strategies were not adopted by the local authority. The Design & Conservation Manager said that Westfield Cottages were originally brickmakers cottages which was why they were located in isolation from the main village and that they had some limited heritage significance.

In response to a question from a Member, the Area Planning Officer stated that unless restricted by condition about the location of the dwelling on the site, the dwelling could be shown under a subsequent reserved matters application to be erected anywhere within the red line. The entire land within the red line would benefit from being in residential use.

Councillor Mike Baldock moved a motion for a site meeting. This was seconded by Councillor Monique Bonney. On being put to the vote the motion was agreed.

***Resolved: That application 22/502340/OUT be deferred to allow the Planning Working Group to meet on site.***

**PART 5**

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

- **Item 5.1 – land rear of 25-29 Station Street Sittingbourne**

**APPEAL ALLOWED**

**DELEGATED REFUSAL**

In response to a question from a Member that the Planning Inspector had not agreed to the inclusion of a condition requiring 50% reduction in dwelling emission rates, the Area Planning Officer explained that the Council had received other appeal decisions, some of which had included such a condition and others where the Inspector had not deemed the condition to be necessary/reasonable against existing national and local policy.

- **Tabled Item 5.2 – Land West of Elm Lane Minster on Sea (ref: 20/504408/OUT)**

**APPEAL DISMISSED**

**APPEAL AGAINST NON-DETERMINATION**

Members welcomed the decision and thanked officers for their work on the Appeal.

**393 Adjournment of Meeting**

The Meeting was adjourned from 9.24 pm until 9.35 pm.

**394 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