
Planning Committee

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 18 July 2024 from 7.00 pm - 10.20 pm.

PRESENT: Councillors Mike Baldock (Chair), Lloyd Bowen (Substitute for Councillor Andy Booth), Hayden Brawn, Derek Carnell (Substitute for Councillor Elliott Jayes), Angela Harrison (Substitute for Councillor Kieran Golding), James Hunt, Peter Marchington, Ben J Martin, Richard Palmer, Julien Speed, Terry Thompson, Angie Valls, Karen Watson and Tony Winckless.

OFFICERS PRESENT: Andy Byrne, Rebecca Corrigan, Matt Duigan, Paul Gregory, Joanne Johnson, Kellie MacKenzie, Guy Martin, Brett McAllister-Byrne and Ceri Williams.

OFFICER PRESENT (VIRTUALLY): Surinder Atkar and Surinder Atkar and Ben Oates.

APOLOGIES: Councillors Andy Booth, Simon Clark, Kieran Golding, Elliott Jayes and Claire Martin.

103 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

104 **Minutes**

The Minutes of the Meeting held on 15 May 2024 (Minute Nos. 29 – 30) were taken as read, approved and signed by the Chair as a correct record.

The Minutes of the Meeting held on 23 May 2024 (Minute Nos. 44 – 59) were taken as read, approved and signed by the Chair as a correct record, subject to the following amendment:

Minute No. 47 paragraph six, the words 'Ward Members' be deleted and replaced with 'Members of the Planning Committee'.

105 **Declarations of Interest**

No interests were declared.

106 **Deferred Item 1 - 23/505541/REM Land between Frogнал Lane & Orchard View, Lower Road, Teynham**

Deferred Item 1 REFERENCE NO 23/505541/REM
APPLICATION PROPOSAL Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale sought) for erection of 298no. dwellings, a sports ground including pavilion, changing rooms and car park, open space including allotments and community orchard, and associated new infrastructure including access, parking and landscaping pursuant to 16/507689/OUT.
ADDRESS Land Between Frogнал Lane and Orchard View, Lower Road, Teynham

WARD Teynham and Lynsted	PARISH/TOWN COUNCIL Teynham	APPLICANT c/o Agent AGENT Chartway
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The Planning Consultant introduced the application as set out in the report. He reported that one additional objection had been received raising concerns already covered in the original Committee report.

Parish Councillor Paul Townson, representing Teynham Parish Council, spoke against the application.

Julian Moat, the Applicant, spoke in support of the application.

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

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

- The applicant had not addressed the concerns of Members raised at the previous Committee meeting in relation to air pollution and GP provision;
- the application did not comply with Policy DM6 (Managing transport demand and impact) of the Swale Borough Local Plan (SBLP) 2017, in terms of air pollution;
- there were no mitigation measures being provided to reduce air pollution;
- disappointed that Southern Water (SW) had not provided any reassurance that the current sewerage plant would be upgraded;
- the application should not be considered until SW had agreed to resolve the existing sewerage issues;
- the services for Teynham including electricity supply were at ‘breaking point’;
- the applicant was not interested in providing a GP surgery;
- the application did not comply with paragraph 11 of Policy MU4 (Land at Frogmal Lane, Teynham) of the SBLP 2017, which required improvements to health provision in Teynham;
- concerned that the assumptions in respect of air pollution had been based on evidence from Newington rather than Teynham ;
- the size of the plot was not large enough to accommodate 289 dwellings and a sports pavilion;
- concerned that some of the new dwellings would be overlooked;
- this was a poor design;
- welcomed the 33% affordable homes being offered, the noise barrier, and the 100-year lease on the sports pavilion;
- concerned about the proposed communal car parking areas which may not be used and could lead to anti-social behaviour; and
- the design was too ‘car-centric’ with no pedestrian-only areas.

In response, the Planning Consultant reminded Members that the application was for Reserved Matters on the appearance, landscaping, layout and scale sought for the application. To assist he detailed and presented plans which showed: the Outline planning permission: Illustrative Masterplan; Design Development – Concept Plan; Design Development – Framework Plan Options 1 & 2; and the Preferred Framework plan Option 3. The Planning Consultant presented details of how the proposed road

layout and car parking had been developed. With regard to landscaping he reported that community allotments and tree planting were proposed.

The Chief Planning Officer reported that, as set out in the report, the development would achieve a 56% reduction in carbon emissions exceeding building regulations.

Councillor Tony Winckless moved the following amendment: That a condition be imposed requiring that no construction traffic be allowed to access Frogal Lane, Teynham.

The Senior Lawyer (Planning) advised that such a condition would not be enforceable, but could be imposed as an informative.

The Planning Consultant reported that a condition could be imposed restricting construction traffic from using Frogal Lane, Teynham. He explained that if the applicant required flexibility on any such condition, they could apply for a minor material amendment.

Councillor Derek Carnell seconded the amendment, and on being put to the vote it was agreed by Members.

In accordance with procedure rule 3.1.19(2), a recorded vote was taken on the motion and voting was as follows:

For: Councillors Carnell, Brawn, Harrison, Hunt, Marchington, Martin, Valls, Watson and Winckless. Total equals 9.

Against: Councillors Bowen, Baldock, R Palmer and Speed. Total equals 4.

Abstain: Total equals 0.

Resolved: That application 23/505541/REM be approved as per the recommendation in the report and the imposition of an additional condition requiring that no construction traffic be allowed to access Frogal Lane, Teynham.

107 **2.1 - 23/501073/FULL Land rear of The Old Squash Courts, Lower Road, Barrow Green, Teynham**

2.1 REFERENCE NO – 23/501073/FULL			
APPLICATION PROPOSAL			
Section 73 - Application for minor material amendment to approved plans listed in condition 2 (to allow change of car parking area from block paving to tarmac, with drainage to an onsite soakaway, alterations to parking space positions and landscaping areas, and relocation of bin store) pursuant to 19/506271/FULL for - Erection of a block of 6 no. flats with associated parking, cycle and refuse storage, as amended by drawings received 05/06/2020 and drawing received 14/08/2020.			
ADDRESS Land Rear of The Old Squash Courts, Lower Road, Teynham, ME9 9EQ			
WARD	PARISH/TOWN COUNCIL	APPLICANT	C/o

Teynham and Lynsted	Teynham	Agent AGENT Country House Homes
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The Planning Consultant introduced the application as set out in the report.

In response to a question from the Chair, the Planning Consultant explained that the application offered improved residential amenity for residents.

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

The Ward Member who had called-in the application, and was also a Member of the Planning Committee, raised the following points:

- Thanked the planning officer for the report and for moving things forward;
- the loss of the hedge behind the bin store would cause detrimental harm to residents and should be included in the landscaping condition; and
- the pathway on the eastern boundary of the site should be removed as it was outside the built-up area boundary of Teynham, had no purpose and would cause harm to the openness of the countryside.

Councillor Julian Speed moved the following amendment: That the landscaping condition be amended to include “that the hedge behind the bin store be retained”. That a further condition be imposed requiring that the pathway on the eastern boundary of the site be removed. This was seconded by Councillor Lloyd Bowen. On being put to the vote the amendment was agreed.

Resolved: That application 23/501073/FULL be approved as per the recommendation in the report and that the landscaping condition be amended to include “that the hedge behind the bin store be retained”. That a further condition be imposed requiring that the pathway on the eastern boundary of the site be removed.

108 **2.2 - 23/504909/REM Land at Lady Dane Farm, Love Lane, Faversham**

2.2 REFERENCE NO – 23/504909/REM		
APPLICATION PROPOSAL		
- Approval of Reserved Matters of access, appearance, landscaping, layout and scale for the erection of a 67-bed care home, pursuant to hybrid application 23/500857/HYBRID for - Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.		
ADDRESS Land At Lady Dane Farm, Love Lane, Faversham, Kent, ME13 8YN		
WARD	PARISH/TOWN COUNCIL	APPLICANT Mr Ryan

Watling	Faversham Town	Nicholls AGENT DHA Planning
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The Planning Consultant introduced the application as set out in the report.

Ryan Nicholls, the Applicant, spoke in support of the application.

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

The Chair invited Members to comment on the application and points raised included:

- Unsure whether the emergency parking bay would be large enough for ambulances;
- the design was poor;
- disappointed that solar gain and solar cooling had not been considered;
- was the application classed as ‘extra care housing’?;
- surprised there was no social rent provision as part of a Section 106 Agreement;
- suggested that the Planning Committee set-up a Working Group to look at what could be included under the Section 106 Agreements for specific applications;
- the main objection from Faversham Town Council was regarding no provision for parking of mobility aids, and considered this would not be an issue as the visitors to the car home would be relatives, not residents of the care home; and
- the design was in-keeping with the area.

In response, the Planning Consultant confirmed that access to the site was wide enough to allow two vehicles to pass, and the site was not prone to flooding. He said that securing social housing was not for consideration at the Reserved Matters stage.

The Chief Planning Officer advised that the application for the residential care home was a C2 use, and currently the Council did not have a policy that required affordable housing to be secured for C2 use. She added that was something for the Local Plan evidence base to take forward.

Resolved: That application 23/504909/REM be approved as per the recommendation in the report.

109 **2.3 - 22/504909/REM Land at Eden Top, Sheppey Way, Bobbing**

2.3 REFERENCE NO – 22/503908/FULL		
APPLICATION PROPOSAL		
Section 73 - Application for Removal of condition 3 (occupancy restriction) and 4 (use of the land) pursuant to application SW/09/0972 (allowed on appeal) for - Change of use of land to use as a residential caravan site for one gypsy family with two caravans (including one static caravan), erection of amenity block and laying of hardstanding.		
ADDRESS Land at Eden Top, Sheppey Way, Bobbing, Kent, ME9 8QP		
WARD	PARISH/TOWN COUNCIL	APPLICANT Mr Robert

Bobbing, Iwade and Lower Halstow	Bobbing	Beck AGENT Green Planning Studio
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The Planning Officer introduced the application as set out in the report.

Derek Ashby, an objector spoke against the application.

The Democratic Services Officer read out the Agent’s statement on his behalf, in support of the application.

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

The Chair invited Members to speak on the application and points raised included:

- Could not support the application as the Planning Inspectorate had been quite specific in that the occupation of the site was for the applicant and his family and the Council should think very carefully before removing the condition;
- the Planning Inspectorate had added the condition for specific reasons and concerned that we would be overriding their decision;
- considered the application should not be to remove conditions (3) and (4) but a new application on the same basis as the original application with the same conditions but attached to the new resident with the economic link;
- approving the application would be going against a specific ruling of the Planning Inspector; and
- the Council only had a 1.3-year supply of Gypsy and Traveller sites so not sure the Planning Committee could refuse the application.

In response to a question from a Member, the Planning Officer explained that the reason for the officer recommendation was that the applicant no longer resided at the property, however his dependants did. She clarified that there would still be a gypsy family living on the site and nothing else on the site had changed. The agent had confirmed that the equestrian use would continue.

The Team Leader (Planning Applications) referred to paragraphs 6.12 and 6.13 on page 122 of the report, the latest Gypsy and Traveller Accommodation Assessment 2023 (GTAA), and this identified a greater need for 114 pitches of which 80 were required within the five-year period. He explained that this application was an existing gypsy and traveller site and would help the Council meet that need by allowing the wider gypsy and traveller population to occupy it. He added that the site had integrated into the local area and did not consider that was only because of the equestrian use.

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

Councillor James Hunt moved the following motion: That the application be refused as it would result in the loss of the link between the occupant and the equestrian use, that the site was within a remote area and an Important Local Countryside Gap and the benefits of the application in contributing to the five-year supply of Gypsy and Traveller sites did not outweigh the harm to the area. This was seconded by Councillor Richard Palmer. On being put to the vote the motion was agreed.

Resolved: That application 22/503908/FULL be refused as it would result in the loss of the link between the occupant and the equestrian use and the site was within a remote area and an Important Local Countryside Gap and the benefits of the application in contributing to the five-year supply of Gypsy and Traveller sites, did not outweigh the harm to the area.

110 **2.4 - 24/500508/FULL Camwa Ash, Bull Lane, Boughton**

2.4 REFERENCE NO – 24/500508/FULL		
APPLICATION PROPOSAL Existing garage to be converted to utility room and erection of a side extension to be used as a store.		
ADDRESS Camwa Ash, Bull Lane, Boughton-under-Blean, Faversham, Kent, ME13 9AH		
WARD Boughton & Courtenay	PARISH/TOWN COUNCIL Boughton-under-Blean	APPLICANT Y Veliu AGENT Mr S Wilkins

The Team Leader (Planning Applications) introduced the application as set out in the report.

Parish Councillor Sarah Moakes, representing Boughton-under-Blean Parish Council, spoke against the application.

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

The Chair moved the following motion: That the application be deferred to allow the Planning Working Group to meet on site. This was seconded by Councillor Tony Winckless. On being put to the vote the motion was agreed.

Resolved: That application 24/500508/FULL be deferred to allow the Planning Working Group to meet on site.

111 **2.5 18/504650/FULL Patch of Heaven, Bell Farm Lane, Minster**

2.5 REFERENCE NO – 18/504650/FULL		
APPLICATION PROPOSAL Delegate to the Head of Planning to grant planning permission subject to securing an additional SAMMS payment and subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
ADDRESS Patch Of Heaven Bell Farm Lane Minster-on-sea Kent ME12 4JB		
WARD Sheppey East	PARISH/TOWN COUNCIL	APPLICANT Mr J Clake

	Minster-on-Sea	
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The Planning Consultant 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 Lloyd Bowen.

Resolved: That application 18/504650/FULL be approved as per the recommendation in the report.

112 **2.6 23/504808/FULL 20 Leigh Road, Sittingbourne**

2.6 REFERENCE NO – 23/504808/FULL		
APPLICATION PROPOSAL Change of Use from a Residential to a C2 Residential Accommodation Use.		
ADDRESS 20 Leigh Road, Sittingbourne, Kent, ME10 3FF		
WARD Murston	PARISH/TOWN COUNCIL	APPLICANT Mr Ifeanyi Emmanuel Nduka

The Planning Consultant introduced the application as set out in the report. He reported that three further representations had been received raising the following points: there had been disturbance recently at a nearby dwelling which was being used as a rehabilitation centre; and concerns regarding the applicant’s experience in terms of running the proposed facility.

Veronica Arako, the Applicant, spoke in support of the application.
Mobolaji Falana, an Objector, spoke against the application.

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

The Chair invited Members to comment on the application, and points raised included:

- Concerned that there was no pathway outside the property;
- Great East Hall was notorious for parking congestion, and concerned where visiting relatives would park;
- this was not a suitable location for such a facility;
- concerned regarding the parking arrangements for staff and the impact it would have on the local area;
- disappointed that the Ward Member who called-in the application was not in attendance and had not provided a written representation;
- considered some of the reasons provided from residents for refusing the application were prejudicial;
- suggested the application was deferred until qualified advice on what was required to support people with mental health issues was provided;
- was the application compliant with the Council’s parking standards?;
- in terms of additional harm, aware that visitors would not be allowed for the first seven days, after that they go back to the families; and

- the layout and parking facilities were not being changed and in terms of parking it was not changing from a residential use.

In response to the reason for deferring the application, the Chief Planning Officer explained that the management of the facility would fall to separate legislation and was not a planning consideration.

With regard to the Council’s parking standards, the Team Leader (Planning Applications) advised that for a C2 Use, the standard was one space per resident staff, one space per two other staff, and visitors one space per six residents, so the application required three parking spaces.

Councillor Tony Winckless moved the following amendment: That a condition requiring the installation of CCTV, as recommended by Kent Police in paragraph 5.1 on page 157 of the report, be imposed. This was seconded by the Chair. On being put to the vote the amendment was agreed.

Resolved: That application 23/504808/FULL be approved as per the recommendation in the report with an additional condition requiring the installation of CCTV as recommended by Kent Police.

113 **3.1 - 24/500022/FULL Land adj. to Rides House, Warden Road, Eastchurch**

3.1 REFERENCE NO – 24/500022/FULL		
APPLICATION PROPOSAL Erection of 2no. bungalows (Revised scheme to approval 21/501243/FULL).		
ADDRESS Land adj. to Rides House, Warden Road, Eastchurch, Kent, ME12 4HA		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mark Ball AGENT Morris Russell Planning

This application was withdrawn from the Agenda.

114 **Part 5 applications**

PART 5

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

- **Item 5.1 – 26 Springvale Iwade**
APPEAL DISMISSED
DELEGATED REFUSAL
- **Item 5.2 – 1 Norwood Walk Sittingbourne**
APPEAL ALLOWED

MEMBER OVERTURN

- **Item 5.3 – Land North of Perry Leigh Grove Road Selling (LDC appeal)**

APPEAL ALLOWED**AGAINST NON-DETERMINATION**

- **Item 5.4 – Land North of Perry Leigh Grove Road Selling (Enforcement appeal)**

ENFORCEMENT NOTICE QUASHED**ENFORCEMENT APPEAL**

- **Item 5.5 – The Retreat Elverland Lane Ospringe**

APPEAL ALLOWED

- **Item 5.6 – Land at Wises Lane Borden**

APPEAL ALLOWED**MEMBER OVERTURN**

- **Item 5.7 – Land at Ufton Court Farm Tunstall**

APPEAL ALLOWED

- **Item 5.8 – Land at Cleve Hill Graveney**

APPEAL ALLOWED AND COSTS AWARDED TO THE APPELLANT**MEMBER OVERTURN****115 Adjournment of Meeting**

The meeting was adjourned at 8 pm until 8.10 pm.

116 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