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| <b>APPLICANT</b> Voltalia UK Ltd. | <b>AGENT</b> Stantec (Maeve Whelan) |
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This item was withdrawn from the agenda.

202 **2.3 - 24/502717/OUT Land West of Borden Lane, Sittingbourne, Kent, ME9 8HR**

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| <b>2.3 REFERENCE NO 24/502717/OUT</b>                                                                                                                        |
| <b>PROPOSAL</b> Outline Application (with all matters reserved) for erection of a care home (Class C2), with associated parking, landscaping and substation. |
| <b>SITE LOCATION</b> Land West of Borden Lane, Sittingbourne, Kent ME9 8HR                                                                                   |
| <b>WARD</b> Borden and Grove Park                                                                                                                            |
| <b>PARISH/TOWN COUNCIL</b> Borden                                                                                                                            |
| <b>APPLICANT</b> Aspire LPP <b>AGENT</b> Mr L.Wilkin, Aspire LLP                                                                                             |

The Planning Consultant introduced the application as set out in the report. She said that since the report had been published, a further representation had been received from Southern Water which had included points already noted in the report. A further representation had been received from a member of the public who considered the comments received on the application were ignored.

Parish Councillor Lee Small, representing Borden Parish Council spoke against the application.

Ian Hunter, an objector, spoke against the application.

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

The Chairman moved the officer recommendation to grant permission as per the recommendation in the report, and this was seconded by Councillor Simon Clark.

The Chairman invited Members to make comments, and these included:

- There was a demand for care homes and there were vacancies in the Borden area;
- considered care homes should be included within larger developments, not as a standalone;
- the application was in conflict with several of the Council's policies;
- the site was within an Important Local Countryside Gap;
- concerned with the impact on wildlife habitats;
- noted that the committee was not privy to some of the wildlife data received on the site;
- the car park on the site was right next to the nature reserve and this was detrimental to wildlife and considered this outweighed the benefits of the application;
- the traditional orchard on the site was a priority habitat;
- the application meant a loss of biodiversity and agricultural land;
- considered it strange that a compensatory orchard would be established in Faversham as part of the Biodiversity Net Gain (BNG);
- understood Kent County Council (KCC) Ecology carried out desktop reviews of studies, rather than going out on site;
- considered the Committee should be allowed to view the badger reports;

- there was really good wildlife connectivity at this location and this would be lost;
- the secure fencing around the care home would impact wildlife;
- considered off-site mitigation measures for the impact for the loss of traditional orchard was not sufficient;
- moving wildlife to another location was not always successful;
- needed to consider the impact of the removal of the green corridor on the mental health of residents, this was the last bit of green between Sittingbourne Town and Borden Village;
- concerned with access from the site onto a busy road;
- referring to paragraph 5.18 on page 88 of the agenda pack, considered there should be National Health Service (NHS) contributions as the residents might need medical care outside of the care home;
- considered the site was no longer an orchard, but an overgrown parcel of land;
- highlighted that the nearest bus stop to the application site was 0.7 miles away;
- the Committee should listen to the advice from the statutory consultees;
- welcomed the siting of a care home in a greener environment;
- considered parking on the site was inadequate;
- the building needed to demonstrate sustainability/energy efficiency measures;
- this was a finely balanced application;
- would prefer to see compensatory land closer to the application site, not in Faversham;
- it was difficult to go forward if not all the details of the wildlife reports were accessible;
- all additional residential developments should contribute to the NHS; and
- needed to consider the cumulative impact of developments on the loss of greenspace and the impact on highways.

In response, the Planning Consultant said that this was a balanced application. In terms of the need, Swale did not have an up to date Local Plan with allocations for care homes; she referred to the appeal decisions set out in report and noted that there was a conflict with policy ST3; the need had been demonstrated by the applicant and the current Housing Market Area data also stated a need. In terms of the traditional orchard it would be deemed as being agricultural and the BNG process allowed for loss of priority habitat on a site and for mitigation to be found off-site. KCC Highways & Transportation had been consulted on access to the site and they said that the access was sufficient. She confirmed that the NHS had not requested any contributions. Parking, referred to under paragraphs 7.9.7 and 7.9.8 was above the standard requirement. Condition (26) could be amended in terms of tightening up energy and efficiency. She confirmed that KCC Ecology had looked at the wildlife and habitat considerations. In terms of the site at Faversham, in an ideal world the compensatory site would be onsite, but it was permitted to be elsewhere. In response to discussions on non-determination and deferral, the Planning Consultant advised that the cut-off date for a decision on the application was 25 July 2025.

The Senior Planning Solicitor referred to the tilted balance and advised Members that they needed to show that the harm of the development was substantial and could be demonstrated over and above the benefit. He added that the appeals within the report were there for guidance and reminded Members that each application had to be decided on its own merits.

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

At this point the meeting was adjourned for ten minutes.

The Chair moved the following motion to refuse the application and this was seconded by Councillor Monique Bonney:

- (1) The proposed development, by virtue of its position outside the built-up area boundaries of the Swale Borough would conflict with the Council's Settlement Strategy. Moreover, development at this site, however it is brought forward, would conflict with the purposes of the Important Local Countryside Gap. Furthermore, the proposal would result in the inadequately justified loss of Best and Most Versatile Agricultural Land. The proposal is, therefore, unacceptable and contrary to Policies ST1, ST3, DM25 and DM31 of Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 and the National Planning Policy Framework.
- (2) The proposed development would result in the loss of priority habitat and it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not have a detrimental impact on protected species at and within the vicinity of the site. The proposal is, therefore, unacceptable and contrary to Policy CP7 and DM28 of Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 and the National Planning Policy Framework.

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

***Resolved: That application 24/502717/OUT be refused as per the reasons set out in the above minute.***