
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 10 November 2016 from 7.00pm - 9.50pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth (Vice-Chairman), Roger Clark, Richard Darby, Mike Dendor, James Hall, Mike Henderson, James Hunt, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Peter Marchington, Bryan Mulhern (Chairman), Prescott and Ghlin Whelan.

OFFICERS PRESENT: Rob Bailey, Philippa Davies, Andrew Jeffers, Graham Thomas, Adrian Truss and Jim Wilson.

ALSO IN ATTENDANCE: Councillors David Simmons, Roger Truelove and Mike Whiting.

999 FIRE EVACUATION PROCEDURE

The Chairman ensured that those present were aware of the emergency evacuation procedure.

1000 MINUTES

The Minutes of the Meeting held on 13 October 2016 (Minute Nos. 938 – 946) were taken as read, approved and signed by the Chairman as a correct record.

1001 DECLARATIONS OF INTEREST

Councillor Bobbin declared a disclosable non-pecuniary interest in respect of item 3.1, Land north of Canterbury Road, Dunkirk.

1002 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 16/504416/FULL		
APPLICATION PROPOSAL		
To erect an oak framed car port, as amended by drawings received 29 September 2016		
ADDRESS 1 Pile Cottages, Canterbury Road Faversham ME13 8LU		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Benjamin Williams AGENT

The Chairman moved the officer recommendation to approve the application and this was seconded.

A Ward Member, also a member of Faversham Town Council, advised that following the amendments, the Town Council were happy with the application.

Resolved: That application 16/504416/FULL be approved subject to conditions (1) to (3) in the report.

2.2 REFERENCE NO - 16/506621/FULL			
APPLICATION PROPOSAL			
Demolition of existing detached garage/store and construction of a new garage with office/workshop and boiler room/store as amended by drawing no. 503/03B received 20 October 2016			
ADDRESS 1 Bullfinches Worlds End Lewson Street Norton Kent ME9 9JW			
WARD Teynham And Lynsted	PARISH/TOWN COUNCIL Norton, Buckland And Stone	APPLICANT Mr Simon Smith	AGENT Design & Build Services

The Area Planning Officer reported that amended plans had been received. A neighbour had commented on the amendments and considered that the claim that the size of the new garage was almost the same as the existing one was incorrect, and that the drawings appeared to be the wrong scale. His objections had remained the same, as noted in the report. The Agent had confirmed that the new garage was the same size as the existing garage, and that the drawings were at the correct scale. The Area Planning Officer stated that the application had not been re-consulted upon, following the amendments, as the dimensions were smaller than the original application. Norton Parish Council remained concerned with the application, and considered it to be disproportionate to the cottage, and they had concerns that the size of the garage meant that it could be converted to a dwelling in the future, and they had requested a condition preventing this. The Area Planning Officer confirmed that condition (4) in the report addressed this by stating that the building 'shall not be used at any time other than for the purposes ancillary and/or incidental to the residential use of the dwelling known as "1 Bullfinches"'. He advised that the Parish Council had not withdrawn their objection.

Resolved: That application 16/506621/FULL be approved subject to conditions (1) to (8) in the report.

2.3 REFERENCE NO - 16/506618/FULL		
APPLICATION PROPOSAL		
Single storey residential annexe		
ADDRESS 41 Windsor Drive Sittingbourne Kent ME10 1UN		
WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT Mr P Rainer

		AGENT Richard Baker Partnership
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The Area Planning Officer reported that one additional letter of objection had been received which raised issues of harm to visual amenity which had already been dealt with in the report.

Mr George Newstead, an objector, spoke against the application.

Mr Paul Rainer, the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation to approve the application and this was seconded.

A Ward Member, not a member of the Planning Committee, spoke in objection to the application. He considered this type of development changed the setting of the garden. He stated the application was out-of-keeping with the surrounding area, it was in an inappropriate place, it had an adverse impact on neighbouring properties, particularly nos. 37 and 39 Windsor Drive, and it would effect amenity and made the environment unacceptable. The Ward Member considered the position of the annex, away from the house, made it more conspicuous.

Councillor Andy Booth moved a motion for a site meeting. This was seconded by Councillor Mike Henderson and upon being put to the vote the motion was agreed.

Resolved: That application 16/506618/FULL be deferred to allow the Planning Working Group to meet on site.

2.4 REFERENCE NO - 16/505212/FULL		
APPLICATION PROPOSAL		
Demolition of an outbuilding. Erection of a two storey extension with a 1st storey dormer window to front and back and a single storey rear extension as amended by drawing DKM/6549/02 Rev 04 received 26 September 2016		
ADDRESS 18 Keycol Hill Bobbing Kent ME9 8ND		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Bobbing	APPLICANT Mr Darren Monk AGENT DKM Consultants

The Area Planning Officer reported that following comments from the Conservation Officer, the applicant had amended the original scheme.

The Chairman moved the officer recommendation to approve the application and this was seconded.

In response to a question, the Area Planning Officer confirmed that the Conservation Officer's comments were amalgamated with other comments, and included within the report.

Resolved: That application 16/505212/FULL be approved subject to conditions (1) to (8) in the report.

2.5 REFERENCE NO - 16/506288/OUT			
APPLICATION PROPOSAL			
Outline application (all matters reserved) for the erection of a dwelling subject as amended by drawings 134/PA/001 A, 134/PA/002 A and 134/PA/003 A.			
ADDRESS 100 Station Road Teynham Kent ME9 9TB			
WARD Teynham And Lynsted	PARISH/TOWN Teynham	COUNCIL	APPLICANT Mr & Mrs D Hogben AGENT Redsquare Architects Ltd

The Area Planning Officer reported that Teynham Parish Council had objected to the application for the following reasons: they had objected to a similar application, refused by SBC; development of the side garden would result in terracing effect and would set a precedent; loss of the side gardens on the estate would be detrimental to the visual appearance of Station Road; and parking and access issues.

The Chairman moved the officer recommendation to approve the application and this was seconded.

A Ward Member, not a member of the Planning Committee, spoke on behalf of both Ward Members, against the application. He considered it was not-in-keeping with the surrounding area, it was over-bearing and out-of-character, it was over-development, with the loss of garden land, and loss of open land. The Ward Member raised issues of the open access being restricted, the nearby properties being semi-detached so this would not fit-in, the adverse effect on neighbours, loss of the building line, parking problems in the area would increase, and this would set a precedent.

Councillor Andy Booth moved a motion for a site meeting. This was seconded by Councillor Mike Baldock and upon being put to the vote the motion was agreed.

Resolved: That application 16/506288/OUT be deferred to allow the Planning Working Group to meet on site.

2.6 REFERENCE NO - 16/501090/FULL			
APPLICATION PROPOSAL			
Variation of condition 1 of 14/500986 (Removal of condition 1 of approved SW/13/0409 to allow for further use of the meat preparation premises in accordance with condition 7 of approved SW/13/0409.) - to allow for the permanent use of the meat preparation premises.			
ADDRESS Butcher Of Brogdale, Brogdale Farm Brogdale Road Ospringe Kent ME13 8XZ			

WARD East Downs	PARISH/TOWN COUNCIL Ospringe	APPLICANT Mr L Moore AGENT DHA Planning
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The Area Planning Officer reported that there had been no comments on the application from the Economic Development Officer. The Environmental Health Manager had stated that noise complaints had been received in 2015, and noise recording equipment had been installed for a two-week period. The findings did not indicate a problem, and the Environmental Health Manager had stated that no further complaints regarding the site had been received since then. He had advised that he had no objection to the application, subject to the stringent conditions in the report.

Mr Brian Tovey, an objector, spoke against the application.

The Chairman moved the officer recommendation to approve the application and this was seconded.

The Ward Member spoke against the application. He explained that there had been a mis-match of information received, from both sides.

Members raised the following points: surprised there had been no complaints since 2015; clear that planning conditions had been flouted; no inclination to vary the conditions, unless the applicant was abiding with the current conditions; supported this, the site could still have been used as a farm with all its associated vehicle movements; this site was important for Faversham; and if there were issues with the shop, this needed to be dealt with by the Enforcement Team.

In response to a question, the Area Planning Officer advised that the Environmental Health Manager had not had any complaints since 2015. He further explained that the complaints that had been received were relevant to early starts at the shop on the site, not in relation to the unit that was being considered on this application. In response to a further question on potential noise from waste disposal vehicles, the Area Planning Officer explained that condition (6) in the report covered deliveries of fresh meat. He stated that potentially there could be an additional condition to limit the hours when waste vehicles could attend this unit, although he advised that this had not previously been an issue. Condition (10) in the report dealt with delivery times to the unit.

Resolved: *That application 16/501090/FULL be approved subject to conditions (1) to (11) in the report.*

2.7 REFERENCE NO - 16/506453/FULL		
APPLICATION PROPOSAL		
Demolition of existing bungalow and erection of No.2 3 bed houses with parking spaces (Resubmission)		
ADDRESS 2 Kings Road Minster-on-sea Kent ME12 2HL		
WARD Minster Cliffs	PARISH/TOWN COUNCIL	APPLICANT Mr E Batten

	Minster-on-Sea	AGENT Prime Folio
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The Chairman moved the officer recommendation to approve the application and this was seconded.

Nicola Tate did not speak on the application.

A Ward Member spoke against the application and considered the scale was too large and it was out-of-character with the surrounding area.

Members made the following comments: this was over-bearing; too large for the site; sight-lines in both directions of the road would be limited by the development; and considered parking to the rear of the property would not be used, causing parking issues on the road.

On being put to the vote, the motion for approval was lost.

Councillor Andy Booth moved a motion for refusal on the grounds of scale, over-intensification of the site, inappropriate use of scale, and overbearing impact on the surrounding area. This was seconded by Councillor Cameron Beart. Councillor Mike Henderson suggested adding: that the proposed development was too far forward of the building line. This was accepted by the Proposer and Seconder of the original motion and on being put to the vote the motion, with the amendment, was won.

Resolved: That application 16/506453/FULL be refused on the grounds of scale, over-intensification of the site, inappropriate use of scale, overbearing impact on the surrounding area and the proposed development was too far forward of the building line.

2.8 REFERENCE NO - 16/506036/FULL		
APPLICATION PROPOSAL		
Change of use of land into residential garden (curtilage) and creation of rear garden by erection of 1.8m fence, leaving 2m strip between fence and pathway. Area to front left open and creation of parking spaces. Removal of large conifer hedge.		
ADDRESS 7 Giraud Drive Faversham Kent ME13 7QT		
WARD Davington Priory	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr DAVID MARNES AGENT

The Chairman moved the officer recommendation to approve the application and this was seconded.

The Ward Member spoke in support of the application, he had preference for an extension of garden land, rather than the land being built upon. He explained that it was originally left as open land to provide soakaways.

Members raised the following points: these pieces of land were there as open space, not to be built on; pleased that there were soakaways there; concerned with the impact on the street scene; and it was important to get the right level of landscaping.

Resolved: *That application 16/506036/FULL be approved subject to conditions (1) to (6) in the report.*

2.9 & 2.10 REFERENCE NO - 16/505706/FULL and 16/505707/LBC		
APPLICATION PROPOSAL		
Planning permission and listed building consent for; Demolition of outbuildings and erection of 6 new dwellings and conversion of existing stable building/cold store into a residential dwelling.		
ADDRESS 20-22 Ospringe Street Faversham Kent ME13 8TL		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Newton Williams Properties Limited AGENT RDA Consulting Architects

The Area Planning Officer explained that there had been changes to the original application, as the easement around an underground pumping station could not be built-over. These changes included brick walls being added to the rear boundaries; the roof, and windows on the detached flat being lowered, and two rooflights added; and a gate being added to Plot 1 off Ospringe Street.

The Chairman moved the officer recommendation to approve the application and this was seconded.

A Ward Member, not a member of the Planning Committee, spoke against the application and explained that it was right in the centre of an Air Quality Management Area. He acknowledged the revised scheme was an improvement, but was concerned with the timing of the ecological study (which was carried out in November, advice stated that it should not be carried out after September), and the impact on neighbouring properties.

In response to a question on the final finish of the boundary wall, the Area Planning Officer advised that a 2 metre square sample of the brick and flint walling would be placed at the site, as noted in condition (21) of the report. He clarified the reduction in dwellings due to the easement, so the final amount was now seven.

Resolved: *That application 16/505706/FULL be approved subject to conditions (1) to (40) in the report.*

Resolved: *That application 16/505707/LBC be approved subject to conditions (1) to (6) in the report.*

2.11 REFERENCE NO - 16/504575/OUT		
APPLICATION PROPOSAL Outline application for residential development including access and parking, together with public open space and drainage (all matters reserved for future consideration).		
ADDRESS Land To The East Of Ham Road Faversham Kent ME13 7ER		
WARD Priory	PARISH/TOWN COUNCIL Faversham Town	APPLICANT GBH Wheler Will Trust AGENT DHA Planning

The Major Projects Officer drew Members' attention to the tabled update for this item, which included additional conditions and additional matters to be included in the Section 106 Agreement. He stated that condition (7) should refer specifically to the north-eastern boundary of the site, not the northern boundary as noted in the report.

Town Councillor Ben Martin, representing Faversham Town Council, spoke in support of the application.

Mr David Harvey, the Agent, spoke in support of the application.

The Chairman moved the officer recommendation to approve the application and this was seconded.

The Ward Member spoke in support of the application. He considered it 'rounded-off' the north Preston estate. He was happy with the proposed 35% affordable housing, and stressed the importance of getting access to the site right. He requested good pedestrian access to the town centre and cycle access to Sustrans Route One. The Ward Member requested that before reserved matters were presented, there was an opportunity for the developer to discuss with local Councillors the details of what was coming forward.

Resolved: That application 16/504575/OUT be approved subject to conditions (1) to (28) in the report, and the signing of a suitably worded Section 106 Agreement.

2.12 REFERENCE NO - 15/510676/FULL		
APPLICATION PROPOSAL Change of use of land to extend an existing gypsy caravan site to provide for two additional pitches and addition of a dayroom.		
ADDRESS Jack Russell Place, Halstow Lane, Upchurch, Kent, ME9 7AB.		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Mr & Mrs Beaney AGENT Mr Ronald Perrin

The Area Planning Officer clarified the information set out in paragraph 2.1 in the report. He explained that the application was for two static caravans and two pitches for touring caravans, with restrictions of no more than five mobile homes, and three touring caravans, as noted in condition (3) in the report.

Parish Councillor Gary Rosewell, representing Upchurch Parish Council, spoke against the application.

Mr Simms did not speak on the application.

Mr Perrin, the Agent, spoke in support of the application.

The Chairman moved the officer recommendation to approve the application and this was seconded.

A Member, who was also a County Member for the application site, spoke on the five-year supply as noted in paragraphs 4.25 – 4.28 in the report. He considered that as the Council had exceeded its immediate need, this application was ‘over-doing it’. In response, the Area Planning Officer advised that sites could still be approved, where appropriate, as windfalls.

Members raised the following points: concerned as there was room at the back of the application site, so more pitches could be installed; this did not affect anyone nearby; there were more appropriate locations; this was a good location; and if more pitches here, it took pressure off trying to find other pitches elsewhere.

The Area Planning Officer advised that the nearest dwelling to the application site was 240 metres to the north of the boundary.

Resolved: That application 15/510676/FULL be approved subject to conditions (1) to (8) in the report.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 16/505118/OUT			
APPLICATION PROPOSAL			
Outline Application with access being sought for mixed-Use development comprising up to 77 residential dwellings with associated commercial (B1) and retail (A1) units, hard and soft landscaping, and associated infrastructure.			
ADDRESS Land North Of Canterbury Road Dunkirk Kent			
WARD Boughton And Courtenay	PARISH/TOWN Dunkirk	COUNCIL	APPLICANT Quinn Estates Limited AGENT Montagu Evans

The Major Projects Officer reported that the applicant had submitted a reptile mitigation plan, following a request by Kent County Council (KCC) Ecology, and

KCC Ecology had considered the plan was acceptable. In response to the Royal Society for the Protection of Birds (RSPB) comments, the applicant had stated that the application would have no significant detrimental effect on the adjacent woodlands. He had however acknowledged that there would be some harm and had proposed some mitigation measures, including a financial contribution, and he would work with the RSPB to achieve these. The RSPB had responded by stating that they welcomed the financial contribution, but there remained the issue of increases in the number of visitors to the woodland, and the problem of domestic cats.

The Major Projects Officer reported that KCC Highways and Transportation raised no objection to the application, subject to conditions to ensure highway safety during construction, and noting that the level of traffic movements would not be significantly high. The applicant had agreed to the payment of the commuted sum for the maintenance of on-site open space, as requested by the Greenspaces Manager. The applicant had also submitted a Statutory Declaration to clarify their view of the ownership of the site.

The Major Projects Officer drew Members' attention to the proposed reason for refusing the application, noted on page 127 of the report.

Parish Councillor Jeff Tutt, representing Dunkirk Parish Council, spoke against the application.

Mr John Peto, an objector, spoke against the application.

Mr Mark Quinn, the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation to refuse the application and this was seconded.

Members raised the following points: this looked like a good application as the site was overgrown with scrub; more housing, especially bungalows was needed; this allowed people to remain in this area; it was a nice sized development, with 40% affordable housing; cannot mitigate on woodland, the woodland needed to be protected; this development would bring employment to the area; there was no direct link from the development to Blean Woods; and the development brought a lot of good, but it was not in the Local Plan.

The Major Projects Officer explained that appropriate areas, with least harm, for housing development had been identified in the emerging Local Plan, sufficient to meet the Borough's Objectively Assessed Need and to approve this application would be against National Planning Policy Framework guidelines. The Neighbourhood Plan coming forward for this area, had rejected this site for housing. He explained that Dunkirk was poorly suited to have an additional 77 dwellings and the site was unsustainable as it was not close to public transport services (notably a railway station), doctors' surgery or retail facilities, and the site was not identified in the Local Plan.

The Development Manager drew Members' attention to paragraphs 9.11 – 9.16 on pages 120 and 121 in the report on why the site was unsustainable.

Further comments from Members included: did not consider the site to be unsustainable; being scrubland was ideal for housing use; housing was needed and this was good site for development; this was a superb windfall site; concerned with the RSPB comments on cats, a condition should be added to mitigate this; important not to undermine the Local Plan; Dunkirk had a rural feel, this development would change that; would be better if the development was smaller; the area would become more sustainable as more houses were built; we should listen to the residents drawing up the Neighbourhood Plan for Dunkirk; this would double the size of the village; this was a sustainable site; the scope of the land was not important here, it was an overwhelming growth of the village, against what local residents wanted; it was within 20 yards of ancient woodland, a vital area of high canopy woodland, important to a variety of birds; and additional population would impact on the woodland.

Councillor Mike Henderson moved an amendment: that additional to the recommendation for refusal in the report, it be refused on the grounds of the comments and objections of the RSPB. This was seconded by Councillor Mike Baldock. Upon being put to the vote, the amendment was lost.

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

Resolved: That application 16/505118/OUT be refused for the reason noted in the report.

PART 5

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

- **Item 5.1 – Slips Cottage, Painters Forstal Road, Ospringe**

APPEAL DISMISSED

- **Item 5.2 – Land and Buildings situated rear of Seager Road, Sheerness**

ENFORCEMENT NOTICE APPEAL ALLOWED

Discussion ensued on the decision which Members considered to be appalling.

In response to a Member asking whether the decision could be challenged, the Development Manager stated that the Inspector's decision was sound, with no legal grounds to challenge the decision.

- **Item 5.3 – Tickham Cottage, Tickham lane, Lynsted**

ENFORCEMENT NOTICE APPEAL ALLOWED

- **Item 5.4 – 25 Preston Avenue, Faversham**

APPEAL DISMISSED

- Item 5.5 – 6 Sheerstone, Iwade

APPEAL ALLOWED

1003 EXCLUSION OF THE PRESS AND PUBLIC

Resolved:

(1) That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 2, 3 and 6 of Part 1 of Schedule 12A of the Act:

- 1. Information relating to any individual.***
- 2. Information which is likely to reveal the identity of an individual.***
- 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).***
- 4. Information relating to any consultation or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and any employees of, or office holders under, the authority.***
- 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.***
- 6. Information which reveals that the authority proposes:***
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or***
 - (b) to make an order or direction under any enactment.***
- 7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.***

1004 SCHEDULE OF DECISIONS

6.1 Ref: 16/505817/FULL – Proposed garage/outbuilding at 2 Haylocks Cottages, Stalisfield

Resolved: That an Enforcement Notice be issued in respect of the breach of planning control, pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring that the garage is demolished and all materials arising from the demolition are removed from the site within 6 months of the Notice taking effect.

That the Head of Planning Services and Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, including the precise wording thereof to give effect to this decision.

6.2 Ref: 16/5063907/FULL – Proposed single storey rear extension at 97 Upper Brents, Faversham

Resolved: That an Enforcement Notice be issued in respect of the breach of planning pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring that the extension is demolished and all materials arising from the demolition are removed from the site within 6 months of the Notice taking effect.

That the Head of Planning Services and Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, including the precise wording thereof to give effect to this decision.

6.3 Ref: 16/503680/FULL – Siting of a mobile home at The Paddock, 76 Horsham Lane, Upchurch

Resolved: That an Enforcement Notice be issued in respect of the breach of planning control, pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring the cessation of the use of the land, the removal of the caravan from the site and any associated domestic paraphernalia within 3 months of the Notice taking effect.

That the Head of Planning Services and Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, including the precise wording thereof to give effect to this decision.

URGENT ITEM:

Land at Homestall Road, Newnham (Straight Hill)

Resolved: That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring the use of the land for any business activity to cease within one month of the Notice taking effect.

That the Head of Planning Services and Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, including the precise wording thereof to give effect to this decision.

1005 ADJOURNMENT OF MEETING

The meeting adjourned at 8.48pm and reconvened at 8.54pm.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

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