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## PLANNING COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 5 January 2017 from 7.00pm - 8.58pm.

**PRESENT:** Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth (Vice-Chairman), Tina Booth (substitute for Councillor Prescott), Roger Clark, Mike Dendor, Paul Fleming (substitute for Councillor Richard Darby), James Hall, Mike Henderson, James Hunt, Ken Ingleton, Nigel Kay, Peter Marchington, Bryan Mulhern (Chairman) and Ghlin Whelan.

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

**ALSO IN ATTENDANCE:** Councillors John Wright.

**APOLOGIES:** Councillors Richard Darby and Prescott.

### 1090 FIRE EVACUATION PROCEDURE

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

### 1091 MINUTES

The Minutes of the Meeting held on 8 December 2016 (Minute Nos. 1058 – 1066) were taken as read, approved and signed by the Chairman as a correct record, subject to the following amendment:

2.1, 16/507069/ADV, Advertisement on roundabout at Sonora Way/Jacinth Drive, Sittingbourne – that Councillor James Hunt moved the amendment and Councillor Mike Henderson seconded it.

The following updates were given:

The Chairman advised that item 2.3, 16/507183/FULL, Milstead Primary School, Milstead, would be deferred to the next meeting as the amended drawings had been received.

The Development Manager advised that it was hoped that the viability assessment for item 2.4, 16/505280/OUT, Land at Swale Way, East Hall Farm, East Hall Lane, Sittingbourne, would be ready in time for the next meeting.

### 1092 DECLARATIONS OF INTEREST

Councillor Tina Booth declared an interest in respect of item 2.6, Corner Plot, Range Road, Eastchurch. Councillor Booth left the Chamber during consideration of this item.

1093 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 16/500862/FULL</b>			
<b>APPLICATION PROPOSAL</b> Retention of lean-to hay store to rear of existing stables.			
<b>ADDRESS</b> Land At Meresborough Lane And Spade Lane, Meresborough Lane Hartlip Kent ME9 7LZ			
<b>WARD</b> Newington And Upchurch	Hartlip,	<b>PARISH/TOWN</b> Hartlip	<b>COUNCIL</b> <b>APPLICANT</b> Mr J Strevens <b>AGENT</b> Woodstock Associates

This item was withdrawn from the agenda.

<b>2.2 REFERENCE NO - 16/500861/FULL</b>			
<b>APPLICATION PROPOSAL</b> Variation of condition 8 of SW/07/0664 (Change of use of land for the keeping of horses including erection of 4 stables, one tack room and hay and machinery store) for retention of small tourer caravan as an amenity facility for the stable worker.			
<b>ADDRESS</b> Land At Meresborough Lane And Spade Lane, Meresborough Lane Hartlip Kent ME9 7LZ.			
<b>WARD</b> Newington And Upchurch	Hartlip,	<b>PARISH/TOWN</b> Hartlip	<b>COUNCIL</b> <b>APPLICANT</b> Mr J Strevens <b>AGENT</b> Woodstock Associates

Mr Graham Addicott, representing Hartlip Parish Council, spoke against the application.

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

A Ward Member spoke against the application. He considered it would set a precedent, and effect visual amenity.

Members raised the following points: concerned with this application; this caravan did not look like it was a touring caravan; this was contrary to the original condition on the application; difficult to reconcile that some agricultural buildings were deemed not fit for the countryside, but this seemed to be acceptable, needed to be consistent; the caravan should not be used in the evenings; it seemed that the applicant was contravening the condition as there was external storage on the site;

question the meaning of ‘amenity facility’; was the caravan being used for overnight stays?; this was the ‘thin end of the wedge’; caravan was atrocious, resulting in visual harm; this was a very visible site; and would be happier if this was short-term.

The Development Manager explained that in terms of the use of the caravan, there had been no evidence of overnight stays, and no complaints had been received, and therefore nothing was being investigated by the Planning Enforcement Team. He explained that the application was for a small caravan, and the amenity use was for the stable worker to use for rest/tea breaks.

In response to a question, the Area Planning Officer explained that the wording of condition (8), outlined on page 6 of the report, was no longer the wording that was used for this type of condition, and that the word ‘prior’ was no longer included. He advised that the condition could be amended to make the permission temporary, and he sought delegated authority to do this.

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

Councillor Mike Henderson moved a motion to refuse the application on the following grounds: that reasonable conditions were imposed on the application site nine years ago in relation to no external storage etc. in the interests of visual amenity of the area, and this application should be refused for the same reasons. This was seconded by Councillor Andy Booth and upon being put to the vote, the motion to refuse the application was carried.

**Resolved: That application 16/500861/FULL be refused on the grounds of the harmful affect on visual amenity of the area.**

<b>2.3 &amp; 2.4 REFERENCE NO - 16/507616/FULL &amp; 16/507617/LBC</b>			
<b>APPLICATION PROPOSAL</b> Construction of an Orangery.			
<b>ADDRESS</b> Old Rectory Frinsted Road Milstead ME9 0SA			
<b>WARD</b> West Downs	<b>PARISH/TOWN</b> Milstead	<b>COUNCIL</b>	<b>APPLICANT</b> Mrs J Gale <b>AGENT</b> E P Architects Ltd

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

**Resolved: That application 16/507616/FULL be approved subject to conditions (1) to (5) in the report.**

**Resolved: That application 16/507617/LBC be approved subject to conditions (1) to (5) in the report.**

<b>2.5 REFERENCE NO - 16/507561/FULL</b>		
<b>APPLICATION PROPOSAL</b> Conversion of loft with insertion of two front dormer windows and erection of single storey rear extension.		
<b>ADDRESS</b> 11 Wards Hill Road, Minster-on-Sea, Kent, ME12 2LL		
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN COUNCIL</b> Minster-on-Sea	<b>APPLICANT</b> Mr Evan Simkus <b>AGENT</b> Architek Design & Planning

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

A Ward Member supported the application.

**Resolved:** *That application 16/507561/FULL be approved subject to conditions (1) to (3) in the report.*

<b>2.6 REFERENCE NO - 16/506927/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of a 4 Bedroom detached dwelling with integral garage and parking space and revised scheme from previously approved application 14/506821/FULL.		
<b>ADDRESS</b> Corner Plot Range Road Eastchurch Kent ME12 4DU		
<b>WARD</b> Sheppey East	<b>PARISH/TOWN COUNCIL</b> Eastchurch	<b>APPLICANT</b> Mr Lee Marshall <b>AGENT</b> Kent Design Architects

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

Discussion ensued on whether the site should have two semi-detached houses on it, or one detached house. The Area Planning Officer confirmed that two semi-detached houses had already been built, and this was an application for a 4-bedroom detached house.

Members raised the following points: this was back-garden building; it was not in-keeping with the streetscene; there were overlooking issues; 4-bedroom houses were needed; and the resulting amenity space was not adequate.

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

Councillor Cameron Beart moved a motion to refuse the application on the following grounds: That it was not in-keeping with the streetscene, it was overintensive,

giving rise to overbearing impact on the existing dwellings; overlooking was unacceptable; and it was harmful to residential amenity by virtue of the reduced garden size to one of the approved dwellings. This was seconded by Councillor Andy Booth.

The Area Planning Officer gave details of the depths of the two existing semi-detached gardens which were 10.5 metres, and 15.5 metres down to 9.4 metres; the standard was 10 metres.

**Resolved: That application 16/506927/FULL be refused on the grounds that it was not in-keeping with the streetscene, it was overintensive, giving rise to overbearing impact on the existing dwellings; overlooking was unacceptable; and it was harmful to residential amenity by virtue of the reduced garden size to one of the approved dwellings.**

<b>2.7 REFERENCE NO - 16/507130/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Detailed application for the use of the existing lawful structure which is laid out as two apartments, for the use as two holiday let units at the Annexe at Sharsted Lodge			
<b>ADDRESS</b> Sharsted Lodge Sharsted Road Doddington Kent ME9 0JS			
<b>WARD</b> East Downs	<b>PARISH/TOWN</b> Doddington	<b>COUNCIL</b>	<b>APPLICANT</b> Mr A Connor <b>AGENT</b> DHA Planning

The Area Planning Officer explained that the two applications noted as ‘pending consideration’ on page 35 of the report had recently been approved. He reported that the applicant had agreed to a Unilateral Undertaking to restrict occupation of the building to holiday accommodation only.

Mr John Collins, the Agent, did not speak.

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

In response to a statement, the Locum Solicitor advised of the importance of having a Unilateral Undertaking as this would make it easier for the Council to control future use of the property, via injunction, rather than enforcement action.

**Resolved: That application 16/507130/FULL be approved subject to conditions (1) to (5) in the report, and to the receipt of a satisfactory Unilateral Undertaking to control future use of the property to holiday use.**

<b>2.8 REFERENCE NO - 16/507299/LBC</b>			
<b>APPLICATION PROPOSAL</b>			
Listed Building Consent for 1 x Non Illuminated Aluminum Fascia Letters			
<b>ADDRESS</b> 7 Market Place Faversham Kent ME13 7AG			

<b>WARD</b> Abbey	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Mr Blyth <b>AGENT</b> Blaze Signs Ltd
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A Ward Member supported the application.

Discussion ensued on how the sign compared to others in the area and whether it should be hand-painted or not.

**Resolved: That application 16/507299/LBC be approved subject to condition (1) in the report.**

<b>2.9 REFERENCE NO - 16/507289/FULL</b>		
<b>APPLICATION PROPOSAL</b> New dual use netball court/drop-off area; access from land to the east and new footway between Gladstone Drive and land to the east of the school (Stones Farm development).		
<b>ADDRESS</b> Lansdowne County Primary School, Gladstone Drive, Sittingbourne, Kent ME10 3BH		
<b>WARD</b> Murston	<b>PARISH/TOWN COUNCIL</b> Bapchild	<b>APPLICANT</b> G H Dean & Company Limited <b>AGENT</b> Paul Sharpe Associates LLP

The Area Planning Officer drew Members’ attention to the tabled papers, one from the Chief Executive Officer of the Stour Academy Trust in support of the application, and the other from the Locum Solicitor which provided advice on referral, following an objection by Sport England, to the Secretary of State.

Mr Paul Sharpe, the Agent, spoke in support of the application.

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

Members raised the following points: dual use would help the school; Sport England’s comments were unsound; should not refer it to the Secretary of State; could we ensure that the parking aspect continued?; and considered that the points raised within the legal advice meant that referral to the Secretary of State was not mandatory.

The Area Planning Officer suggested that officers could be given delegated authority to impose a condition that stated that the use for car parking was ensured.

The motion to approve the application was put to the vote and lost.

Councillor Mike Baldock moved the following motion: That the application be approved, without referral to the Secretary of State and delegation given to officers to add an additional condition to ensure use for car parking was maintained. This

was seconded by Councillor Andy Booth and upon being put to the vote, the motion was agreed.

**Resolved:** *That application 16/507289/FULL be delegated to officers to approve subject to conditions (1) to (6) in the report, without referral to the Secretary of State and an additional condition to ensure that the car parking use would be maintained.*

<b>2.10 REFERENCE NO - 15/508514/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Demolition of existing building and erection of 6 No. 4-bed detached houses and 2 No. 3-bed semi-detached houses with garaging, access and landscaping			
<b>ADDRESS</b> Coleshall Farm, Sheppey Way, Iwade, Kent, ME9 8QY.			
<b>WARD</b> Bobbing, Iwade & Lower Halstow	<b>PARISH/TOWN</b> Iwade	<b>COUNCIL</b>	<b>APPLICANT</b> Mr Tom Ledger <b>AGENT</b> DHA Planning

The Area Planning Officer reported that the Environmental Health Manager raised no objection to the application, subject to standard conditions requiring a contamination survey, hours of work and dust suppression. Southern Water raised no objection, subject to a standard condition regarding submission of foul and surface water disposal, and standard informatives advising the developer of their responsibilities with regard to water pipes and connections to the sewerage system. The Area Planning Officer sought delegated authority to approve, subject to these additional conditions and informatives.

Mr Eric Pryjemski, the Agent, spoke in support of the application.

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

**Resolved:** *That application 15/508514/FULL be approved subject to conditions (1) to (18) in the report and to the additional conditions and informatives requested by the Environmental Health Manager and Southern Water.*

**PART 3**

Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 16/506159/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Retrospective application for variation of condition 12 of SW/04/1320 to allow for full time year round occupation			
<b>ADDRESS</b> Chesley Oast Bull Lane Newington Kent ME9 7SJ			
<b>WARD</b> Hartlip, Newington And Upchurch	<b>PARISH/TOWN</b> Newington	<b>COUNCIL</b>	<b>APPLICANT</b> Asset Sky Limited

		<b>AGENT</b> Direct Planning Limited
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The Area Planning Officer advised that additional documents for this application had been emailed to members of the Planning Committee. The documents had included a covering letter, stating errors and omissions in the report, and a Sound Insulation Testing Report, dated 2011. In response to this report, the Environmental Health Manager had stated that this still resulted in residential units being located adjacent to industrial buildings with issues of adverse noise impacts from two incompatible uses, and this was inadvisable. The documents also included supporting letters from each of the occupiers of the units, and occupiers of nearby sites, including mention of the occupied units helping in the reduction of crime levels, which the Area Planning Officer advised was anecdotal.

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

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

A Ward Member spoke in support of the application. He considered it to be in a sustainable location, and not viable for holiday lets, that no alteration was required to the building, there was plenty of car parking and the Environmental Health Manager’s concerns had been addressed.

In response, the Area Planning Officer reminded Members that the Environmental Health Manager had raised objection to the application.

Members raised the following points: this seemed to be planning through the ‘back door’; was there proof that holiday lets had been marketed?; supported the application, the area was sustainable, and it added to the community; do not welcome retrospective applications; and there was a shortage of holiday lets in Swale.

**Resolved: That application 16/506159/FULL be refused for the reasons stated in the report.**

<b>3.2 REFERENCE NO - 16/507038/OUT</b>			
<b>APPLICATION PROPOSAL</b>			
Outline application for the erection of a single dwelling with associated access and parking. (Access only being sought).			
<b>ADDRESS</b> Courtenay House London Road Dunkirk ME13 9LF			
<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN</b> Dunkirk	<b>COUNCIL</b>	<b>APPLICANT</b> Mr & Mrs Datlen <b>AGENT</b> The JTS Partnership

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



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

A Ward Member spoke against the application and stated that the site had been turned down for housing twice already, and it was outside the village envelope.

In response to a question, the Area Planning Officer explained that the application site was outside the village envelope in both the current, and emerging Local Plan. He advised that it was an unsustainable location and there were no mitigating benefits.

***Resolved: That application 16/507038/OUT be refused for the reason stated in the report.***

## **PART 5**

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

- **Item 5.1 – Water Meadow, Primrose Lane, South of Motorway, Bredgar**  
**APPEAL ALLOWED**
- **Item 5.2 – Land at Seed Road, Newnham**  
**TWO ENFORCEMENT APPEALS DISMISSED**
- **Item 5.3 – Land at Church Farm, Sheppey Way, Bobbing**  
**APPEAL DISMISSED AND COSTS REFUSED**
- **Item 5.4 – 60 – 63 Preston Street, Faversham**  
**APPEAL DISMISSED**

## **1094 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.**

## 1095 REPORT OF THE HEAD OF PLANNING

### 6.1 Land at Scoggers Hill, Dunkirk

**Resolved: That an Enforcement Notice be issued in respect of the breaches of planning control identified by officers, pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring the uses to cease and all items not associated with any agricultural activity to be removed from the land 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 Chesley Oast, Bull Lane, Newington

Following the refusal of item 3.1, 16/506159/FULL, Chesley Oast, Bull Lane, Newington, the Area Planning Officer advised that enforcement action was recommended, for the reasons set out in the report for that item. Members agreed to the wording outlined by the Area Planning Officer.

**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 permanent residential use to cease 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.**

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