
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 17 August 2017 from 7.00 pm - 8.40 pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth (Vice-Chairman), Roger Clark, Richard Darby, Paul Fleming (Substitute for Councillor James Hall), Sue Gent (Substitute for Councillor Mike Dendor), Nicholas Hampshire, Mike Henderson, Gerry Lewin (Substitute for Councillor Nigel Kay), Peter Marchington, Bryan Mulhern (Chairman) and Ghlin Whelan.

OFFICERS PRESENT: Rob Bailey, Andrew Jeffers, Kellie MacKenzie, Andrew Spiers, Adrian Truss and Jim Wilson.

APOLOGIES: Councillors Mike Dendor, James Hall, James Hunt, Ken Ingleton, Nigel Kay and Prescott.

162 FIRE EVACUATION PROCEDURE

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

163 MINUTES

The Minutes of the Meeting held on 20 July 2017 (Minute Nos. 111 – 117) were taken as read, approved and signed by the Chairman as a correct record.

164 DECLARATIONS OF INTEREST

Councillor Cameron Beart declared an interest in respect of item 6.1 16/505645/FULL Land at Warden Road rear of Orchard Cottage, Dicksons Walk, Eastchurch. Councillor Beart did not speak or vote on this item.

165 PLANNING WORKING GROUP

SW/17/502213/FULL – Mill Farm House, Otterham Quay Lane, Upchurch, Nr Sittingbourne, Kent, ME8 7XA

The Minutes of the Meeting held on 7 August 2017 (Minute Nos. 158 – 159) were taken as read, approved and signed by the Chairman as a correct record.

The Area Planning Officer reported that he had received a further representation from the occupier of the adjacent dwelling, raising the following points: the proposed development was dis-proportionally large at 7 metres high; unsuitably located on the highest point on the land, and at approximately 40 to 50cm, too close to their common boundary to allow safe construction or maintenance; all of those factors would have an adverse effect on their residential amenity; appreciated the observation that the proposed building was some 44 metres from their house, but against this must be set the fact that it sits on land some 2 metres higher, thus increasing the apparent size and effect on the enjoyment of their house and garden; fail to see the need for a home office of some 13 x 6 metres, particularly given the

size of the main house, and also currently not clear what the intended purpose of this space was, and if it was to be used as a research space for the development and testing of exhaust extraction systems as was explained at the planning meeting held on 20 July 2017, then did this still qualify as a home office?; they were concerned that this use would lead to an increase of business vehicles using the driveway, which ran along the length of their garden, to deliver the necessary plant. They considered that those vehicles would also have to exit onto the highway on a blind bend via their shared driveway and that this, as well as any noise generated by the equipment, would also have a detrimental effect on the enjoyment of their garden.

The Area Planning Officer reported that they had also stated that at the meeting on 20 July 2017, it was explained that the kitchen and bathroom facilities were needed to cater for the needs of the applicant's brother, who had Multiple Sclerosis and would eventually need a wheelchair, in order that he could provide IT consultancy to the applicant's company. Access to the proposed first floor would be via an external staircase. Given that situation, would a ground floor facility not be more suitable? They had no objection to the principle of a garage block, but they did object to the second floor of the proposed building. They would be quite happy to see a single storey-building, constructed far enough away from the boundary to allow safe construction and maintenance and asked that the proposal be rejected.

The Area Planning Officer stated that with regard to the objection, Members would note that it largely reiterated the objections already set-out in the report to the previous meeting. He stated that with regard to the use of the first-floor of the proposed building, Members may recall condition (2), as set out in the report, which restricted the use of the building to ancillary and/or incidental uses only. Generally, dwellings and outbuildings could be put to business uses, a home office for example, provided they did not in themselves amount to a material change of use. Factors which could determine whether a material change of use had occurred included noise and disturbance, vehicle movements, numbers of employees etc. The Area Planning Officer stated that, in his view, this condition would prevent a material change of use of the building to a scale of business use that would harm residential amenity, and would give the Council control over any such use.

The Area Planning Officer stated that he understood that at the site meeting Members queried whether the planning permission for an outbuilding in a similar position had been implemented. He advised that the applicant had provided further details in the form of materials and builders' receipts. He advised Members that it appeared likely to him that the permission has been implemented. However, this had not been the subject of a legal determination by way of a Certificate of Lawful Proposed Development.

The Area Planning Officer stated that the details of this approved scheme were: it would have been located close to the boundary, although it would have had a veranda with a catslide roof over and abutting the boundary, rather than the rear wall of the building. It was an L-shaped building, measuring 17 metres by 10.5 metres, with a ridge height of 7 metres. He explained that this was the same height as the proposed scheme. However, it would have had a low eaves height, and was designed to be similar to a traditional agricultural building, and as such, its visual impact would be less than the scheme currently proposed.

The Area Planning Officer stated that, in his view, the implementation of the permission granted in 2002 was not necessarily relevant to the current application as a fall-back position. Fall-back positions were only relevant if used to justify the approval of an alternative, improved scheme, and the process was that the current scheme had to be considered on its own merits, and if Members found it acceptable, it should be approved. If they considered it unacceptable, the question of a fall-back position became pertinent, but only if the fall-back position, the previously approved scheme, was materially worse in planning terms than the current scheme. The justification then was that the current scheme should be approved, it being preferable to the fall-back position which could be constructed if the current scheme was refused.

The Area Planning Officer further explained that it did not work in reverse, and permission for the current application should not be refused because it was worse than any fall-back position. The current scheme had to be assessed on its own merits and if it was acceptable, it should be approved, and if unacceptable it should be refused.

The Area Planning Officer considered that in this case, he was firmly of the view that the previous approval was a better scheme in terms of its design, than that currently proposed. He did not consider there to be a fall-back position to be given weight in the decision-making process here, but that was not to say that he considered that the current scheme should be refused. The Area Planning Officer concluded that considering the application on its own merits, he remained of the view that, on balance, the current scheme was acceptable.

A Ward Member spoke against the application. He raised points which included: what was the perceived use of the building as this kept changing? it could not now be used as a research laboratory which was another material consideration; any structure being built in this historic location would need to be sensitive to views from locations in Wallbridge Lane, the golf course, Mill House and footpath ZR7. He considered the application should be refused on grounds that the two storey building was inappropriate in this location due to its visual intrusions in a sensitive location, particularly its relationship with Mill House; the design was bland and the choice of materials, PVC cladding, created a poor visual impact; there was a privacy issue of overlooking from the balcony steps into the neighbouring property Mill House; the scale and mass of the building had an overbearing impact when viewed from Mill House and Wallbridge Lane taking into account the rising contours on which it would stand; the closeness to the Mill House boundary of some 50 cm meant that there was a loss of residential amenity, as it would require permission of one landowner to allow access for construction and maintenance of the proposed building; the shared access to these properties was at a dangerous point at the top of Windmill Hill and further traffic movements resulting from the use of the research laboratory; landscape concerns; and the cumulative impact of all of these points would result in demonstrable harm.

The Area Planning Officer clarified that he had not stated that the proposed use was unacceptable, but that it did not amount to a reason for refusal. He stated that issues relating to access, maintenance and vehicle movements were not material planning considerations.

Councillor Gerry Lewin moved the following motion: That the application be refused due to the bland design and choice of materials of PVC cladding which would create a poor visual impact. Would cause overlooking from the balcony steps into the neighbouring property Mill House. The scale and mass of the building would have an overbearing impact when viewed from Mill House and Wallbridge Lane due to the rising contours of the land. It would have a detrimental impact on the local landscape, and the cumulative impact of all these points would result in demonstrable harm to the area. This was seconded by Councillor Roger Clark. On being put to the vote the motion was agreed.

Resolved: That application 17/502213/FULL be refused due to the bland design and choice of materials of PVC cladding which would create a poor visual impact. Would cause overlooking from the balcony steps into the neighbouring property Mill House. The scale and mass of the building would have an overbearing impact when viewed from Mill House and Wallbridge Lane due to the rising contours of the land. It would have a detrimental impact on the local landscape, and the cumulative impact of all these points would result in demonstrable harm to the area.

166 DEFERRED ITEM

Def Item 1 REFERENCE NO - 16/506986/FULL			
APPLICATION PROPOSAL			
Demolition of no. 116 Oak Lane and construction of 2 no. three bedroom houses and 1 no. four bedroom with associated garages and parking.			
ADDRESS 116 Oak Lane Upchurch Kent ME9 7AY			
WARD Hartlip, Newington and Upchurch	PARISH/TOWN Upchurch	COUNCIL	APPLICANT Gransden Construction AGENT Kent Design Partnership

This item was withdrawn from the Agenda.

167 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO – 17/503447/FULL			
APPLICATION PROPOSAL			
Conversion of garage into additional living accommodation with associated external alterations (part-retrospective).			
ADDRESS 3 Orchid Close, Minster-on-Sea, Kent, ME12 3HH.			
WARD Sheppey Central	PARISH/TOWN Minster-on-Sea	COUNCIL	APPLICANT Miss Gemma Hoffman AGENT DHA Planning Limited

Mrs Rebecca Foad, the Agent, spoke in support of the application.

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

Members considered the application and raised points which included: disappointed that the Parish Council were not present to explain their objections to the application; there were parking problems in the locality but the property's garage could not be used as a garage, so seemed common sense to allow for living accommodation; would not lead to an increase in noise levels; and was wholly acceptable.

Resolved: That application 17/503447/FULL be approved subject to conditions (1) and (2) in the report.

2.2 REFERENCE NO - 17/502743/FULL			
APPLICATION PROPOSAL Installation of timber gates (Retrospective)			
ADDRESS Tevrin, The Street, Hartlip, Sittingbourne, Kent, ME9 7TH.			
WARD	Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL	Hartlip
		APPLICANT	Mr Collins and Miss Higglesden
		AGENT	Kent Design Studio Ltd

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

A Ward Member raised no objection.

Resolved: That application 17/502743/FULL be approved.

2.3 REFERENCE NO – 17/501755/FULL			
APPLICATION PROPOSAL Part retrospective application for the change of use of ground floor to accommodate an A1 (retail) or A2 (financial and professional) or A3 (restaurant area), and the retention of A5 (takeaway); conversion of ground, first and second floors to create 8no. Apartments; part rear demolition, erection of extension to second floor to form staircase, the further conversion of the rear of building to form 3no. Apartments with associated side extension, external alterations and creation of parking and cycle spaces.			
ADDRESS 60-63 Preston Street Faversham Kent ME13 8PG			
WARD	Abbey	PARISH/TOWN COUNCIL	Faversham Town
		APPLICANT	Mr Roland Yeung
		AGENT	Cook Associates Design Studio LLP

The Major Projects Officer drew attention to the tabled update which had previously been emailed to Members.

The Chairman, also a Ward Member, raised concern about the dilapidated state of the site and the access from Union Street.

Councillor Bryan Mulhern moved a motion for a site meeting. This was seconded by Councillor Bobbin. On being put to the vote the motion was agreed.

Resolved: That application 17/501755/FULL be deferred to allow the Planning Working Group to meet on site.

2.4 REFERENCE NO - 17/500727/OUT		
APPLICATION PROPOSAL		
Outline application for residential development for up to 50 dwellings with access off Chestnut Street (All others matters reserved) as amended by drawings received 31/05/2017.		
ADDRESS Manor Farm, Key Street, Sittingbourne, Kent, ME10 1YU		
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Balmoral Land (UK) Ltd AGENT

The Major Projects Officer drew attention to the tabled paper, which had previously been emailed to Members, and which included responses from the Environmental Protection Team Leader (EPTL), the Kent County Council (KCC) Public Rights of Way Officer (PROW), the KCC Principal Archaeological Officer, KCC Minerals Planning, and the Housing Services Manager and Highways England (HE). The paper also made reference to an additional highway condition, the adoption of the open spaces on the site by the Council, and two corrections to the submitted report.

The Major Projects Officer reported that the Council’s Green Spaces Officer had requested a ten-year commuted sum of £37,292 developer contribution for maintenance of the greenspace on the site.

Parish Councillor Clive Simms, representing Borden Parish Council, spoke against the application.

Mrs Patricia Knott, an Objector, spoke against the application.

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

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

The Chairman asked Members if they had any questions.

In response to queries from Ward Members, the Major Projects Officer explained that the existing location of the footpath was a suggested route to show one way that the proposed 50 dwellings could be provided. The current layout plan was an

illustration and Members should note the application was still at outline stage. At the reserved matters stage Members would be able to ensure the footpath was properly integrated into the estate. The Major Projects Officer explained that it was not practicable or appropriate to include full responses from all consultees within the Committee report, but he and the Case Officer had made an honest attempt to include the main points raised by HE. He stated that HE had no fundamental objections to the proposal but wanted to understand how the developer contribution of £51,000 would work with other developer contributions to fund improvement works at Key Street. He advised that he believed that officers could work together with HE to resolve these issues and ensure that the highway improvements were provided. With regard to air quality concerns, the Major Projects Officer explained that whilst close to the A249, the site was not within an Air Quality Management Area so no modelling of air quality had been carried out.

The Major Projects Officer referred to conditions (23) and (24) in the Committee report which related to restrictions on demolition and construction times at the site, and a programme of dust suppression and were requested by the EPTL. The vehicular access required the provision of a gap in the existing landscaping and would be set well away from the bend in the road.

In response to queries from Members, the Major Projects Officer advised that there was the option for the open space to be maintained by a management company, as an alternative to adoption by the Council. The affordable housing rate for Sittingbourne was 10% so the maximum of five units being provided was correct. The Major Projects Officer explained that the parking provided was on the indicative layout to demonstrate how 50; units could be provided on the site, but was not for approval under the current application.

Ward Members spoke against the application and raised comments which included: the Council's Local Plan recommended a minimum of 30 units and the developer was requesting up-to 50; an increase of 66%, does this mean the Local Plan was not worth the paper it was written on; this was not a suitable site; access onto Chestnut Street was completely inappropriate, it was often blocked on one side by parked vehicles which offered poor visibility so access onto it was not suitable; concern that the most pertinent points raised by HE were not included in the Committee report; how could the relevant mitigation measures be provided if the application was rushed through; it had not been proved that there would be no impact on air pollution; 50 units was far in excess of what was considered appropriate at the Public Examination of the Local Plan; was an isolated site; was a rural site so the affordable housing level should be 40%; concerns that if the footpath moved to the back of houses to the rear of Pine Lodge Care Centre, their security could be compromised and hoped that they would be consulted first; need to consider flood risks from the stream located under Key Street; and we have not received a response from KCC about brick earth and would be concerned about making a decision until this had been resolved.

Members raised points which included: The Council's Local Plan had approved a minimum of 30 units, for the developer to request 50 units was a serious issue and we should not allow; clear objections from HE; the developer should be made aware that the suggested arrangements for the PROWs were unacceptable and that we would require a high quality landscape scheme if approved; the developer

should be asked to provide a study on air quality; the site was not in Sittingbourne so the affordable housing rate of 10% did not apply; the increase in vehicle movements if approved would have a considerable impact on air quality; and appropriate mitigation measures were required following the realignment of the footpaths.

The Major Projects Officer noted concerns that the number of units was increased to 50, however the density would be 25 units per hectare which was still low compared to other developments in Swale and offered good space for soft landscaping to mitigate landscape and residential amenity impacts. A condition could be imposed to ensure a buffer could be provided between the development and the gardens of existing dwellings.

The Development Manager suggested that as there were a number of items and information not provided, Members may want to defer the application. This was agreed by Members.

A Member requested that this information included comments raised by Members, in relation to the increase to 50 units.

Resolved: That application 17/500727/OUT be deferred to allow information on outstanding issues to be provided.

2.5 REFERENCE NO - 17/503326/LBC		
APPLICATION PROPOSAL		
Listed Building Consent to add one additional photovoltaic panel to the three already approved; increase the size of all four panels from that previously approved; and the omission of one approved rooflight on the south-facing roofslope of approved rear extension.		
ADDRESS 46 Tanners Street Faversham Kent ME13 7JL		
WARD St. Ann's	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr and Mrs Stonor AGENT

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

Resolved: That application 17/503326/LBC be approved subject to conditions (1) to (5) in the report.

PART 5

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

- **Item 5.1 – 15 Pearl Walk, Sittingbourne**

APPEAL DISMISSED

- Item 5.2 – 25 Meadow Rise, Iwade

APPEAL DISMISSED

168 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.*

169 SCHEDULE OF DECISIONS

6.1 16/505645/FULL – Stationing of mobile home with associated fencing and formation of access track on land at Warden Road, rear of Orchard Cottage, Dicksons Walk, Eastchurch.

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 removal of the caravan and fencing from the site, and removal of the hardcore access track and reinstating it to its original condition 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.

6.2 16/500928/OPDEV – Fencing at 25 Saxon Shore, Sittingbourne, Kent, ME10 2UP

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 removal of the fence 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.

6.3 16/500921/CHANGE – Storage of motor vehicles at 34 Coronation Crescent, Queenborough, Kent, ME11 5ES

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 cessation of the use of the land for the storage of motor vehicles not incidental to the enjoyment of the dwelling 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.

6.4 16/500797/OPDEV – Outbuilding at rear of 40 Alma Street, Sheerness, ME12 2AX

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 cessation of the use of the land and the building to be demolished within three 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.

6.5 16/500953/CHANGE – Erection of outbuilding to rear of Goldstone, Augustine Road, Minster-on-Sea

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 demolition of the building within three 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.

6.6 Land at Mill Farm House, Otterham Quay Lane, Upchurch

Following the refusal of application 17/502213/FULL, Mill Farm House, Otterham Quay Lane, Upchurch, the Development Manager advised that enforcement action was recommended for removal of the unauthorised buildings on this site.

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 removal of the unauthorised buildings within three 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.

170 ADJOURNMENT OF MEETING

The meeting was adjourned at 7.25pm and reconvened at 7.30pm.

Chairman

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