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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, 9 November 2017 from 7.00pm - 9.18pm.

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

**OFFICERS PRESENT:** Rob Bailey, Philippa Davies, Andrew Jeffers and Cheryl Parks.

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

**APOLOGIES:** Councillors Roger Clark, James Hall and Nigel Kay.

### 314 FIRE EVACUATION PROCEDURE

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

### 315 MINUTES

The Minutes of the Meeting held on 12 October 2017 (Minute Nos. 274 – 283) were taken as read, approved and signed by the Chairman as a correct record, subject to amending the wording to Item 2.2, 5 Park Avenue, Sittingbourne to read 'Mr Mark Joyce, an objector, spoke against the application.'

### 316 DECLARATIONS OF INTEREST

Councillor Ken Ingleton declared a Disclosable Non-Pecuniary Interest in respect of Item 3.1, 16/505002/FULL, 70 High Street, Blue Town, Sheerness, as he was a Trustee of the adjacent building.

### 317 PLANNING WORKING GROUP

The Minutes of the Meeting held on 30 October 2017 (Minute Nos. 303 – 305) were taken as read, approved and signed by the Chairman as a correct record.

#### **17/502405/FULL – 5 Park Avenue, Sittingbourne, ME10 1QX**

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

Following the site visit, Members raised points which included: the new dwelling and garden would be very small; tandem parking would not work on this application

and there would be two entrances out onto a narrow road; this was garden-grabbing; the application was too large for the site; the dwelling would be overbearing on the surrounding properties; although the proposed dwelling appeared to be 'squeezed in', the existing garden was long; the size of the garden for the new dwelling was adequate and met Swale Borough Council's (SBC) requirements; did not consider the new dwelling was overbearing to other properties; and there had been no objections on planning grounds.

**Resolved: That application 17/502405/FULL be approved subject to conditions (1) to (14) in the report.**

**17/502909/OUT – 47 Brier Road, Borden, ME10 1YJ**

The Development Manager reported that Kent County Council (KCC) Highways and Transportation had advised that re-location of the lamppost would be through an application to them, and this would be at the applicant's expense. KCC Highways and Transportation had also requested an Informative on the highway issues at the site.

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

A Ward Member spoke against the application and made the following comments: the site visit indicated that the proposal was unrealistic; the entrance to the property was awkward; this was not a sensible location for a house; the new dwelling would overlook other properties, and would have a negative impact on No. 45; this was overdevelopment and it had an overbearing nature; and there were clear planning grounds to refuse the application.

A second Ward Member spoke against the application and made the following comments: there was local discontent for the proposal; it would have a negative impact on parking in the area; the topography was unsuitable for the development; it would have a negative impact on nearby properties and the highway; this was an unsuitable location; and it was overbearing.

Members raised points which included: did not consider it to be overbearing, as once the land had been cut into, this would lower the height of property; this was not a parking area, it was a turning circle; concerned with cutting into the earth, with the resulting potential flooding risk; and a condition could be implemented to address flooding issues.

In response to a question, the Development Manager advised that there was not a potential flooding risk from the proposed development, but a risk of water run-off. He reminded Members that this was an outline application and advised that drainage issues could be addressed by way of an appropriate condition.

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

There was discussion on the valid reasons for refusing the application.

Councillor Nicholas Hampshire moved the following motion: That the application be refused on the grounds that the sub-division of the plot was not in keeping with the surrounding area which was made up of large gardens, and it was unsympathetic and contrary to policies CP4 and DM14 of the Swale Borough Local Plan. This was seconded by Councillor Mike Baldock.

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

***Resolved: That application 17/502909/OUT be refused on the grounds that the sub-division of the plot was not in keeping with the surrounding area which was made up of large gardens, and it was unsympathetic and contrary to policies CP4 and DM14 of the Swale Borough Local Plan.***

## 318 SCHEDULE OF DECISIONS

### PART 2

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 17/502419/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Proposed single storey side extension to provide utility room and storage room and new porch/canopy.			
<b>ADDRESS</b> 50 Southsea Avenue, Minster-on-sea, Sheerness, Kent ME12 2JX			
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN</b> Minster-On-Sea	<b>COUNCIL</b>	<b>APPLICANT</b> Mr Moon <b>AGENT</b> Mr Jonathan Williams

The Area Planning Officer reported that there was an error in the description of the application on page 1 of the report. It should have included retrospective planning permission for the conversion of the garage. He advised that neighbours had been re-consulted on this basis. Minster Parish Council objected to the application as set out in the report.

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

Mr Steven Moon, the Applicant, spoke in support of the application.

A Ward Member spoke against the fact that part of the application was retrospective. He acknowledged the comments in paragraph 8.04 of the report, and supported the application.

***Resolved: That application 17/502419/FULL be approved subject to conditions (1) to (3) in the report.***

<b>2.2 REFERENCE NO - 17/503778/FULL &amp; 17/503779/LBC</b>		
<b>APPLICATION PROPOSAL</b> Conversion of existing building into 4 self contained flats and storage area. New windows to be installed in new first floor kitchens.		
<b>ADDRESS</b> 124 East Street, Sittingbourne, Kent ME10 4RX		
<b>WARD</b> Roman	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Ashvin Properties LTD <b>AGENT</b> Mr Ken Crutchley

The two applications were considered at the same time.

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

Mr Kapoor, the Applicant, spoke in support of the application.

A Ward Member explained that he had previously had concerns with parking provision on the application site. Following the statement from the applicant, he supported the application.

Members raised points which included: concerned that the listed building had not been sympathetically updated in the past; welcomed the re-development and the potential to smarten up that part of the street; this gave the building a new lease of life; it would provide homes; needed to realise that parking was sometimes not practical; the building should be de-listed; and concerned with parking, but it did meet the County parking standards.

A Member stated that the sentence in paragraph 8.10 should read: ‘...unrealistic to remove this element....’.

In response to a question, the Area Planning Officer advised that previous works on the building had been done over a period of time, prior to the current applicant's ownership. He considered that in terms of the building being listed, its value was minimal. It would be unfair to serve an Enforcement Notice on the current owner, and impossible to get evidence for a prosecution on the previous owner(s). However, he advised that over-time the building could be improved, and this application facilitated a small start to the improvement.

**Resolved: That application 17/503778/FULL be approved subject to conditions (1) to (3) in the report.**

**Resolved: That application 17/503779/LBC be approved subject to conditions (1) and (2) in the report.**

**2.3 REFERENCE NO - 17/504563/PNQCLA****APPLICATION PROPOSAL**

Prior notification for the change of use of 2 agricultural buildings into 3 dwellings.

For its prior approval to:

- Transport and Highways impacts of the development.
- Contamination risks on the site.
- Flooding risks on the site.
- Noise impacts of the development.
- Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed.
- Design and external appearance impacts on the building.

**ADDRESS** Paradise Farm, Lower Hartlip Road, Hartlip, Sittingbourne, Kent ME9 7SU

**WARD** Hartlip,  
Newington And Upchurch

**PARISH/TOWN COUNCIL**  
Hartlip

**APPLICANT** Mr James  
Robson

**AGENT** CYMA Architects  
Ltd

The Chairman reported that a long document had been sent to Members and this had been considered by the Planning Lawyer as lobbying, about which there was no guidance in the Constitution. It was suggested by the Chairman that Members should not consider the content of the document, which had been circulated very late, and had not been copied to Planning Officers.

The Area Planning Officer reported that there was an error on the Planning History, noted on page 16 of the report. It stated that application 16/502762 was refused, but it had been withdrawn, with the reasons for refusal being included if an application had have been made. The Area Planning Officer reminded Members that this was not an application for planning permission, but an application for a determination as to whether prior approval from the Council was required for the use of the buildings as dwellings, similar to a reserved matters application. The principle of the use was granted by the General Permitted Development Order, subject to specific details to be scrutinised by the Council. Members could only consider transport and highways impacts, noise impacts, contamination risks on the site, flood risks on the site, whether the location or siting of the building made it otherwise impractical or undesirable for it to be used for residential purposes, and the design and external appearance of the buildings.

The Area Planning Officer reported that the contamination risks on the site would be addressed by a proposed condition. KCC Highways and Transportation had no objection to the application. There would be no significant noise impact, the site did not lie in an area at risk of flooding, and the design and external appearance of the alterations to the buildings were acceptable. He advised that there was no significant evidence as to whether the location of the site made it impractical or undesirable, as set out in the report. As such, the Area Planning Officer considered that Members had very limited opportunity to determine that prior approval should

be refused. He further advised that the application could not be deferred or considered by the Planning Working Group. The deadline for a decision was 27 November 2017, and if a decision was not reached by then, the application was deemed to have been approved.

The Area Planning Officer reported that Hartlip Parish Council had withdrawn their objection, and a Ward Member had also withdrawn his request for the item to be considered by the Planning Committee. KCC Highways and Transportation advised that they stood by their comments on the previous application as set out in paragraph 7.02 on page 22 of the report.

The Area Planning Officer acknowledged that Members had received a long additional document from a Ward Member, who was also a near neighbour, to the application site. He outlined some of the points that had been made by the Ward Member: the proposal would harm highway safety and convenience, including details of visibility splays; refuse collection queries; the width of the access track; the site formed part of an agricultural tenancy; and there was an adjacent equestrian use.

The Area Planning Officer reported that the majority of the issues raised were dealt with in the KCC Highways and Transportation comments at paragraph 7.02 on page 22 of the report. The bend of the road was in favour of the site; the level of traffic expected from the three additional dwellings would not be significantly worse than if the site was put to its lawful agricultural use; the length of the track, together with the level of activity expected meant that it was unlikely that two vehicles would meet precisely at the access point; and there was not an issue of highway safety when vehicles met along the length of the access track.

The Area Planning Officer further advised that refuse collection was not an issue of highway safety, and the fact that the site and access track was in close proximity to an equestrian facility was not relevant to the determination of the scheme. The applicants had provided details to confirm that the application site was not the subject of an agricultural tenancy. The owners of the buildings in the application had the right to use the access track as recorded by the Land Registry.

The Area Planning Officer concluded by stating that there was nothing in the additional paperwork which amounted to a reason to determine that prior approval should be refused.

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

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

Mr Mark Hall, the Agent, spoke in support of the application.

In response to highways issues raised by the objector, the Area Planning Officer referred again to the comments made by KCC Highways and Transportation in paragraph 7.02 of the report. He advised that regulations stated that the Council could require information from the applicant that was 'reasonably required to determine the application'. He explained that detailed highway access, impact and

risk information had not been requested as KCC Highways and Transportation had advised that these aspects were acceptable, i.e. it was not reasonable to request this information. A request to widen the track could not be implemented as the access track was outside the control of the applicants.

The Chairman stated, following discussions with the Planning Lawyer regarding the procedures set out in the Constitution, that it was his intention that there would be no discussion and he would move the item straight to the vote.

**Resolved: That prior approval is required and is granted under reference 17/504563/PNQCLA subject to condition (1) in the report.**

### PART 3

Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 16/505002/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Demolition of existing structure and erection of a three storey, two bedroom dwellinghouse.		
<b>ADDRESS</b> 70 High Street, Blue Town, Sheerness, Kent, ME12 1RW		
<b>RECOMMENDATION</b> That the Council would have refused planning permission for the application had an appeal against non-determination not been submitted to the Planning Inspectorate.		
<b>WARD</b> Sheerness	<b>PARISH/TOWN COUNCIL</b> Sheerness	<b>APPLICANT</b> Michael Morgan <b>AGENT</b> KCR Design

The Area Planning Officer reminded Members that this application was in response to an appeal against non-determination and Members needed to determine what decision they would have made had the appeal not been submitted.

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

A Ward Member supported the officer recommendation, and considered the whole of the Isle of Sheppey was at risk from flooding.

Members raised points which included: this was over intensification and overdevelopment of the site.

**Resolved: That had an appeal against non-determination not been submitted to the Planning Inspectorate application 16/505002/FULL would have been refused for the reason stated in the report.**

<b>3.2 REFERENCE NO - 17/504171/FULL</b>			
<b>APPLICATION PROPOSAL</b> Proposed replacement residential annexe.			
<b>ADDRESS</b> Little Woottons, Elm Lane, Minster-on-Sea, Kent, ME12 3SQ			
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN</b> Minster-on-Sea	<b>COUNCIL</b>	<b>APPLICANT</b> Mr & Mrs Woollett <b>AGENT</b> Oakwell Design Ltd

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

Parish Councillor John Stanford, representing Minster Parish Council, spoke in support of the application.

Mr Chris Woollett, the Applicant, spoke in support of the application.

A Ward Member spoke in support of the application. He raised the following points: the proposed building was not much bigger than the existing one; it was not possible to make the main house invalid-friendly; this would not have a negative impact on the public view of the building; and it would not have an effect on the local area.

Members raised points which included: this was not visible from the road; 'replacement' was the important word on the application; the applicant could not adapt the main house; not much different to what was on the site already; the annex was not overbearing; understood the issue of annex/separate dwelling; a condition could be added that it remained as an annex to the main house; this appeared to be a separate dwelling; if it was a separate dwelling there would be more conditions; inconsistency with paragraphs 8.02, 8.03, 8.04, 8.05 and 8.07 in the report; and this could be converted into a separate dwelling.

In response to the comments, the Area Planning Officer drew Members' attention to the Planning History on page 34 of the report. He explained that there was not an issue of inconsistency. There had not been an application for the conservatory on the site, it had possibly been built under permitted development rights, unlike the annex which required planning permission. Paragraphs 8 etc above dealt with separate, not comparative issues. Any conversion of the annex to a separate dwelling would require an application for change of use, and it would need its own private amenities, and be 21 metres from the main dwelling, and as such did not meet the standards of a residential dwelling. He added that there were concerns with the level of facilities in the proposed annex, which officers considered excessive for ancillary accommodation.

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

Councillor Andy Booth moved the following motion: That the application be approved subject to the standard conditions that were normally applied. This was seconded by Councillor Ken Ingleton. After further discussion, the Proposer and



Seconder agreed to add 'to include a standard condition to require the annex to remain as ancillary accommodation to the main dwelling, and not lived in as a separate dwelling'. In response to a question, the Area Planning Officer stated that it was more difficult to make the permission a personal permission.

**Resolved:** *That application 17/504171/FULL be delegated to officers to approve subject to the standard conditions that are normally applied, including a condition to require the annex to remain as ancillary accommodation to the main dwelling, and not lived in as a separate dwelling.*

3.3 REFERENCE NO - 16/508521/FULL			
<b>APPLICATION PROPOSAL</b>			
Conversion of former storage building (originally built for agricultural purposes) into 1 No. 2 bed dwelling and 1 No. 3 bed dwelling with associated parking and amenity space			
<b>ADDRESS</b> Tranquility, Otterham Quay Lane, Upchurch, Kent ME8 7UT			
<b>WARD</b>	Hartlip, Newington And Upchurch	<b>PARISH/TOWN COUNCIL</b>	Upchurch
<b>APPLICANT</b> Mr C Agle		<b>AGENT</b> Richard Baker Partnership	

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

One Ward Member spoke in support of the application. He explained that it met the tests on policy, except that it had not been properly marketed. The other Ward Member explained that he would support the application if the marketing evidence did not support its use. In the absence of that evidence, he stated that he would vote against the current application, in accordance with policy.

Members raised points which included: it met the tests in the Local Plan this site was not going to be rented out as industrial/commercial use; and it was a sensible location for housing.

In response to comments, the Area Planning Officer drew Members' attention to paragraphs 8.01 – 8.05 in the report which indicated that evidence was not there to show that the site had been marketed adequately.

**Resolved:** *That application 16/508521/FULL be refused for the reason stated in the report.*

### 319 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 1, 2, 3, 4, 5, 6 and 7 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.**

## **320 SCHEDULE OF DECISIONS**

**6.1 REF: 14/502055/FULL - Two storey side extensions to both sides of dwelling, a roof extension and loft conversion with associated dormers and roof lights, together with a detached garage and workshop with first floor play room and washroom to the front of the property at 6 Park Avenue, Sittingbourne, ME10 1QX**

The Area Planning Officer reported that the planning application was still invalid. The deadline for submission of a valid application was 23 November 2017. He advised that a Ward Member objected to the development.

Members considered the applicant had flouted the planning system. In response, the Area Planning Officer explained that it was not possible to take enforcement action simply because the works were unauthorised. It was necessary to identify the harm that the development had created.

***Resolved: That the matter be brought back to the Planning Committee in January 2018 if the planning application had not been registered by 23 November 2017.***

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