
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 4 January 2018 from 7.00pm - 10.22pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth (Vice-Chairman), Richard Darby, James Hall, Nicholas Hampshire, Harrison, Mike Henderson, James Hunt, Ken Ingleton, Nigel Kay, Peter Marchington, Bryan Mulhern (Chairman), Prescott and Ghlin Whelan.

OFFICERS PRESENT: Simon Algar, Philippa Davies, Andrew Jeffers, Ross McCardle, Cheryl Parks, Graham Thomas and Jim Wilson.

ALSO IN ATTENDANCE: Councillor Paul Fleming.

APOLOGY: Councillor Roger Clark.

420 FIRE EVACUATION PROCEDURE

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

421 MINUTES

The Minutes of the Meeting held on 7 December 2017 (Minute Nos. 384 – 389) were taken as read, approved and signed by the Chairman as a correct record.

422 DECLARATIONS OF INTEREST

Councillor Ken Ingleton declared a Disclosable Non-Pecuniary Interest in respect of Item 2.6, Bayshore, 84 Scarborough Drive, Minster, as the applicant was a friend of his.

423 PLANNING WORKING GROUP

The Minutes of the Meeting held on 19 December 2017 (Minute Nos. 418 – 419) were taken as read, approved and signed by the Chairman as a correct record.

17/505562/FULL – GLADSTONE HOUSE, 60 NEWTON ROAD, FAVERSHAM, ME13 8DZ

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

The Area Planning Officer reported that the County Archaeological Officer had advised that no precautionary conditions were required for the application. Two further letters from neighbouring residents who objected to the application, had been received. One objector had stated that the application would have a domino-effect and this would worsen parking issues. The other objector had submitted

photographs which showed the views from their property and had stated that the openness of the urban view would be lost. Together with the view of the conservatory already there, and the height of the proposed annexe, this would result in overshadowing at both ends of their garden.

Following the site visit, Members raised points which included: the proposed annexe was too large for the garden, and for the location; happy that a condition would ensure the annexe remained as a separate dwelling to the main house; the nearby area consisted of a miss-match of buildings; did not consider this modest annexe would do any significant harm; could not see any relevant planning reasons why the application should be refused; and the use of the annexe would increase the pressure on parking.

A Ward Member spoke against the application. He raised concern with the use of the annexe and its height which he considered would result in a shadowing effect on nearby properties. The Ward Member considered the building should be used as a garage and that the application would set a precedent.

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 Bryan Mulhern moved the following motion: That the application be refused on the grounds of demonstrable harm to the amenity of adjacent properties, due to it being overbearing, the loss of parking, and the building should remain as a garage, and the height should not increase. This was seconded by Councillor Andy Booth.

Further discussion took place on the reasons for refusal.

Councillor Bryan Mulhern (Chairman) withdrew his proposal, and moved the following motion: That the application be deferred to allow further discussion between officers and the Ward Members. This was seconded by Councillor Andy Booth (Vice-Chairman).

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

Resolved: That application 17/505562/FULL be deferred to allow further discussion between officers and the Ward Members.

424 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 17/505194/OUT

APPLICATION PROPOSAL

Outline application (Some Matters Reserved) for demolition of existing dwelling and erection of 4no. dwellings with associated car barns, parking, and gardens. Access
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being sought only.		
ADDRESS Archirondal Toll Road Lynsted Sittingbourne Kent ME9 0RH		
WARD Teynham And Lynsted	PARISH/TOWN COUNCIL Lynsted With Kingsdown	APPLICANT Mrs Eileen Spittles AGENT Designscape Consultancy Limited

Mr Keith Covey, an objector, spoke against the application.

Mr Kingsley Hughes, the Agent, spoke in support of the application.

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

Members raised points which included: acknowledged that there was a huge demand for housing, but the proposed properties were positioned too close to each other in an area with both substantial dwellings and gardens; this was out of character with the area; overcrowding; the proposal caused demonstrable harm and impact on the character of the area; happy to support an appropriate development; Lynsted had a Design Statement and this should not be ignored; affordable housing was needed; there was a demand for housing, but it needed to be in the right place; increased traffic movements; this was not in the Local Plan; setting a precedent; this was unacceptable infill development; the site was not sustainable; pedestrians used the local roads, additional traffic would make this more dangerous; concerned with the mitigation measures for this size of development, outlined on page 9 of the report; replacing four houses with one was out of keeping with the area; there were no footpaths; clarification was needed on how close the proposed development was to the Conservation Area and the village boundary; this was a 'dead-end' so not likely to be a lot of pedestrians; needed to remember that this was an outline application, with only access details being sought on this application; three dwellings would be preferable to four; and there were enough housing sites in the Borough already.

In response to questions, the Area Planning Officer advised that the nearest shop was two miles away, and there was also a nearby school, pub and church; the site was within the built-up area and was not classed as being in the countryside or within the Conservation Area. He explained that the development met guidelines within the Local Plan for this type of infill development. This was a thriving community and it was sustainable. The Area Planning Officer explained that the application was looking at the access element and the proposed layout had not needed to be on the application. He explained that the views of the Committee, in terms of the amount of dwellings on the site, could be taken back to the developer.

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

Councillor Mike Henderson moved the following motion: That the application be refused on the grounds that it was unacceptable with four houses, it was over-

intensive for the village, it would constitute demonstrable harm to the character of the area and it was an inappropriate development for the area. This was seconded by Councillor Andy Booth.

On being put to the vote the motion for refusal was won.

Resolved: That application 17/505194/OUT be refused on the grounds that it was unacceptable with four houses, it was over-intensive for the village, it would constitute demonstrable harm to the character of the area and it was an inappropriate development for the area.

2.2 REFERENCE NO - 17/505728/FULL			
APPLICATION PROPOSAL			
Erection of a rear single storey extension and rear first floor extension. (Resubmission of 17/503602/FULL)			
ADDRESS 45 Lynmouth Drive Minster-on-sea Sheerness Kent ME12 2HT			
WARD Minster Cliffs	PARISH/TOWN Minster-On-Sea	COUNCIL	APPLICANT Mrs C Randall AGENT Oakwell Design Ltd

Miss Reay, an objector, spoke against the application.

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

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

Councillor Andy Booth (a Ward Member) proposed an amendment: That wording on condition (4) in the report be amended to read....'no windows, roof windows, dormer windows, **or doors** shall be inserted or enlarged in the first floor of the extension hereby approved'. This was seconded by Councillor Nicholas Hampshire.

On being put to the vote the amendment was agreed.

Resolved: That application 17/505728/FULL be approved subject to conditions (1) to (5) in the report, with an amendment to the wording of condition (4) to include 'or doors', as above.

2.3 REFERENCE NO - 17/504179/FULL			
APPLICATION PROPOSAL			
Proposed new build of 2no. A1 Retail units with 3no. 1 bed self contained flats over as amended by drawing no. 102 D received 5 December 2017			
ADDRESS 152-154 Station Road Teynham Sittingbourne Kent ME9 9SX			
WARD Teynham And Lynsted	PARISH/TOWN Teynham	COUNCIL	APPLICANT Mr Hari Johnston

		AGENT
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The Area Planning Officer reported that Teynham Parish Council had noted the amended drawings but had not changed their original concerns.

The Environmental Health Manager had no objection to the application and recommended conditions relating to construction hours, dust suppression and noise mitigation during construction as outlined in conditions (8) and (9) in the report.

The Area Planning Officer explained that a near exact scheme to this one had been approved in 2012. The only change was the position of the car parking spaces for easier manoeuvring.

Mr Hari Johnston, the Applicant, spoke in support of the application.

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

Members welcomed the application. In response to questions, the Area Planning Officer explained that the change in the position of the car parking spaces would not block the entrance to the flats. He explained that the existing shop would be demolished, and a new one built, as in the application.

Resolved: That application 17/504179/FULL be approved subject to conditions (1) to (15) in the report.

2.4 REFERENCE NO - 17/504062/FULL			
APPLICATION PROPOSAL			
Change of use from A1 Retail to D1 Non-residential Institution, Clinic, Health Centre.			
ADDRESS 43 High Street, Newington, Sittingbourne, Kent, ME9 7JR			
WARD	Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL	Newington
		APPLICANT	Dr Amechi Adigwe
		AGENT	N/A

The Senior Planner acknowledged the additional information which had been provided by the property owner, and had been circulated to Members. The information included photographic surveys of the Village Hall car park, and a letter from the GP. The proposed surgery was less than 200 metres from the car park, and the surgery would serve local residents in accordance with NHS recommended opening hours.

Parish Councillor Richard Palmer, representing Newington Parish Council, spoke against the application.

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

Members raised points which included: endorsed and welcomed this application; this was long overdue in Newington; this would decrease the pressure on GP surgeries in other villages; concerned that the space in front of the premises would be used as a car park unless there were restrictions; this was a dangerous part of the A2; and this was not increasing GP provision, as it was taking provision away from Kemsley.

In response to a question, the Senior Planner explained that Clinical Commissioning Groups were not a standard consultee. He further advised that restrictions on parking on the shop frontage could be looked into further.

Resolved: That application 17/504062/FULL be delegated to officers to approve subject to discussions with the Applicant in regard to potential parking restrictions being put in place on the shop frontage and to conditions (1) to (3) in the report.

2.5 REFERENCE NO - 17/504664/FULL		
APPLICATION PROPOSAL		
Erection of a single storey side extension to residential dwelling to accommodate garage with loft space over and alteration to existing garage to create new utility and family room. Change of use of woodland to residential garden and extinguishment of public right of way.		
ADDRESS 36 Woodside Dunkirk Faversham Kent ME13 9NY		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mr Tony Mayer AGENT Wyndham Jordan Architects

The Area Planning Officer reported that there were some discrepancies with the adjoining footpath in that what was on the ground was different to what was on the definitive map. The definitive map indicated that footpath ZP533 went straight through the neighbouring bungalow. There was also a footpath on the ground, but this was not shown on the definitive map. The Area Planning Officer explained that this footpath needed to be extinguished and that a condition was not required, as the footpath could be extinguished by a separate process after the application had been approved.

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

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

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

The Chairman advised that one of the Ward Members raised no objection to the application. The other Ward Member, who was a Member of the Planning

Committee, did not object to the application but had concerns with the footpath issues.

Members raised concern with the land being purchased knowing that there was a footpath running over it, and the resulting complicated issues from that.

In response to a question, the Area Planning Officer advised that there was an opportunity for Members to feed into comments, if the footpath application went ahead, to the Kent County Council Public Rights of Way Officer, in the process of getting the footpath extinguished.

Resolved: That application 17/504664/FULL be approved subject to conditions (1) to (3) in the report.

2.6 REFERENCE NO - 17/505078/FULL			
APPLICATION PROPOSAL			
Add privacy screening to east and west sides of existing first floor parapet to overall height of 1.8m and add access doors within two existing window aperture widths, to create rear balcony.			
ADDRESS Bayshore 84 Scarborough Drive Minster-on-sea Sheerness Kent ME12 2NQ			
WARD Minster Cliffs	PARISH/TOWN Minster-On-Sea	COUNCIL	APPLICANT Mr Tony Potter AGENT

The Senior Planner reported that six additional letters of objection had been received, not all of which were material planning matters.

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

A Ward Member stated that the Planning Committee had requested changes be made to the application, but there was no difference to this application.

Members raised points which included: not happy to approve in its current state; there was a clear steer at the last meeting; the changes would not make a difference anyway, the screen did not need to be higher; was happy to approve it last time; and could accept screening with minimal gaps to address any concerns regarding wind resistance.

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

Councillor Cameron Beart moved the following motion: That the application be refused on the grounds of its overlooking and overbearing impact on neighbouring properties leading to demonstrable harm to the residential amenity and quality of life for those residents. This was seconded by Councillor Richard Darby.

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

Resolved: That application 17/505078/FULL be refused on the grounds of its overlooking and overbearing impact on neighbouring properties leading to demonstrable harm to the residential amenity and quality of life for those residents.

2.7 REFERENCE NO - 16/506181/FULL and 16/506182/LBC		
APPLICATION PROPOSAL- PLANNING APPLICATION AND LISTED BUILDING CONSENT APPLICATION FOR;		
Demolition of the 1960s north and south wing extensions. Change of use, conversion and renovation of the Grade II listed building to provide 6no. residential dwellings. Construction of 34 no. 1-bed, 2-bed and 3-bed terraced dwellings with associated new cycle and bin stores. Re-siting and refurbishment of the Coach House. Landscaping of the site, to include parking areas and a new wildlife pond. Reinstatement of the garden wall along the southern boundary.		
ADDRESS Sheppey Court Halfway Road Minster-on-sea Kent ME12 3AS		
WARD Queenborough and Halfway	PARISH/TOWN COUNCIL NA	APPLICANT P A Rooney & Bentley Developments L AGENT Vail Williams LLP

This item was considered in closed session.

PART 5

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

- **Item 5.1 – Brook Hall House, Waterham Road, Hernhill
APPEAL DISMISSED**

DELEGATED REFUSAL

- **Item 5.2 – Land on the west side of Spade Lane, Hartlip**

- Appeal A: APP/V2255/C/16/3165246**
- Appeal B: APP/V2255/C/16/3165247**
- Appeal C: APP/V2255/C/16/3165248**
- Appeal D: APP/V2255/C/16/3165249**
- Appeal E: APP/V2255/C/16/3165250**
- Appeal F: APP/V2255/C/16/3165251**
- Appeal G: APP/V2255/C/16/3165252**
- Appeal H: APP/V2255/C/16/3165253**
- Appeal I: PP/V2255/W/16/3165245**

Appeals A and B ALLOWED – ENFORCEMENT NOTICE QUASHED

Appeals C to H NO FURTHER ACTION - ENFORCEMENT NOTICE QUASHED

Appeal I APPEAL DISMISSED

- Item 5.3 – 100 Station Road, Teynham

APPEAL DISMISSED AND COSTS REFUSED

COMMITTEE REFUSAL – AGAINST OFFICER RECOMMENDATION

425 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 5 and 7 of Part 1 of Schedule 12A of the Act:

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.

426 SCHEDULE OF DECISIONS

2.7 REFERENCE NO - 16/506181/FULL and 16/506182/LBC		
APPLICATION PROPOSAL- PLANNING APPLICATION AND LISTED BUILDING CONSENT APPLICATION FOR;		
Demolition of the 1960s north and south wing extensions. Change of use, conversion and renovation of the Grade II listed building to provide 6no. residential dwellings. Construction of 34 no. 1-bed, 2-bed and 3-bed terraced dwellings with associated new cycle and bin stores. Re-siting and refurbishment of the Coach House. Landscaping of the site, to include parking areas and a new wildlife pond. Reinstatement of the garden wall along the southern boundary.		
ADDRESS Sheppey Court Halfway Road Minster-on-sea Kent ME12 3AS		
WARD Queenborough and Halfway	PARISH/TOWN COUNCIL NA	APPLICANT P A Rooney & Bentley Developments L AGENT Vail Williams LLP

The Major Projects Officer explained that contrary to the report, the application was for a total of 39 dwellings, of which 33 (not 34) would be new build. Further to the viability of the development, as noted on page 69 of the report, he explained that the financial contributions that the developer had agreed to pay were £10,959 (£281 per dwelling). He explained that officers considered the application to be a strong scheme, which would secure a long-term use of the listed building, and the removal of the poorly designed 1960s extension. He further explained that officers were happy in the light of the two viability assessments that had been carried out, that the viability of the scheme had been properly assessed. He stated that it was regrettable that the whole amount of contributions (£141,102.24) could not be

secured, but stated that it was an acceptable, enabling development, and would bring the special building back into a productive long-term use.

The Conservation and Design Manager provided some background to the application and explained that the building continued to decay. The applicant had provided a robust viability statement, outlining the minimum they could achieve and simultaneously have a scheme that did not harm the listed building or its setting. If the scheme was not supported, the building would potentially sit on the Buildings at Risk Register for an additional number of years, with further deterioration, and a possible increase in restoration costs in the future. He explained that it was in a poor condition, especially in relation to the roof and the interior, with lots of broken glass and removed fireplaces, and that these problems would likely exacerbate without some timely intervention.

The Conservation and Design Manager explained that the Council had powers that could be used to address some of the issues with the building. These measures included an Urgent Works Notice or Repairs Notice being served. There was clear guidance on enabling development to secure the future of a significant building such as this one. He explained that there were no subsidies available from any other source to get the building back into use. The Conservation and Design Manager concluded by stating that the number of units proposed had been reduced, trees on the site would be retained, as well as protecting what was there.

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

A Ward Member welcomed bringing the building back into use. He asked whether the owner was duty-bound to maintain the building, and questioned whether local residents had been consulted. The Ward Member raised concern with the pressure on services/infrastructure in Halfway with the addition of 39 dwellings, particularly with the road infrastructure and healthcare provision. In terms of the financial contributions, the Ward Member considered £141,102.24 was not unreasonable. He welcomed the addition of 1,2,3 bed housing, but was not certain if this was worth reducing the financial contributions for.

A second Ward Member agreed that funds were required for improving the local roads. He considered the profit figures of 20% were unrealistic, and that between 7 and 11% was more realistic. He also considered that the loss of the Section 106 payments was to preserve profit for the developers.

A third Ward Member stated that the buildings had been bought and nothing done with them for ten years. He supported the inclusion of a Section 106 Agreement.

Members raised points which included: supported Stop Notice approach, to safeguard the condition of the building; welcomed the scheme; and needed contributions from the developer for the local community from Section 106 payments.

In response to questions, the Major Projects Officer explained that the condition in the report to ensure the listed building was repaired prior to the other housing being built, was fit for purpose. He stated that that the role of CBRE was to assess the

two viability reports, submitted by the applicant, on the Council's behalf, and that they were a robust, well known national consultancy company. The Major Projects Officer stated that in relation to the profit figure, this would be less than the figure quoted in the report, namely 20%, after the negative residual land value was taken into consideration.

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

Councillor Bryan Mulhern (Chairman) moved the following motion: That the application be deferred to allow officers to go back to the developers to argue the Planning Committee's case with regard to securing developer contributions, as set out at Paragraph 8.30 of the Committee report. This was seconded by Councillor Cameron Beart.

On being put to the vote the motion to defer the application was won.

Resolved: That application 16/506181/FULL be deferred to allow officers to go back to the developers to argue the Planning Committee's case with regard to securing developer contributions, as set out at Paragraph 8.30 of the Committee report.

Resolved: That application 16/506182/LBC be deferred to allow officers to go back to the developers to argue the Planning Committee's case with regard to securing developer contributions, as set out at Paragraph 8.30 of the Committee report.

427 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.23pm and reconvened at 8.30pm.

428 SUSPENSION OF STANDING ORDERS

At 10pm Members agreed to the suspension of Standing Orders in order that the Committee could complete its business.

Chairman

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