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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, 19 February 2015 from 7.00 - 11.15 pm.

**PRESENT:** Councillors Barnicott (Chairman), Sylvia Bennett, Andy Booth, Mick Constable, Adrian Crowther, June Garrad, Sue Gent, Harrison (substitute for Councillor Mark Ellen), Mike Henderson, Lesley Ingham, Peter Marchington, Bryan Mulhern (Vice-Chairman), Prescott, Gareth Randall (substitute for Councillor Derek Conway), Ben Stokes, Roger Truelove (substitute for Councillor Ghlin Whelan) and Tony Winckless.

**OFFICERS PRESENT:** Peter Bell, Amanda Berger-North, Emma Eisinger, James Freeman, Andrew Jeffers, Kellie MacKenzie, Alun Millard and Graham Thomas.

**ALSO IN ATTENDANCE:** Councillors David Jones, Martin McCusker, Mike Whiting and John Wright.

**APOLOGIES:** Councillors Derek Conway, Mark Ellen and Ghlin Whelan.

### 512 MINUTES

The Minutes of the Meeting held on 29 January 2015 (Minutes Nos. 455 – 462) were taken as read, agreed and signed by the Chairman as a correct record.

### 513 DECLARATIONS OF INTEREST

Cllr Randall declared a non-pecuniary interest in respect of item 2.4 (Howt Green, Sheppey Way, Bobbing) as the registered speakers were known to him.

### 514 REPORT OF THE HEAD OF PLANNING

**PART 1** - Any other reports to be considered in the public session

<b>1.1 SW/14/0124</b>		
<b>APPLICATION PROPOSAL</b> Variation to clause 5.1.1 of Section 106 Agreements dated 1997 and 2005 which restrict the use of the lower ground floor to B1 (business) use.		
<b>ADDRESS</b> Former Upper Brents Shipyard, Upper Brents, Faversham, Kent, ME13 7DZ		
<b>WARD</b> Davington Priory	<b>PARISH/TOWN COUNCIL</b> Faversham	<b>APPLICANT</b> Waterside Residents Association Ltd <b>AGENT</b> Nicholas Kingsley Smith

Mr Channon, a supporter, spoke in support of the application.

Mr Lamb, the applicant, spoke in support of the application.

The Chairman moved the officer recommendation for refusal and this was seconded.

The Ward Member spoke against the officer recommendation to refuse the application. The Ward Member drew attention to the two reasons for refusal outlined on page 16 of the report and advised that there had been no conflict between local residents and the industrial uses at the site and considered that there would be no harm to the Creekside if the application was approved.

The motion to refuse the application was lost.

Councillor Mike Henderson moved the following motion: That the current Section 106 Agreements be varied and the application by residents to use the ground floors of the premises for B1 (Business) use or for C3 (Dwellinghouses) use, without use for sleeping accommodation, be allowed. This was seconded by Councillor Andy Booth.

At this point the Locum Senior Lawyer requested that officers be delegated authority to ensure suitable wording of the Section 106 Agreements. Both the proposer and seconder agreed to this amendment to the motion.

On being put to the vote the motion and amendment were agreed.

**Resolved: That application SW/14/0124 be approved and that the current Section 106 Agreements be varied and the application by residents to use the ground floors of the premises for B1 (Business) use or for C3 (Dwellinghouses) use, without use for sleeping accommodation, be approved and that delegation be granted to officers to draft suitable wording.**

**PART 2 - Applications for which PERMISSION is recommended**

<b>2.1 SW/14/0423</b>			
<b>APPLICATION PROPOSAL</b> New dwelling within rear garden.			
<b>ADDRESS</b> R/O 124 Chaffes Lane, Upchurch, Nr Sittingbourne, Kent, ME9 7BG			
<b>WARD</b> Hartlip, Newington & Upchurch	<b>PARISH/TOWN</b> Upchurch	<b>COUNCIL</b>	<b>APPLICANT</b> Mr & Mrs K Harrell <b>AGENT</b> Mr Robert A Clayton

The Senior Planning Officer requested that condition (8) be amended to include reference to the planting of indigenous species.

Mr Edkins, an objector, spoke against the application.

The Chairman moved the officer recommendation for approval and this was seconded.

A Ward Member spoke in support of the application. He stated that whilst the loss of the garden was disappointing, Kent County Council (KCC) Highways raised no objection and he considered that on balance the application was acceptable.

Councillor Mulhern moved a motion for a site visit. This was seconded by Councillor Andy Booth. On being put to the vote the motion was agreed.

**Resolved: That application SW/14/0423 be deferred to allow the Planning Working Group to meet on site.**

<b>Item 2.2 SW/14/503846</b>		
<b>APPLICATION PROPOSAL</b>		
Provision of four 3 bedroom houses seven 2 bedroom houses, two 2 bedroom bungalows and one 2 bedroom disabled persons bungalow with associated parking court parking spaces and access driveways.		
<b>ADDRESS</b> 349-355 Leysdown Road Leysdown Kent ME12 4AS		
<b>WARD</b> Leysdown & Warden	<b>PARISH/TOWN COUNCIL</b> Leysdown	<b>APPLICANT</b> Moat Homes Limited <b>AGENT</b> Kent Design Partnership - Architect

The Development Manager reported that conditions (4) and (6) repeated each other and requested delegation to delete condition (6).

The Development Manager advised that a plan had been received on 20 January 2015 to address KCC Highway concerns relating to clarification regarding visibility splays and parking provision across the site. KCC Highways had been re-consulted on those plans and considered the proposal was now acceptable as per the comment in the report at para 7.05.

The Development Manager further reported that Southern Water had also been re-consulted on the amended plan and their comments remained unchanged. The Development Manager reported that one further letter of objection from a neighbour had been received raising the following concerns: schools already at full capacity at Eastchurch and Warden Bay and this development would only add to the problems; if car spaces on the development are full then people would be encouraged to park on the busy road; plans showed hedgerow to rear boundary to be strengthened but this was no hedgerow and needed a 6 ft fence to protect privacy.

The Chairman moved the officer recommendation for approval and this was seconded.

A Ward Member considered the application was an over-intensification of the site.

Councillor Ingham moved a motion for a site visit. This was seconded by Councillor Andy Booth.

**Resolved: That application SW/14/503846 be deferred to allow the Planning Working Group to meet on site.**

<b>2.3 14/503470/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Proposed change of use application from a former Police Station and Court House into a Public House including internal and external alterations and new M and E equipment.		
<b>ADDRESS</b> Magistrates Court 1 Park Road Sittingbourne Kent ME10 1DR		
<b>WARD</b> St Michaels	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr James Marsden <b>AGENT</b> Harrison Ince Architects LLP

The Senior Planning Officer reported that one additional letter of objection had been received from a local resident raising the following concerns: extra noise level, loitering drunks, damage to cars and properties; and extra congestion in the road and paths.

The Senior Planning Officer advised that the Economic Development Officer was supportive of the application noting that it would add value to the current tourism and leisure base in the town providing additional employment opportunities in the tourism, leisure and hospitality sector. He noted that this was a well-known brand with a consistent product range and offer with a loyal customer base which would serve both the resident and visiting community.

A Ward Member spoke against the application and raised the following points: there was already a lack of parking in Park Road this would increase the problem; could lead to increase in anti-social behaviour; had the officers considered how many people would be living above the premises and where would they park?; would there be disabled parking; licensing policies and procedures to be included with staff training often do not work; there is currently a lot of anti-social behaviour caused by patrons leaving the existing Wetherspoons as staff there are unable to control, will the same thing happen here; and do not have a problem with Wetherspoons but Park Road is not the right location; and should be refused as it would have an adverse effect on local residents.

Members raised the following points: should not allow in a residential area; proposed hours of opening should be reduced; there were currently several pubs in the location and there is not a problem with anti-social behaviour; good to locate similar premises in one location; will help to improve the town; delivery vehicles would cause parking problems; and was a suitable location for a public house.

Councillor Mike Henderson proposed the following amendment: That condition (7) be amended to read “.....Sunday to Wednesday 0700 to 2400 and Thursday to Saturday 0700 to 2400”. This was seconded by Councillor Tony Winckless.

On being put to the vote the amendment was lost.

**Resolved: That application 14/503470 be approved subject to conditions (1) to (15) in the report.**

<b>2.4 14/505985/FULL</b>		
<b>APPLICATION PROPOSAL</b> Proposed change of use of land for the creation of hardstanding to site 16 mobile homes for 52 weeks of the year for occupation by seasonal agricultural workers along with associated engineering works.		
<b>ADDRESS</b> Howt Green, Sheppey Way, Bobbing, Kent, ME9 8QT		
<b>WARD</b> Grove Ward	<b>PARISH/TOWN COUNCIL</b> Bobbing	<b>APPLICANT</b> A C Goatham and Son <b>AGENT</b> Lambert and Foster

The Senior Planning Officer reported that one additional representation had been received from a local resident in response to the committee report raising the following concerns: did not consider that the conditions would be complied with; the existing caravans in respect of their layout; parking in-between caravans; children living within the caravans; chemicals being sprayed on the orchard and the lack of tree planting along the front boundary; matters in respect of the business needs of the applicant are not material to the consideration of the application and they do not believe the results of the traffic statement; suggest that the proposed acoustic fence would bounce traffic noise over the opposite residential properties; noise from the general running of the farm; how much weight officers give the presence of vegetation as a way of reducing noise levels; believe that this farming operation should be located on an industrial site and that the applicant does not care about the local community; and query the carbon footprint that the operation of importing workers from eastern Europe would have.

The Senior Planning Officer further reported that KCC Highways concurred with the conclusions made in the submitted Transport Statement that the proposal would only give rise to a modest increase in traffic movements from the site, given the nature of the occupancy and working practices. They further considered that the terms of employment exercised through Concordia restricted car ownership, so only vehicles used by supervisors and minibuses would be generated by the proposal, and the impact of these would be insignificant on the highway network, and consequently they had no objections to the proposals in respect of highway matters and confirmed that the conditions included in the report were adequate.

Mrs Crawford, representing Bobbing Parish Council, spoke against the application.

Mr Duncan, an objector, spoke against the application.

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

The Chairman moved the officer recommendation for approval and this was seconded.

Councillor Ben Stokes moved a motion for a site meeting. This was seconded by Councillor Gareth Randall. On being put to the vote the motion was lost.

Members raised the following points: there was not sufficient justification for the 16 mobile homes proposed; would prefer the application to be temporary; consider that page 51 of the report paragraph 4.2 is a 'pretentious' interpretation of Paragraph 18 of the NPPF; would be an accumulation of mobile homes and understandably the

local community would feel outnumbered; could lead to further similar applications; application was not unreasonable and we should support local farmers; and would result in the loss of 16 local jobs.

In response to queries, the Senior Planning Officer drew attention to condition (11) which restricted the use of most of the mobile homes for a period of five months in any year. She also drew attention to condition (10) which restricted the type of occupant to seasonal workers and the number of workers allowed to 50. Condition (12) would ensure that any homes not used were removed from the site.

The motion to approve the application was lost.

Councillor Roger Truelove moved the following motion: That the application be refused as it was over-intensive and would have a detrimental impact on the visual amenity of the area. This was seconded by Councillor June Garrad.

On being put to the vote the motion was agreed.

**Resolved: That application 14/505985 be refused as it was over-intensive and would have a detrimental impact on the visual amenity of the area.**

<b>2.5 14/503907/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
To construct a timber framed and timber clad garage/storage area to the rear boundary of the property. Access via track to rear of ruins barn road.		
<b>ADDRESS</b> 2 Ruins Barn Road Tunstall Kent ME10 4HS		
<b>WARD</b> Woodstock	<b>PARISH/TOWN COUNCIL</b> Tunstall	<b>APPLICANT</b> Mrs Jennifer Zaluska <b>AGENT</b>

Parish Councillor Spicer, representing Tunstall Parish Council, spoke against the application.

Mrs Senior, an Objector, spoke against the proposal.

The Chairman moved the officer recommendation for approval and this was seconded.

Members raised the following points: consider that the black roof of the garage was unsightly; understand local residents concerns that the garage could be used as a dwelling; and was too large for the site.

The motion to approve the application was lost.

Councillor Andy Booth moved the following motion: That the garage/storage area be removed and replaced if necessary with a garage/storage area of suitable size in line with neighbouring garages/sheds. This was seconded by Councillor Tony Winckless.

On being put to the vote the motion to refuse was agreed.

**Resolved: That application 14/503907 be refused on grounds of unacceptable design and size.**

<b>2.6 14/505359/FULL</b>		
<b>APPLICATION PROPOSAL</b> Retrospective application for the retention of a bund and fencing and associated proposed landscaping.		
<b>ADDRESS</b> Former Development Site Kemsley Area B Swale Way, Sittingbourne, Kent		
<b>WARD</b> Kemsley	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Taylor Wimpey South East <b>AGENT</b> Mr Richard Jones

Mr Hannabuss, an Objector, spoke against the application.

Mr Jones, the Agent, spoke against the application.

Ward Members spoke against the application and raised the following points: concern that the developer had not complied with the original planning application and no enforcement action had been undertaken, this reflected badly on the reputation of Swale Borough Council (SBC); proposed landscaping did not conform with SBC policy for native species; National Planning Policy Framework (NPPF) stated that such developments should be visually attractive and appropriate, the application was not; the bund was an ‘eyesore’ and without having a detailed appraisal of the bund how did we know it was safe; and the site was a ‘tip’.

The Chairman moved the officer recommendation for approval and this was seconded.

Members raised the following points: unfair to expect local residents to put their trust into a company which had already failed to comply with the original application; residents of the estate had not been championed by SBC and KCC and we would be letting them down further if approve the application; bund was unacceptable and no trees would grow on it; do not believe that trees and shrubs will grow on the bund; the existing bund needs to be removed and the developer asked to provide the original 16 metre wide belt of trees and shrubs; and should negotiate provision of an acoustic fence and not a brick wall.

The motion to approve the application was lost.

Councillor Mike Henderson moved the following motion: That the application be refused as the existing bund had a detrimental impact on the visual amenity of local residents and that planning enforcement pursue its removal. Officers to negotiate with the applicant to ensure that the original proposal for provision of a 16 metre wide belt of trees and shrubs was provided. This was seconded by Councillor Sue Gent.

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

**Resolved: That application 14/505359 be refused as the existing bund had a detrimental impact on the visual amenity of local residents and that planning**

**enforcement pursue its removal. Officers to negotiate with the applicant to ensure that the original proposal for provision of a 16 metre wide belt of trees and shrubs be provided.**

<b>2.7 14/505307/FULL</b>		
<b>APPLICATION PROPOSAL</b> Construction of 3 dwellings with gardens, landscaping, parking and associated works		
<b>ADDRESS</b> Mombasa Whitstable Road Faversham Kent ME13 8BD		
<b>WARD</b> Abbey	<b>PARISH/TOWN COUNCIL</b> Faversham	<b>APPLICANT</b> Mr L Panormo <b>AGENT</b> Mr Michael Calder

Mr Kenny, an Objector, spoke against the application.

Mr Calder, the Agent, spoke against the application.

The Chairman moved the officer recommendation for approval and this was seconded.

The Ward Member raised concern that the proposal was over-intensive and the design of the proposed properties did not fit-in with neighbouring properties.

In response to highway concerns, the KCC Highways Officer stated that journey times were not a highway consideration.

The Conservation Officer considered that the proposal contributed to the character of the Victorian suburbs and enriched local character.

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

**Resolved: That application 14/5053307 be deferred to allow the Planning Working Group to meet on site.**

<b>2.8 14/500986/AMRCON</b>		
<b>APPLICATION PROPOSAL</b> Removal of condition 1 of approved SW/13/0409 to allow for the permanent use of the meat preparation premises in accordance with condition 7 of approved SW/13/0409.		
<b>ADDRESS</b> Brogdale Farm, Brogdale Road, Ospringe, Kent, ME13 8XU		
<b>WARD</b> East Downs Ward	<b>PARISH/TOWN COUNCIL</b> Ospringe	<b>APPLICANT</b> Mr Leroy Moore <b>AGENT</b> Eric Przyjemski

The Area Planning Officer reported that the Economy and Community Services Manager had said that: "The hours facilitate the ability to serve what is an important part of the businesses customer base. To support the business and help secure the valuable employment it provides we would wish to be supportive of this proposal."

The Area Planning Officer advised that he had met with some local residents who had raised concern about the wording of condition (9) which related to delivery times. The Area Planning Officer therefore requested that condition (9) be amended to read: No deliveries (other than as provided for by condition 5 above) or despatches to or from the premises, including deliveries or despatches from this premises to or from any unit within the Market Place at Brogdale, shall take place before 7.30am or after 6pm on any day.

The Area Planning Officer further advised that the residents produced a list of breaches of the existing conditions. He explained that the residents had complained to the Parish Council and planning enforcement but did not realise that they should let officers know of all alleged breaches of conditions.

The Area Planning Officer therefore requested delegation to approve the application for a temporary period of one year with the amendment to condition (9).

The Chairman moved the officer recommendation for approval for one year and this was seconded.

Parish Councillor Simmons, representing Ospringle Parish Council, spoke against the application.

Mrs Moskovits, an Objector, spoke against the application.

The Ward Member stated that he considered that the proposal to allow for one year seemed reasonable.

The motion to approve the application was agreed.

**Resolved: That application 14/500986 be approved for a temporary period of one year subject to conditions (1) to (9) in the report and the amendment to condition (9) to read: “No deliveries (other than as provided for by condition 5 above) or despatches to or from the premises, including deliveries or despatches from this premises to or from any unit within the Market Place at Brogdale, shall take place before 7.30am or after 6pm on any day”.**

**PART 3**

Applications for which **REFUSAL** is recommended

<b>3.1 14/504392/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Removal of arched brick opening and arched hardwood doors. Construction of new opening to take rectangular aluminium glazed doors.		
<b>ADDRESS</b> Sittingbourne Methodist Church, High Street, Sittingbourne, Kent, ME10 4PB		
<b>WARD</b> St Michaels	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr A Brown <b>AGENT</b> Mr D Batson

The Chairman moved the officer recommendation for refusal and this was seconded.

Mr Day, a supporter, spoke in support of the application.

A Ward Member stated that she had no problems with the proposal.

Members raised the following points: do not consider that the replacement doors would have an adverse impact on the Conservation Area; the site was not of architectural merit and the proposed doors in no way contrasted with existing buildings; existing doors were not attractive; was set back from the High Street; important for local community groups to be able to increase their membership; not sufficiently different to warrant a refusal; would soon blend in; would not result in demonstrable harm; and the proposed aluminium doors were appalling and glazed or hard wood doors would be better.

The motion to refuse the application was lost.

Councillor Roger Truelove moved a motion to approve the application. This was seconded by Councillor Mike Henderson. On being put to the vote the motion was agreed.

**Resolved: That application 14/504392 be approved.**

<b>3.2 14/504246/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Outline application for the erection of a detached single storey dwelling, creation of a new access, construction of driveway and associated works.		
<b>ADDRESS</b> Land Adjoining The Firs Dunkirk Road South Dunkirk Kent ME13 9PD		
<b>WARD</b> Boughton & Courtenay	<b>PARISH/TOWN COUNCIL</b> Dunkirk	<b>APPLICANT</b> Mr and Mrs P Stevens <b>AGENT</b> Mr David Stewart

The Chairman moved the officer recommendation for refusal and this was seconded.

The Area Planning Officer reported that an appeal had now been lodged by the applicant against non-determination of the application. He explained that as such the Council was not at liberty to determine the application and that Members could resolve that this is the decision they would have made if they had determined the application.

**Resolved: That application 14/504246 would have been refused for the reasons set out in the report if the appeal had not been lodged.**

<b>3.3 14/503559/FULL</b>
<b>APPLICATION PROPOSAL</b>
Change of use from equestrian grazing to domestic curtilage; removal of existing timber building and replacement with one and a half storey timber-framed barn-style residential property that will form a fully fitted, self contained annex ancillary to the adjacent property 'Cheriton'

<b>ADDRESS</b> Land To The Rear Of Cheriton Otterden Road Eastling Kent ME13 0BN		
<b>WARD</b> East Downs Ward	<b>PARISH/TOWN COUNCIL</b> Eastling	<b>APPLICANT</b> Mr Barrie Neaves <b>AGENT</b>

Mr Neaves, an Applicant, spoke in support of the application.

The Chairman moved the officer recommendation for refusal and this was seconded.

The Ward Member spoke against the application. He considered that the application would be setting a precedent and was a ‘back-door’ to getting a property in the countryside.

**Resolved: That application 14/503559 be refused.**

**Part 4**

Swale Borough Council’s own development; observation on County Council’s development; observation of development by Statutory Undertakers and by Government Departments; and recommendations to the County Council on ‘County Matter’ applications.

<b>4.1 15/500171/FULL</b>		
<b>APPLICATION PROPOSAL</b> KCC Regulation 3 – Renewal of planning permission for retention of three mobile buildings for a further period of 5 years.		
<b>ADDRESS</b> St Georges Church of England Primary School, Chequers Road, Minster-on-Sea, Kent, ME12 3QU		
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN COUNCIL</b> Minster	<b>APPLICANT</b> Mr H Fisher <b>AGENT</b> Kent County Council

The Chairman moved the officer recommendation to raise no objection and this was seconded.

A Ward Member spoke in support of the application.

Councillor Mike Henderson moved the following addendum: That Swale Borough Council advise Kent County Council that it is highly unlikely to agree to extend permission of the mobile buildings past five years. This was seconded by Councillor Barnicott.

On being put to the vote the motion and addendum were agreed.

**Resolved: That no objection be raised to application 15/500171 but that Kent County Council be advised that Swale Borough Council is highly unlikely to agreed to extend permission of the mobile buildings past five years.**

**PART 5**

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

- **Item 5.1** – Land at Blind Mary’s Lane, Bredgar  
Appeal Allowed.
- **Item 5.2** – Evaluna, Plum Pudding Lane, Dargate  
Appeals dismissed

**515 EXTENSION OF MEETING**

During consideration of item 3.1 Members agreed to an extension of the meeting to 10.30pm.

**516 SUSPENSION OF STANDING ORDERS**

Members agreed to the suspension of standing orders in order that the Planning Committee could complete its business.

Chairman

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