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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, 21 May 2015 from 7.00 - 9.46 pm.

**PRESENT:** Councillors Mike Baldock, Bobbin, Andy Booth, Tina Booth (substitute for Councillor Cameron Beart), Roger Clark, Mike Dendor, Mark Ellen, Sue Gent, James Hall, Mike Henderson, James Hunt, Lesley Ingham, Peter Marchington, Bryan Mulhern (Chairman) and Ben Stokes.

**OFFICERS PRESENT:** Rob Bailey, Amanda Berger-North, Philippa Davies, Claire Dethier, James Freeman, Andrew Jeffers, Alun Millard and Jim Wilson.

**ALSO IN ATTENDANCE:** Councillors Derek Conway, Richard Darby, Mick Galvin, June Garrad, Nicholas Hampshire, Mini Nissanga, Roger Truelove and Ghlin Whelan.

**APOLOGIES:** Councillors Cameron Beart and Prescott.

### 21 MINUTES

The Minutes of the Meeting held on 23 April 2015 (Minute Nos. 607 – 613) were taken as read, approved and signed by the Chairman as a correct record.

Councillor Mike Baldock requested that it be recorded that he did not agree with the Minutes.

### 22 DECLARATIONS OF INTEREST

Councillor Tina Booth declared a Disclosable Non Pecuniary Interest on application 14/503145/FULL (2.7), 11 Hustlings Drive, Eastchurch and stated that she would not take part during discussion of that item.

Councillor Mike Baldock, as also being a member of Kent County Council (KCC) Planning Committee, declared an interest in items 15/500303/COUNTY (Deferred Item 1), Land at Cryalls Lane, Sittingbourne and 15/502829/COUNTY (4.1), Tunstall Church of England Primary School, Tunstall Road, Tunstall. Councillor Baldock did not vote or take part during discussion of these items, except as speaking as Ward Member on Deferred Item 1.

### 23 PLANNING WORKING GROUP

The Minutes of the Meeting held on 5 May 2015 (Minute Nos. 621 – 622) were taken as read, approved and signed by the Chairman as a correct record, subject to the inclusion of Councillors Andy Booth's and Mike Henderson's apologies.

15/501692/FULL – 30 Woodside Gardens, Sittingbourne

A Ward Member referred to the comments made by local residents at the site meeting held on 5 May 2015. He spoke against the application and considered the

proposal caused overshadowing and that the dwelling should remain as a bungalow.

Discussion ensued on the angle of the existing property, compared to a similar property on the cul-de-sac and that the angle of 30 Woodside Gardens resulted in the extension being intrusive to the neighbouring properties.

Councillor Andy Booth moved the following motion: That the application be refused as it was over-intensive and harmful to the local amenity. This was seconded by Councillor Bryan Mulhern. There was further discussion on the reasons for refusal. Councillor Bryan Mulhern moved the following amended motion: That the application be refused as it was intrusive with regard to its size and its relative angle to adjacent properties which gave rise to demonstrable harm to residential amenity. This amended motion was agreed by Councillor Andy Booth. The Area Planning Officer provided an overview of the distances of the proposal to adjacent properties, which were in excess of the minimum distances normally considered acceptable. On being put to the vote the motion was agreed.

**Resolved: That application 15/501/692/FULL be refused as it was intrusive with regard to its size and its relative angle to adjacent properties which gave rise to demonstrable harm to residential amenity.**

**24 DEFERRED ITEMS**

Reports shown in previous Minutes as being deferred from that Meeting

<b>Deferred Item 1 REFERENCE NO - 15/500303/COUNTY</b>		
<b>APPLICATION PROPOSAL</b>		
County Matter - Repair and maintenance of Environmental Control Systems including the installation of additional equipment and the importation of soils to infill low spots and areas of exposed waste.		
<b>ADDRESS</b> Land At Cryalls Lane Sittingbourne Kent ME10 1HN		
<b>WARD</b> Grove Ward	<b>PARISH/TOWN COUNCIL</b> Borden	<b>APPLICANT</b> Kent County Council <b>AGENT</b> Kent County Council

Mr Stephen Baker, an objector, spoke against the application.

A Ward Member made the following comments: was there evidence the work was required?; unsure how much silt was going to be deposited on the site; some of the existing pipework was exposed/damaged; it was not clear how much damage there was to the existing pipework; the report was generic, it did not contain enough evidence; and the application should be deferred until KCC had reported back on the gas leak into the local water supply, and quantify it. Another Ward Member, also a member of KCC Planning Committee did not comment on the application, but considered KCC should have responded to the questions that had been raised,

and stated that a clear message should be sent to KCC to ask them for the information required to prove a need for the works.

Councillor Mike Henderson moved a motion to raise objection to the application, and withdraw the objection as and when the following had been resolved:

1. How much damage there was to the existing pipework?
2. How much soil would be brought to the site, and what would it consist of?
3. What evidence was there to demonstrate why the proposed works were necessary?
4. Was there a badger sett at the site, and if there was, what measures were KCC going to adopt?
5. Raise objection if hedge cutting to take place during the bird nesting season unless it was necessary for safety reasons.

The motion was seconded by Councillor Bryan Mulhern. A Homewood Ward Member welcomed objection to the application. On being put to the vote the motion was agreed.

**Resolved: That objection be raised to application 15/500303/COUNTY and objection withdrawn as and when the following had been resolved:**

- 1. How much damage there was to the existing pipework?**
- 2. How much soil would be brought to the site, and what would it consist of?**
- 3. What evidence was there to demonstrate why the proposed works were necessary?**
- 4. Was there a badger sett at the site, and if there was, what measures were KCC going to adopt?**
- 5. Raise objection if hedge cutting to take place during the bird nesting season unless it was necessary for safety reasons.**

<b>Deferred Item 2: REFERENCE NO - 14/506623/OUT</b>		
<b>APPLICATION PROPOSAL</b>		
Outline application for proposed residential development of 18 units for affordable housing, with Appearance, Layout and Scale to be considered at this stage and all other matters reserved for future consideration.		
<b>ADDRESS</b> 109 Staplehurst Road Sittingbourne Kent ME10 2NF		
<b>WARD</b> Chalkwell	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Frank Balloch <b>AGENT</b> MSD Architects

The Major Projects Officer sought delegated authority to impose conditions as requested by KCC Highways, and as referred to on page 34 of the agenda, and as introduced at the meeting on 23 April 2015.

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

A Ward Member drew Members' attention to paragraphs 2.1 and 2.2 on page 15 of the report and sought clarification on which paragraph was correct. The KCC

Highways Officer explained the nature of the off-site highway works proposed. He advised that highway restrictions addressed the issue of access by HGVs to the commercial use opposite and the turning facilities. He further stated that it was not the responsibility of the developer to stop HGVs going through this area, and that weight restrictions were in place for HGVs using Hythe Road and Staplehurst Road.

**Resolved:** *That application 14/506623/OUT be delegated to officers to approve subject to additional conditions as requested by KCC Highways and to conditions (1) to (24) in the report.*

<b>Deferred Item 3 REFERENCE NO - 15/500955/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Residential development to provide 35 dwellings comprising 27 houses and 8 flats; access to Marine Parade; Open Space; Landscaping; Car Parking; Footpath link to Beckley Road and Cycle Storage. (Revised scheme to previously approved SW/10/0050)			
<b>ADDRESS</b> Land At Rear Of Seager Road Seager Road Sheerness Kent ME12 2BG			
<b>WARD</b> Sheerness East	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Housing <b>AGENT</b> Architects	Moat  Ubique

The Major Projects Officer drew Members’ attention to the tabled paper from Southern Water, which approved the applicant’s application for connection to the public sewerage system. One further letter had been received objecting to the overbearing impact of the development and stating that the height of the dwellings should be reduced and any windows facing existing properties should be obscure glazed.

Mr Smith, an objector, spoke against the application.

Mr John Escott, the Consultant, representing the Applicant, spoke in support of the application.

A Ward Member spoke against the application and stated that approving it would set a harmful precedent.

Members made the following comments: this development was ‘morally wrong’; welcomed affordable housing; the development was overbearing; and the additional 1.5 metres in height when compared to the development approved under SW/10/0050 made the scheme unacceptable.

Councillor Mark Ellen moved the following motion: That the application be refused as it had an overbearing and overshadowing impact on residential amenity and was detrimental to quality of life. This was seconded by Councillor Andy Booth.

Councillor Mike Henderson moved an amendment: That the reasons for refusal should use the wording in paragraph 2.08 on page 48 of the report, as follows: The development, by virtue of the close relationship between the houses in blocks B and C of the development and nos. 15, 17 and 19 Seager Road, in combination with the height of the houses in blocks B and C, would have a significant and demonstrable overbearing impact on the neighbouring properties to the detriment of their residential amenities. This would be contrary to policies E1 and E24 of the Swale Borough Local Plan 2008. The proposer and seconder agreed to the amendment. On being put to the vote the substantive motion was agreed.

**Resolved: That application 15/500955/FULL be refused on the grounds that the development, by virtue of the close relationship between the houses in blocks B and C of the development and nos. 15, 17 and 19 Seager Road, in combination with the height of the houses in blocks B and C, would have a significant and demonstrable overbearing impact on the neighbouring properties to the detriment of their residential amenities. This would be contrary to policies E1 and E24 of the Swale Borough Local Plan 2008.**

25 SCHEDULE OF DECISIONS

PART 1

Any other reports to be considered in the public session

<b>1.1 REFERENCE NO - 14/504232/FULL</b>		
<b>APPLICATION PROPOSAL</b> Retrospective change of use of existing agricultural store and greenhouse to retail outlet, training and storage facility; hardstanding/turning circle		
<b>ADDRESS</b> Orchard Cottage Canterbury Road Faversham Kent ME13 8LY		
<b>WARD</b> Watling	<b>PARISH/TOWN</b> Faversham	<b>COUNCIL</b> <b>APPLICANT</b> Miss Eve Rush-Ryan <b>AGENT</b>

The Senior Planner drew Members’ attention to the revised conditions which were tabled. She explained that the applicant was agreeable to the conditions, as amended. The conditions allowed for a larger range of goods, longer opening hours and also lighting at the site.

Mrs Rush-Ryan, the applicant, spoke in support of the application.

The Chairman moved the officer recommendation for approval, with amended conditions, and this was seconded.

**Resolved: That application 14/504232/FULL be approved subject to the amended conditions (1) to (6), as tabled at the meeting.**

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 14/502848/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use of upper floors and new rear extension to former public house to create 7 residential units (6 x1 bed and 1 x 2 bed), together with the change of use of ground floor to 346 sq m flexible retail use, (classes A1, A3 or A4). Development of additional 11 residential units (8 x 2 bed and 3 x 3 bed) to the rear of the Kemsley Arms, together with associated landscape and access arrangements, including 18 car parking spaces		
<b>ADDRESS</b> Kemsley Arms The Square Sittingbourne Kent ME10 2SL		
<b>WARD</b> Kemsley	<b>PARISH/TOWN COUNCIL</b> Kemsley	<b>APPLICANT</b> Chris And Sons Limited <b>AGENT</b> 178A Ltd

The Major Projects Officer reported that amended plans had been received which had corrected earlier discrepancies. Following receipt of the plans, the Major Projects Officer explained that a further condition was required so that the windows on the rear elevation had a cill height of at least 1.65 metres above floor level. He explained that further to paragraph 9.15 on page 86 of the report, the wheelie bin contribution was £2,612.22 and the 5% monitoring fee was £949.89.

The Major Projects Officer reported that he understood the property was last operated as a public house in April 2012, and was then an Indian restaurant until April 2013.

The Major Projects Officer sought delegated authority to add an additional condition as above and for the fine tuning of other conditions as required.

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

A Ward Member welcomed and supported the proposal.

In response to a question, the Major Projects Officer confirmed that the addition of a gate at the side of the property could be looked into further, and amended plans showing the gate would be sought.

**Resolved: That application 14/502848/FULL be delegated to officers to approve subject to conditions (1) to (27) in the report, an additional condition in relation to the height of the window cills, fine tuning of other conditions as required, the signing of a suitably worded Section 106 Agreement, and amendment to include a gate to the access road to the side of the building.**

<b>2.2 REFERENCE NO - 15/501604/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 1 four bedroom house (detached) and garage/storage building with access and amenity on land formerly used as stables		
<b>ADDRESS</b> R/o 95 Borden Lane Sittingbourne Kent ME10 1BX		
<b>WARD</b> Chalkwell	<b>PARISH/TOWN COUNCIL</b> Sittingbourne	<b>APPLICANT</b> Mr Guy Mills <b>AGENT</b> A N Ghosh Architects

The Area Planning Officer explained that there was an error in the report. Paragraph 8.09, on page 96, should read ‘Plot 1’ not ‘Plot 2’. He reported that the Environmental Health Officer had no objections, subject to a condition in relation to hours of construction and the Area Planning Officer confirmed that this was set out in condition (16) in the report.

Mr Nyberg, an objector, spoke against the application.

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

A Ward Member spoke against the application. He considered the area, with long gardens, provided a green ‘wedge’ within the built-up area. He considered it would set a precedent, there was a danger of continuous ribbon development and it was over-intensive development.

In response to a question, the Area Planning Officer explained that the dimensions on this application could not be compared with the development refused on appeal; this was a new scheme.

Members raised concern with the size of the proposed garage.

The motion to approve the application was lost.

Discussion ensued on the reasons for refusal. Members considered the principle impact on visual amenity was the garage. They agreed that the application should be deferred to allow officers to discuss a more appropriate garage design with the applicant.

**Resolved: That application 15/501604/FULL be deferred to allow officers to discuss a more appropriate garage design with the applicant.**

<b>2.3 REFERENCE NO - 15/500608/FULL</b>		
<b>APPLICATION PROPOSAL</b> Single storey rear extension		
<b>ADDRESS</b> 32 Ospringe Street Faversham Kent ME13 8TN		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham	<b>APPLICANT</b> Mr & Mrs Mercer <b>AGENT</b> FDA Chartered Architects

The Senior Planner reported that an amended plan had been received which showed one roof light removed from each side of the roof and the remaining two were to be of a conservation area type.

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

**Resolved: That application 15/500608/FULL be approved subject to conditions (1) to (4) in the report.**

<b>2.4 REFERENCE NO - 14/505762/FULL</b>		
<b>APPLICATION PROPOSAL</b> Proposed 2no. 3 bedroom semi-detached houses		
<b>ADDRESS</b> Land Adjacent To 17-18 Arthur Street Sittingbourne Kent ME10 1BA		
<b>WARD</b> Chalkwell	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Amberlink (BVI) Ltd <b>AGENT</b> Clark Designs Ltd

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

A Ward Member acknowledged the need for redevelopment of the site, but considered this needed to be carried out sympathetically. He raised concern with only one car parking space being provided for each property and the parking issues generally in the area. The Ward Member suggested the proposed landscaping for the properties be used as additional car parking spaces instead.

Councillor Bryan Mulhern moved the following amendment: That the application be delegated to officers to approve subject to the addition of one car parking space per property, instead of soft landscaping. This was seconded by Councillor Andy Booth. On being put to the vote the amended motion was agreed.

In response to a question, the Area Planning Officer reported that the views of the Environmental Health Officer had not yet been provided. He sought delegated authority to approve, subject to any appropriate conditions requested by the



Environmental Health Officer. If the Environmental Health Officer objected to the application, it would be brought back to the Planning Committee.

**Resolved:** *That application 14/505762/FULL be delegated to officers to approve subject to the addition of one car parking space per property, instead of soft landscaping, and to any appropriate conditions requested by the Environmental Health Officer (if the Officer objected to the application, it would be brought back to the Planning Committee) and to conditions (1) to (17) in the report.*

<b>2.5 REFERENCE NO - 15/501894/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Part two storey, part single storey rear extension, demolition of existing garage, erection of 1.8m high close boarded timber fence and alterations of vehicular access.		
<b>ADDRESS</b> 90 Bell Road Sittingbourne Kent ME10 4HE		
<b>WARD</b> St Michaels	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr & Mrs Tom Cunningham <b>AGENT</b> Alpha Design Stuido Limited

The Area Planning Officer explained that there was an error in the report. Section 2.02, page 119, should read ‘.....ground floor level will project by 5.5 metres to the rear.....’.

Mr Clive Johnson, an objector, spoke against the application.

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

The motion to approve the application was lost.

Councillor Mike Baldock moved the following motion: That the application be refused because of the unacceptable harm to residential and visual amenity.

Discussion ensued on the reasons for refusal.

A Member considered the size and distance from neighbouring properties to be in excess of Swale Borough Council guidelines. The Area Planning Officer referred to paragraphs 8.02 to 8.05 in the report and explained that there was some flexibility to the guidance, subject to the spacing of the existing properties.

Councillor Mike Henderson moved the following motion: That the application be refused on the grounds that by virtue of its size and location, the development would cause harm to the residential amenities of the occupiers of nos. 88 and 92 Bell Road, and harm to visual amenity. This was accepted by Councillor Mike Baldock and seconded by Councillor Andy Booth. On being put to the vote the motion was agreed.

**Resolved:** *That application 15/501894/FULL be refused on the grounds that by virtue of its size and location, the development would cause harm to the residential amenities of the occupiers of nos. 88 and 92 Bell Road, and harm to visual amenity.*

<b>2.6 REFERENCE NO - 14/503388/FULL</b>		
<b>APPLICATION PROPOSAL</b> Replacement of windows fascia and guttering to front elevation of building as amended by revised technical details received by email 27th March 2015.		
<b>ADDRESS</b> 80 St Johns Road Faversham Kent ME13 8EN		
<b>WARD</b> Abbey	<b>PARISH/TOWN COUNCIL</b> Faversham	<b>APPLICANT</b> Mr Clive Kennett <b>AGENT</b>

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

**Resolved:** *That application 14/503388/FULL be delegated to officers to approve subject to conditions (1) and (2) in the report and no new issues being raised (closing date for representation is 2 June 2015).*

<b>2.7 REFERENCE NO - 14/503145/FULL</b>		
<b>APPLICATION PROPOSAL</b> Small retaining walls for brick planters to front garden two areas		
<b>ADDRESS</b> 11 Hustlings Drive Eastchurch Kent ME12 4JX		
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN COUNCIL</b> Eastchurch	<b>APPLICANT</b> Mr Michael A Crossman

Mr Barry Day, an objector, spoke against the application.

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

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

Members raised the following points: this caused demonstrable harm to the area; this should not be approved; and it did not fit in with the surrounding area.

In response to a question, the Area Planning Officer confirmed that covenants were not a planning issue, he further detailed why planning permission was required.

The motion to approve the application was lost.

Councillor Andy Booth moved the following motion: That the application be refused on the grounds of harm to the visual amenities of the area and to the open nature of

the street scene. This was seconded by Councillor Baldock. On being put to the vote the motion was agreed.

**Resolved: That application 14/503145/FULL be refused on the grounds of harm to the visual amenities of the area and to the open nature of the street scene.**

**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 REFERENCE NO - 15/502829/COUNTY</b>		
<b>APPLICATION PROPOSAL</b>		
Regulation 3 (KCC) Planning renewal of existing PTA store, double and single mobile classroom and proposed single mobile classroom and temporary playing surface, which is required to accommodate the additional reception class from September 2015. The retention of the mobile buildings are required until the school relocates to the new school site and the site is restored by the end of May 2016.		
<b>ADDRESS</b> Tunstall Church Of England Primary School Tunstall Road Tunstall Kent ME9 8DX		
<b>WARD</b> Woodstock	<b>PARISH/TOWN COUNCIL</b> Tunstall	<b>APPLICANT</b> Tunstall C Of E School <b>AGENT</b> Planning Applications Group

The Senior Planner drew Members' attention to the tabled update to representations received for the application. She also advised that a letter of support had also recently been received. The Senior Planner also drew Members' attention to the tabled email from the Ward Member, Councillor Monique Bonney.

Parish Councillor Edward Senior, representing Tunstall Parish Council, spoke against the application.

Mrs Susan Senior, an objector, spoke against the application.

The Chairman moved the officer recommendation of 'no objection' and this was seconded.

A Member considered strong objection should be given to the application.

The motion for 'no objection' to the application was lost.

Councillor Mike Henderson moved the following motion: That strong objection be raised for the reasons stated in Councillor Monique Bonney's tabled email. This

was seconded by Councillor Andy Booth. On being put to the vote the motion was agreed.

**Resolved: That strong objection be raised to the application for the following reasons:**

- a. **demonstrable harm to a listed building (harms the setting of a listed building);**
- b. **demonstrable harm to the neighbours and local residents (harms residential amenity);**
- c. **demonstrable harm to the amenity of children (over-intensification of the site, inadequate open space and landscaping).**

**26 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).**
- 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.**

**27 6.1 - APPLICATION 15/500955 - LAND REAR OF SEAGER ROAD, SHEERNESS, KENT, ME12 2BG.**

**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 service of an enforcement notice consistent with the reason for refusal of 15/500955/FULL (as set out on Page 40 of the agenda).**

**That the Head of Planning and the Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, including the precise wording to give effect to this decision.**

**28 6.2 - 11 HUSTLINGS DRIVE, 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 raised planters, retaining walls, walks and steps, to the restoration of the land, to its former levels, within six months of the notice taking effect.**

***That the Head of Planning and the Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, including the precise wording to give effect to this decision.***

Chairman

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