
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 5 November 2015 from 7.00 - 9.45 pm.

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

OFFICERS PRESENT: Tim Driver, Andrew Jeffers, Kellie MacKenzie, Ross McCardle, Alun Millard and Graham Thomas.

ALSO IN ATTENDANCE: Councillors Bowles and Paul Fleming.

APOLOGY: Councillor Richard Darby.

315 MINUTES

The Minutes of the Meeting held on 15 October 2015 (Minute Nos. 276 – 284) were taken as read, approved and signed by the Chairman as a correct record subject to the following amendments:

Minute No. 279 item 2.7 Land at Perry Court, London Road, Faversham, page 299, final sentence of the fourth paragraph from the bottom be deleted and replaced with: the Member asked the officer to clarify whether deferring or refusing the application was the best solution.

Minute No. 279 Item 2.6 The Vicarage, Church Lane, Newington, the following wording be added: Councillor Mike Baldock asked for it to be recorded that he voted against the application.

316 DECLARATIONS OF INTEREST

Councillor Andy Booth declared a Pecuniary interest in respect of items 2.2 & 2.3 (14/506519/FULL - Land at Kent Terrace, Canterbury Lane, Upchurch, Kent, ME8 8QP) as he carried out business for the Ministry of Defence. Councillor Booth left the room during consideration of this item.

Councillor James Hunt declared an interest in respect of application 15/505901/REM land adj. Coleshall Farm, Ferry Road, Iwade, Sittingbourne, Kent, ME9 8QY as he had spoken on behalf of Iwade Parish Council at the Planning Working Group meeting. Councillor Hunt left the room during consideration of this item.

317 PLANNING WORKING GROUP

The Minutes of the Meeting held on 26 October 2015 (Minute Nos. 297 – 300) were taken as read, approved and signed by the Chairman as a correct record.

15/505910/REM Land adj. Coleshall Farm, Ferry Road, Iwade, Sittingbourne, Kent, ME9 8QY

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

The Planning Officer reported that as noted at the site meeting further amended drawings had been received showing: units 236 and 237 moved away from the existing units (minimum 21 metres); units 236 to 244 changed from 2.5 storey to 2 storey, and the 2.5 storey units placed within the centre of the site; a 1.8 metre fence and hedgerow along the northern boundary with the existing properties on Mansfield Drive and Monins Road; the fence and hedgerow extending towards the stream to prevent access through to Mansfield Drive; and a knee rail running alongside the stream to the front of units 228 to 234 to obstruct access.

The Planning Officer reported that one further letter had been received from a neighbouring resident, requesting that unit 248 be reduced to 2 storey instead of 2.5 storeys. The Planning Officer noted, however, that the intervening distance was a minimum of 25 metres, and that the proposed dwelling had already been turned through 90 degrees and moved further away from the common boundary at the neighbour's request. He considered the current layout was acceptable.

The Planning Officer advised that a letter on behalf of the residents of 36-46 Mansfield Drive had also been received, requesting the following: the northern boundary fence be constructed using concrete kick-boards and concrete fence posts; the fence posts to be 2.1 metres above ground level; the existing rear boundary fences to be removed and disposed of by the contractor; the new fence to be erected on existing garden boundary line; the contractors to have access to existing gardens via the development site; and the fence to extend to meet the knee rail by the stream.

The Planning Officer asked Members to note that the use of concrete posts and kickboards could be secured by condition, but that the other items amounted to private legal matters that should be agreed between residents and the developer, outside of the planning process. The agent for the application had, however, confirmed that the developer was happy to work with local residents to meet all of these requests.

The Planning Officer requested that the application be delegated to officers to approve subject to an additional condition to secure concrete fence posts and kickboards, and minor corrections to the conditions noted in the report to reflect the amended drawings and fencing as outlined above.

A Member congratulated the applicant, agent and officers for considering the concerns raised by residents at the site meeting and the amendments to the scheme proposed.

RESOLVED: *That application 15/505910/REM be delegated to officers to approve subject to conditions (1) to (6) in report, an additional condition to secure concrete fence posts and kick-boards, and minor corrections to the conditions noted in the report to reflect the amended drawings and fencing.*

15/505554/FULL 30 Woodside Gardens, Sittingbourne, ME10 1SG

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

The Planning Officer reported that the reference number given on the agenda was incorrect and should read 15/505554/FULL.

Members raised the following concerns: the scale of the proposal would cause overlooking; would cause harm to the visual amenity of the streetscene; would have an adverse impact on the gardens to neighbouring properties; loss of parking; would have a detrimental impact to the whole cul-de-sac; would have an overbearing impact on neighbours; there were a lot extensions built upwards in the cul-de-sac but not sideways; would impact on the properties to the rear of the site; and amended plans do not address the impact the proposal would have on neighbouring properties.

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

Councillor Andy Booth moved the following motion: That application 15/505554/FULL be refused on the grounds that it would be overbearing for the neighbours to the side and rear, and would cause demonstrable harm to the visual amenities of the area. This was seconded by Councillor Mike Dendor. On being put to the vote the motion was agreed.

RESOLVED: *That application 15/505554/FULL be refused on the grounds that it would be overbearing for the neighbours to the side and rear and would cause demonstrable harm to the visual amenities of the area.*

15/505114/FULL Land adjacent to and forming part of 2 Swedish House, Throwley Road, Throwley, ME13 0PF

The Area Planning Officer drew attention to the pre-application advice provided in 2014 which was tabled for Members and had previously been sent to Committee Members by email.

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

The Ward Member reported that Throwley Parish Council had responded and supported the application.

Some Members spoke in support of the application and raised the following points: disagree with officers and consider the alternative would have a huge impact on the adjacent church; was a sensible location for stables; the officers had requested different tiling but this would require the roof pitch to be higher, meaning that the

building could be seen more; did not consider the proposal would have an adverse impact on the local area; and the building was a good quality.

The motion to refuse the application was lost.

Councillor Bryan Mulhern moved the following motion: that application 15/505114/FULL be approved subject to the imposition of suitable conditions. This was seconded by Councillor Prescott. On being put to the vote the motion was agreed.

RESOLVED: That application 15/505114/FULL be approved with the officers being given delegated authority to impose appropriate and necessary conditions.

318 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 15/505765/FULL			
APPLICATION PROPOSAL			
New porch extension to front, side extension including garage and rear single storey extension (Revised Scheme) as amended by drawings received 16 September 2015.			
ADDRESS 28 Churchill Way, Faversham, Kent, ME13 7RF			
WARD Priory	PARISH/TOWN Faversham	COUNCIL	APPLICANT Mr Wilkinson AGENT M Toms Builders

The Area Planning Officer reported that amended drawings had been received on 29 October 2015 showing a lower roof pitch on the porch.

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

Resolved: That application 15/505765/FULL be approved subject to conditions (1) and (2) in the report and changes to the roof pitch on the porch as per the amended drawings.

2.2 REFERENCE NO - 14/500285/FULL			
APPLICATION PROPOSAL			
Installation of 4no. dipole antennas at a mean height of 90.5m and related strengthening of mast, a 1.8m diameter ground mounted satellite dish and development ancillary thereto including 2no. GPS antennas on existing building, as amended by additional information and drawings received dated 16 October 2015.			
ADDRESS Radio Transmitter, Courtenay Road, Dunkirk, Kent ME13 9LH			
WARD Boughton & Courtenay	PARISH/TOWN Dunkirk	COUNCIL	APPLICANT Arqiva Ltd AGENT Ms Jenny Bye

The Area Planning Officer reported that the applicant had advised that there were no redundant dishes on the mast. The Area Planning Officer advised that the

County Archaeological Officer had suggested an amendment to condition (3) relating to an access watching brief to allow access to the site for the County Archaeologist before commencement of works.

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

Ms Bye, the Agent, spoke in support of the application.

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

Ward Members spoke against the application and raised the following points: need to ensure further bracing was added so do not lose the intrinsic nature of the mast; when will enough-be-enough this is a listed building and adjacent to a Scheduled Ancient Monument and should be protected.

In response to queries, the Area Planning Officer clarified that the dishes would not be on the mast but at ground level. The Area Planning Officer stated that he understood concerns about increase in size of the mast and that a structural survey had been commissioned and that the strengthening of the mast by bracing on existing diagonal cross-members between 60 to 69 metres above ground level was proposed as a result.

Members raised the following points: if the mast was not strengthened it will be lost, this application will ensure that it was maintained; minded to support but only because if we do not allow this we will just get a further request to place it somewhere else; disappointed that no Section 106 contributions were requested; and consider this is the best way to preserve the mast.

Resolved: That application 14/500285/FULL be approved subject to conditions (1) to (4) in the report and the amendments requested by the County Archaeologist to condition (3) relating to an access watching brief to allow access for the County Archaeologist before commencement of works.

2.3 REFERENCE NO - 14/500286/FULL			
APPLICATION PROPOSAL			
Listed building consent for Installation of 4no. dipole antennas at a mean height of 90.5m and related strengthening of mast, a 1.8m diameter ground mounted satellite dish and development ancillary thereto including 2no. GPS antennas on existing building, as amended by additional information and drawings received dated 16 October 2015.			
ADDRESS Radio Transmitter Courtenay Road Dunkirk Kent ME13 9LH			
WARD	Boughton & Courtenay	PARISH/TOWN COUNCIL	Dunkirk
		APPLICANT	Arqiva Ltd
		AGENT	Ms Jenny Bye

This application was considered in conjunction with application 14/500285/FULL above.

Resolved: That application 14/500286//FULL be approved subject to condition (1) in the report.

2.4 REFERENCE NO - 15/503580/FULL		
APPLICATION PROPOSAL		
Change of use of land to use as a residential caravan site for two gypsy/traveller households, including stationing of three caravans, laying of hardstanding, as amended by revised site location plan received 11 June 2015, and by email dated 13 October 2015 deleting erection of amenity building from the application.		
ADDRESS Land north of Homestall Road, Doddington, Kent, ME9 0LB		
WARD Teynham & Lynsted	PARISH/TOWN COUNCIL Norton and Buckland	APPLICANT Mr Patrick Nolan AGENT Philip Brown Associates

In response to queries about the location of the site the Area Planning Officer advised that the postal address for the site was Doddington, but it fell within the parish of Norton and that both Norton and Newnham Parish Council had been consulted.

The Area Planning Officer reported that he had been handed a letter which he assumed had been sent to most, if not all, Committee Members from a number of local residents. He explained that despite working closely with most of the signatories of the letter over recent years on local planning concerns, and as the officer mainly responsible for this report and who was now being heavily criticised in the letter, no-one had had the courtesy of letting him have a copy direct, which he felt was an unattractive and regrettable turn of events.

The Area Planning Officer stated that the letter raised a number of issues which he felt ought not to be left uncontested and he outlined them for Members: there was a clear suggestion that the existing use rights on the site had been abandoned, but there was no clear evidence for this suggestion; demonstration of abandonment in planning law was a high test to prove; it was not at all clear to him that the relevant four established legal tests had been applied here to reach this conclusion; there was no suggestion of any intention to abandon the use, and recent clearance of the site by the current owners was part of a clear intention to continue the historic use of the site, not the reverse; the fact that the site held evidence of occupation until it was cleared, and that it still showed some evidence, would make any claim of abandonment hard to prove; lack of occupation was not a sign of abandonment; there had been no intervening use and it was possible to find cases where vacancy for periods of up to 40 years did not result in findings of abandonment; planning permission was not required for felling trees on the site or for removing the small buildings that were on the site; as far as the site being a woodland was concerned, it should be remembered that this site was the remnant of a former orchard after the M2 was built and had been occupied residentially for the majority of the last 50 years and it was not undeveloped woodland; there was no suggestion that the site would be encircled by high fencing, but if people were to live on the site it is clearly better for the Council to secure some form of noise mitigation on the motorway boundary; and national advice regarding gypsy and traveller sites had been quoted but this had no part to play in the recommendation for approval.

Parish Councillor Colin Woods, representing Newnham Parish Council, spoke against the application.

Mr Price, an objector, spoke against the application.

Members raised the following points: how can the existing right for one family be bought and sold; Kent County Council (KCC) had made a poor decision some years ago, but we were stuck with it; do not think the application would cause any harm and bunding and fencing was to be provided; agreed with concerns of Newnham Parish Council and needed to consider the safety of persons at the site and the risks of vehicles leaving the motorway and ending up on the site; and acoustic fencing would be noticeable from the motorway.

In response to queries, the Area Planning Officer stated that the suggestion that the existing use was personal to the applicant was incorrect.

The motion to approve the application was lost.

Councillor Mike Baldock moved the following motion: That the application be refused as it was not a suitable gypsy and traveller site. This was seconded by Councillor Prescott.

A Member felt that the Members should withdraw the reason for refusal as he considered the site was acceptable as a gypsy and traveller site and ample size for the caravans requested as part of the application. He considered the risks from vehicles leaving the motorway was unlikely and could not refuse the application for the reason stated.

Councillor James Hunt moved the following amendment to the motion to refuse: the proposed barrier and acoustic fence would be detrimental to the rural area and Area of Outstanding Natural Beauty. This was seconded by Councillor Mike Baldock.

Some members felt that the application should be deferred to allow for further detail on the proposed bunding and acoustic fencing. It was also suggested that the applicant considered reducing the number of caravans applied for.

In response to queries, the KCC Highways Officer stated that he did not have details available regarding vehicle accidents or loss of control along this stretch of the M2 motorway, this was something that Highways England would be able to advise on.

The motion to refuse the application was lost.

Councillor Andy Booth moved the following motion: that the application be deferred to allow officers to liaise with the applicants about the suitability of the proposed bunding and acoustic fencing and on whether the number of caravans proposed could be lowered. This was seconded by Councillor Mike Dendor.

On being put to the vote the motion was agreed.

Resolved: That application 15/503580/FULL be deferred to allow officers to liaise with the applicants about the suitability of the proposed bunding and

acoustic fencing and on whether the number of caravans proposed could be lowered.

2.5 REFERENCE NO – 15/501087/FULL		
APPLICATION PROPOSAL Detached dwelling within sub-divided plot.		
ADDRESS 1 Chiddingfold Close Minster-on-sea Kent ME12 3SL		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster on Sea	APPLICANT Mr and Mrs Butler AGENT Oakwell Design

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

Some Members spoke against the application and raised the following points: was an over-development of the site; the tree line adjacent to Scocles Road would be lost; similar applications had been refused due to the road layout; needed to ensure the necessary infrastructure is in place; this was not an appropriate location; and lack of infrastructure to support more dwellings.

In response to queries, the Planning Officer advised that a previous application for a bungalow which had been allowed on appeal in 1985 had not been built and that permission had now lapsed. The Council's Tree Consultant raised no objection, subject to conditions relating to the retention of the existing trees.

Resolved: That application 15/501087/FULL be approved subject to conditions (1) to (14) in the report.

2.6 REFERENCE NO – 15/505190/FULL		
APPLICATION PROPOSAL Erection of 14 No 'Passivhaus' houses comprising 6 x 3 bed semi detached, 3 x 3 bed detached, 3 x 4 bed detached and 2 x 5 bed detached units.		
ADDRESS Former Silver Sands Nurseries and Garden Centre, Staple Street, Hernhill, Kent, ME13 9HZ		
WARD Boughton & Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT Mr Paul Cohen AGENT Evison & Company

The Area Planning Officer outlined the history of the site and concerns about noise for residents at the site from the noisy dual carriageway of the Thanet Way and the 6 metre fence proposed for the front boundary of the site.

The Area Planning Officer reported that he had attended a meeting that week with the applicant's noise consultant and the Council's Environmental Protection Team Leader and looked at a significant number of ways to alter the layout or design treatment to allow the fence to be reduced, but none made any significant difference to the need for the fence. There was also discussion about the potential for landscaping of the fence, including clarifying the scope and nature of potential planting.

The Area Planning Officer advised that following that meeting, amended drawings had been received setting the acoustic fence back into the site by at least 2 metres (and up to 6.8 metres in some parts – 90% of the frontage would have a depth of over 2 metres) to allow more room for planting. However the 6 metre fence was still required, but space would be available to plant inside the fence.

Mr Reveley, an objector, spoke against the application.

Ms Bianca Valido Leach, the Agent, spoke in support of the application.

Ward Members raised the following points: fantastic design but it was in the wrong location; the application was premature; entrance to the site was not safe; the acoustic fence was not in keeping with the rural area; visually intrusive; and the access roads to the site were already dangerous and there were many accidents there.

Councillor Bobbin moved a motion for a site meeting. This was seconded by Councillor Prescott. On being put to the vote the motion was lost.

Members raised the following points: accept the junction was sub-standard but the garden centre and hotel use would have generated more vehicle movements than the proposed housing would; have some difficulty with the acoustic fence but with trees inside and outside the fence it may be manageable; was a brownfield site; is a sustainable site; welcomed the environmentally friendly 'Passivhaus'; suggest deferring the application to allow officers time to look at how the landscaping and fencing could be improved; could KCC Highways seek improvements to the access road to allay residents concerns?; unsustainable site as it had no bus service, local school or shops; despite the speed limits, motorists speed at this junction; and the hotel had to make alterations to the access to gain planning permission.

A Ward Member asked that the application be deferred to allow KCC Highways and the applicants to discuss the deceleration lane and corner access to the site.

The KCC Highways Officer advised that improvements to the Thanet Way slip road had been required for the previously approved hotel use but that would have generated far more traffic than this proposal would. He explained that the fourteen houses now proposed would be expected to generate around 60 vehicle movements per day with half of those movements being arrivals into the site and roughly split 50/50 in the direction they were travelling from e.g. Faversham/London or Whitstable/Thanet. Therefore, there would only be around 15 vehicle movements per day using the slip road, and this was not considered significant enough to justify requesting the improvements again. The officer added that the slip road did not show up as a cluster on the crash statistics, so the site would not be considered a priority for highway improvements.

Councillor Bryan Mulhern moved an amendment to the proposal to approve the application: that the application be delegated to officers to approve subject to discussions to improve the landscaping in consultation with the Chairman of Planning Committee and the two Ward Members. This was seconded by Councillor Mike Henderson.

Resolved: That application 15/505190/FULL be delegated to officers to approve subject to conditions (1) to (24) in the report improvements to the proposed landscaping, the signing of a suitably worded Section 106 Agreement, and that landscaping details should be subject to in consultation with the Chairman of the Planning Committee and the two Ward Members.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO – 15/507497/FULL			
APPLICATION PROPOSAL			
Change of use of holiday caravan park to residential caravan park (AS AMENDED BY DRAWINGS RECEIVED ON 21 ST OCTOBER 2015)			
ADDRESS Oakside Park, London Road, Dunkirk Kent ME13 9LL			
WARD	Boughton & Courtenay	PARISH/TOWN COUNCIL	APPLICANT Mr Guy Gibb AGENT BDB Design LLP
		Dunkirk Parish Council	

Parish Councillor Tutt, representing Dunkirk Parish Council, spoke in support of the application.

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

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

A Ward Member spoke in support of the application. He stated that the Dunkirk Parish Plan had identified that there was a need for housing for elderly residents and this application would free-up three bedroom houses for families. The Ward Member noted that no objections had been received.

Councillor Prescott moved a motion for a site meeting. This was seconded by Councillor Mike Baldock. On being put to the vote the motion was lost.

Members considered the application and raised the following points: was a way to support the housing need in rural areas; should ask that nomination rights to ensure people from Dunkirk were given preference to the properties be provided; such applications help to maintain the vitality of villages; site cannot be seen from the road; no letters of objection only four letters of support received; could not be compared to the holiday homes on the Isle of Sheppey; needed to be consistent and have refused similar applications; site was in a sustainable location; Parish Council supported and needed to consider their views that there is a clear demand for this type of development in Dunkirk; some of the reasons for refusal do not stand-up; the adjacent site which had been refused permission was different from this proposal.

In response to a query, a Member confirmed that the application was for persons aged fifty-plus. Some Members were not supportive of the age limit but were supportive of ensuring that nomination rights for local people was included. A Ward Member suggested that this could be included as a condition.

The Locum Solicitor advised that you could not include parish nomination rights as a condition, but as part of a Section 106 Agreement.

The motion to refuse the application was lost.

Councillor Ben Stokes moved a motion to approve the application and this was seconded.

Councillor Mike Henderson moved the following addendum to the motion: That the Section 106 Agreement be amended to include Dunkirk Parish nomination rights and that the fifty-plus age limit was removed. This was seconded by Councillor Mike Baldock.

Resolved: That application 15/507497/FULL be delegated to officers to approve subject to a Section 106 Agreement to include Dunkirk Parish Council nomination rights and the imposition of suitable conditions.

PART 5

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

- **Item 5.1 – 8 Wadham Place, Sittingbourne**

APPEAL ALLOWED

- **Item 5.2 – 90 Bell Road, Sittingbourne**

APPEAL ALLOWED

- **Item 5.3 – 16 Gayhurst Drive, Sittingbourne**

APPEAL DISMISSED

- **Item 5.4 – Bayford Court, Crown Quay Lane, Sittingbourne**

APPEAL DISMISSED

A Member requested that when an application had been refused by officers and the subsequent appeal was allowed, this should be included in the officers' reports in future.

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 2, 3 and 6 of Part 1 of Schedule 12A of the Act:

1. Information relating to any individual.

2. Information which is likely to reveal the identity of an individual.

- 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).**
- 4. Information relating to any consultation or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and any employees of, or office holders under, the authority.**
- 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**
- 6. Information which reveals that the authority proposes:**
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or**
 - (b) to make an order or direction under any enactment.**
- 7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.**

320 REPORT OF THE HEAD OF PLANNING

14/501353/FULL and 14/501354/LC – Retention of external roller shutter (retrospective) at 61 High Street, Sittingbourne, Kent, ME10 4AW

Resolved: That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, and a Listed Building Enforcement Notice pursuant to the provisions of Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requiring the removal of the unauthorised shopfront and roller shutter and reinstatement of the property to its former condition as approved under planning permission SW/11/0391 and listed building consent SW/11/0392 within 1 year of the Notice taking effect.

321 ADJOURNMENT OF MEETING

The meeting was adjourned at 9.32pm and reconvened at 9.37pm.

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