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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, 26 November 2015 from 7.00 - 9.09 pm.

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

**OFFICERS PRESENT:** Tim Driver, Andrew Jeffers, Kellie MacKenzie, Ross McCardle, Alun Millard and Jim Wilson.

**ALSO IN ATTENDANCE:** Councillors Mick Galvin, June Garrad and Roger Truelove.

**APOLOGIES:** Councillors James Hall and Prescott (Vice-Chairman).

### 355 MINUTES

The Minutes of the Meeting held on 5 November 2015 were taken as read, approved and signed by the Chairman as a correct record subject to the following amendments:

Minute No. 316 be amended to read: Councillor Andy Booth declared a Pecuniary interest in respect of items 2.2 and 2.3 (14/500285/FULL and 14/500286/FULL) – **Radio Transmitter, Courtenay Road, Dunkirk.**

Minute No. 317 Item 2.4 (15/503580/FULL) Land north of Homestall Road, Doddington the final paragraph on page 345 be amended to read **Councillor Bryan Mulhern** moved from the chair the following motion. Not Councillor Andy Booth as stated.

### 356 DECLARATIONS OF INTEREST

Councillor Peter Marchington declared a pecuniary interest in respect of item 3.1 (15/506323/FULL) – Flynns Bee Farm, Elmley Road, Minster for business reasons. Councillor Marchington left the room during consideration of this item.

In the interest of openness Councillor Mike Henderson declared a non-pecuniary interest in respect of item 2.1 15/503848/FULL – Preston Orchard Cottage, 9 Ashford Road, Faversham as the applicants were members of the Independent Group on Faversham Town Council.

### 357 REPORT OF THE HEAD OF PLANNING

#### PART 2

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 15/503848/FULL and 15/503640/LBC</b>		
<b>APPLICATION PROPOSAL</b> Proposed new vehicle crossover and driveway to replace existing driveway as clarified by drawing received 12 November 2015 indicating vehicular sightlines AND Listed Building Consent for proposed new vehicle crossover and driveway to replace existing driveway		
<b>ADDRESS</b> Preston Orchard Cottage, 9 Ashford Road, Faversham, Kent ME13 8XJ		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Mr Kenneth Martin <b>AGENT</b> Mr Julian Mann

The Development Manager reported that amended drawings had been received showing 2 metres x 2 metres pedestrian sightlines. He advised that the recommendation needed to be amended to read: Approve applications **as amended by drawings received 18 November 2015**.

Claire Martin, the applicant, spoke in support of the application.

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

***Resolved: That 15/503848/FULL be approved subject to conditions (1) to (5) in the report and as per the amended drawings.***

<b>2.2 REFERENCE NO - 15/503640/LBC</b>		
<b>APPLICATION PROPOSAL</b> Proposed new vehicle crossover and driveway to replace existing driveway as clarified by drawing received 12 November 2015 indicating vehicular sightlines AND Listed Building Consent for proposed new vehicle crossover and driveway to replace existing driveway.		
<b>ADDRESS</b> Preston Orchard Cottage, 9 Ashford Road, Faversham, Kent ME13 8XJ		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Mr Kenneth Martin <b>AGENT</b> Mr Julian Mann

This application was considered in conjunction with 15/503848/FULL above.

***Resolved: That 15/503640/LBC be approved subject to conditions (1) and (2) in the report and as per the amended drawings.***

<b>2.3 REFERENCE NO – 15/502570/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use of land to a single gypsy pitch and associated development.		
<b>ADDRESS</b> Land Far East Of Plantation Lodge, School Lane, Iwade, Kent ME9 8QH		
<b>WARD</b> Bobbing, Iwade & Lower Halstow	<b>PARISH/TOWN COUNCIL</b> Iwade	<b>APPLICANT</b> Mr D Love <b>AGENT</b> Mr Patrick Durr

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

A Ward Member noted that Iwade Parish Council raised objection, but he did not see any problems with the application.

Members considered the application and raised the following points: note that there was already a surplus of 0.8 pitches over the full five year requirement, further provision should be staggered; was within the strategic gap; should ensure these sites were close to amenities; and site was not relatively removed from neighbouring properties as stated in the report.

The Planning Officer noted concerns that Swale had reached its requirement for gypsy pitches, however planning inspectors were likely to support applications for new sites as existing additional pitches were not normally available for anyone outside of existing family groups.

***Resolved: That 15/502570/FULL be approved subject to conditions (1) to (12) in the report.***

<b>2.4 REFERENCE NO - 15/505601/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing dwelling, Erection of three detached dwellings with integral double garage and new access		
<b>ADDRESS</b> Glenlodge, Queenborough Drive, Minster-on-sea, Kent, ME12 2JN		
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN COUNCIL</b> Minster on Sea	<b>APPLICANT</b> Mr D Flannery <b>AGENT</b> Michael Gittings Associates

Mr Mitchell, an objector, spoke against the application.

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

A Ward Member spoke against the development and raised the following points: was a large development and would have a dramatic impact on parking in the area;

was a nice area and should be protected; and disappointed with Minster Parish Council's comments.

Members considered the application and raised the following points: the balconies had been removed and could not see on what grounds the application could be refused; the removal of the balconies had not resolved the issues of overlooking as large windows with low eil heights were proposed; concerned that conduct at the Parish Council meeting had been included in the officer's report as it was not material to the application, it either needed to be put into context or not included in the report; and tree planting was mentioned at paragraph 9.14 of the report, but there was no specific wording regarding trees within the recommended landscaping conditions.

In response to queries, officers confirmed that there was a distance of 25 metres from the front of 31 Glenwood Drive to the front of plot 1 of the proposed development.

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

Councillor Andy Booth moved the following motion: That the application be refused as it would have an overbearing impact on local residents, causing demonstrable harm to the residential amenities currently enjoyed by adjacent residents. This was seconded by Councillor Mike Baldock.

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

***Resolved: That application 15/505601/FULL be refused as it would have an overbearing impact on local residents and cause demonstrable harm to the residential amenities currently enjoyed by adjacent residents.***

## **2.5 REFERENCE NO - 14/500615/FULL**

### **APPLICATION PROPOSAL**

Demolition of existing fire-damaged property: 87 London Road, Sittingbourne, and proposed warden-assisted retirement flats comprising 24 1-bed units and 8 2-bed units including communal lounge, laundry, guest bedrooms, management facilities and associated car parking, together with improvement and realignment works to the A2.

**ADDRESS** 87 London Road, Sittingbourne, Kent ME10 1NL

**WARD** Homewood

**PARISH/TOWN COUNCIL**  
N/A

**APPLICANT** Mr John Butler  
**AGENT** Mr Steve Banister

The Major Projects Officer reported that one further letter raising objection had been received. The issues they raised were as summarised in the committee report, at paragraphs 6.01 and 6.02 with one additional issue, namely that the development should be no more than three storeys in height.

The Major Projects Officer advised that further to paragraph 9.10, on page 54 of the report, a contribution of £223 per dwelling, or £7,136 in total would be required for

mitigation of potential recreation impacts on the Swale Special Protection Area (SPA).

The Major Projects Officer stated that with regard to the comments of Kent County Council (KCC) Ecology, and further to paragraph 7.4 they had made a further response raising the following points: a condition was required in respect of measures to enhance biodiversity; bats were not likely to be present. However reptiles may be present, so a further site inspection by the applicant's ecologist was required in order to establish whether a full reptile survey would be needed.

The Major Projects Officer reported that KCC Archeology had, further to paragraph 7.3 on page 52 of the report, confirmed that no objection was raised, subject to a condition requiring the submission and approval of a programme of archaeological works.

Natural England had provided a new response, further to the one set out at paragraph 7.2 and continued to raise no objection.

The Major Projects Officer concluded that delegation was sought to approve the development subject to the amendment of condition (17), on page 58 to add reference to 'works to 83 London Road as shown on drawing 2514/7 June 2014' also being carried out before the first dwelling was occupied; additional conditions in respect of bin storage details, sustainable urban drainage system for surface water drainage, and to amend condition (7), to delete reference to "surface water"; an additional archaeological condition, and a condition for biodiversity enhancements were also required.

The Major Projects Officer advised that in addition, authority was sought to enter into a Section 106 Agreement as described in the report and with the SPA payment previously mentioned, and with authority to fine tune as required, including agreeing triggers for payments to be made. Authority was also sought to resolve the reptile issue.

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

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

A Ward Member spoke against the application and raised the following points: there was widespread local concern about the application; 21 parking spaces for 32 properties was not sufficient; concerned about the access onto London Road; was an imposing building in relation to the current streetscene; would impact on the sewage and drainage system; agreed that no Section 106 monies needed for primary school; was not in the Swale Borough Local Plan; and was over-ambitious.

In response to queries about parking, the KCC Highways Officer stated that the parking provision proposed was in line with KCC parking standards for this type of development.

The Ward Member stated that yellow lines and a Traffic Regulation Order (TRO) as recommended by the Council's engineer in paragraph 7.7 of the report were essential.

Members considered the application and raised the following points: was a need for this type of development, but the proposed building was too high and big; prefer a two-storey development; were already highway problems in the area; design was 'monstrous'; concerns about the overall scale; applicant had discussed the application thoroughly with planning officers and we should support their views; well designed and should not be afraid to support; needed to ensure that the reptile survey was not carried out during the winter months; insufficient parking provision; only the first floor only would be visible from the road; and concerned about lack of amenity space.

There was some discussion about the scale of the proposal in relation to Borden Lane. The Major Projects Officer explained that it was about providing a balance against potential harm to the streetscene on account of the large massing of the building and the benefits of the scheme. He explained that the development was set back from the streetscene (by about 20 metres) and that Borden Lane was set 4 metres lower down.

Councillor Mike Baldock moved the following addendum: that conditions requiring the provision of yellow lines, TRO and that the reptile survey be carried out during the winter months be included. This was not seconded.

The Major Projects Officer reported that planning officers had at the pre-application stage discussed with officers from KCC Highways and the Council's Engineering Manager about the provision of yellow lines and a TRO but these were subject to a public consultation, so could not be included as a condition as the consultation may show that they were not required or were opposed by local people.

***Resolved: That application 14/500615/FULL be delegated to officers to approve subject to conditions (1) to (25) in the report, the amendment to condition (17) to add reference to 'works to 83 London Road as shown on drawing 2514/7 June 2014' also being carried out before the first dwelling was occupied; additional conditions in respect of bin storage details, sustainable urban drainage system for surface water drainage, and to amend condition (7) to delete reference to "surface water"; an archaeological condition, and a condition for biodiversity enhancements; to enter into a Section 106 Agreement, including the SPA payment of £7,136, including agreeing triggers for payments; and fine-tuning of the legal agreement as required; and a further site inspection by the applicant's ecologist to establish whether a full reptile survey will be needed.***

### PART 3

Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 15/504450/FULL</b>
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<b>APPLICATION PROPOSAL</b> Proposed groundhouse.		
<b>ADDRESS</b> Flynn's Bee Farm, Elmley Road, Minster-on-sea, Kent ME12 3SS		
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN COUNCIL</b> Minster	<b>APPLICANT</b> Mrs Heidi Pavlou

The Chairman drew attention to the tabled paper which provided details of the proposal from the applicant.

The Planning Officer reported that the applicant had submitted several additional emails, stating that the development: should be considered exceptional in terms of concept and design; the groundhouse would be carbon neutral; it would contribute to growing the local economy; local honey was in high demand; there was a need to live on-site to prevent theft of bees; breeding of rare native bees would be invaluable in conservation terms and was supported by specialists in the field; the parking area could accommodate 4 vehicles; and there was a need for an additional dwelling on-site as the existing agricultural worker's dwelling at Flynn's Bee Farm was not big enough to accommodate large groups.

The Planning Officer further reported that the applicant had also submitted an amended business plan, which was confidential, but which estimated the business being in a modest profit by year three. However, officers did not consider any of this additional information overcame the in-principle policy objection to the proposal, however, and the recommendation remained for refusal, as per the report.

Sudi Driver, a supporter, spoke in support of the application.

Donna Newman, an objector, spoke against the application.

Heidi Pavlou, the applicant, 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 and raised points which included: would be a sustainable home aligned by nature; was ecological; was an inspiring proposal; the site supported the national bee programme so the Council should support; Business Plan showed that it would bring employment to the Isle of Sheppey; would look better than unsightly caravans; applicants had shown they were committed to nature conservation; provided fruit trees and wild flowers; welcome the proposed educational visits; would not have much impact on the local area apart from the road, but applicants have stated they would contribute to the upkeep of the road and also the drains and ditches; large parking plot to rear provided; no business plan had been provided by the gypsies and travellers site nearby; and would be the first groundhouse in Swale.

Members considered the application and raised the following points: was an eco-friendly development; outstanding and innovative design; would be a feather-in-the

cap for Swale to have; welcomed the open days for school children and noted that this would not be every day so would not impact on the local road; had worked to improve the area by planting; Natural England raise no objection; applicant in Brighton there was virtually a whole village of groundhouses with no problems; site was remote and could not be seen from Lower Road; there were many unmade and unadopted roads on the Isle of Sheppey; position was unique and had abundant wildlife; a website about groundhouses stated that this type of property would not suit 85% to 95% of the settled community so would not set a precedent; unique application offering a unique building; would not cause demonstrable harm to neighbouring properties or wildlife; rather see this type of development in the countryside than three and four bedroom houses or caravans; rare to have such a prestigious company in Swale so should support them; this was a globally important project; the Council should support successful rural businesses; proposed materials did fit in with the National Planning Policy Framework (NPPF); did meet the NPPF criteria as was innovative for the Swale area; Flynns Bee Farm already existed and there was already a house on the site so need to be careful as it goes against local and national planning policies; groundhouses existed in other areas of the country so was not unique; the Council's agricultural advisor states that the Business Plan does not provide any justification for the groundhouse; if approved would set a precedent; could set a precedent but would not mind seeing more groundhouses; and was the design right for this location?

The Planning Officer reminded Members that the groundhouse would be on an open field and not on agricultural land. He warned that approval could set a precedent for residential development in the countryside. With regard to the gypsy and traveller site in Greyhound Road referred to by Members, he reminded Members that they had consistently stated that the area was not suitable for housing. He said that the proposal was not unique or exceptional so could not rely on the part of the NPPF policy which refers to such scheme. He also raised concern that full design details of the proposal had not been received. The development in Brighton was within the designated built-up area.

The Development Manager advised that generally applications where an agricultural need to stay on the site was specified were granted on a temporary basis, this however would be permanent if approved. Also it was contrary to the Council's rural consultants advice as set out on pages 68 and 69 of the report. He suggested that Members consider deferring the application to seek further information in relation to the design of the proposal.

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

Councillor Andy Booth moved the following motion: That the application be approved subject to the applicant entering into considerable dialogue with officers to ensure the full extent of the design and floorplan is forthcoming. This was seconded by Councillor Mark Ellen.

A Member considered that the application should be deferred until a clear and precise application was provided. Other Members felt this was not necessary and Members had to consider the proposal as it had been presented to them.

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



***Resolved: That application 15/506323/FULL be approved subject to the applicant entering into considerable dialogue with officers to ensure the full extent of the design and floorplan is forthcoming.***

## **PART 5**

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

- **Item 5.1** – 1 Stuppington Cottages, Norton Road, Norton  
Appeal Dismissed.
- **Item 5.2** – 10 Grovehurst Avenue, Kemsley  
Appeal Allowed.
- **Item 5.3** – 27 Cumberland Drive, Lower Halstow  
Appeal Dismissed.
- **Item 5.4** – 49 Parsonage chase, Minster  
Appeal Allowed.
- **Item 5.5** – Medway Autos Ltd, London Road, Upchurch  
Appeal Dismissed.
- **Item 5.6** – New Barns, Box Lane, Painters Forstal  
Appeal Part Dismissed/Part Allowed
- **Item 5.7** – Public Kiosk, Pavement nr Park entrance, High Street, Sheerness  
Appeal Dismissed.

## **358 ADJOURNMENT OF MEETING**

The meeting was adjourned at 8.54pm and reconvened at 9pm.

Chairman

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