
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 17 December 2015 from 7.00 - 8.46 pm.

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

OFFICERS PRESENT: Rob Bailey, Tim Driver, James Freeman and Kellie MacKenzie.

APOLOGIES: Councillors Bobbin, Richard Darby and Lesley Ingham.

408 MINUTES

The Minutes of the meeting held on 26 November 2015 (Minute Nos. 355 – 358) were taken as read, approved and signed by the Chairman as a correct record.

409 DECLARATIONS OF INTEREST

No interests were declared.

410 DEFERRED ITEM

Application 15/503580/FULL – Land north of Homestall Road, Doddington was withdrawn from the agenda.

411 SCHEDULE OF DECISIONS

PART 1

Any other reports to be considered in the public session

1.1 REFERENCE NO – Tree Preservation Order No 6 of 2015
ADDRESS 30 Preston Park, Faversham, Kent. ME13 8LN
RECOMMENDATION: To confirm without modification Tree Preservation Order No 6 of 2015 for which objections have been received.

The Chairman moved the officer recommendation to confirm without modification Tree Preservation Order No. 6 of 2015 and this was seconded.

A Member welcomed the Tree Preservation Order and considered it was a splendid tree that positively contributed to the area.

Resolved: That Tree Preservation Order No. 6 of 2015 be confirmed without modification.

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 15/506410/FULL		
APPLICATION PROPOSAL		
First floor side extension over existing garage, two-storey side extensions at rear, single storey rear extension, first floor front and side extensions, three dormers at front and three dormers at rear		
ADDRESS 90 Scrapsgate Road Minster-on-sea Kent ME12 2DJ		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster on Sea	APPLICANT Mr P Donnelly AGENT Richard Baker Partnership

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

Mr Adam O'Donnell, an objector, spoke against the application.

Mrs Abbie Nethercoat, the applicant, spoke in support of the application.

A Ward Member spoke against the application and raised the following points: shame to lose this type of housing particularly with an increasing elderly population; large and overbearing; would be detrimental to the visual amenity of adjoining properties; and would harm the quality of life that adjoining residents currently enjoyed.

In response to queries, the Area Planning Officer advised that as the proposal was within the built-up area of Minster, the increase in floor space was not a material planning consideration. He was unsure how many bungalows were in the vicinity. The proposed garage would be hard against the boundary of No. 88 Scrapsgate Road and the garage roof went beyond the garage.

Councillor Andy Booth moved a motion to defer the application for further information. This was not seconded.

The Area Planning Officer suggested that Members may wish to consider a site visit rather than defer for further information.

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

Resolved: That application 15/506410/FULL be deferred to allow the Planning Working Group to meet on site.

2.2 REFERENCE NO - 15/503893/FULL		
APPLICATION PROPOSAL Proposed rear elevation glazed doors and internal alterations, as amended by drawing 03 REV C received 10 November 2015.		
ADDRESS 9 Goldings Wharf Belvedere Road Faversham Kent ME13 7FB		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Steve Muddin AGENT FDA Chartered Architects

The Head of Planning reported that Faversham Town Council raised no objection but suggested a condition which was covered under condition (4) of the report. A further letter from the original neighbour objecting again largely echoing the original comments of the Town Council, as outlined on paragraph 6.01 of the report, and adding that the amended door design did not reflect the style of the existing house.

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

Resolved: That 15/503893/FULL be approved subject to conditions (1) to (4) in the report.

2.3 REFERENCE NO – 15/509116/FULL		
APPLICATION PROPOSAL Single storey front extension and conversion of existing garage. Insertion of new windows to both side elevations and new windows/doors to the rear.		
ADDRESS 13 Preston Park Faversham Kent ME13 8LH		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Nigel Kay AGENT FDA Chartered Architects

The Head of Planning reported that amended drawings had been received reducing the front extension to 1.775 metres under a conventional lean-to style roof which overcame previous concerns about the proposal.

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

In response to a query from a Member, the Head of Planning reported that 13 adjoining residents had been consulted and no representations had been received.

Resolved: That 15/509116/FULL be approved subject to conditions (1) and (2) in the report and as per the amended drawings.

2.4 REFERENCE NO - 15/507606/ADV		
APPLICATION PROPOSAL Advertisement - 4 No. externally illuminated fascia signs; Non-illuminated ACM direct print panels; Non-illuminated window vinyl graphics applied internally; Non-illuminated frosted manifestation vinyl window bands (x2) and door bands (x2); Non-illuminated ATM clip frame; 4 No. non-illuminated lockable poster frames; Internally illuminated totem sign.		
ADDRESS 3 School Mews Iwade Kent ME9 8UW		
WARD Bobbing, Iwade & Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT One Stop Stores Ltd AGENT Innovate Signs

The Area Planning Officer reported that legislation allowed for making split decisions on applications for advertisement consent, and in this case, the recommendation was that the proposed signs to the front of the shop – fascia signs, window graphics, and a sign around the ATM be approved, and that consent be refused for a totem sign to the frontage of the wider site with Ferry Road/School Lane, poster signs abutting the access to the site, and a fascia sign to the side of the shop.

A Ward Member supported both the comments of Iwade Parish Council and the officer recommendations.

A Member considered the totem sign would be intrusive and welcomed the officer recommendation to refuse.

In response to a query from a Member, the Area Planning Officer advised that the illumination levels were below that required for rural areas as outlined in paragraph 8.09, on page 55 of the committee report, but that condition (6) needed to be amended to refer to the specific illumination level.

A Member, also a member of Iwade Parish Council, considered that the proposed lighting may help with security issues currently being experienced in the area.

Split Decision:

Resolved (1): That application 15/507606/ADV advertisement consent for 3 No. externally illuminated fascia signs on front elevation; 1 No. ACM Direct Print Panel; 2 No. Window Graphics; 1 No. Window Manifestation; 1 No ATM clip frame sign be approved subject to conditions (1) to (7) in the report, and to an amendment to condition (6), to refer to the specific illumination level.

Resolved (2): That application 15/507606/ADV advertisement consent for 1 No. externally illuminated fascia sign on side elevation; 4 No. lockable poster frames on side elevation; and 1 No. totem sign be refused for the reason outlined in the report.

2.5 REFERENCE NO - 15/503681/FULL		
APPLICATION PROPOSAL Erection of 2 detached dwellings to replace existing chalet bungalow.		
ADDRESS 177 Wards Hill Road Minster-on-sea Kent ME12 2JZ		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Mr and Mrs Harris AGENT Oakwell Design Ltd

The Area Planning Officer reported that whilst the site was referred to as 177 Wards Hill Road, the site fronted Clovelly Drive. The site sloped steeply upwards to the north, hence the design showing three storeys fronting the road, and two storeys to the rear.

The Area Planning Officer further reported that he was seeking the advice of the Kent County Council (KCC) Ecologist and sought delegation to approve the application subject to their comments, compliance with any requirements they may have, and any appropriate conditions they may recommend.

Mr Adams, 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 application and raised the following points: overbearing; over-intensive in bulk and scale; and would have an adverse impact on parking in the area.

Members raised the following points: over-development of the area; out-of-character with other properties in the area; design was an improvement on the current dwelling; and the area was already a mix of house styles.

Councillor Mike Henderson moved a motion for a site visit. This was seconded by Councillor Peter Marchington.

A Ward Member asked that the proposed dwelling be marked out on the site so Members could have an idea of what was proposed.

Resolved: That application 15/503681/FULL be deferred to allow the Planning Working Group to meet on site.

2.6 REFERENCE NO - 15/502191/FULL		
APPLICATION PROPOSAL Removal of condition 7 of planning permission SW/11/1430 to allow permanent use of land as a residential caravan site for one gypsy family.		
ADDRESS The Hawthorns Greyhound Road Minster-on-sea Kent ME12 3SD		

WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Ms Liza Smith AGENT Mr Philip Brown
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The Area Planning Officer reported that contrary to paragraph 5.27 of the report, the applicant was a gypsy/traveller, having been recognized as such under the previous application. No information regarding the personal circumstances of the applicant had been submitted relating to the applicant, other than those set out in the report. The Area Planning Officer further reported that he did not consider that this was sufficient to warrant permanent approval of an otherwise unacceptable development. Temporary permission remained in his view a proportionate and appropriate decision here.

The Area Planning Officer advised that further granting of temporary permission amounted to an interference with the rights of the applicant under Article 8 of the Human Rights Act to respect for their home. However, in his view it was a proportionate interference, having regard to the impact of the development on the countryside and the public interest inherent in protecting it. The Agent had not advised that there are any children living on the site, and as such there were no issues in that regard.

The Locum Solicitor advised that there were three issues for Members to consider with regard to the application: the Equality Act placed on all local authorities to have due regard and protect the rights of the race and ethnicity of gypsies and travelers demonstrating due regard to public sector duty; Article 8 of the Human Rights Act considering the way of life of the applicants and their rights to travel; and ensuring that the best interests of children should be of paramount importance. The Locum Solicitor read out the relevant parts of each act for Members.

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

Members raised the following points: it had been well recognized that Greyhound Road was not a suitable place for gypsies and travellers or for anyone else to live; the applicants knew after four years they would have to ask for an extension or move as it was made very clear to them it was not a suitable site; aware of need to consider the children, many from the road attended the local school; did not support the application as not an appropriate location and had caused a significant imbalance between the applicants and the settled community; Council had overfilled the five-year supply and as a consequence the applicants had still not found a permanent site so could justify not allowing this application and defend at appeal; the Council would have trouble showing that they had taken due diligence in the past when considering applications at the site; the Council should stagger provision over the next twenty years to show due care to the next generation of gypsies and travellers; and cannot see need for a further year as the current permission does not run-out until June 2016; site had suffered considerable ecological damage with trees being removed and replaced with hardstanding; had considered the equality aspect of the Human Rights Act and in particular Article 8; consider it was wise at this stage to grant the one-year temporary permission; and more temporary sites were needed at farms to support the nomadic lifestyle of gypsies and travellers.

The Head of Planning reported that a temporary permission had been granted in the past as they had thought that the Swale Borough Local Plan would have been complete within that time, also the nomadic definition for gypsies and travelers within the Planning Policy for Traveller Sites (PPTS) had been amended. The Head of Planning outlined the current five-year supply position in Swale for Members and explained that it was likely that the local plan inspector final report would be submitted before December 2016 and this was the reason for recommending a further temporary permission with the aim of minimising the risk to the Council to challenge and that the Council would be in a stronger position to consider the acceptability, or not, of any future planning application.

There was some discussion about the recommendation outlined on page 72 of the report and the Area Planning Officer suggested that it should read 'grant further temporary permission for an additional year **from the date of any approval** to enable the applicant to find alternative accommodation'. This was agreed by Members.

Resolved: That application 15/502191/FULL be approved subject to conditions (1) to (8) in the report.

2.7 REFERENCE NO - 15/502237/FULL		
APPLICATION PROPOSAL		
Removal of condition 7 of planning permission SW/11/1414 (Change of use of land to use as residential caravan site for one gypsy family with two caravans, including no more than one static mobile home, erection of utility room and laying of hardstanding).		
ADDRESS The Peartree Greyhound Road Minster-on-sea Kent ME12 3SP		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Mr David Kerbey AGENT Mr Philip Brown

The Area Planning Officer reported that contrary to paragraph 5.27 of the report, the applicant was a gypsy/traveller, having been recognized as such under the previous application. No information regarding the personal circumstances of the applicant had been submitted relating to the applicant, other than those set out in the report. The Area Planning Officer further reported that he did not consider that this was sufficient to warrant permanent approval of an otherwise unacceptable development. Temporary permission remained in his view a proportionate and appropriate decision here.

The Area Planning Officer advised that further granting of temporary permission amounted to an interference with the rights of the applicant under Article 8 of the Human Rights Act to respect for their home. However, in his view it was a proportionate interference, having regard to the impact of the development on the countryside and the public interest inherent in protecting it. The Agent had not advised that there are any children living on the site, and as such there were no issues in that regard.

The Locum Solicitor advised that there were three issues for Members to consider with regard to the application: the Equality Act placed on all local authorities to have due regard and protect the rights of the race and ethnicity of gypsies and travelers demonstrating due regard to public sector duty; Article 8 of the Human Rights Act considering the way of life of the applicants and their rights to travel; and ensuring that the best interests of children should be of paramount importance. The Locum Solicitor read out the relevant parts of each act for Members.

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

Members raised the following points: it had been well recognized that Greyhound Road was not a suitable place for gypsies and travellers or for anyone else to live; the applicants knew after four years they would have to ask for an extension or move as it was made very clear to them it was not a suitable site; aware of need to consider the children, many from the road attended the local school; did not support the application as not an appropriate location and had caused a significant imbalance between the applicants and the settled community; Council had overfilled the five-year supply and as a consequence the applicants had still not found a permanent site so could justify not allowing this application and defend at appeal; the Council would have trouble showing that they had taken due diligence in the past when considering applications at the site; the Council should stagger provision over the next twenty years to show due care to the next generation of gypsies and travellers; and cannot see need for a further year as the current permission does not run-out until June 2016; site had suffered considerable ecological damage with trees being removed and replaced with hardstanding; had considered the equality aspect of the Human Rights Act and in particular Article 8; consider it was wise at this stage to grant the one-year temporary permission; and more temporary sites were needed at farms to support the nomadic lifestyle of gypsies and travellers.

The Head of Planning reported that a temporary permission had been granted in the past as they had thought that the Swale Borough Local Plan would have been complete within that time, also the nomadic definition for gypsies and travelers within the Planning Policy for Traveller Sites (PPTS) had been amended. The Head of Planning outlined the current five-year supply position in Swale for Members and explained that it was likely that the local plan inspector final report would be submitted before December 2016 and this was the reason for recommending a further temporary permission with the aim of minimising the risk to the Council to challenge and that the Council would be in a stronger position to consider the acceptability, or not, of any future planning application.

There was some discussion about the recommendation outlined on page 72 of the report and the Area Planning Officer suggested that it should read 'grant further temporary permission for an additional year **from the date of any approval** to enable the applicant to find alternative accommodation'. This was agreed by Members.

Resolved: That application 15/502237/FULL be approved subject to conditions (1) to (8) in the report.

2.8 REFERENCE NO - 15/503278/FULL		
APPLICATION PROPOSAL Variation or removal of condition 7 of SW/11/1415 (Change of use of land to use as residential caravan site for 2 gypsy families with a total of 4 caravans, including no more than 2 static mobile homes, erection of amenity building and laying of hardstanding) - for temporary permission of 4 years to be extended or removed.		
ADDRESS Blackthorne Lodge Greyhound Road Minster-on-sea Kent ME12 3SP		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Mr David Brazil AGENT Mr Philip Brown

The Area Planning Officer reported that contrary to paragraph 5.27 of the report, the applicant was a gypsy/traveller, having been recognized as such under the previous application. No information regarding the personal circumstances of the applicant had been submitted relating to the applicant, other than those set out in the report. The Area Planning Officer further reported that he did not consider that this was sufficient to warrant permanent approval of an otherwise unacceptable development. Temporary permission remained in his view a proportionate and appropriate decision here.

The Area Planning Officer advised that further granting of temporary permission amounted to an interference with the rights of the applicant under Article 8 of the Human Rights Act to respect for their home. However, in his view it was a proportionate interference, having regard to the impact of the development on the countryside and the public interest inherent in protecting it. The Agent had not advised that there are any children living on the site, and as such there were no issues in that regard.

The Locum Solicitor advised that there were three issues for Members to consider with regard to the application: the Equality Act placed on all local authorities to have due regard and protect the rights of the race and ethnicity of gypsies and travelers demonstrating due regard to public sector duty; Article 8 of the Human Rights Act considering the way of life of the applicants and their rights to travel; and ensuring that the best interests of children should be of paramount importance. The Locum Solicitor read out the relevant parts of each act for Members.

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

Members raised the following points: it had been well recognized that Greyhound Road was not a suitable place for gypsies and travellers or for anyone else to live; the applicants knew after four years they would have to ask for an extension or move as it was made very clear to them it was not a suitable site; aware of need to consider the children, many from the road attended the local school; did not support the application as not an appropriate location and had caused a significant imbalance between the applicants and the settled community; Council had overfilled the five-year supply and as a consequence the applicants had still not found a permanent site so could justify not allowing this application and defend at appeal; the Council would have trouble showing that they had taken due diligence

in the past when considering applications at the site; the Council should stagger provision over the next twenty years to show due care to the next generation of gypsies and travellers; and cannot see need for a further year as the current permission does not run-out until June 2016; site had suffered considerable ecological damage with trees being removed and replaced with hardstanding; had considered the equality aspect of the Human Rights Act and in particular Article 8; consider it was wise at this stage to grant the one-year temporary permission; and more temporary sites were needed at farms to support the nomadic lifestyle of gypsies and travellers.

The Head of Planning reported that a temporary permission had been granted in the past as they had thought that the Swale Borough Local Plan would have been complete within that time, also the nomadic definition for gypsies and travelers within the Planning Policy for Traveller Sites (PPTS) had been amended. The Head of Planning outlined the current five-year supply position in Swale for Members and explained that it was likely that the local plan inspector final report would be submitted before December 2016 and this was the reason for recommending a further temporary permission with the aim of minimising the risk to the Council to challenge and that the Council would be in a stronger position to consider the acceptability, or not, of any future planning application.

There was some discussion about the recommendation outlined on page 72 of the report and the Area Planning Officer suggested that it should read 'grant further temporary permission for an additional year **from the date of any approval** to enable the applicant to find alternative accommodation'. This was agreed by Members.

Resolved: That application 15/503278/FULL be approved subject to conditions (1) to (8) in the report.

2.9 REFERENCE NO - 15/506307/FULL		
APPLICATION PROPOSAL		
Change of use of offices for use as an Ambulance Community Response Post (Sui Generis class use).		
ADDRESS Offices Next To 1 Transit Works Power Station Road Minster-on-sea Kent ME12 3AD		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT South East Coast Ambulance Service NHS Foundation Trust

The Area Planning Officer reported that plans had been amended to correctly identify that only the smaller building at the front of the site was the subject of this application.

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

A Ward Member was disappointed that the officer was recommending approval of the application and that the objections outlined by Minster Parish Council should be supported. The Member considered that this was not the right location and could be accommodated on the Sheppey Hospital site.

Members considered the application and raised the following points: understand the ambulance service were trying to find a more central location; and can see no objection to the proposed site.

Resolved: That application 15/506307/FULL be approved subject to conditions (1) to (3) in the report and as per the amended plans.

2.10 REFERENCE NO - 15/507823/FULL		
APPLICATION PROPOSAL		
An application for the removal of condition 8 of planning permission SW/07/0684 (Erection of bungalow following demolition of existing dwelling) - being replacement dwelling as ancillary to The Wold Holiday Park.		
ADDRESS The Wold Caravan And Chalet Park, Second Avenue, Eastchurch, Kent, ME12 4ER		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mr and Mrs T Arnold

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

Some Members supported the application and a Member noted that the dwelling had been on the site before the holiday park.

In response to a query the Area Planning Officer reported that there was no validity in Eastchurch Parish Council's concerns and that the application had come about due to a planning officer error imposing a condition that tied the use of the dwelling to the adjacent caravan/chalet park. He did not consider the proposal would set a precedent.

Resolved: That application 15/507823/FULL be approved.

2.11 REFERENCE NO - 14/502304/FULL		
APPLICATION PROPOSAL		
Variation of condition 2 of T/APP/V2255//84/024617/P2 to extend occupancy from 8 months to 10 months.		
ADDRESS Myrtles Horseshoe Caravan Park Bell Farm Lane Minster-on-sea Kent ME12 4JB		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Mrs Rosemary Shiel AGENT HCMC

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

Resolved: That application 15/502304/FULL be approved subject to conditions (1) to (4) in the report.

2.12 REFERENCE NO - 14/506114/FULL		
APPLICATION PROPOSAL		
New 4 bedroom dwelling with integrated garage.		
ADDRESS Land Adjacent to 27 Waverley Avenue, Minster-on-sea, Kent, ME12 2JL		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Mrs S Bagri AGENT DHA Planning

Mr Matthew Garvey, the Agent, spoke in support of the application.

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

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

Resolved: That application 15/506114/FULL be deferred to allow the Planning Working Group to meet on site.

PART 5

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

- **Item 5.1** – 61 Cormorant Road, Iwade
Appeal Dismissed.
- **Item 5.2** – 141 Ufton Lane, Sittingbourne
Appeal Dismissed.
- **Item 5.3** – Lamberhurst Farm, Dargate Road, Yorkletts
Appeal Dismissed.

Chairman

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