
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 7 April 2016 from 7.00pm - 9.32 pm.

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

OFFICERS PRESENT: Rob Bailey, Philippa Davies, Peter Hinckesman, Andrew Jeffers, Andrew Spiers and Adrian Truss.

ALSO IN ATTENDANCE: Councillors Derek Conway and Roger Truelove.

APOLOGIES: Councillors Andy Booth, Mike Dendor and James Hall.

634 FIRE EVACUATION PROCEDURE

The Chairman ensured that those present were aware of the emergency evacuation procedure.

635 MINUTES

The Minutes of the Meetings held on 10 March 2016 (Minute Nos. 584 – 592) and the Extraordinary Meetings held on 30 March 2016 (Minute Nos. 627 – 629) and 31 March 2016 (Minute Nos. 630 – 633) were taken as read, approved and signed by the Chairman as correct records.

636 DECLARATIONS OF INTEREST

Councillor Tina Booth declared an interest in respect of item 2.2 15/501134/FULL Shurland Hall, High Street, Eastchurch and left the Chamber during consideration of this item.

Councillor Nicholas Hampshire declared an interest in respect of item 2.8 15/507804/FULL Land at Woodgate Lane, Borden as he was also a member of Borden Parish Council, and the applicant was the Chairman of the Parish Council.

Councillor Peter Marchington declared an interest in respect of item 2.2 15/501134/FULL Shurland Hall, High Street, Eastchurch as the applicant was known to him.

Councillor Mike Baldock declared an interest in respect of item 2.8 15/507804/FULL Land at Woodgate Lane, Borden and explained that he would speak in his capacity as Ward Member.

637 PLANNING WORKING GROUP

The Minutes of the Meeting held on 21 March 2016 (Minute Nos. 617 – 619) were taken as read, approved and signed by the Chairman as a correct record subject to noting that in respect of the first paragraph on page 635, the site was **not** ancient woodland.

15/503652/FULL, 15/503656/LBC and 15/503659/ADV – 5 Market Place, Faversham, ME13 7AH

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

A Ward Member spoke sympathetically on the amount of work that was needed at the property.

Members raised the following points: this was an excellent scheme; this was in the core shopping area of the town, the property had always been a retail outlet, and this would be a loss of retail use; concerned with losing any shop from the key retail area; the proposal would improve the exterior of the property; and there would still be some retail use on the site.

In response to a question, the Chairman confirmed that the adjoining property, was non-retail.

Resolved:

That application 15/503652/FULL be approved subject to conditions (1) to (4) in the report.

That application 15/503656/LBC be approved subject to conditions (1) to (13) in the report.

That application 15/503659/ADV be approved subject to conditions (1) to (6) in the report.

15/507023/FULL – Dukes Shaw, Bexon Lane, Bredgar, ME9 8HG

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

The Planner suggested that three additional conditions be added to the application, as follows: that no more than two tents be permitted on the site, with no other leisure use; that there be no further buildings or storage structures added to the site; and that the application be solely for the benefit of the applicant.

Members raised the following points: concerned with the proposed leisure use; concerned with the future of the land; the site would become visible if some of the trees were lost; this was a good idea, but concerned with the quality of the structures on the site; the site was not visible from the motorway or footpaths;

concerned with the size of the tents, a condition on the size should be added; and concern that site is/could be used as residential.

In response, the Planner advised that the trees on the site were not of the quality that justified serving a Tree Preservation Order. He reported that the applicant had stated that the trees would remain, subject to normal tree management. He further advised that condition (2) in the report addressed any residential use on the site.

Councillor Mike Henderson moved the following amendment: that the size of the tents is conditioned, i.e. modest size. This was not seconded.

The Area Planning Officer advised that any condition needed to be precise, with dimensions and this could be difficult to enforce.

Resolved: That application 15/507023/FULL be approved subject to conditions (1) and (2) in the report, plus an additional three conditions: that no more than two tents be permitted on the site, with no other leisure use; that there be no further buildings or storage structures added to the site; and that the application be solely for the benefit of the applicant.

638 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 15/508571/FULL		
APPLICATION PROPOSAL Conversion of garage into habitable room.		
ADDRESS 10 Woodside Dunkirk Kent ME13 9NY		
WARD Boughton & Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mr Rosita Higson AGENT

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

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

A Ward Member had some concerns with the application. He referred to the neighbouring property where a similar application was won on appeal and stated there was not a planning reason to refuse this application.

Discussion ensued on the parking to the front of the property and the loss of the garage space to residential use.

Resolved: That application 15/508571/FULL be approved subject to conditions (1) and (2) in the report.

2.2 REFERENCE NO - 15/501134/FULL		
APPLICATION PROPOSAL Change of use of a small granary shed, a newly built orangery and dungeon. These are in domestic use and the application is to enable them to be used as storage, packing and tasting facilities.		
ADDRESS Shurland Hall High Street Eastchurch Kent		
WARD Sheppey Central	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mrs Suzanne O'Donoghue AGENT

Members were advised that the Ward above needed to be amended to read 'Sheppey East'.

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

A Ward Member spoke in support of the application.

Resolved: That application 15/501134/FULL be approved subject to conditions (1) and (2) in the report.

2.3 REFERENCE NO - 15/510368/FULL		
APPLICATION PROPOSAL Single storey and first floor rear extensions, insertion of lift and front first floor extension.		
ADDRESS The Willows, The Broadway, Minster-on-Sea, Kent, ME12 2DE		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster On Sea	APPLICANT Mrs Ruby Chambas-Annan AGENT Mr Dave Chamberlain

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

Resolved: That application 15/510368/FULL be approved subject to conditions (1) to (4) in the report.

2.4 REFERENCE NO - 15/507311/FULL		
APPLICATION PROPOSAL Proposed new dwelling at land rear to 66 Park Drive (Revised Scheme).		
ADDRESS 66 Park Drive Sittingbourne Kent ME10 1RD		
WARD Woodstock	PARISH/TOWN COUNCIL Tunstall	APPLICANT Mr Neil Diddams AGENT Kent Design Studio Ltd

The Area Planning Officer reported that amended plans had been received which shifted the proposed dwelling to the side, abutting no. 68 Park Drive, and this increased parking on the site. The new plans would be consulted upon and the Area Planning Officer sought delegated authority to approve the application, subject to no fresh planning issues being raised.

Parish Councillor Lee Burgess, representing Tunstall Parish Council, spoke against the application.

Mr John Lawrence, an objector, spoke against the application.

Mr Diddams, the applicant, 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. He considered that although the size of the dwelling had been reduced, the objections raised on page 22 of the report still stood. The Ward Member considered it had been ‘shoe-horned’ into the site and was very close to existing boundaries. He raised road safety issues, particularly access for emergency services and suggested a Planning Working Group visited the site.

The Chairman reminded Members that the previous application had been refused because of its scale and bulk, Members had not considered there was an access issue.

Members raised the following points: this was a large garden, the proposed dwelling was not ‘shoe-horned in’; it will not affect the cul-de-sac; the new dwelling was further to the front of the cul-de-sac so was more imposing; there was no guarantee that the family link to the main house and the new one would continue; this could set a precedent with adjoining properties wishing to do similar; one more access onto the cul-de-sac was not an issue; do not like ‘garden-grabbing’; loss of openness to gardens in Park Drive; and loss of privacy.

In response, the Area Planning Officer explained that there were two parking spaces and a turning area on the site. He stated that similar applications from adjoining properties could not be supported using the proposed access might not be acceptable but would have to be considered on their own merits. He further advised that setting a precedent here was not a material consideration.

Resolved: That application 15/507311/FULL be delegated to officers to approve subject to conditions (1) to (12) in the report and to no fresh material considerations being raised following consultation on the amended plans.

2.5 REFERENCE NO - 15/509126/FULL
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APPLICATION PROPOSAL

Demolition of existing workshops and garages and erection of 2no. two bedroom and 2no. one bedroom studio units

ADDRESS Rear Of 44A Epps Road Sittingbourne Kent ME10 1JD
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WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT Mr I & J Brenchley, Henley AGENT Nigel Sands & Associates
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The Chairman moved the officer recommendation to approve the application and this was seconded.

A Ward Member spoke against the application. He considered it was a repeat of a previous application that was refused. He explained that it was an intensively developed area with terraced housing, with access and parking issues.

Members raised the following points: even though the bulk had been reduced, there was still the same amount of bedrooms as the previous application, so the parking problems would be the same; over-intensification; out-of-keeping with the streetscene; needed to be more visually appealing; fewer properties would be better; agreed with the objections raised by local residents on page 31 of the report; this was better than the previous application and this type of housing was needed in the Borough.

In response to a question, the Area Planning Officer explained that the previous application had been refused on grounds of the impact on residential amenity. He drew Members' attention to paragraph 9.09 in the report which set out parking provision of one car park space per unit which was in accordance with Kent County Council (KCC) Highway & Transportation standards. This meant it would be difficult to defend on appeal on grounds relating to lack of parking provision.

In accordance with Council Procedure Rule 19(2) a recorded vote was taken on the motion and voting was as follows:

For: Councillors Cameron Beart, Tina Booth, Roger Clark, Sue Gent, James Hunt, Lesley Ingham, Peter Marchington, Bryan Mulhern and Ben Stokes.

Against: Councillors Mike Baldock, Bobbin, Richard Darby, Nicholas Hampshire, Mark Ellen, Paul Fleming, Mike Henderson and Prescott.

The motion to approve the application was won.

Resolved: That application 15/509126/FULL be approved subject to conditions (1) to (19) in the report.

2.6 REFERENCE NO - 15/507246/FULL		
APPLICATION PROPOSAL Construction of 2 bed bungalow with carport in the rear garden		
ADDRESS 320 Minster Road Minster-on-sea Kent ME12 3NR		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster On Sea	APPLICANT Mrs A Hughes AGENT Deva Design

The Area Planning Officer reported that Natural England had no objection to the application.

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

In response to a question, the Area Planning Officer explained that KCC Highways and Transportation had commented on this application as access to the site was onto a classified road.

A Member considered the application to be over-intensification of the site.

Councillor Tina Booth moved a motion for a site meeting. This was seconded by Councillor Cameron Beart. On being put to the vote the motion was agreed.

Resolved: That application 15/507246/FULL be deferred to allow the Planning Working Group to meet on site.

2.7 REFERENCE NO - 15/510273/FULL		
APPLICATION PROPOSAL Replace existing barn with 2 holiday lets and new barn		
ADDRESS Parsonage Farm Kennelling Road Stalisfield Kent ME13 0JQ		
WARD East Downs Ward	PARISH/TOWN COUNCIL Stalisfield	APPLICANT Mr Paul Goddard AGENT Anthony Swaine Architecture Ltd

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

The Ward Member spoke in support of the application.

Resolved: That application 15/510273/FULL be approved subject to conditions (1) to (7) in the report.

2.8 REFERENCE NO - 15/507804/FULL		
APPLICATION PROPOSAL Removal of existing builder's yard and construction of 11 new dwellings including access road, garaging and car ports, and as amended by drawings received 2 nd December 2015.		
ADDRESS Land At Woodgate Lane Maidstone Road Borden Kent ME9 7QB		
WARD Borden & Grove Ward	PARISH/TOWN COUNCIL Borden	APPLICANT Mr Matthew Stevens AGENT Country House Developments Ltd

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

The Planner reminded Members that the application sought delegation for officers to enter into a Section 106 agreement.

A Ward Member considered the planning application should have included affordable homes and suggested traffic calming measures be put in place to address speeding issues.

Another Ward Member was disappointed with the loss of the affordable homes aspect; he considered Maidstone Road **not** to be a quiet road with speeds up to the national limit; he was concerned that a residential scheme was proposed on this road; he suggested double yellow lines at the junction to improve visibility; and would liked to see a condition to reduce the speed limit to 40mph.

The Area Planning Officer explained that there could not be a condition to install double yellow lines on the junction or to reduce the speed limit. He suggested that Ward Members brought this to the attention of the Swale Joint Transportation Board and Kent County Council where these could be considered.

In response to a question, the Planner confirmed that condition (18) in the report addressed both hard and soft landscaping.

Officers suggested that strong wording could be included within the Section 106 Agreement, with additional input from Ward Members to investigate the speed limit, and parking restrictions at the egress of the site.

Resolved: That application 15/507804/FULL be delegated to officers to enter into a suitably worded Section 106 Agreement, that the provision of double yellow lines be raised with the Swale Joint Transportation Board and that the reduction in speed limit be raised with Kent County Council.

PART 3

Applications for which **REFUSAL** is recommended

REFERENCE NO - 15/510499/FULL		
APPLICATION PROPOSAL		
Permission is sought for change of use of land to a residential caravan site, for two Romani Gypsy families. The site to contain two static caravans, two touring caravans, parking for four vehicles with associated hardstanding, and septic tanks/water treatment plants as required. This application is part retrospective.		
ADDRESS The Retreat Faversham Road Newnham Kent ME13 0SP		
WARD East Downs Ward	PARISH/TOWN COUNCIL Ospringe	APPLICANT Mrs Annie Gibbs AGENT

The Planner drew Members' attention to the tabled letter, against the application, from Ospringe Parish Council, and three further emails of objection from local residents.

Mrs Annie Gibbs, the applicant, spoke in favour of the application.

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

The Ward Member spoke against the application and stated that it should not be approved as the site was within an Area of Outstanding Natural Beauty.

In response to a question, the Planning Lawyer (Locum) advised that the relevant legislation required that the interests of children were paramount. He further advised that Members needed to consider whether their decision would be harmful to children and then to make a decision which was proportional and justified in the circumstances.

Members raised the following points: maybe consider a temporary permission; as noted on page 78 of the report, there were many reasons for refusing the application; the site was quite prominent; corner entrance and exit was 'lethal'; traffic drove at speed along the road; should consider the health of the child on the site; and KCC Highways and Transportation objected to the application.

In response to a question, the Planner explained that there was an appeal lodged against an Enforcement Notice on the site. A Member suggested deferring the application until the outcome of the appeal. The Area Planning Officer advised against this as the applicant could appeal again on the application if it was refused subsequent to the enforcement appeal being decided.

Resolved: That application 15/510499/FULL be refused for the reasons stated in the report.

PART 5

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

- **Item 5.1 – Land adjacent to Laburnum Villa, Parsonage Chase, Minster**
APPEAL ALLOWED
- **Item 5.2 – Land adjacent to Rushett Bungalow, Rushett Lane, Norton**
APPEAL ALLOWED
- **Item 5.3 – Land adjoining slip road at Thanet Way off High Street Road, Hernhill**
APPEAL DISMISSED AND ENFORCEMENT NOTICE UPHeld
APPLICATION FOR COSTS REFUSED

- Item 5.4 – 11 Hustlings Drive, Eastchurch

PLANNING AND ENFORCEMENT NOTICE APPEALS ALLOWED

APPLICATION FOR COSTS REFUSED

639 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.***

640 REPORT OF THE HEAD OF PLANNING

6.1 Enforcement Schedule

The Enforcement Team Manager introduced the report and provided updates where applicable. Members went through the schedule page by page and the Enforcement Team Manager responded to questions and updated the schedule following suggestions by Members.

6.2 Ref 16/500027/CHANGE– Unauthorised Outbuilding 26 Hugh Price Close, Sittingbourne, Kent ME10 3AR

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 outbuilding for the reason set out in the Committee report, within 3 months of the Notice taking effect.

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

6.3 Ref ENF GEN - Land Adjacent to Downsells Barn, Swanton Street, Bredgar

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 that the excavated area land be returned to the same condition as the immediately surrounding land within 3 months of the Notice taking effect.

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

641 ADJOURNMENT OF MEETING

The meeting was adjourned at 8.34pm and reconvened at 8.39pm.

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