
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 30 June 2016 from 7.00pm - 9.18 pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Bobbin, Roger Clark, Katy Coleman (substitute for Councillor Richard Darby), Mike Dendor, James Hall, Nicholas Hampshire (substitute for Councillor Prescott), Mike Henderson, James Hunt, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Peter Marchington, Bryan Mulhern (Chairman) and Ghlin Whelan.

OFFICERS PRESENT: Philippa Davies, James Freeman, Paul Gregory, James Hammond, Andrew Jeffers, Allan Ledden, Alun Millard and Graham Thomas.

APOLOGIES: Councillors Andy Booth, Richard Darby and Prescott.

758 FIRE EVACUATION PROCEDURE

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

759 FIRE DRILL

A fire drill was implemented at 7.10pm. The meeting reconvened at 7.28pm.

760 MINUTES

The Minutes of the Meeting held on 26 May 2016 (Minute Nos. 703 – 711) were taken as read, approved and signed by the Chairman as a correct record.

761 DECLARATIONS OF INTEREST

Councillor Mike Henderson declared a Disclosable Pecuniary Interest in respect of item 2.8, 16/502191/FULL, Front Brents, Faversham and left the Chamber during consideration of this item.

Councillor Cameron Beart declared a Disclosable Pecuniary Interest in respect of item 3.1, 16/500627/FULL, Marsh Bank, Old Ferry Road, Iwade and left the Chamber during consideration of this item. Councillor Beart declared a Disclosable Non Pecuniary Interest in item 2.1, 16/503079/FULL, 31 Galena Close, Sittingbourne. He did not comment or vote on the application.

Councillor Nigel Kay declared a Disclosable Non Pecuniary Interest in respect of item 2.8, 16/502191/FULL, Front Brents, Faversham.

762 PLANNING WORKING GROUP

The Minutes of the Meeting held on 20 June 2016 (Minute Nos. 741 – 742) were taken as read, approved and signed by the Chairman as a correct record.

3.1 16/500627/FULL Marsh Bank, Old Ferry Road, Iwade ME9 8SW

The Development Manager drew Members’ attention to the tabled paper from the agent. He advised that the cess pits on the site needed to be seven metres away from any dwellings, and he explained the site was not a brownfield site.

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

Members raised the following points: acknowledged this was not a brownfield site, but it was not the best looking site; even though they were not officially affordable housing, this was an opportunity for local people to get on the housing ladder; if it was approved, the properties should be marketed to Iwade residents in the first instance; remoteness should not be a reason to refuse; concerned of what would happen to the site in the long-term; welcomed the prospect of the availability of affordable housing, although contrary to policy; site was a mess, the application could improve the site, but concerned that it was outside the built-up boundary; and it could set a precedent.

Resolved: That application 16/500627/FULL be refused for the reasons stated in the report.

763 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 16/503079/FULL			
APPLICATION PROPOSAL			
Remove and re-construct main roof to new pitch with conversion of loft into habitable space and insertion of dormer windows and rooflights and extend garage roof over front door to provide open porch and first floor front extension			
ADDRESS 31 Galena Close Sittingbourne Kent ME10 5LB			
WARD The Meads	PARISH/TOWN Bobbing	COUNCIL	APPLICANT Mr Ian Taylor AGENT Deva Design

The Development Manager reported that following re-consultation, Bobbing Parish Council had no further comments, and No. 34 Galena Close had stated that the changes had made no difference and they stood by their previous comments.

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

The Ward Member reported that local residents had concerns with the application, the roof would be raised by 1.7 metres, and there would be significant overlooking and a detrimental impact on neighbouring properties.

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

Resolved: That application 16/503079/FULL be deferred to allow the Planning Working Group to meet on site.

2.2 REFERENCE NO - 15/508727/FULL			
APPLICATION PROPOSAL			
Erection of a rear extension including a hydrotherapy pool with associated raised decking. (Retrospective)			
ADDRESS 5 Clovelly Drive Minster-On-Sea Kent ME12 2SF			
WARD Minster Cliffs	PARISH/TOWN Minster On Sea	COUNCIL	APPLICANT Mr & Mrs Mark Stalley AGENT Nigel Sands & Associates

Mr Mark Stalley, the Applicant, spoke in support of the application.

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

Resolved: That application 15/508727/FULL be approved. No conditions.

2.3 REFERENCE NO - 15/510565/FULL			
APPLICATION PROPOSAL			
Retrospective application for the erection of a canopy and sound attenuation fence to car wash area. Prospective application for the erection of further sound attenuation fencing to the north of the existing fencing.			
ADDRESS Hand Car Wash, 15 - 21 Key Street, Sittingbourne, Kent, ME10 1YX.			
WARD Borden & Grove Ward	PARISH/TOWN Bobbing	COUNCIL	APPLICANT Mr L Kapaj AGENT Woodstock Associates

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

The Development Manager reported that two further letters of objection had been received. Issues that were raised included: the retrospective application for the erection of a canopy and sound attenuation fence to the car wash area had made

little difference; problem of noise and spray; and the canopy should be extended over the washing area. Bobbing Parish Council had no comments.

A Ward Member outlined the background to the application and explained that the site caused harm to the neighbouring property. He considered the applicant should provide adequate protection to the neighbours. The Ward Member stated that the opening hours were too long and should be amended to 9am to 5pm on Saturdays and Sundays.

The Development Manager explained that, as reported in paragraph 1.05 in the report, there were no conditions of use for the facility. He explained that the application was to mitigate the present use. The Environmental Health Manager had no objection, subject to the installation of a further acoustic fence. The Development Manager acknowledged the difficult situation, and stated the application was a compromise to minimise the issues.

Members raised the following points: concerned with contaminates; vehicles queued on the A2; queueing vehicles could see inside the neighbouring dwelling; something needed to be done to reduce the impact outside the application site; were there any enforcement powers that could be taken to ensure the fence went up, and was it of a quality of being truly acoustic?; and adjust opening timings at weekends.

The Development Manager stated that the queueing cars were outside the remit of the Planning Committee. He stated that an acoustic fence could be increased in length along the boundary of No. 25, and advised that half the present fence was acoustic; the fence near No.23 was not. It was possible to get the fence to go further towards the A2.

The Chairman moved a motion to defer the application to allow for further discussion to consider whether the opening hours could be adjusted, and the length of the acoustic fence. This was seconded by Councillor Mike Baldock.

Resolved: That application 15/510565/FULL be deferred to allow for further discussion to consider whether the opening hours could be adjusted, and the length of the acoustic fence.

2.4 REFERENCE NO - 16/503069/FULL			
APPLICATION PROPOSAL			
Conversion of integral garage into a habitable room.			
ADDRESS 10 Jacinth Drive, Sittingbourne, Kent, ME10 5JA			
WARD The Meads	PARISH/TOWN N/A	COUNCIL	APPLICANT Mr James Adebayo AGENT N/A

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

The Development Manager reported that an additional representation had been received, similar to those already reported. Issues raised included noise and nuisance; no access from main dwelling; could be a self contained flat; could extend upwards in the future; and parking issues.

The Ward Member was happy with the conversion to a study, but suggested a condition be added so that it was not used overnight or used as a separate part of the dwelling.

The Development Manager explained that the conversion to a habitable room could mean that someone could sleep there. He advised that condition (5) in the report addressed the issue of the room being used as a separate dwelling.

The Legal Partnership Planning Lawyer advised that the permission enabled the room to be used for any habitable use, but not a separate dwelling; that would require a separate planning application.

Members raised the following points: concerned for the neighbours; health and safety issues; should be able to access the room from the main dwelling; and parking problems. The Development Manager advised that health and safety issues were a matter for building regulations.

Resolved: That application 16/503069/FULL be approved subject to conditions (1) to (5) in the report, and subject to contacting South Thames Gateway Building Control to establish if sound proofing was required and advise on means of escape, plus establish the main use of annex.

2.5 REFERENCE NO - 16/500488/ADV			
APPLICATION PROPOSAL			
Advertisement Consent for 2 non-illuminated fascia signs attached to each side of the site boundary and 1 non-illuminated triangular freestanding sign (Retrospective).			
ADDRESS FCS Trade Sales Horsham Lane Upchurch Kent ME9 7AL			
WARD	Hartlip, Newington & Upchurch	PARISH/TOWN COUNCIL	Upchurch
APPLICANT	FCS Trade Sales	AGENT	

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

A Member considered the application was out of character for a rural lane.

Resolved: That application 16/500488/ADV, a split decision:

Grant Consent for the following signs:

1 x free standing sign located at the entrance to the site (annotated as triangle on the submitted block plan) and 1 x fascia sign located to the right

hand side of the gates (annotated as ‘sign 1’ on the block plan) subject to conditions (1) to (5) in the report.

Refuse Consent for the following sign:

1 x fascia sign on the left hand side of the gate (annotated as ‘sign 2’ on the block plan) for the reason stated in the report.

2.6 REFERENCE NO - 15/507059/OUT		
APPLICATION PROPOSAL		
Outline application (with all matters reserved other than access into the site) for a residential development with associated landscaping, parking and public open space.		
ADDRESS Land North Of Plover Road Minster-on-sea Kent ME12 3BT		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster On Sea	APPLICANT Dalemarch (Sheppey) Ltd And Starnes PLC AGENT DHA Planning

The Development Manager reported that the Agent confirmed that the proposed open space would be managed by a management company, and the roads would be adopted by Kent County Council (KCC) Highways and Transportation. He sought delegated authority to add an additional condition relating to the provision of Broadband, rather than this being dealt with via the Section 106 Agreement.

The KCC Highways Strategic Transport Planner outlined the highway matters relating to the scheme. He explained that a concept design had been prepared for the improvements to the upgrading of the Lower Road/Barton Hill junction (roundabout scheme). This would be followed by a cost exercise to determine the price to deliver the scheme. The tariff per dwelling for the scheme would be replicated by the Thistle Hill development. The KCC officer advised that additional funding, apart from that received from KCC and Swale Borough Council (SBC), would come from Central Government. The funding bid had scored well, and was ranked six out of 21. The details were now being looked at, and implementation would be in 2018-19.

Mr David Harvey, a supporter on behalf of the owner, spoke in favour of the application.

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

Members raised the following points: traffic on the Isle of Sheppey was intolerable; there needed to be a moratorium on the construction of new housing until the roads were acceptable; as this was an outline application, it was hoped that the road scheme was in place prior to the development being constructed; it was important that consideration was given to the ecology aspects of the open space on the site, and biodiversity needed to be maximised; important that transfer of any reptiles was done at the right time of the year; and use of local labour for the development was important.

Resolved: That application 15/507059/OUT be delegated to officers to approve subject to conditions (1) to (32) in the report, plus an additional condition in relation to the provision of Broadband.

2.7 REFERENCE NO - 16/503915/FULL		
APPLICATION PROPOSAL Proposed alterations to side windows, cladding to upper elevations and alterations to approved detached garage (15/501326)		
ADDRESS Chandlers Stockers Hill Rodmersham Kent ME9 0PJ		
WARD West Downs	PARISH/TOWN COUNCIL Rodmersham	APPLICANT Mr M Phillips & Mrs M Bonney AGENT Woodstock Associates

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

Resolved: That application 16/503915/FULL be approved subject to conditions (1) to (3) in the report.

2.8 REFERENCE NO - 16/502191/FULL		
APPLICATION PROPOSAL Construction of a flood defence embankment 300m in length and up to 800mm high from the bridge at Bridge Road between Faversham Creek and the existing buildings along the green at Front Brents to Crabb Island.		
ADDRESS Front Brents Faversham Kent ME13 7DH		
WARD Priory	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Environment Agency AGENT

Mr Ben Martin, Faversham Town Council, spoke in support of the application.

Mr Michael Ellsmore, a supporter, spoke in favour of the application.

Mr Tom Harding, an objector, spoke against the application.

Mr Simon Curd, the Applicant, spoke in support of the application.

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

Members raised the following points: it was important that this scheme was implemented; parking along the lane was at a premium; there would be a loss of space, versus the benefits of having the bund in place; would not want to see

permanent gates/boards in place all year round; and suggest approve, subject to officers reviewing the detailed design.

In response to a question about whether the conditions set out in the report would delay the scheme, the Area Planning Officer advised that care needed to be taken that it was implemented properly and quickly, within the time scale, prior to crucial tides/weather combinations. He showed the turning area along the lane, which he considered to be adequate, provided it was not obstructed; and advised the lane was not adopted. The Area Planning Officer also confirmed that the site was adjacent to an area of land designated as having 'Town Green' status. He further added that condition (2) in the report allowed the development to be carried out in accordance with approved details, prior to commencement of the development.

In response to a question, the Chairman provided details of when the Brents had been flooded in the past.

Resolved: That application 16/502191/FULL be approved subject to conditions (1) to (13) in the report.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 15/510006/FULL		
APPLICATION PROPOSAL		
Erection of two storey side extension as amended by drawing 2015/55 004B received 07/04/2016.		
ADDRESS Willow Cottage, London Road, Dunkirk, Kent ME13 9LL		
WARD Boughton & Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mr Bruce Maguire AGENT Mr Ryan Townrow

Mr Ryan Townrow, the Agent, spoke in favour of the application.

Mr Jeff Tutt, Dunkirk Parish Council, 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 considered the property to be outdated and suggested the application be delegated to officers to decrease the size slightly.

Discussion ensued on whether to refuse, defer or delegate, subject to the development being smaller in scale.

Members raised the following points: this was an eyesore as it stood, it needed to be improved; allowance of 60% increase in size was only a guide; and officers had already discussed reducing the size, as noted in paragraph 7.05 of the report.

On being put to the vote, the motion for refusal was lost.

Councillor Mike Baldock moved a motion to delegate to officers to refuse or permit, bearing in mind the views of the Planning Committee noted above. This was seconded by Councillor Katy Coleman and on being put to the vote the motion was won.

Resolved: That application 15/510006/FULL be delegated to officers to refuse or permit, bearing in mind the views of the Planning Committee noted above.

PART 4

Swale Borough Council’s own development; observation on County Council’s development; observation of development by Statutory Undertakers and by Government Departments; and recommendations to the County Council on ‘County Matter’ applications.

4.1 REFERENCE NO - 16/503409/FULL			
APPLICATION PROPOSAL			
Proposed use of highway for Sittingbourne Market.			
ADDRESS High Street, Sittingbourne, Kent ME10 4PH.			
WARD Chalkwell	PARISH/TOWN N/A	COUNCIL	APPLICANT Swale Borough Council

The Development Manager drew Members’ attention to the tabled paper objecting to the application.

He advised that paragraph 2.02 in the report needed to be amended to read ‘to reverse traffic flow along the one-way section of Central Avenue **permanently** on Fridays’. The traffic order had been made to KCC Highways and Transportation to regularise this. The Development Manager advised that contrary to the wording under ‘Recommendation’ on page 73 of the report, comments had been received from the Economic Development Officer, and these were reported at paragraph 6.01 in the report under the Council’s Economy and Community Services Manager comments.

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

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

The Ward Member supported the application and suggested free parking should be provided to residents and market traders, on market day, to show SBC's commitment. He considered the bus re-route problems were exaggerated.

Members raised the following points: this will help the High Street and the shops; this was a key part of the regeneration of Sittingbourne; there should have been stronger comments/opinions from the Economic Development Officer; some residents were concerned with the change to the bus route; and needed to be aware of other events that take place in the High Street, and whether these could run alongside the proposal.

The Development Manager advised that the option of providing free parking to market traders was not part of the Planning Committee's remit.

The Development Manager undertook to report the comments back to officers in the various Council departments.

Resolved: That application 16/503409/FULL be approved subject to conditions (1) and (2) in the report.

PART 5

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

- **Item 5.1 – Land Adjoining 58 Wells Way, Faversham**

APPEAL ALLOWED

- **Item 5.2 – Land adjoining Driftwood, Imperial Drive, Warden Bay**

APPEAL ALLOWED & PARTIAL AWARD OF COSTS

764 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.

765 REPORT OF THE HEAD OF PLANNING

6.1 Ref 15/501198/OPDEV Erection of fencing and gate at Kimlee, Grovehurst Road, Iwade, Sittingbourne ME9 8QZ

Resolved: That an Enforcement Notice pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring the removal of the fencing and gates within 3 months of the Notice taking effect.

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

6.2 14/501847/FULL – Erection of rear conservatory at 43 Church Lane, Newington

Resolved: That an Enforcement Notice pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring the removal of the unauthorised conservatory within 6 months of the Notice taking effect.

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

6.3 Land to the Rear of the Former Memorial Hall, Tunstall, Kent, ME9 8DU

Resolved: That an Enforcement Notice pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring the use of the land as an extension to the residential garden of Tunstall House to cease within 3 months of the Notice taking effect.

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

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