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## PLANNING COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber - Swale House, East Street, Sittingbourne on Thursday, 26 April 2018 from 7.00pm - 10.25pm.

**PRESENT:** Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth (Vice-Chairman, in-the-Chair), Roger Clark, Derek Conway (Substitute for Councillor Nicholas Hampshire), Richard Darby, Mike Dendor (Substitute for Councillor Prescott), James Hall, Harrison, Mike Henderson, James Hunt, Ken Ingleton, Nigel Kay, Peter Marchington and Ghlin Whelan.

**OFFICERS PRESENT:** Rob Bailey, Philippa Davies, Andrew Jeffers, Cheryl Parks and Graham Thomas.

**ALSO IN ATTENDANCE:** Councillors Bowles and Roger Truelove.

**APOLOGIES:** Councillors Nicholas Hampshire, Bryan Mulhern and Prescott.

### 633 FIRE EVACUATION PROCEDURE

The Vice-Chairman in the Chair ensured that those present at the meeting were aware of the emergency evacuation procedure.

### 634 MINUTES

The Minutes of the Meeting held on 29 March 2018 (Minute Nos. 595 – 601) were taken as read, approved and signed by the Vice-Chairman in-the-Chair as a correct record.

### 635 DECLARATIONS OF INTEREST

Councillor Roger Clark declared a Disclosable Non-Pecuniary Interest in respect of item 3.1, 18/501027/FULL, 10 Kingfisher Close, Iwade. Councillor Clark did not vote on this item.

Councillor Peter Marchington declared a Disclosable Non-Pecuniary Interest in respect of item 6.1, 17/502840/FULL, 28 High Street, Queenborough. Councillor Marchington did not speak or vote on this item.

### 636 DEFERRED ITEM

Reports shown in previous Minutes as being deferred from that Meeting

<b>REFERENCE NO - 17/502338/FULL</b>
<b>APPLICATION PROPOSAL</b>
Variation of conditions 2 ,3 ,4 and 5 of planning permission SW/13/0137 Change of use for gypsy and traveller site to incorporate previous site approvals, increase number of pitches, relocate and enlarge communal facility building. Includes parking, lighting, fencing and landscape buffer. Condition 3 - to increase the total number of permanent

caravan pitches to 40 with a dayroom on seven of the pitches; each pitch to have not more than one static caravans/mobile homes with space for car parking, and a touring caravan, as amended by drawing 2549/PL/Sk05 Revision D.					
<b>ADDRESS</b> Brotherhood Wood, Gate Hill Dunkirk Faversham Kent ME13 9LN					
<b>WARD</b> Boughton And Courtenay		<b>PARISH/TOWN COUNCIL</b> Dunkirk		<b>APPLICANT</b> Mr Joseph Robb	
				<b>AGENT</b> Philip Brown Associates	

The Area Planning Officer reported that the Agent for the application had submitted some information in support of the application, and this was tabled for Members. The Area Planning Officer outlined the issues that had been raised, in relation to the size of the site, comparison with other sites, and the ethnicity definition of gypsy and travellers.

The Area Planning Officer reminded Members that the current investigations on the site had no material impact on this application. He drew Members' attention to conditions (1) and (2) in the report, which were standard conditions, and suggested after seeking legal advice, that these two conditions should be replaced by the condition below:

- (1) No caravan may be stationed on the site otherwise than in accordance with drawing 2549/PL/Sk05 Revision D and the stationing of caravans in the positions shown on this drawing must be begun not later than the expiration of one year beginning with the date on which the permission is granted.

Reason: In pursuance of Section 73 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Mr Philip Brown, the Agent, spoke in support of the application.

The Vice-Chairman in-the-Chair moved the officer recommendation to approve the application and this was seconded.

The Planning Lawyer addressed the Committee and reminded them of the constitutional requirements relating to membership of the committee and the need for fair and balanced decision making. The need for consideration of all the arguments (both for and against) in reaching a decision based on relevant material planning considerations was stated. Finally, the Committee was reminded that following the Supreme Court ruling in *Dover District Council v CPRE Kent* that should they be minded to go against the officer recommendations and refuse the application that robust grounds for refusal be clearly included in the motion moved, before any vote is taken and that if the subsequent refusal were to be challenged on appeal, that Members may be required to give evidence at any appeal inquiry.

A Ward Member spoke against the application. He stated that there had been a lack of enforcement action on the site, and that the application was opposed to by the local community, and the gypsy and traveller community. He considered the eastern Europeans on the site were not of gypsy and traveller status, and that 87 units were too much. The Ward Member quoted Policy DM10 of the Local Plan and considered the site went against many of the requirements of the Policy.

A second Ward Member also spoke against the application and spoke on some of the paragraphs within Policy DM10. He considered the site did not meet the guidelines set out in the Policy, especially with regard to the impact from the size of the development; consideration of integrated communities, the landscape, safety and amenity, noise disturbance and air quality.

In response to questions, the Area Planning Officer explained that the site was not within an Area of Outstanding Natural Beauty (AONB), but had significance as a local designated special landscape area. He stated that the period of time for the layout to be amended as per the new drawing was no later than one year from the date permission was granted, and that the word 'not' in condition (5) needed to be deleted. The Area Planning Officer also clarified ownership issues on the site, and that enforcement action on or adjacent to the site was in relation to planning control, but this action was not dependent on the decision made on the current application. He further explained that the decision would alter enforcement action on the number and position of the caravans on the site. The Area Planning Officer showed the approved layout of the site and explained that none of the caravans were in the approved positions, however, this new scheme was more in accordance with Planning Policy for Traveller Sites (PPTS).

In response to further questions, the Area Planning Officer explained that the 87 units consisted of 40 each of permanent static and touring caravans, plus seven transit pitches for touring caravans. There had previously been no room for touring caravans as well, and he explained that the site was now suitable for the travelling lifestyle, as a stop-over site, and also being accessible to the A2. He also outlined the recent enforcement action that had been carried out on the site with involvement from the Police, Immigration Officers and Swale Borough Council (SBC) officers. As ownership of the site was unclear, he advised that any enforcement action on the site, would be directed to the Applicant. Condition (7) in the report controlled the number of caravans permitted to stay on transit pitches on the site.

A Member considered there needed to be a proven need for this site. The Area Planning Officer referred to paragraphs (3) and (4) of Policy DM10 of the adopted Local Plan in terms of the site's integration with other communities, and scale. He explained that the site was reasonably close to other properties, surrounded by woodland, but with easy access over a bridge. It was not suggested that the site got bigger, as it was utilising land that was already prepared for caravans to be sited there. There would be 40 families there, instead of 29.

The Vice-Chairman in-the- Chair reminded Members to be very careful about the decision before them, and that they had heard a statement from the legal team underpinning the recommendation from planning officers. He stated that the Committee had seen this application before and it was called-in at the last meeting.

Members were requested to make a decision based on factual information provided with the agenda, together with officer and legal advice. He explained that the consequences of the decision could be far-reaching, but Members had an obligation to commit to approval or otherwise, and he would press Members to provide bona fide planning considerations should they be minded to oppose the officers' recommendation to approve.

**Resolved:** *That application 17/502338/FULL be approved subject to conditions (1) to (21) (now 20) in the report, with the deletion of the original conditions (1) and (2), and the insertion of condition (1), as minuted, instead.*

## 637 SCHEDULE OF DECISIONS

### PART 1

Any other reports to be considered in the public session

1.1 REFERENCE NO - 16/506181/FULL and 16/506182/LBC			
<b>APPLICATION PROPOSAL</b>			
Demolition of the 1960s north and south wing extensions. Change of use, conversion and renovation of the Grade II listed building to provide 6no. residential dwellings. Construction of 33no. 1-bed, 2-bed and 3-bed terraced dwellings with associated new cycle and bin stores. Re-siting and refurbishment of the Coach House. Landscaping of the site, to include parking areas and a new wildlife pond. Reinstatement of the garden wall along the southern boundary.			
<b>ADDRESS</b> Sheppey Court Halfway Road Minster-on-sea Kent ME12 3AS			
<b>WARD</b> Queenborough And Halfway	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> P A Rooney & Bentley Developments L <b>AGENT</b> Vail Williams LLP	

At the meeting on 29 March 2018, these applications were approved, but the resolution had included reference to the inclusion of the 90:10 split of affordable housing. The Development Manager explained that these applications had been referred back to the Planning Committee, so that Members could reach a resolution which did not refer to the provision of affordable housing, as there was no affordable housing provided by the applications, in line with Local Plan policy.

The Vice-Chairman in-the-Chair moved the officer recommendation to approve the application and this was seconded.

**Resolved:** *That application 16/506181/FULL be approved subject to conditions (1) to (37) in the report, and the signing of a legal agreement to secure the financial contributions as set out in Paragraph 1.04 of the report to Planning Committee on 29 March 2018.*

**Resolved:** *That application 16/506182/LBC be approved subject to conditions (1) to (6) in the report.*

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 18/500656/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing garage and erection of proposed annexe and entrance gates to the rear garden.		
<b>ADDRESS</b> 141 Ufton Lane Sittingbourne Kent ME10 1HJ		
<b>WARD</b> Homewood	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr & Mrs Plumb <b>AGENT</b> Woodstock Associates

Rebecca Cuthbertson, an objector, spoke against the application.

A Ward Member spoke against the application and explained that there was local opposition, and the application was similar to the previous one which had been refused. He considered 'back garden' development to be a sensitive issue and that the development would look out of place, and have an adverse effect on the environment, and he also raised issues with access to the development.

The Vice-Chairman in-the-Chair moved the officer recommendation to approve the application and this was seconded.

Members raised points which included: this was an intrusion on the surrounding properties; due to the access to the rear, the annex could be converted into a separate dwelling; it was harmful to residential amenity; it was not in-keeping with the area; this seemed larger than the garage already there; this was 'garden-grabbing'; it was out-of-character; harmful to visual amenity; the changes to this application were not significant; this was excessive development and looked bigger than the main property.

In response, the Area Planning Officer explained that the footprint of the house was 7.5metres x 6.7metres, and the annex was 6.8metres x 10.4metres. He explained that the access was already there, to the garages, and he considered condition (4) in the report prevented the proposed property being used as a separate dwelling to the main house.

A Member considered it was the depth and height of the proposed annex, in comparison to the garage already there that was the issue, not the width. In response, the Area Planning Officer explained that the height of the garage was 3.4 metres, and the height of the proposed annex was 3.9 metres.

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

Councillor Cameron Beart moved a motion to refuse the application on the grounds that it was undesirable (backland development), prominent and out-of-character. This was seconded by Councillor Mike Baldock.

Councillor Mike Henderson moved the following addendum: that the development would damage the visual amenity of nearby properties. The proposer was happy with the addendum. Following further discussion, the resolution below was agreed by Members.

***Resolved: That application 18/500656/FULL be refused on the grounds that its location, combined with its scale, harms the character and visual amenity of the area.***

## **2.2 REFERENCE NO - 17/506151/FULL**

### **APPLICATION PROPOSAL**

Construction of 6no. affordable houses and 2no. open market bungalows with new access.

**ADDRESS** Land at Leaveland Corner Leaveland Faversham Kent ME13 0NP

**WARD** East Downs

**PARISH/TOWN COUNCIL**  
Leaveland

**APPLICANT** English Rural  
Housing Association

**AGENT** Lee Evans  
Partnership

The Area Planning Officer drew attention to the tabled paper from an objector.

Parish Councillor William Harbour, representing Sheldwich, Badlesmere and Leaveland Parish Council spoke in support of the application.

Mr Roger Scutt, a supporter, spoke in support of the application.

Mrs Alison Thompson, the Applicant, spoke in support of the application.

The Vice-Chairman in-the-Chair moved the officer recommendation to approve the application and this was seconded.

Both Ward Members supported the application which provided a small rural development of achievable, affordable housing and they welcomed the collaboration between the parishes and the relevant organisations.

Other Members raised points which included: affordable housing was needed in villages for both the young and old; welcomed the addition of the proposed bungalows; fits well into the plot of land; concerned that Leaveland was not a village setting, and was not sustainable; it was on the A251, on a dangerous bend; and some residents had not been consulted.

In response to a question, the Area Planning Officer explained that the Section 106 agreement would ensure that the dwellings would be occupied by local people. He referred to the development plans and explained that objections to the scheme had not come from the closest houses to the scheme. He explained that the parish councils had researched various sites, and the site was on a bus route. The Area Planning Officer confirmed that the tenure was on a rental basis, not shared ownership.

**Resolved: That application 17/506151/FULL be approved subject to conditions (1) to (19) in the report.**

### 2.3 REFERENCE NO - 17/504618/FULL

#### APPLICATION PROPOSAL

Amendments to previously approved scheme (reference 14/502055) additional single storey rear extension, increase in roof height provision of flat roof element, increase in pitch of hips, additional front and rear facing roof lights, provision of pitched roofs over front facing bay windows.

**ADDRESS** 6 Park Avenue Sittingbourne Kent ME10 1QX

<b>WARD</b> Woodstock	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Mr Robert Ingram <b>AGENT</b>
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Julie Wratten, an objector, spoke against the application.

The Area Planning Officer reported that amended plans had been received showing the development as built, including the correctly shown dormer windows and rooflights, and the height of the two storey extension, built as 9.2 metres, rather than the 8.6 metres noted on page 155 of the report. Two additional representations had been received and had raised points which included: impact of the front and rear rooflights on privacy; boundary trees had been cut down; the property's white walls 'lit' the property up; use of the verandah would increase noise issues; there was a shortage of smaller houses, and these could become out of reach for buyers.

The Area Planning Officer advised that the closing date for comments was in two weeks time, and suggested Members might want to visit the site, as much of the development had already been built.

The Vice-Chairman in-the-Chair moved the officer recommendation to approve the application and this was seconded.

A Ward Member explained that what had been built was different to the original plans, and the property continued to be modified. He considered the development to be extensive and over-intrusive.

Councillor Derek Conway moved a motion for a site meeting. This was seconded by Councillor Andy Booth. On being put to the vote the motion was agreed. A Member requested that the original plans be made available at the site meeting.

**Resolved: That application 17/504618/FULL be deferred to allow the Planning Working Group to meet on site.**

### PART 3

Applications for which **REFUSAL** is recommended

**3.1 REFERENCE NO - 18/501027/FULL****APPLICATION PROPOSAL**

To extend existing block paved driveway to front of property to accommodate one additional vehicle (retrospective)

**ADDRESS** 10 Kingfisher Close, Iwade, Sittingbourne, Kent, ME9 8LY.

**WARD** Bobbing, Iwade  
And Lower Halstow

**PARISH/TOWN COUNCIL**  
Iwade

**APPLICANT** Mr Keith  
Adams  
**AGENT**

Parish Councillor Matt Gale, representing Iwade Parish Council, spoke in support of the application.

Mr Steven Naylor, a supporter, spoke in support of the application.

Mr Keith Adams, the Applicant, spoke in support of the application.

The Area Planning Officer drew attention to the tabled appeal decision.

The Vice-Chairman in-the-Chair moved the officer recommendation to refuse the application and this was seconded.

Members raised points which included: agreed with the appeal decision as the property was in a prominent position on the curve of the road; this was better than having cars parked on the pavement; parking was an issue, saw no reason not to allow this; soft landscaping was an important part of this housing development; some landscaping remained and it was nicely laid out, and it looked like an ideal solution; and this was tandem parking originally, so there was already enough parking.

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

Further comments from Members included: with reference to the appeal decision in 2011, others had extended their driveways, so the streetscene had changed in any case; the hedgerow remained in place; and soft landscaping helped to soak-up rainwater, and reduced flooding.

The Vice-Chairman in-the-Chair reminded Members that this application had been refused by officers, the appeal authority upheld the officers' decision and the Planning Committee had supported enforcement action to be undertaken. He also reminded the Committee of being consistent with their consideration and ultimate decision, and to demonstrate this clearly to anyone outside of the Planning Committee.

On being put to the vote, the substantive motion was lost.

Councillor Mike Baldock moved a motion to approve the application. This was seconded by Councillor Ghlin Whelan.



Discussion ensued on reasons for approval. Points that were made included: there was not enough parking when the development was built; this was a change to the street scene; the Committee was going against its own policies; needed to deal with evolving situations; there should be a condition to ensure the planting that was there, remained; this did not cause demonstrable harm; the enforcement action on this was only last year; and needed consistency in decision-making.

Councillor Mike Baldock moved a motion to approve the application on the grounds that it no longer had a detrimental effect, and it increased residential amenity because it provided more parking spaces. This was seconded by Councillor Ghlin Whelan and on being put to the vote the motion was won.

***Resolved: That application 18/501027/FULL be approved, with a condition requiring landscaping to be retained permanently, and on the grounds that it no longer had a detrimental effect and it increased residential amenity because it provided more parking spaces.***

### 3.2 REFERENCE NO - 18/500779/FULL

#### APPLICATION PROPOSAL

Demolition of existing garage and sheds and erection of a single storey side extension. Paving of driveway using resin bonded gravel, replacement of a existing 1.1m closed boarded fencing along the road frontage and erection of a 1.8m closed boarded fencing to west boundary.

**ADDRESS** 1 The Bungalows Highstreet Road Hernhill Kent ME13 9EN

<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN COUNCIL</b> Hernhill	<b>APPLICANT</b> Mr Aaron Bowman <b>AGENT</b>
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Rachel Dickson, the Agent, spoke in support of the application.

The Vice-Chairman in-the-Chair moved the officer recommendation to refuse the application and this was seconded.

A Ward Member supported the officer recommendation.

***Resolved: That application 18/500779/FULL be refused for the reason stated in the report.***

### PART 5

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

- **Item 5.1 – Gate House, Uplees Road, Oare**

**DELEGATED REFUSAL**

**APPEAL DISMISSED**

Members welcomed the decision.

**638 EXCLUSION OF THE PRESS AND PUBLIC**

**Resolved:**

***That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds it involves the likely disclosure of exempt information as defined in Paragraphs 5 and 7 of Part 1 of Schedule 12A of the Act:***

***5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.***

***7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.***

**639 REPORT OF THE HEAD OF PLANNING SERVICES**

***6.1 Case 17/502840/FULL 28 High Street, Queenborough – External timber cladding***

A Ward Member noted that this application had been the subject of an appeal decision at a previous Planning Committee meeting.

**Resolved:**

***(1) 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 timber cladding within three months of the Notice taking effect.***

***(2) 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.***

**640 SUSPENSION OF STANDING ORDERS**

At 10pm Members agreed to the suspension of Standing Orders in order that the Committee could complete its business.

Chairman

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