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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, 24 May 2018 from 7.00pm - 10.18pm.

**PRESENT:** Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth (Vice-Chairman), Tina Booth (substitute for Councillor Nicholas Hampshire), Richard Darby, Mike Dendor, Paul Fleming (substitute for Councillor James Hall), Harrison, Mike Henderson, James Hunt, Ken Ingleton, Nigel Kay, Peter Marchington, Bryan Mulhern (Chairman), Prescott and Ghlin Whelan.

**OFFICERS PRESENT:** Simon Algar, Rob Bailey, Matt Bembridge, Philippa Davies, Andrew Jeffers, George Mynehan, Jo Smith, Andrew Spiers, Steve Wilcock and Jim Wilson.

**ALSO IN ATTENDANCE:** Councillors Monique Bonney, Bowles, David Simmons and Roger Truelove.

**APOLOGIES:** Councillors James Hall and Nicholas Hampshire.

### 19 FIRE EVACUATION PROCEDURE

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

### 20 MINUTES

The Minutes of the Meeting held on 26 April 2018 (Minute Nos. 633 – 640) were taken as read, approved and signed by the Chairman as a correct record, subject to the addition of the following words: ‘...and discussion had not been allowed.’ to Minute No. 639.

### 21 DECLARATIONS OF INTEREST

Councillor Andy Booth declared a Disclosable Pecuniary Interest in respect of item 2.5, 18/500667/FULL, 1 – 4 Beaumont, Davey Close, Faversham and item 2.6, 18/500688/FULL, Land south of 4 Beaumont, Davey Close, Faversham, as he received remuneration from Kent Fire and Rescue. Councillor Booth left the Chamber whilst these applications were considered.

Councillor Cameron Beart declared a Disclosable Non-Pecuniary Interest in respect of item 2.7, 18/500834/FULL, 193 High Street, Sheerness, as the applicant was a friend of his. Councillor Beart spoke on the item and then left the Chamber.

Councillor Bryan Mulhern declared a Disclosable Non-Pecuniary Interest in respect of item 2.7, 18/500834/FULL, 193 High Street, Sheerness, as he was employed in the brewery business. Councillor Mulhern spoke and voted on the application.

**22 CONFIRMATION OF COMMITTEE MEMBERSHIP**

Following Annual Council on 16 May 2018 it was confirmed that membership of the Planning Committee remained the same, except for Councillor Roger Clark being replaced by Councillor Mike Dendor.

**23 PLANNING WORKING GROUP**

The Minutes of the Meeting held on 14 May 2018 (Minute Nos. 660 – 661) were taken as read, approved and signed by the Chairman as a correct record.

**17/504618/FULL - 6 PARK AVENUE, SITTINGBOURNE, ME10 1QX**

The Area Planning Officer drew attention to the tabled paper which responded to some of the matters raised at the site meeting, and he clarified the measurements of the proposal, and the chronological order of matters related to the application. He reported that two further letters of objection had been received, which included matters already noted in the report, plus comments on the existing balcony, which was not part of this application, and concerns that the new extension would be used as a balcony. The Area Planning Officer explained that the condition in the report would prevent this from happening.

The Area Planning Officer read out a statement from a Ward Member who objected to the application. The Ward Member raised concern with the development proceeding without permission, the extent of the amendments, the increased height of the roof, and increased pitch of the hips, and the increase in bulk of the roof. The Ward Member explained that this was unauthorised construction, it was over-intensive and overbearing and he urged Members to refuse the application.

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

Members raised points which included: not as concerned with the increased height of the roof, as with the rear extension; it was not possible to stop the home-owners from walking over the roof of the extension, and it being used as a balcony; overlooking issues; no issue with the application, except that it was retrospective; the development looked reasonable from the street; any overlooking would be minimal from the extension roof; there was no material reason to refuse the application; there was still more building work planned on the development which would bring it closer to the boundary; and it was overbearing and caused overshadowing to neighbouring properties.

The Area Planning Officer acknowledged Members' concerns with the potential of using the extension roof as a balcony, and explained that enforcement action could be taken if the condition on the application was not adhered to. He suggested that a condition could be added to require installation of opaque screens to the balcony, prior to its first use, and their retention thereafter. The addition of the condition was agreed by Members.

On being put to the vote, the Chairman was required to use his casting vote.

**Resolved: That application 17/504618/FULL be approved subject to condition (1) in the report, plus an additional condition for the installation of opaque screens to the balcony, prior to its first use, and their retention thereafter.**

**24 SCHEDULE OF DECISIONS**

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 18/501317/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Erection of a single storey front extension, conversion of existing garage into a habitable space and internal alterations.			
<b>ADDRESS</b> 8 Berkeley Close Dunkirk Faversham Kent ME13 9TR			
<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN</b> Dunkirk	<b>COUNCIL</b>	<b>APPLICANT</b> Mr Jon Haile <b>AGENT</b> Cb Planning

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

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

A Ward Member spoke against the application. He considered it to be overintensive and explained that it was on a narrow site, on a curve in the road, and this would cause safety issues, as the development could result in more cars being parked on the road. A second Ward Member agreed that it was dangerous, and also acknowledged that some garages were not large enough for modern cars and therefore not used to park vehicles in.

Members raised points which included: potential safety issues if the application led to parking on the curve of the road; residential capacity of properties was being expanded, without consideration of resulting parking issues; two vehicles would not fit on the driveway; and there needed to be sensible provision of parking for the house.

In response to a question, the Development Planner, Kent County Council (KCC), Highways and Transportation explained that this development was outside the remit of being considered by his Team.

The Planner explained that the hardstanding was five metres wide, and provided parking for two vehicles, which was within KCC parking standards.

**Resolved: That application 18/501317/FULL be approved subject to conditions (1) to (3) in the report.**

<b>2.2 REFERENCE NO - 17/505115/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of groceries online (GOL) distribution hub and associated works.		
<b>ADDRESS</b> Sainsburys Avenue Of Remembrance Sittingbourne Kent ME10 4DN		
<b>WARD</b> Homewood	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Sainsbury's Supermarkets Ltd <b>AGENT</b> WYG

The Area Planning Officer explained that there were a couple of minor errors in the report. In paragraph 2.05, the proposed hours should read 7.30am to 11.30pm, and a slight error in condition (2) relating to a drawing number. The Area Planning Officer explained that there were substantial changes in levels between the site and the adjacent dwellings, and advised that the Environmental Protection Team Leader was happy to provide information to Members on noise mitigation measures.

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

Mr Gibson, an objector, spoke against the application.

Adam Cundale, the Agent, spoke in support of the application.

The Vice-Chairman moved a motion to defer the application to allow officers and the agent to negotiate a more detailed application. This was seconded by the Chairman.

A Ward Member spoke against the application. He considered in principle that the application was not acceptable, and it was intensive activity right next to a residential area. He spoke against the opening times being until 11.30pm. The Ward Member explained that the acoustic fence needed to be viable and questioned its effectiveness where there would be a variety of sound, not one sound that would be focused on.

Members raised points which included: the principle needed to be looked at; suggested change of location to the other side of the site; supported the additional parking being provided; there was enough here to refuse the application, it was unacceptable as it stood; and would like a full detailed list of issues that needed to be reviewed.

Members agreed that further information be sought and this to include: a survey for the entire length of the acoustic fence; review construction hours, especially Saturday hours; hours of operation to be reviewed; consideration of mechanical ventilation; and re-location to the other side of the site. The Area Planning Officer advised that the Case Officer would liaise with the Vice-Chairman and the Ward Member.

**Resolved: That application 17/505115/FULL be deferred to allow officers and the agent to negotiate a more detailed application, and to include the issues as minuted.**

<b>2.3 REFERENCE NO - 17/505973/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Retrospective - demolish metal frame workshop and replace with outdoor timber office with change of use from outbuilding to B1 business use.			
<b>ADDRESS</b> 2 Sunnyside Avenue Minster-On-Sea Kent ME12 2EN			
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN</b> Minster-On-Sea	<b>COUNCIL</b>	<b>APPLICANT</b> Mr Mark Roach <b>AGENT</b>

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

A Ward Member spoke in support of the application, but against the retrospective aspect of the application.

A second Ward Member spoke against the development being built in front of the existing building line, but was happy that the proposed use was not for retail purposes.

**Resolved: That application 17/505973/FULL be approved subject to conditions (1) to (2) in the report.**

<b>2.4 REFERENCE NO - 18/500738/FULL &amp; 18/500739/LBC</b>			
<b>APPLICATION PROPOSAL</b>			
Conversion of former school building to provide three dwellings with associated demolition/building works, internal and external alterations, provision of additional floorspace at first floor level, including three dormer windows, landscaping, including removal of three trees and car parking			
<b>ADDRESS</b> Tunstall Church Of England Primary School Tunstall Road Tunstall Sittingbourne Kent ME9 8DX			
<b>WARD</b> West Downs	<b>PARISH/TOWN</b> Tunstall	<b>COUNCIL</b>	<b>APPLICANT</b> First Bid Developments Ltd <b>AGENT</b> Penshurst Planning Ltd

The Planner reported that the Tree Officer had requested that condition (9) in the report be amended in order to protect the trees on the site, and this amended condition was tabled. He explained that one further letter of objection had been received which raised issues with access and parking and had requested that Members visited the site.

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

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

The Ward Member spoke against the application. She spoke of her concerns with the access and parking and questioned why KCC Highways and Transportation had considered parking to be acceptable on this scheme, but not so when it was a school. The Ward Member stated that the development should be built for life and parking should be located so that it was easily accessible for residents, without walking over other peoples' properties. She explained that this was a sensitive site, with an attractive building and the Council should not settle for second best, and the best possible design needed to be achieved.

In response, the Development Planner, KCC Highways and Transportation, explained that the proposed use of the building would generate less parking/traffic than the buildings' established use, and as such, he was satisfied with the parking arrangements.

The Conservation Officer referred Members to his comments set-out in the report and explained that he was comfortable with the scheme. He explained that the layout made good use of the space, and that it was critical to keep an open frontage on the building, rather than dividing it up. The Conservation Officer explained that he was happy with the conversion and the arrangement of the parking spaces, and added that the development had a neutral impact on the conservation area, and the character would be maintained.

The Ward Member considered that each dwelling needed to be able to view its parking space, and she was concerned with the narrow access, and whether there had been any changes to the sight lines onto a difficult junction.

Members raised points which included: there were potential access issues; welcomed the conversion to housing, and the retention of the character of the building; three of the car parking spaces were a considerable distance from the properties; considered the rear access would not be used; there would be additional pressure on the lay-by to the front; and this was a good application.

***Resolved: That application 18/500738/FULL be approved subject to conditions (1) to (11) in the report.***

***Resolved: That application 18/500739/LBC be approved subject to conditions (1) to (10) in the report.***

<b>2.5 REFERENCE NO - 18/500667/FULL</b>
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<b>APPLICATION PROPOSAL</b>
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Removal of Condition 4 of planning permission SW/13/1399 (Removal of condition 8 of SW/89/0400, to allow occupation other than only by fire service personnel) - to allow 4no. houses to be made available as market housing.
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<b>ADDRESS</b> 1 - 4 Beaumont Davey Close Faversham Kent ME13 8XR		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Kent Fire and Rescue Service <b>AGENT</b> Ms Kirsty Castle

The Vice-Chairman left the chamber whilst this application was considered.

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

A Ward Member considered the housing should be used for affordable housing, rather than as open market housing, and that the housing went to Swale Borough Council for homeless families.

Members raised points which included: the planning history was clear on the site and the houses were now surplus to requirements and could be sold on the open market; the housing should be made available to local people; paragraph 2.03 stated what Kent Fire and Rescue had tried to make the houses go as affordable housing, but this had not been a viable proposition.

In response to questions, the Planner explained that as the established built-up area boundary had been moved, as part of many changes incorporated into the Local Plan, the proposal was now in accordance with the Plan.

**Resolved: That application 18/500667/FULL be approved subject to conditions (1) to (2) in the report.**

<b>2.6 REFERENCE NO - 18/500688/FULL</b>		
<b>APPLICATION PROPOSAL</b> Removal of condition 6 of planning application 16/507275/FULL (Extension of existing private road with turning tee and the erection of two 2 storey detached dwellings with integral garages) - to allow houses to be made available as market housing.		
<b>ADDRESS</b> Land South Of 4 Beaumont Davey Close Faversham ME13 8XR		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Kent Fire And Rescue Service <b>AGENT</b> Batcheller Monkhouse

The Vice-Chairman left the chamber whilst this application was considered.

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

A Ward Member again highlighted the need for affordable housing and also requested details of the design of the additional housing.

Discussion ensued about the need for affordable housing and how the status of the site had altered, and that the option to put the housing on the open market had changed as the site was now within the established built-up area boundary.

**Resolved:** *That application 18/500688/FULL be approved subject to conditions (1) to (5) in the report.*

<b>2.7 REFERENCE NO - 18/500834/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use from A1 shops to micropub A4		
<b>ADDRESS</b> 193 High Street Sheerness Kent ME12 1UJ		
<b>RECOMMENDATION</b> GRANT subject to conditions		
<b>WARD</b> Sheerness	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Miss Amanda Williams <b>AGENT</b>

Mr Anderson, an objector, spoke against the application.

Richard Gregory Smith, the Agent, spoke in support of the application.

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

The Environmental Protection Team Leader explained that he had looked into the concerns with the transmission of noise from the proposed new use. He explained the difference between noise in the structure of the building and behavioural noise. The latter was something that licensing would manage. He had suggested a sound insulation condition which should eliminate the noise in the structure of the building, with the doors and windows being kept closed as well. He acknowledged that there was a potential for noise, but considered the proposed measures would mitigate this.

A Ward Member spoke against the application. She spoke about the midnight opening hours, the potential increase in noise levels in comparison to the current use of the property and the effect this would have on nearby residents. She welcomed the condition to not allow the rear garden to be used by customers, but also noted that this would mean that people were likely to smoke in front of the premises on the pavement.

Members raised points which included: objected to customers smoking to the front of the premises; very few complaints had been made in relation to micropubs in the Borough; there was a qualitative difference between micropubs and other drinking establishments, and they offered a more community feel to them; suggested using back garden for smokers instead; midnight opening was too late for weekdays, suggested 11pm; welcomed use of acoustic treatment; suggested soft furnishings would help to reduce the effects of noise; noise levels should be monitored and



enforcement action taken if necessary; not practicable to close windows and doors; and the neighbour should not be subjected to this.

Councillor Mike Baldock moved the following amendment: that opening times Monday to Thursday be changed from midnight to 11pm. This was seconded by Councillor Mike Henderson, and upon being put to the vote, the amendment was agreed.

There was some discussion on whether the back garden be used as a smoking area, instead of in front of the premises. The Ward Member considered the situation should stay as it was, as noted in condition (6) of the report, and the rear garden not be used.

**Resolved: That application 18/500834/FULL be approved subject to conditions (1) to (6) in the report, with an amendment to condition (3) to state that opening times Monday to Thursday be from 11am to 11pm.**

<b>2.8 REFERENCE NO - 16/508709/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Erection of 10 no. dwellings with associated parking and landscaping as amended by drawings received on 7 <sup>th</sup> August 2017 and 12 <sup>th</sup> December and 13 <sup>th</sup> December 2017			
<b>ADDRESS</b> Former Oil Depot Abbey Wharf Standard Quay Faversham Kent ME13 7BS			
<b>WARD</b> Abbey	<b>PARISH/TOWN</b> Faversham Town	<b>APPLICANT</b> NOVA Kent Limited	
		<b>AGENT</b> Angus Brown Architects	

The Major Projects Officer drew Members' attention to the tabled update. He reported that two further representations had been received, both objecting to the application. The points raised were generally the same as noted in the report. The Major Projects Officer referred to condition (14) in the report and requested delegated authority to amend the wording so that the condition went as far as it reasonably could to facilitate the walkway, and its future incorporation into a Creekside public right of way.

Peter Flower, an objector, spoke against the application.

Jeanne Taylor, the Agent, spoke in support of the application.

The Development Planner (KCC Highways and Transportation) explained that the scheme had been established in principle in the Faversham Neighbourhood Plan and that vehicle movements would not be significant.

The Conservation Officer referred to his comments in the report and explained that in terms of the impact of the scheme, especially the four-storey element, that the site was derelict at the moment, there were similar scale developments nearby, and he considered the design would uplift the area. He did have some concern with the landscaping at the base of the buildings, along with the detailing of the balconies

but advised that there were conditions related to this to ensure suitable details were achieved.

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

Members raised points which included: concerned with the four-storey element of the development; the cantilever aspect of the walkway was a concern, and whether the walkway would match other nearby walkways; the design needed to link up the walkways in the area; concerned to delegate to officers in relation to the walkway; this development did not meet the requirements for the Faversham Neighbourhood Plan or for development in the Conservation Area; happy with the principle of housing, but needed to defer the application as there were many issues to resolve; the footpath did not go anywhere as there was no public right of way at the end of it, and the only other access was a 1.5metre wide footpath, which was not wide enough; landscaping needed to be looked at again; the Faversham Neighbourhood Plan stated that three storeys was appropriate at this location, this was four-storey; this was over-development; the balconies needed to be looked at again; there was no affordable housing on the development; the design needed to be improved; needed 2/3 bedroom properties; and the block nature of the development needed to be broken up.

Councillor Mike Henderson moved a motion to defer the application to refer it back to officers to resolve the issues that had been raised and bring it back to the Planning Committee to debate something more acceptable. This was seconded by Councillor Andy Booth.

Members raised further comments which included: there were a lot of 'grey' areas on this application; and needed to follow the process of what was in the Faversham Neighbourhood Plan.

A Ward Member welcomed development on the site, but raised concern with the height and, in particular, the four storey nature of the scheme.

The Major Projects Officer outlined the issues that Members had set out which included: storey heights; house sizes; to include a variety of sections of heights and sizes, and to clarify details of the walkway, the balconies and soft landscaping. Members agreed that officers meet with the Ward Members, the opposite side to the creek Ward Member, and the Chairman of the Neighbourhood Plan.

***Resolved: That application 16/508709/FULL be deferred to allow officers to meet with Ward Members and the Chairman of the Neighbourhood Plan to look again at the storey heights; house sizes; and to include a variety of sections of heights and sizes, and to clarify the details of the walkway, soft landscaping and the balcony design.***

**PART 3**

Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 17/505796/FULL</b>		
<b>APPLICATION PROPOSAL</b> Conversion of a barn to create a 2 bedroom house and conversion of an adjacent shed to provide a farm office and an additional bedroom for a bed and breakfast business along with the replacement of a large atcost shed with a smaller shed to house a workshop and animal pens.		
<b>ADDRESS</b> Church Farm Throwley Road Throwley ME13 0PF		
<b>WARD</b> East Downs	<b>PARISH/TOWN</b> Throwley	<b>COUNCIL</b> <b>APPLICANT</b> Mr & Mrs Scutt <b>AGENT</b> Lee Evans Planning

The Planner reported that the Tourism Officer was happy to give advice to the applicant on holiday lets, tourism etc.

Parish Councillor Roger Clark, representing Throwley Parish Council, spoke in support of the application.

Maggie Berry, a supporter, spoke in support of the application.

Cathy McNab, the Agent, spoke in support of the application.

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

The Ward County Member spoke in support of the application. He considered the development would improve the setting of the Area of Outstanding Natural Beauty (AONB) and the church. He noted that there had been no objection from KCC Highways and Transportation, the Public Rights Of Way officer, the Tourism Officer, the Faversham Society, and there was no local opposition. The County Member stated that the reason for refusal was not valid as the location was not remote as there were houses and a church nearby.

A Ward Member raised some concern with the layout of the development as it resulted in the doorway to the church being blocked-off from view.

Councillor Prescott moved a motion for a site meeting. This was seconded by Councillor Bryan Mulhern.

Members raised points which included: did not consider a site meeting was needed; there was local and Parish Council support to the application; this type of development was needed; and the site meeting would help to see the proposed layout.

In response to a question, the Planner advised that the AONB Unit had supported the application.

**Resolved: That application 17/505796/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

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- **Item 5.1 – 21 Iris Drive Sittingbourne  
DELEGATED REFUSAL  
  
APPEAL DISMISSED**
- **Item 5.2 – Building at Sweepstake Farm, Lower Hartlip Road, Hartlip  
DELEGATED REFUSAL  
  
APPEAL ALLOWED**
- **Item 5.3– Milstead Manor Farm, Manor Road, Milstead  
DELEGATED REFUSAL  
  
APPEAL DISMISSED**

**25 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 that 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.***

**26 SCHEDULE OF DECISIONS**

The Planning Enforcement Contractor introduced the report which set out the current status of investigations, where formal enforcement action to issue Notices had been agreed. These had been listed into four categories: previous notices complied with; notices currently at appeal; notices within compliance period; and cases ongoing.

Members welcomed the report and praised the Planning Enforcement Team for the pro-active approach they were taking on enforcement cases. Members made comments on some items within the report which the Planning Enforcement Contractor agreed to look into further.

***Resolved: That the report be noted.***

**27 SUSPENSION OF STANDING ORDERS**

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

**28 ADJOURNMENT OF MEETING**

The meeting was adjourned from 9.33pm to 9.40pm.

Chairman

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