
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 19 July 2018 from 7.00pm - 9.54pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth (Vice-Chairman), Mike Dendor, James Hall, Nicholas Hampshire, Mike Henderson, James Hunt, Ken Ingleton, Nigel Kay, Bryan Mulhern (Chairman), Prescott, Roger Truelove (Substitute) (In place of Harrison) and Ghlin Whelan.

OFFICERS PRESENT: Rob Bailey, Philippa Davies, Paul Gregory, Andrew Jeffers, Alun Millard, Cheryl Parks, Andrew Spiers and Jim Wilson.

ALSO IN ATTENDANCE: Councillors Monique Bonney, Roger Clark and Mike Whiting.

APOLOGIES: Councillors Richard Darby, Harrison and Peter Marchington.

133 FIRE EVACUATION PROCEDURE

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

134 MINUTES

The Minutes of the Meeting held on 21 June 2018 (Minute Nos. 67 – 72) were taken as read, approved and signed by the Chairman as a correct record, subject to amending the recommendation in Minute No. 70, 17/505796/FULL – Church Farm, Throwley Road, Throwley, as follows:

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

On being put to the vote, the motion to **refuse** the application was lost.’

135 DECLARATIONS OF INTEREST

Councillor Mike Whiting declared a Disclosable Pecuniary Interest in respect of item 2.6, 17/506010/FULL, Southlands, Rook Lane, Sittingbourne. Councillor Whiting spoke on the item and then left the chamber.

Councillor Cameron Beart declared a Disclosable Non-Pecuniary Interest in respect of item 3.1, 18/501788/FULL, 89 Chaffes Lane, Sittingbourne. Councillor Beart did not speak or vote on this item.

136 PLANNING WORKING GROUP

The Minutes of the Meeting held on 9 July 2018 (Minute Nos. 102 – 103) were taken as read, approved and signed by the Chairman as a correct record.

18/501494/FULL – ST SAVIOURS CHURCH, WHITSTABLE ROAD, FAVERSHAM

The Planner drew attention to the tabled statement from the applicants which responded to issues raised at the site meeting. They had also added two amendments to the application: no music after 10pm, and that it be a temporary permission for three years only. The Planner advised that the Environmental Health Team Leader had since raised no objection, subject to conditions to reflect the above. The Planner sought delegation to approve the application subject to additional conditions to allow the use for three years, with no music after 10pm.

The Chairman moved the officer recommendation to delegate approval of the application to officers and this was seconded by the Vice-Chairman.

Members welcomed the responses to the issues raised at the site meeting, plus the two amendments that had been made.

In response to a question, the Planner explained that ‘no music after 10pm’ included any musical entertainment, including singing.

A Ward Member considered the site meeting had been beneficial in getting the views of local residents, and he was happy to support the application.

Resolved: That application 18/501494/FULL be delegated to officers to approve subject to conditions (1) to (6) in the report, with the addition of two conditions, so that musical entertainment stops at 10pm, and the permission is temporary for a period of three years.

137 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 18/502439/FULL			
APPLICATION PROPOSAL			
Variation of Condition 2 of SW/11/0750 (Change of use from agricultural land to operational land for an electricity undertaker) to amend the approved landscaping scheme, to replace the proposed planting to the northern boundary of the site with gravel, in order to maintain access to cables on the site.			
ADDRESS Electricity Substation Cryalls Lane Sittingbourne Kent ME10 1JU			
WARD	Borden	And	PARISH/TOWN COUNCIL
Grove Park			Borden
			APPLICANT UK Power Networks PLC
			AGENT Adrian Salt & Pang Limited

The Planner drew attention to the tabled Letter of Undertaking from the applicant, and suggested that it might not now be necessary to send out the strongly-worded letter to the applicant, demanding that the landscaping be carried out.

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

Gareth Randall, an objector, spoke against the application.

Annie Pang, the Agent, spoke in support of the application.

A Ward Member was disappointed that the existing development had not been implemented in accordance with the conditions of the original permission. He stated that the site was overgrown, and he did not consider the proposed variation was for operational needs, but to improve access for any future schemes.

An adjoining Ward Member explained that the site was considered a ‘mess’ by Cryalls Lane residents.

Another Ward Member, stated that the site was an eyesore and was an insult to local residents, and he questioned the validity of the letter that had been submitted.

Members raised points which included: it was quite clear as to what had originally been conditioned on the application; did not consider the request for the variation was for technical grounds, as shallow-rooting plants could be used; the applicants should be required to meet the conditions; a strongly-worded letter should be sent to state that Members were disgusted that they had ignored a planning requirement for seven years; leaving some of the area as gravel would still mean a bad outlook for a couple of the neighbours; plant vegetation to hide the sub-station, and then remove the plants if necessary for maintenance; there was no material planning reason to refuse the application; the area that would not be gravelled needed to be landscaped urgently; and disappointed that there were no comments from Borden Parish Council.

In response to a question, the Lawyer advised that the letter was an official undertaking from a solicitor, and as such was enforceable through the Solicitors Regulation Authority and any breach could result in professional regulatory sanction.

Members agreed that a strongly worded letter was still to be sent to the applicant.

Resolved: That application 18/502439/FULL be approved subject to conditions (1) to (3) in the report.

2.2 REFERENCE NO - 18/502736/OUT

APPLICATION PROPOSAL

Outline application (some matters reserved) for retention of existing dwelling and erection of 2no. additional dwellings on the site, with associated parking and gardens. Access being sought only.

ADDRESS Archirondal Toll Road Lynsted Sittingbourne Kent ME9 0RH		
WARD Teynham And Lynsted	PARISH/TOWN COUNCIL Lynsted With Kingsdown	APPLICANT Mrs Eileen Spittles AGENT Kingsley Hughes

Kingsley Hughes, 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.

A Member requested that condition (1) in the report included native planting, together with planting that improved bio-diversity. This was agreed by Members.

Resolved: That application 18/502736/OUT be approved subject to conditions (1) to (10) in the report, with condition (1) being amended to include native planting, together with planting that improved bio-diversity.

2.3 REFERENCE NO - 18/502345/FULL
APPLICATION PROPOSAL Erection of a single storey rear extension and garden shed, including some internal alterations.
ADDRESS 42 Lammas Gate Faversham Kent ME13 7ND
RECOMMENDATION - GRANT subject to conditions
REASON FOR REFERRAL TO COMMITTEE Town Council objection

The Planner reported that an email had been received from a neighbour which raised concern about the loss of light to their property as a result of the extension. The neighbour had requested that the extension be reduced in height by eight bricks and be set-back from the neighbouring property boundary by three feet.

Joanna Wood, the Applicant, spoke in support of the application.

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

Discussion ensued on whether the application be decided upon now, with any amendments, as indicated above, submitted at a later time, or it be deferred so that the amendments could be finalised.

The Chairman moved a motion to defer the application to allow further discussion with the Applicant and officers on any proposed amendments to the scheme. This was seconded by the Vice-Chairman. On being put to the vote, the motion was agreed.

Resolved: *That application 18/502345/FULL be deferred to allow further discussion with the Applicant and officers on any proposed amendments to the scheme.*

2.4 REFERENCE NO - 16/503808/FULL			
APPLICATION PROPOSAL			
Removal of conditions 1 and 4 of planning permission SW/01/0561 (decided at appeal ref APP/V2235/A/01/1071677) to enable residential use of the site by any gypsy or traveller, and parking of a work vehicle of not more than 3.5 tons; and variation of condition 2 to allow stationing of more than one static caravan and one touring caravan.			
ADDRESS The Orchard Holywell Lane Upchurch Kent ME9 7HP			
WARD	Hartlip, Newington And Upchurch	PARISH/TOWN	COUNCIL
		Upchurch	APPLICANT Mr Miles Cash AGENT BFSGC

The Area Planning Officer drew Members’ attention to the calculations on the top of page 32 in the report, and said that 6.57 should read 8.21. He added that Upchurch Parish Council had originally objected to the application because of the unauthorised access to the site. With the addition of the standard Council condition that prevented vehicles larger than 3.5 tonnes, there had been no further comments from the Parish Council.

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

Members raised points which included: needed to be cautious that the site could be divided, with separate permissions; the 5-year supply calculations were confusing as noted in paragraphs 5.21 and 9.03 of the report; and the site was large enough.

In response, the Area Planning Officer referred to paragraph 9.02 in the report and stated that the principle of gypsy and travellers on the site had previously been accepted. He considered the site to be well-positioned, and well screened.

Resolved: *That application 16/503808/FULL be approved subject to conditions (1) to (4) in the report.*

2.5 REFERENCE NO - 18/501300/REM			
APPLICATION PROPOSAL			
Reserved matters of appearance, landscaping, layout and scale pursuant to outline permission 15/506945/OUT for residential development of 8 new dwellings with access and parking.			
ADDRESS Land East Of Morris Court School Lane Bapchild Kent ME9 9JN			
WARD	West Downs	PARISH/TOWN	COUNCIL
		Bapchild	APPLICANT Fernfield Homes Ltd

		AGENT Kent Design Studio Ltd
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The Planner reported that a plan indicating landscaping, with native species, had been received. He sought delegation to approve the application, subject to the numbering of the new plans in condition (3).

The Chairman moved the officer recommendation to delegate approval of the application to officers and this was seconded by the Vice-Chairman.

Peter Court, the Agent, spoke in support of the application.

The Ward Member spoke on the application and considered there were four main issues to consider: surface water flooding; Tree Preservation Orders (TPOs) to the front of the site; contamination; and the footpaths on the site. She explained that during periods of heavy rain, Church Street flooded, and there was not a sufficient buffer to stop water running down the hill, and there was a natural water course from Rodmersham. The Ward Member outlined the issue of contamination on the village green, from infill to holes and tunnels within the green. She also considered the footpaths were not adequate.

Members raised points which included: this site was not within the Local Plan, it was a windfall site and should meet the needs not covered by the Local Plan; the split of the different type/size of house was wrong; local people needed to be able to stay in the village; a better balance of housing was needed; this application should be turned down until the issues of flooding, land contamination, TPOs and the footpaths had been resolved; and this site was not large enough to insist on the provision of affordable housing.

In response, the Senior Development Planner, from Kent County Council (KCC) Highways and Transportation, explained that the principle of development on the site had already been approved, and this included access, and the footpath position had been decided upon and could not be changed. He considered the footpath to be adequate and it linked with existing footpaths, and to the A2.

The Planner explained that five Poplar trees with TPOs on them would be removed and six Hornbeam trees would be planted instead. He added that issues such as flooding, contamination and possible tunnels had been considered at the outline application stage. He reminded Members that this Reserved Matters stage was to consider only the appearance, landscaping, layout and scale of the application.

A Member considered matters had changed since the outline stage and requested an assessment of landscaping and design to avoid flooding issues.

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

Resolved: That application 18/501300/REM be delegated to officers to approve subject to conditions (1) to (5) in the report, and the numbering of the new plans in condition (3).

2.6 REFERENCE NO - 17/506010/FULL		
APPLICATION PROPOSAL Erection of an 74 suite Care Home (use class C2) with associated car parking, refuse and external landscaping.		
ADDRESS Southlands Rook Lane Bobbing Sittingbourne Kent ME9 8DZ		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Bobbing	APPLICANT Graham Land & Development AGENT Carless & Adams Partnership

The Major Projects Officer reported that the Economic Development Team generally had not much to comment on the application, and were generally supportive of it and had welcomed the opportunity for apprenticeships and new job opportunities.

The Major Projects Officer considered the application to be acceptable and in accordance with both the National Planning Policy Framework and the Local Plan.

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

Parish Councillor Graham Herbert, representing Bobbing Parish Council, spoke against the application.

Joanne Prudence, an objector, spoke against the application.

Melissa Magee, the Agent, spoke in support of the application.

A visiting Member spoke against the application. He acknowledged the need for this type of facility, and also raised the following points: the site was not appropriate for the development; concerned with the extensive and large scale of the building; the land was not designated for development; it was on a rural lane; the site had poor accessibility, with a lack of public transport; the nearby roads were hazardous; unsafe roads for walking or cycling; busy in rush hour, adding to air pollution; should not allow a development that did not improve or keep neutral the impact on air quality; and this was the wrong site for the size of the development.

Another visiting Member read out a statement from a Ward Member which included the following points: this was a beautiful valley and the development caused demonstrable harm; should not be building on green fields; this was too close to residential dwellings; loss of light; noise pollution; waste collection noise and odours; it did not fit in with the area; and suggested a site meeting took place.

The Senior Development Planner (KCC) explained that traffic movement data for both the former elderly, mentally, infirm day centre and proposed care home uses had been derived from the industry-recognised prediction software tool called TRICS. This had demonstrated that the extant last use of the site could potentially have generated more traffic movements than for the proposed use.

Councillor James Hunt moved a motion for a site meeting. This was seconded by Councillor Mike Henderson.

The following points were raised in discussion on the benefits, or not, of having a site meeting: this was a poor location, a site meeting would see that; not necessary as would not see what was going to be built there; context of the topography of the land would be beneficial; it was possible to see everything with the use of photographs and plans, without meeting on site; and it would be beneficial to view Rook Lane, the traffic, and see the slope at the site, with regard to any potential overlooking.

On being put to the vote, the Chairman was required to use his casting vote, and the motion for a site meeting was lost.

Further discussion ensued which included the following points: the site was near to an Air Quality Management Area, there would be more traffic and transport movements; Key Street would be 'havoc'; unsuitable site for a care home, especially when emergency vehicles were required; the countryside was an ideal site for this type of facility; if Kent Highways and Transportation did not object to the application, the Council could not use highways as a reason for refusal; turning in from the A2 was bad; could not understand the logic of Highway's figures, with staff, commercial vehicles and visitors accessing the site; could not believe there would not be an increase in traffic movements from its previous use; this was a known dangerous junction on a blind hill; impact on the landscape from afar; this would blight the area and was detrimental to the visual amenity of local residents; the facility was likely to only have low light at night for the staff and so light pollution should not be an issue; and did not consider the patients would cause issues of overlooking to neighbouring properties.

A Member requested a one word answer as to whether the junction was currently considered to be dangerous, and the Senior Development Planner (KCC) said 'no'.

The Vice-Chairman withdrew his seconding of the proposal.

The Major Projects Officer explained that the TRICS system used by KCC Highways and Transportation to interrogate traffic data was well respected and could be relied upon for reliable comparisons between different land uses.

Councillor Andy Booth moved a motion to defer the application for more detailed evidence of the highways data and consideration of air quality. This was seconded by the Chairman. The Proposer and Secunder agreed to an amendment by Councillor Mike Henderson to include improved design quality and consideration of landscape impact and visual amenity. On being put to the vote, the motion was agreed.

Resolved: That application 17/506010/FULL be deferred for more detailed evidence of the highways data and consideration of air quality, and improved design quality and consideration of visual amenity and landscape implications.

2.8 REFERENCE NO - 16/506946/FULL		
APPLICATION PROPOSAL Proposed mixed use development comprising 165 no. residential apartments, medical centre and pharmacy across three blocks with associated parking and landscaping, refurbishment of existing Bell House with retention of offices and an additional storey.		
ADDRESS Bell House Bell Road Sittingbourne Kent ME10 4DH		
WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT Aria Group AGENT The JTS Partnership

The Major Projects Officer drew Members’ attention to the tabled update, and reminded them that this was a long-standing problematic site, in a state of decline and an eyesore. He acknowledged that the application was not perfect, and that it was a balanced recommendation.

Tim Gibson, an objector, spoke against the application.

Kain Kassan, the Applicant, 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 Chairman drew attention to the exempt papers for this item and the need to exclude the press and public if Members wished to discuss the contents of them.

A Ward Member spoke against the application and raised points which included: the density of the development was too high; seven storey flats would be overlooking two-storey dwellings; a balance was needed to consider the amenity of local residents; this would generate parking issues in the surrounding roads; the NHS did not want to occupy the medical centre, and considered this would then become further housing; out-of-keeping with the surrounding area; tired of hearing that it was not viable to build affordable housing; and it had a detrimental effect on the amenity of local residents.

Members raised points which included: needed to make a stand on affordable housing; car parking issues; the viability issues were questionable; this scheme would help to regenerate and improve this part of the High Street; the developers had been ‘upfront’ from the beginning about the viability of affordable housing on the site; there could be funding from a Section 106 Agreement; this was an exciting development, and had the potential to be a good development, but the demand for 10 per cent affordable housing should be met; and continued discussions were needed with the developer.

The Major Projects Officer outlined the Section 106 Agreement offer of £250,000 that had been made, as outlined on page 145 of the report. He acknowledged that there was a possibility that the medical centre could be used for affordable housing. The Major Projects Officer added that a commuted sum from the Section 106

Agreement could be used for affordable housing to be provided elsewhere in the Borough.

Further comments included: not happy with the medical centre being used instead for affordable housing as this would make parking worse; the density of the development was over-intensive; and Ward Members should be involved in any further discussions with the developer.

The motion to approve the application was lost.

The Chairman moved a motion to defer the application to allow for further discussions with the Developer, Ward Members and officers. This was seconded by the Vice-Chairman.

Resolved: That application 16/506946/FULL be deferred to allow for further discussions with the Developer, Ward Members and officers.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 18/501788/FULL			
APPLICATION PROPOSAL			
Erection of a first floor rear extension over existing ground floor extension. A loft conversion with the insertion of two new windows and 5 no. roof lights.			
ADDRESS 89 Chaffes Lane Upchurch Kent ME9 7BG			
WARD	Hartlip, Newington And Upchurch	PARISH/TOWN	COUNCIL
		Upchurch	APPLICANT Mr M Parsons AGENT Mr N G Hatton

Matthew Parsons, the applicant, spoke in support of the application.

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

Members raised points which included: the visual impact of the application was acceptable; no neighbours had objected to the application; and the Parish Council supported the application.

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

Councillor Mike Baldock moved a motion to approve the application on the grounds that it was not harmful to visual amenity and on balance it was acceptable. This was seconded by Councillor Mike Dendor.

The Area Planning Officer drew Members' attention to paragraph 9.05 on page 164 of the report and stated that obscure glazed windows should be fitted for the two windows in the side elevations to prevent significant overlooking. The Proposer

and Secunder agreed, together with the addition of standard conditions, and this was put to the vote.

Resolved: That application 18/501788/FULL be delegated to officers to approve subject to standard conditions, plus a condition to stipulate that obscure glazed windows should be fitted for the two windows in the side elevations to prevent significant overlooking.

3.2 REFERENCE NO - 18/500973/FULL

APPLICATION PROPOSAL

Demolition of former residential care home building and erection of 21 dwellings with associated new access, car parking and amenity areas (Resubmission to 16/507706/FULL) (Part Retrospective).

ADDRESS Doubleday Lodge Glebe Lane Sittingbourne Kent ME10 4JW

WARD Roman	PARISH/TOWN COUNCIL	APPLICANT Stonechart Property Ltd
		AGENT Ubique Architects

The Chairman drew attention to the exempt papers for this item and the need to exclude the press and public if Members wished to discuss the contents of them.

The Planning Officer drew Members’ attention to the tabled paper from the Agent, outlining that the supporting statement said there would be 100% affordable housing on the site. He advised that the demand on local schools, healthcare facilities etc. made the application unacceptable.

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

The Chairman read out a statement from one of the Ward Members, against the application, and in support of the officer recommendation. He had raised issues with the reduction in the developer contributions.

Members raised points which included: this was a finely balanced application, as the Council would be losing out on 21 affordable housing units; the building work had already commenced; and viability issues.

Resolved: That application 18/500973/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 – 76 Alexandra Road, Sheerness**

Delegated Refusal

APPEAL DISMISSED

- **Item 5.2 – Hill Top Farm, Elverland Lane, Ospringe**
APPEAL DISMISSED – Enforcement Notice Upheld

- **Item 5.3 – McDonald’s Restaurant, Sittingbourne Retail Park, Mill Way**
Delegated Refusal

APPEAL PART DISMISSED / PART ALLOWED

- **Item 5.4 – 27 Hilton Close, Faversham**
Committee Refusal – Against Officer Recommendation

APPEAL DISMISSED

138 REPORT OF THE HEAD OF PLANNING SERVICES

There was no discussion on this item, therefore the resolution to exclude the press and public was not passed.

139 ADJOURNMENT OF MEETING

The meeting was adjourned from 9.32pm to 9.35pm.

Chairman

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