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## PLANNING COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber - Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 13 September 2018 from 7.00pm - 9.10pm.

**PRESENT:** Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth (Vice-Chairman), Bowles (Substitute for Councillor Nigel Kay), Roger Clark (Substitute for Councillor Prescott), Richard Darby, Mike Dendor, James Hall, Nicholas Hampshire, Mike Henderson, James Hunt, Peter Marchington, Bryan Mulhern (Chairman), Roger Truelove (Substitute for Councillor Harrison) and Ghlin Whelan.

**OFFICERS PRESENT:** Rob Bailey, Paul Gregory, Andrew Jeffers, Kellie MacKenzie and Cheryl Parks.

**APOLOGIES:** Councillors Harrison, Ken Ingleton, Nigel Kay and Prescott.

### 207 FIRE EVACUATION PROCEDURE

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

### 208 MINUTES

The Minutes of the Meeting held on 16 August 2018 (Minute Nos. 162 – 170) were taken as read, approved and signed by the Chairman as a correct record, subject to the following amendments:

Minute No. 183 Item 2.4 18/500283/FULL Land adjacent to Sheppey Academy East, Admirals Walk, Halfway:

The fifth paragraph should read 'A **Ward** Member raised concerns....' Not 'A Member raised concerns' as stated.

The sixth paragraph to read "That Councillor Cameron Beart moved a motion for a site visit" **not** the Chairman as stated.

### 209 DECLARATIONS OF INTEREST

No interests were declared.

### 210 PLANNING WORKING GROUP

The Minutes of the Meeting held on 3 September 2018 (Minute Nos. 184 – 187) were taken as read, approved and signed by the Chairman as a correct record.

**18/500283/FULL Land Adjacent to Sheppey Academy East, Admirals Walk, Halfway, ME12 3JQ**

The Planner drew attention to the tabled papers, which had previously been emailed to Members and included: a response about boundary treatments from the applicant's agent; responses to various issues and queries raised; and an update from Kent County Council (KCC) Highways and Transportation.

The Planner stated that delegated authority was sought to approve the application subject to no objection from KCC Ecology, condition (2) being amended to refer to the new landscaping drawing, amending condition (12) to the standard foul and surface water drainage condition, and further conditions as set out in the report and the signing of a suitably worded Section 106 Agreement.

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

Ward Members spoke against the application and raised points which included: disappointment that only four Members had attended the site meeting which had been heavily attended by local residents; concerns about the distance between the development and properties in Admirals Walk had not been addressed; KCC Highways and Transportation mentioned an established access on the site, but that did not mean it was to a standard that was suitable for further houses to be built; KCC Highways and Transportation referred to gritter lorries being able to use the road, but the minutes from a Swale Joint Transportation Board meeting stated that that route had been removed, so it was not a gritting route; accept trees on the site might not be to a standard to warrant tree preservation orders but as pointed out at the site meeting, come winter they would have no leaves which would lead to overlooking; the houses would be seen from Minster Road; concerns about the reduction in Section 106 monies, and consider that if the developers could not afford this money perhaps they should not be considering developing the site at all; disagreed with KCC Highways and Transportation, as the Barton's Hill roundabout would not be able to ease all of the congestion in the area; and the proposed properties were tightly spaced.

Members considered the application and raised the following points: the site visit was very useful as the map did not convey the impact the proposal would have; one proposed property was particularly close to existing properties and would cause serious overlooking; bungalows would be much better suited to the area; the road in Admirals Walk needed to be repaired and updated to a higher standard before any development could be considered; concerned that allowing the developer to reduce Section 106 monies would set a precedent; there was not enough space for vehicles to turn in Admirals Walk; and did not agree that overlooking and distance between houses was an issue as distances proposed were well above what they needed to be.

In response to a query the Planner confirmed the distance between the existing dwelling on the southern side of Admirals Walk and the closest proposed dwelling to be four metres. The Planner also confirmed that this proposed property was two storey in height with a single storey car port.

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

For: Councillors Mike Dendor, Nicholas Hampshire, Mike Henderson, James Hunt, Bowles, Bryan Mulhern, Roger Clark and Ghlin Whelan (8)

Against: Councillors Mike Baldock, Cameron Beart, Bobbin, Richard Darby, James Hall and Peter Marchington (6)

Abstain: Councillors Andy Booth and Roger Truelove (2)

***Resolved: That application 18/500283/FULL be delegated to officers to approve subject to conditions (1) to (25) in the report, to no objection being raised by KCC Ecology, condition (2) being amended to refer to the new landscaping drawing, amending condition (12) to the standard foul and surface water drainage condition, and the signing of a suitably worded Section 106 Agreement.***

**18/502643/FULL 3 Chetney View, Iwade, Sittingbourne, Kent, ME9 8SQ**

The Area Planning Officer reported that a letter of support had been received which he outlined for Members.

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

Members raised points which included: would support if a condition to provide a hedge and ensure it was maintained was imposed; could not see an issue with bringing the wall out; and needed to ensure a clear and strong condition was imposed to ensure that any planting would be provided and maintained at the right height in perpetuity.

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

Councillor Bryan Mulhern moved a motion to approve the application. This was seconded by a Councillor.

The Area Planning Officer advised that the following conditions could be imposed: details of materials; standard landscaping, which could be amended to specify the type of landscaping, although these were not normally in perpetuity, but for 5 or 10 years.

A Member requested that a condition specifying native species and brick work like-for-like be imposed.

On being put to the vote the motion to approve the application with appropriate conditions was agreed.

***Resolved: That application 18/502643/FULL be approved subject to the imposition of suitable conditions as outlined above.***

**211 DEFERRED ITEM**

Reports shown in previous Minutes as being deferred from that Meeting.

<b>DEF ITEM 1 REFERENCE NO - 16/506946/FULL</b>		
<b>APPLICATION PROPOSAL</b> 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.		
<b>ADDRESS</b> Bell House Bell Road Sittingbourne Kent ME10 4DH		
<b>WARD</b> Homewood	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Aria Group <b>AGENT</b> The JTS Partnership

The Planning drew attention to the tabled update, which had previously been emailed to Members, and noted that the Council’s Strategic Housing and Health Manager was happy to accept all 12 units as affordable and considered the tenure split to be reasonable in the circumstances.

Mr Tim Gibson, objector, spoke against the application.

Mr Jason Chandler, 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 Ward Member spoke against the application and raised points which included: the height of the proposed buildings was ‘hideous’ and unacceptable; the offer of 7% affordable housing was very disappointing; the medical centre proposed made no sense; the proposed development would overlook gardens and properties in Trots Hall Gardens, this was not fair; just building was not regeneration; was out-of-keeping with the area and buildings including St Michaels Church and the cinema building; would have a detrimental impact on the local area and make adjacent properties including Swale House less desirable to sell; did want the site to be improved but with a sensible proposal; and concerns about lack of parking.

Members considered the application and raised comments and queries which included; thanked officers for the report; how detrimental to the scheme was it if the medical centre was not provided?; what parking allocation was there for the medical centre?; needed to explain the Ministry of Justice’s (MOJ) objection to scheme?; bizarre comments from Natural England (NE); what would be the implications on UK Power Network if the application was approved?; concerns about the closeness of the development to a Conservation Area and the impact it would have on it; disagreed with the comment in page 8.19 of the Committee report that it would have a ‘less than substantial’ impact on the designated heritage asset, as this would be substantial; could not support with so few parking spaces; considered it a good thing that the medical centre had been provided, as often we heard complaints that there were not enough medical centres provided with large developments; the height of the buildings proposed was not much more than that already at the site; would not have a major impact on the area; sheer height was unacceptable; parking unacceptable; overlooking into Trots Hall Gardens unacceptable; medical centre was not viable; height and mass too great for the area; not our fault if the medical centre was not viable; a five storey building would be acceptable and much more manageable; more parking spaces could be provided if the 165 cycle spaces were not all required, and the number of refuse

and recycling bins was reduced; Members needed to consider whether they wanted building over Grade 1 farmland or higher density building in urban areas; did not think we would be able to support refusal on appeal; overlooking would be a strong material reason to refuse the application; the developer would find a tenant for the medical centre if the right reasons for them to come in were offered; query the viability of the developer; the site needed to be developed; scheme was acceptable and would offer a varied mix of buildings in the area; shame no parking could be provided under the buildings; and the site offered good access to the town centre and transport links.

The Planner drew attention to paragraph 5.12 on page 6 of the Committee report which stated that the use of the unit as a medical centre was acceptable, and the application could not be refused on the grounds that no end user had yet been secured. He also commented that as the NHS would not be taking on this facility it would not prejudice existing residents needing to access NHS facilities if it did not come forward. With regard to parking provision for the medical centre, the Planning Officer reported that bays for Bell House, vacant bays for the development, on-street parking and existing car parks in the area, would provide parking.

In response to queries, the Planner advised that the height of Block 2 was 21 metres to the top of the seventh floor. The distance from Bell House to the closest gardens of Trotts Hall Gardens was 13 metres. The closest elevation of Block 2 was 43 metres from the ear of the properties in Trotts Hall Gardens facing this elevation; the concerns from the MOJ were in relation to sensitivity in respect of their probation services and overlooking issues which already occurred at the site. The comments from NE were mitigated by the SAMMS payment. The UK Power Networks comments were not a material planning consideration. In response to queries the Planner referred to landscaped areas within the site and that the Design Panel Review had taken place at the pre-application stage.

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

For: Councillors Cameron Beart, Andy Booth, Mike Dendor, Nicholas Hampshire, James Hunt, Bowles, Peter Marchington, Bryan Mulhern and Roger Clark (9).

Against: Councillors Mike Baldock, Bobbin, Richard Darby, James Hall, Roger Truelove, Mike Henderson and Ghlin Whelan (7).

Abstain: 0.

***Resolved: That application 16/506946/FULL be approved subject to conditions (1) to (34) in the report, and the signing of an appropriately worded Section 106 Agreement.***

## 212 SCHEDULE OF DECISIONS

### PART 2

Applications for which **PERMISSION** is recommended.

<b>2.1 REFERENCE NO – 18/503348/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of a detached outbuilding to provide garages with storage facilities. (Part retrospective).		
<b>ADDRESS</b> Mill Farm Otterham Quay Lane Upchurch Sittingbourne Kent ME8 7XA		
<b>WARD</b> Hartlip, Newington and Upchurch	<b>PARISH/TOWN COUNCIL</b> Upchurch	<b>APPLICANT</b> Miss Jane Bastow <b>AGENT</b> LRD Simmons, RIBA

The Area Planning Officer drew attention to an error on page 102, paragraph 2.04 of the Committee report, which referred to there being four rooflights in the roof of the garage. He stated that this was incorrect as there were no rooflights proposed. The Area Planning Officer reported that a letter of objection had been received from the occupiers of the neighbouring property, which he summarised for Members.

Parish Councillor Gary Rosewell, Upchurch Parish Council, spoke against the application.

Mr Brian Evans, an objector, spoke against the application.

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

Members considered the application and raised points which included: concerned about the materials to be used and suggest a condition ensuring that the colour of the materials to be used matched those of the existing dwelling house; concerns about the amount of roof space; concerns about the height of the proposed building in a rural location; the building materials should be in-keeping with the rural location; would prefer to see wooden doors; should defer application until both the applicants and the Parish Council were happy with the proposals; it was a shame that the proposed development was only 50cm from neighbouring boundary fence as it would always cause problems between the two neighbours; the current structure was dangerous and should be demolished; the roof space had already been reduced; condition (2) could specify that the roof space was not allowed to be converted; and unreasonable to suggest using kent peg tiles; and cement roofing was not a bad choice but needed to ensure it was the right colour which could be achieved with the right conditions.

Following comments from the registered speaker about a previous application at the site, the Area Planning Officer referred to the minutes of the Planning Committee meeting held on 17 August 2017 which stated: *The Area Planning Officer stated that he understood that at the site meeting Members queried whether the planning permission for an outbuilding in a similar position had been implemented. He advised that the applicant had provided further details in the form of materials and builder's receipts. He advised members that it appeared likely to him that the permission has been implemented.* The Area Planning Officer stated that the situation had not changed and that the minutes of that meeting had been agreed by Members.

Councillor Andy Booth moved the following motion: that the application be referred back to the applicant in order that the space in the roof be reduced to 1500mm, and

negotiate with officers to reduce the overall height of the building. This was not seconded.

In response to questions from Members, the Area Planning Officer advised that the roof from eaves to ridge was 2.5 metres. The PVC cladding was on the gable end and the roofing materials would be rendered in concrete. The applicant had no plans for her disabled brother to use the roof for living accommodation. The structure of the building in terms of stability was not a planning issue and was dealt with under separate legislation.

With regard to additional conditions, the Area Planning Officer stated that materials could be imposed requiring either better cladding, or no cladding at all, and also a condition to lower the ridge height, he suggested Members delegate authority to approve subject to the imposition of appropriate conditions. He stated that with regard to the roof space, they could request a condition to reduce the ridge height due to its impact on the character of the area, but not because of what the roof space may or may not be used for.

The Chairman stated that if this was not achieved, then the application would be referred back to Committee.

***Resolved: That application 18/503348/FULL be delegated to officers to approve subject to a reduction in height of the roofspace to 1.5 metres, to conditions (1) to (4) in the report and the imposition of suitable conditions to ensure suitable materials, including appropriate colour of materials were used. If this was not achieved the application would be referred back to Committee.***

## **PART 5**

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

- **Item 5.1 – 1 Mill Cottages, Hartlip**

**APPEAL ALLOWED**  
**Delegated Refusal**

- **Item 5.2 – Stone Stile Oast, Shottenden Lane, Selling**

**APPEAL DISMISSED**  
**Delegated Refusal**

- **Item 5.3 – Gleneagles, Maidstone Road, Borden**

**APPEAL DISMISSED**  
**Delegated Refusal**

- **Item 5.4 – Sheerness Holiday Park, Halfway Road, Sheerness**

**ENFORCEMENT AND PLANNING APPEALS DISMISSED**  
**Committee Refusal**

Members congratulated officers. A Member raised concern about the damage to the Scheduled Monument and that this needed to be rectified by the owners of the holiday park.

- **Item 5.5 – 8 Oak Road, Sittingbourne**

**APPEAL DISMISSED  
Delegated Refusal**

Chairman

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