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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, 11 October 2018 from 7.00pm - 9.20pm.

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

**OFFICERS PRESENT:** Rob Bailey, Katherine Bescoby, Andy Byrne, James Freeman, Cheryl Parks and Graham Thomas

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

**APOLOGY:** Councillor Prescott.

### 278 FIRE EVACUATION PROCEDURE

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

### 279 MINUTES

The Minutes of the Meeting held on 13 September 2018 (Minute Nos. 207 – 214) were taken as read, approved and signed by the Chairman as a correct record.

### 280 DECLARATIONS OF INTEREST

No interests were declared.

### 281 DEFERRED ITEM

Reports shown in previous Minutes as being deferred from that Meeting

<b>DEF ITEM 1 REFERENCE NO - 17/506010/FULL</b>
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<b>APPLICATION PROPOSAL</b>
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Erection of an 74 suite Care Home (use class C2) with associated car parking, refuse and external landscaping.
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<b>ADDRESS</b> Southlands Rook Lane Bobbing Sittingbourne Kent ME9 8DZ
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<b>WARD</b> Bobbing, Iwade And Lower Halstow
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<b>PARISH/TOWN COUNCIL</b> Bobbing
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<b>APPLICANT</b> Graham Land & Development <b>AGENT</b> Carless & Adams Partnership
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The Senior Planner referred to the previous decision of the Planning Committee to defer the item, and drew attention to a letter from County Councillor Mike Whiting

that had been circulated to Members. The Senior Planner clarified that the previous use of the site had included 24 bed spaces but it was not the only use, and advised that the proposed use included a day centre room, limited to 50 square metres, which the applicant intended to offer to groups to use as a day centre. Taking this into consideration, the advice from Kent County Council (KCC) Highways & Transportation remained that there would be fewer vehicle movements from the proposed use than the former use.

In respect of air quality, the Senior Planner read out advice from the Environmental Protection Team Leader regarding the readings from the diffusion tube at Keycoll Hill, but that it was too early to state categorically that there was an issue at this location with air quality. However, as there would be less traffic than the previous use of the site it was likely that air quality would not be worse than previous and possibly better.

The Senior Planner also clarified that the paragraph numbers in the National Planning Policy Framework (NPPF) referred to in the July 2018 report were out-of-date as a new NPPF had been published. However, there was no substantial change in national policy relating to this site.

The Senior Planner also showed Members the amendments in the design of the building which included changes in the height and design of the roof line/elevations.

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

Joanne Prudence, an Objector, spoke against the application.

The Chairman invited Members to ask questions, and questions were asked regarding air quality (in terms of when monitoring had started and when it would be possible to give a view); the number of trees on site now and how many would remain after the proposed development; how Section 106 money would be allocated if the application was approved; and whether there was a shortage of care beds in the Sittingbourne/Swale area.

In response to questions from Members, the Senior Planner advised that he could not comment further on the air quality advice given by the Environmental Protection Team, other than it was likely that there would be a decrease in the traffic generated and so it would not be any worse than through the existing lawful use of the site. He did not have information about when monitoring had started. He advised that three standard trees would be removed as referred to in paragraph 2.05 of the report, and the existing orchard would be removed but would be replaced in part through mitigation, and there would be a planning condition regarding this if the application was approved. He also explained the Section 106 process for contributions to NHS facilities, and referred to paragraphs 7.05 and 7.06 of the report which referred to the shortage of care beds in the area.

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

A Visiting Member spoke against the Officer recommendation to approve the application.

Debate ensued, which centred on the following themes:

- The potential loss of trees and whether the mitigation could be undertaken before any work took place, to reduce the impact on air quality;
- Whether the application could be deferred for a 12 month period to allow for further monitoring of air quality in the area.

Councillor Nicholas Hampshire proposed the following motion: That the application be deferred for 12 months to allow for further monitoring of air quality. This was seconded by Councillor Mike Baldock.

Members debated the proposal to defer the application, during which Members referred to the professional advice of Officers and the potential for challenge should the application be deferred; the shortage of care home beds; and the need to make a decision now. The Development Planner (KCC Highways & Transportation) reiterated their advice in that the proposed development would not generate more vehicle movements, that they had no concerns regarding the impact on traffic or that the development would reduce highway safety.

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

The Committee then debated the motion to approve the application. During the debate it was suggested that additional conditions could be included regarding the need to ensure at least as many trees were planted as were removed, and that noise control measures should also apply to any in-house laundry.

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, Bobbin, Andy Booth, Mike Dendor, Mike Henderson, Ken Ingleton, Bryan Mulhern and Ghlin Whelan. (Total = 8).

Against: Councillors Mike Baldock, Richard Darby, James Hall, Nicholas Hampshire, Harrison, James Hunt, Nigel Kay and Peter Marchington. (Total = 8).

Abstain: none.

The Chairman announced that the vote was tied and used his casting vote to approve the application.

***Resolved: That application 17/506010/FULL be approved subject to conditions (1) to (35) in the report and a suitably-worded Section 106 agreement. Condition (7) (landscaping) to be amended to ensure the amount of new planting compensates for existing trees to be removed. Condition (35) to be amended to apply to any in-house laundry operation.***

282 REPORT OF THE HEAD OF PLANNING SERVICES

PART 2

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 18/503274/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of 1 detached 3 bedroom chalet bungalow.			
<b>ADDRESS</b> 82 Church Lane Newington Sittingbourne Kent ME9 7JU			
<b>WARD</b> Newington And Upchurch	Hartlip, Newington	<b>PARISH/TOWN COUNCIL</b> Newington	<b>APPLICANT</b> Mr K Cooper <b>AGENT</b> T Fleming Homes Ltd

The Area Planning Officer summarised the application, referring to the previously approved application on the site, and explained that the size, location and external appearance of the application was the same as what had been approved, save for the addition of two roof lights.

Parish Councillor Stephen Harvey, representing Newington Parish Council, spoke in objection to the application.

The Chairman invited Members to ask questions, during which the Area Planning Officer confirmed that the application was for three bedrooms. A Member referred to the proposed condition (3) and asked that consideration was given to native species and improvements to biodiversity.

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

The Committee debated the proposal to approve the application, which centred on the following themes:

- The intention of the applicant and whether the building would be changed to a four bedroom property in the future;
- The design in terms of whether it looked like a bungalow;
- The roof height was the same as the application previously agreed by the Committee, the only change was the addition of two roof lights.

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

Councillor Mike Henderson moved a motion to refuse the application, which was seconded by Councillor Mike Baldock.

At this point the Head of Planning Services used his delegated powers to ‘call-in’ the application.

**Resolved:** That as the Planning Committee was minded to make a decision that would be contrary to officer recommendation and contrary to planning policy and/or guidance, determination of the application be deferred to a future meeting of the Committee.

**PART 3**

Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 18/503008/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of a new detached bungalow on garden site to the side of existing dwelling.			
<b>ADDRESS</b> 2 Sunnyside Avenue Minster-on-sea Sheerness Kent ME12 2EN			
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN</b> Minster-On-Sea	<b>COUNCIL</b>	<b>APPLICANT</b> Mr Roach <b>AGENT</b> Architecnique Architects

The Chairman advised that this application had been withdrawn.

<b>3.2 REFERENCE NO - 18/503875/FULL</b>			
<b>APPLICATION PROPOSAL</b> Conversion of barn to residential dwelling and holiday let, including demolition of existing lean-to and erection of replacement single storey extension.			
<b>ADDRESS</b> Park Farm Throwley Road Throwley Faversham Kent ME13 0PG			
<b>WARD</b> East Downs	<b>PARISH/TOWN</b> Throwley	<b>COUNCIL</b>	<b>APPLICANT</b> Mr & Mrs D. Bridgford <b>AGENT</b> Vernacular Homes Ltd

The Area Planning Officer referred to paragraph 8.08 on page 76 of the report and advised that a further copy of the letter had been received but this did not change the officer recommendation. In respect of paragraph 8.22 on page 79, he advised that a further survey had been undertaken in June 2018 which recommended that temporary bat boxes and a bat loft should be installed if the application was approved, and therefore ground (3) of the proposed reasons for refusal was no longer required.

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

Mathew Hopkins, the Agent, spoke in support of the application.

Members were then given an opportunity to ask questions, during which the Area Planning Officer showed photographs of the site and explained the location of the track and proposed pathway/road; clarified that the Kent Downs Area of

Outstanding Natural Beauty (AONB) was not a statutory consultee; drew attention to paragraph 20 on page 84 and reiterated that there had been no evidence provided to demonstrate that the site had been marketed. Members also referred to the Council's Tourism Strategy.

The Chairman moved a motion for a site meeting, and this was seconded by Councillor Mike Henderson. Debate ensued where some Members questioned whether a site meeting was needed, given that there had been a recent site meeting close-by.

On being put to the vote, the motion for a site meeting was lost.

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

Debate ensued on the motion to refuse the application, which centred on the following themes:

- The location of the pathway/track and whether it would be possible to alter the proposed design if the Committee decided to approve the application;
- The need for bed and breakfast accommodation in the countryside;
- The need to preserve the barn, which was unlikely if the application was not approved;
- The need for diversification but the need to be consistent in approach, and for viability to be demonstrated;
- An opportunity to encourage tourism and that there was a shortage of holiday lets in the area;
- The changes in farming and the need for diversification.

The Head of Planning Services drew attention to paragraph 4.02 on page 74 of the report, in particular policy DM3, and reiterated that no evidence had been provided.

The motion to refuse the application was put to the vote, but was lost.

Councillor Nicholas Hampshire moved a motion: That the application be approved with the standard conditions and a condition regarding the provision of a bat box. This was seconded by Councillor Mike Baldock, who also suggested that officers look at the location of the path/road and also a condition regarding use as a bed and breakfast.

The Head of Planning Services advised that he did not wish to use his delegated powers to 'call-in' the application. The motion to approve the application was then put to the vote and agreed.

***Resolved: That application 18/503875/FULL be approved subject to standard conditions, conditions relating to bat mitigation and holiday let use and the Head of Planning Services agreeing a revised path/road layout.***

<b>3.3 REFERENCE NO - 18/503385/FULL</b>		
<b>APPLICATION PROPOSAL</b> New 3 bedroom self-build eco-home dwelling with garage and other associated amenities, to be built on the site of an existing dwelling and other buildings (already demolished).		
<b>ADDRESS</b> Little Miss Acres Farm Butlers Hill Dargate Kent ME13 9QH		
<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN COUNCIL</b> Hernhill	<b>APPLICANT</b> Dr Victoria Clayton <b>AGENT</b> Ms Miriam Layton

The Area Planning Officer confirmed that the application was for a three bedroom house.

Paul Marsh, a Supporter, spoke in support of the application.

Ian Grant, an Objector, spoke against the application.

Dr Victoria Clayton, the Applicant, spoke in support of the application.

The Chairman invited Members to ask questions, during which the Area Planning Officer advised that the site was not on the brownfield register; referred to paragraph 4.04 on page 90 of the report which set-out the definition of 'previously developed land' and showed photographs of the site; he assumed that the design of the house was to high environmental standards; that the application said it would be to Passivhaus Standard, but a condition could be included regarding that. In response to further questions, the Area Planning Officer further explained the definition of 'previously developed land'.

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

One of the Ward Members spoke in support of approving the application.

The Committee then debated the motion to refuse the application, during which comments were made on the following themes:

- As a building had previously been located on the site, that the application should be approved;
- That the design of the house should be of exceptional quality and design and therefore the design should be improved.

During the debate, Councillor Mike Baldock moved a motion for a site meeting, which was seconded by Councillor Nigel Kay. On being put to the vote, the motion was lost.

The motion to refuse the application was then put to the vote and agreed.

**Resolved: That application 18/503385/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 – Land Rear Of 31 The Leas, Minster-on-Sea**

**Delegated Refusal**

**APPEAL ALLOWED**

Members expressed disappointment on this outcome.

- **Item 5.2 – Land Between 90 And 92 Barton Hill Drive, Minster-on-Sea**

**Delegated Refusal**

**APPEAL ALLOWED**

Members expressed disappointment on this outcome.

- **Item 5.3 – 83 Chatsworth Drive, Sittingbourne**

**Enforcement and Delegated Refusal**

**SPLIT DECISION & COSTS APPELLANT'S CLAIM FOR REFUSED**

- **Item 5.4 – 11 Hustlings Drive, Eastchurch**

**Enforcement and Delegated Refusal**

**ENFORCEMENT AND PLANNING APPEALS DISMISSED**

Members expressed congratulations on this outcome.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

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