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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, 6 December 2018 from 7.00pm - 9.47pm.

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

**OFFICERS PRESENT:** Simon Algar, Rob Bailey, Andrew Jeffers, Kellie MacKenzie, Cheryl Parks, Steve Wilcock and Jim Wilson.

**ALSO IN ATTENDANCE:** Councillor Lynd Taylor.

**APOLOGY:** Councillor Prescott.

### 374 FIRE EVACUATION PROCEDURE

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

### 375 MINUTES

The Minutes of the Meeting held on 8 November 2018 Minute Nos. (322 – 330) were taken as read, approved and signed by the Chairman as a correct record.

### 376 DECLARATIONS OF INTEREST

No interests were declared.

### 377 PLANNING WORKING GROUP

The Minutes of the Meeting held on 26 November 2018 (Minute Nos. 351 – 352) were taken as read, approved and signed by the Chairman as a correct record.

#### **18/503259/FULL – Land at Old Billet Lane, Eastchurch, Isle of Sheppey, Kent, ME12 4JJ**

The Area Planning Officer provided updates to queries raised by Members at the site meeting relating to: ownership and maintenance of the road; was the stable block to be repositioned or replaced and; how would a static caravan be moved onto/off the site. The Area Planning Officer stated that it was a private road, and maintenance was therefore the responsibility of residents. The applicant had indicated at the site meeting that they would be happy to help maintain the section from their access to the junction. The Area Planning Officer clarified that damage to an unadopted road was not a material planning consideration on which the application could be determined, nor did the applicant's offer to maintain it carry any weight. Notwithstanding that, the road was in private ownership, and any

maintenance would need to be the subject of agreement between the applicant and the owner of the road. The applicant had advised that the existing stables could be repositioned with the insertion of some replacement bracing timbers.

The Area Planning Officer reported that, with regard to delivery of the static caravan, it would be delivered by low loader, off-loaded on Plough Road, Eastchurch in sections, and transported onto the site by 4x4. The Area Planning Officer stated that Members should be clear that this was not a material planning consideration that could be taken into account.

The Area Planning Officer advised that the applicant had confirmed during the site visit that there were no specific health issues for their grandchildren that they were putting forward as a material consideration. He explained that reference to this within the report had arisen from a misunderstanding between the agent and the case officer.

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

A visiting Ward Member spoke against the application.

In response to a point raised by the Ward Member, the Area Planning Officer stated that a lack of local connection was not a material planning reason to refuse an application.

Members were then given an opportunity to ask questions, during which the Area Planning Officer confirmed that the stables would be moved to the rear of the site where the mobile home was. Planning permission could be granted whether the applicants had access to the site or not, as this was for them to agree with the landowner. There were numerous gypsy and traveller sites on the Isle of Sheppey and it had never been argued that they would set a precedent for year-round occupation of holiday sites.

In response to a query from a Member, the Area Planning Officer stated that he had not walked from the site to Eastchurch Primary School and he was not aware that the case officer had either.

The Committee debated the proposal to approve the application, and raised points which included:

- Issues around the cesspit would be dealt with under building regulations;
- most of the objections raised were not material planning considerations;
- considered the arguments regarding sustainable site had been “over-stretched”;
- was akin to garden grabbing and not an appropriate site;
- not ideal site but there were plenty of similar examples around the Borough;
- inaccuracies in the original application;
- over-intensive development of a small site; and.
- would cause harm to adjoining residents.

Councillor Mike Baldock proposed the following motion: “That a condition be imposed stating that no equestrian use on the site be allowed”. This was not seconded.

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

Councillor Andy Booth moved the following motion to refuse the application: “That the application be refused as: it would lead to an over-development of the site; inappropriate use of the space; was not in a sustainable location in relation to safe passage for children to the local school; would cause demonstrable harm to the historic amenity of the area; and lack of residential amenity.” This was seconded by Councillor Mike Dendor.

Councillor Mike Baldock proposed the following amendment to the motion to refuse the application: “would have an adverse impact to the residential amenity of neighbouring gardens.” Councillor Cameron Beart proposed the following amendments: “Harm to visual amenity and the character and appearance of the countryside.”

The Area Planning Officer sought clarification on the reasons to refuse the application. He suggested: over-development in terms of lack of amenity space; sustainability in relation to no safe route to nearby settlements rather than the local school; and adverse impact on residential amenity by virtue of overlooking to private gardens of adjoining residents. These amendments were agreed by both the proposer and seconder of the original motion.

On being put to the vote the motion to refuse the application as amended was agreed.

***Resolved: That application 18/503259/FULL be refused as it would lead to an overdevelopment of the site giving rise to a lack of amenity space, was not sustainable in terms of access to local settlements, and would have an adverse impact on residential amenity and harm to visual amenity and the character and appearance of the countryside.***

### 378 DEFERRED ITEM

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO - 16/508709/FULL		
<b>APPLICATION PROPOSAL</b>		
Erection of 10 no. dwellings with associated parking and landscaping as amended by drawings and information received on 13 September 2018.		
<b>ADDRESS</b> Former Oil Depot, Abbey Wharf, Standard Quay, Faversham, Kent ME13 7BS		
<b>WARD</b> Abbey	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> NOVA Kent Limited <b>AGENT</b> Angus Brown

The Major Projects Officer drew attention to the tabled update, which outlined additional representations received from: local residents some in objection and some in support; the Faversham Society and Faversham Footpath Group. The update also included details of amended wording to conditions (13) and (16) on page 10 of the report; inclusion of a Section 106 Agreement; Special Protection Area mitigation and an additional condition requiring retractable bollards.

The Major Projects Officer reported that in addition, and with specific respect to works to the Creek Wall, authority was sought to impose an additional condition requiring that the development be implemented in full accordance with the details approved under planning permission 16/505907/FULL and GES drawing 'Ecologically Enhanced Vertical Shore Side Wall' (Revision A). The condition would also require that precise details of the ecological measures for the Creek Wall be approved before the development was commenced and that the measures were then fully implemented.

The Major Projects Officer stated that delegation was sought to approve the application subject to the refinement of conditions (13) and (16) to make appropriate reference to the Creekside Walkway, the suggested additional conditions, the other conditions in the report, and the signing of a suitably-worded Section 106 Agreement. Authority was also sought to refine the wording of the conditions as set-out in the Committee report, if this proved to be necessary.

Cathy McNab, on behalf of the applicant, spoke in support of the application.

The Chairman invited Members to ask questions. A Member raised concern that the application still did not accord with guidance within the Faversham Creek Neighbourhood Plan (FCNP) and believed that the FCNP had stated that the footpath should be four metres wide, but the applicants had stated it would be three metres wide. He also queried why affordable housing was not to be included. The Member raised concern that the proposed moorings would not be public and stated that pages 26 – 37 paragraphs 6.21 and 6.22 of the FCNP were detailed and clear that these should be for visitors to the area.

The Major Projects Officer stated that with regard to affordable housing, recent government guidance stated that this only applied to developments of 11 or more properties. He did not consider that the FCNP stated that moorings had to be public, and if they were public it would imply they would have to be adopted by a public body. He considered private was more reasonable. The Major Projects Officer considered that CLR2 of the FCNP referring to slipways and moorings had been complied with and assessed in a "rounded" way, and provision of the walkway would be of benefit to the public. With regard to CLR5 of the FCNP community involvement, the application had been to Planning Committee twice with Faversham Town Council, Faversham Society and members of the public being given the chance to comment twice on the application, which he considered had helped to improve the quality of the final application. Foul surface water was dealt with under condition (8) of the Committee report. The Major Projects Officer confirmed that Marine Management had not commented on the application.

A Member queried whether the landowner had leased the land where the walkway was being put? The Major Projects Officer agreed to check ownership, and confirmed that a Certificate A had been completed by the applicant.

The Major Projects Officer drew attention to the tabled paper which referred to imposing a condition for retractable bollards. He considered this sensible as without it there was a risk the area would be used as a 'cut-through'. With regard to possible contamination, he advised that details of the remediation strategy would be available at the appropriate time, and put on the planning website for the public to look at.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Cameron Beart.

The Committee debated the proposal to approve the application, and raised points which included:

- public moorings were key;
- increase in large vessels using the creek had caused silting-up;
- the FCNP made reference to improving tourism in the area and public moorings would help with this;
- the point of the FCNP was to create creek wide policies to restore the attributes of the area, including improving public access to the Creekside;
- needed to increase the proposed Special Protection Area payment.
- officers should give more attention to providing public moorings;
- concerned that the developer had had to be pushed to make improvements;
- officers needed to ensure that conditions were "water-tight";
- considered some Members were getting "tied-up" on private/public moorings and unsure how this could be conditioned;
- considered that the applicants had made an effort to improve the application;
- moorings were similar in some ways to allocated parking spaces; and
- delegate to negotiate with the applicant for the walkway to be 4 metres wide.

Councillor Mike Henderson moved the following amendments: "That the balconies be of a bespoke design; payment for areas close to SPA, officers should ensure these were "watertight" and that payment was made before development commenced on-site and that 50% mooring space be made available to visitors." This was seconded by the Chairman. On being put to the vote the amendment was approved.

The Major Projects Officer reported that he could not find reference in the FCNP that the pathway should be four metres wide. He considered that 50% mooring space for visitors was a good suggestion which officers could negotiate via the Section 106 Agreement rather than by condition.

***Resolved: That application 16/508709/FULL be approved subject to:***

- (a) conditions (1) to (28) in the report, refinement of conditions (13) and (16) to make appropriate reference to the Creekside Walkway, the suggested additional conditions relating to retractable bollards***

- (including arrangements to ensure that they are kept raised except in specified instances) and works to the Creek Wall;*
- (b) the signing of a suitably-worded Section 106 Agreement and refinement of the wording of the conditions set out in the Committee report, if necessary;*
- (c) that officers negotiate with the applicants a bespoke design for the balconies and amend the wording of condition (11) to secure this;*
- (d) ensure that the payment for mitigation of impacts on the SPA is made before development on site commences;*
- (e) that 50% of the moorings be made available to visitors via the Section 106 Agreement; and*
- (f) that the Section 106 Agreements should also ensure that public access to the walkway is safeguarded in perpetuity.*

### 379 SCHEDULE OF DECISIONS

#### PLANNING COMMITTEE – 6 DECEMBER 2018

#### PART 2

Report of the Head of Planning

#### PART 2

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 18/505342/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Conversion of garage to habitable room and erection of single storey front extension.			
<b>ADDRESS</b> 10 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 Darryl Creed <b>AGENT</b> GBA Designs

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 Councillor Cameron Beart.

The Chairman invited Members to ask questions, during which the Area Planning Officer explained that with regard to the 67% increase in floorspace, there was no upper limit on what you could extend to in built-up areas. The Area Planning Officer agreed that each application should be considered on its merits, however the Planning Committee had considered and approved an almost identical application in May 2018 at the property next door, so needed to be consistent. He referred to paragraph 8.03 on page 43 of the committee report which referred to the removal of the sleeper wall which should reduce the likelihood of cars overhanging the pavement.

**Resolved:** That application 18/505342/FULL be approved subject to conditions (1) to (3) in the report.

## 2.2 REFERENCE NO - 18/504307/FULL

### APPLICATION PROPOSAL

Erection of two detached dwellings with associated access and car parking. Alterations to the existing access and parking for 343 Minster Road.

**ADDRESS** Land At Rear Of 343 Minster Road Minster-on-sea Sheerness Kent ME12 3NR

**WARD** Sheppey Central

**PARISH/TOWN COUNCIL**  
Minster-on-Sea

**APPLICANT** Mr Lee Halsey  
**AGENT** Michael Gittings Associates

The Chairman moved a motion for a site meeting, and this was seconded by Councillor Mike Dendor. On being put to the vote the motion was agreed.

Mr John Croall, an objector, and Mr Andrew Street, the Agent were advised that they could still speak now, and at the Planning Working Group meeting, but not at the meeting afterwards. Mr Croall and Mr Street chose not to speak at this meeting.

A Member requested that an officer from Kent Highways and Transportation attend the site meeting.

**Resolved:** That application 18/504307/FULL be deferred to allow the Planning Working Group to meet on site.

## 2.3 REFERENCE NO - 18/503678/FULL

### APPLICATION PROPOSAL

Erection of a 2 bedroom chalet style bungalow on land to rear gardens of 344 and 346 Minster Road.

**ADDRESS** 344 Minster Road Minster-on-sea Sheerness Kent ME12 3PE

**WARD** Minster Cliffs

**PARISH/TOWN COUNCIL**  
Minster-on-Sea

**APPLICANT** Mrs Lynne Creed  
**AGENT** Deva Design

The Chairman moved a motion for a site meeting, and this was seconded by Councillor Nicholas Hampshire. On being put to the vote the motion was agreed.

A Member asked that the proposed plot be marked out on the site at the meeting.

**Resolved:** That application 18/503678/FULL be deferred to allow the Planning Working Group to meet on site.

<b>2.4 REFERENCE NO - 18/504824/FULL</b>		
<b>APPLICATION PROPOSAL</b> Change of use of part of shop to provide a 1no. one bedroom flat for shop owners residential use (Resubmission of 18/503588/FULL)		
<b>ADDRESS</b> 16 Hawthorn Road Sittingbourne Kent ME10 1BB		
<b>WARD</b> Chalkwell	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Hawthorn Convenience Store <b>AGENT</b> Mr Ken Crutchley

Councillor Ghlin Whelan moved a motion for a site meeting. This was seconded by Councillor Nicholas Hampshire. On being put to the vote the motion was agreed.

Mrs Weatherall, an objector, spoke against the application.

Mr Kapoor, the Applicant, spoke in support of the application.

In response to queries from a Member, the Area Planning Officer showed Members photographs of the existing property and drawings which showed the proposed windows which he considered were of a standard size.

**Resolved: That application 18/504824/FULL be deferred to allow the Planning Working Group to meet on site.**

<b>2.5 REFERENCE NO - 17/504283/FULL</b>		
<b>APPLICATION PROPOSAL</b> Proposed change of use of quarantine room/office/reception/storage to dwelling for disabled person (retrospective).		
<b>ADDRESS</b> 2 South Leas Farm Cottages Lower Road Brambledown Minster-On-Sea ME12 3SW		
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN COUNCIL</b> Minster-on-Sea	<b>APPLICANT</b> Mrs Rachel Burden <b>AGENT</b>

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Cameron Beart.

**Resolved: That application 17/504283/FULL be approved subject to condition (1) in the report.**

<b>2.6 REFERENCE NO - 18/503080/FULL</b>		
<b>APPLICATION PROPOSAL</b> Variation to condition 4 of application SW/10/0485 (change of use from stabling for private use to commercial stud farming and livery) to allow unrestricted overnight use of an existing caravan/mobile home by the applicant, employees and customers of the stud farm.		
<b>ADDRESS</b> Bell Grove Stud Farm Halstow Lane, Upchurch, Sittingbourne, Kent, ME9		



7AB			
<b>WARD</b>	Hartlip, Newington and Upchurch	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Tye Simms <b>AGENT</b> Architectural Designs

Mrs Beerstecher, an objector, spoke against the application.

Mr Michael Tamsett, the Agent, spoke in support of the application.

The Area Planning Officer clarified that the site already had planning permission for overnight use of a caravan/mobile home for four nights per week, in association with the livery use. This application was to increase this to seven nights per week.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Cameron Beart.

The Chairman invited Members to ask questions, during which the Area Planning Officer advised that blocking of a footpath was not a material planning consideration, but the responsibility of the Public Rights of Way Officer at Kent County Council (KCC). A similar application had been refused in 2014, but the applicant had since then proven that it was successful business and the Council's rural planning consultant supported the application. Condition (1) of the committee report tied the use of the caravan for persons using the livery only. The Area Planning Officer confirmed that the objection from Upchurch Parish Council was a material planning consideration. It would not be possible to impose a condition restricting vehicle movements to and from the site during peak travel times as this was not enforceable.

A Member stated that the livery use was a countryside activity and should be supported.

***Resolved: That application 18/503080/FULL be delegated to officers to approve subject to condition (1) in the report and receipt of appropriate Strategic Access Management and Monitoring Strategy payment.***

### PART 3

Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 18/503080/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Variation of conditions 2 and 3 of planning application 15/510605/FULL to allow for speedway motorcycle racing to operate between 1st March and 31st October once per week only, on Monday to Saturday, with an additional 40 minutes on Fridays and Saturdays (between 1700 and 2110 hours), plus four Bank Holiday afternoon meetings.			
<b>ADDRESS</b> Central Park Stadium Church Road Sittingbourne Kent ME10 3SB			
<b>WARD</b> Murston	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b>	Cearn Sport

		Ltd <b>AGENT</b> Consultancy	PowerHaus
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The Area Planning Officer drew attention to the factual note from the applicant's agent which was tabled. The Area Planning Officer advised Members that reference in the report to the temporary permission for extra hours on a Friday having expired was incorrect. It could still be implemented and would last for four years. Bearing this in mind, Members needed to consider whether the addition of Saturday as a potential evening for racing was acceptable. The Area Planning Officer stated that, in his view, the application remained unacceptable for the reason set-out in the report.

Michelle Rolfe, an Objector, spoke against the application.

Roger Cearn, the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation to refuse the application, and this was seconded by Councillor Cameron Beart.

The Environmental Protection Team Leader reported that he was aware of the history of the site, and the large number of complaints received about noise pollution emanating from the site. He considered that noise from the site was intrusive to local residents, but noted that atmospheric conditions played a part in how intrusive it could be. The Environmental Protection Team Leader considered that there was some acceptance amongst local residents about the situation, and that officers were unlikely to progress such complaints, due to lack of frequency and that they could not be considered a nuisance.

The Chairman invited Members to ask questions, during which the Environmental Protection Team Leader confirmed that they did have recorded evidence from 2013, which proved that noise from the site was intrusive. In his opinion, the acoustic barrier was not adequate protection.

The Area Planning Officer stated that neither officers from the Council's Environmental Protection Team or Planning Services had ever considered that the acoustic barrier would mitigate sound from the site. In response to a question from a Member, the Area Planning Officer reported that if granted on a temporary basis, a revocation of the Friday use was possible, but he was unsure of the means by which this could be imposed. The yearly racing fixtures would be advertised in the local press before the start of the season.

A Member raised concern that the applicant had not been made aware that residents had complained about noise from their site. The Area Planning Officer stated that from a planning point of view, they were not aware of any breach of planning control at the site.

The Committee then debated the motion to refuse the application and raised comments which included:

- concerned that local residents concerns were not being listened to;
- considered the application was premature;
- the acoustic fence did not comply with what the Council had requested; and
- environmental Health officers had been clear that noise levels were noticeable and had an adverse impact on local residents.

A Ward Member spoke against the application. He asked Members to support local residents and refuse the application.

At this point the Area Planning Officer drew attention to an error in the reason for refusal and that it should refer to 8.30pm **on a Saturday**.

***Resolved: That application 18/504830/FULL be refused for the reason set out in the Committee report as amended.***

### **3.2 REFERENCE NO - 18/505113/FULL**

#### **APPLICATION PROPOSAL**

Second storey addition over Garage to side elevation with pitched roof to match existing (Resubmission of 18/502317/FULL)

**ADDRESS** 30 Ferry Road Iwade Sittingbourne Kent ME9 8RR

**WARD** Bobbing, Iwade and Lower Halstow

**PARISH/TOWN COUNCIL**  
Iwade

**APPLICANT** Mr Robert Ware-Lane  
**AGENT** Deva Design

Mr Robert Ware-Lane, the Applicant, spoke in support of the application.

Following a request from the Chairman, the Area Planning Officer advised that the Ward Members had not commented on the application.

The Chairman moved the officer recommendation to refuse the application, and this was seconded by Councillor Cameron Beart.

A Member spoke in support of the application. He stated that he had called-in the application as he considered that it was similar to the application at 6 Sheerstone, Iwade, a few doors down from the application site, which the Committee had refused but had been granted permission on appeal. The Committee had refused that application due to the terracing effect and harm to the loss of openness, however the Planning Inspector had not agreed and allowed the development.

Members debated the proposal and raised comments which included:

- did not consider that there was an established housing style along Ferry Road, Iwade;
- considered the Council would have difficulty supporting on appeal; and
- application would not result in a terracing impact or adverse impact on the streetscene.

The Area Planning Officer stated that the Council's policy on terracing in its supplementary planning guidance 1993 had helped the Council to win many appeals, and that it was specifically applicable to 1<sup>st</sup> floor side extension, rather than to ground floor level extensions.

Following the vote to refuse the application, the Chairman announced that the vote was tied, and used his casting vote to refuse the application.

***Resolved: That application 18/505113/FULL be refused for the reason set out in the Committee report.***

## **PART 5**

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

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- **Item 5.1 – 17 Kent Avenue, Sittingbourne**

**APPEAL DISMISSED**

**Delegated Refusal**

- **Item 5.2 – 27 Volante Drive, Sittingbourne**

**APPEAL DISMISSED**

**Delegated Refusal**

- **Item 5.3 – 1 Hales Road, Sittingbourne**

**ENFORCEMENT NOTICE APPEAL DISMISSED**

**Committee decision**

**Observations**

**Full support for the Council's action.**

- **Item 5.4 – 43 Hugh Price Close, Sittingbourne**

**APPEAL DISMISSED**

**ENFORCEMENT**

- **Item 5.5 – 66 All Saints Road, Sittingbourne**

**APPEAL ALLOWED**

**Delegated Refusal**

- **Item 5.6 – Cromas, Callaways Lane, Newington**

**APPEAL DISMISSED**

**Delegated Refusal**

Chairman

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