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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, 7 February 2019 from 7.00pm - 9.25pm.

**PRESENT:** Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth (Vice-Chairman, in-the-Chair), Richard Darby, Mike Dendor, Nicholas Hampshire, Harrison, Mike Henderson, James Hunt, Nigel Kay, Gerry Lewin (Substitute for Councillor Bryan Mulhern), Prescott, David Simmons (Substitute for Councillor Peter Marchington) and Ghlin Whelan.

**OFFICERS PRESENT:** Simon Algar, Rob Bailey, Philippa Davies, Andrew Jeffers, Cheryl Parks and Graham Thomas.

**APOLOGIES:** Councillors James Hall, Ken Ingleton, Peter Marchington and Bryan Mulhern.

### 486 EMERGENCY EVACUATION PROCEDURE

The Vice-Chairman in-the-Chair ensured that those present were aware of the emergency evacuation procedure.

The Vice-Chairman in-the-Chair asked if anyone would need specific assistance to evacuate the building, and Councillor Prescott confirmed that he would.

### 487 MINUTES

The Minutes of the Meeting held on 10 January 2019 (Minute Nos. 427 – 433) were taken as read, approved and signed by the Vice-Chairman in-the-Chair as a correct record, subject to recording that Councillor Peter Marchington was in attendance at the meeting.

The Meeting was adjourned from 7.03pm to 7.09pm to allow Members to read the following Minutes, if they had not already done so, as they had only just been published.

The Minutes of the Extraordinary Meeting held on 30 January 2019 (Minute Nos. 470 - 474) were taken as read, approved and signed by the Vice-Chairman in-the-Chair as a correct record subject to:

- Recording that Councillor Peter Marchington and Councillor Bryan Mulhern had sent their apologies;
- not including Councillor Mike Dendor in the recorded vote as he was absent;
- correcting the incorrect spelling of 'intensions' on page 479, paragraph two;
- the phrase '3-way signalling at Wises Lane was not a good option' on page 480, paragraph three, being noted as being a factual statement; and
- recording that Councillor Prescott required assistance if there was an emergency evacuation.

It was also noted that on page 476, paragraph four, that the seven wheelchair accessible dwellings were included in the 11 shortfall of affordable housing.

Councillor Mike Baldock requested that it be recorded that he did not agree the Minutes, as he had not read them in their entirety.

**488 DECLARATIONS OF INTEREST**

Councillor Richard Darby declared a Non-Pecuniary Interest in respect of item 2.6, 18/503267/FULL, 3 High Street, Queenborough. Councillor Darby left the Chamber whilst this item was considered and as such did not speak or vote on the item.

**489 SCHEDULE OF DECISIONS**

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 18/505899/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of outbuilding in rear garden (Part retrospective).		
<b>ADDRESS</b> Senekol, Southsea Avenue, Private Street, Minster-on-Sea ME12 2LU		
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN COUNCIL</b> Minster-On-Sea	<b>APPLICANT</b> Mr Jolyon Allen <b>AGENT</b>

Mr Jolyon Allen, the Applicant, spoke in support of the application.

The Vice-Chairman in-the-Chair noted with disappointment that there was not a representative from Minster Parish Council at the meeting.

The Vice-Chairman in-the-Chair invited Members to ask questions. A Member asked whether a condition could be added to ensure that the part-demolished section of the boundary wall, owned by Swale Borough Council (SBC) be re-instated? The Area Planning Officer stated that a condition could not be implemented as the wall was outside the boundary of the application site. He added that the Estates Team could be made aware of the condition of the wall, but this matter was not relevant to this application.

A Member referred to paragraph 8.12 in the report and asked if a condition could be added to prevent the outbuilding being used for residential purposes? The Area Planning Officer stated that a condition could be imposed so that it was used solely for ancillary and incidental purposes. He noted that it was unlikely that it would be used for residential purposes, due to its small size.

A Member considered the 4 metre height not to be of 'relatively low height'. Another Member noted that if there could not be a condition to determine the colour of the outbuilding, then perhaps the Applicant could be encouraged to use a colour

fitting to the setting of the building? The Area Planning Officer acknowledged that this could be done.

A Member asked whether there could be any conditions to control the nature of the walls, final finish etc. as he considered it could be an eyesore. The Area Planning Officer explained that the Permitted Development Rights could be removed in terms of painting the exterior of the building.

A Member asked what the normal height of a modern single-storey building was? The Area Planning Officer explained that there was not a typical height, but a range of between 3.5-5 metres to the ridge, and this was 4 metres to the ridge. There was no standard height.

The Vice-Chairman in-the-Chair 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 the followings points:

- Welcomed encouragement for the Applicant to use the appropriate paint colour for the setting;
- this was a well thought-out development;
- the design was good;
- this would not be turned into a dwelling, there should not be onerous conditions;
- happy to delegate to officers to discuss suitable paint colour;
- this was visible from nearby public footpaths, blue was not the right colour; would like to look at possibility of having a condition to control this;
- no problem with the application or the proposed colour;
- unfair to restrict the colour of the building; and
- needed to ensure that this was not utilised as a dwelling.

Councillor Cameron Beart moved a motion that a condition be added to prevent its use as a dwelling. This was seconded by Councillor James Hunt.

After further discussion, Members agreed delegation to officers to approve subject to discussion with officers and the Applicant about an appropriate colour for the exterior of the building to fit-in with its setting, and not for a condition to remove Permitted Development Rights.

***Resolved: That application 18/505899/FULL be delegated to officers to approve subject to conditions (1) to (2) in the report, an additional condition preventing use as a dwelling, and discussion with officers and the Applicant about an appropriate colour for the exterior of the building to fit-in with its setting.***

<b>2.2 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 reported that an additional representation had been received objecting to the application. The following points had been raised: the proposed building was excessively large for a garage; it was in an inappropriate position, and highly visible; it sat in a dominant position; the ridge height was 5.1 metres, could not understand why this was needed, and there was no reference to access or use of this roof space; the roof height should be reduced; objected to the grey roof and UPVC cladding; and did not object in principle to the application, but a more sympathetic design was needed, away from the common boundary.

Parish Councillor Gary Roswell, representing Upchurch Parish Council, spoke against the application.

Miss Jane Bastow, the Applicant, spoke in support of the application.

The Chairman invited Members to ask questions. In response to a statement made by the Applicant, a Member asked who had recommended that UPVC cladding be used? The Area Planning Officer explained that horizontal cladding might have been suggested, but was sure that an officer would not have recommended the use of UPVC.

A Member sought clarification on previous applications on the site and whether there was already a planning permission? The Area Planning Officer referred to page 16 of the report which set out minutes from previous meetings, and he confirmed that the 2001 application had been implemented.

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

A Ward Member spoke against the application and raised the following points: the site was located in a prominent position; the development abutted the boundary so there were issues with maintenance; it sat next to Mill House, an 18<sup>th</sup> century building; the scheme would be more acceptable if the building was reduced in height, and away from the boundary; the applicant had not reduced the height; and considered the height was not needed for its intended use.

The Committee debated the proposal to approve the application and raised the followings points:

- Did not like be threatened with appeal proceedings, as noted in paragraph 1.2;
- this would be improved with a lower roof height to lessen the visual impact;
- the 2001 application had been implemented and was far larger and less pleasing than the current application, and the Council would lose on appeal if this application was refused;
- the applicant was ‘going around in circles’ with this application;
- the height had been reduced, compared to the 2001 application, and was not an issue any more;
- the potential maintenance issue because the building was close to the boundary was not a planning matter; and
- this was an improvement to the buildings already there.

Councillor Mike Henderson moved a motion: that the application be delegated to officers to approve subject to agreeing to a suitable cladding material. Members agreed with this, and on being put to the vote, the motion was agreed.

**Resolved: That application 18/503348/FULL be delegated to officers to approve subject to agreeing to a suitable cladding material and to conditions (1) to (4) in the report.**

<b>2.3 REFERENCE NO - 18/505192/FULL &amp; 18/505193LBC</b>			
<b>APPLICATION PROPOSAL</b>			
Alterations to renovate South Forstal Farmhouse and make fit for habitation including new porch, doors, windows, dormer, rooflight and room alterations.			
<b>ADDRESS</b> South Forstal Farm Almshouse Road Throwley Forstal Faversham Kent ME13 0PJ			
<b>WARD</b> East Downs	<b>PARISH/TOWN COUNCIL</b> Throwley	<b>APPLICANT</b> Mr Frank Stears	
		<b>AGENT</b> John Burke Associates	

Mr John Burke, the Agent, spoke in support of the application.

The Chairman invited Members to ask questions. A Member referred to paragraph 6.2 in the report and questioned whether the comments from the Society for the Protection of Ancient Buildings (SPAB) amounted to an objection and could the application be approved and SPAB be informed of the decision? The Area Planning Officer outlined the regulations regarding notifying SPAB when there was removal of a staircase, for example, from a listed building. He explained that SPAB were statutory consultees, and if they maintained an objection, and the application was approved, it would be referred to the Secretary of State. The Area Planning Officer explained that officers were being cautious in this situation, by bringing it to the Committee, so as not to be subject to challenge. The Conservation and Design Manager advised that the application had been carefully considered following pre-application discussions. There had been some concerns with the scheme in terms of the staircase, but it was a relatively modern structure and would be inappropriate

within a family home. He added that the possibility of putting in a replacement staircase in another location within the building would be likely to lead to the loss of more significant historic fabric. Canterbury Archaeological Trust had provided a detailed report and were in support of the application, and following this he had asked SPAB to review their comments, but further contact with SPAB had been unsuccessful.

A Member suggested a decision be made to approve, and ignore the concern expressed by SPAB, as the Council were not the final arbitrators? The Area Planning Officer explained that officers were asking Members to approve the application, and if they did, the application would be referred to the Secretary of State.

A Member asked to see the existing dormer window and asked if the new dormer was similar to the existing one in size and height? The Area Planning Officer advised that it was similar height, but maybe slightly larger.

A Member asked, bearing in mind some concerns with the addition of the dormer, that there be two rooflights instead? The Area Planning Officer explained that there was an issue with headroom, and that generally the addition of rooflights on this type of building was resisted, except in exceptional circumstances, as they were more alien to historic buildings.

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

A Member considered the plans were sympathetic and looked in character to the original building. There was no further debate.

**Resolved: That application 18/505192/FULL be approved subject to conditions (1) to (2) in the report.**

**Resolved: That application 18/505193/LBC be approved subject to conditions (1) to (10) in the report, and referral to the National Planning Casework Unit.**

<b>2.4 REFERENCE NO - 18/504141/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Demolition of existing buildings and erection of a single storey building to be used as a self-contained holiday accommodation with associated parking to front as amended by drawing 1110/02C.			
<b>ADDRESS</b> The Barns Fostall Kemsdale Road Hernhill Kent ME13 9JL			
<b>WARD</b>	Boughton	And	<b>PARISH/TOWN COUNCIL</b>
	Courtenay		Hernhill
<b>APPLICANT</b>		Mr C McGuire	
<b>AGENT</b>		Rebus Planning Solutions	

The Area Planning Officer reported that amended plans had been received which improved the fenestration. He sought delegated authority to approve the

application subject to securing a Strategic Access Management and Monitoring Strategy (SAMMS) mitigation contribution.

The Vice-Chairman in-the-Chair noted with disappointment that there was not a representative from Hernhill Parish Council at the meeting.

The Chairman invited Members to ask questions. There were no questions.

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

A Ward Member spoke in support of the application and asked about the access to the back garden. The Area Planning Officer explained that there was no independent access to the back garden.

The Committee debated the proposal to approve the application and welcomed the addition of holiday accommodation in the Borough.

**Resolved:** *That application 18/504141/FULL be delegated to officers to approve subject to conditions (1) to (8) in the report, and the securing of a Strategic Access Management and Monitoring Strategy mitigation contribution.*

<b>2.5 REFERENCE NO - 18/503217/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Raising the roof height for the creation of a first floor to existing bungalow as amended by drawing no's. TS/2156/PD/02 D; TS/2156/PD/04 F and TS/2156/PD/05 D			
<b>ADDRESS</b> 28 The Street Oare ME13 0QE			
<b>WARD</b>	Teynham	And	<b>PARISH/TOWN COUNCIL</b>
Lynsted			Oare
<b>APPLICANT</b>		Mr B Taggart	
<b>AGENT</b>		Red House Design	

The Area Planning Officer reported that following concerns that the bungalow would be converted to a full 2-storey house, the application had been amended to a chalet bungalow instead.

Bex Ratchford, representing Oare Parish Council, spoke against the application.

Sonia Jackson, an objector, spoke against the application.

Nigel Brown, the Agent, spoke in support of the application.

The Chairman invited Members to ask questions. A Member noted the shortage of bungalows in the Borough and asked if there was a policy with regard to bungalows, and in particular in converting them to a house? The Area Planning Officer explained that there was not a policy, but there needed to be planning permission in place to do a conversion of this type, i.e. it could not be carried out by Permitted Development Rights.

A Member asked about the nearby listed buildings. The Area Planning Officer confirmed that nos. 7 and 9 Church Road, Oare, were listed buildings.

A Member asked about the distances from these buildings to the application site, particularly their patios? The Area Planning Officer explained that there was a distance of 21 metres from these properties. He indicated on the site plans and photographs, and explained that the distance from the application site to the rear patio of no. 9 was about 10 metres away. The patio areas nearest to both houses, nos. 7 and 9, were not visible from the application site.

The Vice-Chairman in-the-Chair 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 the followings points:

- It would be good to understand the topography of the site a bit better;
- the bungalow was barely visible at all from the road, but the overall view was one of a village centre;
- it seemed that officers had looked at the application site from many viewpoints, reference paragraphs 9.3 to 9.6;
- 1.9 metres was the maximum increase to the building's height, so it was not a vast increase;
- it was not unreasonable for residents to develop their homes like this;
- this looked like a house;
- stock of bungalows should be retained, for the ageing population;
- needed to think very seriously about the loss of a bungalow;
- this would be an imposing building, with an impact on the setting of the listed buildings;
- there was not an over-riding need to convert the building;
- there were other bungalows in the area, i.e. there was not a lack of them;
- agree that it was good to have bungalows, but there was no policy on this;
- the distances from the listed buildings was adequate;
- there were 3-storey buildings near-by;
- there was a tiny amount of bungalows built, in comparison to those that were converted to houses;
- people needed bungalows;
- needed to look at having a bungalow policy;
- cannot see the need to convert to a house, when there were houses that could be bought;
- refusal on the grounds of conversion to a house could be lost on appeal;
- concerned with the size and scale of the application;
- this was a substantial change; and
- overlooking issues.

**Resolved: That application 18/503217/FULL be approved subject to conditions (1) to (6) in the report.**

<b>2.6 REFERENCE NO - 18/503267/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of building consisting of 2no. one bedroom flats.			
<b>ADDRESS</b> 3 High Street Queenborough Kent ME11 5AA			
<b>WARD</b> Queenborough And Halfway	<b>PARISH/TOWN COUNCIL</b> Queenborough	<b>APPLICANT</b> Mr S Latham <b>AGENT</b> Michael Gittings Associates	

The Area Planning Officer reported that the Environmental Health Manager had no objection to the application.

Andrew Street, spoke on behalf of the Agent, in support of the application.

The Chairman invited Members to ask questions. A Ward Member referred to paragraphs 6.3 and 8.11 in the report. Paragraph 6.3 had stated that this development did not meet the criteria to warrant involvement from the Highway Authority, whereas paragraph 8.11 stated that Kent County Council Highways and Transportation did not raise any objection to the proposal on parking and highway safety grounds, and that a planning objection on these grounds was very unlikely to be sustained at appeal. The Ward Member asked whether the information in paragraph 8.11 was incorrect, and the Area Planning Officer, replied ‘yes’.

A Member asked why the 2017 planning application for two bungalows had been refused? The Area Planning Officer referred the Member to page 44 of the report, paragraph 8.7 and stated that it was because it was considered there would be overlooking, to and from the bungalows. On this application, there were no rear-facing windows proposed.

A Member queried the decision not to have any off-street parking provision. The Area Planning Officer explained that this was considered to be a sustainable location, with bus routes, and railway, plus a nearby car park.

A Member requested details of the materials being used and whether this was in-keeping with the surrounding area? The Conservation and Design Manager explained that a range of materials had been looked at for the application site, with slate and weatherboarding being settled on as these were prevalent in the area. He stated that this was a relatively informal part of Queenborough, containing some workshop type buildings, and a converted workshop design based approach therefore been deemed appropriate.

A Member requested there be a residential tie on one of the flats for Queenborough residents. The Area Planning Officer explained that this could be looked into, but it would need to be justified to address harm, and he could not see what harm it would address.

A Ward Member stated that the bedroom window would overlook all four gardens of the Swale Cottages, and asked how this would be addressed? The Area Planning Officer explained that there was a high sill level, and windows could be obscure glazed by imposing conditions if necessary.

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

A Ward Member spoke against the application and raised the following points: this was the only residential property that fronted onto West Street, others faced the sea and had parking to the rear; there was no residential amenity, and no outlook, facing onto undeveloped land; parking was a major issue since an increase in development in the area; dropped kerbs, and gated entrances limited parking opportunities; HGVs drove along West Street; there could be four additional cars as a result of this development; this was to the rear of four listed buildings; private amenity space was needed; it was highly inappropriate as it had been 'squeezed-in'; it was not-in-keeping with the street scene; and the report seemed contradictory to the previous application in terms of the impact on the listed buildings.

The Committee debated the proposal to approve the application and raised the followings points:

- Two flats without parking provision was a concern;
- would support if there was a residential tie for local people who might not need a vehicle;
- initially concerned with this, but overlooking issues seemed to have been addressed;
- happy with the design/industrial look;
- Members knew the reality of not needing car parking because of local transport nearby, it did not work;
- a condition was needed so that no-one with a car could buy one of the flats;
- parking needed to be provided;
- needed to look at the impact on the historic buildings; and
- this was not-in-keeping.

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

Some Members considered the officer photographs and plans were sufficient to make a decision now.

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

Councillor Cameron Beart moved the following motion: that the application be refused on the grounds of it being not in keeping with the streetscene; the impact and harm to nearby listed buildings; overbearing impact on Swale Cottages; harmful to the setting of the Conservation Area; lack of residential amenity due to lack of private amenity space; and lack of suitable parking provision, and highway safety and convenience. This was seconded by the Vice-Chairman in-the-Chair.

Councillor Mike Baldock moved the following amendment: that if a residential tie was included, Members would not seek to oppose it. This was withdrawn as it did not sit aside the motion on the table.

In response to a question, the Area Planning Officer did not consider there was an overbearing aspect to this application, but added that in this case Members could make a reasonable case for its overbearing impact.

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

**Resolved:** *That application 18/503267/FULL be refused on the grounds of it being not-in-keeping with the streetscene; the impact and harm to nearby listed buildings; overbearing impact on Swale Cottages; harmful to the setting of the Conservation Area; lack of residential amenity due to lack of private amenity space; and lack of suitable parking provision, and highway safety and convenience.*

<b>2.7 REFERENCE NO - 18/505929/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Erection of 6no. 3 bedroom houses in 2 terraces of 3 houses each, with associated gardens, general landscaping and visitor parking (11 spaces total).		
<b>ADDRESS</b> Land Rear Of 54-76 Oak Road Sittingbourne Kent ME10 3PF		
<b>WARD</b> Murston	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> PSP Facilitating Ltd <b>AGENT</b> Pozzoni Architecture Ltd

This item was withdrawn from the agenda.

<b>2.8 REFERENCE NO - 18/505350/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Erection of a two storey supported living unit, providing 12 apartments together with associated access, parking and landscaping.		
<b>ADDRESS</b> Land To The East Of Love Lane Faversham Kent ME13 8YN		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Greenacre Independent Living Ltd. <b>AGENT</b> DHA Planning

This item was withdrawn from the agenda.

**PART 5**

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

- **Item 5.1 - Collington Farm House, Ashford Road, Badlesmere**

**PLANNING AND LISTED BUILDING APPEALS DISMISSED**

- **Item 5.2 – 1 Westwood Court Cottages, Westwood Court, Sheldwich**

**DELEGATED REFUSAL**

**APPEAL ALLOWED**

A Member expressed disappointment with this outcome and the Planning Inspector's comments.

- **Item 5.3 – 12 Easton Drive, Sittingbourne**

**DELEGATED REFUSAL**

**APPEAL DISMISSED**

Chairman

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