
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 4 April 2019 from 7.00pm - 9.28pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Bobbin, Richard Darby, James Hall, Nicholas Hampshire, Harrison, Mike Henderson (Chairman), James Hunt, Ken Ingleton, Nigel Kay, Peter Marchington, Prescott and Roger Truelove (Substitute for Councillor Ghlin Whelan).

OFFICERS PRESENT: Philippa Davies, Paul Gregory, Andrew Jeffers, Ross McCardle and Cheryl Parks.

ALSO IN ATTENDANCE: Councillors Monique Bonney and Lynd Taylor.

APOLOGIES: Councillors Mike Dendor and Ghlin Whelan.

594 ELECTION OF CHAIRMAN

Resolved:

(1) That Councillor Mike Henderson be elected Chairman for this meeting.

595 EMERGENCY EVACUATION PROCEDURE

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

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

596 MINUTES

The Minutes of the Extraordinary Meeting held on 28 February 2019 (Minute Nos. 525 – 528) were taken as read, approved and signed by the Chairman as a correct record.

The Minutes of the Meeting held on 7 March 2019 (Minute Nos. 542 – 547) were taken as read, approved and signed by the Chairman as a correct record, subject to noting in Minute No. 543, that Councillor Mike Baldock had not agreed the minutes of the meeting on 30 January 2019 as he considered insufficient time had been given to read them.

597 DECLARATIONS OF INTEREST

Councillor Cameron Beart declared a Disclosable Non-Pecuniary Interest in respect of item 2.1, 18/501726/FULL, Land between 119a and 121a High Street, Sittingbourne, as he was Chairman of the Licensing Sub-Committee, when the licensing application had been considered. He reminded Members that Planning and Licensing were two separate regimes.

598 PLANNING WORKING GROUP

The Minutes of the Meeting held on 25 March 2019 (Minute Nos. 582 – 585) were taken as read approved and signed by the Chairman as a correct record.

2.5 18/505929/FULL Land rear of 54 – 76 Oak Road, Sittingbourne, ME10 3PF

The Senior Planner referred Members to the tabled update which provided a response to land ownership issues raised by a neighbouring resident at the site meeting. The Senior Planner advised that the entire site was owned by the Council. The resident did not own part of the site, but the freeholder of No. 54 (Optivo) had a right to park on the land. However, that right was being surrendered, with the Council compensating both the freeholder and the resident.

The Senior Planner also reported that a tiny slither of land to the south-eastern side of the site was not owned by the Council, and so the application site had been amended to reflect this. As a consequence, the footpath along the access had been made level and converted to a shared surface, rather than a raised footpath. The Senior Planner explained that since the tabled paper had been written, there was a further update in that all the parking would remain as set-out originally. Kent County Council (KCC) Highways and Transportation had no objection to the above amendment. The Senior Planner confirmed that the entrance to the site would be 4.3 metres, narrowing to 3.9 metres at the pinch point. He considered there was sufficient space to pass, with clear visibility, and it would not result in any waiting on the highway.

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.

A Ward Member asked why the scheme had not been put out to tender. He was advised that this was not a planning consideration.

A Member asked why, as there had been so many changes to the application, that the application had not been put-out for fresh consultation. The Senior Planner explained that the changes had been too minor, and on this basis there was no legal requirement to warrant further consultation.

A Member sought clarity on whether the Ward Member had objected to the application as noted in the original report. The Ward Member explained that he had called it in, but not objected to it.

A Member asked why access to the site could not be from the north side as he considered this to be a better angle for visibility and egress. The Senior Planner explained that this option had been considered in the early stages of the application, but was rejected because the access would come out onto the bus lane, and so the southern access was the preferred option.

A Ward Member spoke against the application. He explained that Oak Lane was a bus route, with bus stops close to the application site; there were access issues,

with potential for congestion on the busy road; social housing had not been considered; a medical centre/pub/school had been promised; the community were happy to plant-up the site; pollution issues to health from toxic fumes; the development would increase traffic issues; and this should be a community amenity site instead and an open space.

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

- Unfortunate that the Council had to pay compensation money;
- if there was to be housing here, it should be social housing;
- hard to believe that two vehicles could pass each other on the access road;
- there would be chaos entering and leaving the site;
- reversing out of the site would cause problems;
- this was not an appropriate access road;
- re-consultation should be carried out;
- happy that vehicle tracking had been carried out, and a fire engine could access the site;
- happy with the width of the access;
- issue with sight-lines, with parked cars, especially if reversing;
- cars should park further away from the application site to mitigate visibility issues; and
- KCC Highways and Transportation were happy with this, so we could not refuse on highway grounds.

The Senior Planner re-iterated that the width for the first half of the access was wide enough so there was no need for vehicles to reverse.

Resolved: That application 18/505929/FULL be approved subject to conditions (1) to (13) in the report.

2.3 19/500219/FULL 20 Hustlings Drive, Eastchurch, Sheerness, ME12 4JX

A visiting Ward Member spoke against the application on behalf of local residents. He explained that they had not understood why another garage was being built, why four garages were needed, and that an upstairs dwelling was not appropriate for a disabled person. The Ward Member said there was a covenant on all the properties which stated that no additional dwellings were to be built. He added that this was a new footprint and would set a dangerous precedent, and could effect the whole ethos of the estate. The Ward Member suggested, that if the application was approved, a condition be added to ensure that the garage remained ancillary to the host dwelling.

In response, the Senior Planner explained that covenants, 'needs', and the consideration of the upstairs accommodation for a disabled person were not planning issues. The covenant was a private matter, not a planning restriction. Setting a precedent could not be taken into account as each planning application was considered on its own merits. He also explained that condition (5) in the report dealt with the issue raised with the garage being ancillary to the main dwelling.

The Chairman invited Members to ask questions.

A Member was concerned that the family circumstances were not a planning consideration as he thought they had been in other applications. The Senior Planner explained that personal circumstances could be a planning consideration, but in this case, as the applicant had chosen their accommodation to be upstairs and the potential occupier happened to be disabled, it was not.

A Member asked whether the new building would be used as a workshop or a garage? The Senior Planner understood that it was going to be used as a workshop, but could be used as a garage as well.

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 the following points:

- There were a number of issues that were not planning considerations, but were problems none the less;
- ancillary buildings did not usually allow a kitchen, this had a kitchen and a bathroom, so could be a separate dwelling;
- it would be difficult to enforce condition (5);
- there were large gaps between all the houses on the estate, this was not-in-keeping with the street scene;
- this would in-fill the gap and appear like a separate building;
- potential for problem with parking;
- happy that the dwelling had its own facilities in the circumstances;
- concerned that this was separate, and not an extension of the main house; and
- garages at both ends of the house was contrary to the street scene and out-of-place.

In response to a further question, the Senior Planner advised that the applicant owned the grass area to the front of the property.

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

There was some discussion on the reasons for refusal which included: not-in-keeping with the street scene; visual appearance; this encroached on large amenity space; it was 'shoe-horned' in; and it was detrimental to visual amenity and the character of the area.

The Senior Planner referred Members to the report from the meeting on 7 March 2019, page 114, which had set-out some possible reasons for refusal which included scale and location, poor design; and issues of the potential for a self-contained building/new dwelling.

Members were happy to delegate the final wording of the refusal to officers. The Senior Planner suggested: harmful to the street scene because of the scale and

position; in-fill of a visual gap; harmful to visual amenity, and harmful as it represented a separate self-contained new dwelling. Members agreed to this wording.

Resolved: *That application 19/500219/FULL be refused and the reasons be delegated to officers, but to include harmful to the street scene because of the scale and position; in-fill of a visual gap; harmful to visual amenity, and harmful as it would result in a separate self-contained new dwelling.*

599 DEFERRED ITEM

Reports shown in previous Minutes as being deferred from that Meeting

Def Item No. 1			REFERENCE NO - 18/503723/MOD106		
APPLICATION PROPOSAL					
Modification of Planning Obligation dated 18/05/2010 under reference SW/08/1124 to allow removal of on site affordable housing.					
ADDRESS 153 London Road Sittingbourne Kent ME10 1PA					
WARD Borden And Grove Park		PARISH/TOWN COUNCIL		APPLICANT Clarity Properties Ltd	
				AGENT Brachers LLP	

The Chairman gave Members a few minutes to read the tabled papers, if they had not already done so.

The Senior Planner reminded Members that this application had been considered at the Planning Committee meeting on 7 March 2019, and was called-in by the Head of Planning Services. The Senior Planner referred to the tabled paper which provided further evidence for the viability appraisal, and included statistics which indicated that property prices in Swale had 'flat-lined', and building costs had increased. He explained that as such, the viability assessment still carried weight. The revised proposal sought to provide three affordable units in the first instance. The Applicant would soon be meeting with a potential Registered Provider to discuss the delivery of the affordable housing units.

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.

A Ward Member asked whether there were any alternative methods of facilitating affordable housing, such as part rent/part buy? The Senior Planner explained that this would be discussed at the forthcoming meeting with the Applicant and housing association to establish potential delivery of the scheme. However, the usual tenure type was affordable rent/shared ownership.

A Member asked what had changed since the meeting on 7 March 2019? The Senior Planner explained that the developer had approached officers to modify the Section 106 Agreement, as outlined in paragraph 2.01 of the report. This would

firstly seek to provide three affordable housing units on the site, but if this was not delivered, then a commuted sum of £40,000 be provided so that affordable homes could be built elsewhere in the Borough.

A Member asked that if no Registered Provider could be found, that the application came back to the Planning Committee for the final decision? The Senior Planner explained that officers would need to discuss this further with the developer.

A Member asked whether there was a mechanism for reviewing the application at the end of the development to see if it remained unviable? The Senior Planner explained that this would be a possibility, and there could be a review mechanism within the Section 106 Agreement.

A Member asked whether the modifications could be rejected and whether the Applicant and Registered Provider could carry on with their discussions. The Senior Planner acknowledged that they could start discussions if the Section 106 was not modified but would need to provide eight units.

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

At this point Councillor Nicholas Hampshire moved the following motion: That the application be deferred until after the meeting with the Applicant and Registered Provider. This was seconded by Councillor Roger Truelove.

- We needed to have the facts first before a decision could be made;
- the commuted sum was not enough for the Council to provide affordable housing;
- the commuted sum could go to another Registered Provider;
- did not consider that house prices in Swale had 'flat-lined';
- original number of affordable housing was eight, a shame that it was now three, but this was acceptable as was in-line with the Local Plan requirements;
- three affordable homes was achievable;
- not happy with the three month period for the developer to demonstrate that there was not a Registered Provider willing to take the units;
- needed to ensure that three affordable units were kept, no matter what;
- agreed needed to defer for clarity;
- the commuted sum needed to be audited to ensure it was a reasonable amount;
- three affordable units was in-line with the Local Plan requirement of 10% on-site provision;
- happy that the developer was meeting with a Registered Provider; and
- £40,000 commuted sum was not enough.

Resolved: That application 18/503723/MOD106 be deferred until after the meetings with the Applicant and Registered Providers had taken place.

600 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 18/501726/FULL		
APPLICATION PROPOSAL Erection of a 3 storey building comprising of an amusement centre (adult gaming centre) on the ground floor with 2 x single bedroom flats on the upper floors.		
ADDRESS Land Between 119A and 121A High Street, Sittingbourne, Kent, ME10 4AQ.		
WARD Chalkwell	PARISH/TOWN COUNCIL	APPLICANT Godden Two LLP AGENT Roger Etchells & Co

The Senior Planner explained that this was the same scheme as was presented to the Planning Committee in November 2018. The reason it had come back to Committee was, although additional conditions had been noted in the minutes of that meeting, they had not been included in the resolution.

Mr Doug Brown, an objector, spoke against the application.

The Chairman explained that the decision was being made on whether to accept the four conditions requested by the Environment Agency, and to delegate to officers to approve, subject to the addition of these conditions.

The Planning Lawyer clarified the position and explained that the final resolution at the November 2018 meeting had not included these conditions, and officers were unable to add them without the application coming back to Committee. On this basis, the decision notice could therefore not be issued. However, she added that the resolution from the meeting in November 2018 was a strong material consideration.

A Member asked why it had taken so long to bring this back to Committee to resolve the issue? The Senior Planner explained that whilst waiting to secure the SAMMS payment, the omission of the conditions had been flagged-up.

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 the following points:

- This was an inappropriate use of space;
- it was detrimental to the High Street;
- the additional conditions did not address my concerns;

- further down the High Street would be better;
- this was right next to the Spirit of Sittingbourne development, an important part of the High Street;
- no problem with this development;
- very dangerous ground to think of reasons to turn down when had previously approved the application;
- it was unreasonable to change the decision now; and
- there were already enough businesses like this in the High Street.

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

Councillor Cameron Beart moved the following motion: That the application be deferred because it was contrary to what had already been agreed. This was seconded by Councillor James Hunt.

At this point the Development Manager 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.

2.2 REFERENCE NO - 19/500485/FULL

APPLICATION PROPOSAL

Conversion of garage to kitchen, including new window to replace existing garage door, alterations to roof to match existing rear extension, installation of 2no. roof windows and alterations to rear fenestration.

ADDRESS 11 The Street Lower Halstow Sittingbourne Kent ME9 7DY

WARD Bobbing, Iwade
And Lower Halstow

PARISH/TOWN COUNCIL
Lower Halstow

APPLICANT Mrs C Hayward
AGENT Mr D Kemp

Members were invited to ask questions.

A Member asked the distance from the garage to the road. The Senior Planner advised that it was 8.8 metres which was acceptable and meant that two cars could park on the driveway.

Councillor Mike Baldock moved a motion for a site meeting. This was not seconded.

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

- This was a very prominent part of the village and close to the Conservation Area;
- cars did not fit in the garages in any case, this was an improvement; and

- this did not affect the amenity of anyone else.

It was noted that neither Ward Member had raised objection to the application.

Resolved: *That application 19/500485/FULL be approved subject to conditions (1) and (2) in the report.*

2.3 REFERENCE NO - 18/501428/FULL			
APPLICATION PROPOSAL			
Erection of 16 No two-four bedroom dwellings.			
ADDRESS Land Adjoining Bull Lane Bull Lane Boughton Under Blean Kent ME13 9JF			
RECOMMENDATION - Approve, subject to the conditions below and the signing of a suitably worded Section 106 Agreement			
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Boughton Under Blean	APPLICANT Mrs Alex Hudson	AGENT Kent Design Partnership

The Senior Planner reported that one further representation had been received from the Swale Footpath Group who had raised no objection, subject to the footpath not being diverted or obstructed and that crime prevention methods must be addressed. The Senior Planner confirmed that the footpath route would not be altered. The KCC Public Rights of Way Officer had no objection to the application. The Senior Planner stated that condition (20) in the report would ensure that the development met the principles of 'Secure by Design'.

Parish Councillor Tom Owens, representing Boughton Parish Council, spoke against the application.

The Chairman invited Members to ask questions.

A Member asked specifically how many trees would be lost and how many would be planted? He considered there should be 100% replacement. The Senior Planner advised that 41 trees would be cut down, and according to the tree report these were in a poor condition in any case. At the moment there was an indicative landscape drawing which showed a line of planting. The Senior Planner referred Members to condition (4) in the report in relation to landscape works, and he said that officers would be mindful of the removed trees, with the aim of providing to visual and bio-diversity enhancements. He confirmed that the large trees which were close to, but outside of the site, would remain.

A Member requested photos of the land to help visualise what was there. The Senior Planner showed the overall view of the site, existing housing, existing access onto Bull Lane, the nearby Oast houses, and the power lines which would be diverted, or put underground.

A Ward Member spoke against the application. He considered it was too large for the site, the access too narrow, and that the entrance would be better if it was in Bull Lane. The Ward Member requested, if the application was approved, that the lane not be used before and after school opening hours. The Senior Planner stated that condition (22) in the report addressed this issue, with work vehicles on and off the site not being permitted during school drop off/pick-up times of between 8am-9am and 2.30pm-4pm. Construction could take place during these times, but no movements to and from the site.

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

- Narrow access road issues;
- wanted details of the trees;
- this would have a huge impact on the surrounding area;
- accepted it was in the Local Plan, was it exactly as in the Local Plan?;
- this was over-development, and not in a suitable place;
- needed to come back to the Committee if there was a problem with the supply of the affordable housing on the site; and
- welcomed the affordable housing.

In response, the Senior Planner explained that the landscaping condition was a very important part of the application, which could be improved if necessary. He added that the site was allocated in the Local Plan for a minimum of 16 units, and 16 units were proposed.

The Chairman moved the following amendment: That the application be delegated to officers subject to the agreement of the landscaping condition with a requirement of at least 41 trees being planted, tree-for-tree, but not necessarily species-for-species, and to return to the Planning Committee if this was not achieved. Members agreed with this.

Resolved: That application 18/501428/FULL be delegated to officers to approve subject to conditions (1) to (30) in the report, and subject to the signing of a suitably worded Section 106 Agreement, and subject to the agreement of the landscaping condition with a requirement of at least 41 trees being planted, tree-for-tree, but not necessarily species-for-species, and to return to the Planning Committee if this was not achieved.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 18/506627/FULL

APPLICATION PROPOSAL

Proposed front porch and single storey rear extension, as amended by drawings JO/18/142.01rev A. 02A, 03A and 04A.

ADDRESS 5 Parsonage Cottages Bexon Lane Bredgar Sittingbourne Kent ME9 8HD

RECOMMENDATION - Refuse		
REASON FOR REFERRAL TO COMMITTEE Bredgar Parish Council Support		
WARD West Downs	PARISH/TOWN COUNCIL Bredgar	APPLICANT Mr & Mrs Jordan AGENT Woodstock Associates

The Senior Planner reported that Bredgar Parish Council had emailed in supporting the application, as noted in the report.

There were no questions.

A Visiting Ward Member spoke in support of the application. She considered there was a variety of different extensions in the vicinity.

The Chairman moved a motion for a site meeting. This was seconded by Councillor Mike Baldock. The Committee appeared to be minded to not refuse the application. The Chairman withdrew his motion and Councillor Baldock agreed.

The Committee debated the proposal to refuse the application and raised the following points:

- This could improve what was there, and no problem with the porch;
- the gap between some properties and their boundaries was a waste of useful space; and
- the existing layout was a mess.

The Senior Planner drew Members' attention to the Supplementary Planning Guidance (SPG) as outlined on page 149 of the report, and if Members were minded to approve the application, a clear steer would be needed as to why this application was an exception to the SPG.

The Chairman again moved a motion for a site meeting. This was seconded by Councillor Mike Baldock. On being put to the vote the motion was lost.

On being put to the vote the motion to refuse the application was lost, with the Chairman using his casting vote.

Members discussed reasons for approving the application and raised the following points: to follow existing precedents of not going to the boundary would be worse than what was proposed and would create unusable space; and the depth of the extension was not detrimental to the neighbouring property.

The Planning Lawyer advised that good reasons were needed in case someone challenged the decision to approve the application. The Senior Planner advised that the loss of the kitchen window was not given as much protection in the

deliberations. A Member said there would still need to be space at the side for guttering.

Councillor Mike Baldock moved a motion to approve the application on the following grounds: That to follow existing precedents of not going to the boundary would be worse than what was proposed and would create unusable space; and the depth of the extension was not detrimental to the neighbouring property, and the loss of the kitchen window did not cause harm. This was seconded by Councillor Mike Henderson and on being put the vote the motion was agreed.

Resolved: That application 18/506627/FULL be approved subject to the usual conditions and noting that to follow existing precedents of not going to the boundary would be worse than what was proposed and create unusable space; and the depth of the extension was not detrimental to the neighbouring property and the loss of the kitchen window did not cause harm.

PART 5

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

- **Item 5.1 – Former Doubleday Lodge, Glebe Lane, Sittingbourne**

COMMITTEE REFUSAL

APPEALS ALLOWED / AWARD OF COSTS REFUSED

A Member noted that the Planning Inspector had considered the Council had not behaved unreasonably.

Chairman

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