
PLANNING COMMITTEE

MINUTES of the Virtual Meeting held on Thursday, 30 April 2020 from 7.03pm - 10.26pm.

PRESENT: Councillors Mike Baldock (Substitute for Councillor James Hall), Cameron Beart, Monique Bonney, Roger Clark, Simon Clark, Mike Dendor, Tim Gibson (Chairman), James Hunt, Elliott Jayes, Peter Marchington, Benjamin Martin (Vice-Chairman), Ben J Martin, Ken Rowles (Substitute for Councillor Carole Jackson), David Simmons, Paul Stephen, Roger Truelove (Substitute for Councillor Tony Winckless) and Tim Valentine.

OFFICERS PRESENT: Simon Algar, Philippa Davies, James Freeman, Andrew Jeffers, Benedict King, Kellie MacKenzie, Jo Millard and Graham Thomas.

ALSO IN ATTENDANCE: Councillors Steve Davey, Simon Fowle and Eddie Thomas.

Officers: Claire Attaway, Rob Bailey, Jayne Bolas, David Clifford, Russell Fitzpatrick, Sara Potter, Claudette Valmond, Nick Vickers, Emma Wiggins and Jim Wilson.

APOLOGIES: Councillors James Hall, Carole Jackson and Tony Winckless.

651 INTRODUCTION

The Chairman explained that the meeting would be conducted in accordance with the Local Authorities and Police and Crime Panel (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No 392.

In welcoming all Members and members of the public, the Chairman explained which Swale Borough Council officers were in attendance.

652 HONORARY ALDERMAN BRYAN MULHERN

The Chairman paid tribute to former Swale Borough Councillor Honorary Alderman Bryan Mulhern who had sadly passed away recently. The Chairman stated that Bryan had been Chairman of Planning Committee for many years and had been a "real stalwart of Swale Borough Council".

653 MINUTES

The Minutes of the Meeting held on 5 March 2020 (Minute Nos. 614 – 622) were taken as read, approved and signed by the Chairman as a correct record.

654 DECLARATIONS OF INTEREST

Councillor Ben J Martin declared a non-pecuniary interest in respect of item 3.1 (19/506123/FULL) St Nicholas Allotments, St Nicholas Road, Faversham) as he

was a Member of Faversham Town Council (FTC). Councillor Martin spoke on the item but did not vote.

Councillor Simmons declared a non-pecuniary interest in respect of item 2.2 (20/500169/FULL Newton Place Surgery, Newton Road, Faversham) as he was the Chairman of The League of Friends of Faversham Cottage Hospital and Community Health Centres. Councillor Simmons spoke on the item but did not vote.

Councillor David Simmons also declared a non-pecuniary interest in respect of item 3.1 (19/506123/FULL St Nicholas Allotments, St Nicholas Road, Faversham) previous association with FTC and the administration of Swale Borough Council (SBC).

Councillor Tim Valentine declared a non-pecuniary interest in respect of item 2.2 (20/500169/FULL Newton Place Surgery, Newton Road, Faversham) as the applicant was Councillor Alastair Gould fellow ward member and member of the Green Party who he had campaigned with during the election. Councillor Valentine did not speak or vote on this item.

655 DEFERRED ITEM

Reports shown in previous Minutes as being deferred from that Meeting

Def Item 1 - 19/500768/FULL			
APPLICATION			
During the winter months, the stationing, unoccupied, of 1 welfare unit and 15 mobile homes used residentially in the preceding agricultural season to accommodate seasonal workers at Owens Court Farm, as shown on drawing 22259/56/200219V2 (Revised)			
ADDRESS Owens Court Farm Owens Court Road Selling Faversham Kent ME13 9QN			
WARD	Boughton	And	PARISH/TOWN COUNCIL
	Courtenay		Selling
			APPLICANT F W Mansfield & Son
			AGENT Finns (1865) Ltd

The Area Planning Officer introduced the application and reminded Members that the application had been deferred at the Planning Committee meeting on 5 March 2020 for consultation with the Kent Downs Area of Outstanding Natural Beauty (AONB) Unit and the Kent County Council (KCC) Public Rights of Way (PROW) Officer. The Area Planning Officer reported that the AONB had stated that they noted the change to layout and proposed additional screen hedging, and that there would be very limited impact between the site and the AONB. The KCC PROW Officer noted there were no PROWs affected by the application and therefore raised no objection.

Jane Scott, the Agent, spoke in support of the application.

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

A Ward Member welcomed the addition of condition (7) to paint the caravans green as requested by the AONB. He said he would like to see the access to the south of the site and queried the need for condition (6) in relation to lighting.

Councillor James Hunt moved the following amendment: That the wording in condition (7) be amended to state the specific dark green colour to be used. This was seconded by Councillor Monique Bonney.

The Senior Lawyer, Planning asked that the exact wording to condition (7) be delegated to officers to agree. The Proposer and Seconder of the amendment agreed. On being put to the vote the amendment was agreed.

A Member considered it would not be practical to amend the access to the south of the site as vehicles would have to negotiate farmland.

Resolved: *That application 19/500768/FULL be approved subject to conditions (1) to (7) of the report and the amendment to condition (7) be delegated to officers to determine the exact wording.*

656 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 20/500229/FULL		
APPLICATION PROPOSAL		
Demolition of 1no. outbuilding and erection of a portal framed vehicle store.		
ADDRESS White Acres Hearts Delight Road Tunstall Sittingbourne Kent ME9 8JA		
WARD West Downs	PARISH/TOWN COUNCIL Tunstall	APPLICANT Mr & Mrs Ansley AGENT Nigel Sands & Associates

The Area Planning Officer reported that he had received the following questions from a Member: *“The overall height of an GMC353 2 1/2 ton truck is on 2.77m, so why is there a need to have the building 4.7m in height? What are the heights of the building to the rear of the house to the right of the property and the building to the rear of the house at the end of the row of houses to the left of the property?”*

The Area Planning Officer reported that he had advised the Member that the proposed lorry to be housed was 2.7 metres in height and the eaves height of the proposed building was 3.5 metres which allowed a modest clearance. In relation to other buildings on the site, the Area Planning Officer showed Members photographs of all the buildings on the site and explained that a large building in a

neighbouring property’s garden was probably at least 6 metres in height and had been approved in 1993.

The Area Planning Officer drew attention to the local representations received on page 29 of the report, and that one of the neighbours who had written in now raised no objection.

Parish Councillor Louisa Roberts representing Tunstall Parish Council spoke against the application.

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

A Ward Member raised the following points: the overall height of the proposed building was a concern; the hipped corners of the proposed building would be seen from a neighbouring garden; and concern that there would not be enough turning space on the site.

Members were invited to debate the application and raised points which included:

- Considered the ridge line for the new building was an issue;
- did not consider that the proposed building would adversely impact on neighbouring properties; and
- the applicant would be aware of how much space he had to manoeuvre on the site so this would not be an issue.

Resolved: That application 20/500229/FULL be approved subject to conditions (1) to (3) in the report.

2.2 REFERENCE NO - 20/500169/FULL		
APPLICATION PROPOSAL		
Erection of two storey extension for the creation of 8no. new consulting rooms with associated works and access provisions. Installation of 1no. lift and conversion of pharmacy to 3no. consultation rooms.		
ADDRESS Newton Place Surgery Newton Road Faversham Kent ME13 8FH		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Dr Alastair Gould and Partners AGENT Urban & Rural Ltd

The Area Planning Officer introduced the application.

Dr C L Taylor, an Objector had submitted a statement setting out his views against the application. This was read-out by the Democratic Services Officer.

Dr Alastair Gould, the Applicant, spoke in support of the application.

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

Members were asked to debate the item and points raised included:

- Welcomed the application and considered it better to expand existing doctor surgeries;
- fully supported the application; and
- the application was much needed.

In response to queries from Members, the Area Planning Officer explained that the loss of the pharmacy was a matter for the applicants and not a planning consideration. The design of the proposed building was simple and modern.

Resolved: That application 20/500169/FULL be approved subject to conditions (1) to (6) in the report.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 19/506123/FULL			
APPLICATION PROPOSAL			
Retrospective application for erection of boundary fence and entrance gates. (Works complete)			
ADDRESS St Nicholas Allotment St Nicholas Road Faversham Kent ME13 7PB			
WARD Watling	PARISH/TOWN Faversham Town	COUNCIL	APPLICANT Faversham Town Council

The Area Planning Officer reported that the applicants had submitted further photographs of the site which he showed to Members (which had been displayed on the website). The applicant had commented that along the western boundary of the application site the adjoining developer had put up sheet piling overlooking the application site. The Area Planning Officer reported that a local resident had written in also raising concern about the sheet piling which would he considered would sit some 6 metres above the allotment security fencing.

The Area Planning Officer reported that officers had contacted the developer of the adjoining site as there was no approval for tall fencing or piling along the western site boundary but he had not received a satisfactory response as to why it was there.

Mr Findlay Macdonald, a supporter, spoke in support of the application.

Town Councillor Chris Williams, on behalf of the applicants, spoke in support of the application.

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

Ward Members spoke in support of the application and raised points which included:

- Considered that the benefits of the security fencing outweighed any potential harm to adjoining residents;
- residents welcomed the fence as it had significantly reduced anti-social behaviour (ASB) in the area;
- the fence provided much needed security for residents and allotment holders;
- the allotments were a valuable community asset;
- properties 103 to 119 St Nicholas Road, Faversham were provided security by the fence;
- since the allotment holders had cleared the site there was now better access to the adjoining public right of way;
- allotments were commonly shielded by this type of security fencing;
- safeguarded the site from fly-tipping;
- provides a safe community allotment;
- the approved adjoining housing would look over the allotment so the fencing would not cause an issue in that respect;
- if the height of the security fencing was reduced it would lead to ASB;
- the security fencing was in-keeping with that used near the railway line; and
- there was a need for the security fencing.

Members were invited to debate the application and comments included:

- The security fencing was unattractive and visually intrusive;
- the fencing would look better if it was painted green;
- would be an eyesore for residents of the new development;
- the Council's Conservation Officer should have been consulted on the application;
- surprised that Faversham Town Council had carried out the work as they should know it would not be covered under Permitted Development Rights;
- the type of fencing used was being used all over Faversham;
- if the security fencing had to be removed then the allotments would close down;
- this used to be a derelict site which was now a valuable community asset;
- concerned about the boundary height for the new housing development;
- could the officers negotiate with the housing developers for new fencing?
- the Town Council wished to renovate the allotments, but this could not be achieved without the fencing;
- could paint the fence green but would not support evergreen hedging;
- other allotment sites in the Borough did not have or need this type of fencing so why should we allow here?;
- even if powder coated green, the fence would still be intrusive; and
- bad form from Faversham Town Council.

The Conservation and Design Manager considered the fencing was not appropriate for the area and not conducive to the adjoining housing development which officers had negotiated suitable boundary treatment for.

Councillor Monique Bonney moved the following motion: That the application be deferred to allow officers to confirm details of land levels, access and planting at the site. This was seconded by Councillor Mike Dendor.

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

Councillor Elliott Jayes moved the following amendment to the motion to approve the application: That the application be granted on a temporary three-year permission. This was seconded by Councillor Mike Baldock.

On being put to the vote the amendment was lost.

In response to a query, the Conservation and Design Manager stated that it might be possible to negotiate with the housing developer to have higher fencing for their site.

Councillor David Simmons moved a motion to approve the application. This was seconded by Councillor Benjamin A Martin.

Councillor Monique Bonney moved the following amendment to that motion: That the fencing be painted green and appropriate landscaping be provided and maintained by the applicant. This was seconded by Councillor Mike Baldock.

There was some discussion about whether it would be possible to paint galvanised fencing. A Member with some knowledge of that type of fencing said it would need to be acid etched first and was a complex process.

The Conservation and Design Manager advised that it would be difficult to paint the galvanised fencing retrospectively. He felt that landscaping would help to soften the appearance of the fence.

At this point Councillor Ben A Martin stated that as a member of Faversham Town Council he would not be able to vote on the amendment.

On being put to the vote the amendment was lost.

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

The Head of Planning Services suggested deferring the application to allow officers to discuss with Faversham Town Council a way forward. This was not supported by Members.

Some Members raised concern that deferring the application had already been refused once.

A Member considered that as Members could not come up with a reason why the application should be approved that they should vote on the officer recommendation to refuse the application.

Councillor James Hunt moved the officer recommendation to refuse the application. This was seconded by Councillor Cameron Beart.

Councillor Benjamin Martin moved the following motion: That the application be delegated to officers to approve subject to officers negotiating with Faversham Town Council mitigation measures to soften the appearance of the fence. This was seconded by Councillor Ken Rowles.

The Senior Lawyer – Planning suggested having a composite motion of both proposals. Members were not happy with this suggestion. The Senior Lawyer – Planning stated that they needed to consider the first motion which was for approval by Councillor James Hunt.

Councillor James Hunt withdrew his motion to refuse the application.

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

Resolved: That application 19/505886/FULL be delegated to officers to approve subject to officers negotiating with Faversham Town Council appropriate mitigation measures to soften the appearance of the fence.

3.2 REFERENCE NO - 19/505886/FULL		
APPLICATION PROPOSAL		
Replacement of ground floor front door and 2no. first floor French doors (Part Retrospective)		
ADDRESS 2 Millers Cottages Belvedere Road Faversham Kent ME13 7LN		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Raymond Lindley

The Area Planning Officer introduced the application. He reported that he had that afternoon received comments from a Faversham Town and Kent County Councillor in support of the application, he read out the comments for Members.

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

Members were invited to debate the application and comments included:

- Important that the symmetry of the block was maintained;
- not true that there were similar doors in the area;
- disappointed that there are no comments from the Conservation and Design Manager;
- original design disappointing;
- the location of the property was quite prominent in the High Street and needed to be protected; and
- the Council should ensure properties in Conservation Areas were protected and support the officer recommendation.

The Conservation and Design Manager said that he fully supported the officer recommendation. He stated that it was clear to him that it was not a proposal that preserved the character or appearance of the Conservation Area. He stated the importance of being firm in refusing the application to avoid similar applications being submitted.

Resolved: That application 19/505886/FULL be refused for the reason outlined in the report.

PART 5

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

- **Item 5.1 – 3 Broadway Sheerness**

APPEAL DISMISSED

DELEGATED REFUSAL

A Member welcomed the decision and the expert advice and support from the Council’s Conservation and Design Manager at the Appeal. He said that he hoped that the Council would now take a proactive approach in protecting the Conservation Area and shopfronts.

- **Item 5.2 – Bellever, Marshlands Farm Lower Road Minster**

APPEAL DISMISSED

DELEGATED REFUSAL

- **Item 5.3 – Former Brewers Yard, St Michaels Road Sittingbourne**

APPEAL ALLOWED

COMMITTEE REFUSAL

A Member stated that it was a disappointing decision and he did not consider the proposal was appropriate for the area.

A Member asked officers to ensure that suitable landscaping for the application was achieved given its proximity to the multi-storey car park.

In response to a query from a Member, the Development Manager confirmed that costs had not been awarded to the applicant.

- **Item 5.4 – Land west of Barton Hill Drive Minster**

APPEAL ALLOWED AND COSTS AWARDED TO THE APPELLANT

COMMITTEE REFUSAL

A Member said that this was a very disappointing result. The Member raised concern that Kent County Council (KCC) Highways and Transportation had not raised the additional mitigation measures when Members were considering the application and considered their advice had been flawed. The Member thanked the Planner and Lawyer – Planning for their support at the Appeal.

In response to a query from a Member, the Head of Planning Services outlined the process of the Council’s application for costs at the High Court and a response was expected soon.

- **Item 5.5 – Caravan and Stables Old Billet Lane Eastchurch**

APPEAL ALLOWED

COMMITTEE REFUSAL

- **Item 5.6 – 58 Volante Drive Sittingbourne**

APPEAL ALLOWED

COMMITTEE REFUSAL

- **Item 5.7 – Hempstead Farm Hempstead Lane Tonge**

APPEAL ALLOWED

DELEGATED REFUSAL

A Member stated that it was a disappointing decision and was concerned that it could lead to bigger developments on the site.

657 ADJOURNMENT OF MEETING

The meeting was adjourned at 7.55pm to 8.07pm in order that those present could show their support for the NHS and key workers.

658 EXTENSION OF STANDING ORDERS

At 10pm Members agreed to the suspension of Standing Orders in order that the Committee could complete its business.

Chairman

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