
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Tuesday, 17 December 2019 from 7.00pm - 9.07pm.

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

OFFICERS PRESENT: Simon Algar, Rob Bailey, Paul Gregory, Andrew Jeffers, Benedict King, Jo Millard and Graham Thomas.

ALSO IN ATTENDANCE: Councillor Simon Fowle.

APOLOGIES: Councillors Roger Clark and Simon Clark.

391 EMERGENCY EVACUATION PROCEDURE

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

392 DECLARATIONS OF INTEREST

Councillor Peter Marchington declared a non-pecuniary interest in respect of item 6.1 Land west of Barton Hill Drive, Minster as he traded with Attwood Farms. He did not take part in the discussion or vote on this item.

393 PLANNING WORKING GROUP

19/501921/FULL Land At Belgrave Road Halfway Kent ME12 3EE

The Minutes of the Meeting held on 25 November 2019 (Minute Nos. 372- 373) were taken as read, approved and signed by the Chairman as a correct record, subject to the inclusion of Councillors Fowle and Neale in attendance at the meeting, at the Planning Committee held on 5 December 2019.

The Senior Planner referred to the tabled updates which confirmed that the applicant had proposed that construction traffic could use an existing farm track to access the site and he clarified the off-site drainage issue.

The Chairman invited Members to ask questions.

A Member asked about the comments from Kent Police and whether the development would achieve 'Secure by Design' status. The Senior Planner advised that although achieving 'Secure by Design' status was not a planning requirement, a number of the issues raised had been addressed due to further liaison between

the developer and Kent Police. He added that condition (33) still required details of how the development would meet the principles of 'Secure by Design'.

A Member referred to the tabled update and sought clarification on the construction traffic route and whether it was enforceable. The Senior Planner advised that a construction route from Queenborough Road that utilised an existing farm track was being proposed and this was considered to be permitted development. The Senior Planner explained that the Council did not have the power to stop any vehicle using a highway if that vehicle had the right.

In response to a Member's question, the Senior Planner explained that wheel washing was included as part of the requirements within condition (11) and the track would be upgraded.

In response to a Member's question, the Senior Planner confirmed that approval was being sought to include the amended conditions.

A Member sought clarification on pedestrian and cycle access through Rosemary Avenue. The Senior Planner explained that the existing Rosemary Avenue playing field currently had a fence around it, however the applicant had agreed to provide a contribution to remove the fence and provide a surface path to allow pedestrians and cyclists to access the site from the east. He added that this would be included in the Section 106 Agreement, rather than via a condition.

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

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

- the proposed road layout at the junction with Queenborough Road created a 'kick' in the road causing highway safety issues;
- the area could not take any more increase in traffic; and
- confusion around amendments to conditions.

Councillor Tim Valentine moved the following motion:

That, should the application be approved, the following energy efficiency condition be added:

The dwellings hereby approved shall be constructed and tested to achieve the following measures:

At least a 50% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013 (as Amended)

A reduction in carbon emissions of at least 50% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to the construction of any dwelling, details of the measures to be undertaken to secure compliance with this condition shall be submitted to and approved in

writing by the local planning authority. The development shall be carried out in accordance with the approved details.

This was seconded by Councillor Monique Bonney. On being put to the vote the motion was agreed.

Members then discussed the proposed conditions.

A Member sought further clarification on conditions (8), (9) and (11). The Senior Planner explained that there was potential to amend condition (8) as the trigger point of the 100th dwelling was suggested before the alternative construction traffic route was proposed and there would now be flexibility in bringing this trigger point forward. He said that if condition (8) was altered, this would then potentially align with condition (11) and there might need to be some elements of condition (11) removed. In respect of condition (9), The Senior Planner said that the trigger point was reached after consultation with KCC Highways and Transportation.

Councillor Monique Bonney proposed that officers be delegated to amend conditions (8), (9) and (11). This was seconded by Councillor James Hunt. On being put to the vote the motion was agreed.

Members then discussed the substantive motion.

In accordance with Procedure Rule 19(2) a recorded vote was taken and voting was as follows:

For: Councillors James Hunt, Benjamin A Martin, David Simmons, Tim Valentine and Tony Winckless. Total equals 5

Against: Councillors Cameron Beart, Monique Bonney, Mike Dendor, Ken Rowles, Tim Gibson, James Hall, Carole Jackson, Elliott Jayes, Peter Marchington, Paul Stephen and Eddie Thomas. Total equals 11.

Abstain: 0

The motion to approve the application was lost.

At this point, the meeting was adjourned from 7.32pm to 7.42pm.

The Development Manager highlighted that there were no objections from Kent County Council (KCC) Highways and Transportation.

Councillor Cameron Beart proposed the following reason for refusal which was seconded by Councillor Elliott Jayes:

The transport improvements offered to address capacity issues within the local highway network are not sufficient to mitigate the harm caused by the additional traffic arising from the development and would result in severe residual cumulative impacts on the road network, (namely at the junction of Minster Road, Halfway Road and Queenborough Road, at the junction of Belgrave Road and Queenborough Road and elsewhere), contrary to Policies A13 and DM6 of the

Swale Borough Local Plan - Bearing Fruits 2031, and paragraph 109 of the National Planning Policy Framework.

At this point, the Development Manager deferred the matter to a future meeting.

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.

394 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 19/505039/FULL		
APPLICATION PROPOSAL Conversion of the garage to a habitable space and addition of pitched roof to existing single storey front extension. Extension to the front hard standing and extend the existing dropped kerb.		
ADDRESS 86 Adelaide Drive, Sittingbourne, Kent ME10 1XU		
WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT Mr & Mrs Whelan AGENT Nigel Sands and Associates

A Member sought clarification on the number of bedrooms and parking spaces at the property.

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

There was no debate.

Resolved: That application 19/505039/FULL be approved subject to conditions (1) to (3) in the report.

2.2 REFERENCE NO - 19/505077FULL		
APPLICATION PROPOSAL Erection of a two storey side extension and single storey rear extension.		
ADDRESS 80 Norwood Walk West, Sittingbourne Kent ME10 1QF		
WARD Borden and Grove	PARISH/TOWN COUNCIL Bobbing	APPLICANT Mr P Farrell AGENT CJS Design Services

There were no questions.

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

A Member commented that he understood the Parish Council's concerns but there was sufficient land to extend the property.

Resolved: That application 19/505077FULL be approved subject to conditions (1) and (2) in the report.

2.3 REFERENCE NO - 19/504192/FULL		
APPLICATION PROPOSAL Conversion of existing rear extension to form one residential dwelling including raising of the roof height. Creation of new access and parking area for the existing and proposed dwelling.		
ADDRESS 29 Upper Brents Faversham Kent ME13 7DP		
WARD Priory	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Robert Curtis AGENT Nigel Sands and Associates

The Area Planning Officer drew attention to the required Strategic Access Management and Monitoring Scheme (SAMMS) payment and the response to Faversham Town Council's objection at paragraph 7.5, page 15 of the report.

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

There was no debate.

Resolved: That application 19/504192/FULL be approved subject to conditions (1) to (6) in the report, and the receipt of a SAMMS contribution of £245.56.

2.4 REFERENCE NO - 19/502283/FULL		
APPLICATION PROPOSAL Erection of a block of 7 no. dwellings with parking, refuse and cycle store.		
ADDRESS Land Adjacent To Crescent House Otterham Quay Lane Upchurch Kent ME8 7UY		
WARD Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Heritage Designer Homes AGENT Mr Paul Fowler

Paul Fowler (Agent) spoke in support of the application.

The Chairman invited Members to ask questions.

In response to a Member's request to add an energy efficiency condition, the Area Planning Officer said there were sometimes viability issues in smaller schemes. The Area Planning Officer clarified that planning permission had already been granted for 5 units, KCC Highways and Transportation did not consider footway improvements to be necessary, and a delivery vehicle space was not achievable within the site.

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

In the debate that followed, the Area Planning Officer highlighted the wide junction and in response to a question on Public Rights of Way explained he had no further details.

A Member raised concern about visitor parking.

Councillor Tim Valentine proposed and Councillor Monique Bonney seconded an amendment to include an energy efficiency condition, subject to discussion between Councillor Tim Valentine and the Head of Planning Services. On being put to the vote Members agreed.

Resolved: That application 19/502283/FULL be approved subject to conditions (1) to (16) securing a SAMMS contribution of £491.12 and the possible inclusion of an energy efficient condition (with officers given delegated authority to amend in consultation with the Cabinet Member for the Environment and the Head of Planning Services).

2.5 REFERENCE NO - 19/504399/FULL			
APPLICATION PROPOSAL			
Change of use to existing unused toilet block to retail premises (A1 Shop) for the sale of sporting goods.			
ADDRESS Red Lion London Road Dunkirk Faversham Kent ME13 9LL			
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mr Neil May	
		AGENT	

The Area Planning Officer drew attention to the tabled paper.

The Chairman invited Members to ask questions.

In response to a Member's question on the use of the public house car park for visitors to the proposed shop, the Area Planning Officer explained that the opening hours for each were largely different. He later added that the building was small, many visitors would visit by appointment only and there were no parking restrictions on the adjoining highway.

A Member sought clarification on Use Classes and the Area Planning Officer confirmed that A1 Shop use did not restrict the use of the type of goods sold.

A Member sought clarification on the security of the building. The Area Planning Officer explained that this referred to the fire arms stored inside the building, not the building itself.

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

A Member raised safety concerns. Another Member said that security was a Police issue.

Resolved: That application 19/504399/FULL be approved subject to conditions (1) and (2) in the report.

2.6 REFERENCE NO - 19/503590/FULL			
APPLICATION PROPOSAL			
Demolition of existing Coach House and erection of 2no. semi detached 4 bedroom houses, with off-road parking and new vehicular access onto London Road as amended by drawing no's. 705/01A; 705/02A; 705/03A; 705/04A; 705/05A; 705/06A; 705/07B; 705/08A and 705/10			
ADDRESS 8 London Road Teynham Sittingbourne Kent ME9 9QS			
WARD Teynham and Lynsted	PARISH/TOWN COUNCIL Lynsted with Kingsdown	APPLICANT Mr Matt Brown AGENT Nicholas Hobbs Associates	

The Area Planning Officer said that, further to consultation with the applicant, the proposal had been amended to '**Reconstruction and reposition of** existing Coach House....' Instead of 'Demolition of existing Coach House....' He added that there were also some minor changes to drawings.

Dr Stuart Aaron (supporter) spoke in support of the application.

The Area Planning Officer advised that Lynsted Parish Council were unable to attend the meeting and their views were contained within the report.

The Chairman invited Members to ask questions.

A Member sought clarification on the position of the Coach House.

A Member asked for the comments of the Conservation Officer. The Conservation Officer said it was disappointing that Historic England had not awarded listed status to the Mount House and that this was due to it being altered and the interior lime plaster finishes and other interior elements having been removed, prior to the listing assessment inspection. He said that the building was nevertheless still of local architectural interest and would be a worthy candidate for a future Local List. With reference to the proposal, he said that it displayed a good elevational design that respected the setting and in overall terms represented a good scheme. He clarified the position and height of the roof to Mount House in relation to the roof of the proposed new pair of semi-detached houses.

A Member expressed disappointment that the two Ward Members were not in attendance.

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

A Member praised officers for their work in achieving a more acceptable scheme as outlined in paragraph 9.1 of the report.

A Member highlighted that the proposal would bring a significant change in the street scene.

Councillor Tim Valentine proposed and Councillor Monique Bonney seconded the addition of an energy efficiency condition, subject to discussion with the applicant. On being put to the vote, Members agreed.

Resolved: *That application 19/503590 be approved subject to conditions (1) to (22) in the report, the possible addition of an energy efficiency condition and the securing of a SAMMS contribution (with officers given delegated authority to amend in consultation with the Cabinet Member for the Environment and the Head of Planning Services).*

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 19/502821/FULL		
APPLICATION PROPOSAL Erection a two storey side and single storey rear extension with the insertion of 6 roof lights and external alterations. Erection of a three bay garage.		
ADDRESS Peacock Cottage Halfway Road Minster-on-sea Sheerness Kent ME12 3AA		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr M Waghorn AGENT Richard Baker Partnership

The Area Planning Officer drew attention to a typing error at paragraph 6.4 on page 66 of the report and clarified that the Environmental Health Manager had no objection to the application, subject to a planning condition relating to construction hours to protect residential amenity in the locality.

There were no questions.

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

In the debate that followed, it was noted that Minster Parish Council, who had supported approval of the application, were not in attendance at the meeting.

The Area Planning Officer explained the process for consulting the Parish Council on any updates.

Resolved: *That application 19/502821/FULL be refused for the reasons stated in the report.*

3.2 REFERENCE NO - 19/504412/FULL		
APPLICATION PROPOSAL Extension to garage/store to form observatory.		
ADDRESS Oyster Bay House, Chambers Wharf, Faversham Kent ME13 7BT		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Brian Pain AGENT Affinis Design

The Area Planning Officer explained in detail the location of the proposal in relation to Oyster Bay House.

There were no questions.

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 raised points which included:

- Oyster Bay House was the most photographed building in Faversham;
- the proposal was interesting and unique;
- could work well with the right design; and
- more details were needed.

Councillor James Hunt moved a motion for a site meeting and this was seconded by Councillor Tony Winckless. On being put to the vote, the motion was agreed.

Resolved: That application 19/504412/FULL be deferred to allow the planning working group to meet on site.

3.3 REFERENCE NO - 19/504625/FULL			
APPLICATION PROPOSAL Demolition of existing garage and erection of replacement garage building (as approved under 17/501081/FULL but with minor amendments) and associated car parking. First floor to be used as holiday accommodation. (Resubmission of 19/503604/FULL)			
ADDRESS Elm Tree Cottage Butlers Hill Dargate Faversham Kent ME13 9HG			
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT Mr & Mrs Marsh	AGENT Peter S Ferguson-McCardle

This item was withdrawn from the Agenda

PART 5

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

- **Item 5.1 – Land to the rear of Hales Cottage Tunstall Road Tunstall**

DELEGATED REFUSAL

APPEAL ALLOWED

- **Item 5.2 – Land West of Brown Jug 76 Horsham Lane Upchurch**

DELEGATED REFUSAL

APPEAL DISMISSED

- **Item 5.3 – 4 Haysel Sittingbourne**

DELEGATED REFUSAL**APPEAL DISMISSED**

- Item 5.4 – 77 Queenborough Road Halfway

DELEGATED REFUSAL**APPEAL DISMISSED**

A Member was pleased with the decision and gave thanks and praise to the Planning Enforcement team.

- Item 5.5 – Land at A2 London Rd/Western Link Faversham

DELEGATED REFUSAL**APPEAL DISMISSED**

- Item 5.6 – Land situated at 32 First Avenue Queenborough

ENFORCEMENT APPEAL DISMISSED

- Item 5.7– Land at Brotherhood Wood Yard Gate Hill Dunkirk

ENFORCEMENT APPEAL APPELLANT'S COSTS CLAIM REFUSED

- Item 5.8 – Murre Conyer Quay Conyer

ENFORCEMENT APPEAL DISMISSED**395 EXCLUSION OF THE PRESS AND PUBLIC*****Resolved:***

(1) That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 5 and 7 of Part 1 of Schedule 12A of the Act:

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.

396 URGENT ITEM - SCHEDULE OF DECISIONS**6.1 18/503135 – Land west of Barton Hill Drive, Minster**

The Development Manager explained why the item was urgent and gave a summary of the issue.

Members supported the proposed action.

Resolved:

(1) That reason (3) of Planning Refusal Notice 18/503135 be removed.

397 ADJOURNMENT OF MEETING

The Meeting was adjourned from 7.32pm to 7.42pm.

Chairman

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