
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 14 October 2021 from 7.00 pm - 11.14 pm.

PRESENT: Councillors Cameron Beart, Monique Bonney, Mike Dendor, Tim Gibson (Chairman), James Hall, James Hunt, Carole Jackson, Ben J Martin, Richard Palmer, Ken Rowles (Substitute for Councillor Elliott Jayes), David Simmons, Paul Stephen, Tim Valentine and Tony Winckless.

OFFICERS PRESENT: Simon Algar, Philippa Davies, James Freeman, Corinna Griffiths, Robin Harris, Andrew Jeffers, Kellie MacKenzie, Alun Millard, Julie Oates, Cheryl Parks, Graham Thomas and Thomas Webster.

ALSO IN ATTENDANCE: Councillors Oliver Eakin (remotely), Sarah Stephen, Roger Truelove (remotely) and Corrie Woodford (remotely).

APOLOGIES: Councillors Roger Clark, Simon Clark, Elliott Jayes and Peter Marchington.

377 EMERGENCY EVACUATION PROCEDURE

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

378 MINUTES

The Minutes of the Meeting held on 16 September 2021 (Minute Nos. 286 – 289) were taken as read, approved and signed by the Chairman as a correct record.

379 DECLARATIONS OF INTEREST

Councillor David Simmons declared a Disclosable Non-Pecuniary Interest in respect of item 3.1, 21/502877/full, Land adjacent to 72 Courtenay Road, Dunkirk.

380 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 21/504190/FULL			
APPLICATION PROPOSAL			
Retrospective application for installation of a modular self-service launderette facility and associated works.			
ADDRESS Bapchild Service Station London Road Sittingbourne Kent ME9 9PP			
WARD West Downs	PARISH/TOWN COUNCIL	APPLICANT	Photo-Me

	Bapchild	International Plc AGENT Plande
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The Area Planning Officer introduced the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

The Ward Member spoke against the application. She raised concern with the facility being illuminated; the hours of operation; its obvious location; not being in keeping with the streetscene, and concerned with condition (1) in the report, where the applicant could change the hours of service in the future, meaning this facility would be operational more frequently. The Ward Member said that parameters needed to be set.

In response, the Area Planning Officer explained that the recommendations in the report ensured that the facility was only operating and illuminated when the filling station was open.

Councillor Monique Bonney moved the following motion: That the application be delegated to officers, in consultation with the Ward Member, to determine precise wording for the opening hours for the self-service launderette facility and this was seconded by Councillor Ben J Martin. On being put to the vote, the motion was agreed.

Resolved: That application 21/504190/FULL be delegated to officers to approve subject to conditions (1) and (2) in the report and with consultation with the Ward Member, to determine precise wording for the opening hours and lighting for the self-service launderette facility.

2.2 REFERENCE NO - 21/504404/FULL		
APPLICATION PROPOSAL		
Demolition of existing garage, erection of part two storey, part single storey side and rear extensions, including integral garage, insertion of front dormer and rooflights.		
ADDRESS 47 Roseleigh Road Sittingbourne Kent ME10 1RS		
WARD Woodstock	PARISH/TOWN COUNCIL Tunstall	APPLICANT Mr & Mrs Brooks AGENT The Little Drawing Company

The Area Planning Officer introduced the application and explained that the extension was not higher than the existing bungalow. He referred to the two-metre gap guidance required between a first-floor extension and the side boundary to stop the appearance of terracing. The guidance was not applicable in this application as the site was at the end of a cul-de-sac and it abutted rear gardens, and so there was no loss of openness between the properties. The Area Planning Officer considered this to be a straightforward application.

Mrs Jo Cesary, an objector, spoke against the application.

Mr Alex Brooks, the Applicant, spoke in support of the application.

A visiting Ward Member spoke against the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

A Ward Member who was also a member of the Planning Committee spoke against the application. He referred to paragraphs 4.6 and 7.6 in the report and asked why there should be a distance of 21 metres between windows to the rear? He spoke against the proposed development making the neighbouring properties appear terraced and considered, due to varying ground levels between Roseleigh Road and Sterling Road, that there would be a significant impact to properties on Sterling Road. He considered there would be a loss of sunlight and overshadowing to neighbouring properties.

In response to points raised by the Ward Member, the Area Planning Officer explained that the 21 metre rule was in place to maintain privacy and had been planning practice for many years. This did not apply to properties along Sterling Road, as there were no windows facing that direction. The Area Planning Officer explained that as the ground levels were lower on Roseleigh Road than Sterling Road, and the proposed extension was only 1.5 storeys in height, that there would be no significant overshadowing.

In the debate that followed, Members raised the following points:

- There were other bungalows in the area that had similar extensions;
- concerned that the extension would be built over shared drains;
- the speaker had said that no planning notices were put up, was that correct?; and
- was unsure whether the design fitted-in with others in the area.

In response, the Area Planning Officer said there was a variety of designs in the nearby area, and he considered the proposal was in-keeping and of good design. It was not uncommon for developments to be built over shared drains, but in any case this was a matter for building regulations, not planning. He added that a planning notice was not required for this application, but confirmed that various properties along Sterling Road had been consulted.

Resolved: That application 21/504404/FULL be approved subject to conditions (1) to (4) in the report.

2.3 REFERENCE NO - 21/503797/FULL
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APPLICATION PROPOSAL

Alterations to rear lean-to and erection of a new artist's studio building.

ADDRESS Orchard Poultry Farm Butlers Hill Dargate Kent ME13 9HG
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WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT D. Lawson & R. Thompson AGENT Miriam Layton Architectural Design
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The Area Planning Officer introduced the application.

In the absence of Debbie Lawson, the Applicant, her speech in support of the application was read-out by the Democratic Services Officer.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

Resolved: That application 21/503797/FULL be approved subject to conditions (1) to (6) in the report.

2.4 REFERENCE NO - 21/503772/FULL		
APPLICATION PROPOSAL		
Section 73 - Application for Variation of condition 2 (permanent change of use), 4 (to allow external lighting) and 7 (to allow music to cease Sun-Thu at 10 PM Fri-Sat at 11 PM) pursuant to application 18/501494/FULL for - Change of Use of the space to re-instate it's previous early historical use for the local community and as a centre for the local cultural arts and to provide food and drink.		
ADDRESS St Saviours Church Whitstable Road Faversham Kent ME13 8BD		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mrs Romana Bellinger AGENT

The Area Planning Officer introduced the application and drew attention to minutes of the Planning Working Group meeting held at the site in July 2018, included within the report. He gave an overview of the planning history of the site and said that it had been given consent for use as a centre for cultural arts and to provide food and drink. The building was tin construction with a timber lining. He explained that permission was granted in 2018 stipulating no music after 10pm. The premises had subsequently been closed since March 2020 due to the Covid-19 Pandemic. The applicants had now requested that music be permitted up to 11 pm on Fridays and Saturdays. Officers had worked closely with the Council's Environmental Health Team who had recently taken noise readings from the property on a Friday night. The Area Planning Officer explained that background noise levels were quite low, as the application site was within a quiet area, and he added that it was a difficult balance to fully carry out the use of the building, due to objections to the use from local residents. He drew Members' attention to the proposed condition (8) in the report which stipulated that interior noise after 9 pm did not exceed background noise. Daytime background levels were quite high, due to traffic etc., but evening background noise was low. If condition (8) was implemented, condition (7) could be dispensed with.

Town Councillor Chris Williams, representing Faversham Town Council spoke against the application.

Robert Lamoon, a supporter, spoke in support of the application.

Martin Collins, an objector, spoke against the application.

Mike Eden, on behalf of the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

In the debate that followed, Members raised the following points:

- This was a very difficult decision to make, with the balance of the use and time permitted for music and objections from local residents;
- support for the application was from people who were not local to the area, and objections to the scheme were from neighbours;
- this should be approved, but with consideration given to local residents with the implementation of conditions;
- 37 decibels (dB), as stated by the Applicant in his speech, seemed like a low figure;
- a condition should be imposed and the music events should be allowed to continue;
- welcomed the use as a cultural arts centre and community café, but the building was not suitable as a music venue, unless it was acoustic music;
- once the sound of music had been picked up as being a nuisance by someone, it was probably difficult for it to not to continue being a nuisance;
- the neighbours' concerns needed to be taken seriously;
- not sure this was an appropriate building for a music venue;
- there were noise vibration issues for local residents;
- there would be additional problems if doors and windows were open in the summer months;
- this application was worthy of approval with conditions;
- it seemed that the venue had mostly low level type music and usually finished at a reasonable time;
- if this was not approved, we could lose the café and community element of the building;
- the issue was amplified music in a venue which had no insulation;
- considered 10 pm was a reasonable compromise;
- the temporary permission could be extended bearing in mind the building was not used during the pandemic;
- it was frustrating that licensing and planning regulations did not line up; and
- only two complaints had been received regarding loud music after 10 pm.

In response to some of the points made, the Mid-Kent Environmental Protection Team Leader explained that her team had visited the venue on the previous Friday and took background noise measurements which recorded as 37 dB LA90. She acknowledged that this figure was low but it was representative of the background noise in the area. She added that the background noise level was the level of noise

in an area for about 90% of the time (called an LA90). When a new noise was introduced, it was important to ensure that there was not a vast increase as this would have an adverse impact on neighbouring properties. The Environmental Protection Team Leader explained that bass or low tone noise which could lead to vibration could also be monitored and frequency bands picked-up. However, a frequency condition could make the situation more complicated. There was no out-of-hours support from her team, and so no immediate response, but future events could be monitored.

Councillor Tony Winckless moved the following motion: That a condition be added that no live music be played after 10 pm and this was seconded by Councillor Monique Bonney. A Member clarified that this meant that condition (7) remained and was not replaced with condition (8), so instead of 11 pm on Friday and Saturday, it said 10 pm. On being put to the vote, the motion was agreed.

Councillor Monique Bonney moved the following motion: That a condition be added that all doors and windows be closed during a performance. This was not seconded. A Member considered this was against Covid-19 guidance on keeping rooms ventilated. The Area Planning Officer explained that this was difficult to enforce, and he advised that the applicant had put measures in place for heavy drapes to be attached to the windows to mitigate any noise. In response to a question, the Environmental Protection Team Leader said that it was possible to have a noise limiter, but this would be dependent on the individual PA system used at the premises.

Resolved: That application 21/503772/FULL be approved subject to conditions (1) to (7) in the report, with condition (7) being amended so there be no recorded or live music or singing permitted at the premises after 10 pm every day of the week.

2.5 REFERENCE NO - 21/501653/FULL			
APPLICATION PROPOSAL			
Erection of a shed (Part retrospective)			
ADDRESS 38 Tanners Street Faversham Kent ME13 7JP			
WARD St. Ann's	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Denton	Colin
		AGENT	

The Area Planning Officer introduced the application.

In the absence of Colin Denton, the Applicant, his written paper with dimensions of the scheme were circulated to Members.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

A Ward Member who was also a member of the Planning Committee spoke against the application. She considered the shed would be clearly visible from the footpath

on the other side of the stream, and that it was too high for the setting. The Ward Member also considered there needed to be a development-free edge around the shed.

In the debate that followed, Members raised the following points:

- Needed to consider that the Council had declared a Climate and **Ecological** Emergency, this was an important site for ecology;
- it would be an improvement if it was set back a further metre away from the bank of the stream; and
- this looked like a large and high construction.

In response to some points made, the Area Planning Officer outlined the dimensions of the shed and advised that it was not likely to be any more than four foot above the six-foot garden fence. He said there were sheds in other neighbouring gardens along the stream, and there was not a requirement to consult the Environment Agency (EA) on this application as it was very small scale and so they would not get involved. The Planning Lawyer added that consultees were notified, subject to the status of a watercourse. The Development Manager confirmed that the EA were not responsible for this watercourse and so they were not consulted.

Councillor Monique Bonney moved the following motion: That the application be deferred to allow consultation with the EA and this was seconded by Councillor David Simmons and on being put to the vote, the motion was agreed.

Resolved: That application 21/501653/FULL be deferred to allow consultation with the Environment Agency.

2.6 REFERENCE NO - 21/501580/FULL					
APPLICATION PROPOSAL					
First floor extension to incorporate loft conversion.					
ADDRESS Sandycroft Lewson Street Road Norton Sittingbourne Kent ME9 9JN					
WARD	Teynham	And	PARISH/TOWN COUNCIL	APPLICANT	Mr Ross
Lynsted			Norton, Buckland And Stone	Anderson	
				AGENT	Philip Holley
				Architects	

The Area Planning Officer introduced the application and explained that the original application had featured two very wide rear facing dormer windows, but had been amended to three small dormer windows over part of the flat roof.

In the absence of Parish Councillor Tony Trim, representing Norton, Buckland & Stone Parish Council, his speech against the application was read-out by the Democratic Services Officer.

Mr Ross Anderson, the Applicant, was due to speak but was not in attendance and had not submitted his statement.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

Resolved: That application 21/501580/FULL be approved subject to conditions (1) to (3) in the report.

2.7 REFERENCE NO - 21/501740/FULL			
APPLICATION PROPOSAL			
Erection of a nurse accommodation building, car park and outdoor event space for Demelza. Erection of 30 private residential dwellings, together with associated access, parking, highway works, drainage and landscaping.			
ADDRESS Land At Hill Farm Rook Lane Keycol Hill Bobbing Kent			
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Bobbing	APPLICANT Esquire Developments & Demelza Hospice Care For Children AGENT DHA Planning	

The Senior Planning Officer introduced the application and explained that this was an enabling development. She drew attention to the tabled update which had previously been emailed to Members and added to the website. The Senior Planning Officer said the layout was broadly similar to the extant consent approved in 2018. Access to the site would be re-located and there were ten more dwellings. She referred Members to the viability report set out in Appendix I to the report.

Lavinia Jarrett, the Applicant, spoke in support of the application.

A visiting Ward Member spoke against the application.

A visiting Member spoke against the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

In the debate that followed, Members raised the following points:

- The increased amount of housing was detrimental to air quality and there were no mitigation measures in place, and this would worsen the air quality;
- this was really an 18% increase in housing, not 50%, due to the dwelling floor space;
- welcomed the change in housing mix to include 2-bedroom dwellings;
- Kent County Council (KCC) Highways & Transportation had raised no objections to the application;
- welcomed the junction being moved;

- could not support as there was no contribution towards education and other services/infrastructure and this over-rode any benefits;
- wanted to support but there was an impact on the whole community;
- there was a need for nurse accommodation, but this was not the way to do it;
- the development increased the number of dwellings by 50%, but the nurses accommodation and Demelza offer remained the same, lack of justification for additional houses;
- happy with the new exit point; and
- it needed to be shown that the development improved air quality.

In response to some of the points made, the Senior Planning Officer explained that Keycol Hill had recently been declared an Air Quality Management Area and she referred Members to paragraphs 8.49 and 8.50 in the report. The Environmental Health Team had advised that the development had a negligible impact, and damage costs were secured by a Section 106 Agreement. She indicated where the new junction would be, slightly down the hill towards Sittingbourne. This would result in the bus stop being re-located, and there would be a continuous footpath in place. The Senior Planning Officer and Planning Lawyer explained that this scheme provided more mitigation funding than the extant 2018 scheme.

The Environmental Protection Team Leader explained that there were a number of small developments in this area, and cumulative funds from these could go towards larger mitigation measures, such as providing better bus services.

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

There was some discussion on the reasons for refusing the application. This discussion included concerns regarding:

- Inadequate mitigation for the harm arising from this development, including a lack of Section 106 payments (such as KCC Education and KCC Highway) and infrastructure contributions;
- likely harmful impact on human health from air pollution; and
- over-intensification of development for the character of the area.

At this point the Head of Planning Services 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.

2.8 REFERENCE NO - 21/503070/FULL
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APPLICATION PROPOSAL

Section 73 - Application for Variation of condition 19 (to facilitate the occupation of the currently vacant Unit 6 by a foodstore operator) pursuant to application 16/500132/FULL.
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ADDRESS Unit 6, Neatscourt Retail Park, Thomsett Way, Queenborough, Kent, ME11 5AR		
WARD Queenborough and Halfway	PARISH/TOWN COUNCIL Queenborough	APPLICANT Lightstone Neatscourt LLP AGENT Neil Denison

This application was withdrawn from the agenda.

2.9 REFERENCE NO - 20/505156/FULL & 20/505157/LBC		
APPLICATION PROPOSAL Conversion of listed building into 18 residential apartments (Use Class C3) including internal and external changes, landscaping and car parking, and demolition of existing outbuildings and construction of 4 single storey residential units (Use Class C3).		
ADDRESS Former Sittingbourne Adult Education Centre College Road Sittingbourne Kent ME10 1LF		
WARD Homewood	PARISH/TOWN COUNCIL: None.	APPLICANT Wildwood Limited AGENT Frankham

The Senior Planning Officer introduced the application and drew attention to the tabled update which had previously been emailed to Members and added to the website.

Catherine Stephens, the Agent, spoke in support of the application.

A visiting Ward Member spoke in support of the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

In the debate that followed, Members raised the following points:

- Further clarification sought on the fencing and access;
- EV charging points should be provided for each property;
- confirmation was needed on the Council’s housing supply;
- supported the development;
- concerned with Grayling Court becoming an overflow car park;
- NHS payments should be directed to facilities nearer the development, could this be changed so that it was more appropriately spent?;
- would have preferred more than 50% efficiency measures; and
- the wall between the car park and the proposed development was not adequate.

In response, the Senior Planning Officer explained that the access point had not changed from the previous use of the site, and the new use was likely to result in less traffic. He did not consider there to be any overlooking issues, and explained that separation between the properties was significant.

The Head of Planning Services explained that work was currently being carried out on land supply, and there was no update at the moment on the 5-year housing supply. The Planning Lawyer explained that it was possible to use a calculation/formula for the contribution, such as for NHS facilities on an outline application, but this was a full application, and as such the contribution sums would be fixed, based on the number of individual dwellings in the application. The Development Manager explained that the Landscape Plan showed an existing boundary wall, and the Design and Access Statement indicated hardstanding around the building which was already there, indicating that the previous use might have been used for parking. The Senior Planning Officer explained that efficiency measures on the development were set-out within the conditions and further measures would not be viable.

Councillor Tony Winckless moved the following motion: That a condition be added to ensure there was adequate screening. This was seconded by Councillor Richard Palmer. On being put to the vote, the motion was lost. The substantive motions were put to the vote and agreed by Members.

Resolved: That application 20/505156/FULL be approved subject to conditions (1) to (32) in the report.

Resolved: That application 20/505157/LBC be approved subject to conditions (1) to (11) in the report.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 21/502877/FULL			
APPLICATION PROPOSAL			
Erection of 1no. detached dwelling house with associated access, parking and landscaping.			
ADDRESS Land Adjacent To 72 Courtenay Road Dunkirk Kent ME13 9LH			
WARD Boughton And Courtenay	PARISH/TOWN Dunkirk	COUNCIL	APPLICANT Mr & Mrs M Bradley AGENT The JTS Partnership

The Area Planning Officer introduced the application and explained that the site was just outside the Local Plan defined built-up area of Dunkirk.

Parish Councillor Jeff Tutt, representing Dunkirk Parish Council, spoke in support of the application.

Mrs Diane Bradley, the Applicant, spoke in support of the application.

A visiting Member supported the application and welcomed the environmentally friendly measures that were proposed.

A Ward Member who was also a member of the Committee spoke in support of the application.

The Chairman moved the officer recommendation to refuse the application and this was seconded by Councillor Ben J Martin.

In the debate that followed, Members raised the following points:

- This was outside the built-up boundary;
- it was in a sustainable location;
- this would ‘tidy up’ the boundary edge;
- there was a lack of self-build sites, there was a risk of losing this on appeal; and
- the Parish Council supported the application.

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

Councillor James Hunt moved the following motion: That the application be approved subject to the usual conditions, including Strategic Access Management and Monitoring Strategy (SAMMS) payment, 50% energy efficiency and EV charging and this was seconded by Councillor Monique Bonney. On being put to the vote the motion was agreed.

Resolved: That application 21/502877/FULL be approved as an exception to normal policy as the site was well related to the existing urban area, subject to the usual conditions, including SAMMS payment, 50% energy efficiency measures and an EV charging point.

PART 5

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

- **Item 5.1 – Riverbank House Irwin Park Minster**

DELEGATED REFUSAL

APPEAL DISMISSED

A Member welcomed the outcome.

- **Item 5.2 – Elm Tree Cottage Dargate**

PLANNING COMMITTEE REFUSAL

APPEAL DISMISSED

- **Item 5.3 – 13 Dean Road Sittingbourne**

DELEGATED REFUSAL

APPEAL DISMISSED

- Item 5.4 – Lan adj Hole Street Farm Kingsdown Road Lynsted

DELEGATED REFUSAL

APPEAL DISMISSED

- Item 5.5 – 2 Primrose Place The Street Doddington

DELEGATED REFUSAL

APPEAL DISMISSED

381 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 items of business on the grounds that they involve 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.

382 SCHEDULE OF DECISIONS

18/500767/FULL - Newington Working Mens Club (now known as Charlotte Court), High Street, Newington

The Development Manger introduced the item and gave a summary of the issue.

Resolved: That enforcement action not be pursued for the non-compliance with condition (9) of the Inspector’s decision for 18/500767/FULL.

383 ADJOURNMENT OF MEETING

The Meeting was adjourned from 8.56 pm until 9.02 pm.

384 SUSPENSION OF STANDING ORDERS

At 10pm, 10.30pm and 11pm 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