
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 11 November 2021 from 7.00 pm - 10.15 pm.

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

OFFICERS PRESENT: Simon Algar, Billy Attaway, Andy Byrne, Andrew Jeffers, Kellie MacKenzie, Julie Oates, Cheryl Parks and Graham Thomas.

ALSO IN ATTENDANCE: Councillor Monique Bonney (Ward Member).

APOLOGIES: Councillors Monique Bonney, Richard Darby, Carole Jackson, David Simmons, Paul Stephen and Tim Valentine.

425 EMERGENCY EVACUATION PROCEDURE

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

426 MINUTES

The Minutes of the Meeting held on 14 October 2021 (Minute Nos. 377 – 384) were taken as read, approved and signed by the Chairman as a correct record subject to the following amendment under attendance:

Councillor Ken Rowles (Substitute for Councillor Simon Clark) not Councillor Elliott Jayes.

427 DECLARATIONS OF INTEREST

Councillor Mike Baldock declared a Disclosable Non-Pecuniary Interest in respect of item 3.2 20/502218/OUT, Home Farm, Breach Lane, Lower Halstow, Sittingbourne. Councillor Baldock remained in the Council Chamber with an open mind and intended to debate and vote on the item.

Councillor Simon Clark declared a Disclosable Non-Pecuniary Interest in respect of item 2.6 21/500222/FULL, Grove End Farm, Bredgar Road, Tunstall, Sittingbourne. Councillor Clark remained in the Council Chamber with an open mind and intended to debate and vote on the item.

Councillor Nicholas Hampshire declared a Disclosable Non-Pecuniary Interest in respect of item 2.6 21/500222/FULL, Grove End Farm, Bredgar Road, Tunstall,

Sittingbourne. Councillor Hampshire remained in the Council Chamber with an open mind and intended to debate and vote on the item.

Councillor Oliver Eakin declared a Disclosable Non-Pecuniary Interest in respect of item 2.3 19/501431/FULL, Jimmy Gs, The Promenade, Leysdown, Sheerness. Councillor Eakin remained in the Council Chamber with an open mind and intended to debate and vote on the item.

Councillor Cameron Beart declared a Disclosable Non-Pecuniary Interest in respect of items 2.3 19/501431/FULL and 2.6 21/500222/FULL. For item 2.3, Councillor Beart did not take part in the item, and left the Council Chamber during the debate and vote on the item. For item 2.6 Councillor Beart remained in the Council Chamber with an open mind and intended to debate and vote on the item.

428 SCHEDULE OF DECISIONS

2.1 REFERENCE NO - 21/504415/FULL		
APPLICATION PROPOSAL Retrospective application to convert existing flat roof to external terrace.		
ADDRESS 32 The Broadway Minster-on-sea Sheerness Kent ME12 2RR		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-on-sea	APPLICANT Mr & Mrs Raggett AGENT Oakwell Design Ltd

The Area Planning Officer introduced the application.

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

Resolved: That application 21/504415/FULL be approved (there were no conditions).

2.2 REFERENCE NO - 21/501846/FULL		
APPLICATION PROPOSAL Change of use of land from agricultural to equestrian; removal of existing stables and erection of replacement stables, tack store and hay store, and creation of riding area.		
ADDRESS Little Place Farm Yaugher Lane Hartlip Kent ME9 7XE		
WARD Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL Hartlip	APPLICANT Ms Richardson & Mr Bearup AGENT Woodstock Associates

The Area Planning Officer introduced the application.

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

A member of the Planning Committee welcomed condition four which stipulated for private use only, and thanked the officers for working with the applicant.

Resolved: That application 21/501846/FULL be approved subject to conditions (1) to (8) in the report.

2.3 REFERENCE NO – 19/501431/FULL		
APPLICATION PROPOSAL		
Continued use of the rear external area to an established amusement centre for children’s fairground rides & associated attractions. (Retrospective)		
ADDRESS Jimmy Gs The Promenade Leysdown Sheerness Kent ME12 4QB		
WARD Sheppey East	PARISH/TOWN COUNCIL Leysdown	APPLICANT Leysdown Investments Ltd AGENT S.I. Chartered Building Surveyors.

The Area Planning Officer introduced the application and drew Members’ attention to the tabled update which proposed a change to condition (4), to ensure any rides that had external lighting were switched off outside the operating hours of the fairground. He informed Members that the Councils Environmental Health team had visited the site and were concerned with the ride ‘Jumping Jack’ and that silencers had been fitted on the ride to mitigate the loud noises coming from it.

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

Councillor Cameron Beart spoke on this application and said that residents had been dealing with this fairground for two years and there had been a lot of complaints regarding the lights and noises coming from the fairground. He informed the Committee that videos from the residents had been sent to him showing the operators of the ride ‘Jumping Jack’ taking the silencers off, making the ride louder when in use. After concluding his comments, Councillor Beart left the Chamber for the remainder of the item.

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

- Concerned with how close the fairground was to neighbouring properties;
- concerned that the conditions that would be put in place would not be regularly checked and asked how often did these get checked by enforcement?;
- could the owners of the site be taken to magistrates court for taking the silencers off the ride?;
- concerned with the background music as it was very loud at all times of the year;

- could we not impose a noise restriction to the fairground?; and
- the area was not suitable for a fairground.

The Chairman asked the Environmental Health officer to clarify some of the Members' questions.

In response, the Environmental Health officer said that there was no quick fix solution to prosecute the operator under statutory provisions relating to noise nuisance if the operator took the silencers off the ride. Local residents would need to inform officers of the removal of silencers and keep a diary log and officers would have to monitor the noise when the silencers were removed. She informed the Committee that it was a long process before any prosecution was taken. The officer then explained that any restrictions imposed on background music was carried out with the same process. However, she did inform the Committee that the location of this site was on a busy promenade with surrounding buildings also making lots of noise, so isolating noise from Jimmy G's would not be easy.

The Legal officer told Members that if any conditions had been breached, a breach of conditions notice could be served on the owner. There was no right of appeal against a breach of conditions notice and failure to adhere to its requirements, and this could result in a hearing at the magistrates court, and the issue of a fine.

A Member considered it was not fair that the residents had to deal with the fairground for so long without any conditions or restrictions being placed on it. Councillor Mike Baldock made the following addendum: That the application be granted on a temporary two-year permission so that the application came to Planning Committee again in two-years time. This was seconded by Councillor Elliott Jayes.

Members debated the addendum and raised the following points:

- The site had been running for two years already so why give them another two years to operate?;
- the residents had been subject to the noise and lights for two years already and did not want them to suffer for another two years;
- they had not been following the rules and would continue to not follow the rules; and
- could we include a sound barrier condition to mitigate the noise coming from the rides?

In response, the Environmental Health officer said that sound barriers would not be a viable solution for this site as they would most likely need to be the same height as the neighbouring properties and some noise came out of the top of the rides, making the design and location of any sound barriers very difficult.

The addendum to the original motion was agreed.

Resolved: That application 19/501431/FULL be approved on a temporary two-year basis subject to conditions (1) to (5) in the report as amended.

2.4 REFERENCE NO – 21/504571/FULL

APPLICATION PROPOSAL			
Demolition of existing property and erection of 2no. five bedroom dwellings with associated parking and private amenity space as amended by drawing no's 21.29_PL_12 Rev A; 21.29_PL13 Rev A and 21.29_PL14 Rev A.			
ADDRESS Greystone Bannister Hill Borden ME9 8HU			
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Ashbyrne Homes Ltd	
		AGENT Kent Design Partnership	

The Area Planning Officer introduced the application and advised that the Environmental Health Manager had suggested two additional conditions. The first condition was that no asbestos containing material associated with any demolition should remain on site. The second was to mitigate dust in accordance with the Institute of Air Quality Management (AQM) 'Guidance on the Assessment of Dust from Demolition and Construction'.

The Area Planning Officer referred to the emails that Members of the Committee had received from several neighbours of the site. He explained that one of the concerns raised was how close the site was to the neighbouring properties. The officer showed Members some plans and diagrams to explain that the proposed site was more than 11 metres away from the neighbouring property which was more than the required minimum separation distance normally required by the Council. Another concern raised by residents was an issue of overlooking. The Area Planning officer said that the existing property at Greystone looked directly at neighbouring properties, however the new proposed properties were angled differently to the existing property making the risk of overlooking minimal.

In the absence of Vicky Meadows, an objector, her speech was read-out by the Democratic Services Officer.

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

A member of the Committee who was also a Ward Member spoke on this application and said that the development was situated on a blind corner of a narrow rural road and that it was on the border of the conservation area. He thought it was strange that the officer had not mentioned the conservation area in the report and sought clarification from the officer. The Member also felt that the proposed dwellings were too large for the site and that smaller homes would be better suited. He also queried why an Appropriate Assessment had been carried out without any input from the applicants. In response, the Area Planning Officer said that the development was less than 6km distance from the Special Protection Area set by Natural England and as such mitigation via the Strategic Access Management and Monitoring Strategy (SAMMS) payment was a recognised mitigation measure.

Another member of the Committee who was also a Ward Member spoke on this application and said that he shared the same concerns as the residents with regard

to overlooking and the close proximity the site had on neighbouring properties. He said that the location of the site was in a built up area on a narrow country lane and he was concerned with the amount of traffic the proposed site would create on what was already a dangerous section of road.

The Committee were invited to debate this item and the following issues were raised:

- Concerned that the applicant had submitted drawings which were incorrect;
- the item should be deferred to give the officers and applicant time to draw up accurate plans;
- topographical information should be provided;
- wanted a traffic consultant to look into the impacts the development would have on the local traffic; and
- concerned that the access road was on the border of the conservation area and thought officers would need to reconsider the close proximity the site had on the conservation area.

A Member said he was concerned that the Committee did not have accurate drawings and plans which made it difficult to consider the report and make a decision. Councillor James Hunt moved the following motion: That the application be deferred to allow the Planning Working Group to meet on site. This was seconded by Councillor Mike Dendor.

Resolved: That application 21/504571/FULL be deferred to allow the Planning Working Group to meet on site.

2.5 REFERENCE NO – 21/503580/PNQCLA			
APPLICATION PROPOSAL			
Prior Notification for change of use of agricultural buildings to 5no. residential dwellings and associated operational development. For it's prior approval to:- Transport and Highways impacts of the development – Noise impacts of the development – Contamination risks on the site – Flooding risks on the site – Whether the location or siting of the building to change from agricultural use to C3 (dwellinghouses) – Design and external appearance impacts on the building, and – Provision of adequate natural light in all habitable rooms of the dwellinghouses.			
ADDRESS St Christophers Kingsdown Road Lynsted Sittingbourne Kent ME9 0JW			
WARD Lynsted	Teynham and	PARISH/TOWN COUNCIL Lynsted With Kingsdown	APPLICANT Mrs Dawne Waters AGENT Kent Design Partnership

The Area Planning Officer introduced the application.

Vicky Meadows, an objector, spoke against the application.

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

A member of the Planning Committee wanted clarification as to why the site was considered to be a practical site when there were no local amenities. He sought clarification as to why there was no structural report on the buildings on the site.

In response, the Area Planning Officer said that such Class Q conversions were not subject to Local Plan settlement strategy policies and that this proposal fully met the requirements of Class Q of the General Permitted Development Order (GPDO) therefore, planning permission was already granted and the application related only to specific matters. He added that the proposal was to change the use of buildings that were already there so did not require any rebuild of structures so there was no need for a structural report.

Resolved: That application 21/503580/PNQCLA be approved.

2.6 REFERENCE NO – 21/500222/FULL		
Change of use of agricultural barn to provide storage and distribution of seed and crop protection products.		
ADDRESS Grove End Farm Bredgar Road Tunstall Sittingbourne Kent ME9 8DY		
WARD West Downs	PARISH/TOWN COUNCIL Tunstall	APPLICANT Pauline Panton & Philip Bartholomew AGENT Hobbs Parker

The Area Planning Officer introduced the application and said condition (4) had been slightly amended to restrict the operating hours on weekends and bank holidays. He advised that condition (8) was an additional condition added by the Committee last time the application came forward to Planning Committee in August 2021.

Vivien Rich, representing Tunstall Parish Council, spoke against 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 the Vice-Chairman.

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

- Restricting the tractor usage on weekends and bank holidays was the right way to go and was happy to see that condition in place;
- concerned that HGV's were using 6ft6 width restricted roads to get to the site;
- could a condition be put in place to ensure that HGV lorries only used the proper designated routes to access the site?; and
- page 63 of the report identified which roads HGV lorries were likely to use and knew that these were 6ft6 width restricted roads and felt that approving

this application would show the Council were happy for the applicant to break the rules.

The Legal officer explained that the officer report set out assertions of the applicant about the possible routes that were likely to be used rather than condoning the actual use of these routes. Enforcement of this matter was for Kent Police and the Highways Authority to consider not the Local Authority. The Legal officer highlighted the Appraisal section in the report which stated that Kent Highways Authority were aware of the possible routes HGV lorries could take and raised no objections. It would be for Kent County Council Highways to monitor the lorries and use of 6ft6 width restricted roads and take the appropriate action.

Councillor Mike Baldock moved the following addendum: That permission be granted but with an amendment to proposed condition (4) allowing for a period of two-years only for the additional weekend and Bank Holiday hours to comprise no more than 10 days per calendar year and between the hours of 7am and 12 noon only on those days. This was seconded by Councillor Nicholas Hampshire. On being put to the vote the addendum was agreed.

Resolved: That application 21/500222/FULL be approved subject to the conditions (1) to (8) in the report including the amendment to condition (4) as set out above.

3.1 REFERENCE NO – 21/501435/FULL		
APPLICATION PROPOSAL		
Erection of a two-storey side extension and a single storey rear extension to create a bedroom, bathroom, hydrotherapy pool, therapy room and carer accommodation for a disabled persons use. Raising of the roof of the original outbuilding and part conversion of the integral garage to a pantry (following the demolition of the existing rear conservatory)		
ADDRESS Boarers Farm Elm Lane Minster-on-sea Sheerness Kent ME12 3RY		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-on-sea	APPLICANT Boyes Turner LLP AGENT Steven Docker Associates

The Area Planning Officer introduced the application and drew Members’ attention to the tabled update and explained that officers had considered the application alongside the Equality Act. The application had been made to suit the needs of a disabled child and the Planning Officer showed the Committee the proposed floor plans to meet the needs of the child. He showed Members the carers’ accommodation and the applicant explained that there will be a rotation of four carers staying at the property.

Jonathan Collins, 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.

A member said the site was close to some new build development sites and that the property itself was hard to view from the road. He said that the impact this proposal would have on any neighbouring properties was minimal and there would be no visual impact on the area.

Members raised the following points:

- Understood that we could not meet every individual need but Members needed to consider going against policy for this application;
- there had been no letters of objection;
- the Parish Council were happy with the proposal;
- other properties in the area had been extended and to a larger scale than this proposal;
- concerned with the size of the extension;
- wanted to keep the property as a residential dwelling;
- could a condition be placed that prevented anyone from changing the use to commercial use in the future?;
- a brief search proved there was a lack of hydrotherapy pools for disabled children in the Borough and this application met that need; and
- if we went against officer decision what happened next?

In response, the Area Planning Officer said that planning decisions run with the land and a personal permission restricting use for any future owners would be difficult and that planning permission could not reasonably restrict what home owners did within their property's four walls.

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

Councillor Elliott Jayes proposed that the application be approved with delegated authority given to the Head of Planning in consultation with Ward Members and the Chairman and Vice-Chairman of the Planning Committee to attach any necessary conditions. This was seconded by Councillor Mike Dendor.

Members were invited to debate the motion and raised the following points:

- A condition was required to restrict the time of movements from the carers that were coming in and out of the property;
- needed to consider keeping the carers' accommodation for carers' use only and not to use commercially; and
- could a condition be added to prevent the extension from exceeding the proposed 190%?

In response, the Area Planning Officer explained to Members that a condition could be imposed to remove any permitted development rights or ability to extend the property any further than the proposed 190% and that a condition could be placed on the carers' accommodation to make sure the property was not used as a separate residence.

Councillor Mike Baldock proposed that the reasoning for going against officer recommendation be added to the proposal as follows: to meet the applicant’s specific needs that were not otherwise met elsewhere in the Borough of Swale. This was seconded by Councillor Tony Winckless.

Resolved: That application 21/501435/FULL be approved subject to conditions to be agreed by the Head of Planning in consultation with Ward Members and Chairman and Vice-Chairman of Planning.

3.2 REFERENCE NO – 20/502218/OUT		
APPLICATION PROPOSAL		
Outline Application with all matters reserved for the proposed development of six houses and three bungalows (9 in total).		
ADDRESS Home Farm Breach Lane Lower Halstow Sittingbourne Kent ME9 7DB		
WARD Bobbing, Iwade and Lower Halstow	PARISH/TOWN COUNCIL Lower-Halstow	APPLICANT Mr A Smith AGENT Woodstock Associates

Councillor Mike Baldock left the Chamber before this item was considered.

The Area Planning Officer introduced the application and drew members attention to the tabled update. He advised that Lower Halstow Parish Council had recently agreed to put in place 20mph schemes on local roads. The developer thought that this might satisfy the Kent Highways authority with their previous concerns but Kent Highways had advised that there was still a risk of conflict between vehicles and pedestrians. He pointed out that a similar application for housing development on adjacent land had been refused recently by the Planning Committee because of the same reasons set out in this report.

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

Resolved: That application 20/502218/OUT be refused for the reasons set out in the report.

PART 5

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

- **Item 5.1 – Tarida The Glen Minster**

APPEAL ALLOWED

DELEGATED REFUSAL

A Member suggested that the Parish Council might have been confused about what was asked of them as their responses seemed contradictory, and that planning training might be useful to parish councils.

- **Item 5.2 – 40 Willement Road Faversham**

APPEAL DISMISSED

DELEGATED REFUSAL

429 ADJOURNMENT OF MEETING

The meeting was adjourned from 9.15 pm until 9.26 pm.

430 SUSPENSION 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