
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 10 March 2022 from 7.00 pm - 9.32 pm.

PRESENT: Councillors Cameron Beart, Derek Carnell (Substitute for Councillor Paul Stephen), Simon Clark, Mike Dendor, Oliver Eakin, Tim Gibson (Chairman), Alastair Gould (Substitute for Councillor Tim Valentine), James Hall, James Hunt, Carole Jackson, Elliott Jayes (Vice-Chairman), Denise Knights (Substitute for Councillor Monique Bonney), Peter Marchington, Ben J Martin, David Simmons and Tony Winckless.

OFFICERS PRESENT: Andy Byrne, Philippa Davies, James Freeman, Andrew Jeffers and Cheryl Parks.

OFFICERS PRESENT (Virtually): Simon Algar, Elizabeth Jump, Kellie MacKenzie, Graham Thomas and Jim Wilson.

ALSO IN ATTENDANCE: Councillors Lloyd Bowen, Richard Palmer and Mike Whiting.

ALSO IN ATTENDANCE (Virtually): Councillors Monique Bonney and Tim Valentine.

APOLOGIES: Councillors Monique Bonney, Richard Darby, Paul Stephen and Tim Valentine.

671 **Emergency Evacuation Procedure**

The Chairman outlined the emergency evacuation procedure.

672 **Minutes**

The Minutes of the Meeting held on 10 February 2022 (Minute Nos. 587 – 589) were taken as read, approved and signed by the Chairman as a correct record.

673 **Declarations of Interest**

Councillor David Simmons declared a Disclosable Non-Pecuniary Interest in respect of item 2.1 21/503441/FULL, Walled Garden, Mount Ephraim, Staple Street, Hernhill as he knew the applicants. Councillor Simmons remained in the Council Chamber with an open mind and intended to debate and vote on the item.

674 **Planning Working Group**

The Minutes of the Meeting held on 1 March 2022 (Minute Nos. 642 – 644) were taken as read, approved and signed by the Chairman as a correct record.

20/505921/OUT Land at Highfield Road, Minster-on-Sea, Sheerness, ME12 3BA

The Planning Contract Officer (Majors) displayed photographs of the street scene taken from 5 March to 9 March 2022, which had been submitted by the Agent.

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

A Ward Member who was also a member of the Planning Committee, spoke against the application. He raised points which included:

- Noted that the photographs had been taken during the working day and suggested they should have been taken in the evening instead to give a more realistic picture of the parking issues along the road;
- the position of the proposed access to the application site was too close to the blind brow of the hill; and
- this development meant the loss of a section of the Important Local Countryside Gap.

Members considered the application and points raised included:

- Considered that if the Committee voted against this, the Council would lose on appeal; and
- there were good reasons to refuse the application.

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

At this point the Head of Planning Services used his delegated powers to 'call-in' the application.

A Ward Member requested that an independent highways analysis be carried out and reported back to the Committee, and the Committee agreed with this.

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, with the inclusion of an independent highways analysis.

21/502609/OUT Land to the East of Lynsted Lane, Lynsted, ME9 9QN

The Major Projects Officer drew Members' attention to the tabled update prepared following the Planning Working Group meeting held on 1 March 2022.

The visiting Ward Members 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 the Vice-Chairman.

Members considered the application and points raised included:

- Pedestrian access through the working joinery to the north of the site was inappropriate and not acceptable;
- there was a lack of visibility on Lynsted Lane towards the A2 junction;
- the site was outside the built-up area boundary which was set in policy;
- an application in nearby Cellar Hill, Teynham had recently been refused and was similar in many ways to this site;

- Kent County Council (KCC) Highways and Transportation had not responded to the Cellar Hill application, and the report was contradictory to this application when there were so many similarities with it;
- access was poor from/to the A2/Lynsted Lane, Teynham;
- the lane was too narrow to sustain bus routes if the proposed highway works were implemented;
- advice from KCC Highways and Transportation was 'ludicrous';
- there were already congestion issues on Lynsted Lane and the A2;
- this site was inappropriate for development;
- the Strategic Housing Land Availability Assessment (SHLAA) was for 50 houses at this location, suggesting a possibility of further development if this application was approved, but this application was for up to 10 dwellings, which was just below the threshold for affordable housing;
- did not agree with the views of KCC Highways and Transportation that the proposed mitigation measures would improve the highway situation on Lynsted Lane;
- this would not be approved if there was not a lack of a five-year housing land supply;
- the difference with the Cellar Hill application was that the site was nearer and had more impact on a conservation area and listed buildings than this application had;
- there were issues with supplying keys to residents to lock the gate to the joinery site, with the chance that it might not be re-locked-up each time the gate was opened; and
- more than three compensatory vehicle spaces were needed for the residents of Lynsted Lane.

In response, the Development Manager reminded Members that they needed to consider the merits of this application, rather than the Cellar Hill application. He explained that KCC Highways and Transportation had not commented on the Cellar Hill application as it did not meet the threshold, on account of the number of dwellings proposed, required for them to do so.

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

At this point the Head of Planning Services used his delegated powers to 'call-in' the application.

The Committee agreed that an independent highway analysis be carried out, including the implications of the proposed development for the existing bus route along Lynsted Lane, and that the results be reported back to the Committee in due course.

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, with independent highway advice and bus route information also to be included and the results reported back to the Committee.

675 **Schedule of Decisions**

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 21/503441/FULL		
APPLICATION PROPOSAL Erection of dwelling of exceptional quality of design (Para 80e), new access and associated works.		
ADDRESS Walled Garden Mount Ephraim Staple Street Hernhill Faversham Kent ME13 9TX		
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT Mr and Mrs Wallis AGENT Hughes Town Planning Consultancy Ltd

The Area Planning Officer introduced the application. He said this was for a single dwelling in a countryside location, outside the built-up boundary of Boughton/Dunkirk. The site was on a designated rural lane and in a special landscape area. The Area Planning Officer displayed the proposed dwelling and traditional garden layout. He explained that a new vehicular access would be installed through the existing wall on the eastern side.

Rob Hughes, the Agent, spoke in support of the application.

A visiting Ward Member said that he was undecided on the application.

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

A Ward Member who was also a member of the Planning Committee spoke in support of the application. He welcomed the preservation of the walled garden and the improved visibility splays at the new access point onto what he considered to be a dangerous road.

Members considered the application and points raised included:

- This was an outstanding design, and noted that it was not visible from the road;
- congratulated the officer on a very enthusiastic report;
- this was an excellent scheme;
- pleased that this type of dwelling was being developed in Swale and hoped similar schemes came forward;
- noted that the word 'innovative' had been removed from paragraph 80(e) as a factor, and as set-out in paragraph 8.4 of the report, the Design Review Panel stated that the design had not yet shown that they met all the paragraph 80(e) criteria;
- there was a lot of support for the application and no objections and could not see a reason to refuse the application; and
- this would be an improvement to what was currently on the site.

Resolved: That application 21/503441/FULL be approved subject to conditions (1) to (30) in the report and Strategic Access Management and Monitoring Scheme (SAMMS) payment.

2.2 REFERENCE NO - 21/506401/FULL		
APPLICATION PROPOSAL Demolition of two conservatories. Alterations to fenestration including 4 no skylights to north and 1 no skylight to south elevations. Increase of cladding.		
ADDRESS New Barns Farm Box Lane Painters Forstal Faversham Kent ME13 0RU		
WARD East Downs	PARISH/TOWN COUNCIL Ospringe	APPLICANT Ms Kresse Wesling

The Area Planning Officer drew Members' attention to the tabled paper for this item. He displayed the 'before' and 'after' images of the bungalow, with its black cladding and corrugated sheeting to look similar to a farm building.

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

The Ward Member who was also a member of the Planning Committee considered the proposed finish to the building was a bit 'brutal' and that it could 'stick out' in the countryside.

A Member welcomed the new finish and thought it was an improvement to what was currently there.

Resolved: That application 21/506401/FULL be approved subject to conditions (1) and (2) in the report.

2.3 REFERENCE NO - 22/500111/FULL		
APPLICATION PROPOSAL Erection of part single, part two storey side extension, conversion of loft into habitable space with front and rear dormers and hip to gable roof alterations.		
ADDRESS 137 Sterling Road Tunstall Sittingbourne Kent ME10 1ST		
WARD Woodstock	PARISH/TOWN COUNCIL Tunstall	APPLICANT Miss Sharon Wraight AGENT Woodstock Associates

The Area Planning Officer introduced the application and explained that amendments had reduced overlooking issues and it was now better designed.

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

A Member who was familiar with the location said there was an eclectic mix of houses nearby, some with large extensions and he considered this application fitted in well with the surroundings.

Resolved: That application 22/500111/FULL be approved subject to conditions (1) to (4) in the report.

2.4 REFERENCE NO - 21/506021/FULL		
APPLICATION PROPOSAL		
Section 73 - Application for variation of condition 3 (to allow take-away to be open 7 days a week from 16:30 to 22:00) pursuant to SW/06/0575 for - Change of use from retail (Class A1) to take-away (Class A5).		
ADDRESS 21 Chaucer Road Sittingbourne Kent ME10 1EZ		
WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT Mr Kishore Dey AGENT Architectural Designs

The Area Planning Officer introduced the application. He advised that the current condition allowed the takeaway to operate up to 9 pm Mondays to Saturdays, and this application was for a variation of the condition to allow operating up to 10 pm and for this to include Sundays as well. The Area Planning Officer said the key issue was the impact on the residents in the flats above the premises. The Environmental Health Team had raised concern with the extended hours sought, but had no objection for extended opening times until 10 pm on Fridays and Saturdays, and Sunday opening until 8 pm. The Area Planning Officer also advised that the current condition had no limit on staff being present in the building, and that the proposed condition required that staff left the premises no later than one hour after the premises was closed to the public.

Mr Michael Tamsett, 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 who was also a member of the Planning Committee spoke with some concern on the application. He referred to breaches of the current planning conditions, with the premises sometimes open until 11 pm on a Friday and Saturday, and members of staff staying in the premises overnight. The Ward Member said the Enforcement Team were currently investigating the breaches. Councillor Simon Clark moved the following motion: That the application be deferred to allow the Enforcement Team to conduct their investigation and report back to the Planning Committee. This was seconded by Councillor Mike Dendor. On being put to the vote the motion was agreed.

Resolved: That application 21/506021/FULL be deferred to allow the Enforcement Team to conduct their investigation and report back to the Planning Committee.

2.5 REFERENCE NO - 21/506357/FULL		
APPLICATION PROPOSAL Proposed 1 year temporary permission for 2no. detached garages for use as residential accommodation during the construction of 2no. new dwellings, previously approved under application 20/505179/FULL.		
ADDRESS 116 Oak Lane Upchurch Kent ME9 7AY		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Mr T Tobutt & Mr K Moriarty AGENT Woodstock Associates

The Area Planning Officer introduced the application. He gave a brief overview and said that this would be a temporary permission for a year whilst construction of the two dwellings took place. He said this was an appropriate, although unusual option, and would be converted back to a garage once the dwellings were completed.

Parish Councillor Gary Rosewell, representing Upchurch Parish Council had registered to speak on this item, but was unable to due to him experiencing IT problems and not being able to join the meeting remotely. His speech had not been forwarded to Democratic Services and as such could not be read out on his behalf.

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.

Members considered the application and points raised included:

- In principle not against this application so long as it was limited to one year temporary permission;
- this did not fit with the Section 278 Agreement which stated that no dwelling be occupied until the off-site highway works were completed;
- it made sense for the self-builders to stay on site; and
- concerned with what amenities were in place within the garages.

In response, the Area Planning Officer showed Members the floor plans of the garages which indicated a shower room and temporary kitchen which would revert back to garage use once the dwellings were completed.

Resolved: That application 21/506357/FULL be approved subject to condition (1) in the report.

2.6 REFERENCE NO - 22/500289/FULL
APPLICATION PROPOSAL Change of use of existing dwelling (C3 use class) to a 7 bed HMO (sui generis) including rear dormer loft extension, cycle storage and bin store (resubmission of

21/503563/FULL).		
ADDRESS 115 Park Road Sittingbourne Kent ME10 1EQ		
RECOMMENDATION Grant subject to conditions and receipt of SAMMS payment		
WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT S Bracey AGENT Pedersen Smith Architects

The Area Planning Officer introduced the application and drew attention to the tabled update for this item. This included comments from the Environmental Health team who did not consider the increase from a six person House in Multiple Occupation (HMO) to a seven person HMO would give rise to unacceptable noise or disturbance. A further representation had also been received, raising concerns already set-out in the report. He stated that the Council had refused a similar application last year which was now at appeal. Following that refusal, the applicant had submitted a Lawful Development Certificate for a six bedroom HMO and erection of a rear dormer window under permitted development, and this had been granted. The new application was externally the same as the Lawful Certificate scheme approved in 2021, but internally the current proposal was to increase it to a seven bedroom HMO. The Area Planning Officer stated that the applicant had now established a fall-back position that they could still convert the dwelling to a six Bedroom HMO in any case, so consideration needed to be given as to whether a seven bedroom HMO was now acceptable against this fallback position. He said there was some appeal precedence on this matter where the difference between a six and seven HMO was considered to be very small and not enough to show as being demonstrably harmful. He highlighted condition (7) which set out that no more than seven residents should occupy the HMO.

As the registered objector, Mr Andrew Newson was having IT issues, his speech against 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 the Vice-Chairman.

A Ward Member who was also a member of the Planning Committee spoke against the application. He said the surrounding area consisted predominantly of two-storey family dwellings and he did not consider a HMO was required. The Ward Member said that he would rather the building remained as a family dwelling, but if it was approved, that only two parking permits be issued to be in-line with other nearby properties.

In response, the Area Planning Officer said that it was not possible to limit the number of parking permits under the Planning Acts.

Members considered the application and points raised included:

- This application was only asking for consideration of one additional person in the HMO;
- some concerns with this increase in terms of fire safety;
- just one additional person might be difficult to defend on appeal;

- one extra person was a 16% increase, and considered the developer was being greedy,
- suggested the cycle storage be increased to seven and be a lockable cupboard; and
- understood neighbours' concerns but condition (6) ensured there were no more than seven people occupying the dwelling.

The Area Planning Officer said the cycle storage could be increased and Members agreed to the suggestion that they were not just a rack, but a lockable covered area. He advised that fire safety issues were dealt with separately from planning under building regulations. In response to a question, the Area Planning Officer advised that the housing team dealt with HMO licensing.

Resolved: That application 22/500289/FULL be approved subject to conditions (1) to (6) in the report and an additional condition so that there be locked covered cycle storage for seven bicycles.

2.7 REFERENCE NO - 19/505263/FULL		
APPLICATION PROPOSAL		
Retrospective application for siting of a portacabin for residential use of the site by a gypsy/traveller, in association with existing smallholding and equine facilities.		
ADDRESS Kaynes Farm Breach Lane Upchurch Kent ME9 7PE		
RECOMMENDATION – That planning permission is Granted for a temporary period of five years, subject to receipt of the appropriate SAMMS payment.		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Mr James Hills AGENT Architectural Designs

The Area Planning Officer drew Members' attention to the tabled update for this item. This included one further condition to be added to the application to require the provision of suitable visibility splays. He said the site was open and rural in character and the application was to retain a portacabin as residential accommodation on the grounds that there was an agricultural need for residency and the applicant identified as a gypsy and traveller. The Area Planning Officer said the Council's assessment had concluded that there was no essential agricultural need for accommodation in connection with the smallholding. However, although the applicant no longer travelled due to his age, he fell within a group known as cultural gypsy and travellers and this group was not covered under the current Government Planning Policy for Traveller Sites definition or the Council's own Gypsy policy in the Local Plan (DM10). The Council's own gypsy and traveller assessment recognised a need for sites for this additional group. Taking into account this identified need, it was considered that a personal and temporary permission would be appropriate in this instance.

Parish Councillor Gary Rosewell, representing Upchurch Parish Council had registered to speak on this item, but was unable to due to him experiencing IT problems and not being able to join the meeting remotely. His speech had not been forwarded to Democratic Services and as such could not be read out on his behalf.

Mr Michael Tamsett, the Agent, 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 the Vice-Chairman.

Members considered the application and points raised included:

- Clarification was needed on the status of the applicant;
- concerned with noise and fires and how they would be monitored;
- smoke from the site could blow across the railway line causing visibility issues;
- with reference to paragraph 8.4 of the report, considered the applicant did have a viable business as their living requirements might be low;
- realistically, the permission could last longer than five years; and
- from the pictures, the application did not appear to have a huge impact on the surrounding area.

In response, the Area Planning Officer explained that noise and fire issues came under the Environmental Health team. He said there was a test applied to agricultural dwellings and the bar was quite high. This test asked if there was an essential need for someone to reside on the land on a continuous basis and was the business viable as an agricultural business? An agricultural advisor had looked at this and concluded that the applicant did not meet the bar. The Area Planning Officer confirmed that officers were happy with the supporting statement from the applicant in terms of his gypsy and traveller status.

Resolved: That application 19/505263/FULL be approved subject to conditions (1) to (10) in the report, plus an additional condition to require the provision of suitable visibility splays.

PART 5

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

- **Item 5.1 – Copper Beeches The Street Hartlip**

DELEGATED DECISION

APPEAL DISMISSED

- **Item 5.2 – Land Situated at 61 Newton Road Faversham**

ENFORCEMENT APPEAL

APPEAL DISMISSED

- **Item 5.3 – 1 Ashberry Close Faversham**

DELEGATED DECISION

APPEAL DISMISSED

A Member congratulated officers.

- **Item 5.4 – Rides House Warden Road Eastchurch**

DELEGATED DECISION

APPEAL DISMISSED

A Member endorsed the decision and said that local plan policies were in place for a reason.

- **Item 5.5 – Little Owens Court Farmhouse Selling Road Selling**

DELEGATED DECISION

APPEAL DISMISSED

Members congratulated officers on the dismissed appeals on delegated decisions.

676 Adjournment of Meeting

The Meeting was adjourned from 8.46 pm until 8.53 pm.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

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