
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 7 April 2022 from 7.00 pm - 9.48 pm.

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

OFFICERS PRESENT: Philippa Davies, Emma Gore, Cheryl Parks and Graham Thomas.

OFFICERS PRESENT (Virtually): Billy Attaway, Andrew Jeffers, Jhilmil Kishore, Kevin Tucker and Jim Wilson.

ALSO IN ATTENDANCE: Councillors Steve Davey and Corrie Woodford.

ALSO IN ATTENDANCE (Virtually): Councillors Mike Baldock, Roger Clark, Lee McCall, Ken Rowles and Roger Truelove.

APOLOGIES: Councillors Richard Darby, James Hunt, Elliott Jayes, Ben J Martin, David Simmons and Tim Valentine.

742 **Emergency Evacuation Procedure**

The Chairman outlined the emergency evacuation procedure.

743 **Minutes**

The Minutes of the Meeting held on 10 March 2022 (Minute Nos. 671 – 676) were taken as read, approved and signed by the Chairman as a correct record.

744 **Declarations of Interest**

Councillor Monique Bonney declared a Disclosable Non-Pecuniary Interest in respect of item 2.4 22/500563/FULL, St Michaels Church, High Street, Sittingbourne as she had discussed the matter in her role as Cabinet Member for Economy and Property. Councillor Bonney left the Chamber during the discussion and as such did not speak or vote on the item.

Councillor Cameron Beart declared a Disclosable Non-Pecuniary Interest in respect of item 2.5 20/502715/OUT, Bobbing Car Breakers, Howt Green, Bobbing as his employer did business with the applicant. Councillor Beart remained in the Council Chamber with an open mind and intended to debate and vote on the item.

745 Deferred Items

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO - 21/500173/FULL		
APPLICATION PROPOSAL Retrospective application for change of use of land from agricultural to animal rescue including new stock fencing and gates, mobile field shelters, small animal houses, shipping containers for storage, associated boundary treatment and stationing of a mobile caravan for use as a residential unit for staff.		
ADDRESS Land East Of Hawes Woods High Oak Hill Iwade Road Newington Kent ME9 7HY		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Bobbing	APPLICANT The Happy Pants Ranch AGENT

The Major Projects Officer introduced the application and said the Applicants had recently provided an updated site plan. He drew Members’ attention to the tabled paper for this item and provided a further update to section 5.2 of the update to report that in total 19 further representations had been received, 18 in support of the application and one in objection. The Major Projects Officer said the Council accepted the principle of using land as an animal sanctuary, subject to it being on the right site, with appropriate planning controls in place. He reminded Members that the application site was sensitively located next to a designated ancient woodland and within an Area of High Landscape Value. The Major Projects Officer said that areas such as these ancient woodlands were a finite and diminishing resource nationally and were protected under the National Planning Policy Framework (NPPF).

The Major Projects Officer said that care needed to be taken that new development did not detract from the quality of the landscape. Officers had concluded that this was not the right site for this development. They had looked at the additional information provided by the Applicants following the Planning Committee meeting in December 2021. Kent County Council (KCC) Highways and Transportation and KCC Ecology had continued to raise concern, and there had been four noise abatement breaches. Officers were not satisfied that enough information had been supplied by the Applicants to address the previous concerns and remained with their recommendation that the application should be refused for the reasons set-out on pages 25 and 26 of the report. The Major Projects Officer said the harm of the scheme significantly and demonstrably outweighed the benefits when assessed against the Local Plan (adopted 2017) and the NPPF (July 2021) and the other material planning considerations.

Mr David Warren, a supporter, was registered to speak, but withdrew before the meeting commenced.

Amey Jones, the Applicant, spoke in support of the application.

A visiting Ward Member spoke in support of the application.

At this point, a Member raised a point of order and said that Appendix II on page 48 of the report had stated that the officer recommendation had been to approve the application. The Chairman acknowledged that this was a typing error, and it should have read 'officer recommendation to refuse'.

A visiting Member spoke in support of the application.

The Chairman moved the officer recommendation to refuse the application, and this was seconded by Councillor Mike Henderson.

Members considered the application and points raised included:

- Supported the application;
- it was not unusual to hear animal noises in a rural setting;
- there were more supporters for the application than in objection to it;
- needed to be compassionate about the application and consider animal welfare;
- compassion was not a material planning consideration;
- a considerable amount of damage had been done already to bio-diversity on the site, and on the edge of the nationally protected ancient woodland;
- a lot of hardcore had been placed on the site leaving it very difficult to return the site to farmland;
- increased traffic on local roads;
- the Applicant had not carried out the mitigation work requested by the Planning Committee in December 2021;
- the site was not appropriate for farm or domesticated animals;
- acknowledged the work of this charity, but concerned about the damage to the ancient woodland buffer zone;
- the scheme needed to be better organised; and
- this use on the site was not acceptable in planning terms.

The Major Projects Officer displayed photographs of the site which showed various hardstandings, caravans, enclosures for animals, general paraphernalia, the proximity of Hawes Wood, and rubbish on the site.

In response to points raised by the visiting Ward Member, the Major Projects Officer referred to the agricultural status of the land. He compared what was on the site now with a typical agriculture site and said the issue was the intensity of the use and the sheer number and diversity of animals in close proximity and its location close to residential dwellings. The Major Projects Officer said there were traffic implications, different to an agricultural use, as the site was intended to be visited by members of the public. He added that the adjacent ancient woodland was protected under the NPPF. The woodland was a nationally diminishing resource which should be treasured and any planning application within a 15-metre buffer of ancient woodland would raise concern. The Major Projects Officer explained that a number of officers had looked at this application with very careful consideration, and the decision to recommend refusal was not reached lightly, but was the appropriate course of action as noted by the reasons set-out in the report.

Members made further comments which included:

- Suggested there be time limited conditions on outstanding issues;
- as a Council, we were in a position to help this charity;
- the land needed a lot of work on it and could be improved if there was more funding;
- temporary planning permission could be given;
- more information sought on the ecology report and the timescale for the Applicant to resolve the issues Members had concerns with;
- the waste on the land might have changed the topography of the site and this might have affected surface drainage;
- considered that the changes specifically to the topography of the site, movement of hardcore etc. required planning permission;
- more information sought on the alleged escaped animals from the site into the Ancient Woodland; and
- noise issues from the animals were of concern.

The Senior Environmental Health Officer gave an update on the noise nuisance at the site. He explained that the main issue of noise was from the cockerels and geese. There were 120 cockerels, and this was not normal in a farm setting. He said that this was factual noise and abatement notices had been issued and breaches of these had been witnessed on site very recently. The Senior Environmental Health Officer said there was constant, excessive noise at the site, and this impacted on the families who lived nearby.

The Major Projects Officer responded to concerns raised by Members. He said that attaching conditions and a temporary permission was not appropriate in this instance as it was recommended that the application was refused. The Major Projects Officer drew Members' attention to Appendix III on pages 51 to 53 of the report which set-out a letter to the Applicant from the Head of Planning Services sent following the Committee in December 2021. The letter included measures that the Applicant was required to put in place, which included a Management Plan. It had been hoped that the application would have been reported back to the Planning Committee on 10 March 2022, but further information from the Applicant had not been forthcoming. He explained that one of the reasons for refusal included the inappropriate use of hardcore materials and the submitted planning application had not included land raising or hardcore. The Environment Agency (EA) were looking at this matter separately under their legislation. The Major Projects Officer added, in response to a specific question from a Member, that the alleged escaped animals were not a point that had been relied upon in the refusal reasons.

The Planning Lawyer advised Members that they were required to look at planning issues and merits and not make a decision based on non-planning issues. There needed to be sound and legally compliant decisions. She read out relevant sections of paragraphs 174 and 180 of the NPPF, in terms of bio-diversity and refusal of an application unless there were wholly exceptional reasons and a suitable compensation strategy.

Resolved: That application 21/500173/FULL be refused for the reasons set-out in the report.

746 Schedule of Decisions

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 22/500014/FULL		
APPLICATION PROPOSAL		
Section 73 - Application for minor material amendment to condition 2 (to allow alterations to the design and position of unit 5) pursuant to 15/501089/FULL for - Demolition of existing commercial buildings, removal of the existing hard surface areas and the erection of 5 no dwellings with amenity space, paddocks, parking, access and landscaping as amended by drawings received 1st June 2015.		
ADDRESS Moons Of Selling Ltd Grove Road Selling Faversham Kent ME13 9RR		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Selling	APPLICANT Mr Clarke AGENT Luke Strange Architecture

The Area Planning Officer introduced the application and explained that the application was on a brownfield site, in a rural location, within an Area of Outstanding Natural Beauty. Permission was granted in 2015 to build five houses and four were well on the way to being built. The application was for an alternative design and orientation of the remaining dwelling. This resulted in a 20% turn, facing south-east with the rear windows facing further away from the garden of Barn House.

The Chairman moved the officer recommendation to approve the application, and this was seconded by Councillor Mike Dendor.

A Member noted that there were no objections to the application and could not see a reason to refuse it.

Resolved: That application 22/500014/FULL be approved subject to conditions (1) to (16) in the report.

2.2 REFERENCE NO - 21/506308/ADV		
APPLICATION PROPOSAL		
Advert Application for installation of two (x2) freestanding non-illuminated aluminium signage boards and two (x2) freestanding non-illuminated flagpole-bound signage flags.		
ADDRESS Land At Wises Lane Borden Kent ME10 1GD		
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT BDW Kent AGENT

The Area Planning Officer introduced the application and displayed drawings of the proposed signs which would be positioned within the proposed development.

A visiting Ward Member spoke against the application.

A Ward Member who was also a member of the Planning Committee spoke with some concern on the signs and flags. He acknowledged that the signs needed to be installed and spoke on changing the name of the development and that they should be fixed well into the ground.

The Chairman moved the officer recommendation to approve the application, and this was seconded by Councillor Mike Dendor.

Resolved: That application 21/506308/ADV be approved subject to conditions (1) to (6) in the report.

2.3 REFERENCE NO - 22/500853/FULL		
APPLICATION PROPOSAL Retrospective application for erection of a detached garden office room.		
ADDRESS Clocktower Barn Norton Lane Norton Kent ME9 9JU		
WARD Teynham And Lynsted	PARISH/TOWN COUNCIL Norton, Buckland And Stone	APPLICANT Emma and Philip Mead AGENT Studio BRiNER

This item was withdrawn from the agenda.

2.4 REFERENCE NO - 22/500563/FULL		
APPLICATION PROPOSAL Repair and partial reconstruction of church wall, including installation of a horizontal metal rail to the sections of wall between each pier, supported by decorative metal brackets.		
ADDRESS St Michaels Church High Street Sittingbourne Kent ME10 4PG		
WARD Chalkwell	PARISH/TOWN COUNCIL	APPLICANT Swale Borough Council AGENT N/A

Councillor Monique Bonney left the Council Chamber during consideration of this item.

The Area Planning officer introduced the application and displayed drawings of the proposed new railings. He drew Members' attention to the tabled update for this item which set-out a heritage condition that requested more detailed section drawings.

The Senior Conservation and Design Officer outlined the new condition which would ensure proper refurbishment of the wall and railings.

The Chairman moved the officer recommendation to approve the application, and this was seconded by Councillor Cameron Beart.

Resolved: That application 22/500563/FULL be approved subject to conditions (1) to (7) in the report, the additional heritage condition, and new drawings.

2.5 REFERENCE NO - 20/502715/OUT		
APPLICATION PROPOSAL		
Outline application for the redevelopment of the site for residential use (All matters reserved).		
ADDRESS Bobbing Car Breakers, Sheppey Way, Bobbing, Sittingbourne, Kent, ME9 8QX		
WARD Bobbing, Iwade, and Lower Halstow	PARISH/TOWN COUNCIL Bobbing	APPLICANT S & P Motors AGENT Peter Court

The Senior Planner introduced the outline application which was for the redevelopment of the site for up to 16 residential units. She referred to the tabled paper which set-out updates to the recommendation and to the affordable housing provision. The Senior Planner explained that the site was within the open countryside, and she displayed an artist’s impression of indicative images of the proposed dwellings and she also reported that there was a grade II listed building to the south of the site.

Peter Court, the Agent, spoke in support of the application.

A visiting Ward Member spoke against the application.

In response to a point raised by the Ward Member, the Senior Planner advised that the application site was not within the Important Local Countryside Gap.

A visiting Member spoke in support of the application.

The Chairman moved the officer recommendation to approve the application, and this was seconded by Councillor Cameron Beart.

Members considered the application and points raised included:

- This was an excellent use of a brownfield site;
- acknowledged the concerns of Bobbing Parish Council in terms of the potential closing of the gap between Iwade and Bobbing;
- welcomed the reduction of the number of proposed dwellings from 26 to 16;
- the artist’s impression gave a rural feel to the development;
- the development fitted-in well with the surrounding area;
- it was important to make sure that the Countryside Gap did not disappear by building on greenfield sites;
- the site as it was now was a blight on the landscape and the new development would be an improvement;
- if this was refused, the Council was likely to lose on appeal;
- needed to consider the nearby listed building;

- the layout looked acceptable, with a good area of green space to the front of the development and this also provided good visibility at the entrance;
- the Committee needed to consider the application on its merits, not on whether future housing would encroach on the Countryside Gap;
- clarification sought on the closure report, as set-out in condition (22);
- welcomed the steps taken in the conditions to mitigate any contamination issues; and
- the site offered a good mix of diverse housing.

In response, the Senior Planner referred to the conditions in the report and explained that a number of them set-out work that needed to be carried out in relation to the contamination on the site due to its previous use. The closure report was to confirm that all remediation work had been carried out properly to the satisfaction of the Council and the EA. Conditions (19) to (22) set out the process of assessment, verification, necessity to stop work and the closure report.

Resolved: That application 20/502715/OUT be delegated to officers to approve subject to conditions (1) to (33) in the report, with amendments to the wording of the Section 106 Agreement and to conditions if necessary.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 21/505806/FULL		
APPLICATION PROPOSAL		
Section 73 - Application for Variation of condition 6 (to allow change of opening hours from 11:00 hours - 21:00 hours to 11:00 hours - 23:00 hours) pursuant to SW/05/1274 for - Extension to existing shop and formation of take away (class A5).		
ADDRESS 114 Lower Road Faversham Kent		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Ravinder Singh Bain AGENT Go To Professional Services

The Area Planning Officer introduced the application which sought to vary condition (6) on the application so that the takeaway could operate for an additional two hours each day, up to 11 pm. He referred Members to the Council’s Environmental Health Manager’s comments set-out in paragraphs 6.3 to 6.5 in the report, with the recommendation that odour mitigation measures be undertaken. The Area Planning Officer highlighted that the site was within a residential area and an increase in hours, as requested, had not been granted previously by the Council on a site like this in a residential area. He referred to the appeal decisions at paragraphs 8.6 and 8.7 in the report where the Planning Inspector had recommended a closing time of 9 pm, and reference made in the appeal to potential noise disturbance from this type of business. The Area Planning Officer considered the Planning Inspector’s decision to still be valid.

Mustafa Jabarheil, the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation to refuse the application, and this was seconded by Councillor Derek Carnell.

A Member from an adjoining ward spoke in support of the application and considered it was not detrimental to the surrounding area. She said customers would appreciate the longer opening hours.

Members considered the application and points raised included:

- A similar application had been approved recently in Sittingbourne;
- this could be frustrating to local residents if the hours were extended;
- the increase in opening hours was not appropriate to the area;
- this could set a precedence;
- this was a residential area and the noises associated with a takeaway were unacceptable in a residential area;
- it seemed that the supermarket next door was open until 10 pm; and
- supported opening until 10 pm.

In response, the Area Planning Officer explained the differences between this application and the one that had recently been approved. This one was a single premises, split into two within a residential area, whilst the other application was within a parade of shops, in a semi-commercial area. He explained that although the shop next door stayed open longer, the noises associated with a supermarket were likely to be less than with a takeaway.

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

Councillor Cameron Beart moved the following motion: That the application be approved, with the opening hours that the Applicant had applied for. This was seconded by Councillor Carole Jackson. Councillor Peter Marchington suggested there be a condition to require that a silencer be installed on the extractor fan(s). This was accepted by the proposer and seconder. On being put to the vote the motion was agreed.

Resolved: That application 21/505806/FULL be approved subject to a condition to require that a silencer be installed on the extractor fan(s).

3.2 REFERENCE NO - 21/505951/FULL		
APPLICATION PROPOSAL		
Retrospective application for erection of two dormer windows with balconies on rear roof slope, addition of balcony to existing rear dormer window and use of flat roof as roof terrace, with railings. Proposed erection of single storey rear extensions.		
ADDRESS Gilron Bell Farm Lane Minster-on-sea Sheerness Kent ME12 4JA		
WARD Sheppey East	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Peter Lay AGENT Mr Ken Crutchley

The Area Planning Officer introduced the application and displayed plans of the application site. He explained that various extensions had been carried out to the property over the years, some without planning permission and with some being immune from enforcement

action as they had been in place for more than four years. The current application included balconies to the rear of the property. The Area Planning Officer explained that these, due to the gradual slope of the land and proximity to the next-door dwelling, resulted in overlooking and invasion of privacy.

In the absence of Parish Councillor Dolley White, representing Minster Parish Council, the Democratic Services Officer read out her statement in support of the application.

Peter Lay, the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation to refuse the application, and this was seconded by Councillor Mike Dendor.

Members considered the application and points raised included:

- The application would cause overlooking and set a precedence;
- more information sought on the percentage increase of the chalet bungalow and whether that was a material planning consideration;
- were there any objections to the application?;
- this application with an increase of 240% floor space significantly exceeded the guidance of 60% increase in floor space;
- concerned with the balconies and overlooking; and
- a privacy screen could be installed.

In response, the Area Planning Officer explained that percentage increase was a material consideration. The Local Plan recommended increases of no more than 60% of the original size. However, he did acknowledge that the original size of this dwelling was very small. The Area Planning Officer confirmed that the next-door neighbour had not objected to the application.

In response to a question, the Area Planning Officer explained that the Council had applied the 60% increase in floor space fairly consistently over the years and said that different extensions had different impacts on the surrounding area.

Resolved: That application 21/505951/FULL 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 – The Annexe 168A Queenborough Road Halfway**

DELEGATED DECISION

APPEAL DISMISSED

A Member raised concern that the appeal was dismissed only because of the lack of Strategic Access Management and Monitoring (SAMMS) payments. The Area Planning Officer explained that a SAMMS payment would not have been requested as the application had been recommended for refusal.

- **Item 5.2 – Pebble Court Farm Woodgate Lane Borden**
COMMITTEE REFUSAL
APPEAL DISMISSED
- **Item 5.3 – Uplees House Uplees Road Oare**
DELEGATED DECISION
APPEAL DISMISSED
- **Item 5.4 – The Coach House 87B South Road Faversham**
DELEGATED DECISION
APPEAL DISMISSED
- **Item 5.5 – Halfway House Halfway Road Minster**
DELEGATED DECISION
APPEAL DISMISSED
- **Item 5.6 – 32 Linden Drive & 67 Queensway Sheerness**
APPEAL AGAINST NON-DETERMINATION
APPEAL DISMISSED
- **Item 5.7 – Building at Rushett Stables Rushett Lane Norton**
ENFORCEMENT AND DELEGATED DECISION
APPEALS DISMISSED AND ENFORCEMENT NOTICE CONFIRMED

747 Adjournment of Meeting

The Meeting was adjourned from 8.20 pm until 8.27 pm.

Chairman

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