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## Planning Committee

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 11 April 2024 from 7.00 pm - 10.20 pm.

**PRESENT:** Councillors Mike Baldock (Chair), Andy Booth, Derek Carnell (Substitute for Councillor Elliott Jayes), Ann Cavanagh (Substitute for Councillor Kieran Golding), Simon Clark, James Hunt, Peter Marchington, Charlie Miller, Paul Stephen, Terry Thompson, Angie Valls, Karen Watson and Tony Winckless.

**OFFICERS PRESENT:** Billy Attaway, Claire Attaway, Andy Byrne, Matt Duigan, Simon Greenwood, Paul Gregory, Joanne Johnson, Larissa Reed and Ceri Williams.

**OFFICERS PRESENT (VIRTUALLY):** Matthew Martin.

**ALSO IN ATTENDANCE:** Councillor Shelley Cheesman.

**ALSO IN ATTENDANCE (VIRTUALLY):** Councillor Tara Noe.

**APOLOGIES:** Councillors Kieran Golding, James Hall, Mike Henderson, Elliott Jayes, Claire Martin and Julien Speed.

### 817 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

### 818 **Declarations of Interest**

Councillor Andy Booth declared a Non-Pecuniary Interest with respect to Item 3.1, Beverly Camp, Warden Road, Eastchurch, Sheerness, Kent ME12 4ES as he used to be to a member of Eastchurch Parish Council. Councillor Booth explained that he was not predetermined and he took part in the debate.

Councillor Mike Baldock declared a Non-Pecuniary Interest with respect to Item 2.5, Land at Wises Lane, Borden, Kent, ME10 1GD as he was the Ward Member and had previously expressed his opinions against the site. Councillor Baldock stepped down as Chair for this item and spoke as a Ward Member.

### 819 **Minutes**

The Minutes of the Meeting held on 7 March 2024 (Minute Nos. 746 – 752) were taken as read, approved and signed by the Chair as a correct record.

### 820 **Deferred Item 1 - Land 77 - 83 & 87 London Road**

<b>Deferred Item 1    REFERENCE NO 23/502365/FULL</b>
<b>APPLICATION PROPOSAL</b>
Demolition of 4 dwellings and erection of 20 dwellings with associated external amenity areas, site access improvements, internal access road, parking, landscaping and habitat creation. Retention of an existing block containing 7 dwellings for unrestricted residential use.

<b>ADDRESS</b> 77 – 83 and 87 London Road Sittingbourne Kent ME10 1NL		
<b>WARD</b> Homewood	<b>PARISH/TOWN COUNCIL</b> None	<b>APPLICANT</b> Mr M Salter <b>AGENT</b> Batcheller Monkhouse

**23/502365/FULL 77-83 and 87 London Road, Sittingbourne, Kent, ME10 1NL**

The Planning Consultant introduced the application as set out in the report which had been considered at the Planning Committee on 8 February 2024.

Councillor Shelley Cheesman spoke as a Ward Member against the application.

The Chair moved the officer recommendation to approve the application, and this was seconded by Councillor Andy Booth.

The Chair invited Members to make comments and points raised included:

- It was a shame that Kent County Council (KCC) Highways & Transportation were not in attendance at the site visit;
- concerned that the developer was dealing with several different schemes and this development could take 12-18 months before it commenced;
- there were issues with flooding across Borden Lane, Sittingbourne and hoped the developer would make the necessary adjustments to ensure the development did not the flooding worse;
- KCC Highways did not have any objections against the application so it would be difficult to refuse the application; and
- was there a condition that could be placed to keep the Victorian brick-built outbuilding on the site?

The Planning Consultant responded to the point made about the outbuilding and advised that it was necessary to remove the building so that refuse lorries could get in and out of the site, so was not something that Members could condition.

***Resolved: That application 23/502365/FULL be approved subject to conditions (1) to (35) in the report.***

821 **Deferred Item 2 - Nicholls Transport Yard Lydbrook Close**

<b>Deferred Item 2 REFERENCE NO 20/501573/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Minor material amendment to SW/01/0623 (Approval of Reserved Matters for Residential Development Pursuant to Outline Planning Permission SW/97/0623) to allow changes to approved site levels and landscaping.		
<b>ADDRESS</b> Nichols Transport Lydbrook Close Sittingbourne Kent ME10 1NW		
<b>WARD</b> Homewood	<b>PARISH/TOWN COUNCIL</b> None	<b>APPLICANT</b> Ms Rachael Miller <b>AGENT</b> Jefferson Sheard

		Architects
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**20/501573/FULL Nichols Transport Lydbrook Close Sittingbourne Kent ME10 1NW**

The Area Planning Officer introduced the application as set out in the report which had been considered at the Planning Committee on 7 December 2023. He advised that since the Planning Working Group meeting on 20 December 2023, revised plans had been submitted showing the correct relationship between plots 3-5 and, 23 and 25 Lydbrook Close. An area of land adjacent to Plot 3 had been amended to provide further landscaping to the site, and fencing lowered by the site entrance to provide better visibility.

Ann Smith, an objector, spoke against the application.

Councillor Shelley Cheesman spoke as a Ward Member against the application.

The Chair moved the officer recommendation to approve the application, and this was seconded by Councillor Andy Booth.

The Chair invited Members to make comments and points raised included:

- Appalled that the Planning Committee was given incorrect plans when the application was originally presented to the committee;
- the developer was trying to justify a development that was not suitable for the area by resubmitting the plans to suit;
- paragraph 4.8 of the report referred to the measurements not always being accurate, so how could Members believe they were considering a true reflection of the site;
- the banks of the houses down Borden Lane had been cut back too far and were dangerous to the new developments at Lydbrook Close;
- due to the height difference between Borden Lane and this development, the properties overlooked directly into the neighbouring properties
- the developer had submitted incorrect plans for another application and had not always complied with planning permission;
- there was no obvious condition to ensure that the dangerous banks would be made stable;
- 1.8 metres and 1.5 metres did not sound much of a height difference, but when Members went to visit the site it was obvious how much the development overlooked neighbouring properties;
- the cutting back of the banks at Borden Lane to fit more housing on the site was not right and proved it was not the right location for this size of development;
- the planning application that was originally submitted and the way that the developer had gone about the build was not right;
- the constant late changes and inaccuracies in the application were a concern; and
- these were not minor amendments, these changes were significant changes.

The Planning Manager (Planning Applications) reminded Members that they needed to consider the application on its own planning merits and whether the proposal was a minor material amendment.

The Chair moved to the vote and the proposal to approve the application was lost. The

Chair deferred the meeting so that officers could discuss with the Chair and Ward Member the reasons for refusal.

The Chair moved the following motion: That the application be deferred to officers and delegated authority be given to officers to discuss further revisions to overcome the harm with the developer in consultation with the Ward Members and the Chair of Planning Committee. Should the harm identified not be addressed to the satisfaction of the Ward Members, the application be re-reported to the Planning Committee. In the event that further revisions were not forthcoming, the application be refused by virtue that the relationship of plots 3-5 and changes to land level would give rise to an unacceptable impact upon the living conditions in terms of overlooking of dwellings at 23 and 25 Lydbrook Close, as such the proposal was considered to be unacceptable. In light of this the proposal was considered to be contrary to the Local Plan 2017 and the National Planning Policy Framework. This was seconded by Councillor Simon Clark and on being put to the vote agreed.

***Resolved: That application 20/501573/FULL be refused for the following reason, that the application be deferred to officers and delegated authority be given to officers to discuss further revisions to overcome the harm with the developer in consultation with the Ward Members and the Chair of Planning Committee. Should the harm identified not be addressed to the satisfaction of the Ward Members, the application be re-reported to the Planning Committee. In the event that further revisions were not forthcoming, the application be refused by virtue that the relationship of plots 3-5 and changes to land level would give rise to an unacceptable impact upon the living conditions in terms of overlooking of dwellings at 23 and 25 Lydbrook Close, as such the proposal was considered to be unacceptable. In light of this the proposal was considered to be contrary to the Local Plan 2017 and the National Planning Policy Framework.***

822 2.1 - Ash Tree Villa, Parsonage Chase, Minster

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO – 23/505480/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Erection of detached chalet bungalow with dormer window, including associated parking and cycle store, demolition of existing carport, widening of existing access, and creation of new parking for the existing dwelling.		
<b>ADDRESS</b> Ash Tree Villa Parsonage Chase Minster-on-sea Sheerness Kent ME12 3JX		
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN COUNCIL</b> Minster-on-sea	<b>APPLICANT</b> Ms Eva Harris <b>AGENT</b> Mr Keith Plumb

The Team Leader (Planning Applications) introduced the application as set out in the report.

The Chair moved the officer recommendation to approve the application, and this was

seconded by Councillor Andy Booth.

**Resolved: That application 23/505480/FULL be approved subject to conditions (1) to (14) in the report.**

823 **2.2 - 7 Chegworth Gardens, Sittingbourne**

<b>2.2 REFERENCE NO – 23/503055/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Change of use of Garden Studio to a Health Clinic (Class E) (Retrospective).			
<b>ADDRESS</b> 7 Chegworth Gardens Sittingbourne Kent ME10 1RJ			
<b>WARD</b>	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b>	Mr David
Woodstock	Tunstall	Sawyer	
		<b>AGENT</b>	

The Senior Planning Officer introduced the application as set out in the report.

The Chair moved the officer recommendation to approve the application, and this was seconded by Councillor Andy Booth.

The Chair invited Members to make comments, and points raised included:

- Concerned that the hours of operation were too long and thought that it should be reduced to 9.00 am until 5 pm Monday – Friday and one Saturday a month;
- noted that at the moment the applicant was able to operate when they wished to, but if approved enforcement action could be taken if they breached the hours proposed in the officer’s report;
- the clinic often had its doors open when it was hot weather, and the conversations could be heard by nearby residents;
- would it be possible to add a condition so that the applicants had to ensure the door remained closed?; and
- the health clinic could not be seen from the street so did not think there was much impact to the street scene.

The Team Leader (Planning Applications) responded to the points raised about the door of the clinic staying open during periods of hot weather and advised that the condition would not meet the relevant test, particularly in relation to enforceability. He said that officers could include a related informative and ask the applicant to make the clients aware that conversations could be heard by neighbours when the doors were open.

Councillor Simon Clark moved the following motion: That to prevent noise disruption during the weekends, the proposed times be altered to 9.00 am until 1.00 pm on Saturdays. This was seconded by Councillor Paul Stephen and on being put to the vote was agreed.

Councillor Tony Winckless moved the following motion: That the hours of operation during Monday – Friday be changed to 9.00 am until 6.00 pm to prevent disturbance to the neighbours in the early hours of the mornings. This was seconded by Councillor Paul Stephen and on being put to the vote was agreed.

**Resolved: That application 23/503055/FULL be approved subject to conditions (1) to (4) in the report and the change of operating hours to 9.00 am – 6.00 pm Monday to Friday and 9.00 am – 1.00 pm Saturdays.**

824 **2.3 - Land at School Lane, Iwade**

<b>2.3 REFERENCE NO – 22/504543/FULL</b>		
<b>APPLICATION PROPOSAL</b> Extension of existing gypsy/travellers site and siting of 4no. additional mobile homes.		
<b>ADDRESS</b> Land at School Lane Iwade Kent ME9 8QE		
<b>WARD</b> Bobbing, Iwade and Lower Halstow Ward	<b>PARISH/TOWN COUNCIL</b> Iwade Parish Council	<b>APPLICANT</b> Mr J Smith <b>AGENT</b> A T Russell

The Planning Consultant introduced the application as set out in the report.

The Chair moved the officer recommendation to approve the application, and this was seconded by Councillor Andy Booth.

**Resolved: That application 22/504543/FULL be approved subject to conditions (1) to (9) in the report.**

825 **2.4 - 37 Abbey Street, Faversham**

<b>2.4 REFERENCE NO – 23/504657/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of single storey rear extension, insertion of rooflights and side extension under existing first floor undercroft.		
<b>ADDRESS</b> 37 Abbey Street Faversham Kent ME13 7BP		
<b>WARD</b> Abbey	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Dr P Wilkinson <b>AGENT</b> Alpha Design Studio Limited

The Team Leader (Planning Applications) introduced the application as set out in the report.

The Chair moved the officer recommendation to approve the application, and this was seconded by Councillor Andy Booth.

A Member raised a point regarding the impact of the development on the conservation area. The Team Leader (Planning Applications) referred to the report and set out why it was considered that the scheme preserved the character and appearance of the conservation area in accordance with relevant policy.

**Resolved: That application 23/504657/FULL be approved subject to conditions (1)**

**to (4) in the report.**

826 **2.5 - Land at Wises Lane, Borden**

<b>2.5 REFERENCE NO – 23/505421/NMAMD</b>		
<b>APPLICATION PROPOSAL</b> Non-material amendment to application 17/505711/HYBRID to alter the boundary of the proposed primary school and open space.		
<b>ADDRESS</b> Land at Wises Lane Borden Kent ME10 1GD		
<b>WARD</b> Borden and Grove Park	<b>PARISH/TOWN COUNCIL</b> Borden	<b>APPLICANT</b> BDW Kent <b>AGENT</b> DHA Planning

Councillor Derek Carnell took the chair for this application and would be referred to as Chair for the remainder of this item.

The Planning Consultant introduced the application as set out in the report.

Oonagh Kerrigan, the Agent, spoke in support of the application.

Councillor Mike Baldock spoke as Ward Member against the application. He did not take part in the debate or vote on this item.

The Chair moved the officer recommendation to approve the application, and this was seconded by Councillor Andy Booth.

The Chair invited Members to make comments, and points raised included:

- Thought it was important that the school had enough green space area for the children to use;
- concerned that KCC did not address this issue when the development was originally proposed;
- thought that KCC could have adapted the site in a better way to ensure the hedgeways on the land were not touched; and
- having to move the footpath was more hard work than moving the school field so thought that it made more sense to move the school field.

On being put to the vote the motion was agreed, with the Chair using his casting vote.

**Resolved: That application 23/505421/NMAMD be approved subject to condition (1) in the report.**

827 **3.1 - Beverley Camp Warden Road**

<b>3.1 REFERENCE NO – 22/505778/FULL</b>		
<b>APPLICATION PROPOSAL</b> Retrospective application for change of use from a holiday park (10 months occupancy) for the siting of 21no. residential retirement park homes for use all year round.		

<b>ADDRESS</b> Beverley Camp, Warden Road, Eastchurch, Sheerness, Kent ME12 4ES		
<b>WARD</b> Sheppey East	<b>PARISH/TOWN COUNCIL</b> Eastchurch	<b>APPLICANT</b> Beverley Park Action Group <b>AGENT</b> Mrs Wendy Benton

The Planning Consultant introduced the application as set out in the report.

James Bancroft, the Applicant, spoke in support of the application.

Councillor Tara Noe spoke as Ward Member in support of the application.

The Chair moved the officer recommendation to approve the application, and this was seconded by Councillor Andy Booth.

The Chair invited Members to make comments, and points raised included:

- Recognised that it was a difficult decision to move people from their homes for two months of the year but page 185 of the report showed that there were 15 different policies that the application contravened so could not see how Members could approve the application;
- the Council’s policy was clear that holiday homes could only be occupied for 10 months each year;
- the site was not suitably located for permanent housing to be built so it was not suitably located for permanent occupancy of the caravans on the site;
- there were other nearby caravan sites with the same 10-month residency rule and if this application was approved it could set a precedent;
- it was a shame that the owners of the caravans were mis-sold the homes through being misled into believing they could be occupied year-round;
- officers had to follow the policy set by the Council, but it was in the Planning Committee’s power to go against policy if they thought there were real planning reasons to do so;
- if the residents were paying Council Tax, did that entitle them to planning permission?;
- noted that this site was not contributing to section 106 monies so there was no funding for local services and facilities; and
- it was not fair to force people out of their homes if they were mis-sold the homes on the basis of year-round occupancy and the council should honour the promise the residents were given.

The Planning Consultant responded to the points raised and said that he had sympathy with the residents that were mis-sold the homes on the basis of year-round occupation but reminded Members that it was not a material land use planning consideration.

The Legal Officer responded to the Council Tax points raised and clarified the fact that Council tax was not a material planning consideration. He advised Members to consider the application against the planning considerations as set out in the officer’s report.

***Resolved: That application 22/505778/FULL be refused for the reasons set out in the report.***



The Chair asked if Members wished to put forward a motion that enforcement action be authorised but there was no response.

## 828 **Part 5 Applications**

### **PART 5**

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

- **Item 5.1 – Security Gatehouse Guillat Ave Kent Science Park Sittingbourne**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

- **Item 5.2 – Land Adj to Cat-C-Vu Preston Hall Gardens Warden**
- **Item 5.3 – Cliff End Mobile Home Preston Hall Gardens Warden**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

- **Item 5.4 – Bounds Farm Land to rear of 142 – 146 The Street**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

- **Item 5.5 – School Lane Farm School Lane Iwade**

**APPEAL ALLOWED**

**DELEGATED REFUSAL**

## 829 **Adjournment of Meeting**

The meeting was adjourned from 8.21 pm until 8.50 pm and from 9.43 pm until 9.51 pm.

## 830 **Suspension of Standing Orders**

At 10 pm Members agreed to the suspension of Standing Orders in order that the Committee could complete its business.

Chair

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