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## PLANNING COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne on Thursday 20th May 2004 from 7.00 p.m. to 9.53 p.m.

**PRESENT:** Councillor Prescott (Chairman), Councillor John Wright (Vice-Chairman), Councillors Barnicott, Simon Clark, Christine Coles, Adrian Crowther, Paul Hayes, Elvina Lowe, Jennie Ronan, Salmon, Stanford, Alan Willicombe and Woodland.

**ALSO IN ATTENDANCE:** Councillors Bobbin and Bowles.

**OFFICERS PRESENT:** Miss Hemmings, Ms Price and Messrs Barton, Bell, Bessant, Jeffers, Taylor and G Thomas.

**914** **ITEM 2.12 – FANSHAW, THE STREET, HARTLIP**

The Chairman announced that there had been an administrative error with regard to informing interested parties of the meeting and therefore he proposed that a site meeting be held and that public speaking be allowed on this item at the next meeting of the Committee.

***RESOLVED That application SW/03/1477 be deferred to allow the Planning Working Group to meet on site, and that at the next Planning Committee public speaking be allowed on this item.***

●HDS

**915** **MINUTES**

The Minutes of the Meeting held on 22nd April 2004 (Page Nos. 635-641) were taken as read, confirmed and signed by the Chairman as a correct record.

With respect to Minute No. 853(2.4)/04/04 (Silversands Garden Centre, Thanet Way, Graveney) the Area Planning Officer updated Members by way of letters from the Applicant and their Highway Consultant, which were tabled along with a memo from the Council's Highway Manager. These showed that all suggestions raised by Members at the previous meeting had been considered and, apart from the inclusion of a low fence to prevent dazzling by car headlights, each suggestion had been considered inappropriate by both the Applicant's Consultants and by the Highway Manager himself. The Area Planning Officer, therefore, expressed the view that approval of the scheme, with the conditions previously recommended and an additional condition regarding the fencing, would secure a positive improvement to the layout of the sub-standard junction and therefore, together with the potential tourism gains, would be sufficient reason to grant outline permission.

A Ward Councillor spoke against the proposal stating that the highway situation was dangerous and impossible to improve and therefore felt that the application should not go ahead due to the probable increase in traffic movements and that Members be urged to refuse the application.

Some Members spoke against the proposal while other Members accepted that, on balance, the proposal brought a tourism gain to the area as well as an improvement to the highway layout.

***RESOLVED That application SW/03/0999 be approved subject to the***

*conditions in the previous report, minor amendments to conditions (1), (4) and (19) and an additional condition regarding the fencing.*

●HDS

## **'B' MINUTES FOR INFORMATION**

### **916 PLANNING WORKING GROUP**

The Minutes of the Meeting held on 10th May 2004 (Page Nos. 665-668) were taken as read, confirmed and signed by the Chairman as a correct record subject to the heading of Minute No. 888/05/04 being amended to read "SW/03/1293".

With regard to application SW/03/1293 (Vigo Farm, Lynsted Lane, Lynsted), the Chairman explained that public speaking had been allowed for this item only as there had been problems with the letters being sent out to local residents, the Parish Council and the Applicant notifying them of the previous meeting and therefore, had not had the opportunity to speak at the last Committee.

The Applicant's Agent, Mr Burke, spoke in favour of the proposal.

A Ward Member spoke against the proposal as he felt that the benefits from the scheme were not over-riding advantages to the community as a whole and were not justification for departing from policy.

With regard to application SW/03/0709 (Belvedere Farm, Dargate, Hernhill), the Area Planning Officer updated Members by explaining that a letter had been received from a lady who had spoken about footpaths at the site meeting which reiterated her concerns over the possible impact on walkers, cyclists and users of local footpaths and bridleways by traffic on the local lanes. A letter from the Canterbury Branch of the Campaign to Protect Rural England (CPRE) had also been received which objected to the application for a number of reasons which the Area Planning Officer read out. Furthermore, he had spoken to the Council's Tourism Officer and she had explained that there was a new scheme being devised to promote the Blean area as a tourist destination. With this in mind, she would be concerned about the large number of heavy lorries in the area accompanied with B8 use but, in view of B1 use only, she felt that this would not have an impact on the new strategy and was content with the recommendation for approval for B1 use. With regard to highway concerns, he explained that the Principal Highway Engineer would be updating the Committee on these and summed up by expressing his concern that a refusal of a B1 use on highway grounds would be difficult to uphold should the Applicant appeal against the decision.

The Principal Highway Engineer explained that he had studied the police maintained crash database from the A229 through to Dunkirk. These records had shown that in 10 years there had been five injury sustained accidents, two of which had been serious (one being in Courteney Road and the other in Plum Pudding Lane) and the others had resulted in slight injuries. However, he was aware of a fatal accident in December 2000 which involved a horse, but this had not been flagged up on the police database, which did raise some concerns. Furthermore, he had to bear in mind that there was an existing use on the site and, from a national database of traffic movements, conversions from a farm building to a B1 use generally resulted in the equivalent or less traffic movements, therefore, he could not justify an objection.

The Ward Member spoke against the proposal raising great fears of the very narrow rural lanes which were on the boundary of the Blean Woods landscape area and adjacent to the area allocated by the Local Plan as a new area of High Landscape

Value. Furthermore, he had fears that because the Committee were unaware of what type of B1 use would occupy the site he felt a decision at this stage would be premature.

Some Members spoke against the proposal and some objected to the officers recommending approval on the basis that B8 be removed from the application as they felt that the application was for B1 and B8 use and should therefore be considered in its entirety. Many Members raised concerns about the local highway system and the site access.

In view of the Members' concerns and intentions to refuse the application, the Area Planning Officer pointed out to Members that the applicant did not own the land at the entrance of the site and therefore, could not improve the access in any way.

In respect of application SW/04/0296 (Rhode Court Oast, Selling), the Conservation Officer explained that the proposal was well designed and well located but suggested that Members look at the wider context, the objective of preservation which was often compromised by the wide spectrum of improvements made to properties as a result of domestic living. His fear was that, the more the Council conceded to applications such as this and make exceptions, the harder it was to protect them.

The Ward Member explained that it was a well designed scheme and its suitable location meant it was almost totally invisible from the highway. He felt it was a better alternative than the garage being attached to the Oast House and, therefore, recommended that Members vote for approval of the scheme.

**RESOLVED (1) That application SW/03/1293 be refused for the reasons set out in the previous report.**

●HDS

**(2) That application SW/03/0709 be delegated to the Head of Development Services to refuse on the grounds that highway safety and tourist attraction would be jeopardised by the proposal and that the applicant would be unable to enhance or improve the site's entrance due to land ownership issues.**

●HDS

**(3) That application SW/04/0296 be delegated to the Head of Development Services to permit or refuse subject to appropriate conditions and the applicant agreeing to delete the proposed roof lights from the scheme.**

●HDS

**917 PLANNING APPLICATIONS**

**RESOLVED That the planning applications be determined in accordance with Appendix A to these Minutes.**

●HDS

**918 LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RESOLVED That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 12 of Part 1 of Schedule 12A of the Act.**

**919**    **\*SPEEDWAY TRACK, MARSHBANK FARM, OLD FERRY ROAD, IWADE (6.8)**

The Chairman notified Members that this item was to be deferred to the following meeting of the Committee in order that further clarification be obtained from Counsel.

**920**    **\*15 CHARLES DRAYSON COURT, FAVERSHAM (6.1)**

The Head of Development Services submitted a report which gave details of possible enforcement action that could be undertaken in respect of a large amateur radio aerial erected at 15 Charles Drayson Court, Faversham.

***RESOLVED That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act, as amended, requiring the removal of the aerial within two months of the notice taking effect and that the Borough Solicitor and the Head of Development Services be given delegated authority pursuant to Section 101 of the Local Government Act 1972 to agree the precise wording to give effect to this decision.***

● HDS  
● BS

**921**    **\*LAND OPPOSITE WELLFIELD COTTAGE, HOMESTALL ROAD, DODDINGTON (6.2)**

The Head of Development Services submitted a report which gave details of possible enforcement action that could be undertaken in respect of the unauthorised use of the land and siting of grading machinery. The Principle Highway Engineer reported concerns over the adequacy of approach roads to the site and drivers' visibility at the site entrance.

***RESOLVED That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act, as amended, requiring both the use of the land to cease and the machinery and materials currently on the land to be removed within one month of the notice taking effect and that the Borough Solicitor and the Head of Development Services be given delegated authority pursuant to Section 101 of the Local Government Act 1972 to agree the precise wording to give effect to this decision.***

● HDS  
● BS

**922**    **\*12 THE WILLOWS, KEMSLEY, SITTINGBOURNE (6.3)**

The Head of Development Services submitted a report which gave details of possible enforcement action that could be undertaken in respect of the unauthorised erection of two radio antennas at the rear of 12 The Willows, Kemsley.

***RESOLVED That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act, as amended, requiring the removal of the two antennas within one month of the notice taking effect and that the Borough Solicitor and the Head of Development Services be given delegated authority pursuant to Section 101 of the Local Government Act 1972 to agree the precise wording to give effect to this decision.***

● HDS  
● BS

**923    \*12 DAN DRIVE, FAVERSHAM (6.4)**

The Head of Development Services submitted a report which gave details of possible enforcement action that could be undertaken in respect of a two-storey extension which had been erected not in accordance with the planning permission granted at 12 Dan Drive, Faversham.

**RESOLVED** *That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act, as amended, requiring the removal of the elements referred to in SW/04/0252 used to create a garage at ground floor level and for the development to fully accord with the plans approved under planning reference SW/03/1143 within six months of the notice taking effect and that the Borough Solicitor and the Head of Development Services be given delegated authority pursuant to Section 101 of the Local Government Act 1972 to agree the precise wording to give effect to this decision.*

● HDS  
● BS

**924    \*1 PLAYSTOOL CLOSE, NEWINGTON (6.5)**

The Head of Development Services submitted a report which gave details of possible enforcement action that could be undertaken in respect of the unauthorised erection of a large shed at the front of 1 Playstool Close, Newington and of a front facing bay window which exceeded maximum limits for front projecting extensions and resulted in a loss of outlook from the front facing ground floor window of 2 Playstool Close, Newington.

**RESOLVED** *That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act, as amended, requiring both the removal of the shed and the bay window within three months of the Notice taking effect and that the Borough Solicitor and the Head of Development Services be given delegated authority pursuant to Section 101 of the Local Government Act 1972 to agree the precise wording to give effect to this decision.*

● HDS  
● BS

**925    \*LAND TO THE REAR OF 1 AND 2 OAST COTTAGES, SPADE LANE, UPCHURCH (6.6)**

The Head of Development Services submitted a report which gave details of possible enforcement action that could be undertaken in respect of an unauthorised area of hardstanding constructed on agricultural land adjacent to numbers 1 and 2 Oast Cottages, Spade Lane, Upchurch.

**RESOLVED** *That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act, as amended, requiring the removal of all elements of the hardstanding and the return of the land to its former condition within three months of the Notice taking effect and that the Borough Solicitor and the Head of Development Services be given delegated authority pursuant to Section 101 of the Local Government Act 1972 to agree the precise wording to give effect to this decision.*

● HDS  
● BS

**926 \*CONSERVATORY AT 18 CORONATION DRIVE, BAYVIEW, LEYSDOWN (6.7)**

The Head of Development Services submitted a report which gave details of possible enforcement action that could be undertaken in respect of the unauthorised erection of a conservatory at the rear of 18 Coronation Drive, Bayview, Leysdown.

***RESOLVED That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act, as amended, requiring the removal of the conservatory and the making good of the roof elevation to the dwelling within three months of the Notice taking effect and that the Borough Solicitor and the Head of Development Services be given delegated authority pursuant to Section 101 of the Local Government Act 1972 to agree the precise wording to give effect to this decision.***

● HDS  
● BS

Chairman

**Appendix A**

**SCHEDULE OF DECISIONS**

**PART 2 – APPLICATIONS FOR WHICH PERMISSION IS RECOMMENDED**

SW/04/0367 (2.1)

Mr D Smitherman

Extension. Orchard Down Erriott Wood,  
Lynsted, Nr Faversham.

The Area Planning Officer reported that a letter had been received from Lynsted and Kingsdown Parish Council opposing the application, specifically referring to the dormer windows being out of keeping with the roofline of the building and the appearance of the surrounding area and that the interconnecting doors did not address their original concerns that it could be used as a separate residence. Furthermore, a letter had been received from a neighbour supporting the application, as it would have no effect on their property.

***RESOLVED That application SW/04/0367 be approved subject to conditions (1) to (3) in the report and an additional condition ensuring that the cherry tree be replaced.***

SW/04/0236 (2.2)

Robert Williams

Replace existing cart shed with timber framed and timber clad garage. Hill Farm, Upper Rodmersham, Sittingbourne.

The Applicant, Mr Williams, spoke in favour of the proposal.

***RESOLVED That application SW/04/0236 be approved subject to conditions (1) to (5) in the report.***

SW/04/0237 (2.3)

Robert Williams

Listed Building Consent to replace existing cart shed with timber framed tiled roof garage retain existing boundary wall. Hill Farm, Upper Rodmersham, Sittingbourne.

***RESOLVED That application SW/04/0237 be approved subject to conditions (1) to (4) in the report.***

TN/04/0034 (2.4)

T-Mobile (UK) Ltd

Telecommunications notification for installation comprising one 12m overall height imitation telegraph pole incorporating a glass reinforced plastic (GRP) radio wave transparent shroud containing 2 antennas, radio equipment housing and ancillary development. Foresters Lodge Farm, London Road, Dunkirk, Faversham.

The Area Planning Officer reported that letters of objection had been received from the Parish Council and a local resident, raising concerns of health risks and the number of masts already in the area.

**Appendix A**

**RESOLVED That in relation to TN/04/0034 the Council's prior approval of details be not required.**

SW/04/0392 (2.5)

Mr & Mrs D R Parry

Erection of double garage and store. High View, Deans Hill Road, Bredgar.

The Development Control Manager explained that satisfactory amended drawings had been received reducing the eaves height.

**RESOLVED That application SW/04/0392 be approved subject to conditions (1) to (4) in the report.**

SW/04/0466 (2.6)

Mr J Richards

Demolition of existing garages and erection of a pair of two storey dwellings. Land adjacent to Oast Cottages, Barnfield Road, Faversham.

The Area Planning Officer reported that the Town Council were opposed to the proposal of two dwellings due to loss of off street parking and highway safety. The Highway Manager raised no objection subject to conditions. Also, a letter had been received on the closing date for representations from 19 residents raising largely the same objections as mentioned regarding the previous application and as summarised on page 23 of the report.

A Member questioned about the drain on the site. The Area Planning Officer explained that this issue had been explored previously and neither Southern Water nor Swale's Highway Department had records of it and was therefore considered a private matter for the developer to resolve.

**RESOLVED That application SW/04/0466 be approved subject to conditions (1) to (10) in the report.**

SW/04/0405 (2.7)

Mr & Mrs M Gilbert

Demolition of bungalow and erection of house. Inglenook, Kent Avenue, Minster.

The Area Planning Officer confirmed that Minster Parish Council raised no objection.

**RESOLVED That application SW/04/0405 be approved subject to conditions (1) to (9) in the report.**

SW/04/393 (2.8)

Ms T James

Demolition of workshop and erection of a single dwelling. The Old Workshop adjacent to No. 33 Fielding Street, Faversham.

The Area Planning Officer reported that a letter from the owner of the adjoining property had been received expressing concerns of reduction in daylight, uncertainty of new boundary at passageway and possible loss of privacy, loss of business accommodation in the area,



Appendix A

reduction in off-street parking and that the scheme was out of keeping with the conservation area. In addition, he stated that the Highway Manager had requested an extra condition requiring the existing dropped kerb to be removed and the pavement restored and also that condition (5) be deleted as the building was attached to the plain building, not the patterned building.

An objector, Mr Jones, spoke on behalf of the owner of the adjoining property, against the proposal.

The Applicant, Mr Rigden, spoke in favour of the proposal.

**RESOLVED That application SW/04/393 be approved subject to conditions (1) to (9) in the report and condition (5) being replaced with the condition recommended by the Highway Manager.**

SW/04/394 (2.9)

Ms T James

Conservation area consent for demolition of workshop. The Old Workshop adjacent to No. 33 Fielding Street, Faversham.

**RESOLVED That application SW/04/394 be approved subject to condition (1) in the report.**

SW/04/0382 (2.10)

Mr P Redsell

Outline application for two houses. Rear of 26 London Road, Newington.

The Area Planning Officer reported that satisfactory amended drawings had been received. Also, initial comments from Southern Water had raised no objection subject to conditions regarding the disposal of foul and surface water. However, a letter from the Parish Council, which was tabled at the meeting, referred to drainage problems and therefore the Officer had reconsulted Southern Water who continued to raise no objection.

**RESOLVED That application SW/04/0382 be approved subject to conditions (1) to (11) in the report.**

SW/04/0406 (2.11)

Paolo Cuomo

Change of use to storage and sale via wholesale, mail order and 'factory shop' of Italian ceramic tiles and artisan furniture and furnishings – minor internal redecoration, no external alteration. Coldstore A, east side of Selling Road, Macknade, Faversham.

The Area Planning Officer explained that a letter from the Applicant was tabled at the meeting and that the Faversham Society had welcomed the use.

A Member spoke strongly against the application expressing fears of it having a detrimental effect on Faversham Town Centre.

**Appendix A**

**RESOLVED That application SW/04/0406 be approved subject to conditions (1) to (3) in the report.**

SW/03/1477 (2.12)

Alan Snutch & Tracey  
Jenkins

Two storey extension to the south-east flank.  
"Fanshaw", The Street, Hartlip.

The Chairman had announced at the start of the meeting that there had been an administrative error regarding notification of the meeting and therefore proposed a site meeting (Minute No. 914/5/04 refers).

**RESOLVED That application SW/03/1477 be deferred to allow the Planning Working Group to meet on site.**

SW/04/0364 (2.13)

Dr F Clune

Outline application for five dwellings. Land rear  
343 Minster Road, Minster.

The Area Planning Officer stated that Environmental Services and the Environment Agency raised no objection subject to conditions. The Lower Medway Internal Drainage Board raised objections as they felt surface water may have a detrimental effect. Southern Water raised no objection and the Tree Officer had asked that a Tree Preservation Order be imposed on the trees of the site.

**RESOLVED That application SW/04/0364 be deferred to allow the Planning Working Group to meet on site.**

SW/04/0395 (2.14)

Mr J R Bailey

Two conservatories. 2 The Potteries, Upchurch.

**RESOLVED That application SW/04/0395 be approved subject to conditions (1) to (3) in the report.**

SW/04/0059 (2.15)

Malro Homes Limited

Demolition of an existing bungalow (129 Minster Road). Two storey residential development for 14 flats with associated parking and infrastructure. 129 and front garden of 131 Minster Road, Sheerness.

The Area Planning Officer explained that the application had been reduced to two-storey with 14 flats, from three storey with 18 flats. This comprised of 9 x two bedroom flats and 5 x one bedroom flats and therefore no longer required an education contribution. He also reported that the Tree Officer had confirmed that the two trees covered by the TPO could be retained subject to tree surgery and minor amendments to the plan.

An objector, Mr Matthews, spoke against the proposal.

**Appendix A**

**RESOLVED That application SW/04/0059 be deferred to allow the Planning Working Group to meet on site.**

SW/04/0256 (2.16)

Amicus

Short term managed and supported accommodation. The Plough Inn, East Street, Sittingbourne.

The Development Control Manager explained that seven proposed car spaces had been accepted by the Highway Manager after an assessment of the likely vehicle ownership and a letter of support from the Housing and Homelessness Manager was tabled at the meeting. However, he stated that the frontage design was considered dull and uninspiring and required further amendments, along with joinery and constructional details.

A Member requested that the access be made from East Street, instead of Fairview, however, the Development Control Manager explained that this was not possible for design reasons.

Another Member questioned the adequacy of the internal storage space. The Development Control Manager undertook to approach the Applicant regarding this concern.

The Conservation Officer added that the design of the scheme was unacceptable as it stood.

**RESOLVED That application SW/04/0256 be delegated to the Head of Development Services to negotiate an improved design and that amended plans be reported back to a future meeting of the Committee.**

**Appendix A**

**PART 5 – DECISIONS BY COUNTY COUNCIL AND THE SECRETARY OF STATE ON APPEAL REPORTED FOR INFORMATION**

SW/02/1345 (5.1)

Private dwelling and associated parking at land rear of Bannister House, Bannister Hill, Borden, Sittingbourne.

***Appeal dismissed.***

SW/03/0634 (5.2)

Side extension to provide garage, kitchen and bedroom accommodation and the erection of a dining area to the rear to replace existing garage. 5 Cress Way, Faversham.

***Appeals dismissed.***

SW/03/0479 (5.3)

Two storey side extension – 29 Belgrave Road, Halfway, Sheerness.

***Appeal dismissed.***