
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 2 March 2017 from 7.00 pm - 10.41 pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth (Vice-Chairman), Tina Booth (substitute for Councillor Roger Clark), Richard Darby, Mike Dendor, James Hall, Mike Henderson, James Hunt, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Peter Marchington, Bryan Mulhern (Chairman), Prescott and Ghlin Whelan.

OFFICERS PRESENT: Andy Byrne, Emma Eisinger, Russell Fitzpatrick, Andrew Jeffers, Kellie MacKenzie, Graham Thomas and Steve Wilcock.

ALSO IN ATTENDANCE: Councillors Andrew Bowles, Gerry Lewin and John Wright.

APOLOGY: Councillor Roger Clark.

1214 FIRE EVACUATION PROCEDURE

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

1215 MINUTES

The Minutes of the Meeting held on 2 February 2017 (Minute Nos. 1174 - 1178) were taken as read, approved and signed by the Chairman as a correct record.

1216 DECLARATIONS OF INTEREST

Councillor Mike Baldock declared an interest in respect of item 3.5 16/507425/FULL Land rear of Kaine Farm, Breach Lane, Upchurch. Councillor Baldock did not speak or vote on the item.

1217 PLANNING WORKING GROUP

The Minutes of the Meeting held on 20 February 2017 (Minute Nos. 1203 – 1205) were taken as read, approved and signed by the Chairman as a correct record.

16/501552/FULL – Winterbourne Wood Quarry, Jezzards Lane, Dunkirk

The Area Planning Officer reported that further to concerns raised at the site meeting in respect of the dumping of concrete waste on the site, the applicant's agent reported that some "clean waste" material had been deposited on the site some years ago to aid vehicle movement on the site. He had noted that there was still water in the 'Winterbourne' providing some surface water runoff mitigation. The applicant was willing to remove any debris from the site and agreed to a condition being imposed in relation to drainage for the proposed properties.

The Area Planning Officer further reported following concerns from residents about the possibility of further applications at the site, the applicant had confirmed that areas of landscaping to the north and south of the application site would be included in the Unilateral Undertaking (UU), and would be kept as meadow and woodland copse in perpetuity. The applicant had provided a plan to demonstrate this, which the Area Planning Officer displayed for Members. The Area Planning Officer stated that officers were happy that this would effectively sterilise those sections of the site from further development.

The Area Planning Officer reported, that with regards to a query from a Member at the site meeting relating to the ownership or leasing of the land by the Kent Wildlife Trust, the applicant had confirmed that it was the applicant's intention to maintain the freehold of the woodland areas. This was dealt with at paragraph 4.2.9 of the draft UU, which highlighted that the 'blue land' would be kept in perpetuity as woodland and the management of the area would be handed-over to an appropriate management body.

A Ward Member stated that he was not happy to support the application unless the necessary legal agreements were in place to ensure that no further building took place on the site.

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

Members considered the application and raised points which included: disappointment that the freehold of the land would not be transferred; protection of the land from further development was not guaranteed; needed to consider what was best for the area to ensure the rest of the site was protected; happy to support the application with the proviso that the 'blue land' would be protected, a condition to prevent flood risk, and the 'green land' on the plan would be protected from further development; a lease was as good as freehold; and would not be supporting as felt like the applicant was 'holding a gun to our head'.

A Ward Member asked whether it would be possible for a one-way system to be implemented coming up Jezzards Lane and down Scoggers Hill. The Area Planning Officer advised that it would not be possible to impose a condition requiring this, but the applicant could be requested to pay for a traffic order for this to happen.

Resolved: That application 16/501552/FULL be delegated to officers to approve subject to conditions (1) to (20) in the report, and details of the Unilateral Undertaking are checked over and adequate legal agreement was secured for the protection of the remainder of the site.

16/508023/FULL – 10 Western Avenue, Halfway, Sheerness, ME12 3BS

The Senior Planner reported that Southern Water raised no objection.

With regard to a query at the site meeting about the number of objections received, the Senior Planner confirmed that 10 letters of objection had been received as

stated in the Committee report for the 2 February 2016 meeting, and as minuted at that meeting a further 9 letters of objection had been received, nineteen in total.

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

A Ward Member referred to photographs he had tabled for Members, taken just after the site meeting which showed a dust cart experiencing difficulties accessing Western Avenue and in places having to mount the pavement.

Ward Members spoke against the proposal and raised the following points: parking was a major issue in Western Avenue; whilst there was a need for one bedroom properties in the area the negatives of this proposal far outweighed the positives; concern about the loss of the garden area; concern about the impact the proposal would have on the amenities of Nos. 10 and 12 Western Avenue; and was an over-intensification of the area.

Members considered the application and raised points which included: was clear at the site meeting that there were parking problems at the site, but not sure we could refuse on highway grounds; the amenity space to be provided would not comply with regulations and would not be appropriate for further and existing occupants; would block light to the lounge of No. 12 Western Avenue; the visual amenity of No. 12 would be severely compromised; the drawings showed four cars side by side not sure that this would be possible in reality; the building line of No. 12 would not be breached; this proposal was not responsible for current parking problems; and do not see how a bungalow can overshadow a two-storey property.

In response to queries about overshadowing to the lounge of No. 12, the Senior Planner reported that their lounge had two windows.

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

Councillor Cameron Beart moved the following motion: That the application be refused as the proposal to introduce an additional dwelling onto this plot would cause unacceptable harm to the character and appearance of the streetscene; would constitute over-intensive development for the site and give rise to significantly harmful levels of overlooking onto the new dwelling from the existing dwellings; would constitute overbearing and overshadowing impact on the side elevation windows of No. 12 and No. 10 resulting in loss of light and significant harm to residential amenity and the lifestyle of the occupiers of the adjacent dwellings; would, by reducing the rear private amenity space of No. 10, result in a poor standard of amenity for future occupants of both dwellings, with the proposed gardens beings of an inadequate size to properly serve those dwellings; and the existing road layout at the front of the proposed dwelling did not provide sufficient road width or visibility to allow proper vehicle movement from the proposed dwelling, particularly when the road was in use by large or service vehicles. Combined with the loss of on street parking, a provision which was already inadequate, this would give rise to highway safety and amenity concerns. This was seconded by Councillor Mike Dendor.

The Lawyer – Team Leader (Planning) advised that as Kent County Council (KCC) Highways and Transportation had raised no concerns, officers would not therefore be able to support the proposed highway reason for refusal at any subsequent appeal. Discussion ensued and the proposer and seconder of the original motion agreed to remove the highway concern from the motion.

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

Resolved: That application 16/508023/FULL be refused as the proposal to introduce an additional dwelling onto this plot would cause unacceptable harm to the character and appearance of the streetscene; would constitute over-intensive development for the site and give rise to significantly harmful levels of overlooking onto the new dwelling from the existing dwellings; would constitute overbearing and overshadowing impact on the side elevation windows of No. 12 and No. 10 resulting in loss of light and significant harm to residential amenity and the lifestyle of the occupiers of the adjacent dwellings; and would, by reducing the rear private amenity space of No 10, result in a poor standard of amenity for future occupants of both dwellings, with the proposed gardens beings of an inadequate size to properly serve those dwellings.

1218 DEFERRED ITEMS

Deferred Item 1 REFERENCE NO - 16/505280/OUT		
APPLICATION PROPOSAL		
Outline Application for residential development (up to 33 dwellings), and open space; including associated access (vehicular / cycle / pedestrian), alterations to levels, surface water attenuation features (including swales), landscaping and related development.		
ADDRESS Land At Swale Way East Hall Farm East Hall Lane Sittingbourne Kent ME10 3TJ		
WARD Murston	PARISH/TOWN COUNCIL	APPLICANT Trenport Investments Limited AGENT Vincent and Gorbng

The Senior Planning Officer reported that the applicant had advised that they had lodged an appeal against non-determination of the application. The Planning Inspectorate had confirmed that the appeal was received on Tuesday 28 February 2017. The Senior Planning Officer explained that as such, Members would not be able to determine the application as it was now within the remit of the Planning Inspectorate. Members were therefore asked for their decision on how they would be minded to determine the application.

The Senior Planning Officer further reported that in respect of the transfer of the community hall land to the Council, this was no longer an option and she had been informed that the transfer was now imminent and that the solicitor had confirmed

that the current landowner would not allow the restrictive covenant to be changed to allow a community shop on that land. However, the landowner had verbally indicated that they may be willing to reconsider this in the future. The Senior Planning Officer advised that in terms of the planning application, she did not consider the verbal indication from the landowner provided her with the confidence that would be necessary to pursue the option of a community shop on that land. Therefore, officers recommended that the application be refused.

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

Mr Trevor Grain, an objector, spoke against the application.

Ward Members spoke against the application and raised the following points: local residents had been treated in a ‘diabolical’ way; local residents had been waiting 10 years for roads and street lighting to be completed and had been misled; a firm agreement was required from the applicants to build a shop on the application site and if this fails to attract a commercial retailer after marketing, then the shop be handed-over to residents with a three year salary for the manager of the shop; and would only support if the agreed amenities were provided.

Members considered the application and raised points which included: there was a long history of developers not building amenities on housing estates; the small parade of shops on the Sonora Fields, Sittingbourne estate were always busy; do not accept that a shop would not be viable; officers needed to send back a clear signal to the developer that we are not for moving; the developer needs to agree to provide a shop on the application site and if this fails to attract a commercial retailer after marketing, then the shop be handed-over to residents with a three year salary; who does the developer think they are that they can say no retailer approached so not viable?; the site has been a ‘shambles’ from start to finish; access to the site appalling; and the development of the Northern Relief Road was the responsibility of KCC and Swale Borough Council.

Resolved: That application 16/505280/OUT would have been refused for the reason set out in the Committee report had an appeal against non-determination not been submitted.

Deferred Item 2 REFERENCE NO - 16/507789/FULL		
APPLICATION PROPOSAL		
Provision of a cold store building, extension to an existing building to provide lean-to for agricultural storage purposes, irrigation lagoon and electricity substation.		
ADDRESS Howt Green Sheppey Way Bobbing ME9 8QP		
WARD	PARISH/TOWN COUNCIL	APPLICANT AC Goatham
Bobbing, Iwade and Lower Halstow	Bobbing	AGENT Bloomfields

The Senior Planning Officer drew attention to the tabled officer’s update which had previously been emailed to Members of the Committee.

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

Mr Thomas Ogden, the Agent, spoke in support of the application.

Members considered the application and raised the following points: applaud the officers and applicant for the detail in relation to condition (10) and am satisfied; concerns about the acoustic fencing which was out-of-keeping with the area; caravans could be viewed from the road; and would like as much soundproofing as required.

Resolved: That application 16/507789/FULL be delegated to officers to approve subject to conditions (1) to (15) in the report and an amendment to condition (8) to require the building to be finished as set-out within the design and access statement and condition (14) be amended to ensure details of lighting can be provided prior to its installation.

1219 REPORT OF THE HEAD OF PLANNING SERVICES

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 16/508465/FULL		
APPLICATION PROPOSAL Proposed two storey rear extension (to replace existing single storey element) to the existing dwelling and erection of an outbuilding for parking and ancillary accommodation.		
ADDRESS 1 Fairview Cottages Frinsted Road Milstead Kent ME9 0SB		
WARD West Downs	PARISH/TOWN COUNCIL Milstead	APPLICANT Mr James Boucher AGENT Mrs Klaire Lander

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

Mrs Klaire Lander, the Agent, spoke in support of the application.

Members considered the application and raised points which included: disappointed the Parish Council were not present to defend their reason for refusal; congratulate officers and the applicant on a subtle and sympathetic application; and shame that the application was not in two parts as consider the extension acceptable, but not the outbuilding.

Resolved: That application 16/508465/FULL be approved subject to conditions (1) to (5) in the report.

2.2 REFERENCE NO - 16/506511/FULL		
APPLICATION PROPOSAL New vehicular access drive with double gates and detached garage, as amended by drawing nos. WC1652.01A, WC1652.02B, WC1652.03A, WC1652.04A, WC1652.05 and WC1652.06 received on 06 December 2016.		
ADDRESS 1 Wheelwrights Cottages, Lewson Street, Norton Kent ME9 9JN		
WARD Teynham and Lynsted	PARISH/TOWN COUNCIL Norton, Buckland and Stone	APPLICANT Mr Ian Mynott AGENT Wyndham Jordan Architects

The Chairman moved the office recommendation to approve the application and this was seconded.

Mr Ian Mynott, the Applicant, spoke in support of the application.

Members considered the application and raised points which included: disappointed the Parish Council were not present to defend their reason for refusal; and congratulate the applicant for engaging in dialogue with officers.

Resolved: That application 16/506511/FULL be approved subject to conditions (1) to (7) in the report.

2.3 REFERENCE NO – 17/500511/TNOT56		
APPLICATION PROPOSAL Telecommunications application for installation of 1no. tower, 3no. antennas, 3no. equipment cabinets, 2no. dishes and ancillary development thereto.		
ADDRESS Down Court Farm, Down Court Road, Doddington, Kent, ME9 0AT		
WARD East Downs	PARISH/TOWN COUNCIL Doddington	APPLICANT Telefonica UK Ltd AGENT Harlequin Group Ltd

The Area Planning Officer reported that Doddington Parish Council were in support of the application but had requested that the mast be disguised. The Parish Council were concerned that the mast would be a lot higher than the surrounding trees and considered that a tree disguise would soften the look and blend-in.

The Area Planning Officer advised that the applicant’s agent had responded to the Parish Council request and considered: the lattice structure created a permeable structure allowing views through the installation; the monopole single column structure would appear more incongruous from distances; and the galvanised

colour would be considered the most appropriate with the antenna and headframe blending-in with the colour of the sky.

The Area Planning Officer stated that he did not consider the mast would be an issue and if the mast was disguised as a tree it would look out of place, particularly as the nearby trees were deciduous. He considered the mast was well-sited and of a good design.

Mr Dominic O’Connell, the Agent, spoke in support of the application.

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

The Ward Member raised no objection.

Members considered the application and raised points which included: design was the best they could have; would provide a vital service for rural communities; and hope we do not have an application in three years time to increase the height of the mast due to the growth in trees.

Resolved: That application 17/500511/TNOT56 be approved.

2.4 REFERENCE NO - 16/506986/FULL			
APPLICATION PROPOSAL			
Demolition of no. 116 Oak Lane and construction of 2 no. three bedroom houses and 1 no. four bedroom with associated garages and parking.			
ADDRESS 116 Oak Lane, Upchurch, Kent, ME9 7AY			
WARD Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Construction AGENT Kent Design Partnership	Gransden

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

Parish Councillor Gary Rosewell, Upchurch Parish Council, spoke against the application.

Mr Raymond Hammer, an objector, spoke against the application.

A Ward Member spoke against the application and raised points which included: did not object to the land being developed, but access onto Oak Lane was a concern; a resident had carried out a survey from 8.30am to 9.30am and there was seven times more vehicle movements in Oak Lane than in Wallbridge Lane during the same period; highway design was an issue and there was insufficient traffic management; speed was an issue; cars had difficulty passing in places and used the footway to do so; visibility sightlines an issue; consideration of traffic calming; and should delegate the application to officers to alter the access so it comes out onto Wallbridge Lane.

There was some discussion about whether the application should be deferred to allow KCC Highways and Transportations views to be presented to the Committee.

Councillor Andy Booth moved a motion for a site visit. This was seconded by Councillor James Hunt. On being put to the vote the motion was agreed.

A Member asked that a representative from KCC Highways and Transportation attend the site meeting.

Resolved: That application 16/506986/FULL be deferred to allow the Planning Working Group to meet on site.

2.5 REFERENCE NO - 16/508208/FULL		
APPLICATION PROPOSAL New aluminium framed warehouse.		
ADDRESS Antolin Interiors Spade Lane Upchurch Kent ME9 7TT		
WARD Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL Upchurch/Hartlip	APPLICANT Antolin AGENT ARV Design Limited

The Senior Planner reported that the Council’s economic development team had confirmed that they supported the application as it would enable the business to operate more efficiently, and contribute to the safeguarding of jobs in the Borough. The proposal also brought the whole operation in the Borough rather than split between Swale and Medway, which was positive for the Borough.

The Senior Planner further reported that information had emerged from the applicant regarding the roof covering provided which would consist of two layers of PVC fabric with an air gap between, to provide thermal insulation. Air would be blown into the gap and this would require the use of plant/machinery. The Environmental Health Team were satisfied that such plant/equipment could be designed to prevent noise outbreak, subject to control via a condition. As such, a further condition was proposed to control the specification and location of the plant/equipment, and any mitigation necessary to insulate against noise outbreak.

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

Parish Councillor Gary Rosewell, Upchurch Parish Council, spoke on the application.

Mr Ian Ward, the Applicant, spoke in support of the application.

Ward Members raised points which included: had some sympathy for the applicants, however noise from the site was already having a detrimental impact on residents in Hartlip, particularly those in Mill Lane and Dane Lane; applicants needed to take some responsibility for the parking problems in the local area; landscaping inappropriate and consider the HGV parking and detritus left behind

was mainly from the adjacent IPL site, but encouraged applicant and IPL to work together to resolve.

Members considered the application and raised points which included: concern that the landscaping plan for the site had not been carried out or enforced; concern about creeping intrusion into Hartlip; needed to ensure that adequate landscaping was provided; considered this was a modest application; needed to apply the same diligence in relation to the acoustics condition as for the Howt Green, Bobbing application; should support this local business; hopefully result in a reduction in HGV movements; Antolin were a good company and should be welcomed; and lorry parking and litter was not the responsibility of the applicant.

Resolved: *That application 16/508208/FULL be delegated to officers to approve subject to conditions (1) to (8) in the report a condition to control the specification and location of the plant/equipment, and any mitigation necessary to insulate against noise outbreak.*

2.6 REFERENCE NO - 16/507706/FULL		
APPLICATION PROPOSAL		
Demolition of former residential care home building and erection of 21 new dwellings, associated new access road, car parking and amenity areas		
ADDRESS Doubleday Lodge Glebe Lane Sittingbourne Kent ME10 4JW		
WARD Roman	PARISH/TOWN COUNCIL	APPLICANT Stonechart Property Ltd AGENT Ubique Architects

The Senior Planning Officer reported that comments from KCC Highways and Transportation had been received. They requested conditions requiring that parking was allocated for the properties fronting onto Glebe Lane, and also that cycle parking was provided for each property. The Senior Planning Officer advised that conditions (7) and (9) already covered these matters.

The Senior Planning Officer stated that Members were asked to consider the slight variation of condition (21) which referred to the method of disposal of foul waters. She proposed that it was amended to allow demolition to take place before the submission of details was required. This was in-line with the wording of a number of the other conditions for this application and would allow the site to be cleared soon after the application was determined. The Senior Planning Officer advised that the site was currently a health and safety hazard and attracted anti-social behaviour, and removing the building and securing the site would help to address this problem.

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

Mr Roger Spencer, an Objector, spoke against the application.

In response to a request from the speaker to remove the beech hedging along their boundary, the Senior Planning Officer reported that she had spoken to the applicant’s agent about this matter. They had advised that they would try to avoid the removal of the hedge, but if this was necessary they would consider erecting a 1.8 metre closeboarded fence, rather than a wall.

The Lawyer – Team Leader (Planning) suggested that management of the hedge could be included within a landscape condition if approved.

Members considered the application and raised the following points: welcomed KCC Highways and Transportation request for parking; welcomed the affordable housing; the hedging should be retained; needed to ensure the height of the buildings was adequately conditioned and monitored; and half of the properties should be for social rent and half for equity share.

Councillor Mike Henderson moved the following addendum: That 30% affordable housing be provided. This was seconded by Councillor Andy Booth. On being put to the vote the addendum was agreed.

A Member requested that if officers were not able to secure 30% affordable housing, the application should be reported back to Committee.

Resolved: That application 16/507706/FULL be delegated to officers to approve subject to conditions (1) to (23) in the report, (where necessary) tidy-up the conditions to vary condition (21), to allow demolition to take place before the submission of details was required, to include a landscape management condition, such condition to ensure the management of hedging and, with further delegated powers being given to officers to secure a Section 106 Agreement to include contributions towards primary and secondary education, libraries, off-site open space, NHS, bins, Special Protection Area mitigation and 30% affordable housing (if less than 30% then report back to Committee) and a monitoring and administration fee.

2.7 REFERENCE NO - 16/506716/FULL			
APPLICATION PROPOSAL			
Variation of condition 12 and 14 attached to SW/13/0394 to facilitate the use of two barns for general agricultural purposes and for the storage of grains grown on and off the holding and to amend the list of approved drawings respectively; amendment to external appearance of eastern barn including an increase in ridge height to 14.5m.			
ADDRESS Wallend Farm Lower Road Minster-on-sea Kent			
WARD Sheppey Central	PARISH/TOWN Minster-on-Sea	COUNCIL	APPLICANT S W Attwood & Partners AGENT Paul Sharpe Associates LLP

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

Mr Paul Sharpe, the Agent, spoke in support of the application.

Ward Members raised the following points: the problem was not the storage of grain but the highway problems along the Lower Road: considered the application was acceptable to local residents; where would the farmer be getting the materials to build the bund?; and needed to ensure that the lorries used for building the bund were wheel-washed as there were already issues at Brambledown with mud on the road from agricultural vehicles.

The Senior Planning Officer reported that condition (6) of the Committee report sought to control mud on the road. She was unsure where the applicant was getting the materials from to build the bund.

Members considered the application and raised the following points: good to support the local economy; movement of lorries at night was a concern; noise mitigation measures were in place for the farmhouse, but not for the single house along Lower Road; the Rural Consultant had advised that there was no need for the development as the farmer could use their other storage facilities; lorry movements at night were minimal on the Isle of Sheppey; and the site access onto the Lower Road needed to be widened to allow HGVs to negotiate the site.

Resolved: That application 16/506716/FULL be approved subject to conditions (1) to (14) in the report.

2.8 REFERENCE NO - 16/507030/FULL			
APPLICATION PROPOSAL			
Replacement of fire damaged western building with alterations to its external appearance to include an increase in ridge height to 14.5m. Extension of existing bund to the south with landscaping to screen views into the yard; additional bund with landscaping to west of Wallend Farmhouse. Minor widening and realignment of access track to Sheppey Way.			
ADDRESS Wallend Farm Lower Road Minster-on-sea Kent			
WARD Sheppey Central	PARISH/TOWN Minster-on-Sea	COUNCIL	APPLICANT S W Attwood & Partners AGENT Paul Sharpe Associates LLP

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

Mr Paul Sharpe, the Agent, spoke in support of the application.

Resolved: That application 16/507030/FULL be approved subject to conditions (1) to (12) in the report.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 16/505471/FULL			
APPLICATION PROPOSAL			
Application for the removal of condition 1 of SW/09/1142 (One caravan for traveller family) - to allow for the permanent permission of one caravan for traveller family.			
ADDRESS The Meads Farm Elverland Lane Ospringe Kent ME13 0SP			
WARD East Downs	PARISH/TOWN Ospringe	COUNCIL	APPLICANT Mr and Mrs Eli Smith

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

Mrs Mary Smith, the Applicant, spoke in support of the application.

The Ward Member spoke against the application. He raised the following points: the site was within an Area of Outstanding Natural Beauty (AONB) which was essentially a country park; nothing against the applicant but they had ignored enforcement action and just keep appealing and playing the system; if this was a member of the settled community it would not be allowed; seems like one rule for one and one rule for another; there were five traveller sites in the area and each one is illegal; and needed to relocate to more appropriate official sites.

Members raised the following points: the applicant stated they had been on the site for 10 years, but they only applied for temporary permission in 2010, this showed that planning enforcement had not been doing their job; there were other more obtrusive gypsy sites in the Borough; should treat all areas of the Borough equally in terms of gypsy and traveler provision; this site did not have a substantial impact on the AONB, if this was a brick-built building we would not allow this and it was essentially the remoteness of the site which was an issue; and unsustainable location.

In response to a comment from a Member, the Senior Planner drew attention to paragraph 8.18 of the Committee report which confirmed the gypsy status of the applicants.

Resolved: That application 16/505471/FULL be refused for the reason stated in the report.

3.2 REFERENCE NO - 15/509545/FULL		
APPLICATION PROPOSAL		
Removal of condition 1 of SW/10/1446 (Application to vary condition 1 of planning permission SW/05/1316 (personal & temporary condition) to make the planning permission permanent or vary the condition for a further temporary permission for 4 years.		
ADDRESS Hill Top Farm, Elverland Lane, Ospringe, Kent, ME13 0SP		
WARD East Downs	PARISH/TOWN COUNCIL Ospringe	APPLICANT Mr John Howard AGENT Philip Brown Associates

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

Resolved: That application 15/509545/FULL be refused for the reason stated in the report.

3.3 REFERENCE NO - 16/507020/FULL		
APPLICATION PROPOSAL		
Permission is sought for change of use of land to a residential caravan site, for two Romani Gypsy families. The site to contain two static caravans, two touring caravans, hardstanding and associated residential parking, a water treatment plant and a new highway access. (Part retrospective).		
ADDRESS The Retreat Elverland Lane Ospringe Kent ME13 0SP		
WARD East Downs	PARISH/TOWN COUNCIL Ospringe	APPLICANT Mrs Annie Gibbs AGENT BFGSC

The Area Planning Officer reported that he had received an email from the new Clerk to Ospringe Parish Council stating that they had considered the application at their meeting on 5 October 2016. The Area Planning Officer read out the relevant minute from that meeting for Members which raised the following points: we strongly objected to the application; the design and access statement was vague and unclear and factually incorrect in parts; the site was an unsustainable location, being remote from facilities which the occupants would be expected to want to access; the proposed access was situated at a dangerous and inappropriate location and would have event less sightline facility than the original entrance; and concerns that significant construction works had already been carried out on the part of the site adjacent to the Newnham Valley Road.

The Area Planning Officer further reported that the applicant’s agent had sent him a copy of the Appeal Statement for the gypsy and traveler site at Greyhound Road, Minster, Isle of Sheppey. He confirmed that officers had received the decision on 21 February 2017. The Appeal Inspector had granted permission on a permanent basis for three of the applicants on that site and did not consider that the Council had demonstrated that it had a five-year supply of sites.

The Area Planning Officer noted that the Brambledown site was not in an AONB and that the Council were in a position to demonstrate a five-year supply of sites.

Mr Joseph Jones, the Agent, spoke in support of the application.

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

In response to queries from a Member, the Area Planning Officer confirmed the following: Swale had no green belt land; the site was not within a sustainable location; the special circumstances in relation to the family members' health issues had been carefully considered; and if a member of the settled community had wanted to build a brick built property at the site they would not be allowed.

Members considered the application and raised points which included: the speaker claimed this was affordable housing, putting two caravans on the site could never be considered an affordable housing option; a reason we lost the appeal for the Greyhound Road site was that we had no legal representative, are we setting ourselves up to lose again?; legally should we have access to the confidential information relating to the health issues of the child?; the family had come onto the land with no notice; site was in a prominent location within an AONB; we have taken enforcement action but the applicants have ignored this; and page 217 paragraph 2.05 of the Committee report states that the child with the health issues did not react well to change, should we jeopardise the health of this young child by moving them.

The Lawyer – Team Leader (Planning) stated that with regard to the confidential information in relation to the health issues of some of the family members, he was aware that other Local Authorities would have provided this information on blue paper. However, officers had viewed and assessed the information and summarised this in the Committee report and considered national policy and human rights and considered the application should be refused.

The Area Planning Officer stated that on page 218, paragraph 2.06 of the Committee report, officers had tried to give a flavour of the health issues of the child, but the full details could be circulated to Members. He stated that whilst officers had considered this information fully they did not consider that it overrode the harm that would be done if the application was approved.

The Ward Member spoke against the application. He considered that the system was being played.

Resolved: That application 16/507020/FULL be refused for the reasons stated in the report.

3.4 REFERENCE NO - 16/503982/FULL		
APPLICATION PROPOSAL Retrospective application for change of use to residential - for one gypsy family, comprising one mobile home, one touring caravan and one utility shed.		
ADDRESS Graces Place Homestall Road Doddington Kent ME9 0HF		
WARD East Downs	PARISH/TOWN COUNCIL Doddington	APPLICANT Mrs Sybil Smith AGENT Veritas Architectural Services

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

In response to a query from a Member, the Area Planning Officer stated that whilst this application was not in an AONB, officers were confident that the Council had demonstrated the five-year supply of sites and would be able to defend any subsequent appeal on that basis.

Resolved: That application 16/503982/FULL be refused for the reason stated in the report.

3.5 REFERENCE NO - 16/507425/FULL		
APPLICATION PROPOSAL Demolition of 7 farm buildings and erection of 6 detached houses and garages, associated SUDS ponds, landscaping and wildlife planting.		
ADDRESS Land Rear Of Kaine Farm House Breach Lane Upchurch Kent ME9 7PH		
WARD Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Mr T Ripley AGENT Lander Planning

Parish Councillor Gary Rosewell, Upchurch Parish Council, spoke in support of the application.

Mrs Klaire Lander, the Agent, spoke in support of the application.

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

The Ward Members spoke in support of the application and raised points which included; would cause no harm to the local landscape; seeks six houses where three already exist; and would make good use of a brownfield site.

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

At this point the Development Manager used his delegated powers listed under Part 3 (Responsibility for Council Functions) of the Council’s Constitution for the Planning Committee to ‘call-in’ the application.

Resolved: *That as the Planning Committee were 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 the next meeting of the Committee.*

PART 5

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

- **Item 5.1 – 36 The Glen, Minster**

APPEAL DISMISSED

- **Item 5.2 – FCS Trade Sales, Horsham Lane, Upchurch**

APPEAL DISMISSED

- **Item 5.3 – 1 Old Half Acre, Blind Mary’s Lane, Bredgar**

APPEAL DISMISSED

1220 EXCLUSION OF THE PRESS AND PUBLIC

Resolved:

(1) 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 involve the likely disclosure of exempt information as defined in Paragraphs 2, 3 and 6 of Part 1 of Schedule 12A of the Act:

- 1. Information relating to any individual.***
- 2. Information which is likely to reveal the identity of an individual.***
- 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).***
- 4. Information relating to any consultation or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and any employees of, or office holders under, the authority.***
- 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.***
- 6. Information which reveals that the authority proposes:***
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or***
 - (b) to make an order or direction under any enactment.***
- 7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.***

1221 REPORT OF THE HEAD OF PLANNING SERVICES**PART 6****6.1 16/507278/FULL – 1 Fallowfield, Sittingbourne**

Resolved: That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring the removal of the garage extension within 3 months of the Notice taking effect.

That the Head of Planning Services and Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, including the precise wording thereof to give effect to this decision.

6.2 15/500237/OPDEV – 83 Chatsworth Drive, Sittingbourne, Kent, ME10 1TW

Resolved: That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring the removal of the dormer window, rear facing first floor doors and balcony within 3 months of the Notice taking effect.

That the Head of Planning Services and Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, including the precise wording thereof to give effect to this decision.

6.3 Gypsy and Traveller Sites

16/503982/FULL – Graces Place, Homestall Road, Doddington, Kent, ME9 0HF

15/509545/FULL – Hill Top Farm, Elverland Lane, Ospringe, Kent, ME13 0SP

16/505471/FULL – The Meads Farm, Elverland Lane, Ospringe, Kent, ME13 0SP

Resolved: That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring the uses to cease and all items not associated with residential use to be removed from the land within 12 months of the Notice taking effect.

That the Head of Planning Services and Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, including the precise wording thereof to give effect to this decision.

1222 ADJOURNMENT OF MEETING

The meeting was adjourned at 9.30pm and reconvened at 9.37pm.

1223 SUSPENSION OF STANDING ORDERS

At 10pm and 10.29pm Members agreed to the suspension of Standing Orders in order that the Committee could complete its business.

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