
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 25 May 2017 from 7.03 pm - 8.35 pm.

PRESENT: Councillors Cameron Beart, Bobbin, Andy Booth (Vice-Chairman), Roger Clark, Richard Darby, Mike Dendor, Paul Fleming (Substitute for Councillor Mike Baldock), Nicholas Hampshire, Mike Henderson, James Hunt, Ken Ingleton, Nigel Kay, Bryan Mulhern (Chairman), Prescott and Ghlin Whelan.

OFFICERS PRESENT: Andy Byrne, Andrew Jeffers, Kellie MacKenzie, Jo Smith, Steve Wilcock and Jim Wilson.

ALSO IN ATTENDANCE: Councillor John Wright.

APOLOGIES: Councillors Mike Baldock, James Hall and Peter Marchington.

19 FIRE EVACUATION PROCEDURE

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

20 MINUTES SILENCE

There was a minutes silence in remembrance of those who lost their lives, and all others that were affected, by the terrorist attack in Manchester on Monday 22 May 2017.

21 MINUTES

The Minutes of the Meeting held on 27 April 2017 (Minute Nos. 1300 – 1306) were taken as read, approved and signed by the Chairman as a correct record.

22 DECLARATIONS OF INTEREST

No interests were declared.

23 SCHEDULE OF DECISIONS

PART 1

Any other reports to be considered in the public session

1.1 REFERENCE NO – 17/501704/PNQCLA
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APPLICATION PROPOSAL

Prior notification for the change of use of an agricultural building to a dwellinghouse (Use Class C3), and for associated operational development
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For its prior approval to:

Transport and highways impacts of the development; Contamination risks on the site; Flooding risks on the site; Noise impacts of the development; Whether the location or siting of the building makes it otherwise impractical undesirable for the use of the building to change as proposed; Design and external appearance impacts on the building		
ADDRESS 177 Wards Hill Road Minster-on-sea Kent ME12 2JZ		
WARD Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Mr M Dugdale AGENT Bloomfields

The Senior Planner drew attention to the tabled update for this item which had previously been emailed to all Members. The update included details of a condition relating to a remediation scheme if evidence of contamination was encountered during construction. The Senior Planner stated that the recommendation had therefore been amended and Prior Approval was required and should be granted subject to the condition outlined above.

Mr Gary Mickleborough, the Agent, spoke in support of the application.

The Chairman moved the officer recommendation that prior approval be granted subject to the tabled condition and this was seconded.

A Ward Member spoke against the application. He raised concerns which included: was not consistent with the Council’s Local Plan; need to consider the cumulative effect of the development; lapwing and curlew that were present on the site would disappear; adverse impact on the local landscape; and was not in a sustainable location.

In response to a query from a Member, the Senior Planner advised that the requirements of the Development Order were that the amenity area could be no larger than the footprint of the building.

Resolved: That prior approval be required for application 17/501704/PNQCLA subject to the imposition of a condition relating to the imposition of a remediation scheme if evidence of contamination was encountered during construction.

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO – 17/500392/FULL
APPLICATION PROPOSAL Erection of 2 No. detached dwellings to replace existing chalet bungalow.
ADDRESS 177 Wards Hill Road Minster-on-sea Kent ME12 2JZ

<p>WARD Minster Cliffs</p>	<p>PARISH/TOWN COUNCIL Minster-on-Sea</p>	<p>APPLICANT Mr & Mrs T Harris AGENT Design Quarter UK Ltd</p>
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The Senior Planner introduced the application and drew attention to paragraphs 8.03 and 8.04 on page 13 of the Committee report and corrected some of the stated measurements and differences between the approved scheme and the scheme before Members, as some had proved to be inaccurate following re-checking of the plans.

The Senior Planner advised that the dwelling on Plot 1 would be approximately 0.2 metres higher than the approved scheme, and not one metre as set out in paragraph 8.03. Also, that the dwelling on plot 1 would extend two metres further to the rear, and not 0.5 metres as set out in this paragraph, although this increase would be limited to a single storey projection.

The Senior Planner also advised that the dwelling on plot 2 would be 0.3 metres taller than the approved scheme, and not 1.1 metres as stated in paragraph 8.04.

The Senior Planner showed Members a plan prepared by officers, with the outline of the approved scheme overlaid onto the proposed scheme, so that the differences could be identified more clearly.

Mr Martin Heaton, an objector, spoke against the application.

Mr Tim Harris, the Applicant, spoke in support of the application.

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

A Ward Member spoke against the application and stated that he would support the previous application which had been allowed on appeal, but not this application. He did not consider that concerns about the scale of the development had been addressed.

A Member considered that there would be issues with overlooking and parking with any application at the site, due to its sloping nature.

Another Member commented that there were small margins between this scheme and the approved scheme, and that the Council would be in a difficult position if it refused the application.

Resolved: That application 17/500392/FULL be approved subject to conditions (1) to (9) in the report.

2.2 REFERENCE NO - 17/500397/FULL		
APPLICATION PROPOSAL Conversion of existing 3 bedroom dwelling into 1no one bedroom flat and 1no. two bedroom flat, including the erection of a two storey and single storey rear extension		
ADDRESS The Laurels Darlington Drive Minster-On-Sea ME12 3LF		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Mr Lambkin AGENT Woodstock Associates

The Senior Planner showed Members some photographs which showed that work on the two storey extension was already underway.

Parish Councillor Peter MacDonald, Minster Parish Council, spoke against the application.

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

Some Members raised concern with regard to the lack of parking and considered one parking space for two flats was not sufficient. A Member suggested that the application be approved subject to a second parking space being provided. It was noted by Members that Kent County Council (KCC) Highways and Transportation had not been consulted on the application.

The Senior Planner stated that officers would need to liaise with the applicant to ensure that there was sufficient space on-site for a second parking space.

Councillor Mike Henderson moved the following addendum: That the application be delegated to officers to approve, subject to officers liaising with the applicant to establish whether it would be possible to provide a second parking space. This was seconded by Councillor Cameron Beart. If a second space could not be provided then the application would need to be reported back to Committee.

Resolved: That application 17/500397/FULL be delegated to officers to approve subject to conditions (1) to (4) in the report, and officers liaising with the applicant to establish whether it would be possible to provide a second parking space. If a second space could not be provided then the application would need to be reported back to Committee.

2.3 REFERENCE NO – 15/510051/FULL		
APPLICATION PROPOSAL Retrospective planning application for the retention of the existing laundry building in its as built condition.		
ADDRESS 29 Ashford Road, Faversham, Kent, ME13 8XN		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Richard Cope

		AGENT Bedfords Surveyors Ltd
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The Major Projects Officer drew attention to the tabled update, which had previously been emailed to Members. The update included the comments of the Economic Development Manager who supported the application; amendments to conditions (14) and (15) to allow for Bank Holiday working and deliveries on Saturday mornings; and amendments to conditions (16) to refer to conditions (14) and (15), rather than (12) and (13) as drafted.

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

Mr Eric Przyjemski, the Agent, spoke in support of the application.

A Member requested that the application be delegated to officers to approve subject to consultation with the Ward Members and that the acoustic fence be erected before the hours of use were changed.

Another Member raised concern that the applicant had “flouted” the conditions of the previous permission for the last three years and treated local residents with “utter contempt”. He stated that it was important to be clear exactly what was being agreed and that the applicant was aware of the conditions being imposed, and specifically:

- Condition (6) The operating hours and hours of delivery detailed herein under condition (14) and (15) shall only be operational after the acoustic fence and ivy planting have been implemented in full.
- Condition (8) **The acoustic fence** and ivy planting shall be carried out in accordance with the details specified on amended drawing nos. INF – 3540-2 Rev D (boundary treatment) and INF-3540-1 Rev C (site plan), and such works **shall be carried out within 2 months from the date of this planning permission**, and shall thereafter be maintained in accordance with the approved maintenance schedule (JB Landscape letter dated 14/2/7).
- Condition (17) **The roller shutter doors shall be kept closed** except for when vehicles need to pass in or out of the building.
- Paragraph (4) of the officer update. The applicant needs to be clear that there will not be **any working, deliveries, maintenance or operations on Sundays**.
- Paragraph (5) of the officer update. The applicant needs to be clear that Members were only agreeing to deliveries, **not operations**, on Saturday between 0400 and 1200 noon. [Though condition will allow the business to operate on Saturdays].

The Member also requested that the application be delegated to officers to approve subject to whether ivy should be planted in the month of August. This was agreed by Members.

That application 15/510051/FULL be delegated to officers to approve subject to conditions (1) to (17) of the report, the amendments to conditions (14), (15) and (16) as outlined in the tabled update, and the signing of a suitably-worded Unilateral Undertaking.

2.4 REFERENCE NO - 16/507673/FULL		
APPLICATION PROPOSAL		
Erection of cherry coverings and framework (Swale Borough Council).AS AMENDED BY SITE PLAN C 120916V3 Rev 240217 and PLAN C 12092016V3 Rev 240217 RECEIVED ON 24 TH FEBRUARY 2017		
ADDRESS Land at Swanton Farm, Bicknor Lane, Bredgar, Kent, ME9 8AY		
WARD West Downs	PARISH/TOWN COUNCIL Bredgar	APPLICANT FW Mansfield & Son AGENT Mr Nicholas Rooke

The Major Projects Officer drew attention to the tabled update for this item, which noted that contrary to the recommendation (at paragraph 10.0 on page 72 of the Committee report) comments were not awaited from KCC Highways and Transportation and included a response to the letter circulated to Members on behalf of the neighbours at Swanton Court.

Mrs Jane Collins, Bredgar Parish Council, spoke against the application.

Mr Nicholas Rooke, the Agent, spoke in support of the application.

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

Councillor Mike Henderson moved a motion for a site meeting. This was not seconded.

In response to comments from a Member, the Major Projects Officer reported that officers had careful regard to the fact that the site was within an Area of Outstanding Nature Beauty (AONB) and 350 metres from the curtilage of Swanton Court. He stated that there were conditions in place to provide soft landscaping which was in-line with the National Planning Policy Framework.

Members considered the application and raised points which included: imperative to have protection for this type of crop; need to support local farmers; do not accept there would be problems with glare from the plastic coverings as it was surrounded by tall trees; similar coverings were located within other AONBs; and was a well-balanced report.

In response to queries from Members, the Major Projects Officer stated that the majority of the application site was within Swale and Maidstone Borough Council had been consulted on the application, but had not responded. He stated that Swanton Street and Bicknor Lane were adjacent to the site.

Resolved: *That application 17/507673/FULL be approved subject to conditions (1) to (6) in the report.*

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 16/507407/FULL			
APPLICATION PROPOSAL			
Hybrid planning application comprising: Outline with access only being sought for a total of 50 no. residential units including an element of affordable homes, a 4 no. consulting room health centre with expansion capability to include pharmacy, dental surgery and other health care facilities, and provision of a school playing field or public playing field. Detailed application for engineering works and change of use to provide a school drop off parking area with associated pedestrian link into school grounds, and associated access, parking, infrastructure and landscaping.			
ADDRESS Land Adjacent To St Clements School Leysdown Road Leysdown Kent ME12 4AB			
WARD Sheppey East	PARISH/TOWN Leysdown	COUNCIL	APPLICANT Kent Design Partnership AGENT Kent Design Partnership

The Major Projects Officer drew attention to the tabled update, which had previously been emailed to Members. The update included details of the full developer contributions that the applicant was committed to providing, and therefore reason (4) for refusing the application outlined on page 98 of the Committee report, would be deleted, if Members resolved to refuse the development.

Parish Councillor Pat Sandle, Leysdown Parish Council, spoke against the application.

Mrs Ruth Hodder, an objector, spoke against the application.

Mr John Collins, the Agent, spoke in support of the application.

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

A Ward Member spoke against the application, and raised points which included: was an unsustainable development; an intensification of development in the area; local ditches were already subject to regular flooding; there were already medical centres in Leysdown and Warden, it was doctors that were required, rather than a new premises; and St Clements School was already over-subscribed.

Members considered the application and raised points which included: fully endorse the officers' report to refuse the application; the comments from KCC Highways and Transportation outlined on page 86 paragraph 7.03 of the Committee report were appalling, how can they say it would 'not be significant in respect to the capacity of the existing road infrastructure', it should say 'lack of road infrastructure'; there were already traffic congestion problems at Barton's Hill Drive which needed to be taken into account; appalling that Queenborough railway station had been mentioned to support sustainability of the site, as it was at the other end of the Isle of Sheppey; this had been designated as a local green space and should be kept as such; developers often promise to contribute to Section 106 agreements, and later say it was no longer viable; adequate drop-off places for the school were provided; there was a reason the site was not listed within the local plan for development; and concern that the school had not been consulted. [It should be noted, however, that KCC had commented on developer contributions, including for education].

Resolved: That application 16/507407/FULL be refused for reasons (1), (2) and (3) as set-out in the Committee report on pages 97 and 98 of the Agenda.

PART 5

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

- **Item 5.1 – 89 Scarborough Drive, Minster**

APPEAL ALLOWED

- **Item 5.2 – Haylocks Cottage, 2 Hillside Road, Stalisfield**

APPEAL ALLOWED

- **Item 5.3 – Windyridge, Wrens Road, Borden**

APPEAL DISMISSED

- **Item 5.4 – Land at Moat Way, Queenborough**

APPEAL ALLOWED

A Member thanked Ross McCardle (Planning Officer) for his hard work on the appeal. The Member stated that it was an appalling decision by the Inspector to allow development on a greenfield site which was within a flood risk area. He also noted that the area was listed as a local green space in

the Council's emerging Local Plan.

- Item 5.5 – 12 Norman Road, Faversham

APPEAL DISMISSED

24 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.**

25 REPORT OF THE HEAD OF PLANNING SERVICES

6.1 17/500107/BOC – Timber fencing to front of 11 Clerke Drive, Kemsley

In response to queries from a Member, the Senior Planner explained that if a planning application were to be received, officers could grant the permission on a temporary basis or make it personal to the applicants, or alternatively the Council could 'under-enforce' to allow the fence to be retained for the benefit of the current occupants only.

Resolved: That the situation be noted and no further action be taken.

Chairman

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