
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 14 September 2017 from 7.00pm - 8.37pm.

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

OFFICERS PRESENT: Rob Bailey, Emma Eisinger, Andrew Jeffers, Kellie MacKenzie, Cheryl Parks, Graham Thomas and Adrian Truss.

APOLOGIES: Councillors Bobbin and Peter Marchington.

226 FIRE EVACUATION PROCEDURE

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

227 MINUTES

The Minutes of the Meeting held on 17 August 2017 (Minute Nos. 162 – 170) were taken as read, approved and signed by the Chairman as a correct record.

228 DECLARATIONS OF INTEREST

No interests were declared.

229 CHANGE TO THE ORDER OF BUSINESS

The following change to the order of business was agreed: That Deferred Item 1 be considered under Part 6 of the agenda and in closed session. This was to enable Members to consider the report in conjunction with the confidential appendices at item 6.1 of the agenda.

230 PLANNING WORKING GROUP

The Minutes of the Meeting held on 5 September 2017 (Minute Nos. 187 – 188) were taken as read, approved and signed by the Chairman as a correct record.

17/501755/FULL 60 – 63 Preston Street, Faversham, ME13 8PG

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

A Member raised concern that Members had agreed to the site meeting but only four had attended, he considered this to be a waste of Council money.

Resolved: That application 17/501755/FULL be approved subject to conditions (1) to (17) in the report.

231 SCHEDULE OF DECISIONS

PART 1

Any other reports to be considered in the public session

1.1 REFERENCE NO – 17/503041/ADV			
APPLICATION PROPOSAL			
Advert Application for 1 x roof mounted lettering, 2 x wall-mounted signs and 1 x pole mounted sign.			
ADDRESS 6A The Broadway, Minster-on-Sea, Sheerness, Kent, ME12 2RN.			
WARD Minster Cliffs	PARISH/TOWN Minster-on-Sea	COUNCIL	APPLICANT Independent Vetcare Ltd AGENT Think Marketing Material

The Area Planning Officer explained that the recommendation was for a split decision with three of the signs being recommended for approval and the roof mounted sign being recommended for refusal.

The Chairman moved the officer recommendation for a split part approval and part refusal and this was seconded.

A Ward Member supported the officer recommendations and agreed that the roof mounted sign would have a detrimental impact.

Resolved: That application 17/503041/ADV be part approved and part refused as follows:

Consent granted for 1 x internally illuminated wall-mounted sign; 1 x non-illuminated wall-mounted sign; and 1 x pole-mounted sign subject to conditions (1) to (10) in the report.

Consent refused for 1 roof-mounted sign for the reason set out in the Committee report.

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO – 17/503438/FULL			
APPLICATION PROPOSAL			
Erection of a detached annexe as amended by drawing DC/264 received 21 August 2017.			
ADDRESS Sunset, Southsea Avenue, Minster-on-sea, Sheerness, Kent, ME12 2JX			

WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Mrs Jayne Wheatley AGENT Deva Design
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The Chairman moved the Officer recommendation to approve the application and this was seconded.

A Ward Member raised no objection. He raised concern that the Parish Council were not in attendance to support their reasons for refusing the application.

In response to a query from a Member, the Area Planning Officer considered that two replacement trees were adequate.

Resolved: That application 17/503438/FULL be approved subject to conditions (1) to (4) in the report.

2.2 REFERENCE NO - 17/503660/FULL		
APPLICATION PROPOSAL Erection of a two storey side extension.		
ADDRESS 27 Sharfleet Crescent, Iwade, Sittingbourne, Kent, ME9 8UJ.		
WARD Bobbing, Iwade and Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT Mr Nick Link AGENT PDL Architecture

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

A Member raised concern about possible damage during construction to the hedging between the boundary of the site and the public open space area. He asked whether a condition could be imposed to protect the area.

The Area Planning Officer stated that it would not be possible to impose a condition requesting this. Any harm caused to the hedging would be a private legal matter between the owner of the open space and the developer.

A Member raised concern that the Parish Council were not present to support their reasons for refusing the application.

Resolved: That application 17/503660/FULL be approved subject to conditions (1) to (5) in the report.

2.3 REFERENCE NO – 17/502567/FULL		
APPLICATION PROPOSAL Variation of condition 2 of SW/12/0080 to allow up to three caravans on the site to be occupied on a year-round basis by staff employed on the caravan site.		
ADDRESS Sheerness Holiday Park, Halfway Road, Minster-on-Sea, Sheerness, Kent,		

ME12 3AA		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Cosgrove Leisure AGENT Mr Mark Southerton

This application was withdrawn from the Agenda.

2.4 REFERENCE NO – 16/506316/FULL		
APPLICATION PROPOSAL Erection of 3 two storey terraced dwellings and 2 two storey semi-detached dwellings with on plot parking and associated works, as amended by drawings DSGD/16/01F, DSGD/16/02A, DSGD/16/03A, DSGD/16/04B and DSGD/14/H01A.		
ADDRESS The Old School, London Road, Dunkirk, Kent, ME13 9LF		
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mr A Preston AGENT Lee Evans Planning

The Area Planning Officer referred to the statement received prior to the meeting from Dunkirk Parish Council raising objection to the application which had been tabled for Members.

The Chairman allowed a three minute recess for Members to read the document.

Parish Councillor Jeff Tutt, representing Dunkirk Parish Council, spoke against 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 seconded by Councillor Andy Booth.

Resolved: That application 16/506316/FULL be deferred to allow the Planning Working Group to meet on site.

2.5 REFERENCE NO - 17/502156/FULL		
APPLICATION PROPOSAL Erection of 5no. 4 bedroom detached dwellings with associated vehicle parking and realignment of Rook lane cross over.		
ADDRESS Land at Rook Lane, Bobbing, ME9 8GB		
WARD Bobbing, Iwade and Lower Halstow	PARISH/TOWN COUNCIL Bobbing	APPLICANT RedFan Development Limited AGENT RedFan Development Limited

The Area Planning Officer reported that, currently vehicles travelling along Rooks Lane towards the A2 had priority over those leaving it. The matter of whether this

could be reversed had been raised by local residents, and it had been suggested that this development should contribute towards the cost of doing so. Kent County Council (KCC) Highways and Transportation had advised that they did not consider the development proposed gave rise to a need to alter the priority of traffic in the road. Nonetheless, if Members were minded to approve the scheme, condition (7) on page 50 of the Committee report, relating to the highway works shown on the drawings could be amended to include widening the highway and including a footpath.

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

Members considered the application and raised points which included: the highway proposals did not address the access issues; inappropriate site due to the access onto the A2; unsatisfactory proposal; was an unpleasant brownfield site in a pleasant area; thought all brownfield sites had been allocated in the Local Plan; if allowed would be setting a dangerous precedent; acknowledge that if approved there would be about 60 car movements per day at the site, but that was a lot less than the 100 plus car movements created by Keycol Hospital before it closed; this was a windfall site and should be approved; would improve the current poor state of the land; and it was a good use of the site.

A Member requested that the application be delegated to officers to discuss with the developer whether native species could be provided to protect the ecology of the area.

In response to queries from Members, the Area Planning Officer reported that they could impose a condition requiring a landscaping scheme to be provided or the applicant could provide an amended landscaping scheme. The site had not been discussed during consideration of the Swale Local Plan as it had an outstanding planning permission on the site, but that had now expired.

Councillor Mike Baldock moved a motion for a site meeting. This was seconded by Councillor James Hall. On being put to the vote the motion was lost.

Resolved: That application 17/502156/FULL be delegated to officers to approve subject to conditions (1) to (21) in the report, amendments to condition (7) as minuted, and officers to liaise with the developer to ensure native planting was provided, or as an alternative, that a condition requiring a revised landscaping scheme be imposed.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 15/508683/OUT

APPLICATION PROPOSAL

Outline application for the erection of 4no. four bedroom detached dwellings with associated access and parking including an attached double garage, two detached double carports and an integral garage, with landscaping the only matter reserved.
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ADDRESS Land at The Tracies, Newington, Kent, ME9 7TQ
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<p>WARD Hartlip, Newington and Upchurch</p>	<p>PARISH/TOWN COUNCIL Newington</p>	<p>APPLICANT Mrs Gillian Murray AGENT</p>
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The Area Planning Officer advised Members that the site location plan between pages 55 and 56 of the Committee report included land not within the application site, specifically the strip next to no. 8 The Tracies, he apologised for the error.

The Area Planning Officer clarified that in terms of the number of representations, 32 had been received, but all of those were from eight addresses, rather than 32 separate addresses.

The Area Planning Officer reported that he had discussed the application with Environmental Health, and they advised that four units would not give rise to a material increase to the volume or nature of traffic on the A2 or through the Newington Air Quality Management Area, and as such no air quality assessment was required and they raised no objection. The Area Planning Officer further reported that he had not received comments from the KCC Ecologist, and if Members were minded to refuse the application, he sought delegation to determine the application in light of their comments once received.

Parish Councillor Sue Brewster, representing Newington Parish Council, spoke against the application.

Mrs Pamela Nelson, an Objector, spoke against the application.

Mr Darren Shaw, the Agent, spoke in support of the application.

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

Members spoke against the application and made comments which included: a “ridiculous” site to put houses; the site was not included in Swale’s recently approved Local Plan so should be refused; was on best and most versatile (grade 1) agricultural land which, whilst a small area, could be used as a small holding; the owner of the land needed to recognize we do not want this land built-on; unfair of the agent to say that the Council had deliberately held back the application, they could have appealed if they had wanted to; Callaways Lane was an undesirable access; and this was not a good site for development.

Resolved: That application 15/508683/OUT be refused for the reason outlined in the report.

PART 5

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

- **Item 5.1 – Land on south side of Hall House, Tunstall**

APPEAL DISMISSED

A Member considered that the appeal had only been dismissed due to the diligence of officers in visiting the site and keeping good notes of the activities on the site.

ENFORCEMENT APPEAL

- **Item 5.2 – Unit 5, Oakwood Farm, Ruins Barn Road, Tunstall**

APPEAL DISMISSED

- **Item 5.3 – 2 Woodstock Cottages, Broad Oak Road, Sittingbourne**

APPEAL DISMISSED

- **Item 5.4 – 13 Wises Lane, Sittingbourne**

APPEAL ALLOWED

- **Item 5.5 – Costs application in relation to Appeal Ref: APP/V2255/C/16/3163374 Land at Holywell Lane, Upchurch, Kent**

COSTS REFUSED

- **Item 5.6 – LAND AT NEW RIDES FARM, LEYSDOWN ROAD, EASTCHURCH**

APPEAL ALLOWED

A Member raised concern that the decision had caused grave concerns within the parish of Eastchurch. He considered that the Inspector had let the Council and the local community down by allowing the application.

- **Item 5.7 – Excelsior House, Ufton Lane, Sittingbourne**

APPEAL ALLOWED AND COSTS REFUSED

A Member welcomed the comments made by the Inspector that “the Council was not bound by the view of Kent County Council” in paragraph four of the costs decision.

- **Item 5.8 – Courtenay House, London Road, Dunkirk**

APPEAL DISMISSED

- **Item 5.9 – New Orchard Farm, Upper Road, Rodmersham**

APPEAL DISMISSED

232 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.**

233 DEFERRED ITEM

Def Item 1 REFERENCE NO – SW/08/1124 and SW/13/0568			
APPLICATION PROPOSAL			
Modification of Section 106 agreement to allow removal of on-site affordable housing with a viability re-assessment submitted upon occupation of the 21 st unit and a commuted sum payable at a <u>minimum</u> of £31,000 for off-site affordable housing. Original application - to replace an extant planning permission SW/08/1124 (Demolition of existing buildings and redevelopment of site to provide 12, two bedroom apartments, 14, one bedroom apartments, amenity space, 26 parking spaces and cycle store and new vehicular access) in order to extend the time limit for implementation.			
ADDRESS 153 London Road, Sittingbourne, Kent, ME10 1PA			
WARD Grove	PARISH/TOWN COUNCIL	APPLICANT Properties Ltd	Clarity
		AGENT Mr Keith Plumb	

The Senior Planning Officer advised that the reports under Part 6 were confidential as they contained commercially sensitive information.

The Senior Planning Officer drew attention to an error in the summary on page one and also paragraph 3.01 on page five of the Committee report which referred to a 20% profit. She explained that this should have read 18.5% profit, in-line with CBRE’s recommendation. The argument for this was set out at paragraph 2.10 on page five of the Committee report.

In response to queries from a Member, the Senior Planning Officer explained that the Section 106 figures listed in paragraph 2.05 on page eight of the Committee

report were the originally agreed figures, these had since been updated and the total developer contribution was £40,000.

The Ward Members spoke against the application and raised points which included: £31,000 would not contribute anything; had to deliver affordable housing within this scheme; and developer should provide a scheme that was viable as the site was in a desirable location.

Members considered the application and raised points which included: the Councils policy was to provide 10% affordable housing in Sittingbourne and we should not allow any less than that; did not accept that it was no longer viable for the developer to provide affordable housing; we should stay firm that if no affordable housing provided the application should be refused; if the site was not viable why had they already started work on it?; need to make a stand that if we say 10% affordable housing, we mean it; utter disgrace that the developers say they can not afford to provide affordable housing; we would not be able to support refusal at appeal as evidence has been provided that the development was not viable; terrible that affordable housing could not be provided but two assessments, one of which was independent had stated that it would not be viable and we had to accept that; the clause within Policy DM8 gave weight to the applicants case; and it was not the Councils problem that the applicant had made a loss on the land.

The Senior Planning Officer drew attention to a clause within Policy DM8, criteria C, which allowed the level of affordable housing to be reduced if justified under a viability assessment. This was outlined on page three, paragraph 2.02 of the Committee report. The Senior Planning Officer stated that Policy DM8 could not therefore be used as a reason to refuse the modification.

The Senior Planning Solicitor (Locum) stated that as the Section 106 Agreement had been signed off, the Council was under no obligation to set out reasons for refusing the modification.

On being put to the vote the motion to agree the modification was lost.

Councillor Mike Henderson moved the following motion: That the modification be rejected and officers discuss alternative options with the applicant. This was seconded by Councillor Andy Booth. On being put to the vote the motion to reject the modification was won.

Resolved: That the modification to the Section 106 Agreement for SW/08/1124 & SW/13/0568 be rejected and officers discuss alternative options with the applicant.

234 SCHEDULE OF DECISIONS

6.1 SW/13/0568 – 153-155 London Road, Sittingbourne

Resolved: That the appendices be noted.

6.2 17/503687/FULL – Horseshoe Farm, Elverland Lane, Ospringe

The Development Control Manager drew attention to an error in the recommendation on paragraph four on the sixth line, and that the word 'not' should be removed.

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 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 and reasons thereof to give effect to this decision.

235 ADJOURNMENT OF MEETING

The meeting was adjourned at 7.10pm and reconvened at 7.13pm.

236 RECORD OF THANKS

The Chairman announced that Adrian Truss the Senior Planning Solicitor (Locum) was retiring.

Members thanked Adrian for all his advice and wished him a very happy retirement.

Chairman

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