
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 18 September 2014 from 7.00 - 9.00 pm.

PRESENT: Councillors Barnicott (Chairman), Sylvia Bennett, Derek Conway, Ben Stokes, Ghlin Whelan, Tony Winckless, Sue Gent, Harrison (substitute for Councillor Mick Constable), Lesley Ingham, Gerry Lewin (substitute for Councillor Prescott), Bryan Mulhern (Vice-Chairman), June Garrad, Peter Marchington, Andy Booth, Mark Ellen and Mike Henderson.

OFFICERS PRESENT: Kellie MacKenzie, Rob Bailey, Peter Bell, Libby McCutcheon, James Freeman, Jim Wilson and Steve Wilcock.

ALSO IN ATTENDANCE: Councillors Bowles and Roger Truelove.

APOLOGIES: Councillors Mick Constable and Prescott.

239 MINUTES

The Minutes of the Meeting held on 28 August 2014 (Minute Nos. 195 – 199) were taken as read, approved and signed by the Chairman as a correct record. Subject to the inclusion of Cllr June Garrad's apologies.

240 DECLARATIONS OF INTEREST

Councillor Bowles, not a Member of the Committee, declared a non-pecuniary interest in relation to application 3.1 SW/14/0088 Sittingbourne Speedway, Church Road, Sittingbourne as he had an interest in speedway.

241 VICE-CHAIRMAN IN THE CHAIR

Councillor Mulhern (Vice-Chairman) took the chair for item 3.2 SW/14/501140 Victoria Working Mens Club and Institute, Broadway, Sheerness, Kent.

242 REPORT OF THE HEAD OF PLANNING

SCHEDULE OF DECISIONS

PART 1 – Any other reports to be considered in the public session

1.1 SW/14/0399	(Case 06635)	Sittingbourne
APPLICATION PROPOSAL		
Modifications to the S106 Agreement including removal of all financial payments apart from Primary and Secondary education contribution; deferral of payments to the end of the residential development programme; change to the phasing to bring the residential component forward; and a reduction in the provision of affordable housing to 10% intermediate provision.		
ADDRESS Old Sittingbourne Mill and Wharf, Sittingbourne (Morrisons), Kent, ME10 3ET		
APPLICANT Essential Land		
AGENT BPTW Partnership		

The Major Projects Officer reported that the Head of Housing had commented and requested that a 70:30 split of social rented to intermediate tenures should be applied to the affordable housing element. The Major Projects Officer further reported that the Head of Economic and Cultural Services noted the comments from the Museums Group and supported their stance which was outlined in paragraph 6.01 on Page 8 of the report; expressing their disappointment at the potential loss of heritage money.

The Major Projects Officer advised that Members should also note that a profit of 20% in line with government guidance had been provisionally agreed, but officers were still negotiating on the 'abnormal costs', which were defined towards the bottom of Page 20 (Paragraph 9.02) in the report.

The Major Projects Officer sought Members' views on whether the Heritage Contribution – if the viability of the development supported it, should be re-allocated to additional affordable housing or financial contributions. He also sought delegated authority further to the Head of Housing Services comments and the appraisal in the report, to negotiate an increased percentage of affordable housing – if the viability supported it – and on the mix of affordable housing tenures, rather than it being solely intermediate.

Mr Bellinger, the Applicant, spoke in favour of the application.

The Ward Members spoke against the proposal and raised the following points: very disappointed and angry that potentially as ¼ million Section 106 monies would be lost; the current state of the site was disgraceful; Swale Borough Council were 'trapped' again by developers who had put them in an impossible situation; loss of affordable housing would be a disgrace; heritage centre was integral to the waterside park; and green buffer between Charlotte Street and the proposed development would be lost which was unacceptable.

Discussions ensued and a Member raised the following points: Essential Land should fulfil the Section 106 Agreement that they freely entered into only two years previously; believe that Swale was considered as a 'soft touch' by developers; should insist that 70% affordable rented housing was provided and 30% intermediate; heritage centre monies should be transferred to providing housing; and the contribution to KCC education should be reduced again to increase general affordable housing provision.

Councillor Mike Henderson moved the following motion: That officers seek to negotiate a profit margin of not more than 15% and that officers insist on a 70:30 split for affordable housing; that the Heritage Centre monies be transferred to provide housing; and reduce the Kent County Council education contributions to contribute to affordable housing and to ensure the remaining monies were used in Swale. This was seconded by Councillor Ghlin Whelan.

Councillor Bryan Mulhern moved the following motion: that the proposal be deferred to allow officers to re-negotiate the Section 106 so that a more acceptable proposal could be considered by Members. This was seconded by Councillor Sue Gent.

Discussions ensued and the proposer and seconder of the original motion agreed to withdraw that motion.

A Member spoke against the deferment and stated that a 30% of affordable housing within developments was the policy of Swale Borough Council and should be provided in this instance.

On being put to the vote the motion to defer the proposal was agreed.

The Head of Planning stated that he understood the disappointment of Members to the proposed modifications on the Section 106 Agreement, however officers had to consider government guidance and the National Planning Policy Framework which required re-negotiations on Section 106 Agreement to ensure housing was delivered. The Head of Planning reminded Members that the Viability Assessment had been carried out by an independent assessor, the Valuation Office Agency, and assured Members that officers were trying to protect the interests of SBC.

Resolved: *That application SW/14/0399 be deferred to allow officers to re-negotiate the Section 106 Agreement so that a more favourable proposal can be considered by Members.*

PART 2 – Applications for which **PERMISSION** is recommended.

2.1 SW/14/0486	(Case 13645)	Newington
APPLICATION PROPOSAL		
Demolition of existing buildings on the site, closure of the existing access and the erection of fourteen dwellings, along with associated new access, garaging, parking and landscaping.		
ADDRESS Parsonage Farm, School Lane, Newington, Sittingbourne, Kent, ME9 7LB		
APPLICANT Walker Residential Ltd		
AGENT Mr Eric Przyjemski		

The Major Projects Officer reported that Newington Parish Council had commented on the revised drawings and noted that their original objection remained. However, if permission was granted, they asked that conditions were added to require the access to be re-located to the north and a mini roundabout added to the road, the extension of the school car park into the adjacent field and finally, that a small children’s play area was provided close to the site.

The Major Projects Officer stated that two additional letters of objection had been received from local residents. They reiterated concerns about parking within the site and on the road, and further concerns were raised in respect of the storage of wheeled bins at plots 6 and 10. Also, there was a further comment in respect of the visibility from the proposed access and concerns about safety and the Major Projects Officer advised that those concerns were dealt with in the report. The Major Projects Officer explained that bin storage had been considered as part of the evolution of the proposals, however, with regard to Plot 10, a small storage structure was proposed, and an additional condition was required to control the details and precise position of it.

The Major Projects Officer reported that the residents of ‘Shenley’, the adjacent property, suggested that the application site encroaches on their land. The planning agent had advised, in response, that this related to two small areas and, even if land was not available for development, would only require an amendment to the garage for Plots 12 and 13, rather than having a fundamental impact on the delivery of the development.

The Major Projects Officer sought delegation to approve the application, subject to conditions as set out in the report, the additional condition mentioned above, the signing of a suitably-worded S106 agreement, and the resolution of the land ownership issue.

Mr Przyjemski, the Agent, spoke in favour of the proposal.

Councillor Gerry Lewin, a Ward Member, moved a motion for a site visit. This was seconded by Councillor Bryan Mulhern. On being put to the vote the motion was agreed.

Resolved: That application SW/14/0486 be deferred to allow the Planning Working Group to meet on site.

2.2 SW/14/501724	Faversham
APPLICATION PROPOSAL	
Extend existing first floor bedroom over the existing garage to form a much larger bedroom. To convert the existing conservatory to a dining room and then to add a small conservatory to the end of that converted room.	
ADDRESS 29 Hilton Close, Faversham, Kent, ME13 8NN	
APPLICANT Mr Bruce Springett	

The Major Projects Officer reported that one objection from a neighbour had been received raising the following concerns: harmful effect on the street scene; first floor side extension would create terracing effect, and harm visual amenity; over-intensification of site and privacy issues; disturbance and noise during construction; extra pressure on soil and drainage points; first floor extension would remove the screening trees from the site; design of first floor was poor; and the extension could de-value adjacent properties.

The Major Projects Officer noted the concerns but remained of the view that planning permission should be granted.

Resolved: That application SW/14501724 be approved subject to conditions (1) and (2) in the report.

PART 3 - Applications for which REFUSAL is recommended.

3.1 SW/14/0088	(Case 09198)	Sittingbourne
APPLICATION PROPOSAL		
Variation of condition (7) of SW/09/0314, to allow speedway racing between 1500 and 2200 hours on weekdays and bank holidays.		
ADDRESS Central Park Stadium, Church Road, Sittingbourne		
APPLICANT Cearnsport Ltd		
AGENT Robinson Escott Planning		

The Area Planning Officer reported that three additional representations had been received, all raising objection to the proposal. The Area Planning Officer outlined their concerns as follows; children would not be able to sleep if racing continued to 10pm; why had residents of Lower Murston got to put up with this?; dismayed that Sittingbourne Speedway were seeking to extend their race times until 10pm; on the Sittingbourne Speedway website the applicant claims the acoustic barrier is working well, this is just not true; noise disturbance was totally dependant on the wind direction and was often very intrusive and would be totally unacceptable any later in the evening; the applicant claimed SBC Environmental Health Officers had shown no noise nuisance was being caused - this was not true - Environmental Officers had recommended refusal; supporters were unable to get to the early starts and if the start was later then the town's economy would be boosted -

how can this be if people were unable to get there early to spend money before going to Speedway?.

The Area Planning Officer reported that the Murston Labour Action Team had carried out a survey of residents, of which: 45 households were for the Speedway being sited at Central Park; 73 were against; and 10 had no opinion either way. The Murston Labour Action Team had advised that 94 households were against an extension of meetings to 10 p.m. which was 73% of all respondents. This included 21 households who were either in favour of, or ambivalent about, having the Speedway.

The Area Planning Officer further reported that the Murston Labour Action Team stated that it was clear from the comments made that residents close to Central Park found the noise generated by the Speedway to be very intrusive, and residents felt that not enough had been carried out at Central Park to reduce noise generated by the Speedway and that the PA system was too loud. There was clearly a problem with the acoustics controls which were clearly insufficient and urged the Committee to address this and that it was vital that it was addressed even if that meant making an additional demand on the operators at Central Park, regardless of whether an extension was agreed or not.

Mrs Apps, an objector, spoke against the application.

Mr Alderman, the Agent, spoke in favour of the application.

A Ward Member spoke against the application and raised the following points: had received numerous complaints from local residents about noise from speedway racing at Central Park Stadium; the acoustic fence had not been constructed to specification and was not protecting the residential amenity of local residents as outlined in the final paragraph of page 41 of the officer's report; if residents had erected a similar fence they would face enforcement action; would have an adverse impact on young children trying to sleep; the Council's Environmental Health team raised objection; and if the site was in any other area in Swale, local residents would also raise objection.

In response to queries from a Member, the Area Planning Officer advised that whilst no application for an earlier finish time had been received, Members could allow a finish time of 9:30pm for the remainder of the season.

Some Members spoke against the application and made the following points: the applicant had not provided adequate acoustic fencing so should not support this application; noise would have a detrimental impact on young children trying to sleep; applicant can not claim that the use has been established as only a four-year temporary permission had been granted; no evidence to support the claim that approving the application would provide economic benefits for the town; SBC's Environmental Health Officer has made it clear that the acoustic fence was not adequate and would have a significant impact on the amenities of local residents; and races would mainly be in the summer months when residents would want to enjoy their gardens and have windows open.

A Member, not a member of the Planning Committee, spoke in support of the applicant and raised the following points: noise impact of the proposal would be low; the current start time made it difficult for working families to attend the speedway meetings; Paragraph 7 of NPPF requires that local authorities protect and consider the needs of all their residents and a lot of residents supported speedway at Central Park; would enable Sittingbourne Speedway to progress to a higher league; and the Planning Inspectorate had supported the use at the site on appeal. The Member spoke about the compromise offered by the applicant so that races finished at 9.30pm.

Some Members spoke broadly in support of the application and made the following points: ‘messy’ application which offered many conflicting views and opinions and which did not make clear what was actually being asked for; football had historically been played at the stadium often until 10pm, surely noise from football crowds could be just as loud as speedway; the noise generated would be intermittent; use should be in-line with other tracks in similar locations elsewhere in the UK such as Berwick-Upon-Tweed, Northumberland which did not have any acoustic barrier; a compromise to ensure the use continued would be to consider a later start time as well as a later finish time (by half an hour) and no change to current bank holiday arrangements; and should consider allowing the proposed time for a trial period.

Resolved: That application SW/14/0088 be refused.

3.2 SW/14/501140	Sheerness
APPLICATION PROPOSAL	
Creation of vehicular access and driveway.	
ADDRESS Victoria Working Mens Club and Institute, Broadway, Sheerness, Kent, ME12 1TP	
APPLICANT Mr C Boorman	
AGENT Mr Douglas Sheppard	

Mr Boorman, the Applicant, spoke in favour of the application.

A Ward Member, spoke in support of the application and raised points which included: KCC Highways raised no specific objections; the wall which surrounds the site is dangerous and in need of repair; application would help to secure affordable housing at the site; and there were no other suitable access points to the site in the vicinity.

Members considered the application and raised the following points: agree that there were no other roads in the vicinity which would offer suitable access to the site; and should consider taking the wall down and saving the bricks so that they can be used to construct a new wall once the site has been developed.

In response to queries, the Area Planning Officer confirmed that no housing application for the site had been received.

The Conservation Officer outlined the reasons why he was against the application and outlined the importance of protecting the character of the area, in particular the walled garden feel of the site. The Conservation Officer spoke about the application for eight housing units at the site which had been subsequently withdrawn and did not include any affordable housing. He considered that the creation of the access would harm the character of the conservation area and the potential of the site to provide amenity space, and the setting of the Victoria Working Men’s Club. He considered it was premature to consider this application when no applications for wider development of the site had been received.

The Area Planning Officer clarified that the withdrawn housing application for the site did not offer any affordable housing.

Resolved: That application SW/14/501140 be refused.

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