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## PLANNING COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 9 October 2014 from 7.00 - 8.55 pm.

**PRESENT:** Councillors Sylvia Bennett, Bobbin (substitute for Councillor Derek Conway), Andy Booth, Bowles (substitute for Councillor Barnicott), Mick Constable, Adrian Crowther, Mark Ellen, Sue Gent, Mike Henderson, Peter Marchington, Bryan Mulhern (Vice-Chairman, in the Chair), Prescott, Ben Stokes and Tony Winckless.

**OFFICERS PRESENT:** Rob Bailey, Peter Bell, Andrew Jeffers, Kellie MacKenzie, Libby McCutcheon, Graham Thomas and Jim Wilson.

**APOLOGIES:** Councillors Barnicott, Derek Conway, June Garrad, Lesley Ingham and Ghlin Whelan.

### 280 MINUTES

The Minutes of the Meeting held on 18 September 2014 (Minute Nos. 239 – 242) were taken as read, approved and signed by the Chairman as a correct record.

### 281 DECLARATIONS OF INTEREST

No interests were declared.

### 282 PLANNING WORKING GROUP

The Minutes of the Meeting held on 30 September 2014 (Minute Nos. 256 – 257) were taken as read, approved and signed by the Chairman as a correct record, subject to the inclusion of Cllr Booth's apologies.

#### **SW/14/0486 (2.1) – Parsonage Farm, School Lane, Newington, Sittingbourne, ME9 7LB**

The Major Projects Officer reported that following the site meeting a representation had been received from a local resident who considered that the road could not accommodate additional traffic movements and on-street parking and this information had been circulated to Members.

The Major Projects Officer reported that following concerns about drainage and sewer capacity raised at the site meeting, a letter had been received from Southern Water advising about the installation of a pumping station at Edwin's Place, Newington to resolve flooding issues at the terraced properties. The Major Projects Officer also reported that with regard to land levels, the applicant's agent had responded as follows: *'I write to advise, that as you may be aware, the site is relatively flat and therefore the proposed dwellings and car barns will be set at existing ground levels within the site and no land raising or re-profiling of the site is required or indeed proposed'*.

The Major Projects Officer reported that the bonded gravel would be resin bonded and would therefore be unlikely to break-up causing a highway safety problem.

The Major Projects Officer reported that following the site meeting Newington Parish Council had raised concern about asbestos in the roof of the main building to be demolished. The Major Projects Officer stated that whilst this was a matter that did not fall to be dealt with under the planning system, the applicant obviously had a duty to ensure

that demolition was carried out in a safe and responsible manner, in consultation if required with the Health and Safety Executive and/or the Council’s Environmental Health officers.

The Major Projects Officer sought delegation to approve the application subject to the conditions outlined in the report, and additional conditions to deal with conservation aspects of the scheme, and the signing of a suitably worded Section 106 Agreement.

A Member noted the concerns of local residents in respect of entry to the site but considered the proposed access was reasonable and the proposal would improve the appearance of the site.

**Resolved: That application SW/14/0486 be approved subject to conditions (1) to (34) in the report the additional conservation related conditions, and the signing of a suitably worded Section 106 Agreement.**

**283 DEFERRED ITEM - THE OLD GOODS YARD, STATION APPROACH ROAD, NEAMES FORSTAL, SELLING**

The Major Projects Officer drew attention to an error in paragraph 1.02 of the report advising that that the number of dwellings proposed was actually 13 (11 houses and 2 flats) not twelve as stated.

The Major Projects Officer also reported that one further representation had been received raising concerns already summarised in the report, but it also suggested a co-ordinated development should have been required for this site and the Sondes Court and Old Cold Store parcels of land.

The Major Projects Officer reported that delegated authority was sought to approve the application subject to conditions as set out in the report, with condition (10) amended to add reference to the use of native species chosen to enhance biodiversity and the signing of a Section 106 Agreement.

**Resolved: That application SW/14/0367 be approved subject to conditions (1) to (30) in the report, amendments to condition (10) to add reference to the use of native species chosen to enhance biodiversity and the signing of a Section 106 Agreement.**

**284 REPORT OF THE HEAD OF PLANNING**

**SCHEDULE OF DECISIONS**

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

<b>2.1 SW/14/0329</b>	<b>Faversham</b>
<b>APPLICATION PROPOSAL</b>	
Change of use of vulnerable victims suite back to residential dwelling and the erection of a single dwelling along with amended access on land at 82 London Road, Faversham, Kent, as amended by drawing no DHA/9117/04 Rev C received July 2014	
<b>ADDRESS</b> 82 London Road, Faversham, Kent, ME13 8TA	
<b>APPLICANT</b> Kent Police	
<b>AGENT</b> Mr John Collins	

**Resolved: That application SW/14/0329 be approved subject to conditions (1) to (14) in the report.**

<b>2.2 SW/14/501632</b>	<b>Faversham</b>
<b>APPLICATION PROPOSAL</b> Erection of new bungalow on land between 25 and 27 Wells Way, Faversham.	
<b>ADDRESS</b> Land between 25 and 27 Wells Way, Faversham, Kent, ME13 7QP	
<b>APPLICANT</b> Mr Billy McQuoide <b>AGENT</b> Miss Nicola Harvey	

The Area Planning Officer reported that several emails from local residents in objection to the application had been received raising issues already outlined on page 38 of the report.

Mr Cullen, Faversham Town Council, spoke against the application.

Miss Harris, an objector, spoke against the application.

Mr Britnell, on behalf of the applicant, spoke in support of the application.

Councillor Mike Henderson moved a motion for a site meeting. This was seconded by Councillor Prescott. On being put to the vote the motion was agreed.

**Resolved: That application SW/14/501632 be deferred to allow the Planning Working Group to meet on site.**

<b>2.3 SW/14/500647</b>	<b>Faversham</b>
<b>APPLICATION PROPOSAL</b> Outline with some reserved matters – Access, Appearance and Landscaping – Proposed new dwelling as amended by new site plan received on 15 September 2014.	
<b>ADDRESS</b> Land adjacent to 13 Athelstan Road, Faversham, Kent, ME13 8QL	
<b>APPLICANT</b> Mr Andy Seal	

The Area Planning Officer reported that following concerns from Faversham Town Council about siting of the new building the applicant had submitted amended drawings. The Area Planning Officer advised that a letter from a neighbour raising objection to the amended plans had been received which he outlined for Members.

**Resolved: That application SW/14/500647 be approved subject to conditions (1) to (8) in the report.**

<b>2.4 SW/14/501423</b>	<b>Minster</b>
<b>APPLICATION PROPOSAL</b> Demolition of redundant garage, formation of driveway and erection of three two bedroom bungalows.	
<b>ADDRESS</b> Land adjacent to 159 Minster Road, Minster, ME12 3LJ.	
<b>APPLICANT</b> Ferndale Ltd <b>AGENT</b> Michael Gittings Associates	

The Area Planning Officer drew attention to paragraph 7.10 on page 52 of the report and advised that the dropped kerb and now been completed so off-street parking was now available.

The Area Planning Officer reported that the elevations on the plans were incorrectly labelled and sought delegation for them to be amended.

Ms Kemp, the Applicant spoke in support of the application.

Ward Members spoke against the application and raised points which included: increase in noise levels; would cause demonstrable harm to the lifestyle of local residents; overlooking; overcrowding; and was out of keeping with the character of the area.

**Resolved: That application SW/14/501423 be approved subject to conditions (1) to (20) in the report and amended plans to show correct labelling of the elevations.**

<b>2.5 SW/14/501044</b>	<b>Minster</b>
<b>APPLICATION PROPOSAL</b>	
Variation of condition 3 of application SW/09/1038 to allow the inclusion of servicing vehicles and an MOT station.	
<b>ADDRESS</b> Unit 4 Wallend Farm, Lower Road, Minster-on-sea, Kent, ME12 3RR	
<b>APPLICANT</b> Mrs Linda Pearse	

The Area Planning Officer reported that the Head of Environmental Services raised no objection.

The Area Planning Officer further reported that the applicant had submitted additional information in response to the objections from the Parish Council in respect of the increases in vehicle movement and the use of the access onto Lower Road. He explained that the applicant was of the view that if permission was granted, there would be an increase of 7 vehicles visiting the site in any one day and the increase in traffic would be minimal.

The Area Planning Officer advised that the applicant had confirmed that they had spoken to the landowner and that he had confirmed in writing that he would improve the access with a hard surface.

The Area Planning Officer explained that due to an issue with their IT system officers were unsure whether all the representations received had been reported to Members. He therefore sought delegation to approve the application providing no issues were raised in the possible representation received, that were not covered in the report.

Mrs Pearse, the Applicant, spoke in support of the application.

In response to a query from a Member, the Area Planning Officer drew attention to KCC Highways comments on paragraph 9.02 on page 59 of the report which stated that it would be unreasonable for the applicant to be responsible for the resurfacing of the access.

Some Members spoke in support of the application and noted the importance of supporting small local businesses.

**Resolved: That application SW/14/501044 be approved subject to conditions (1) to (3) in the report and no issues being raised in the possible representation(s) received, not covered in the report.**

<b>2.6 SW/14/0502</b>	<b>Newington</b>
<b>APPLICATION PROPOSAL</b> Erection of poultry shed and grainstore, with associated access tracks, hardstandings, turning areas, land profiling and feed silos.	
<b>ADDRESS</b> Woodland Farm, High Oak Hill, Newington, Sittingbourne, Kent, ME9 7HY	
<b>APPLICANT</b> Mr J Stedman <b>AGENT</b> Mr Christopher Hildyard	

The Major Projects Officer drew attention to the tabled letter from Kent Wildlife Trust raising objection to the application.

The Major Projects Officer reported that a further letter of objection had also been received, raising the following further points: the woodland is home to a badger sett, slow worms, grass snakes and many other species; ancient woodland is a complex and complete environment; whilst the use of the land for chicken farming doesn't require permission surely the impacts the chickens would have should be considered?; can a condition be attached requiring that the chickens don't graze in the woodland?; the existing chickens roam in part of the woodland and have reduced its ecological value; and the proposal would destroy most of the remaining Wardwell Wood and ancient woodland cannot be replaced.

The Major Projects Officer reported that ecological issues were considered at paragraph 9.10, on pages 69 and 70, and he was of the view that the development would not have harmful implications sufficient to justify refusal.

Mr Harris, Newington Parish Council, spoke against the application.

There was some discussion about the chickens free-roaming in the ancient woodland and the potential implications of this for ecology, and Councillor Mike Henderson moved the following addendum: "That an additional condition be imposed restricting the proposed additional 16,000 chickens from entering the ancient woodland." This was seconded by Councillor Tony Winckless.

The Major Projects Officer noted the importance of protecting the ancient woodland but considered it would be impractical to limit the number of chickens that had access to the woodland, especially as chickens already kept at the site had free access to the woodland.

On being put to the vote the addendum was lost.

**Resolved: That application SW/14/0502 be approved subject to conditions (1) to (15) in the report.**

<b>2.7 SW/14/502072</b>	<b>Iwade</b>
<b>APPLICATION PROPOSAL</b> Development of an up to 18MWp ground mounted solar farm on land at Orchard Farm, Iwade, Kent, ME9 8QE to include solar arrays, transformer enclosures; substation and control room, access tracks; perimeter fence and small-scale CCTV cameras.	
<b>ADDRESS</b> Land West Of Orchard Farm, School Lane, Iwade, Kent, ME9 8QG	
<b>APPLICANT</b> Mr Alejandro Alvarez <b>AGENT</b> Mr Mark Westcott	

The Major Projects Officer reported that Bobbing Parish Council raised objection to the application and raised the following points: detrimental to visual amenity, given the close proximity to the Area of High Landscape Value; the loss of agricultural farmland, 50% of which was grade 3a; the development was on greenfield land; 10% of Bobbing would be taken up with solar farms if this application and the other solar farm application were allowed; loss of outlook to neighbouring residential properties; concerns about highway safety during construction and operation; concern about the impact of traffic travelling through Bobbing and past the primary school; and there is no regulatory body to overview this facility.

The Major Projects Officer advised that in response the applicant's agent had provided additional information about glare and noise. They confirmed that any glare would be limited to between 0545 hours and 0810 hours and this would be mostly, if not entirely, obscured by the proposed landscape mitigation. The applicant also pointed out that solar farms had been successfully located adjacent to main roads and airports. With regards to noise, the inverters would generate noise levels of 67db at 1 metres and 55db (A) at 4 metres (equivalent to a quiet office or normal conversation). The inverters would be enclosed within a container which would greatly reduce the noise. The closest residential property to an inverter was Orchard Farm at approximately 130 to 150 metres away.

The Major Projects Officer reported that the Environmental Health Manager stated that he now had no reason to object to the proposal.

The Major Projects Officer further reported that Kent Police noted that the applicant had taken into account crime prevention measures, however, they recommended the use of full security fencing as opposed to deer fencing. They noted the importance of proper CCTV coverage, alarms to the inverter unit, substation etc. and other crime prevention measures.

The Major Projects Officer advised that KCC Highways raise no objection, subject to conditions, including a Construction Management Plan.

The Major Projects Officer advised that the KCC Biodiversity Officer had provided comments on the additional information submitted by the applicant and accepted that there was little potential for Great Crested Newts to be present within the arable field during works. They advised that prior to the works starting the site was walked over by an ecologist to ensure the conclusions of the survey were still correct. They also advised that the precautionary mitigation strategy was implemented as detailed within the submitted documents.

The Major Projects Officer sought delegation to alter condition (16) to include reference to a site walk-over for the identification of Great Crested Newts.

The Major Projects Officer advised that KCC Ecology were also happy that ground nesting birds would be unaffected by the proposal.

The Major Projects Officer reported that condition (6) required amendment to make it unambiguous that construction work was permitted on Sundays and Bank Holidays between 0900 and 1300 hours.

The Major Projects Officer concluded that delegation was sought to approve the application subject to conditions as set out in the report, amendments to condition (6) and (16), as outlined above, and any further conditions required by KCC Highways.

Mr Doubleday, the Applicant, spoke in support of the application.

The Ward Member explained that residents of Iwade had experienced a lot of construction traffic travelling through the village and were concerned that the application would exacerbate the problem.

In response to queries, the Major Projects Officer advised that the wording for condition (13) could be amended to quote exact details of the colour to be provided; condition (14) would ensure that surface water run-off was disposed of properly; and that officers could liaise with the applicant to ensure that construction traffic was re-routed to avoid Iwade village as part of the Construction Management Plan.

With regard to concerns from a Member about acoustic protection and efficiency of the inverters, the Major Projects Officer agreed to liaise with the Environmental Services Manager and the applicant to secure the best possible solution.

Councillor Stokes moved the following addendum: “That KCC Highways liaise with the applicant to ensure that a further condition is provided stating that construction traffic be routed (where possible) to avoid Iwade village.” This was seconded by Councillor Sylvia Bennett. On being put to the vote the addendum was agreed.

Councillor Henderson moved the following addendum: “That condition (6) be amended to include that there should be no construction work taking place on Sundays and Bank Holidays.” This was seconded by Councillor Andy Booth. On being put to the vote the addendum was agreed.

**Resolved:** *That application SW/14/502072 be delegated to offices to approve subject to conditions (1) to (19) in the report, the amendment of condition (16) to include reference to a site walk-over for the identification of Great Crested Newts, that KCC Highways and SBC liaise with the applicant to ensure that construction traffic be routed where possible to avoid Iwade village, to be agreed pursuant to the construction Management Plan condition. That condition (6) be amended to include that there should be no construction work taking place on Sundays and Bank Holiday.*

**PART 3 - Applications for which REFUSAL is recommended.**

<b>3.1 SW/14/0525</b>	<b>Bobbing</b>
<b>APPLICATION PROPOSAL</b>	
Construction of a Solar Farm, to include the installation of solar panels to generate electricity with transformer housings, DNO substation, security fencing and cameras, temporary access track, landscaping and other associated works.	
<b>ADDRESS</b> Land Off Cold Harbour Lane, Bobbing, Nr Sittingbourne, Kent, ME9 8NN	
<b>APPLICANT</b> Mr Nicholas Richardson	
<b>AGENT</b> Mrs Isobel Hollands	

The Major Projects Officer reported that two further objections had been received reiterating their original objection and also objecting to the diverted footpath to an area that is prone to flooding and that fracking was “greener” than solar panels.

The Major Projects Officer further reported that the Environmental Health Manager raised no objection and stated that it was apparent that noise was not an issue from the scheme, and neither was glare/reflection. The Environmental Health Manager noted that the supporting report stated that there would be some reflections from this scheme when the sun was at certain positions in the sky at certain times of the year, but this would be no

more than was occasionally seen from other solar reflections. Despite the numbers of panels involved, the panels themselves are dark and are not designed to reflect light as this was wasted energy, hence reflections should be negligible.

The Major Projects Officer reported that KCC Archaeology raised no objection.

The Major Projects Officer reported that in response to the committee report, the applicant had written to set out why the application should be approved and expressed their frustration at the recommendation for refusal, drawing attention to the considerable information that had been submitted in support of their proposal. The applicant considered that on-going, economically viable agricultural use could carry on at the site with the solar panels operating. They considered that the proposal was fully compliant with National Planning Policy Guidance (NPPG) and did not consider that the NPPG required that optimal flexibility on the land needs to be able to continue. The applicant also considered that too much weight had been given to the impact on best and most versatile land, and that they had demonstrated that, although there was lower quality land available, other environmental constraints meant that the application site was more favourable. They considered that an exceptionally favourable case had been demonstrated.

The Major Projects Officer reported that the applicant questioned how the Council could accept the sequential assessment for previously developed land but not for the best and most versatile land. The Major Projects Officer clarified that that was not the case, as set out in the report, and had questioned the robustness of the assessment of previously developed land but have, on balance, accepted that it is unlikely that there is suitable previously developed land available.

The Major Projects Officer stated that the applicant was concerned that although they considered that the methodology for the sequential assessment was agreed with planning officers prior to its submission, it was now not accepted. The Major Projects Officer stated that in response, it should be noted that there was no Government guidance as to the form with which a sequential assessment should take and that officers gave the best advice that they could at the time. The Major Projects Officer reported that it was the case that the submitted sequential assessment actually demonstrated that there were a number of potential solar farm sites within Swale and Medway that were not on best and most versatile land.

The Major Projects Officer reported that UK Power Networks had written to the agent stating that there was no generation capacity available at the Isle of Sheppey for development of further solar PV generation projects [in addition to South Lees Farm and Old Rides Farm]. The Major Projects Officer advised that this included Leysdown, Minster and Eastchurch Prison primary sites located on the Isle of Sheppey. The Major Projects Officer reported that Sheerness Grid despite having generation capacity was not constructed for the PV generation projects due to the 'dirty load' from the Sheerness Steel Mill that had negative impact on the PV inverters.

In conclusion, having carefully considered the information received since the drafting of the report, the Major Projects Officer remained of the view that the proposals would result in significant, unjustified and demonstrably harmful development of best and most versatile farmland. This would be contrary to the National Planning Policy Framework and the guidance in the NPPG on renewable and low carbon energy and recommended that planning permission be refused.

Professor Buckwell, a supporter spoke in support of the application.

Mrs Hollands, the Agent, spoke in support of the application.

Some Members spoke in favour of the officer recommendation as they considered that best and most versatile land would be lost if the application was approved. Councillor Mike Henderson was asked whether he had predetermined the application. In response Councillor Henderson said that he had read the report and the documents and, although he had already expressed his concern generally about the loss of best and most versatile land, he considered that he had not predetermined the application.

***Resolved: That application SW/14/0525 be refused.***

**285 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 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).***
- 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.***

**286 REPORT OF THE HEAD OF PLANNING**

In response to concerns from a Ward Member the Area Planning Officer agreed to ensure that the pond/lake was appropriately drained to ensure that neighbouring residents and Oak Lane were protected from any potential flooding.

***Resolved:***

***(1) That an Enforcement Notice pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring that the pond or small lake located on the land be filled in using clean soil or similar materials within 3 months of the Notice taken effect, returning the affected land to match the contours of the surrounding land.***

***That the Head of Planning and Head of Legal Services of the Council prepare and service the necessary documents, including the precise wording to give effect to this decision.***

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