
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 30 October 2014 from 7.00 - 9.08 pm.

PRESENT: Councillors Barnicott (Chairman), Sylvia Bennett, Bobbin (substitute for Councillor Lesley Ingham), Andy Booth, Mick Constable, Adrian Crowther, June Garrad, Sue Gent, Mike Henderson, Bryan Mulhern (Vice-Chairman), Ben Stokes, Ghlin Whelan and Tony Winckless.

OFFICERS PRESENT: Rob Bailey, Philippa Davies, Tracy Day, Kate Jardine, Andrew Jeffers, Alun Millard, Andrew Spiers and Jim Wilson.

ALSO IN ATTENDANCE: Councillor Roger Truelove.

APOLOGIES: Councillors Derek Conway, Mark Ellen, Lesley Ingham and Prescott.

318 MINUTES

The Minutes of the Meeting held on 9 October 2014 (Minute Nos. 280 – 286) were taken as read, approved and signed by the Chairman as a correct record.

319 DECLARATIONS OF INTEREST

No interests were declared.

320 PLANNING WORKING GROUP

The Minutes of the Meeting held on 21 October 2014 (Minute Nos. 292 – 293) were taken as read, approved and signed by the Chairman as a correct record.

SW/14/501632 (2.2) – Land between 25 – 27 Wells Way, Faversham

The Planner brought Members' attention to the tabled paper outlining issues raised by an objector at the meeting. He advised that there had been a further email from objectors, raising concern with setting of precedent of loss of open spaces which were defined within the National Planning Policy Framework.

A Ward Member spoke against the proposal. He explained that the openness of the estate was part of the original good design and the proposed bungalow would damage the visual and residential amenity of residents. He further explained that the land was not left over land, but an integral part of the design, with no garden fences or walls. There were 26 grassed areas in total within the estate, and he had concerns that the proposal would set a precedent. The Ward Member explained that the current properties were set back from the pavement by 20 feet; the proposed bungalow would be four feet from the pavement. The green spaces provided recreation space and the openness enabled visibility to vehicles. He referred to the new Local Plan, to be adopted in December 2014 and he outlined areas within the Plan which he stated would provide further substance for not approving the proposal. He considered there were reasons in both the old Plan and the new Plan to retain the estate as it was.

Councillor Mike Henderson moved a motion for refusal on the grounds of the harm to residential amenity in respect of loss of open land, loss of recreational area, loss of general

amenity of open space, and loss of amenity of an excellent design, and the potential for overlooking/overshadowing. This was seconded by Councillor Bryan Mulhern.

Members made the following comments: precedent would be set for encroaching onto green spaces; the estate was nicely laid out; the 'infill' of the bungalow would have a tremendous impact in the near vicinity and the estate as a whole; makes a nonsense of the original design; the estate was in a good condition and residents were proud of it as it was and the proposal was unacceptable to the residents.

On being put to the vote the motion for refusal was agreed.

Resolved: That application SW/501632 on the refusal on the grounds of harm to residential amenity in respect of loss of open land, loss of recreational area, and loss of amenity of an excellent design, and the potential for overlooking/overshadowing.

321 DEFERRED ITEM - SW/14/0399 - OLD SITTINGBOURNE MILL AND WHARF, SITTINGBOURNE (MORRISONS)

The Major Projects Officer referred to paragraphs 9.05 and 9.09. He explained that the affordable housing percentage figures had been amended to reflect the change in the mix of tenures, to affordable rent and intermediate. This resulted in five affordable housing dwellings being proposed, which was 3.33% of the total, not 7.5% as set out in the report.

A Ward Member considered that the linear park (paragraph 9.08) must be completed before the housing commenced.

Another Ward Member, also a member of the Planning Committee, raised the following points: the situation had been going on for two years now, there needed to be a resolution; there were problems with dust/litter and flooding; the revised Section 106 agreement paid little heed to the local residents; SBC had reputation for being a 'soft touch' in terms of negotiation on affordable housing figures; and accepted some of the developer contributions being offered in paragraph 9.03, but not all of it.

Councillor Ghlin Whelan moved a motion that the suggested phasing should not be accepted; tree planting and green spaces should be at the top of the list, landscaping should commence in the early phase, i.e. before the occupation of the housing, to allow buffer zone to get established; car parking plan should be implemented before the housing phase commenced; accept education phased payments; the heritage centre should be a commitment from the start as it was an integral part of the original application; accept the 7.5% affordable housing, the 70/30 split on affordable housing/shared ownership, the monitoring fee, and the payment offer for wheelie bins; and delivery of the linear park should not be delayed. This was seconded by Councillor Andy Booth.

In response to a question regarding the phasing, the Major Projects Officer considered the offer from the developer was reasonable, and it had been endorsed by the Council's viability consultant. Further alterations would have implications on costs and viability. With regard to the linear park being implemented prior to the housing, he explained that there was a condition which addressed this already. He advised that it was not possible to materially alter some of the other aspects set out in the report.

Members made the following comments: we owe it to residents to get this resolved; this needs to be revised; appalled by reduction in provision of affordable housing, difficult to believe that developer could not provide more; land needs to be developed as soon as possible; earlier provision of the car park management plan would not make a difference to costs; and provision of the linear park was critical.

In response to a question, the Major Projects Officer advised that the reduction in profit margin from 20% to 15% for the developer was on the gross development value, i.e. the sales margin, rather than on capital returns. He advised that the car park management plan phasing could be looked into further. In response to a question, the Major Projects Officer advised that an earlier challenge had not been made to the Section 106 agreement as Morrisons had had no reason to challenge it as a good package of provisions had been secured.

Councillor Mike Henderson moved a motion for deferral to allow the developers, Ward Members, Chairman of Planning Committee, Planning Spokespeople and officers to meet to discuss the developer contributions face-to-face. The motion was accepted by the original proposer and the original seconder. On being put to the vote, the motion was agreed.

Resolved: That application SW/14/0399 be deferred to allow the developers, Ward Members, Chairman of Planning Committee, Planning Spokespeople and officers to meet to discuss the developer contributions face-to-face.

322 SCHEDULE OF DECISIONS

PART 2 – Applications for which PERMISSION is recommended.

2.1 SW/14/0204	Dunkirk
APPLICATION PROPOSAL	
Change of use of adjacent land to specialist trade horticultural nursery and erection of office/admin shed as amended by site layout plan received 15 October 2014.	
ADDRESS Land Adjacent To 85 Courtenay Road, Dunkirk, Faversham, Kent, ME13 9HL	
APPLICANT Mr Trevor Tooth	
AGENT Mr John Burke	

The Planning Officer reported that English Heritage (EH) had objected to the original siting of the shed, polytunnel and potting shed on the northwest corner of the site, due to the impact on the scheduled monument. The Agent had consequently submitted amended plans which changed the siting from the north west corner to the eastern corner, alongside the road. EH preferred the amended layout and no longer objected to the proposal.

Kent County Council (KCC) Highways raised no objection to the revised layout.

The Planning Officer sought delegation to approve subject to an amendment to condition (8) in the report to read 'The office building shall be re-positioned to the **south-eastern corner** of the site within three months of this decision'.

Councillor Jeff Tutt, Dunkirk Parish Council, spoke against the application.

Mr Burke, the Agent, spoke in support of the application.

A Ward Member spoke against the application; he considered the proposal to be too large being next to a heritage site.

The Planning Officer reported that EH had considered the proposal would have limited impact on the scheduled monument and that they would monitor the site.

Resolved: That application SW/14/0204 be delegated to officers to approve subject to conditions (1) to (9) in the report, to include amended wording to condition (8) to read 'The office building shall be re-positioned to the south-eastern corner of the site within three months of this decision'.

2.2 14/503541	Sheerness
APPLICATION PROPOSAL	
Installation 2 No. single storey Portakabin modular buildings to be used as additional classroom accommodation.	
ADDRESS Oasis Academy Isle Of Sheppey, Minster Road Minster-on-sea Kent ME12 3JQ	
APPLICANT Oasis Academy	
AGENT Portakabin Ltd	

Members made comments which included: disappointed with the proposal in relation to the work that had been undertaken at the facility; provided no benefit to the site; ten years was a long period of time for 'temporary' permission; there should be permanent buildings on the site, not temporary; alter the condition so that it stated that a permanent building be provided within ten years; and not in favour of any renewal permissions that may be requested.

The Area Planning Officer advised that it was not possible to request that a permanent building was to be provided within a condition.

Councillor Mike Henderson moved the following addendum: 'That a seven-year temporary permission be approved, with the intention that this would not be renewed'. This was seconded by Councillor Tony Winckless.

The Area Planning Officer suggested that a letter be written to the Applicant, stressing preference for permanent buildings on the site. He added that any application for renewal of permission had to be treated on its own merits.

Councillor Mike Henderson moved the following motion that the proposal be delegated to officers to approve, subject to a letter being written to the Applicant as above and the temporary condition be amended to seven years. This was accepted by the original seconder. On being put to the vote the motion was agreed.

Resolved: That application 14/503541 be delegated to officers to approve subject to condition (1) and (2) in the report with an amendment to condition (2) to read seven years, and a letter be written to the Applicant, stressing preference for permanent buildings on the site, and to no fresh issues being raised in any representations received, prior to 6 November 2014.

2.3 14/501476/FULL and 14/501477/LBC	Faversham
APPLICATION PROPOSAL	
Internal alterations to provide first floor kitchen and shower room plus new staircase, replacement windows to match existing. Small window to north east elevation to be lowered as amended by drawing 510/04A.	
ADDRESS Baltic House Standard Quay Faversham Kent ME13 7BS	
APPLICANT Mrs Janis Osborn	

AGENT Design And Build Services

Ms Sue Cooper, an objector, spoke against the application.

Mr Simon Latham, the Agent, spoke in support of the application.

A Ward Member spoke in support of the application. He considered the proposal did not create any harm, it was in-keeping with the area, it was ideal for staff accommodation and the property could not be developed as a commercial let as the only access was through the building, i.e. there was no external access to the first floor.

Members made comments which included: concern that the application for the wine bar had clearly stated that there would be no internal alterations; concern that changes had already been made elsewhere on the property; unhappy with the process; the use of the building was a beneficial asset to the quayside; and a balance needed to be taken with the current application and the outstanding enforcement issues.

In response to a question, the Planner advised that the proposed alterations did not alter the original historic structure of the building. He reported that there were other development issues in the building which enforcement officers were aware of, and he confirmed that this proposal was separate to those issues.

Resolved: That application 14/501476FULL be approved subject to conditions (1) to (3) in the report.

Resolved: That application 14/501477LBC be approved subject to conditions (1) to (4) in the report.

2.4 14/501315/FULL	Iwade
APPLICATION PROPOSAL	
Variation of condition 2 of planning permission SW/09/0755 to allow the permanent retention of part of the permitted haul road for agricultural hardstanding; variation of conditions 3, 9, 11, and 12 to alter the design of the access and restrict its use to agricultural vehicles only.	
ADDRESS Land Off Grovehurst Road Grovehurst Road Sittingbourne Kent	
APPLICANT G H Dean & Co Ltd	
AGENT Mr Paul Sharpe	

The Major Projects Officer reported that Natural England (NE) had no comments on the application. He drew Members' attention to the tabled decision notice for SW/09/0755 which had not been included in the report.

The Major Projects Officer sought delegation to add 'including the provision of the gates' to the end of the wording on condition (1) in the report, and to add an additional condition requiring 'the removal of the 80m of road and all associated builder's paraphernalia unless this planning permission [reference 14/501315/AMRCON] is implemented in accordance with the conditions imposed within 12 months of the date of planning permission.'

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

The Ward Member considered the site to be a 'tip' and a disgrace to the village. He suggested the time limit be amended from 12 months to three months.

Members discussed a suitable time frame for the site to be cleared.

Councillor Ben Stokes moved the following amendment: That the removal of the 80m of road and all associated builder’s paraphernalia unless this planning permission [reference 14/501315/AMRCON] is implemented in accordance with the conditions imposed within **six** months of the date of planning permission.’ This was seconded by Councillor Bryan Mulhern and upon being put to the vote the amendment was agreed.

Resolved: That application 14/501315 be delegated to officers to approve subject to conditions (1) to (5) in the report with the addition of ‘including the provision of the gates’ to the end of the wording on condition (1) in the report, and an additional condition requiring ‘the removal of the 80m of road and all associated builder’s paraphernalia unless this planning permission [reference 14/501315/AMRCON] is implemented in accordance with the conditions imposed within six months of the date of planning permission.’

2.5 SW/14/0608	Iwade
APPLICATION PROPOSAL	
Change of use of land to use as a residential caravan site for 2 gypsy families, including laying of hardstanding and erection of 2 No. amenity buildings.	
ADDRESS Land Off Grovehurst Road Grovehurst Road Sittingbourne Kent	
APPLICANT Mrs Rachel Smith	
AGENT Mr Philip Brown	

The Area Planning Officer reported that KCC Highways raised no objection to the proposal subject to the conditions in the report. Natural England raised no objection; they considered there would be no significant impact on the Site of Special Scientific Interest, Special Protection Area and Ramsar site. They had referred officers to their protected species advice and had recommended biodiversity enhancements at the site.

The Area Planning Officer advised that conditions (12), (13) and (15) needed slight amendments to the wording, as follows: condition (12).....commencement of the remainder of the development...; condition (13).....prior to the first use of the access.... and condition (15) to include that details of the location of the lighting to be submitted to and approved by the Local Planning Authority.

The Ward Member spoke against the application and explained that local residents were against the siting of caravans in this area.

Members agreed that condition (8) be amended to include native species and species that would improve biodiversity, as previously agreed by the Planning Committee to be included in landscaping conditions.

Resolved: That application SW/14/0608 be approved subject to conditions (1) to (18) in the report, with the following changes to wording: condition (12).....commencement of the remainder of the development...; condition (13).....prior to the first use of the access.... and condition (15) to include that details of the location of the lighting to be submitted to and approved by the Local Planning Authority and condition (8) be amended to include native species and species that would improve biodiversity.

2.6 14/500753/FULL	Warden
APPLICATION PROPOSAL Proposed flat roof extension to side and rear of property with parapet wall roof level	
ADDRESS Squire Gate Cliff Drive Warden Kent ME12 4PP	
APPLICANT Mr Clive Osbourne	

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

Councillor June Garrad moved a motion for a site meeting. This was seconded by Councillor Tony Winckless. On being put to the vote the motion was lost.

Resolved: That application 14/500753 be approved subject to conditions (1) and (2) in the report.

2.7 SW/14/0516	Minster
APPLICATION PROPOSAL Erection of two semi-detached dwellings.	
ADDRESS Land Adjacent Cedar Lodge, Whybornes Chase, Minter, Sheerness, Kent, ME12 2HZ	
APPLICANT Mr K French	
AGENT Nigel Sands	

The Area Planning Officer explained that condition (4) needed to be amended to refer to the planting of indigenous species. He sought delegation to do this.

A Ward Member spoke against the application. He considered the proposal, being semi-detached, was not in-keeping with the streetscene, and questioned the distance from neighbouring properties, with the potential for loss of light and demonstrable harm to their amenity.

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

Resolved: That application SW/14/0516 be deferred to allow the Planning Working Group to meet on site.

2.8 SW/13/1209	Upchurch
APPLICATION PROPOSAL Change of use of land for the stationing of two mobile homes (in connection with adjacent existing site). (As amended by revised layout drawing received 28 January 2014.)	
ADDRESS The Paddock, Holywell Lane, Upchurch, Sittingbourne, Kent, ME9 7HP	
APPLICANT Mr & Mrs B Dennard	
AGENT Mr Edward Ellis	

The Area Planning Officer sought delegated authority to add a condition to make the permission a personal one to the families in the report. He also advised that condition (1) was a duplication of condition (3) and as such could be removed.

Resolved: That application SW/13/1209 be delegated to officers to approve subject to conditions (1) to (8) in the report, with deletion of condition (1) and an additional condition to make the permission personal to the families in the report.

2.9 SW/13/1206	Upchurch
APPLICATION PROPOSAL	
Variation of Conditions 1 & 3 of planning permission SW/04/1302 to allow additional mobile homes on the site (total 5), and to allow retrospective siting of caravans more than 10m from the southern boundary of the site with Holywell Lane.	
ADDRESS The Paddock, Holywell Lane, Upchurch, Sittingbourne, Kent, ME9 7HP	
APPLICANT Mr & Mrs B Dennard	

The Area Planning Officer sought delegated authority to add a condition to make the permission a personal one to the families in the report. He also advised that condition (1) was a duplication of condition (3) and as such could be removed.

Resolved: That application SW/13/1206 be delegated to officers to approve subject to conditions (1) to (8) in the report, with deletion of condition (1) and an additional condition to make the permission personal to the families in the report.

PART 3

Applications for which **REFUSAL** is recommended

3.1 SW/14/0601	Dunkirk
APPLICATION PROPOSAL	
Deletion of condition 2 which restricts the use of property to a managers only dwelling	
ADDRESS Red Lion Bungalow, London Road, Dunkirk, Faversham, Kent, ME13 9LL	
APPLICANT Mr S Beaney	
AGENT Mr Keith Plumb	

Councillor John Peto, Dunkirk Parish Council, spoke in support of the application.

Mr Perrin, a supporter, spoke in support of the application.

In response to a question, the Planning Officer explained that the 2005 permission was for static caravans, so touring caravans would not be permitted on the site.

A Ward Member spoke in support of the officer recommendation for refusal.

Resolved: That application SW/14/0601 be refused.

PART 4

Swale Borough Council's own development; observation on County Council's development; observation of development by Statutory Undertakers and by Government Developments; and recommendations to the County Council on 'County Matters' applications.

4.1 14/500739/R3REG	<u>Iwade</u>
APPLICATION PROPOSAL	
Regulation 3 (KCC) - expansion of Iwade Community primary school from two form entry (2FE) three form entry (3FE), including the erection of a two storey extension to the existing school building, creation of new access via School Lane, provision of parent drop-off and pick up facilities and additional parking spaces together with new hard and soft landscaping.	
ADDRESS Iwade County Primary School, School Lane, Iwade, Kent, ME9 8RS	
APPLICANT KCC Property And Infrastructure Support	
AGENT Kent County Council	

The KCC Highways Officer explained that originally the drop-off and pick-up were proposed to be from School Lane. This was removed from the proposal as it was not considered appropriate because there were conflicting movements on School Lane. There was no drop-off for parents within the site. In response to suggested inaccuracies in the report, Members were advised that paragraph 7.01 set out the changes to the proposal.

Resolved: That no objection be raised.

Chairman

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