
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 29 January 2015 from 7.00 - 9.30 pm

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

OFFICERS PRESENT: Peter Bell, Amanda Berger-North, James Freeman, Peter Hinckesman, Andrew Jeffers, Kellie MacKenzie, Libby McCutcheon, Graham Thomas, Steve Wilcock and Jim Wilson.

ALSO IN ATTENDANCE: Councillors Monique Bonney and David Jones.

APOLOGIES: Councillors Barnicott and Derek Conway.

455 MINUTES

The Minutes of the Meeting held on 8 January 2015 (Minute Nos. 414 – 417) were taken as read, approved and signed by the Chairman as a correct record.

456 DECLARATIONS OF INTEREST

Councillor Tony Winckless declared a non-pecuniary interest in respect of the deferred item, New Rides Farm, Lesydown Road, Eastchurch as he was a member of the Royal Society for the Protection of Birds (RSPB).

Councillor Prescott advised that with regard to application 14/502521, The Square, Chequers Hill, Doddington he had prejudged the application. Councillor Prescott did not speak or vote on this application.

457 PLANNING WORKING GROUP

The Minutes of the Planning Working Group held on 19 January 2015 (Minute Nos. 435 – 436) were taken as read, approved and signed by the Chairman as a correct record.

14/501545 - The Square, Chequers Hill, Doddington, ME9 0BL

The Area Planning Officer asked Members to note that 13 parking spaces were proposed not 11 as stated in the report. The Area Planning Officer reported that condition (2) needed to be amended to refer to drawing 2504-12 Rev B.

The Area Planning Officer reported that condition (14) was no longer required as an updated ecology report had been received confirming translocation of one reptile. He advised that condition (31) needed to be amended to refer to a foul water treatment plant, not a cesspool.

The Area Planning Officer further reported that several letters of support had been received since the site meeting.

Resolved: That application 14/502521 be approved subject to conditions (1) to (32) in the report noting the deletion of condition (14) and the amendment to condition (31) to refer to a foul water treatment plant, not a cesspool.

458 DEFERRED ITEMS

The Vice-Chairman drew attention to confidential item 6.1 of the agenda. He advised Members that if they wished to discuss that report the meeting would have to move into closed session.

The Vice-Chairman moved the officer recommendation for approval and this was seconded.

The Major Projects Officer reported that the consultant acoustician representing local residents had written directly to Members. He drew attention to the response from the applicant's acoustic expert which was tabled for Members. The Major Projects Officer reported that a letter from the Freedom of Information Act had been submitted by a local resident raised the following specific questions: Their home, in Kent View Drive, "passed unnoticed" in the Environmental Statement (ES) documents even though it was one of the closest to the turbines; daytime noise levels at their property would be 5dB above maximum limits; and did the Council request further information from Dr Yelland on receipt of his objection?

The Major Projects Officer reported that the applicant's consultant had responded stating: the complainants property was not specifically identified as the ES had already demonstrated compliance with guidelines at properties closer to the turbines; Dr Yelland had used incorrect figures to measure predicted output, and the turbines would not be in excess of maximum limits (this was fully covered in detail in the technical response submitted previously); and a copy of the applicant's response to Dr Yelland's objection was forwarded direct to him. His subsequent response did not comment on the assertion that he had used incorrect figures/measurements and simply reiterated his original points.

The Major Projects Officer stated that the complainant also suggested that officers had ignored Dr Yelland's submission, and questioned the impartiality of the Environmental Health Manager in reviewing the submitted information.

The Major Projects Officer reported that a further 19 letters of objection from local residents had been received raising issues already covered in the report and additional questions with regards to: why was the application being presented again when it was refused last month; letter of support from people living off the Isle of Sheppey should not be taken into account; and would impact the view from the mainland.

The Major Projects Officer reminded Members that only the motion to approve was defeated at the last meeting and the application was subsequently called-in by the Head of Planning, and referred Members to the relevant passage in the minute of the meeting on 8 January 2015.

The Major Projects Officer reported that four further letters in support of the application had also been received. He explained that these reiterated issues set out on page 19 (paragraph 6.03) and particularly emphasised the economic benefits for the local community. It was also suggested that the Chairman may be unable to control some Members' opposition to the scheme, and should the application be denied or deferred that when the application went to appeal that the objecting Councillors picked up Swale Borough Council's (SBC) costs.

The Major Projects Officer drew attention to the two tabled letters (from Mr Haynes and Mr Day), which both opposed the grant of planning permission. The Major Projects Officer reported that the applicant's ecologist had responded and this letter was also tabled for Members.

The Major Projects Officer advised that a letter had been received from Minster Parish Council to Councillor Andy Booth, about the Parish Council's comment on the application. It did not affect their consultation response, which raised no objection as set out on page 21 at paragraph 7.02.

The Major Projects Officer reported that the applicant's agent had provided the Environmental Health Manager with comments in respect of the implication for tinnitus sufferers, in response to a third party objection.

The Major Projects Officer reported that a further objection from Eastchurch Parish Council, further to their original comments, was tabled for Members.

The Major Projects Officer drew attention to the amended, strengthened wording for condition (4) following a request at the last meeting, which related to ecology which was tabled for Members.

In conclusion, the Major Projects Officer remained firmly of the view that the development was in accordance with National and Local Plan policy and that planning permission should be granted, with the amendment to condition (4).

Parish Councillor Carter, representing Eastchurch Parish Council, spoke against the application.

Mr Avron-Cotton, a supporter, spoke in support of the application.

Mr Peck, an objector, spoke against the application.

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

Ward Members spoke against the application and raised the following points: concern about the medical implications of the application as no evidence had been provided in respect of the possible effects of the application on sufferers of tinnitus and photo sensitive epilepsy sufferers; light flicker from the existing turbines was having an adverse impact on residents in Orchard Way and interfering with TV aerials; other landowners in the area would be tempted to put in similar applications; and uneconomical and only of benefit to the landowner.

Members considered the application and raised the following points: needed to consider the application on planning grounds and evidence only; the reasons for refusal given at the last meeting were not valid or sound planning reasons to refuse the application; we are directed by the Government on issues of sustainable energy; accept we needed to provide renewable energy but in the right location and this was not; RSPB did not object but did not support the application either; need to consider the claims of local residents that they were already adversely affected by noise from the existing windturbines; concern that the Government seems to be able to dictate that these applications were approved; 30% closer to residents than those at Lappell Bank so would have to have an effect on residents; unacceptable noise levels for local residents; applicant claims Mr Yeland used incorrect figures – how do we know they have not; a Member had objected on landscape and demonstrable harm reasons to the previously approved windturbines erected in the location; wrong location; would cause demonstrable harm; and have an accumulative impact on the area.

The Major Projects Officer reminded Members that the site was within an area specifically designated within the emerging Local Plan 'Bearing Fruits' 2031 as having high potential, and being a preferable location, for wind energy developments. The Major Projects Officer drew attention to the tabled letter from Avian Ecology Ltd, sent on behalf of the applicant, which refuted the claims made by Mr Haynes.

In accordance with Council Procedure Rule No. 20, a recorded vote was requested on the motion and voting was as follows:-

For: Councillors Mark Ellen, Mike Henderson and Bryan Mulhern. Votes for equal 3.

Against: Councillors Bobbin, Sylvia Bennett, Andy Booth, Mick Constable, Adrian Crowther, June Garrad, Sue Gent, Lesley Inham, Peter Marchington, Prescott, Ben Stokes, Ghlin Whelan and Tony Winckless. Votes against equal 13.

The motion was therefore lost.

Councillor Andy Booth moved the following motion: that the application be refused as it was in an inappropriate location, would cause demonstrable harm to the landscape and residents, was not supported by factual evidence and the accumulative effect of the development. This was seconded by Councillor Marchington.

A vote was not taken on this motion.

At this point the Chairman stated that there would be a small recess.

Councillor Andy Booth moved the following motion: That the application be refused because the proposed development by virtue of the location, gives rise to the cumulative impact in combination with the two existing turbines leading to demonstrable harm to landscape, and health (by virtue of hearing aids and tinnitus) of local residents in the vicinity. Delegation to officers to list relevant local and national policies. This was seconded by Councillor Marchington.

In accordance with Council Procedure Rule No. 20, a recorded vote was requested on the motion and voting was as follows:-

For: Councillors Bobbin, Sylvia Bennett, Andy Booth, Mick Constable, Adrian Crowther, June Garrad, Sue Gent, Lesley Ingham, Peter Marchington, Prescott, Ben Stokes, Ghlin Whelan and Tony Winckless. Votes for equal 13.

Against: Councillors Mark Ellen, Mike Henderson and Bryan Mulhern. Votes against equal 3.

The motion was therefore agreed.

Resolved: That application SW/13/1571 be refused because the proposed development by virtue of the location, gives rise to the cumulative impact in combination with the two existing turbines leading to demonstrable harm to landscape, and health (by virtue of hearing aids and tinnitus) of local residents in the vicinity. Delegation to officers to list relevant local and national policies.

459 REPORT OF THE HEAD OF PLANNING

PART 2

Applications for which **PERMISSION** is recommended

2.1 14/505771/FULL			
APPLICATION PROPOSAL Meads Community Centre			
ADDRESS Land Adjacent To Emerald Crescent Quartz Way Sittingbourne Kent ME10 5JL			
WARD Grove	PARISH/TOWN N/A	COUNCIL	APPLICANT Swale Borough Council AGENT HOCA Practice

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

The Area Planning Officer drew attention to pages 114 and 115 of the report and advised that amended plans were awaited to show additional parking bays along the access road. He advised that the views of Kent County Council Highways were awaited.

The Area Planning Officer reported that the neighbouring parish of Bobbing had not been consulted on the scheme. He advised that they had now been consulted, and delegation was sought to approve the application subject to the views of KCC Highways and Head of Service Delivery before the 18 February 2015 and no fresh issues being raised by Bobbing Parish Council in any representation they may wish to make.

A Member considered that vehicle barriers should be provided to prevent fly-tipping and improve security. He also considered that the provision of security lighting should be included as a condition.

The Area Planning Officer agreed to include the request for installation of vehicle barriers with the applicant. He drew attention to condition (12) which dealt with security lighting.

In response to a query, the Area Planning Officer agreed to ensure that the applicant noted the recommendations of the Kent Police Crime Prevention Design Advisor and that they were implemented.

Resolved: That application 14/505771 be delegated to officers to approve, subject to conditions (1) to (16) in the report, discuss with the applicant the possibility of providing a vehicle barrier, the receipt of amended plans in relation to additional parking bays along the access road, the views of KCC Highways, Head of Service Delivery and Bobbing Parish Council and to no fresh issues being raised in any representations they may wish to make by 18 February 2015.

Item 2.2 SW/14/503850		
APPLICATION PROPOSAL		
Erection of 2.5m high acoustic barrier and variation of conditions 4 and 5 of SW/12/1023 to allow sales and commercial activity in connection with the retail use of the site between 0700-2300 hrs Monday to Saturday and 0900-1800 hrs on Sundays and loading, offloading and delivery of goods in connection with the retail use of the site between 0600hrs and 2300hrs Monday to Saturday and 0700hrs and 2300hrs on Sundays and Bank Holidays		
ADDRESS Aldi, East Street, Sittingbourne, Kent, ME10 4RX		
WARD St Michaels	PARISH/TOWN COUNCIL	APPLICANT The Manager AGENT Planning Potential Ltd

The Major Projects Officer drew attention to pages 119 and 123 of the report and that the closing date for representations was 2 February 2015.

The Major Projects Officer sought delegated to approve the application subject to no substantive fresh issues being received.

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

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

A Ward Member stressed the importance of ensuring that conditions (6) and (8) were complied with.

Councillor Mike Henderson moved the following amendment: That conditions (5) and (6) be amended to read: ‘...before 0800 and after 2200 on Sundays and Bank

Holidays.’ This was seconded by Councillor Tony Winckless. On being put to the vote the amendment was agreed.

In response to a query about the health and safety implications of switching off reversing beepers, the Environmental Health Officer reported that it was common practice for operators to use banks man to assist with manoeuvring of reversing vehicles.

The Senior Lawyer (Planning) advised that there was no legal requirement to have reversing beepers on vehicles.

In response to a query about the quality of the acoustic fence proposed, the Environmental Health Officer advised that it would be built to the standards outlined in the report.

Resolved: That application SW/14/503850 be approved subject to conditions (1) to (8) in the report and to no substantive fresh issues being raised by 2 February 2015, with conditions (5) and (6) amended to reduce delivery hours on Sundays and Bank Holidays and condition (8) amended to require submission and approval of details of the acoustic fence.

2.3 14/500234/FULL			
APPLICATION PROPOSAL			
Part single / Part two storey side extension and roof extension including provision of dormer to rear roof slope.			
ADDRESS 6 Paradise Cottages Lower Hartlip Road Hartlip Kent ME9 7SU			
WARD	Hartlip, Newington & Upchurch	PARISH/TOWN COUNCIL	APPLICANT Mr W Hilden AGENT Mr Gary Edwards
		Hartlip	

The Area Planning Officer sought delegation to add two conditions relating to the approved plans and the retention of parking at the site.

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

Colonel Yerburgh, a supporter, spoke in support of the proposal.

Resolved: That application 14/500234 be delegated to officers to approve subject to conditions (1) and (2) in the report and the imposition of two further conditions relating to the approved plans and the retention of parking at the site.

2.4 14/504785/FULL		
APPLICATION PROPOSAL		
Proposed replacement dwelling and garage.		
ADDRESS 2 Swaysdown Game Farm, School Lane, Iwade, Kent, ME9 8QH		
WARD	PARISH/TOWN COUNCIL	APPLICANT
Iwade & Lower Halstow	Iwade	Mrs P Mackenzie

The Area Planning Officer reported that Natural England raised no objection. He advised that Iwade Parish Council had submitted further comments, objecting to the application which he outlined for Members.

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

The Ward Member spoke in support of the application. He considered the replacement dwelling and garage would not be obtrusive and was well hidden. It would also be an improvement on the existing dwelling.

In response to a query about reducing the height of the roof, the Area Planning Officer drew attention to condition (5) which would ensure that the applicants were not able to use the roofspace of the dwelling and garage as living accommodation.

Resolved: That application 14/504785 be approved subject to conditions (1) to (9) in the report.

PART 3

Applications for which **REFUSAL** is recommended

3.1 14/503559/FULL				
APPLICATION PROPOSAL				
Change of use from equestrian grazing to domestic curtilage; removal of existing timber building and replacement with one and a half storey timber-framed barn-style residential property that will form a fully fitted, self contained annex ancillary to the adjacent property 'Cheriton'.				
ADDRESS 226 Chequers Road Minster-on-sea Kent ME12 3SJ				
WARD East Downs	PARISH/TOWN COUNCIL Eastling	APPLICANT Neaves AGENT	Mr	Barrie

This item was withdrawn from the agenda.

PART 5

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

- **Item 5.1** – Orchard Plan, Ashford Road, Badlesmere, Faversham, ME13 0NU
Appeal Allowed.
- **Item 5.2** – 18 Bayford Road, Sittingbourne
Appeal dismissed, costs application against the Council refused.

460 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.**

461 REPORT OF THE HEAD OF PLANNING**2.1 SW/13/1571 – New Rides Farm, Eastchurch**

Resolved: That the report be noted.

2.2 Enforcement Schedule

The Enforcement Team Manager introduced the report and provided updates where applicable. Members went through the schedule page by page and the Enforcement Team Manager responded to questions.

There was some discussion about items BAD 1:06 and BRE:11:004 and the importance of ensuring that these were dealt with swiftly.

Councillor Mike Henderson moved the following motion: That legal and planning officers should reach a decision on whether to progress the appeals in time to meet the appeal timetables for items BAD 1:06 and BRE:11:004. This was seconded by Councillor Andy Booth. On being put to the vote the motion was agreed.

Following discussions, the Enforcement Team Manager recommended that items BAD 1:06 and FAV/12/013 remain on the schedule.

Resolved:

- (1) That those items as recommended on the list be removed from the schedule but that items BAD 1:06 and FAV/12/013 remain on the schedule.**
- (2) That legal and planning officers should reach a decision on whether to progress the appeals in time to meet the appeal timetables for items BAD 1:06 and BRE:11:004.**

462 ADJOURNMENT OF MEETING

The meeting was adjourned at 8pm and reconvened at 8.15pm.

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