
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 2 April 2015 from 7.00 - 9.12 pm

PRESENT: Councillors Barnicott (Chairman), Sylvia Bennett, Bobbin, Andy Booth, Mick Constable, Derek Conway, Mark Ellen, June Garrad, Sue Gent, Mike Henderson, Lesley Ingham, Bryan Mulhern (Vice-Chairman), Prescott, Ben Stokes, Ghlin Whelan and Tony Winckless

OFFICERS PRESENT: Rob Bailey, Amanda Berger-North, Philippa Davies, Andrew Jeffers, Alun Millard, Andrew Spiers and Jim Wilson

ALSO IN ATTENDANCE: Councillor Lloyd Bowen and Councillor Mike Whiting
Councillor Lloyd Bowen and Councillor Mike Whiting

APOLOGIES: Councillors

596 MINUTES

The Minutes of the Meeting held on 12 March 2015 (Minute Nos. 557 – 561) and the Minutes of the Extraordinary Meeting held on 16 March 2015 (Minute Nos. 562 – 563) were taken as read, approved and signed by the Chairman as a correct record.

597 CHANGE IN MEMBERSHIP OF THE PLANNING COMMITTEE

The Chairman advised that the Conservative membership of the Planning Committee had changed from Councillor June Garrad to Councillor George Bobbin and the UK Independence Party membership had changed from Councillor Adrian Crowther to Councillor June Garrad.

598 DECLARATIONS OF INTEREST

Councillor Andy Booth declared an interest in item 5.1 – Former RAF Mast, Courtenay Road, Dunkirk, as he had a business interest with regard to the Ministry of Defence.

Part B Minutes for Information

599 PLANNING WORKING GROUP

The Minutes of the Meeting held on 23 March 2015 (Minute Nos. 579 – 583) were taken as read, approved and signed by the Chairman as a correct record.

14/505542/FULL – 1a Saxon Road, Faversham

The Planner reported that the agent had advised that the owner of the site had access towards the back of Stone Street.

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

Resolved: *That application 14/505542/FULL be approved subject to conditions (1) to (19) in the report.*

14/505472/FULL – 66 Park Drive, Sittingbourne

The Area Planning Officer reported that following concerns, with surface water flooding due to inadequate drains in the vicinity raised by residents at the site meeting, he confirmed that Southern Water had no objection to the application. He further reported that the Environmental Health Manager raised no objection, subject to a condition with regard to hours of construction.

The Area Planning Officer sought delegation to approve the application, subject to an hours of construction condition and amendment to the wording of conditions (5) and (7) in the report to refer to approval in writing from the Local Planning Authority.

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

A Member spoke on behalf of the Ward Members and raised the following points: the proposed dwelling was too large for the site and not in keeping with surrounding properties; access problems; the residents of Roseleigh Road would be affected by the proposal; it was a quiet road, with large gardens with elderly residents; this would set a precedent; and it was overbearing and out of scale.

Members made the following comments: dwelling was too large for the site; it goes to the extremes of the boundary, so there was no access from front to back; overbearing on neighbouring properties; existing garden length of property where dwelling was being constructed would be shortened; concerns with manoeuvrability of vehicles parking at the property; a mature tree would be felled; out of scale with the site; this was being 'shoe-horned' into the site; this was unreasonable and unrealistic; and the loss of the tree was a loss to the local amenity.

On being put to the vote, the motion for approval was lost.

Councillor Sylvia Bennett moved a motion for refusal on the grounds of it being out of scale, out of character and appearance and the adverse affect on residential amenity. This was seconded by Councillor Ghlin Whelan.

In response to a question, the Kent County Council (KCC) Highways Officer advised that as the road was not a classified road, it was acceptable to reverse off the property.

The Area Planning Officer showed Members photographs of surrounding properties with similar bulk and scale to the proposed dwelling, so he considered out of character not to be valid reason for refusal. He advised that the tree was not protected, and could be felled at any time without permission; and it was not likely that the tree would be of the quality to be protected by a tree preservation order.

Discussion ensued and the proposer and seconder agreed the amended motion which on being put to the vote was approved.

Resolved: That application 14/505472/FULL be refused on the grounds that the development was too large for the plot, and caused harm to the appearance of the street scene; other plots were more spacious.

14/505351/FULL – Dane Works, Crown Quay Lane, Sittingbourne

The Area Planning Officer sought delegation to approve subject to the addition of an informative in relation to the developer consulting with Network Rail's Asset Protection to assess the operational risks during construction and an additional condition relating to plan numbers.

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

A Ward Member spoke against the application, she considered it to be too intrusive.

Members raised the following points: the area was generally commercial, this was not a huge extension; and there was a reasonable gap between it and the neighbouring property.

Resolved: That application 14/505351/FULL be delegated to officers to approve subject to conditions (1) to (4) in the report and the addition of an informative in relation to the developer consulting with Network Rail's Asset Protection to assess the operational risks during construction and an additional condition relating to plan numbers.

14/502557/FULL – Moordean, Oak Lane, Minster-on-Sea

The Area Planning Officer advised that there was an error on condition (1) on page 99 of the report; it should read: '...must be begun not later than....'.

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

A Ward Member spoke against the application. He raised the following points: the road was a busy, predominantly single track route; the application site was close to immediate neighbours, with demonstrable harm to their life because of the acoustics; the day room may be occupied 24/7, this was a tranquil part of the island and noise from the development could cause demonstrable harm to the quality of life to the immediate neighbours.

Members made the following comments: wrong to change garage to its proposed use; it was right on the boundary of the adjacent property; it should remain as a garage; there was adequate parking within the site so no additional cars would be parked on the road; the dayroom would not be used 24/7; considered use as a washing/drying room was not a problem; it was not a commercial business; this provided good facilities for mental health within the Borough; the arguments against the application were exaggerated; and traffic would increase.

Discussion ensued on the noise levels that this type of use of a property could create.

Resolved: *That application 14/502557/FULL be approved subject to conditions (1) to (4) in the report, with an amendment to condition (1) on page 99 of the report to read: ‘...must be begun not later than....’.*

600 SCHEDULE OF DECISIONS

PART 1

Any other reports to be considered in the public session

1.1 REFERENCE NO - 14/502582/FULL		
APPLICATION PROPOSAL Demolition of the existing bungalow and the construction of 15 new houses with a new access road.		
ADDRESS Freesia Grovehurst Road Sittingbourne Kent ME10 2RB		
WARD Kemsley	PARISH/TOWN COUNCIL NA	APPLICANT Mr Yadwinder Gill AGENT Calford Seaden

The Major Projects Officer explained that this application had been referred back to the Planning Committee after being considered at the meeting on 12 March 2015, because an objection had been received, but had not been drawn to Members’ attention on 12 March. The Major Projects Officer provided clarification from the applicant’s agent in response to the objection and he stated that the applicant was happy to rebuild the wall along the line of the existing in brickwork to match the new development.

The Major Projects Officer sought delegation to approve subject to a further condition to secure details of the finished floor levels and to the signing of a suitably worded Section 106 agreement.

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

Mr Kenneth Evans, an objector, spoke against the application.

A Ward Member spoke against the application. He spoke on the impact on local residents; the loss of view; increase in traffic, especially during construction; insufficient parking; pleased the wall would be re-constructed; would like condition (13) (contamination) to be tightened if approved.

The Major Projects Officer considered the amount of development to be of an appropriate level, with fairly standard sized houses. He added that condition (11)

also covered contamination and as such he considered contamination issues were satisfactorily addressed.

Councillor Tony Winckless moved a motion for a site meeting. This was seconded by Councillor Sue Gent. On being put to the vote the motion was agreed.

Resolved: That application 14/502582/FULL be deferred to allow the Planning Working Group to meet on site.

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 15/501231/FULL		
APPLICATION PROPOSAL Single storey side extension with catslide roof, insertion of dormer window and rooflights.		
ADDRESS 11 Hilton Close Faversham Kent ME13 8NN		
WARD Watling	PARISH/TOWN COUNCIL Faversham	APPLICANT Mr and Mrs Brian Planner AGENT

The Area Planning Officer sought delegation to approve the application subject to no fresh issues being received on or before the 8 April 2015 consultation deadline.

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

Resolved: That application 15/501231/FULL be delegated to officers to approve subject to no fresh issues being received on or before the 8 April 2015 consultation deadline and to conditions (1) and (2) in the report

2.2 REFERENCE NO - 15/501326/FULL		
APPLICATION PROPOSAL Removal of front porch, erection of single storey rear extension with light lanterns and erection of detached double garage and new vehicular access		
ADDRESS Chandlers, Stockers Hill, Rodmersham, Kent, ME9 0PJ		
WARD West Downs	PARISH/TOWN COUNCIL Rodmersham	APPLICANT Mr M Phillips & Mrs M Bonney AGENT Mr K Plumb, 53 Woodstock Road, Sittingbourne

The Planning Officer sought delegation to approve the application subject to comments from KCC Highways.

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

Resolved: *That application 15/501326/FULL be delegated to officers to approve subject to comments from KCC Highways and to conditions (1) to (3) in the report.*

2.3 REFERENCE NO - 14/505395/FULL			
APPLICATION PROPOSAL			
Two storey rear extension and erection of outbuilding, comprising double garage and store			
ADDRESS 17 Dane Close Hartlip Kent ME9 7TN			
WARD	Hartlip, Newington & Upchurch	PARISH/TOWN	COUNCIL
		Hartlip	
		APPLICANT	Mrs V M Murray
		AGENT	Mr R Baker

Mr Rodney Muir, an objector, spoke against the application.

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

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

Resolved: *That application 14/505395/FULL be deferred to allow the Planning Working Group to meet on site.*

2.4 REFERENCE NO - 15/500955/FULL			
APPLICATION PROPOSAL			
Residential development to provide 35 dwellings comprising 27 houses and 8 flats; access to Marine Parade; Open Space; Landscaping; Car Parking; Footpath link to Beckley Road and Cycle Storage. (Revised scheme to previously approved SW/10/0050)			
ADDRESS Land At Rear Of Seager Road Seager Road Sheerness Kent ME12 2BG			
REASON FOR REFERRAL TO COMMITTEE			
Ward Members request and significant number of objections			
WARD	Sheerness East	PARISH/TOWN	COUNCIL
		N/A	
		APPLICANT	Moat Housing
		AGENT	Ubique

		Architects
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The Major Projects Officer reported that seven additional letters of objection had been received; the comments were similar to those already noted in the report. He clarified why there had appeared to be differing numbers of representations received and explained that some had been duplicates, or from the same household which had resulted in the total numbers being received reported differently to that on the website. He confirmed that all representations had been reported to the Planning Committee, some verbally, following the report being published.

The Major Projects Officer reported that KCC Highways had no objection to the application, subject to the imposition of conditions to prevent mud on the public highway, loading/turning/parking of construction vehicles, covered cycle parking, and provision of access/footways and carriageways before any building was first occupied. Southern Water had clarified that their previous comments on insufficient sewage capacity had been superseded. The applicant had confirmed that they had agreed with Southern Water to contribute to an upgrade to the pumps within the pumping station to improve capacity.

The Major Projects Officer reported that the developer had installed two culverts. He stated that the Lower Medway Internal Drainage Board (LMIDB) had advised that consent was required by them for the culverts to be installed. A formal notice had been issued to the applicant. The Major Projects Officer reported that the approved surface water drainage (SuDS) scheme under the 2010 application had not yet been implemented. The LMIDB objected to the current application and had requested further details of the surface water drainage strategy.

The Major Projects Officer reported that following one of the culvert pipes being blocked, this had now been unblocked and the applicant had provided drainage drawings. The culverts would be removed and the ditches re-instated, and a response from the LMIDB was awaited. The Major Projects Officer recommended an additional condition to require the final details of the foul and surface water drainage to be submitted prior to the occupation of the units. He explained that, in lieu of the footpath link to Beckley Road, the applicant could not confirm that the gates for Southern Water access to the pumping station would be left unlocked. The Major Projects Officer explained that he had encouraged the applicant to negotiate with Southern Water on this matter, although he did not consider that the loss of the footpath to amount to a reason for refusal. He further explained that no comments had been received from KCC Education in regard to the Section 106 contributions.

The Major Projects Officer sought delegated authority to approve the application subject to the imposition of the additional conditions requested by KCC Highways, and in respect of drainage on the site, and the signing of a suitably worded Section 106 agreement.

The Chairman moved a motion for a site meeting. This was seconded by Councillor Prescott.

Mr Geoff Smith, an objector, spoke against the application.

Mr Laurence Mineham, the Agent, spoke in support of the application.

A Member requested a Stop Notice be issued. The Locum Senior Planning Lawyer advised that this matter should be discussed in closed session.

On being put to the vote the motion for a site meeting was agreed.

Resolved: That application 15/500955/FULL be deferred to allow the Planning Working Group to meet on site.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 14/505933/FULL			
APPLICATION PROPOSAL			
Change of use of the land from garden centre to residential comprising of the construction of 67.no houses.			
ADDRESS Norton Ash Garden Centre London Road Norton Kent ME13 0SZ			
WARD	Teynham &	PARISH/TOWN COUNCIL	APPLICANT BMW
Lynsted		Norton And Buckland	(UK) Trustees Limited
			AGENT BDB Design LLP

The Major Projects Officer explained that there was an error on page 56 of the report. There should only be the first reason listed as reason for refusal of the application. He reported that KCC Highways had no problem with the principle of development of the site, but had submitted eight detailed concerns which included issues with the proposed parking; and the highway layout, including provision for cycle and footpaths. The Major Projects Officer considered that these would lead to two further reasons for refusal. He advised that the applicant had provided a response to the KCC Ecology comments in the report, and comments were awaited from KCC Ecology on the additional information. The Agent had advised that he would amend the plans to address the KCC Highways concerns and was willing to provide one gypsy and traveller pitch.

The Major Projects Officer sought delegation to refuse the application for the reason stated in the report, and two further highway reasons as described and a further ecological reason, if KCC Ecology considered it necessary.

The Chairman moved the officer recommendation for refusal and this was seconded.

Mr Trimm, representing Norton Parish Council, spoke against the application.

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

A Ward Member spoke against the application. He considered there was a lack of services, including buses, shops, doctors and schools, to support the proposed development. He explained that there would be an increase in car movements on the A2, it was not sustainable and not good for the environment.

Members raised the following points: this was not an isolated site, Faversham was nearby; there was a bus stop nearby; other remote developments had been approved previously elsewhere, e.g. Conyer Creek; retail would generate more traffic than the proposed housing; more housing was needed; it was sustainable; it would be an isolated, insular village; local residents would not like a retail development at this location; and it was contrary to the current and emerging Local Plan.

The Major Projects Officer reminded Members that this application needed to be considered on its own merits and not simply compared to other broadly similar sites. He advised that it was an unsustainable location.

The Chairman, another Ward Member spoke in support of the officer's recommendation for refusal and made the following comments: this area had been allocated as retail in the Local Plan; the road had a number of accidents near the site; and acknowledge that more housing was needed but not at the cost of other residents' amenity.

Resolved: That application 14/505933/FULL be delegated to officers to refuse for the reasons outlined in the report and two further highway reasons as above and a further ecological reason, if KCC Ecology considered it necessary.

PART 5

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

- **Item 5.1 – Former RAF Mast, Courtenay Road, Dunkirk**

APPEAL DISMISSED

601 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 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.**

Part B Minutes for Information

602 SCHEDULE OF DECISIONS**6.1 ENF/GGG/14/005 1 New Cottages, Broom Street, Graveney – Insertion of a rooflight in extension**

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 removal of the rooflight window and the restoration of the roof as shown on the original plans on application SW/12/0987, within 3 months of the Notice taking effect.

That the Head of Planning and the Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, including the precise wording to give effect to this decision.

6.2 14/503907/FULL – 2 Ruins Barn Road, Tunstall – Retrospective application to construct a timber framed garage/storage area to the rear boundary of the property

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 removal of the garage and the site to be returned to its former state within 3 months of the notice taking effect.

That the Head of Planning and the Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, including the precise wording to give effect to this decision.

6.3 14/500654/OPDEV Land adjoining slip road at Thanet Way off High Street Road, Hernhill – Permanent Stationing of a Snack Wagon with extended lean-to

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 that the Snack Wagon with the lean-to extension be removed from the site within 3 months of the notice taking effect.

That the Head of Planning and the Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, including the precise wording to give effect to this decision.

6.4 SW/14/0548 Land at Vicarage Lane, Ospringe - Alteration of site access, levelling of the site, provision of access track and turning head, construction of two pole barns and change of use to processing and storage of timber

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 that the operations on site will cease and that the land be restored to its former state within 3 months of the notice taking effect.

That the Head of Planning and the Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, including the precise wording to give effect to this decision.

6.5 Ref ENF/ NEW/12/006 – Land rear of 32 Church Lane, Newington

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 removal of the container from the land within 3 months of the Notice taking effect.

That the Head of Planning and the Head of Legal Partnership of the Council be authorised to prepare and serve the necessary documentation, 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