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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, 23 April 2015 from 7.03 - 11.03 pm.

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

**OFFICERS PRESENT:** Claire Dethier, James Freeman, Kellie MacKenzie, Ross McCardle, Jo Smith, Steve Wilcock and Jim Wilson.

**ALSO IN ATTENDANCE:** Councillors Adrian Crowther, Nicholas Hampshire, David Jones, Gerry Lewin and Roger Truelove.

### 607 MINUTES

The Minutes of the Meeting held on 2 April 2015 (Minutes Nos. 596 – 602) were taken as read, approved and signed by the Chairman as a correct record.

### 608 DECLARATIONS OF INTEREST

No interests were declared.

### PART B MINUTES FOR INFORMATION

### 609 PLANNING WORKING GROUP

The Minutes of the Meeting held on 15 April 2015 (Minute Nos. 603 – 606) were taken as read, approved and signed by the Chairman as a correct record, subject to the inclusion of Cllr Mulhern's apologies.

#### **14/502582/FULL Freesia, Grovehurst Road, Sittingbourne, ME10 2RB**

The Major Projects Officer reported that further to concerns raised by a local resident that some residents had not been made aware of the date of the site meeting, records of the consultation carried out had been checked and all those who had commented on the application had been invited to the meeting. In addition, the two neighbours who had suggested they were not informed of the site meeting had been written to in order to clarify the situation.

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

A Ward Member raised concern that plots 3 and 5 would have a detrimental impact on the amenities of the occupiers of 'The Spinney'. He was also concerned about the impact the access to the site would have on Grovehurst Road.

The Major Projects Officer advised that the site was allocated for housing in the Local Plan and he did not consider that the proposal would have an adverse impact on adjoining dwellings. Kent County Council (KCC) Highways raised no objection to the scheme following receipt of amended drawings. The Major Projects Officer explained that the Section 106 Agreement dealt with standard issues (in accordance with Local Plan policy) and that no affordable housing would be provided at the site.

In response to a query about access for wheelie bins, the Major Projects Officer stated that the plans showed that there would be a gap in the fence ensuring that the vehicle access was maintained.

There was some discussion about the retention of the boundary wall. A Member suggested that a replacement brick wall should be provided to improve the appearance of the site. The Major Projects Officer suggested that officers be delegated to work with the applicants to ensure a wall, rather than a fence, was provided. This was agreed by Members.

***Resolved: That application 14/502582/FULL be delegated to officers to approve, subject to conditions (1) to (23) in the report and discussions with the applicant to ensure that a replacement brick boundary wall was provided.***

#### **14/505395/FULL 17 Dane Close, Hartlip, Kent, ME9 7TN**

The Planning Officer reported that Councillor Wright, a Ward Member, had submitted a letter raising objection to the application and that this had been emailed to Members of the Planning Committee.

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

A Ward Member spoke against the application. He considered the extension was too large and bulky for the site.

Members raised the following points: was a fairly large extension but was well to the rear of the property; the southern part of the estate was blocked by two large houses so it was not an 'open' estate; and nobody had a right to a view.

In response to queries from a Member, the Planning Officer confirmed the height of the roof eaves level was 3.5 metres. He explained that steeper roofs were a traditional design feature and considered lowering the ridge height would result in an inferior design. The loft space proposed was normal.

***Resolved: That application 14/505395/FULL be approved subject to conditions (1) to (3) in the report.***

#### **15/500955/FULL Land at rear of Seager Road, Sheerness, Kent, ME12 2BG**

The Major Projects Officer reported that the applicant had confirmed that the unconsented culverts had been removed from the site and this was accepted by the Lower Medway Internal Drainage Board (LMIDB). The LMIDB therefore removed

their objection provided that the Council was satisfied that the revised proposal included for surface water to be restricted to no more than 7l/s/ha, a standard requirement, with on-site storage provided to accommodate the 1 in 100 year rainfall event +30% to allow for the predicted effects of climate change, and that maintenance of the surface water drainage (SuDS) was ensured for the lifetime of the development.

The Major Projects Officer noted that at the meeting on 2 April 2015 he had recommended that a further condition be added to require details of the foul and surface water drainage to be submitted. These details would then be reviewed by both Southern Water and the LMIDB and at that stage could ensure that the requirements of the LMIDB were met.

The Major Projects Officer reported that an additional comment had been received from a local resident, on behalf of the residents' association. They remained unconvinced that the sewage system would be able to cope with the additional waste from the development and noted that the existing pumping station dated back to 1935. They considered its failure would have devastating affects on properties and residents and asked for additional and detailed information with regards to the sewerage handling equipment.

The Major Projects Officer further reported that a second additional letter from a neighbour had also been received suggesting that the timing of the site visit was inappropriate and questioned what Moat Housing were going to do to rectify the discrepancies between the approved development and the scheme as built.

The Major Projects Officer stated that in his previous update he had confirmed that Southern Water raised no objection to the proposal noting that the developer would upgrade the existing pumping station to cater for the additional load. With regards to the request for additional information, the detailed design of the foul and surface water drainage would be required by the additional condition as previously mentioned.

The Major Projects Officer stated that KCC had reviewed their requirements for community contributions based on the current need. They now requested that the developer pay a total of £177,680.55 - £116,000 for primary education, specifically a new school at Thistle Hill and, £1,680.55 for additional book stock for Sheerness library.

The Major Projects Officer advised that he had asked the applicant to confirm whether they were to pay these contributions noting that they were asking for £8,690.57, more than they did under the 2010 application (SW/10/0050). In addition, the costs of the other contributions, namely children's play equipment, the provision of bins and the monitoring fee, had increased resulting in a total additional contribution of approximately £13,000. The Major Projects Officer advised that the applicant had responded and he read this out for Members.

The Major Projects Officer drew attention to the Committee report which stated that it was hoped that the future residents of the development may be able to access the alleyway behind the Seager Road properties via the gates that would eventually provide access through the development to the Southern Water Pumping Station.

The Major Projects Officer stated that he had received communication from a local resident stating that this was a private access owned by the residents of Seager Road. The Major Projects Officer had no evidence to either support or refute this claim but considered that encouraging access onto a potentially private access was not appropriate. The applicant had therefore confirmed that the Southern Water gates would be locked with access only allowed to Southern Water employees as would have previously been the case. The Major Projects Officer did not consider that the loss of this access would fundamentally undermine the scheme.

The Major Projects Officer stated that a letter had been received from the applicant responding to Committee's concerns about the development. This was tabled for Members.

The Major Projects Officer concluded by seeking delegated authority to approve the application subject to conditions as set out in the report, the additional condition for foul and surface water drainage, and the signing of a suitably worded Section 106 Agreement.

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

A Ward Member spoke against the application. He raised the following points: had never seen so much dissatisfaction amongst local residents; the developer and Moat Housing were 'taking the mickey' out of the local residents; the reduced size of the garages would lead to on-street parking; and proposed conditions relating to sewage may help but note that the LMIDB were originally against the application.

In response to a query, the Major Projects Officer stated that officers were not saying that no harm had been caused, but that in his professional opinion on-balance this application would not cause unacceptable impacts and that the application should be supported.

Members raised the following points: appalled and concerned that a major developer had done this; had caused so many problems in Seager Road; about time that the Planning Committee stood up for local residents; would set a precedent for other developers to do the same and the Planning Committee would become known as a Committee with no backbone; should refuse and the builder be made to build to the original plans (as approved under SW/10/0050); detrimental to residential amenities of local residents; had a significant impact on properties in Seager Road and the developer should reduce by 5 or 6 feet; impact on local residents was sufficient reason to refuse the application; starkly different to what was approved, developer must be made to lower height of the buildings; this was due to a design fault by the architect and as such not the fault of Swale Borough Council's (SBC) Planning Committee; dwellings were intrusive, overbearing and too dominant on either side of the site.

The Head of Planning reminded Members that they needed to consider the application in terms of any additional impacts arising from the proposal in comparison to the originally approved scheme.

The motion to approve the application was lost.

At this point the Head of Planning used his delegated powers under Part 3, Part 3.2, 3.2.1 (Planning Committee) of the Constitution to 'call-in' the application.

**Resolved:** *That as the Planning Committee was minded to make a decision that would be contrary to officer recommendation and contrary to planning policy and/or guidance, determination of the application would be deferred to the next meeting of the Committee on 21 May 2015 when the Head of Planning would advise Members of the prospects of such a decision if challenged on appeal and if it becomes the subject of an application for the award of costs against the Council.*

610 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

<b>2.1 15/500686/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Demolition of dilapidated bungalow and construction of 8 No. 3-bedroom semi-detached dwellings with associated road access and sewers as amended by drawing 003 revision A received 18 March 2015.			
<b>ADDRESS</b> Longview The Crescent Boughton Under Blean Kent ME13 9AY			
<b>WARD</b>	Boughton & Courtenay	<b>PARISH/TOWN COUNCIL</b>	Boughton
<b>APPLICANT</b>	Wedgewood Homes		<b>AGENT</b> Giarti

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

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

A Ward Member spoke against the application. He raised the following concerns: why had KCC Highways allowed a road through footpath ZR617?; proposed dwellings would be detrimental to the visual amenity of the area; would prefer to see single storey dwellings as this would reduce concerns about overshadowing; insufficient parking proposed; too many properties for the site; out-of-keeping with the area; would prefer cream weatherboarding not black; the 14 metre high leylandii left on the site was dangerous and should be removed; and concerned that the soakaway would not prevent flooding.

Councillor Mike Henderson moved the following addendum: That condition (12) be delegated to officers to re-word to include wording explaining that native trees were being planted to improve the ecology of the site. This was seconded by Councillor Barnicott. On being put to the vote the addendum was agreed.

In response to a query, the Senior Planner drew attention to condition (3) in the report which required the weatherboarding to be painted cream.

In response to queries about the footpath, the Head of Planning drew attention to paragraph 9.04 of the report which stated that the KCC Public Rights of Way Officer raised no objection. The Major Projects Officer considered that erection of signs warning of children crossing would be onerous.

Some Members considered that the leylandii should be removed from the site.

**Resolved:** *That application 15/500686 be delegated to officers to approve subject to conditions (1) to (18) in the report and the re-wording of condition (12) to include wording to explain that native trees were being planted to improve the ecology of the site and removal of the leylandii tree.*

<b>Item 2.2 14/506863/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing dwelling and proposed new dwelling with detached garage.		
<b>ADDRESS</b> Cedar Lodge Whybornes Chase, Minster-on-sea Kent ME12 2HZ		
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN COUNCIL</b> Minster	<b>APPLICANT</b> Mr & Mrs D Clarke <b>AGENT</b> Mr Nigel Sands

The Planning Officer drew attention to errors in the report: page 12 – reasons for refusal should be crossed out; and page 14, paragraph 2.05 – proposed house will be **500mm** shorter and **800mm** wider.

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

A Ward Member spoke against the application. He considered it was over-intensive for the plot and would have an adverse impact on the adjoining neighbour.

A Member requested that the landscaping condition be re-worded to make it clear why native tree planting was requested.

The motion to approve the application was lost.

Councillor Andy Booth moved the following motion: That the application be refused as the scale of the development was excessive and would cause demonstrable harm to the streetscene. This was seconded by Councillor Tony Winckless. On being put to the vote the motion was agreed.

**Resolved:** *That application 14/506863/FULL be refused as the scale of the development was excessive and would cause demonstrable harm to the streetscene.*

<b>2.3 14/506851/FULL</b>
<b>APPLICATION PROPOSAL</b> Demolition of existing bungalow and proposed detached house.

<b>ADDRESS</b> Adj Cedar Lodge Whybornes Chase, Minster-on-sea Kent ME12 2HZ		
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN COUNCIL</b> Minster	<b>APPLICANT</b> Mr Keith French <b>AGENT</b> Mr Nigel Sands

The Planning Officer reported that an amended drawing had been received showing two parking spaces to the front, in addition to the internal garage, with a total of three parking spaces.

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

A Ward Member spoke against the application. He considered the building was inappropriate in scale to the site and would cause demonstrable harm to the streetscene.

The motion to approve the application was lost.

Councillor Andy Booth moved the following motion: That the application be refused on grounds that it was inappropriate in scale to the site and would cause demonstrable harm to the streetscene. This was seconded by Councillor Lesley Ingham. On being put to the vote the motion was agreed.

**Resolved: That application 14/506851 be refused on the grounds that it was inappropriate in scale to the site and would cause demonstrable harm to the streetscene.**

<b>2.4 15/501692/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing detached garage and erection of side and rear extension, creation of first floor including dormer windows and rooflights to North and South Elevations.		
<b>ADDRESS</b> 30 Woodside Gardens, Sittingbourne, Kent, ME10 1SG		
<b>WARD</b> Woodstock	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Doug Smith <b>AGENT</b> Coteq Ltd

Councillor Derek Conway moved a motion for a site meeting. This was seconded by Councillor Andy Booth. On being put to the vote the motion was agreed.

**Resolved: That application 15/501692/FULL be deferred to allow the Planning Working Group to meeting on site.**

<b>2.5 14/506623/OUT</b>		
<b>APPLICATION PROPOSAL</b> Outline application for proposed residential development of 18 units for affordable housing, with Appearance, Layout and Scale to be considered at this stage and all other matters reserved for future consideration.		

<b>ADDRESS</b> 109 Staplehurst Road Sittingbourne Kent ME10 2NF		
<b>WARD</b> Chalkwell	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Frank Balloch <b>AGENT</b> MSD Architects

The Major Projects Officer reported that further to their comments on page 36, paragraph 7.2 of the report, KCC Highways raised no objection subject to conditions. The Major Projects Officer drew attention to the highway-related conditions on page 42 of the report, in addition KCC Highways requested conditions to address; provision of off-site highway improvements; provision of space for construction parking; provision of car parking, including surfacing/drainage details; gradient of access; provision of sight lines and visibility splays; full highway details; and provision of access to agreed specification before any dwelling is occupied. Comments from the Environment Agency (EA), Network Rail and KCC Archaeology were awaited.

The Major Projects Officer reported that further to paragraph 6.1, on page 36 of the report, three further representations had been received from two local residents and a third from the Chalkwell Ward councillors raising the following comments: concern about the level of neighbour consultation; queries about existing access arrangements for the site opposite; concern about how HGVs will be prevented from gaining access to Hythe Road and Springfield Road; concern about speed of traffic using Staplehurst Road and how this will be controlled to enable safe access/egress from the site; neighbours in Hythe Road were not consulted; development could result in problems both during the construction phase (noise, dust, construction vehicles, long construction hours) and once the development was finished, notably from increased traffic flow and possible subsidence to adjacent dwellings.

The Major Projects Officer reported that further to paragraph 9.7 on page 38 of the report, Kent County Council had updated their request for developer contributions and were now seeking a total of £89,734.68, and contributions were no longer sought for 'adult social services' or 'community learning'. The Major Projects Officer advised that further to paragraph 9.7, on page 38, the following payments were required: wheelie bins - £1,353.96; off-site open space provision – £15,512.40.

The Major Projects Officer also stated that the monitoring fee, amounting to 5% of the financial contributions, would also be payable.

The Major Projects Officer sought delegated authority to add a condition in respect of agreement of finished floor levels as the site sloped. The Major Projects Officer sought delegated authority to approve subject to the views of the EA, Network Rail and KCC Archaeology, the imposition of conditions as set out in the report, additional conditions as described for highway matters, the levels condition, and the signing of a suitably worded Section 106 Agreement.

The Ward Members raised the following concerns: concern that the originally proposed traffic calming measures would not be implemented and the details should have been provided at this meeting; already on-street parking problems in



Springfield Road and this would be made worse; better signage at Key Street was needed to ensure 40 tonne lorries were directed down the Staplehurst Road link; need assurances that Springfield Road, Hythe Road and Staplehurst Road would be protected from 40 tonne lorries accessing these roads as local residents were already experiencing damage to vehicles as a result of this.

A Member suggested that the application be deferred to allow for detailed information on what traffic calming measures would be provided.

The Major Projects Officer stated that KCC Highways were satisfied with the proposals and that off-site traffic calming required by condition would be as approved under SW/12/0829, the previous planning permission to re-develop the site. The Major Projects Officer read an extract from the KCC Highway Officer's comments in which he clearly stated that traffic calming would need to be secured through an appropriately worded Grampian condition or within the Section 106 Agreement.

Councillor Ghlin Whelan moved the following motion: That the application be deferred until further information from KCC Highways is provided in relation to traffic calming measures including an assurance that 40 tonne lorries will be stopped from accessing Hythe Road, Springfield Road and Staplehurst Road. This was seconded by Councillor Barnicott. On being put to the vote the motion was agreed.

**Resolved: That application 14/506623/OUT be deferred until further information from KCC Highways is provided in relation to traffic calming measures including an assurance that 40 tonne lorries will be stopped from accessing Hythe Road, Springfield Road and Staplehurst Road.**

<b>2.6 14/504984/OUT</b>			
<b>APPLICATION PROPOSAL</b>			
Outline application for the erection of 5 detached dwellings with all matters reserved for future consideration.			
<b>ADDRESS</b> Harbex Quality Profiles Ltd High Oak Hill Newington Kent ME9 7HY			
<b>WARD</b>	<b>PARISH/TOWN</b>	<b>COUNCIL</b>	<b>APPLICANT</b>
Hartlip, Newington & Upchurch	Newington		Hoo Developments Ltd
			<b>AGENT</b> Mr Paul Sharpe

The Head of Planning reported that the agent had advised that having checked with the landowner, the nearby property did not benefit from a right-of-way ie. via the proposed Plot 5 as shown on the plan. He explained that in any case this would be a private legal matter between the two parties, and the plans were indicative only.

The Head of Planning stated that condition (16) should be amended to prevent the construction of any dwelling within nine metres of the gas pipeline to the rear of the site. It should not refer to the curtilage of dwellings. The Head of Planning sought delegated authority to amend the condition.

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

Mrs Nash, a supporter, spoke in support of the application.

Mr Sharpe, the agent, spoke in support of the application.

A Ward Member spoke in support of the application.

There was some discussion about whether the approval of the application would guarantee a resolution to ongoing issues at the site. The Head of Planning clarified that unfortunately there were no guarantees that it would as there was no mechanism to force the applicant to enact the permission.

**Resolved: That application 14/504984/OUT be delegated to officers to approve subject to conditions (1) to (17) in the report and the amendment to condition (16) to prevent the construction of any dwelling within nine metres of the gas pipeline to the rear of the site.**

**PART 3**

Applications for which **REFUSAL** is recommended

<b>3.1 14/501843/FULL</b>		
<b>APPLICATION PROPOSAL</b> Two storey front and side extension with additional windows to North West Elevation.		
<b>ADDRESS</b> 8 School Lane Newington Kent ME9 7LB		
<b>WARD</b> Hartlip, Newington & Upchurch	<b>PARISH/TOWN COUNCIL</b> Newington	<b>APPLICANT</b> Mr Paul Taylor <b>AGENT</b> Mr Ken Crutchley

Mr Taylor, the applicant, spoke in support of the application.

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

Some Members considered that the proposed extension would impact on the setting of the listed building and welcomed the officer recommendation to refuse the application.

**Resolved: That application 14/501843 be refused.**

<b>3.2 14/504232/FULL</b>		
<b>APPLICATION PROPOSAL</b> Retrospective change of use of existing agricultural store and greenhouse to retail outlet, training and storage facility; hardstanding/turning circle.		
<b>ADDRESS</b> Orchard Cottage Canterbury Road Faversham Kent ME13 8LY		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham	<b>APPLICANT</b> Miss Eve Rush-Ryan <b>AGENT</b>

Mrs Rush-Ryan, the applicant, spoke in support of the application.

Members raised the following points: the National Planning Policy Framework was clear that a prosperous rural economy should be supported; sustainable growth, including conversion of existing buildings; would cause no environmental damage; would benefit the local community by providing three jobs; real benefit to whole business of conversation that would justify acceptance, site could not be termed 'an orchard' as there were only 9 fruit trees left; was not a rural location as surrounded by the A2, A251 a laundry and KCC transport depot; no local objections had been received; would not impact on the listed building; site was well set back; should consider the history of the site and that this was a retrospective application and the applicant had already not complied with conditions to improve sightlines.

The motion to refuse the application was lost.

Councillor Mike Henderson moved the following motion: That the application be delegated to officers to approve subject to the imposition of a suitable condition restricting the hours of use, and a condition restricting number of courses and number of people attending. This was seconded by Councillor Andy Booth.

Councillor Henderson considered that there was no need for landscaping or hardstanding or any other conditions. He also considered that the opening hours on the application seemed reasonable.

**Resolved: That application 14/504232 be delegated to officers to approve subject to the imposition of a suitable condition restricting the hours of use, and a condition restricting number of courses and number of people attending.**

<b>3.3 14/500703/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Demolition of existing dwelling, Erection of three detached dwellings with integral double garage and new access.		
<b>ADDRESS</b> Glen Lodge Queenborough Drive Minster-on-sea Kent ME12 2JN		
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN COUNCIL</b> Minster	<b>APPLICANT</b> Mr D Flannery <b>AGENT</b> Michael Gittings Associates

Mr Mitchell, an objector, spoke against the application.

Mr Flannery, the applicant, spoke in support of the application.

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

A Ward Member spoke against the application.

**Resolved: That application 14/500703 be refused.**

<b>3.4 15/500862/FULL</b>		
<b>APPLICATION PROPOSAL</b> Variation of condition 7 of SW/09/0314 to allow speedway racing between 1800 and 2130hrs on Fridays.		
<b>ADDRESS</b> Central Park Stadium Church Road Sittingbourne Kent ME10 3SB		
<b>WARD</b> Murston	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Cearnsport Ltd <b>AGENT</b> Robins Escott Planning

The Head of Planning reported that additional petitions had been received - a petition bearing 12 signatures from premises (pubs, restaurants, hotels and B&Bs) in and around the town centre in support of the application, relating to the “night economy” and a further four signature petition in favour of the scheme from residents. In addition there was an online petition with 1091 signatures, calling for the Council to “reconsider a rejection for central park speedway revised start times”. The petition was set up last year after the determination of the previous application and not in response to the current application, although a number of people had recently signed it.

The Head of Planning stated that additional information submitted by the applicant had been circulated to Members and were also tabled. The Head of Planning stated that some of the comments made by the applicant were inaccurate and that the acoustic fence had not been constructed in accordance with either of the approved specifications. The applicant also stated that the Environmental Health Officer (EHO) considered the acoustic fence to be “effective”, as set out in the report, this was not the case. The fence as built was performing as expected but that was not to say that the EHO’s considered it to be “effective”. The Head of Planning clarified that the fence did not, in the EHO’s opinion adequately mitigate the noise from the site, hence their objection.

The Head of Planning advised that following discussions with officers, the agent for the applicant had set out the principal reason the extension of time was sought, was to attract an Elite league team to compete at the site, and that in the event this occurred, the likelihood of re-runs of races being required was reduced, due to the increased expertise of the riders. As such, a finish time of 9:10pm was likely with an additional 20 minutes required if need for re-runs of races (although this was not anticipated to be needed). The applicant would be willing to accept a condition to this effect.

The Head of Planning reported that the agent had confirmed that although he would prefer not to, the applicant would be willing to accept a condition which triggered the late finish time only in the event that an Elite team race at the track, if Members deemed it necessary in order to allow the approval of the application.

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

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

Mrs Apps, an objector, spoke against the application.

Mr Cearns, the applicant, spoke in support of the application.

The Environmental Health Officer stated that whilst he had not been personally involved with the application, colleagues had confirmed that the acoustic fence did not comply with the original specification.

Members raised the following points: overarching issue was the acoustic fence irrespective of when the site was in operation; EHO considered the application would be detrimental to the health of local residents so it should be refused for that reason; do not consider the application should be approved until the trial period has ended; would benefit the town and help with the regeneration of Sittingbourne town centre; should look at other stadiums in residential areas which operated speedway and what acoustic fencing they used; acoustic fencing would never be effective as bulk and weight was the only effective barrier against noise; should allow given that the acoustic fence was recommended by the Planning Inspector and the site was an important feature of Sittingbourne; wood was not a good absorber of noise, but the acoustic fence could easily be improved; applicant was not requesting an extension of time just a different start and finish time and do not see the harm in allowing; and should support local businesses.

In response to a query, the Head of Planning clarified that the acoustic fence was built to the specification as suggested by the Planning Inspector but SBC's EHO did not consider that it was effective. He considered the acoustic fence in relation to this application was a 'red-herring' and Members needed to consider the current application on its merits.

The motion to refuse the application was lost.

Councillor Barnicott moved the following motion: That speedway racing be allowed between 1800 and 2110 hours on Fridays for the period of the current trial period. This was seconded by Councillor Prescott. On being put to the vote the motion was agreed.

***Resolved: That application 15/500862/FULL be approved to allow speedway racing between 1800 and 2110 hours for elite racing with an additional 20 minutes for any reruns should they be required on Fridays for the period of the current trial period.***

#### **PART 4**

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

<b>4.1 15/500303/COUNTY</b>		
<b>APPLICATION PROPOSAL</b> County Matter - Repair and maintenance of Environmental Control Systems including the installation of additional equipment and the importation of soils to infill low spots and areas of exposed waste.		
<b>ADDRESS</b> Land At Cryalls Lane Sittingbourne Kent ME10 1HN		
<b>WARD</b> Grove	<b>PARISH/TOWN COUNCIL</b> Borden	<b>APPLICANT</b> Kent County Council <b>AGENT</b> Kent County Council

The Senior Planner reported that Borden Parish Council raised objection. They stated that there was insufficient evidence for the work to be carried out and that KCC had not made the information available. The Parish Council considered that if it was to be permitted conditions relating to the movement of lorries and parking should be imposed. They also requested that the works should not be conducted under an open-ended timescale to minimise the impact on the environmental nature of the nature reserve.

The Senior Planner further reported that a letter of objection from Councillor Gareth Randall had been received which had been emailed to Members of the Planning Committee. She stated that an additional letter of objection from a neighbouring resident had also been received, but this did not raise any fresh issues.

Mr Baker, an objector, spoke against the application.

The Chairman moved the motion to raise no objection to the application which was seconded.

The Ward Member raised the following points: the site was enjoyed by many local residents; KCC had not supplied enough evidence about the likelihood of a gas leak into the local water supply; not against the application entirely but KCC had not provided sufficient supporting evidence to show that the application was necessary; KCC should host a site meeting so local residents are made fully aware of the proposals; and it would have an adverse impact on the residential amenity of local residents and also on their quality of life.

Members raised the following points: could not made a decision until had been provided with the full facts on why the works were necessary; agree that KCC should host a site meeting given the considerable local interest; and need to know how much they intend to dump on the site to infill.

On being put to the vote the motion to raise no objection to the application was lost.

In response to a query, the Senior Planner stated that the report recommended a condition regarding time constraints. The Senior Planner suggested that rather than formally raising objection, the Committee could resolve to request further information be submitted.

Councillor Andy Booth moved the following motion: That the application be delegated to officers to register a holding objection to KCC that SBC defer the application until further information is provided by KCC, particularly in relation to the underground gas system ie how much damage there was to the pipework and evidence to demonstrate the need for the works and how much material was likely to be brought onto the site and for evidence to demonstrate the need for the works. This was seconded by Councillor Barnicott. On being put to the vote the motion was agreed.

***Resolved: That application 15/500303/COUNTY be delegated to officers to register a holding objection to KCC. That the application be deferred until further information is provided by KCC particularly in relation to the underground gas system and how much material was likely to be brought onto the site and for evidence to demonstrate the need for the works.***

## 611 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 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.***

## 612 SCHEDULE OF DECISIONS

**6.1 14/504232/FULL – Orchard Cottage, Canterbury Road, Faversham – retrospective change of use of existing agricultural store and greenhouse to retail outlet, training and storage facility; hardstanding/turning circle.**

The Senior Planner reminded Members that earlier in the meeting they had resolved to grant permission for the change of use of the site and additional hardstanding and therefore was not seeking enforcement action for that. The Senior Planner explained that the adverts were still on the site together with other structures such as storage containers and the rendering wall.

The Senior Planner also reminded Members that back in November 2010 another planning application for Orchard Cottage had been considered to form a new vehicular access to the property with a new crossover access onto London Road. The Committee resolved to grant planning permission which was subject to conditions including one that required the footpath to the east of the site on Canterbury Road to be extended to meet up with the new access. The Senior Planner explained that the condition also required details of these works to be

submitted first, but that the applicant had not submitted any details as required by the condition nor had they carried out the works to extend the footpath.

The Senior Planner sought delegation to serve an appropriately worded enforcement notice to deal with the above matter requiring the details to be submitted and the works carried out.

Councillor Mike Henderson moved the following motion: That the request for enforcement action be withdrawn and any requirement for enforcement action be considered at a later date with a new report brought to Committee if appropriate. This was seconded by Councillor Andy Booth. On being put to the vote the motion was agreed.

***Resolved: That the request for enforcement action be withdrawn and any requirement for enforcement action be considered at a later date with a new report brought to Committee if appropriate.***

## **6.2 SW/13/1075 – Faversham Linen Services, Ashford Road, Faversham – non-compliance with planning conditions and approved plans.**

The Chairman drew attention to the tabled report.

***Resolved: That appropriate Enforcement action which might include both the service of an Enforcement Notice and/or a Stop Notice pursuant to the provisions of Sections 172 and 183 of the Town and Country Planning Act 1990, as amended, requiring full compliance with all conditions of approval SW/13/1075 be taken.***

***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.***

## **613 SUSPENSION OF STANDING ORDERS**

Members agreed to the suspension of Standing Orders in order that the Planning Committee could complete its business.

Chairman

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