
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 11 June 2015 from 7.00 - 8.33 pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth, Roger Clark, Richard Darby, Mike Dendor, Mark Ellen, Sue Gent, James Hall, Mike Henderson, James Hunt, Lesley Ingham, Peter Marchington, Bryan Mulhern (Chairman), Prescott (Vice-Chairman) and Ben Stokes.

OFFICERS PRESENT: Amanda Berger-North, Philippa Davies, Andrew Jeffers, Ross McCardle, Alun Millard and Jim Wilson.

62 MINUTES

The Minutes of the Meeting held on 21 May 2015 (Minute Nos. 21 – 28) were taken as read, approved and signed by the Chairman as a correct record.

63 DECLARATIONS OF INTEREST

No interests were declared.

PART B MINUTES FOR INFORMATION

64 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 14/500247/FULL			
APPLICATION PROPOSAL			
Retention of use of land for the stationing of two mobile homes, one day room, one utility room and four touring caravans.			
ADDRESS Greenacres Holywell Lane Upchurch Kent ME9 7HP			
WARD	Hartlip, Newington & Upchurch	PARISH/TOWN COUNCIL	Upchurch
		APPLICANT	Mr P Delaney & Mr M Delaney
		AGENT	Mr Keith Plumb

The Planning Officer reported that there was an error on page 9 in the report; condition (1) needed to be amended to refer to a three-year temporary permission, not three-year commencement and condition (12) needed to be deleted as it contradicted condition (7). Delegated authority was sought to make these amendments.

The Planning Officer reported that Upchurch Parish Council had submitted a further letter, reiterating their original comments.

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

Members agreed that condition (6) should be amended to the same wording agreed for item 2.2, 'no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land' and that condition (8) included previously agreed wording to include landscaping with native species to improve bio-diversity, also covered in item 2.2.

Members raised the following comments: would like to see assessment methodology attached to future applications; how long was the temporary permission for?; this looked permanent, but sounded like it would not have got a permanent permission; sites had not been identified within Swale; the Council was failing the settled community and gypsy and travellers; we were relying on 'windfall' sites; this should be rejected; would dominate rural setting; surprised not more representation from Parish Council; and concerned with cumulative affect.

The motion to approve the application was lost.

Councillor Mike Baldock moved the following motion: That the application be refused because of the cumulative impact on harm to the countryside character and appearance and on rural amenity. This was seconded by Councillor Peter Marchington.

A Member considered that as this was a temporary permission and there was a shortage of allocated sites that the Council could lose on appeal.

It was confirmed that the permission was for three years.

On being put to the vote the motion was agreed.

Resolved: That application 14/500247/FULL be refused on the grounds of the cumulative impact on harm to the countryside character and appearance and on rural amenity.

2.2 REFERENCE NO - 14/506762/FULL			
APPLICATION PROPOSAL			
Use of land and building for the siting of a static trailer, mobile home and associated utility block within the existing barn. (Retrospective).			
ADDRESS The Barn Garretts Farm Plough Road Eastchurch Kent ME12 4JL			
WARD Sheppey Central	PARISH/TOWN Eastchurch	COUNCIL	APPLICANT Mr Henry Cooper AGENT Mr Martin Foad

The Planning Officer reported that amended plans had been received which showed the amenity block moved slightly eastwards. He sought delegated authority to correct condition (4) on page 22 of the report to read 'no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.'

Mr Martin Foad, the Agent, spoke in support of the application.

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

In response to a question, the Planning Officer confirmed that the wording in paragraph 2.01 should read 'touring caravan', not 'mobile home' and in paragraph 2.03 should read 'static caravan', not 'mobile home'.

A Ward Member considered the proposal would not cause a problem and would 'fit in' with the surrounding area.

Members made the following comments: the National Planning Policy Framework (NPPF) says this would be harmful to the countryside; support Parish Council's views; and this contravened policies E9 and E6.

The Planning Officer clarified that the site was fairly isolated in itself, but also close to Eastchurch village, and advised that the NPPF stated that new sites should be limited in open countryside when away from existing settlements and as such he did not consider this site to be isolated.

Resolved: That application 14/506762/FULL be delegated to officers to approve subject to conditions (1) to (8) in the report, with an amendment to condition (4) on page 22 of the report to read 'no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.'

2.3 REFERENCE NO - 15/501601/FULL		
APPLICATION PROPOSAL		
Variation of condition 2 of planning approval SW/11/0873 (Proposed Change of Use of first and second floor from offices to 2 x one bedroom apartments (C3). Change of use of ground floor from cafe to mixed cafe (Class A3) and hot food takeaway. (Class A5) - to allow premises to remain open until 12.00pm Monday to Saturday and 9pm on Sundays and Bank Holidays.		
ADDRESS 81 Preston Street Faversham Kent ME13 8NU		
WARD Abbey	PARISH/TOWN COUNCIL Faversham	APPLICANT Mr Sedat Cetin AGENT Jackie Ruaux Planning Consultant

The Development Manager reported that the closing date for representations was 25 June 2015 and sought delegated authority to approve the application subject to no fresh issues being submitted by that date. He also advised that the Agent had submitted a 155 signature petition in support of the proposal in April 2015.

Jackie Ruaux, the Agent, spoke in support of the application.

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

The Chairman, also a Ward Member, spoke in support of the application; he had no objection to the increased residential use and stated that the premises was situated within an area of night time economy.

Resolved: That application 15/501601/FULL be delegated to officers to approve subject to conditions (1) and (2) in the report and to no fresh issues being submitted prior to 25 June 2015, the closing date for representations.

2.4 REFERENCE NO - 14/502729/OUT		
APPLICATION PROPOSAL		
Outline (all matters reserved except access) - Demolition of brick making and drying shed, 2 stores, existing site office and a cottage; Construction of up to 250 dwellings, new vehicular access and roundabout on Western Link, public open space and associated infrastructure.		
ADDRESS Ospringle Brickworks Sumpter Way Faversham Kent ME13 7NT		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town Council	APPLICANT W T Lamb Holdings Limited AGENT LMA Planning Limited

The Major Projects Officer reported that the Greenspaces Manager had stated that delivery of the allotments should be tied to the housing and that developer contribution of £861.80 should be partly used for their restoration. The Greenspaces Manager had stated that the Council did not want responsibility of the historical structures on the site and these should be part of the open spaces and managed through a management company. The Major Projects Officer reported that Network Rail had, as set out in the report, raised concern with the consequences of the proposed housing for the adjacent pedestrian level crossing. He considered an additional condition was required for additional warning signage, and that Network Rail should be responsible for any additional safety mitigation measures, above and beyond the signage.

The Major Projects Officer reported that in respect of paragraph 9.16 and the implications for the Swale Special Protection Area (SPA), delegated authority was sought to secure clear details of the proposed mitigation, and improvement to local recreational facilities, such as signage and information boards. He reported that based on 250 houses the developer contributions for wheelie bins was £19,735; the total contribution was £1,225,132, with a 5% monitoring charge of £58,339.

The Major Projects Officer sought delegated authority to agree the tenure split of the affordable housing. The applicant was happy with 30% affordable housing, and wanted a 60-40 split in favour of affordable rented tenure. The Major Projects Officer hoped to seek a 70-30 split in line with the adopted Supplementary Planning Documents guidance.

Southern Gas Networks raised no objection to the application. Delegated authority was also sought for an additional condition in respect of the provision of underground ducting for the provision of broadband to each dwelling.

The Major Projects Officer drew Members' attention to the tabled document from the developer.

The Major Projects Officer summarised and stated that delegated authority was sought to approve the application subject to the inclusion of the extra conditions, the resolution of the affordable housing issue, the conclusion of the Section 106 Agreement, as amended above, and to fine-tune the planning conditions as necessary.

In response to a question, the Major Projects Officer confirmed that this was an outline application to decide the principle of the buildings and the access, a subsequent reserved matters application(s) would deal with the number of dwellings, landscaping, layout, external appearance and scale.

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

Members raised the following comments: as the development would not be completed before the next local plan was adopted, the site should include a gypsy and traveller site; this was an opportunity to get a safe railway crossing; local labour should be used and this should be included within the Section 106 Agreement; the railway crossing use was unlikely to increase as a result of the proposed development; apprenticeships should be included within the Section 106 Agreement; hope that some developer contribution monies could go to Oare Gunpowder Works to mitigate the impact on the Swale SPA; concerned that transport assessment numbers were low, these were likely to be higher at peak time; there was a serious demand for affordable rental housing, support 70-30 split; there was a demand for 4-bedroom housing as well; and by leaving the historic structures to a management company this would put a massive burden of management costs to residents.

With regard to the gypsy and traveller provision, the Major Projects Officer drew Members' attention to the appeal decision in the report and stated that it was not appropriate in this instance to require pitch permission on this site. He considered the developer contributions should not be used to address the level crossing issue, and that this should be included in Network Rail's own investment programme. He acknowledged that use of local labour could be included within the Section 106 Agreement.

The Chairman moved a motion for delegated authority to officers to agree a 70-30 affordable rent split, and if this was not agreed, the application be brought back to the Planning Committee. This was seconded by Councillor Mike Baldock and upon being to the vote the motion was agreed.

Resolved: That application 14/502729/OUT be delegated to officers to approve subject to the inclusion of the extra conditions; the resolution of the affordable housing issue, with 70-30 affordable housing split in favour of affordable rented tenure; the conclusion of the Section 106 Agreement, as amended above; fine-tuning of planning conditions as necessary, consideration of the inclusion of mitigation measures at the Oare Gunpowder Works to address the implications for the Swale SPA in the developer contributions, to be further discussed with Ward and adjoining Ward Members; and the Section 106 Agreement to include using local labour and apprenticeships.

2.5 REFERENCE NO - 14/502847/FULL		
APPLICATION PROPOSAL Proposed re-development to provide 6 No. detached Chalet Bungalows and 8 No. Town Houses complete with associated garages, parking and infrastructure.		
ADDRESS The Old Dairy Halfway Road Minster-on-sea Kent ME12 3AR		
WARD Queenborough & Halfway	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT New Homes And Land Ltd AGENT Kent Design Partnership

The Major Projects Officer reported that the development had marginal viability but he considered it could not go ahead without developer contributions. He advised that the applicant had agreed to a total contribution of £35,000.

The Major Projects Officer referred to paragraph 9.08 in the report and advised that the Greenspaces Manager had stated that, as the number of dwellings was relatively small, and there were other pressures for the funding, he would not pursue the allocation of funds for play area facilities in this instance.

The Major Projects Officer reported that Kent County Council (KCC) had reduced their original request for developer contributions, from £60,002.22 to £33,752.66, with a reduced payment of £1,000 for monitoring and £1,105 for wheelie bins, with the remainder of the £35,000 to be allocated to KCC.

The Major Projects Officer advised that the layout of the development had been revised, following comments by KCC Highways who did not raise objection to the application, subject to a number of conditions, already set out in the report. Three additional conditions had been requested in respect of cycle parking; highway construction details; and provision of the agreed vehicular access, before any other part of the development was constructed.

The Environmental Protection Team Leader raised no objection, but had requested further conditions in relation to impact pile driving, construction noise, dust suppression, and asbestos removal.

KCC Archaeology raised no objection, subject to a programme of archaeological works being secured by conditions.

The Major Projects Officer sought delegated authority to impose an additional condition requiring details of the proposed slab levels, to conclude and enter into a suitably worded Section 106 Agreement, and to impose additional conditions as set out above and to fine-tune the other planning conditions as necessary.

Mr Paul Sharpe, the Agent, spoke in support of the application.

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

A Ward Member spoke in support of the application, but wanted more negotiation to take place.

Members made the following comments: acknowledge low level of viability, but developer contributions were essential for this development; more information was needed on what had been agreed before a decision could be made; concern that no monies for play provision; and the hours of construction condition needed to be refined.

The Major Projects Officer confirmed that the hours of construction condition was a standard, longstanding condition, which was usually effective. He considered the wording was adequate as it was.

Resolved: That application 14/502729/OUT be delegated to officers to approve subject to conditions (1) to (23) in the report, an additional condition requiring details of the proposed slab levels, the signing of a suitably worded Section 106 Agreement as above, and additional conditions as requested by KCC Highways, the Environmental Protection Team Leader, KCC archaeology and any fine-tuning of other planning conditions as necessary.

PART 5

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

- **Item 5.1 – 13 Briton Road, Faversham**

APPEAL DISMISSED

- **Item 5.2 – 44 Orchard View, Teynham**

APPEAL DISMISSED

- **Item 5.3 – Land Adj 25 Wells Way, Faversham**

APPEAL ALLOWED

- **Item 5.4 – Elliots Farm, Harty Ferry Road, Leysdown**

APPEALS DISMISSED

65 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.

66 REPORT OF THE HEAD OF PLANNING

6.1 – REF 14/500026/OPDEV – 2 METRE HIGH TIMBER FENCING AT 17 THE POLES, UPCHURCH

The Development Manager reported that the fence to the front of the property had been reduced in height; Members agreed that enforcement action should still be taken.

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 wooden fencing within three 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