
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 2 July 2015 from 7.00 - 8.34 pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth, Tina Booth (substitute for Councillor Roger Clark), Richard Darby, Mike Dendor, Mark Ellen, James Hall, Mike Henderson, James Hunt, Lesley Ingham, Peter Marchington, Bryan Mulhern (Chairman) and Ben Stokes.

OFFICERS PRESENT: Amanda Berger-North, Philippa Davies, James Freeman, Andrew Jeffers and Graham Thomas.

ALSO IN ATTENDANCE: Councillors Paul Fleming, Mick Galvin, Nicholas Hampshire, Samuel Koffie-Williams, Ghlin Whelan, Mike Whiting and John Wright.

APOLOGIES: Councillors Roger Clark, Sue Gent and Prescott.

88 MINUTES

The Minutes of the Meeting held on 11 June 2015 (Minute Nos. 62 – 66) were taken as read, approved and signed by the Chairman as a correct record, subject to the resolution on item 2.5, The Old Dairy, Halfway Road, Minster-on-Sea, referring to application 14/502847/FULL, not 14/502729/OUT.

Councillor Mike Henderson requested that the resolution for item 2.2 (14/506762/FULL) be amended to read 'that only one commercial vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.'

Councillor Mike Baldock requested that the resolution for item 2.1 (14/500247/FULL) should be re-worded to read 'be refused on the grounds of harm to the countryside character and appearance and on rural amenity, and the cumulative impact.'

Members agreed to these amendments and the Minutes were signed.

89 DECLARATIONS OF INTEREST

Councillor James Hunt declared an interest on item 4.1 (15/500348/COUNTY), as he had voted on this item at Iwade Parish Council. He explained that he would not speak on the item, except to report Iwade Parish Council's comments.

Councillor Mike Baldock, as also being a member of Kent County Council (KCC) Planning Committee, declared an interest on items 4.1 (15/500348/COUNTY) and Deferred Item 2 (15/500303/COUNTY). Councillor Baldock did not vote or take part during discussion of these items, except as speaking as a Ward Member on Deferred Item 2.

Part B Minutes for Information

90 DEFERRED ITEMS

Def Item No. 1 REFERENCE NO - 15/501604/FULL		
APPLICATION PROPOSAL Erection of 1 four bedroom house (detached) and garage/storage building with access and amenity on land formerly used as stables		
ADDRESS R/o 95 Borden Lane Sittingbourne Kent ME10 1BX		
WARD Chalkwell	PARISH/TOWN COUNCIL Sittingbourne	APPLICANT Mr Guy Mills AGENT A N Ghosh Architects

The Development Manager reported that an amended plan of the garage had been received. This showed the garage with a reduced width from 9 metres to 8 metres, and a reduced height from 4 metres to 3.5 metres. He explained that the garage could be built under permitted development rights if such tolerances existed, as the new dwelling was not yet built and occupied.

The Development Manager reported that two further objections had been received, and he outlined the comments as follows: the garage was still too high as the gardens were on a slope; a flat roof would be better; welcome the decrease in dimensions, but still too large; and the roof would be better if hipped.

The Development Manager explained that condition (19) in the report would need to be amended to reflect the submission of the amended plans.

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

Councillor Mike Henderson moved the following amendments: That condition (2) be amended to read ‘.....renewable energy production including, but not limited to.....’ and condition (6) to delete ‘where possible’. These were accepted by the proposer and seconder.

Resolved: That application 15/501604/FULL be approved subject to conditions (1) to (19) in the report and condition (2) be amended to read ‘.....renewable energy production including, but not limited to.....’ and condition (6) to delete ‘where possible’.

Def Item No. 2 REFERENCE NO - 15/500303/COUNTY		
APPLICATION PROPOSAL 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.		

ADDRESS Land At Cryalls Lane Sittingbourne Kent ME10 1HN		
WARD Borden and Grove Park Ward	PARISH/TOWN COUNCIL Borden	APPLICANT Kent County Council AGENT Kent County Council

Mrs Jane Howard, an objector, spoke against the application.

The Chairman moved the officer recommendation of ‘no objection be raised’ and this was seconded.

A Ward Member spoke against the application. He welcomed the responses, but considered further information was needed on the hours of construction, and where the material was coming from. He considered accessibility to the site along Cryalls Lane by large trucks would be difficult, and there were no passing points.

Another Ward Member raised concern with the impact of the road movements along Wises Lane on other road users.

Councillor Mike Henderson moved the following amendment: That it be requested that KCC carried out the work within a shorter timeframe and that the two badger setts on the site be brought to KCC’s attention with the message that if the setts were disturbed, the KCC Cabinet Member may be liable to criminal proceedings. This was agreed by the proposer and the seconder.

Resolved: That no objection to 15/500303/COUNTY be raised and it be requested that KCC carried out the work within a shorter timeframe and that the two badger setts on the site be brought to KCC’s attention.

91 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 15/502978/FULL		
APPLICATION PROPOSAL Single-storey side and rear extension		
ADDRESS 8 Rooks View Bobbing Kent ME9 8GB		
WARD Grove Ward	PARISH/TOWN COUNCIL Bobbing	APPLICANT Mr Stuart Usher AGENT

The Chairman acknowledged the correspondence and update, including a letter of objection from a neighbour, the applicant’s response and a letter from his arboriculturist which had been emailed to members of the Planning Committee.

Mr Robert Holyoake, an objector, spoke against the application.

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

A Ward Member spoke against the application, in particular, the affect of the extension on the trees/hedges on the boundary.

In response to a question, the Development Manager explained that a tree expert had advised that the extension would not impact on the root system of the boundary landscaping, and that this was in fact a private matter between the applicant and the neighbours. He explained the impact on nos. 6 and 7 Rooks View was outlined in the report.

Resolved: That application 15/502978/FULL be approved subject to conditions (1) and (2) in the report.

2.2 REFERENCE NO - 15/501089/FULL			
APPLICATION PROPOSAL			
Demolition of existing commercial buildings, removal of the existing hard surface areas and the erection of 5 no dwellings with amenity space, paddocks, parking, access and landscaping as amended by drawings received 1 st June 2015			
ADDRESS Moons of Selling, Grove Road, Selling, ME13 9RR			
WARD	PARISH/TOWN	COUNCIL	APPLICANT Mrs J Sinclair AGENT Mr J Collins
	Selling		

Mr Przyjemski, 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 and considered it would ‘tidy’ the area up; he preferred four, rather than five dwellings on the site and requested that rural broadband be included.

A Member requested that condition (6) be amended to delete the words ‘where possible’. This was agreed by Members.

Members made the following comments: agreed with this use of a brownfield site; were the representations on page 47 of the report still valid after the amendments to the buildings?; welcomed removal of permitted development rights; and this was sympathetic to the surrounding area.

The Area Planning Officer reported that the representations were submitted in response to the original application. He explained that two of the houses had been

reduced in size and condition (17) in the report addressed the right to alter or enlarge the dwellings.

In response to a further question, the Area Planning Officer explained that there was only one way into the development, so he did not consider there would be an issue of alternative routes into the development/future expansion.

Resolved: *That application 15/501089/FULL be approved subject to conditions (1) to (18) in the report, including an amendment to condition (6), and the decision to be issued upon receipt of a Unilateral Undertaking from the applicant to extinguish existing commercial use rights and maintain adjoining land in agricultural use.*

2.3 REFERENCE NO - 15/500330/FULL			
APPLICATION PROPOSAL			
Change of use of land to a gypsy site comprising the stationing of one mobile home and two touring caravans, erection of a day room, associated parking space and hard-standing and the formation of an earth bund around the site (Retrospective).			
ADDRESS Keycol Farm Keycol Hill Bobbing Kent ME9 8NA			
WARD	Hartlip, Newington & Upchurch	PARISH/TOWN	COUNCIL
		Newington	
		APPLICANT	Mr J Smith
		AGENT	Woodstock Associates

The Development Manager explained that, further to the report, the deadline for comments was the 25 June 2015. Five additional representations had been received in response to the gypsy status information, which he outlined as follows: local residents' objections were not reported in full in the report; concerned that KCC Highways had withdrawn their objection; warning signs were needed on the A2; there needed to be control on any future development; and a site meeting should be held.

The Development Manager reported that condition (7) in the report was a repeat of condition (5) and he sought delegated authority to remove condition (5).

Councillor Richard Palmer, representing Newington Parish Council, spoke against the application.

Rebecca Palmer, an objector, spoke against the application.

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

A Ward Member spoke against the application. He considered the site to have poor access; the visibility splays were poor; there was a lack of passing spaces; there was scope for conflict between the gypsy and travellers and settled community; this

did not follow guidance of the National Planning Policy Framework or Planning Policy Statements; there was no maintenance agreement; waste collection was not organised, where would the bins be placed?; who had right of way entering/leaving the site; KCC Highways were wrong; traffic movement would increase; this was too large for a single family, it should be reduced in size; lack of transport infrastructure; an archaeological study was needed; this did not protect or enhance the area and a site meeting should take place.

Councillor Ben Stokes moved a motion for a site meeting. This was seconded by Councillor Mike Dendor. On being put to the vote the motion was agreed.

Resolved: That application 15/500330/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 - 15/501721/FULL			
APPLICATION PROPOSAL			
Erection of part single storey and part double storey rear extension, changes to fenestration and creation of dropped kerb at existing entrances.			
ADDRESS 19 Seathorpe Avenue Minster-on-sea Kent ME12 2HU			
WARD Minster Cliffs	PARISH/TOWN Minster	COUNCIL	APPLICANT Mr John Maude AGENT Holly Hill Architectural

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

A Ward Member spoke in support of the application. He considered it would not harm the street scene, and was sympathetic with the surrounding area.

In response to a question, the Area Planning Officer explained that whilst there was no objection to the proposed size, he considered the design could be improved so that it did not look such a mismatch of roof types and heights.

The Development Manager explained that the streetscene was a mixture, but there were concerns with the design and he suggested the application be reviewed.

The motion to refuse the application was lost.

Councillor Andy Booth moved the following motion: That the application be deferred to allow officers to negotiate an improved design in line with Swale Borough Council policies, to the satisfaction of the applicant and officers, and then

the application be returned for determination by the Planning Committee. This was seconded by Councillor Bryan Mulhern.

Resolved: That application 15/501721/FULL be deferred to allow officers to negotiate an improved design in line with Swale Borough Council policies, to the satisfaction of the applicant and officers, and then the application be returned for determination by the Planning Committee.

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.

4.1 REFERENCE NO - 15/500348/COUNTY		
APPLICATION PROPOSAL		
County Matter - Install advance thermal conversion and energy facility at Kemsley Fields Business Park to produce energy and heat, a project known as Garden of England Energy Project including construction of new buildings to house thermal conversion and energy generation plant and equipment; Construction of associated offices; Erection of external plant including storage tanks; and erection of discharge stack (KCC planning application KCC/SW/0010/2015 refers)		
ADDRESS Land Off Kemsley Fields Business Park Barge Way Sittingbourne Kent		
WARD Kemsley	PARISH/TOWN COUNCIL Sittingbourne	APPLICANT 4Evergreen Technologies Limited AGENT Kent County Council

The Area Planning Officer explained, with reference to the awaited clarification on the office building as outlined on page 80 of the report, that this had not been received yet. He stated that the building was a minor building, and he considered the height would not be significant. The Area Planning Officer advised that officers had requested a landscaping bund along Barge Way.

The Chairman moved the officer recommendation for no objection raised, subject to improved landscaping to Barge Way, receipt of outstanding consultation responses and conditions, and this was seconded.

In response to a question, the Area Planning Officer explained that it was not an incinerator and referred to page 80 of the report which outlined the concept in more detail. He also explained that the Environmental Health Manager had no objection to the application.

Councillor James Hunt reported that Iwade Parish Council had objected to the application in respect of lorry movements and the roundabouts, and residents of Kemsley were concerned with noise issues.

Resolved: That no objection be raised, subject to improved landscaping to Barge Way, receipt of outstanding consultation responses and conditions.

PART 5

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

- **Item 5.1 – 109 Ashford Road, Faversham**

APPEAL ALLOWED

- **Item 5.2 – 2 Gosmere Farm Barns, Sheldwich**

APPEAL ALLOWED AND COSTS AWARDED TO APPELLANTS

- **Item 5.3 – The Firs, Dunkirk Road South, Dunkirk**

APPEAL ALLOWED

- **Item 5.4 – 31/33 Cowper Road, Sittingbourne**

APPEAL DISMISSED

- **Item 5.5 – Brogdale Road/Brogdale Place, Faversham**

APPEAL ALLOWED

92 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.***

93 SCHEDULE OF DECISIONS

6.1 15/500955 LAND REAR OF SEAGER ROAD, SHEERNESS, ME12 2BG

Members welcomed the recommendation as set out in the report.

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 dwellings and flats from the site and the restoration of the land to its original state within six 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