
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 23 July 2015 from 7.00 - 9.30 pm

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

OFFICERS PRESENT: Peter Bell, Amanda Berger-North, Andrew Jeffers, Kellie MacKenzie, Alun Millard, Graham Thomas and Jim Wilson.

ALSO IN ATTENDANCE: Councillor Sarah Aldridge, Councillor Monique Bonney, Councillor Paul Fleming and Councillor Ghlin Whelan.

APOLOGY: Councillor Mark Ellen.

128 MINUTES

The Minutes of the Meeting held on 2 July 2015 (Minute Nos. 88 – 93) were taken as read, approved and signed by the Chairman as a correct record.

129 DECLARATIONS OF INTEREST

Councillor Mike Baldock noted that the Sittingbourne Society had made comments on some of the applications. Councillor Baldock stated that whilst he was a member of the Sittingbourne Society, he had not been involved in any discussions with them about any of the applications.

Councillor Mike Baldock, as also being a member of Kent County Council (KCC) Planning Committee, declared an interest on item 4.1 (15/503584/COUNTY) Councillor Baldock left the room during consideration of this item.

Councillor Richard Darby declared an interest with regard to item 4.1 (15/503584/COUNTY) as he was a member of the Halfway Houses Residents' Association. Councillor Darby took no part in respect of this item.

Councillor Bryan Mulhern, declared an in interest in respect of item 2.2, as he worked for Shepherd Neame. Councillor Mulhern left the room during consideration of this item. Councillor Prescott, as Vice-Chairman, took the chair for this item.

130 PLANNING WORKING GROUP

The Minutes of the Meeting held on 14 July 2015 (Minute Nos. 99 – 100) were taken as read, approved and signed by the Chairman as a correct record.

15/500330/FULL – Keycol Farm, Keycol Hill, Bobbing, Kent, ME9 8NA

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

The Senior Planner reported that following a request by a Member at the site meeting she had contacted Kent County Council's (KCC) Archaeological Officer for his comments on how potential archaeology should be treated at the site now that most of the ground work had already taken place. He was clear that had archaeology been found during engineering works, the advice would have been to record it and leave it in situ. He also considered that undertaking an archaeological investigation now would therefore be pointless because any archaeology would have already been disturbed. He advised that imposing a condition to require a programme of archaeological work for any further groundwork was the best course of action.

The Senior Planner reported that KCC Highways had been requested to comment on road traffic accident records along this stretch of the A2 and were also asked to comment on why this proposal was different to the previous planning applications for development using the same access in the 1980s which were refused on highway safety grounds. They had provided a detailed response which had been tabled for Members to read in full.

The applicant's agent had sent various reports to, and by, the United Nations and Council of Europe in respect of their position on gypsy site provision in the UK. The Senior Planner noted those reports were printed some years ago, the most recent being 2009. The advice contained within the committee report on pages 60 and 61 in respect of the need to consider the Human Rights Act and various other acts was current and correct.

The Senior Planner reported that one additional letter had been received from a neighbour which reiterated objections already raised by local residents.

Councillor Mike Henderson moved the following motion: That a landscaping condition be imposed. The condition to include that the laurel bushes be removed from the site. This was seconded by Councillor Andy Booth.

The Senior Planner stated that a landscaping condition was already suggested and drew attention to condition (6) of the report. She suggested that removal of the laurel bushes could be included within that condition. This was agreed by Members.

A Member raised the following concerns: lapse response by KCC we should not be bound; how would officers monitor and enforce conditions?; should wait to hear from Bobbing Parish Council before considering the application; cohesion between gypsy and settled community and would upset the balance of the local community; and would allow overlooking of residents gardens.

In response to a query from a Member, the Senior Planner stated that it would not be fair to consider any other potential traffic that may or may not use the site as a consequence of any future planning applications. She explained that as an agricultural site there were already a number of different types of vehicles using the access.

Resolved: That application 15/500330/FULL be approved subject to conditions (1) to (8) in the report, the imposition of a condition requiring a programme of archaeological work for any further groundwork and condition (6) to require the removal of the laurel bushes.

131 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 15/503737/FULL		
APPLICATION PROPOSAL Retrospective application for the insertion of replacement windows to the front elevation as amended by revised drawing received by email 17 June 2015.		
ADDRESS 4 London Road, Faversham, Kent, ME13 8RX		
WARD Watling	PARISH/TOWN COUNCIL Faversham	APPLICANT Mr Tomlin AGENT MRW Design

The Area Planning Officer clarified the application for Members.

Mr Lamoon, an objector, spoke against the application.

The Conservation Officer stated that, without exception, officers would always recommend wooden sash windows on a property that was within the Article 4(2) part of Faversham conservation area. However, Swale Borough Council is also bound by Government Guidance and SBC’s own policy to improve and enhance the character of the conservation area and he considered the proposed windows would be an improvement.

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

Members considered the application and raised the following points: concern that exceptions kept being made to the Article 4(2) Direction; did not consider this to be an improvement; other residents had gone to a lot of trouble to install timber so why should this be allowed; have to listen to officers and raise no objection when improvements were trying to be made in a conservation area; and would be more appropriate if any colour other than white was to be used.

Resolved: That application 15/503737/FULL be approved subject to conditions (1) and (2) in the report.

2.2 REFERENCE NO - 15/501851/FULL
APPLICATION PROPOSAL Change of use from retail shop (Use Class A1) to micropub (Use Class A4)

ADDRESS 37 Preston Street, Faversham, Kent, ME13 8PE		
WARD Abbey	PARISH/TOWN COUNCIL Faversham	APPLICANT Whitstable Brewery AGENT John Elvidge Planning Consultancy

The Vice-Chairman took the chair for this item.

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

Members welcomed the application and raised the following points: micro-pubs generally did not have problems with anti-social behavior; and people tend to walk to this type of establishment, so parking would not be an issue.

In response to a query from a Member, the Area Planning Officer clarified the procedure that would be taken in respect of condition (2) sound insulation.

Resolved: That application 15/501851/FULL be approved subject to conditions (1) to (5) in the report.

2.3 REFERENCE NO - 15/504308/FULL		
APPLICATION PROPOSAL Alterations to external doors and the creation of ramped access. As amended by the revised drawing and specifications received 7 July 2015 indicating that the Aco drain shall be substituted for a Marshalls Mono Slot drain.		
ADDRESS St Mary of Charity Church, Church Road, Faversham, Kent		
WARD Abbey	PARISH/TOWN COUNCIL Faversham	APPLICANT St Mary of Charity Vicar and PCC AGENT Lee Evans Architects

The Conservation Officer introduced the application and did not consider the minor improvements proposed would have an adverse impact on the church, whilst allowing them to meet their disabled access objectives.

The Area Planning Officer reported that Historic England raised no objection.

Reverend Rowlands, the Applicant, 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.

Resolved: That 15/504308/FULL be approved subject to conditions (1) and (2) in the report.

2.4 REFERENCE NO - 15/503484/FULL			
APPLICATION PROPOSAL Erection of single storey side extension linking garage to main house with insertion of rooflights.			
ADDRESS Chapel Farm, Hillside Road, Stalisfield, Kent, ME13 0JE			
WARD East Downs Ward	PARISH/TOWN COUNCIL Stalisfield	APPLICANT Mr Richard Wright AGENT Mr Patrick Sullivan	

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

The Ward Member raised objection and considered that the proposed garage was too large.

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 14/503484/FULL be deferred to allow the Planning Working Group to meet on site.

2.5 REFERENCE NO - 14/501647/OUT			
APPLICATION PROPOSAL Demolition of existing building. Outline planning application for re-development of the site for 12 detached dwellings with appearance, landscaping and scale reserved.			
ADDRESS Southlands, Rook Lane, Bobbing, Sittingbourne, Kent, ME9 8NL			
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Bobbing	APPLICANT Kent and Medway NHS Social Care Partnership Trust AGENT Mr David Stewart	

The Major Projects Officer reported that comments had been received from Natural England (NE), who noted that the site was three kilometres south of the Medway Estuary and Marshes Special Protection Area, Ramsar site, and Site of Special Scientific Interest (SSSI). NE raised no objection based on designated nature conservation sites. Subject of a financial contribution to strategic mitigation the proposal was unlikely to have a significant effect on these sites and could be screened out from any requirement for further assessment. The Major Projects Officer further reported that NE considered that a contribution should be made to the Thames, Medway and Swale Estuaries Strategic Access Management and

Monitoring Strategy and mitigation – consisting of £223.58 per dwelling or £2,682.96 in total and should be in place before the dwellings were occupied.

The Major Projects Officer reported that further to paragraph 9.14, on page 30, of the report KCC Developer Contributions had withdrawn their request for a contribution for Secondary School places.

The Major Projects Officer stated that he was also awaiting comments from the KCC Sustainable Drainage Systems (SUDS) drainage team with regard to surface water drainage.

The Major Projects Officer advised that further to paragraph 2.03, on page 20 of the report, the Code for Sustainable Homes had been formally cancelled by the Government. As such, condition (17), on page 34, would need to be re-drafted to refer to the submission and approval of a package of sustainable design and construction measures, rather than to the Code for Sustainable Homes.

The Major Projects Officer reported that delegated authority was sought to approve the application, subject to the Environment Agency lifting their objection, clarification in respect of whether to retain the tree covered by a Tree Preservation Order in the rear garden of plot 2, the views of KCC SUDS Team, the re-drafting of condition (17) to refer to the submission and approval of a package of sustainable design and construction measures, rather than the Code for Sustainable Homes, conditions as set out in the report, and the signing of a suitably worded Section 106 Agreement.

Parish Councillor Randall, representing Bobbing Parish Council, spoke against the application.

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

A Ward Member spoke against the application and considered the site should be kept as a hospital.

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

Members considered the application and raised the following points: highway safety concerns in respect of the access onto the A2; was an isolated site; would impact on a rural landscape; would have an adverse impact on the views of local residents; and request that any Section 106 monies were spent locally; note that the site is enclosed on two sides, and note the existing play area on the adjacent housing development.

Resolved: That application 14/501647/OUT be delegated to officers to approve subject to conditions (1) to (28) in the report, the Environment Agency lifting their objection, clarification in respect of whether to retain the tree covered by a Tree Preservation Order in the rear garden of plot 2, the views of KCC SUDS Team, the re-drafting of condition (17) to refer to the submission and approval of a package of sustainable design and

construction measures, and the signing of a suitably worded Section 106 Agreement.

2.6 REFERENCE NO - 14/503384/FULL			
APPLICATION PROPOSAL			
Permission is sought for change of use of land to residential caravan site, for one Gypsy Traveller family.			
ADDRESS Windmill Farm Yaugher Lane Hartlip Kent ME9 7XE			
WARD	Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL	APPLICANT Mr Mark Curtis AGENT Mr Joseph Jones
		Hartlip	

The Senior Planner stated that the applicant’s agent had provided a report on the healthcare needs of the applicant, which detailed the significant healthcare concerns of Mr Curtis and therefore the need to have access to on-going and consistent healthcare.

The Senior Planner reported that Hartlip Parish Council had written to reiterate their previous objections. They queried whether there was any evidence that the applicant was a gypsy and whether there had been any further information in respect of their healthcare needs. Whilst they accepted that it was important for a family to have a stable place to live to access healthcare, they considered that this contradicted the nomadic way of life of gypsies. The Parish Council reiterated that it was not in a sustainable location and disagreed with planning officers in respect of the impact on residential and visual amenities, highway safety and the character of the countryside and landscape. The Senior Planner stated that the Parish Council considered that the site would be prominent from a number of view points, including Hartlip Conservation Area, particularly in the winter months. They also did not consider that the site had sufficient room to meet good practice guidance for gypsy plots and requested that Members visited the site.

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

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

Members raised the following points: does not meet the accessibility to facilities criteria as set out in the site assessment; have to accept as we do not have five year supply; will have an adverse impact on Queendown Warren; and was not an environmentally friendly site.

Councillor Mike Baldock moved a motion for a site meeting. This was seconded by Councillor Richard Darby. On being put to the vote the motion was lost.

Resolved: That application 14/503384/FULL be approved subject to conditions (1) to (9) in the report.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 14/506248/OUT		
APPLICATION PROPOSAL		
Outline (Access not reserved) - Mixed use development of up to 580 residential dwellings, circa 400sqm (Use Class A1) retail, landscape, public open space and associated works.		
ADDRESS Land South of Swanstree Avenue, Highsted Road, Sittingbourne, Kent, ME10 4LU		
WARD West Downs	PARISH/TOWN COUNCIL Rodmersham	APPLICANT Gladman Developments Ltd AGENT

The Major Projects Officer drew attention to the tabled addendum report, which supported and clarified aspects of the main report.

The Major Projects Officer reported that with regard to air quality, the Environmental Protection Team Leader had provided further comments to clarify the position in respect of the implications of the development for air quality: he continues to object to the development on the basis that it would have a cumulative adverse impact – along with other large-scale housing developments on air quality on all four of the Borough’s Air Quality Management Areas, namely Newington, the two in Sittingbourne, and Ospringe Street in Ospringe.

The Major Projects Officer reported that further to the third party comments as summarised in the report, on pages 67 and 68 in the report, two further letters had been received. The new comments were largely as summarised in the report and as follows: appalled that the Council did not determine the application in the 13-week period; this was incompetent and officers should be disciplined.

The Major Projects Officer stated that as this was a substantial planning application (supported by a number of technical reports) and officers (within the Council and at other organisations) needed to ensure that it was assessed thoroughly which was why it had taken longer to process.

The Major Projects Officer reported that Highways England, who managed the strategic road, had now commented on the proposals. They noted that it would impact upon their network, which included the A249 and M2, and considered that further information should have been provided to allow a proper assessment of the highway impacts.

The Major Projects Officer recommended that in conclusion, and as set out in the tabled addendum report, Members resolved that had an appeal not been lodged against non-determination, the application would have been refused for the reason set out in the tabled report.

Parish Councillor Jordan, representing Rodmersham Parish Council, spoke against the application.

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

Ward Members raised strong objection to the application and raised the following points: would have a major damaging impact on the surrounding landscape; had received a large volume of complaints about the application from local residents; and new primary school would be required to support 580 new properties.

A Ward Member then read out various concerns from local residents which included: would have an adverse impact on the local community; should not be building on prime agricultural land, but brownfield sites; would exacerbate parking problems in Swanstree Avenue and Brenchley Road which would make the current road network unsafe; local schools were already over-subscribed; would exacerbate parking problems at Sittingbourne Memorial Hospital; picturesque countryside views would be destroyed; was an important archaeological area where Roman remains had already been uncovered; there were badger setts on the land; Kent Police say the application was not sound; inadequate infrastructure; and not allocated in the Local Plan.

Members spoke in objection to the application and raised the following points: was an insidious application which Members would never have approved; would create in-filling from Sittingbourne to Rodmersham; very disappointed that Officers had not determined the application within the permitted timescales; officers needed to seek outside assessments which will go forward to support refusal at appeal; welcome Highways England comments that the application would impact on the road networks of the A249 and M2; support the supplementary report in relation to Special Protected Areas, as it was clear that major development did have an impact upon them; and it was clear that the development would have a clear and adverse impact on local schools, doctors surgeries, and the local road networks.

Resolved: That if an appeal had not been submitted to Planning Inspectorate (PINS) then the application 14/506248/OUT would have been refused.

3.2 REFERENCE NO - 14/500144/FULL		
APPLICATION PROPOSAL		
Change of use of land to use as an extension to existing caravan site to form a total of 6 no. caravan pitches, each containing two caravans of which no more than one will be a static caravan/mobile home, including the laying of hard standing and erection of two amenity buildings.		
ADDRESS Edentop Sheppey Way Bobbing Kent ME9 8QP		
WARD Grove Ward	PARISH/TOWN COUNCIL Bobbing	APPLICANT Mr Robert Beck AGENT Mr Philip Brown

Parish Councillor Randall, Bobbing Parish Council, spoke against the application.

Mr Ashby, an objector, spoke against the application.

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

A Ward Member spoke against the application.

In response to a query from a Member, the Major Projects Officer stated that planning enforcement officers had inspected the site on several occasions but had found no reason to take enforcement action.

Resolved: That application 14/500144/FULL be refused.

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 - 15/503584/COUNTY		
APPLICATION PROPOSAL		
Regulation 3 (KCC). Relocation of Halfway Houses Primary School including expansion from two form entry to three form entry comprising the construction of a part single, part two storey building with games court, sports pitches, car parking, drop off area and hard and soft landscaping.		
ADDRESS Land at Danley Road Minster-on-sea Kent		
WARD Queenborough Halfway	PARISH/TOWN COUNCIL & Minster-on-Sea	APPLICANT KCC Property and Infrastructure Support AGENT KCC

The Major Projects Officer stated that contrary to recommendation, on page 108 of the report, the comments of KCC Highways had been received, as set out in paragraph 6.06, on page 113 of the report. They raised no objection.

The Major Projects Officer reported that disappointingly KCC had approved the application last week. He stated that they should have considered SBC's comments before making a decision.

Mr Hayes, an objector, spoke against the application.

A Ward Member welcomed the application.

In response to a query from a Member, the Major Projects Officer stated that if an application for housing at the site was submitted, the Borough Council would be responsible for determining that application, not KCC.

Discussion ensued about why the decision on the application had already been made by KCC. The Major Projects Officer agreed to look into the matter.

Resolved: That no objection be raised to application 15/503584/COUNTY.

PART 5

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

- **Item 5.1** – Scotts Hill, Old House Lane, Lower Hartlip
Appeal Allowed.
- **Item 5.2** – Focus, West Street, Sittingbourne
Appeal Allowed.
- **Item 5.3** – 62 Park Drive, Sittingbourne
Appeal Dismissed.
- **Item 5.4** – Roseann, Saxon Avenue, Minster
Appeal Dismissed.
- **Item 5.5** – 77 High Street, Milton Regis
Appeal Dismissed.

132 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).***

- 4. Information relating to any consultation or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and any employees of, or office holders under, the authority.**
- 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**
- 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.**
- 7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.**

133 SCHEDULE OF DECISIONS

6.1 ENF/MIN/27/07 – construction of driveway and access at land adjacent to Sud Regarde, Elm Lane, Minster

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 driveway and reinstatement of the land to its former condition within 6 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.

ENFORCEMENT SCHEDULE

At this point there was discussion about when the planning enforcement schedule would be considered. Some Members explained that at the recent meeting of the Policy Development and Review Committee officers had explained that Members would soon be able to access details of all enforcement cases in their wards online.

Some Members still considered that the enforcement schedule should be considered at Planning Committee every three months.

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