
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 28 April 2016 from 7.00 - 9.10 pm.

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

OFFICERS PRESENT: Tracey Beattie, James Freeman, Kate Jardine, Kellie MacKenzie, Ross McCardle, Alun Millard, Steve Wilcock and Jim Wilson.

ALSO IN ATTENDANCE: Councillors Bowles, David Simmons and John Wright.

APOLOGY: Councillor James Hall.

648 FIRE EVACUATION PROCEDURE

The Chairman ensured that those present were aware of the emergency evacuation procedure.

649 MINUTES

The Minutes of the Meeting held on 7 April 2016 (Minute Nos. 634 – 641) were taken as read, approved and signed by the Chairman as a correct record subject to the following amendment: Minute No. 638 item 2.4 15/507311/FULL 66 Park Drive, Sittingbourne, the words “could not be supported” be deleted from the final paragraph.

650 DECLARATIONS OF INTEREST

No interests were declared.

651 PLANNING WORKING GROUP

The Minutes of the Meeting held on 18 April 2016 (Minute Nos. 646 – 647) were taken as read, approved and signed by the Chairman as a correct record.

15/507246/FULL 320 Minster Road, Minster

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

The Planning Officer reported that additional plans had been received showing two parking spaces provided for the existing property.

A Member drew attention to the condition suggested by Kent County Council (KCC) Highways and Transportation relating to use of a bound surface for the first five

metres outlined in the Committee report from the meeting held on 7 April 2016. He noted that planning officers did not consider it necessary, however, he felt that it was, as it would stop stones being thrown out onto Minster Road. Members agreed that this condition should be included.

Members raised the following points: would still be an over-intensification of the site but as only for the family was not a problem; and a bit ‘tight’ but could not see a problem.

Resolved: That application 15/507246/FULL be approved subject to conditions (1) to (14) in the report and the imposition of a condition relating to use of a bound surface for the first five metres of the access from the edge of the highway as suggested by KCC Highways and Transportation.

652 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO – 15/510082/FULL		
APPLICATION PROPOSAL		
Demolition of rear extension and outbuildings. Erection of rear and side extensions and loft conversion to include dormers and rooflights.		
ADDRESS 46 Hartlip Hill Hartlip Kent ME9 7NZ		
WARD Hartlip, Newington & Upchurch	PARISH/TOWN COUNCIL Hartlip	APPLICANT Mr S Collins AGENT Mr Simon Edgington

Mr Shane Collins, the applicant, spoke in support of the application.

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

A Ward Member spoke against the application. He raised the following concerns: share the concerns of Hartlip Parish Council about the size of the proposed extension in relation to other properties in the vicinity; would cause material harm to the streetscene; and the scale of extension was not in accordance with rural restraint policies.

Members raised the following points: sympathetic design and would be an improvement; why was the site considered an ‘exception’ to normal council policy on development in the countryside, it was designated as being in the countryside as set out in Swale Borough Local Plan 2008; would cause overlooking; acceptable design; not imposing and would not cause overlooking; and fits in well with the plot.

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

In response to queries, the Planning Officer reported that he did not have details of the ridge heights of surrounding properties, however the proposed ridge height for

the extension was 600mm higher than the existing which was not significant. There was a mix of properties opposite the site, with houses and chalet bungalows. With regard to concerns about overlooking the Planning Officer stated that rooflights would be on the side elevation and to the middle of the roofspace, as set out in paragraph 8.09 of the Committee report, and in his view the application could not be justifiably refused on grounds of overlooking.

There was some discussion about the 267% increase in floor space, and the Planning Officer stated that there were other properties in the Hartlip Hill area which had 300% increases in floor space, so this proposal was not the largest in that respect. The Planning Officer confirmed that there would be no amendment to the Built-up Area boundary for Hartlip, and such extensions were a result of historic decisions and the particular circumstances.

Resolved: That application 15/510082/FULL be approved subject to conditions (1) to (4) in the report.

2.2 REFERENCE NO – 15/508144/FULL		
APPLICATION PROPOSAL Erection of attached dwelling, creation of garden and associated landscaping.		
ADDRESS 6 Sheerstone Iwade Kent ME9 8RN		
WARD Bobbing, Iwade & Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT Whitby Building Solutions Ltd. AGENT Robinson Escott Planning

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

The Ward Member spoke against the application and raised the following concerns; was over-intensive; other houses in the vicinity were semi-detached this proposal would make them terraced; the resulting gardens would be too small and would exacerbate issues around sewerage and parking.

Councillor Ben Stokes 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 15/508144/FULL be deferred to allow the Planning Working Group to meet on site.

2.3 REFERENCE NO - 15/508661/FULL		
APPLICATION PROPOSAL Demolition of existing 3 x four storey block of flats and erection of 40 affordable dwellinghouses with associated parking and landscaping.		
ADDRESS Ceres Court, Eagles Close, Sittingbourne, Kent ME10 3RJ		
WARD Murston	PARISH/TOWN COUNCIL	APPLICANT AmicusHorizon Limited AGENT Fullerlong

The Major Projects Officer reported that the applicant had submitted a Nesting Bird Assessment in respect of the trees to be removed as part of the proposal. It stated: *“No field signs or bird activity was observed during the survey to indicate that nesting birds would be effected by the tree works on site.*

With no field signs detected during either site visit we are recommending the proposed tree removal scheduled for the 8th take place without delay.”

The Major Projects Officer further reported that with regard to reptiles, a dedicated survey was awaited. He sought delegated authority to approve the application, subject to this matter being satisfactorily dealt with and, if appropriate, to impose a further condition or conditions. He advised that slow worms were the only reptile likely to be found at the site. With respect to trees, the applicant had provided explanatory plans in support of the tree survey, but he remained of the view that although a number of trees had been felled to accommodate the new development, their loss could be successfully mitigated through appropriate replacement landscaping.

The Major Projects Officer explained that further to paragraph 6.11 (on pages 23 and 24 of the Committee report), KCC Ecology had provided additional comments. Additional conditions were required in respect of (i) ‘strictly limiting the works that can take place during the bird breeding season’ and a requirement to (ii) ‘survey the site for hedgehogs prior to the commencement of development’. Additional drawings in the form of street scenes and showing how the development would look from Gorse Road had now been received.

The Major Projects Officer stated that with regard to Section 106 contributions, the agent had agreed to a 3% monitoring charge (amounting to £5,129.61), which though less than the standard 5%, in this instance was considered to be acceptable; with regard to the wording of the Section 106 Agreement in respect of affordable housing (and further to paragraph 7.8 on page 29), the legal agreement would require that all of the dwellings are provided as affordable units.

The Major Projects Officer concluded that authority was sought to approve the application on the basis of the information in the Committee report and of the above points of clarification, and to make such minor amendments to planning conditions and the wording of the Section 106 Agreement as may reasonably be required.

Mrs Juliet Heap, the Agent, spoke in support of the application.

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

In response to a query, the Major Projects Officer stated that the amenity/games area would be retained in its current position on the western side of the site.

Members raised the following points: lovely scheme and applaud officers for dialogue with the applicants; congratulate AmicusHorizon and hope that they ensure the public areas of the site are maintained.

Resolved: That application 15/508661/FULL be delegated to officers to approve subject to conditions (1) to (26) in the report, receipt of a dedicated reptile survey and, if appropriate, suitable condition(s) as requested by KCC Ecology, addition conditions required in respect of (i) ‘strictly limiting the works that can take place during the bird breeding season’ and a requirement to (ii) ‘survey the site for hedgehogs prior to the commencement of development’ as requested by KCC Ecology; amendments to the Section 106 Agreement to include a 3% monitoring charge and that all the dwellings are provided as affordable units, and to make such minor amendments to planning conditions and the wording of the Section 106 Agreement as may reasonably be required.

2.4 REFERENCE NO – 15/510605/FULL		
APPLICATION PROPOSAL Removal of condition 2 to allow permanent use of the stadium for speedway of planning permission SW/09/0314.		
ADDRESS Central Park Stadium Church Road Sittingbourne Kent ME10 3SB		
WARD Murston	PARISH/TOWN COUNCIL n/a	APPLICANT Cearnsport Ltd AGENT Ms Mary Power

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

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

A Member, not a member of the Planning Committee, spoke in support of the application. He considered the use of the site for speedway was important to help with the regeneration of Sittingbourne.

Members raised the following points: the application would help to attract people into the town so should support; should give credence to the concerns raised by local residents about noise and not be too dismissive; had the Council done enough to mitigate noise; should consider scientifically monitoring noise at areas where the most complaints had come from; request for scientific monitoring was unnecessary and offensive to officers who had provided a clear report in that regard; and considered as much as possible has been done to mitigate noise.

In response to queries, the Environmental Health Officer reported that in September 2014 noise levels were monitored and were significant, however it was a calm night with no wind which enabled more noise to be heard. He explained that whilst they were still not happy with the acoustic fence, the number of complaints had dropped significantly. The Environmental Health Officer confirmed that he had been involved in sound testing in Oak Road.

Resolved: That application 15/510605/FULL be approved subject to conditions (1) to (12) in the report.

2.5 REFERENCE NO – 15/510595/OUT

APPLICATION PROPOSAL

Outline application with all matters reserved (except for the details of a vehicular access point from London Road, including the widening and realignment of the A2) for residential development of up to 126 dwellings (including 30% Affordable), plus 60 units of Extra Care (Use Class C2), an allocated 1/4 acre of serviced land for potential doctors surgery, planting and landscaping, informal open space, children's play area, surface water attenuation, and associated ancillary works (Resubmission of 15/500671/OUT).

ADDRESS Land Off London Road Newington Kent

WARD Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL Newington	APPLICANT Mr Gladman Developments
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Councillor Mike Baldock raised concern that a representative from Hartlip Parish Council had not been able to speak on this item which he considered was not consistent with the Council's Constitution. The Chairman explained that the application site was within the parish of Newington and suggested that the Member speak to the Monitoring Officer outside of the meeting about his concern.

The Major Projects Officer outlined the application and placed it in context with the original scheme (reference 15/500671/OUT) and drew attention to the tabled papers which included: planning and environmental health officers response to Councillor John Wright's emails; KCC Highways and Transportation response to Councillor John Wright's emails; a new letter of objection from Newington Parish Council and the officer update.

The Major Projects Officer drew attention to the tabled officer update and the various additional representations that had been received from third parties, the additional information in respect of brick-earth and in respect of air quality, and the new comments from technical consultees: KCC Ecology, KCC Developer Contributions, Highways England, Kent Police, UK Power Networks and Southern Gas Networks.

The Major Projects Officer concluded that the information received about brick-earth did cast doubt on the practicability and viability of extracting brick earth prior to development of this site. Whilst it was possible to view the failure to extract such deposits as a negative economic cost, the wider benefits of the proposal outweighed the harm in this regard in his view. Officers remained of the view that the development was acceptable and that the Planning Inspectorate should be advised accordingly.

Parish Councillor Stephen Harvey, Newington Parish Council, spoke against the application.

Mr Richard Knox-Johnson, representing the Council for the Protection of Rural England, spoke against the application.

At this point the Chairman invited questions from Members on the tabled papers.

In response to queries about comments raised by Newington Parish Council, the Major Projects Officer drew attention to pages 117 and 118 of the Committee report which set out why officers considered the proposal was sustainable. He noted that Pond Farm would be taken out of agricultural use, but officers had considered that the benefits of the proposal outweighed the harm in that regard.

The KCC Highways and Transportation Officer reported that whilst there may be an extra 250 vehicle movements from the application site it would not all be leaving or accessing the site at the same time. He stated there would be an additional 60 movements through the village at peak times and 1,500 vehicles currently pass through Newington in each of those peak hours, so the increase associated with the development therefore amounted to a relatively small amount.

In response to queries from Members, the Major Projects Officer explained that the applicants had lodged two appeals for non-determination, this application and another one which was for 330 properties at the site (and relating to 15/500671/OUT, which Members considered in August 2015). The Planning Inspector was receiving representations on how to manage both applications and there may be a public inquiry in June 2016 and although this was confirmed in respect of 15/500671/OUT it was not yet known whether 15/510595/OUT would also be considered at that Inquiry. The Major Projects Officer stated that in terms of appeal costs the Committee needed to be confident that they had behaved reasonably when considering the application and made their decision on material planning grounds.

The Head of Planning Services reminded Members that they needed to consider this application on its merits.

With regard to Section 106 monies for education going to Regis Manor, the Major Projects Officer advised that during the appeal Members could request this went to the local school in Newington, though evidence would need to be provided in order to justify such a request.

The Chairman moved the officer recommendation to advise the Planning Inspectorate that the Council supported the proposals and this was seconded.

A Ward Member spoke against the application and raised points which included: have some sympathy with planning officers as there is so much information that needs to be considered and provided with the application; need to consider the outcomes of the emerging Swale Local Plan (Bearing Fruits 2031) and KCC Waste and Minerals Plan announced on the 19 April; lights from vehicles leaving the site would have an adverse impact on properties in London Road; the Council's Landscape and Visual Impact Consultants recommend refusal this has been ignored by officers; need to consider the results of the KCC Waste and Mineral Plan recently published; need to consider cumulative impact of development as this is a material planning consideration; no Section 106 monies for local school or recreation area; traffic assessment was not carried out correctly; vehicle movements would double; does not comply with the National Planning Policy Framework (NPPF); does not improve the quality of the village; and a lot of questions remained unanswered.

Members raised concerns which included: contrary to the emerging Local Plan; site lies within an important strategic gap would be undermining our own Local Plan; the recently published KCC Minerals and Waste Plan states that a 25-year supply of brick earth is essential and this type of development is fundamental for promoting brick earth reserves to be used; bullet point five of paragraph 17 of the NPPF does not apply and there is case law to support this; Council's climate Change Officer has concerns why have officers ignored this advice; consider that the developer is trying to 'blackmail' the Council by stating that if we approve this they will not pursue the appeal for their other application; the proposed third lane of traffic should be removed as it will cause problems; the Section 106 monies should not be used for Key Street roundabout but Church Road in Newington which has issues with on-street parking; and why is the Council approving applications like this, we should be listening to the public?

Councillor Mike Henderson proposed the following reasons for refusing the application if the motion to approve were to be lost:

- In principle the application is over-intensive for Newington and an expansion of 20% to the size of the village is not sustainable;
- Loss of potential brick earth resource;
- Increased pressure on the highways and therefore an increase in pollution and impact on the Air Quality Management Area;
- Loss of best and most versatile high quality agricultural land;
- Not economically sustainable (contrary to the NPPF);
- Not environmentally sustainable (contrary to the NPPF). The Council's Environmental Protection Officer has concerns.
- Not socially sustainable;
- Contrary to Policies E1, E6, E7 and H2 of the adopted Local Plan;
- Loss of listed building and heritage assets;
- Inadequate Travel Plan

In accordance with Procedure Rule 19(5) a recorded vote was taken on the motion to approve the application and voting was as follows:

For: Councillors Roger Clark and Bryan Mulhern.

Against: Councillors Mike Baldock, Cameron Beart, George Bobbin, Andy Booth, Richard Darby, Mike Dendor, Mark Ellen, Sue Gent, Paul Fleming; Mike Henderson, Lesley Ingham; Peter Marchington, Colin Prescott and Ben Stokes.

Abstention: Councillor James Hunt

The motion to approve the application was lost.

Councillor Mike Henderson moved a motion to refuse the application. This was seconded by Councillor Mark Ellen.

At this point the Head of Planning Services used his delegated powers 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 be deferred to the next meeting of the Committee, when the Head of Planning Services should advise Members of the prospects of such a decision if challenged on appeal and if it becomes the subject of a costs application.*

PART 5

Item 5.1 – 226 Chequers Road, Minster

APPEAL ALLOWED

Item 5.2 – 1 New House, Broom Street, Graveney

APPEAL DISMISSED AND THE ENFORCEMENT NOTICE UPHELD WITH AMENDMENTS

653 EXCLUSION OF THE PRESS AND PUBLIC

(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.*

654 REPORT OF THE HEAD OF PLANNING

6.1 Ref 15/500958/OPDEV 68A Dumergue Avenue, Queenborough, Kent, ME11 5BH

Resolved: That the Head of Planning Services be authorised to serve an Enforcement Notice pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring the removal of the walls, gates and the hardstanding within 3 months of the Notice taking effect.

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

655 ADJOURNMENT OF MEETING

The meeting was adjourned at 7.55pm and reconvened at 8pm.

Chairman

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