
PLANNING COMMITTEE

MINUTES of the Virtual Meeting held Via Skype on Thursday, 17 September 2020 from 7.00pm - 10.11pm.

PRESENT: Councillors Cameron Beart, Monique Bonney, Roger Clark, Simon Clark, Mike Dendor, Tim Gibson (Chairman), James Hall, James Hunt, Carole Jackson, Elliott Jayes, Peter Marchington, Benjamin Martin (Vice-Chairman), Ben J Martin, David Simmons, Paul Stephen, Tim Valentine and Tony Winckless.

OFFICERS PRESENT: Rob Bailey, Philippa Davies, James Freeman, Benedict King, Kellie MacKenzie, Graham Thomas and Jim Wilson.

ALSO IN ATTENDANCE: Mike Baldock, Steve Davey, Ken Rowles, Roger Truelove and Corrie Woodford.

107 INTRODUCTION

The Chairman explained that the meeting would be conducted in accordance with the Local Authorities and Police and Crime Panel (Coronavirus) Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392.

In welcoming all Members and members of the public, the Chairman explained which Swale Borough Council officers were in attendance.

108 MINUTES

The Minutes of the Meeting held on 20 August 2020 (Minute Nos. 44 – 46) were taken as read, approved and signed by the Chairman as a correct record.

109 DECLARATIONS OF INTEREST

Councillor Monique Bonney declared a Disclosable Pecuniary Interest in respect of item 2.1 20/503138/FULL Units 4 and 5 Bourne Place, St Michaels Road, Sittingbourne as she was the Cabinet Member for Economy and Property. Councillor Bonney left the meeting during consideration of this item.

Councillor David Simmons declared a Disclosable Non-Pecuniary Interest in respect of item 2.2 19/503077/FULL Land at Woodhill, Stalisfield Road, Ospringe as his wife was a member of Ospringe Parish Council.

Councillor Roger Clark declared a Disclosable Non-Pecuniary Interest in respect of item 18/506328/OUT Land lying to the South of Dunlin Walk, Iwade (Planning Working Group item) as he had been in discussions with local residents about the application. Councillor Clark stated that he had not pre-determined the application.

110 PLANNING WORKING GROUP

The Minutes of the Meeting held on 2 September 2020 (Minute Nos. 59 – 64) were taken as read, approved and signed by the Chairman as a correct record.

20/500490/FULL Seaview Holiday Camp, Warden Bay Road, Leysdown

In response to queries raised at the site meeting the Area Planning Officer reported that the replacement chalets would have a footprint of 5.5 metres x 10 metres whilst the existing chalets had a footprint of 5.2 metres x 7.4 metres. He explained that although not shown on the elevations or floorplans, decking was proposed to the front and side of each replacement chalet, highlighted by the hatched area on the proposed block plan. The Agent had requested a condition be imposed if necessary, to secure details of the decking. Each chalet would have one parking space.

The Area Planning Officer stated that at the site meeting a Member had queried whether the developer contributions would be required as five of the chalets (which would have 12-month occupancy) were replacing caravans which only had 10-month occupancy. The Area Planning Officer advised that there were less than 10 new permanent dwellings proposed, and as such developer contributions were not triggered.

The Area Planning Officer further reported that the Agent did not agree with the suggestion by Members to impose the 50% sustainability condition, and stated that the replacement chalets would be significantly more efficient than the existing ones, being fully insulated, with a high quality metal sheeting used for the roofing, the windows were double glazed and central heating was installed. The chalets were also erected on concrete slabs with damp proof membrane. The Agent considered that to comply with a 50% reduction in Dwelling Emission Rate this would have a significant impact upon viability. The added cost of further improving sustainability over and above the measures set-out above, would significantly increase construction costs. The Area Planning Officer reported that the Agent would accept a condition to reflect the best possible (and viable) carbon reduction that could be achieved by the replacement chalets. The Agent had suggested an amendment to the standard condition now used, deleting reference to a 50% improvement over the building regulations and instead simply requiring a dwelling emission rate better than that required by the building regulations.

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

Members were invited to debate the application and the following points were made:

- The existing chalets were dilapidated and the new chalets would enhance the site;
- these would be permanent dwellings and developer contributions should be provided;
- disappointed that the 50% sustainability condition could not be imposed; and
- should refuse the application as they could not accommodate the 50% sustainability, and also the piece-meal nature of the application which was deliberate to avoid developer contributions.

On being put to the vote the motion to approve the application was lost.

Councillor Mike Dendor moved the following motion to refuse the application: That the application be refused as the 50% sustainability provision was not being met. This was not seconded.

The Area Planning Officer stated that he understood Members' disappointment and suggested deferring the application to allow officers and Ward Members to discuss the viability details further. He advised against including piece-meal development as a reason to refuse the application as this could not be supported by officers at any subsequent appeal.

Councillor James Hunt moved the following motion: That the application be deferred to allow officers and Ward Members to negotiate with the applicant's Agent the provision of 50% sustainability measures. This was seconded by Councillor Mike Dendor.

On being put to the vote the motion was agreed.

Resolved: That application 20/500490/FULL be deferred to allow officers and Ward Members to negotiate with the Applicant's Agent the provision of 50% sustainability measures.

20/500400/OUT Land South of Chequers Road, Minster-on-Sea

The Area Planning Officer introduced the application and reminded Members that an appeal against non-determination of the application had been submitted earlier in the year. The appeal had now been registered by the Planning Inspectorate and therefore rather than determining the application, the Council and the Committee needed to decide how the application would have been determined if the appeal had not been submitted. That would determine the Council's case at the appeal.

The Area Planning Officer reported that a neighbour had mentioned at the site meeting that a site notice had not been posted and that neighbour notifications were inadequate. The Area Planning Officer reported that a site notice had been posted on Chequers Road roughly opposite the entrance of the site on the 7 February 2020, and that 10 letters had been sent to the properties that surrounded the site.

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

A Ward Member spoke against the application. He stated that the application should be refused as it was outside the built-up area boundary of Minster and within the open countryside.

Members were invited to debate the application and the following points were made:

- Access concerns;

- it was contrary to the Council's Local Plan Policy ST3 (Swale Settlement Strategy);
- concerned that there had been significant tree felling at the site;
- it was an incursion into the local countryside;
- refusing small applications such as this would not help the Council achieve its five-year housing supply; and
- the five-year housing supply was not a reason to approve applications which were not suitable.

On being put to the vote the motion to approve the application was lost.

Councillor Cameron Beart moved the following motion: That the application be refused as it was outside of the built-up area boundary and the site was within the open countryside and located within the important Countryside Gap and it would cause demonstrable harm to the value, landscape setting and beauty of the countryside. It was also contrary to policies ST3, ST6, DM24 and DM25 of the adopted Bearing Fruits 2031: The Swale Borough Local Plan (2017). This was seconded by Councillor Mike Dendor.

There was some discussion about whether to include highway safety issues as a reason for refusing the application. The Area Planning Officer advised against this as Kent County Council (KCC) Highways and Transportation had no objections to the application. Members agreed not to include this as a reason to refuse.

On being put to the vote the motion to refuse the application was agreed.

Resolved: That application 20/500400/OUT be refused as it was outside the built-up area boundary and the site was within the open countryside and located within the important Countryside Gap and would cause demonstrable harm to the value, landscape setting and beauty of the countryside. It was also contrary to policies ST3, ST6, DM24 and DM25 of the adopted Bearing Fruits 2031: The Swale Borough Local Plan (2017).

19/505353/FULL Danedale Stables, Chequers Road, Minster-on-Sea

The Area Planning Officer introduced the application and drew attention to the questions from a Member raising highway matters, and the responses provided by KCC Highways and Transportation which had previously been emailed to members of the Committee and published on the Council's website.

The Area Planning Officer stated that following a request from Members at the site meeting, the agent had provided a street-scene elevation plan showing the proposed five houses and the nine houses currently under construction to the west of the site.

The Area Planning Officer reported that a Member had raised a query regarding archaeology, and he referred to paragraph 6.7 on page 31 of the report which set-out the KCC Archaeologist's recommendation to impose a condition regarding a programme of works. The Area Planning Officer stated that it was condition (4) of the report.

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

A Ward Member spoke against the application. He stated that it was not a suitable location and was on the boundary line into open countryside.

Members were invited to debate the application and the following points were made:

- Concerned about access to and from the site;
- access was near a bend in the road and had poor visibility onto it;
- it was contrary to the Council's Local Plan Policy ST3 (Swale Settlement Strategy);
- it would have an adverse impact on the setting of the countryside;
- concerned with the design and layout;
- the site was an open vista over Brambledown and Lower Road particularly;
- the proposed dwellings were a lot bigger than adjacent ones;
- it was not a sustainable location;
- there was no footpath along the east of the site;
- it would demonstrably harm the local countryside; and
- should refuse on grounds of it being detrimental to the visual amenity of the area and the lack of a footpath.

On being put to the vote the motion to approve the application was lost.

Councillor Cameron Beart moved the following motion to refuse the application:

- (1) The development was outside of the built-up area boundary and the site's location within the open countryside and located within the important Countryside Gap would cause significant and demonstrable harm to the value, landscape setting and beauty of the countryside, contrary to policies ST1, ST3, ST6, DM24 and DM25 of the Swale Borough Local Plan 2017. This was seconded by Councillor Elliott Jayes.
- (2) The proposed pedestrian route to shops, services and public transport would be convoluted and unlikely to be used, and therefore the majority of occupiers of the development would rely on the private car for all journeys. As such, the proposals would not constitute sustainable development and would be contrary to policies ST1, ST3, ST6 and CP3 of the Swale Borough Local Plan 2017) and to paragraphs 8 and 11 of the National Planning Policy Framework. This was seconded by Councillor Elliot Jayes.

Councillor Monique Bonney added the following motion to refuse the application:

- (3) The site lies in a prominent location and the design and layout of the proposed development fails to respect the topography of the site or its countryside location. As such, the development would cause significant harm to the character and appearance of the streetscene, the countryside and the wider area, in a manner contrary to Policies ST1, CP4 and DM14 of the

Swale Borough Local Plan 2017. This was seconded by Councillor Elliot Jayes.

On being put to the vote the motions to refuse the application were agreed.

Resolved: That application 19/505353/FULL be refused on the grounds that the development was outside of the built-up area boundary and the site's location within the open countryside and located within the important Countryside Gap would cause significant and demonstrable harm to the value, landscape setting and beauty of the countryside, contrary to policies ST1, ST3, ST6, DM24 and DM25 of the Swale Borough Local Plan 2017; The proposed pedestrian route to shops, services and public transport would be convoluted and unlikely to be used, and therefore the majority of occupiers of the development would rely on the private car for all journeys. As such, the proposals would not constitute sustainable development and would be contrary to policies ST1, ST3, ST6 and CP3 of the Swale Borough Local Plan 2017) and to paragraphs 8 and 11 of the National Planning Policy Framework; and the site lies in a prominent location and the design and layout of the proposed development fails to respect the topography of the site or its countryside location. As such, the development would cause significant harm to the character and appearance of the streetscene, the countryside and the wider area, in a manner contrary to Policies ST1, CP4 and DM14 of the Swale Borough Local Plan 2017.

18/506328/OUT Land lying to the South of Dunlin Walk, Iwade

The Major Projects Officer introduced the application and referred to the tabled papers which had previously been emailed to members of the Committee and published on the Council's website.

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

Ward Members spoke against the application and raised the following points: this was over-development of the site; poor access; close proximity to Iwade Primary School; loss of green space; it would result in overlooking and overshadowing to the school; highway concerns particularly in respect of children walking to school; the junction with Sanderling Way was not suitable; it would cause demonstrable harm to the area; and Iwade Parish Council strongly objected.

Members were invited to debate the application and the following points were made:

- The site was not included in the Council's Local Plan or Strategic Housing Land Availability Assessment and there was a good reason for that;
- It would not significantly contribute to the Council's five-year housing supply;
- there was already significant housing development in Iwade;
- would be putting a junction in an area where local people liked to walk;
- the harm of approving outweighed the benefit;
- it was not a suitable housing 'windfall' site;

- sympathised with local residents but there were no planning material reasons to refuse;
- the land had never been designated as green space;
- the applicants were providing suitable drainage mitigation measures;
- if Members approved the application suggest that condition (2) in the report relating to the expiration of reserved matters be amended to “expiration of **two** years” not three;
- it was a shame to build on a local greenspace;
- overlooking to the school was unacceptable;
- it would increase access and parking problems in the area;
- the design and layout did not fit-in with the rest of the estate;
- there would not be enough turning and parking areas for delivery vans;
- residents had been advised by the developer that the area would be kept as a green space;
- the land was owned by the applicant and never promised to the school;
- KCC Education had been offered the land but they had turned it down;
- there had never been any legal agreement with the school to have the land;
- needed to consider the wider residential access;
- it required adequate boundary treatment/landscaping otherwise it would have a detrimental impact on the school;
- it would be detrimental to residential amenity; and
- it was a shame to deprive local residents of open green space.

In response to queries, the Major Projects Officer stated that they could negotiate with the Applicant’s Agent for trees or hedging along the boundary of the school, and also, if all parties agreed, developer contributions for soft landscaping on the school side of the fence. He also explained that as the application was in outline with all matters other than access reserved, the details provided for layout were illustrative only and that the layout would only be agreed at the reserved matters stage, should the outline application be approved. He reported that the distance from the school and the proposed dwellings would be significantly more than the Council’s minimum standard for back-to-back development of housing, indicating that there was sufficient space for the proposed housing to be accommodated.

On being put to the vote the motion to approve the application was lost.

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 would be deferred to a subsequent meeting of the Committee when the Head of Planning Services would advise Members of the prospects of such a decision if challenged on appeal and if it becomes the subject for costs.

19/506038/REM Land Fronting Painters Forstal Road, Ospringe

The Area Planning Officer introduced the application.

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

The Ward Member said that as a member of the local community he was aware of the need for the community hall, however he had concerns about the impacts it would have on the residents of the adjacent farmhouse. He noted that Ospringe Parish Council had objected to the application.

Members were invited to consider the application and made the following points:

- Sympathised with the concerns of the residents of the adjacent farmhouse;
- the main issue was the siting of the car park, but even if it was located away from the adjacent farmhouse, that area could still be used as the over-flow car park;
- the local community were crying-out for a community hall;
- believed that the hall would be well managed;
- adequate screening should be provided to protect the visibility of the adjacent farmhouse;
- tree screening would be provided; and
- appalled that the applicant was positioning the car park adjacent to the farmhouse.

In response to queries from Members, the Area Planning Officer stated that it would not be possible to amend the hours of operation or impose a condition for energy efficiency measures at Building Research Establishment Environmental Assessment Method standard rating as these were conditions which had been considered and agreed when the outline application had been considered in 2018, and could not be amended at the reserved matters stage.

Resolved: That application 19/506038/REM Land Fronting Painters Forstal Road, Ospringe be approved subject to conditions (1) to (8) in the report.

111 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO – 20/503138/FULL		
APPLICATION PROPOSAL		
Change of use (including minor external alterations) of vacant units for use as an indoor bowling alley (Class D2).		
ADDRESS Units 4 & 5 Bourne Place, St Michaels Road, Sittingbourne, Kent, ME10 3JY		
WARD Chalkwell	PARISH/TOWN COUNCIL	APPLICANT Mr Keith Pullinger (Deputy Chairman)

		& Founder) AGENT Burrows Little Ltd
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The Major Projects Officer introduced the report.

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

A Ward Member supported the application.

In response to a query from a Ward Member, the Major Projects Officer stated that he was unsure how much shorter the bowling lanes would be than standard ones and showed Members drawings of the scaling and the proposed internal layout. He also advised that this was not a material planning consideration.

Members were invited to debate the application and the following points were raised:

- Welcomed the application which would help to support the night-time economy of Sittingbourne; and
- concerned that the Applicant had already commenced work inside the building before permission had been granted.

Resolved: That application 20/503138/FULL be approved subject to conditions (1) to (6) in the report.

2.2 REFERENCE NO – 19/503077/FULL		
APPLICATION PROPOSAL Demolition of existing redundant outbuilding and erection of a building comprising of campsite reception, Office and 2no. holiday lets. Change of use of agricultural land and erection of 3no. holiday pods, single bay garage and plant room, new vehicular access, parking, amenity space and associated landscaping. Demolition of existing outbuildings. As amended by drawing no's. 1936 01C; 02A; 03; 04B; 05G; 06C; 07F; 08A; 09 and 10.		
ADDRESS Land at Woodhill, Stalisfield Road, Ospringe, Faversham, Kent, ME13 0HA		
WARD East Downs	PARISH/TOWN COUNCIL Ospringe	APPLICANT Mr Nuttall AGENT Kent Design Studio Ltd

Mr Thijs Bax, the Agent, was unable to attend the meeting. His statement in support of the application was read-out by the Democratic Services Officer.

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

A Ward Member noted that the applicant had worked to reduce the impact of the proposal. However he was concerned about the impact on the local highway network in particular on Brogdale Road.

Resolved: That application 19/503077/FULL be delegated to officers to approve subject to conditions (1) to (19) in the report and securing of the appropriate Strategic Access Management and Monitoring Strategy (SAMMS) contributions.

2.3 REFERENCE NO – 20/502727/FULL		
APPLICATION PROPOSAL Conversion of existing residential accommodation on the first and second floor to create 3 no. flats and replacement of all windows of similar type.		
ADDRESS First Floor and Second Floor, 80A Preston Street, Faversham, Kent, ME13 8NU		
WARD Abbey	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Mr Greg Knight AGENT Parashoot Architects

The Area Planning Officer introduced the application.

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

Members were invited to debate the application and the following points were made:

- Considered the size of the flats was too small, but acknowledged that it met the Council’s standards;
- concerned that flats one and two had been “squeezed-in”;
- welcomed the application as there was a need for this type of housing in Faversham;
- unhappy with the layout which would have an adverse impact on future occupants;
- very concerned about the size, it was very small;
- how could the Council monitor and enforce that only one person lived in the proposed flats?;
- were the two bins proposed for the adjacent betting shop or flats?;
- lack of light to flat one due to the small size of the window;
- the Council’s Supplementary Planning Guidance was out-of-date and needed to be brought up to modern standards; and
- would the bars on the windows be removed?.

The Area Planning Officer stated that the bins provided were he assumed, for the flats. He explained that if the windows were made bigger it would have an impact on the architecture of the building. There was some discussion about removal of the bars from the windows and a Member stated that building control regulations would require them to be removed. The Area Planning Officer suggested delegation to officers to confirm with the Applicant that they would be removed. This was agreed by Members.

Resolved: That application 20/502727/FULL be delegated to officers be approve subject to conditions (1) to (3) in the report and confirmation that the bars would be removed from the windows and securing of the appropriate SAMMS contributions.

2.4 REFERENCE NO – 20/502743/FULL		
APPLICATION PROPOSAL Demolition of existing bungalow and erection of a pair of semi-detached bungalows with associated car parking.		
ADDRESS Grasmere, 5 Drake Avenue, Minster-on-Sea, Sheerness, Kent, ME12 3SA		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Mr J Baker AGENT Michael Gittings Associates

The Area Planning Officer introduced the report which officers recommended for approval subject to the conditions in the report and the provision of SAMMS contributions.

Mr Andrew Street, on behalf of the Agent, spoke in support of the application.

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

A Ward Member spoke in support of the application.

Members were invited to debate the application and the following points were raised:

- This type of development was much needed in the area;
- disappointed that Minster Parish Council had not attended the meeting to state their objections;
- more disabled properties like this were needed;
- the bathrooms were too small, would they be able to accommodate a wheelchair?;
- condition (10) needed to be amended to make it clear that one electric vehicle charging unit per dwelling would be provided; and
- could condition (1) be amended to “The development hereby permitted shall be begun before the expiration of **two** years from the date of this permission.” Rather than 3?.

The Area Planning Officer reported that condition (1) was a standard condition and officers would need to demonstrate that it was an exceptional scheme to be able to reduce the time period to two years. With regard to condition (10), the Area Planning Officer agreed that it was vague and suggested that it be delegated to officers to amend to ensure that one electric vehicle charging unit per dwelling would be provided before each dwelling was occupied.

Councillor Monique Bonney moved the following addendum: That condition (10) be delegated to officers to amend to ensure that one electric vehicle charging unit per dwelling would be provided before each dwelling was occupied, and that officers negotiate with the Applicant's Agent whether the proposed bathrooms were compliant with the Equalities Act. This was seconded by Councillor Benjamin Martin. On being put to the vote the addendum was agreed.

Resolved: That application 20/502743/FULL be delegated to officers to approve subject to conditions (1) to (10) in the report, the provision of SAMMS contributions, condition (10) be delegated to officers to amend to ensure that one electric vehicle charging unit per dwelling would be provided before each dwelling was occupied, and that officers negotiate with the applicant's agent whether the proposed bathrooms were compliant with the Equalities Act.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO – 20/502186/FULL		
APPLICATION PROPOSAL		
Erection of a first floor and two storey front extension. Alterations to fenestration including window and door to south east elevation.		
ADDRESS Starwood, Scarborough Drive, Minster-on-Sea, Sheerness, Kent, ME12 2NF		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Mr Duncan Olden AGENT N H Associates

The Area Planning Officer reported that the applicant has written to the case officer, setting-out why they felt permission should be granted: the road had a variety of properties such as bungalows, chalet bungalows, newly built houses, detached and semi-detached houses, with each and every property having its own design and character on their road; they were not extending their property any further than the footprint that was already there; neighbours had no objections to the plans; 75 properties had been approved at the bottom of the road, they were a completely different style to anything that was already on the road, even including 3 storey houses. Did not understand why this proposal was considered harmful yet the new builds were not, and needed the space due to growing children.

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

Resolved: That application 20/502186/FULL be refused for the reason given in the report.

PART 5

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

- **Item 5.1 – Land at 99 The Street Newnham**

APPEAL DISMISSED

DELEGATED REFUSAL

A Ward Member was pleased with dismissal of the appeal, as the application was beyond the settlement boundary of Newnham.

- **Item 5.2 – Elliotts Farm Harty Ferry Road Leysdown**

APPEAL ALLOWED

DELEGATED REFUSAL

A Member considered this was a “baffling” decision.

- **Item 5.3 – 1 Fairview Cottages, Frinsted Road, Milstead**

APPEAL DISMISSED

DELEGATED REFUSAL

- **Item 5.4 – 19 Albany Road, Sittingbourne**

APPEAL DISMISSED

NON-DETERMINATION

A Ward Member stated that he was delighted with the inspector’s decision.

- **Item 5.5 – Land rear of 148 High Street, Newington**

APPEAL DISMISSED

DELEGATED REFUSAL

112 ADJOURNMENT OF MEETING

The Meeting was adjourned from 9.07pm to 9.10pm.

113 EXTENSION OF STANDING ORDERS

At 10pm, Members agreed to the suspension of Standing Orders in order that the Committee could complete its business.

Chairman

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