

**SCHEDULE OF DECISIONS**

**PART 2 - Applications for which PERMISSION is recommended**

**2.1 SW/12/0195 (Case 5310) Minster**

**Location :** Kingsbury Caravan Park Ltd, Bell Farm Lane, Minster, Kent, ME12 4JA

**Proposal :** Variation of condition (3) of NK/8/53/116A to allow 10 month holiday use

**Applicant/Agent :** Mr Patrick Delaney, C/O Mr John Burke, John Burke Associates, 13 Morris Court Close, Bapchild, Sittingbourne, Kent, ME9 9PL

The Area Planning Officer gave an update to extend the occupancy period at holiday parks in relation to the National Planning Policy Framework (NPPF) for applications 2.1, 2.2, 2.3, 2.4 and 2.5. He reported that, in his view, there were few implications and the NPPF broadly encouraged sustainable economic development, which the extension of the occupancy periods at these parks would bring about. It specifically stated that planning policies should support the growth and sustainable expansion of the rural economy, and sustainable rural tourism.

***Resolved: That application SW/12/0195 be approved subject to conditions (1) to (4) in the report.***

**2.2 SW/12/0118 (Case 13506) Eastchurch**

**Location :** Cliff Cottage Chalet Park, Fourth Avenue, Eastchurch, Sheppey, Kent, ME12 4EW

**Proposal :** Variation of condition (i) of permission granted under reference NK/8/61/1824 to allow chalets to be used between 1st March & 3rd January

**Applicant/Agent :** Eastchurch Holiday Centre, C/O Mr Keith Plumb, Woodstock Associates, 53 Woodstock Road, Sittingbourne, Kent, ME10 4HJ

A Ward Member spoke against the proposal. He made the following comments: fully supported the views of the Parish Council; was not sustainable in Eastchurch and roads were often impassable during the winter months and 117 bus routes had been cancelled to-date as a result.

***Resolved: That application SW/12/0118 be approved subject to conditions (1) to (4) in the report.***

**2.3 SW/11/1530 (Case 08550) Minster**

**Location :** Seacliff Gardens, Seacliff Holiday Estate, Oak Lane, Minster, Sheppey, Kent, ME12 3QS

**Proposal :** Variation of Condition 6 of planning permission SW/03/0197 to permit 10 month occupancy

**Applicant/Agent :** Mr Brian Clulow, Seacliff Holiday Estate Ltd, Suncotte, Oak Lane, Minster, Sheerness, Kent, ME12 3QP

The Area Planning Officer reported that Minster Parish Council raised objection and considered the proposal *“to be detrimental to the social and environmental amenity of the community because of the lack of infrastructure and other facilities as planned to suit the projected number of actual houses and dwellings”*. They also noted that chalets were commercial operations and were *“therefore under no requirement to contribute towards the Borough Council and Local Authority services”*.

The Area Planning Officer further reported that one letter of objection had been received, noting that the road was a single lane, and vehicles accessing the park frequently blocked residents’ driveways. The Head of Service Delivery raised no objection.

**Resolved: That application SW/11/1530 be delegated to Officers to approve subject to conditions (1) to (4) in the report.**

**2.4 SW/12/0114 (Case 02184) Eastchurch**

**Location :** Pleasant View, First Avenue, Eastchurch, Sheerness, Kent, ME12 4JW

**Proposal :** Variation of condition 2 of planning permission SW/80/296 to extend the occupancy period to 10 months between 1st March - 3rd January

**Applicant/Agent :** Eastchurch Holiday Centre Ltd, C/O Mr Keith Plumb, Woodstock Associates , 53 Woodstock Road, Sittingbourne, Kent, ME10 4HJ

The Major Projects Officer reported that the Environment Agency raised no objection.

A Ward Member spoke against the proposal. He made the following comments: fully supported the views of the Parish Council; was not sustainable in Eastchurch and roads were often impassable during the winter months and 117 bus routes had been cancelled to-date as a result.

**Resolved: That application SW/12/0114 be approved subject to conditions (1) to (4) in the report.**

**2.5 SW/12/0113 (Case 00892) Eastchurch**

**Location :** Sunnymead Caravan Park, Fourth Avenue, Eastchurch, Sheerness, Kent, ME12 4EW

**Proposal :** Variation of condition 2 of planning permission NK/8/60/99 to extend the occupancy period to 10 months between 1st March - 3rd January

**Applicant/Agent :** Eastchurch Holiday Centre Ltd, C/O Mr Keith Plumb, Woodstock Associates, 53 Woodstock Road, Sittingbourne, Kent, ME10 4HJ

The Major Projects Officer reported that the Environment Agency raised no objection.

A Ward Member spoke against the proposal. He made the following comments: fully supported the views of the Parish Council; was not sustainable in Eastchurch and roads were often impassable during the winter months and 117 bus routes had been cancelled to-date as a result.

***Resolved: That application SW/12/0113 be delegated to Officers to approve subject to conditions (1) to (4) in the report.***

**2.6 SW/12/0115 (Case 00785) Eastchurch**

**Location :** Eastchurch Holiday Camp, Fourth Avenue, Eastchurch, Sheppey, Kent, ME12 4EW

**Proposal :** Variation of condition (i) of the permission granted under NK/8/49/57 to allow chalets & caravans to be used between 1st March & 3rd January

**Applicant/Agent :** Eastchurch Holiday Centre Ltd, C/O Mr Keith Plumb, Woodstock Associates, 53 Woodstock Road, Sittingbourne, Kent, ME10 4HJ

The Major Projects Officer reported that the Environment Agency raised no objection.

A Ward Member spoke against the proposal. He made the following comments: fully supported the views of the Parish Council; was not sustainable in Eastchurch and roads were often impassable during the winter months, he reported that 117 bus routes had been cancelled to-date during the winter months in the area.

The Ward Member asked that the Environment Agency should visit the site and make their views known.

***Resolved: That application SW/12/0115 be approved subject to conditions (1) to (4) in the report.***

**2.7 SW/11/1609 (Case 15508) Boughton**

**Location :** 35 The Street, Boughton, Faversham, Kent, ME13 9BA

**Proposal :** Change of use from C3 (dwelling house) to C2 (residential institutions) care home for 4 clients. Care professional on site

**Applicant/Agent :** Miss Chloe Morgan, C/O Mr Tom Brown, 34 Fallowfield, Chatham, Kent, ME5 0DX

The Area Planning Officer reported that following receipt of amended drawings showing increased parking provision, Kent Highway Services (KHS) now raised no objection.

A Ward Member spoke against the proposal, he considered the development should not be allowed within the village.

***Resolved: That application SW/11/1609 be approved subject to conditions (1) to (2) in the report.***

**2.8 PN/11/0151 (Case 04414) Ospringe**

**Location :** Little Kennaways, Stalisfield Road, Ospringe, Faversham, Kent, ME13 0AB

**Proposal :** Prior Notification of a new Agricultural barn

**Applicant/Agent :** Mr & Mrs P Murphy, C/O Mr Keith Plumb, Woodstock Associates, 53 Woodstock Road, Sittingbourne, Kent, ME10 4HJ.

The Area Planning Officer reported that both Ospringe Parish Council and neighbours had been re-consulted on amended drawings, which reduced the extent of the works. Following this, one letter from the neighbouring property had been received which commented as follows: welcome the applicant's intention to restore the upper part of the field, but wish to ensure that approval of this does not infer approval of the proposed building; welcome the admission by the applicant that part of his land was used for equestrian purposes, and ask that the Council reviews its acceptance of agricultural use of the land in question, given the pattern of use since its sale by the original farmer some years ago; note that the access to the site from Box Lane has been blocked, presumably to prevent trespass; the prior notification process was being used erroneously as the land was clearly not in agricultural use, suggesting that a full planning application should be made, and welcoming the Council's transparent handling of the planning process.

The Area Planning Officer stated that the issue of agricultural use was not new, and was referred to on page 55 of the report, paragraph two. He did not consider that the other matters raised would affect the recommendation.

Mrs Talbot, an objector, spoke against the proposal.

The Ward Member moved a motion for a site visit as the proposal was in an Area of Outstanding Natural Beauty. This was seconded by Councillor Alan Willicombe. On being put to the vote the motion was lost.

***Resolved: That application PN/11/0151 be approved.***

**2.9 SW/11/1612 (Case 24525) Faversham**

**Location :** 7 Caslocke Street, Faversham, Kent, ME13 7JU

**Proposal :** Installation of replacement door and windows to front of property

**Applicant/Agent :** Mr J Walsh, C/O Miss Emily Sharratt, Anglian Home Improvements, National Administration Centre, Anglian Home Improvements, PO Box 65, Norwich, Norfolk, NR6 6EJ

The Area Planning Officer recommended a further condition requiring technical details of the windows.

***Resolved: That application SW/11/1612 be approved subject to conditions (1) and (2) in the report and a further condition requiring technical details of the windows.***

**2.10 SW/12/0100 (Case 24375) Minster**

**Location :** Land adjacent to 32 Woodland Drive, Minster, Sheppey, Kent, ME12 2RU

**Proposal :** Demolition of existing garage to 32 Woodland Drive and provision of car parking to front. Erection of new 3 bedroom dwelling on land adjacent to 32 Woodland Drive

**Applicant/Agent :** Mr J Baker, C/O Michael Gittings Associates, 14 Vale Road, Loose, Maidstone, Kent, ME15 0EP

The Area Planning Officer reported that two letters of support and two further letters of objection had been received which he summarised for Members.

Ms Lowe, the applicant, spoke in support of the proposal.

A Ward Member spoke against the proposal. He considered it was an over-intensification of the site and would have an adverse impact on the streetscene.

In response to concerns about parking, the KHS Officer explained that given that a vehicle could be parked on the driveway there would be no harm to the highway so it would be very difficult to refuse on highway grounds.

***Resolved: That application SW/12/0100 be approved subject to conditions (1) to (16) in the report and to amendments to the grounds of condition (6), removing reference to PPS1.***

**2.11 SW/11/0516 (Case 03922) Iwade**

**Location :** Village Hall, Ferry Road, Iwade, Nr Sittingbourne, Kent, ME9 8RG

**Proposal :** Outline application for 6 terraced houses and 4 semi-detached houses with access from Ferry Road to parking area and 4 garages.

**Applicant/Agent :** Mr James Hunt, Iwade Parish Council, 18 Monins Road, Iwade, Sittingbourne, Kent, ME9 8TY

The Major Projects Officer brought Members' attention to an error in the report as there were two conditions numbered (14), and advised that the condition would be correctly numbered on the decision notice.

The Major Projects Officer reported that the Greenspaces Officer raised no objection and considered there would be a small reduction in the space available for formal sports at the recreation ground site, but that the hall could potentially become available for use for different and more varied sport.

The Major Projects Officer further reported that the applicant had requested details of 'layout' be deleted from the application, and 'reserved' for consideration under a

subsequent application if this proposal was approved. That would have the effect of setting aside the need for Members to contemplate the merits of the layout under this application; consideration was restricted to the principle and the proposed access. This means that the points raised by KHS, with the exception of the point about the width of the access, could be set aside for consideration at the reserved matters stage.

The Major Projects Officer explained that with regard to KHS comments about the width of the access, the proposed position was acceptable, but the layout details submitted would need to show this having a minimum width of 4.8 metres. Therefore delegation was required to impose an additional condition requiring that the layout showed the access being at least this width.

The Major Projects Officer explained that following the cancellation of policy guidance in the PPGs and PPSs, policies PPG13 (transport), PPS1 (delivering sustainable development) and PPS3 (housing) mentioned in the report were covered by policies in the Swale Borough Local Plan and the NPPF broadly gave guidance about sustainable development, housing and transport. With regard to PPS25 (flood risk), he considered that although this was not covered in the Local Plan, it was covered in the NPPF and in his opinion suggested an approach that was very similar to the advice that had been given by PPS25. He noted that the Environment Agency raised no objection. As such, he considered that the introduction of the NPPF did not affect the acceptability of the development, which he considered to be in accordance with national guidance and the policies of the Local Plan.

The Major Projects Officer therefore sought delegation to approve, subject to re-numbering of conditions as outlined above, amendment to condition (1) to include reference to details of the “layout”, an additional condition to require that the access be a minimum of 4.8 metres in width, and the removal of references to PPGs and PPSs from the grounds for conditions and conditions (1) to (17) in the report.

Mr Pugh, a supporter, spoke in favour of the proposal.

A Member welcomed the proposal as the current village hall was ‘tired’, not large enough for functions and parking was difficult. A Member stated the importance of ensuring the views of both the old and new residents of Iwade were considered.

***Resolved: That application SW/11/0516 be delegated to Officers to approve, subject to re-numbering of conditions, amendment to condition (1) to include reference to details of the “layout” and an additional condition to require that the access be a minimum of 4.8 metres in width and the removal of references to PPGs and PPSs from the grounds for conditions and conditions (1) to (17) in the report.***

**2.12 SW/12/0117 (Case 08835)**

**Boughton**

**Location :** Former Garden Hotel, 169 The Street, Boughton, Nr Faversham, Kent, ME13 9AB

**Proposal :** Application for a new planning permission & listed building consent to replace extant permission/consent to extend time limit for implementation. Proposed development; Demolition of existing rear extensions, alterations & new extension to listed building (former Garden House Hotel in Boughton Under Blean) to form 10 individually designed dwellings. Works to include improved access, new parking arrangement and integrated landscaping (See also SW/12/0121 for Listed Building Consent)

**Applicant/Agent :** Fajast Holdings Ltd, C/O JAP Architects, 29a High Street, Clare, Suffolk, CO10 8NY

The Area Planning Officer reported that two further letters of objection had been received re-iterating points already summarised in the report about traffic and parking issues.

The Area Planning Officer stated that the agents for KCC had requested developer contributions for slightly less issues than previously agreed, totalling £26,130.60 for the entire scheme.

In response to concerns about the dilapidation of the premises, the Conservation Officer reported that Officers would continue to monitor its condition and carry out enforcement action if required.

**Resolved: That application SW/12/0117 be approved subject to conditions (1) to (17) in the report and the completion of a Section 106 Agreement.**

**2.13 SW/12/0121 (Case 08835) Boughton**

**Location :** Former Garden Hotel, 169 The Street, Boughton, Nr Faversham, Kent, ME13 9AB

**Proposal :** Application for a new listed building consent to replace extant consent to extend time for implementation. Proposed development; Demolition of existing rear extensions, alterations and new extension to building to form 10 individually designed dwellings. Works to include improved access, new parking arrangements and integrated landscaping.

**Applicant/Agent :** Fajast Holdings Ltd, C/O JAP Architects, 29a High Street, Clare, Suffolk, CO10 8NY

This application was considered in conjunction with application 2.13 above.

**Resolved: That application SW/12/0121 be approved subject to conditions (1) to (9) in the report.**

**2.14 SW/11/1592 (Case 19326) Hartlip**

**Location :** Woodpecker House, The Street, Hartlip, Sittingbourne, Kent, ME9 7<sup>TH</sup>

**Proposal :** Single storey side extension

**Applicant/Agent :** Mr Ross McGregor, Woodpecker House, The Street, Hartlip, Sittingbourne, Kent, ME9 7<sup>TH</sup>

**Resolved:** *That application SW/11/1592 be approved subject to conditions (1) to (3) in the report.*

**2.15 SW/11/1410 (Case 24503) Hartlip**

**Location :** 10 Dane Close, Hartlip, Sittingbourne, Kent, ME9 7TN

**Proposal :** Demolition of existing lean to plus erection of single storey rear extension.

**Applicant/Agent :** Mr Masters, C/O Mr T Ingrham, 24 Chester Road, Gillingham, Kent, ME7 4AF

The Area Planning Officer reported that one letter of support had been received which he outlined for Members.

**Resolved:** *That application SW/11/1410 be approved subject to conditions (1) to (3) in the report.*

**2.16 SW/11/0984 (Case 22088) Minster**

**Location :** Land adjacent, Thistle Hill Way, Minster, Sheerness, Kent

**Proposal :** Erection of five 3-bed terraced houses and associated car parking barn, detached garage, parking & landscaping on land previously approved for the erection of 6 dwellings by planning permission SW/06/0750.

**Applicant/Agent :** Harps Farm Limited, C/O Kent Design Partnership - Architect Grove Dairy Farm Business Centre, Bobbing Hill, Bobbing, Sittingbourne, Kent, ME9 8NY

The Area Planning Officer reported that KHS raised no objection to the revised parking layout showing one parking space under the tree canopy removed, and two spaces reoriented to provide better access. He further reported that one further letter of objection had been received from a local resident who had previously commented, reiterating their concerns regarding the lack of parking restrictions on Thistle Hill Way which they considered may give rise to inconsiderate parking.

The Area Planning Officer reported that further information from the agent relating to drainage was awaited, and therefore delegation to approve the scheme was sought, subject to the receipt of this information by the Lower Medway Internal Drainage Board.

In response to queries, the KHS Officer advised that railings would be installed at the frontage of the proposed houses which would reduce parking.



***Resolved: That application SW/11/0984 be delegated to Officers to approve subject to conditions (1) to (20) in the report and the receipt of amended information relating to surface water drainage and to no objection being raised to this information by the Lower Medway Internal Drainage Board and to amendments to the grounds of conditions (5) and (6), deleting reference to PPS23.***

**2.17 SW/11/1027 (Case 11098)**

**Upchurch**

**Location :** Ridgedale Stables, Halstow Lane, Upchurch, Sittingbourne, Kent, ME9 7AB

**Proposal :** Removal of condition (7) of planning permission SW/08/0710 to allow permanent occupation of 3 mobile homes for gypsy family.

**Applicant/Agent :** Mr William Ball, C/O Mr Ronald Perrin, 42 Baskerville Road, Sonning Common, Reading, Berks, RG4 9LS

The Area Planning Officer drew attention to two errors in the report: on page 124, in the section headed 'cumulative visual impact', the site nearby at Jack Russell Place had a permanent permission, rather than a temporary one and at the bottom of page 115, Upchurch Parish Council's comments had been missed off and were tabled for Members.

The Area Planning Officer explained that the new Government Planning Policy for Traveller sites had been published on Monday 26 March 2012 and took effect from Tuesday 27 March 2012 and replaced the Office of the Deputy Prime Minister Circular 01/2006 as Government policy relating to gypsy and traveller sites. He stated that, although there were implications for the application arising from the change in policy, his recommendation remained the same that, if an appeal against non-determination had not been received, temporary planning permission would have been granted for a further four years.

The Area Planning Officer advised that the NPPF and associated technical guidance, continued to place an emphasis on minimising risk to human life resulting from development in areas at risk of flooding. In this regard, the technical guidance stated that Local Authorities should seek to relocate existing development to land in zones with a lower probability of flooding. He explained that as the site was at risk of flooding, the static caravans would be placed on stilts, however this would increase their prominence and cause visual harm. He considered it sensible to avoid granting permission for such development in areas at high risk of flooding. However, in this instance the measures employed to overcome the flood risk issue had given rise to increased and unacceptable visual harm and was of the view that permanent planning permission should not be granted for the use of this site as a gypsy/traveller site.

The Area Planning Officer reported that the new traveller site policy set out quite clearly that the Council should now set pitch targets which addressed the likely need for pitches over the plan period. It was also clear that, in a years time, Councils would have to maintain a rolling five year supply of specific deliverable sites. These sites would have to be available immediately and also offer a suitable location immediately. Officers had given consideration as to what number of pitches would be required from March 2013 to March 2018, and it seemed likely that approximately 17 pitches would need to be provided over that period.

The Area Planning Officer stated that, in his opinion, it was unlikely that this would be achieved in the short timescale allowed. The Council had no site allocations in the Development Plan Document, and there was at the present time no prospect of unoccupied sites coming forward. This was not to say that the Corporate Policy and the Council's efforts over the past few years had been wasted. The Council had taken the proactive approach of adopting its corporate policy which had led to a number of these approvals. This approach, whilst ineffective in providing a supply of unoccupied gypsy sites, had seen significant inroads made against the identified need for pitches within the Borough. If this work, and the associated approvals had not taken place, the requirement for additional pitches over the coming years would be substantially higher and the Council would be in a very much worse position.

The Area Planning Officer stated that in his opinion, we could not defend appeals against refusal of planning permission on sites other than the most harmful (those, for example, in the Area of Outstanding Natural Beauty (AONB) or in flood risk areas where the occupants' lives would be at risk).

The Area Planning Officer reported that the new policy made clear that, amongst other things, the following issues should be considered: the existing level of local provision and need for sites, the availability or lack of availability of alternative accommodation.

The Area Planning Officer reported that Officers could not, at the present time, point to any available alternative sites where the occupiers of Ridgedale Stables could relocate, as there was not a supply of such sites at the present time. As such, the Council's prospects on appeal were extremely limited. He explained that it was too early at this stage to advise Members how to go about providing and maintaining a five year supply of available and deliverable gypsy/traveller sites. It was very possible that the Council would now have to give serious consideration to publishing a site allocations DPD, which would take significant time to prepare, and as such remained firmly of the view that, in a years time the Council would not be in a position to demonstrate a five year supply of deliverable sites. The recommendation therefore remained the same, namely that Members should resolve that they would have granted a further temporary planning permission of four years if the appeal had not been submitted.

In response to queries, the Area Planning Officer reported that the proposal was a reasonable distance from a local nursery and shops and that immediate relatives could be considered 'dependants', although this could be a matter of fact and degree.

***Resolved: That, had an appeal against non-determination not been received, application SW/11/1027 would have been approved for a further temporary period of four years, subject to conditions (1) to (8) in the report and to an amendment to the grounds of condition (7), substituting reference to ODPM circular 01/2006 for the new Planning Policy for Traveller Sites.***

**2.18 SW/12/0023 (Case 04514)**

**Teynham**

**Location :** Part of 2 Broadacre & 76 Bradfield Avenue, Teynham, Sittingbourne, Kent, ME9 9TA

**Proposal :** Outline planning permission for demolition of No.76 Bradfield Avenue, the erection of nine 2 bed bungalows (8 x semi-detached and 1 x detached) and cart lodge, layout associated access drive, parking areas, gardens, footpaths and hard & soft landscaping. Approval of access and layout being sought. Appearance, landscaping and scale reserved for future consideration.

**Applicant/Agent :** Mr S Sabet, C/O Mr Stewart Rowe, The Planning and Design Bureau, 45 Hart Road, Thundersley, Benfleet, Essex, SS7 3PB

Mrs Gibbons, an objector, spoke against the proposal.

Mr Rowe, the Agent, spoke in support of the proposal.

A Ward Member spoke against the proposal. He explained that whilst he lived in the area and would be directly affected by the proposal he was speaking on behalf of local residents. He raised concern that the residents of no. 74 Bradfield Avenue, Teynham would be adversely affected by the proposal and it would make their lives 'hell on earth'. He considered that access to the site would not be wide enough for construction vehicles and on-street parking would make it dangerous for vehicles turning from Bradfield Avenue, and the rise in traffic would also increase the risk of accidents. He considered that the reason for refusal in 2008 (SW/08/0380 still applied.

The Chairman, also a Ward Member spoke against the proposal. He also considered that the reason for refusal in 2008 (SW/08/0380) still applied.

Councillor Roger Truelove proposed a motion for refusal on the following grounds: that the proposal fell short of the Inspector's reasons for dismissing the previous appeal. This was seconded by Councillor Barnicott. On being put to the vote the motion was approved.

***Resolved: That application SW/12/0023 be refused on the grounds that the proposal fell short of the Inspector's reasons for dismissing the previous appeal.***

**2.19 SW/10/1419 (Case 23271)**

**Sittingbourne**

**Location :** Land at Milton Creek/Eurolink/Crown Quay Lane, Sittingbourne, Kent, ME10 3JH

**Proposal :** Redevelopment of part of site known as Milton Creek comprising new retail (Class A1) supermarket (totalling up to 13,420 sqm) with undercroft parking, A1 units of varying sizes (totalling up to 8,545 sqm), and an A1/A3 unit (totalling 185 sqm), car parking spaces, associated servicing and bridge access.

**Applicant/Agent :** Ms Jane McFarland, C/O Mr Nick Green, Savills, Lansdowne House, 57 Berkeley Square, London, W1J 6ER

The Major Projects Officer reported that a letter had been submitted on behalf of the applicant and this was tabled for Members, and he quoted key paragraphs from the letter including the final one.

The Major Projects Officer stated with regard to the NPPF, the original report, attached as Appendix A included reference on page 201 to Planning Policy Statements 1 (delivering sustainable development), 4 (Planning for Sustainable Economic Growth), 9 (Biodiversity and Geological Conservation) and 25 (Development and Flood Risk). The NPPF gave guidance that broadly aligned with the subject areas of these PPSs, and that the following sections were proposed within it: achieving sustainable development; presumption in favour of sustainable development; delivering sustainable development; ensuring the vitality of town centres and meeting the challenge of climate change, flooding and coastal change and conserving and enhancing the natural environment. He added that, with the exception of flood risk, Local Plan policies dealt with the main issues addressed by the now-cancelled PPSs and PPGs.

The Major Projects Officer stated that in terms of the NPPF policies on town centre vitality and viability, the document stated that Local Plans should allocate sites for town centre uses on the edge of centres, where town centre sites were not available and where the sites were well connected to the town centre. He stated that the land at Milton Creek is such a site, and would benefit from a pedestrian and cycle bridge to the town centre. He considered overall that the proposed development was in accordance with the relevant policies of the NPPF.

The Major Projects Officer reported that following advertisement of the application as a departure from the Development Plan, one response had been received suggesting that Sittingbourne would be “under the command of Tesco” and questioned the public transport to serve this development and their proposal for the town centre.

The Major Projects Officer reported that the applicant had submitted a Sequential Site Assessment (SSA) in response to the Council’s decision to advertise the application as a departure from the Local Plan and reflected guidance in PPS4, now replaced with the NPPF. However, consistent with PPS4 local planning authorities should apply a sequential approach to planning applications for main town centre uses, which include a retail, that were not in an existing centre and were not in accordance with an up-to-date Local Plan. The Major Projects Officer explained that the SSA concluded that: the two elements of the scheme, the foodstore and the two comparison retail blocks were intrinsically linked and could not be disaggregated; Milton Creek was the only site where the whole development could be delivered and in reaching this conclusion, the town centre had been scrutinised for potentially sequentially preferable locations, and consideration was given to land at the Bell Centre, land at the Forum Centre and land to the rear of 51 High Street. Each of which would be unable to accommodate the proposed development.

The Major Projects Officer drew attention to the tabled response to the SSA from the Council’s retail consultants, CBRE, who concluded “...we are satisfied that there are no sequentially preferable sites, suitable, viable or available....”.

The Major Projects Officer stated that following receipt of the SSA he had re-consulted and advertised the proposal. No responses had yet been received, and the deadline for comments was 18 April 2012.

The Major Projects Officer drew attention to two typing errors, on page 170 of the report, in the second line of the 4 paragraph, ‘comprise’ needed to be replaced with ‘compromise’. On page 171, on the fifth line of the third paragraph, the words ‘necessary and’ should be inserted before ‘reasonable’.

The Major Projects Officer sought delegation to approve the application subject to the receipt of any further representations raising new issues (closing date 18 April 2012); the signing of a suitably worded Section 106 Agreement (to secure the contributions as previously agreed by Members and as set out in this report and the original report, which was attached as Appendix A); the Highways Agency raising no objection; any further planning conditions requested by the Highways Agency; and the referral of the application to the Secretary of State to determine whether or not it should be called-in for his determination.

Mr Green, the Agent, spoke in favour of the proposal.

In response to queries the Major Projects Officer stated that condition (8) required Building Research Establishment Environmental Assessment Method (BREEAM) 'excellent' standard or equivalent so details of air source heat pumps could be included, if Members particularly desired it, within the package for that requirement. With regard to resolution of the Highway Agency concerns, discussions were still progressing with them, the applicant's agent and Kent County Council. He explained that the work involved was detailed and technical which was why it was taking some time to resolve.

***Resolved: That application SW/10/1419 be delegated to Officers to approve subject to conditions (1) to (42) in the report, the receipt of any further representations raising new issues (closing date 18 April 2012), the signing of a suitably worded Section 106 Agreement (to secure the contributions as previously agreed by Members and as set out in this report and the original report), was, the Highways Agency raising no objection, any further planning conditions requested by the Highways Agency and the referral of the application to the Secretary of State to determine whether or not it should be called-in for his determination.***

**PART 3 - Application for which REFUSAL is recommended**

**3.1 SW/12/0178 (Case 23806) Faversham**

**Location :** 40 Abbey Street, Faversham, Kent, ME13 7BP

**Proposal :** Replacement of front door and windows.

**Applicant/Agent :** Mr Connor McGuire, C/O Mr Roger Angus, C/o Angus Brown Architects, 17B Mill Studio, Stour Street, Canterbury, Kent, CT1 2NR

The Area Planning Officer reported that Faversham Town Council objected to the proposal and considered the replacement windows to be inappropriate in terms of design and materials.

***Resolved: That application SW/12/0178 be refused.***

**PART 5 DECISIONS BY COUNTY COUNCIL AND SECRETARY OF STATE  
REPORTED FOR INFORMATION**

**5.1 ENF/BRE/11/004; Sites at Blind Mary's Lane, Bredgar**

Sites at blind Mary's Lane, Bredgar – material change of use of the land from agricultural land to land used as a caravan site for the stationing of caravans/mobile homes used residentially.

**APPEALS DISMISSED.**

**5.2 ENF/11/0027; Site at Cheriton Lodge, Lower Norton Lane, Buckland, Sittingbourne**

Site at Cheriton Lodge, Lower Norton Lane, Buckland, Sittingbourne – erection of fencing and gates.

**APPEALS DISMISSED.**

**5.3 ENF/11/0026; 54 Chalkwell Road, Sittingbourne**

54 Chalkwell Road, Sittingbourne – material change of use fo a single 3 bedroom dwellinghouse to 1 no one bed flat and 2 bedsits.

**APPEAL DISMISSED.**

**5.4 Site at Tootsie Farm, Elverland Lane, Ospringe**

Various appeals at site at Tootsie Farm, Elverland Lane, Ospringe – use of land for one mobile home and one tourer for a gypsy family.

**APPEAL ALLOWED FOR FOUR YEAR TEMPORARY PERMISSION.**

**THREE ENFORCEMENT NOTICES APPEALS DISMISSED WITH ONE MINOR VARIATION TO THE NOTICE.**