
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 15 September 2016 from 7.00 - 9.20 pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth (Vice-Chairman), Roger Clark, Richard Darby, Mike Dendor, James Hall, Mike Henderson, James Hunt, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Peter Marchington, Bryan Mulhern (Chairman), Prescott and Ghlin Whelan.

OFFICERS PRESENT: Simon Algar, Andrew Jeffers, Kellie MacKenzie, Ross McCardle and Graham Thomas.

ALSO IN ATTENDANCE: Councillor Bowles, Councillor Mike Cosgrove and Councillor David Simmons.

879 FIRE EVACUATION PROCEDURE

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

880 MINUTES

The Minutes of the Meeting held on 18 August 2016 (Minute Nos. 829 – 837) were taken as read, approved and signed by the Chairman as a correct record.

881 DECLARATIONS OF INTEREST

No interests were declared.

882 PLANNING WORKING GROUP

The Minutes of the Meeting held on 5 September 2016 (Minute Nos. 850 – 851) were taken as read, approved and signed by the Chairman as a correct record.

16/504494/FULL Owens Court Farm, Owens Court Road, Selling

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

Ward Members spoke against the application and raised the following points: Owens Court Road was very narrow and there were only two or three passing spots; the Council had refused permission at the site for similar applications; local residents have raised fair and constructive points in particular the possibility of moving the access to Selling Road which was achievable; and the applicant should move the track so that local residents were not affected by noise.

Members raised points which included: thankful for the site meeting which was very useful to Members; the previous Kent County Council (KCC) Highways and

Transportation report described Owens Court Road as narrow and unsuitable for HGVs, 'strange' that they had now changed that view; unsuitable location; the applicant could have liaised with local residents to ensure that there was less impact on them; disappointed that the applicant's agent was not prepared to discuss re-orientation of the barn, this was an unhelpful approach; concrete block on Grade 1 agricultural land was unacceptable; local residents would be left to 'police' the amount of HGVs accessing the site; there were other buildings on the site which could be utilised; HGVs were already using the road; was a road over the site the best thing surely this would have more of an impact on the grade 1 agricultural land; applicant could have a portable cooling unit on site which he would not need permission for; and did not believe this would increase traffic in the area.

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

Councillor Mike Baldock moved the following motion: That the application be refused as it would cause harm to the amenities of the area and harm to the character of the local countryside and the need for the proposal had not been proven. This was seconded by Councillor Prescott. On being put to the vote the motion was agreed.

Resolved: That application 16/504494/FULL be refused as it would cause harm to the amenities of the area and harm to the character of the local countryside and the need for the proposal had not been proven.

883 DEFERRED ITEM - 15/510527/FULL SCOCLES COURT, SCOCLES ROAD, MINSTER

15/510527/FULL Scocles Court, Scocles Road, Minster

The Planning Officer reported that further to paragraph 2.07 of the Committee report an amended site layout had now been received, which showed a footpath running through the site, around the pond, and back out to the road, thus providing a route for pedestrians.

The Planning Officer further reported that the agent had advised that the applicant had contacted the Parish Council to explain the position regarding design amendments and the provision of a footpath (as detailed within the report). He had also provided a copy of an email, noting that the Parish Council were now satisfied with the proposals, although the Planning Officer had not received anything further from the Parish themselves.

The Planning Officer stated that the agent had also submitted additional bat emergence surveys as requested by KCC, which showed that no bats were present in the existing stable building. The Planning Officer reported that he had asked the County Ecologist for further comments and requested that Members give officers delegation to amend or remove condition (3) as necessary, dependent upon KCC's response.

The Planning Officer stated that there needed to be a minor amendment to condition (22) relating to commencement of use; and a minor amendment to

condition (24) to refer to gates, walls and fences and in advance of any wall fronting onto a highway, rather than restricting fences in totality, and asked Members to delegate to officers to do this. There also needed to be an amendment to condition (26) to refer to the footpath being through the site rather than along the frontage.

The Planning Officer requested that Members give officers delegation to approve the application subject to these minor changes, and subject to the completion of the Section 106 Agreement as detailed in the report.

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

Mr Abhaey Singh, the applicant, spoke in support of the application.

A Ward Member advised that Minster Parish Council were now happy with the application.

Members raised points which included: disappointed that KCC Highways and Transportation were still not present at the meeting; glad that the applicant had listened to Members' concerns; applaud the applicant for his direction and positivity; condition to include reduction of Volatile Organic Compound (VOCs) and Passivhaus sustainable standard could be a standard condition for other developments; and an internal footpath was a great deal safer than an external one.

Resolved: *That application 15/510527/FULL be delegated to officers to approve subject to conditions (1) to (26) in the report, as per the amended site layout, to remove condition (3) subject to the views of the County Ecologist, minor amendments to conditions (22), (24) and (26) as minuted and to the completion of the Section 106 Agreement as detailed in the report.*

884 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 16/504008/LBC		
APPLICATION PROPOSAL		
Listed Building Consent to carefully dismantle the Faversham war memorial and re-erect in the centre of the Memorial garden.		
ADDRESS War Memorial Stone Street Faversham Kent ME13 8PZ		
WARD St Ann's	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Faversham War Memorial Group AGENT Mr Peter Binnie

The Area Planning Officer reported that following discussions with the applicant's agent the application description would be amended to include: '...and to re-configure the design and form of the Memorial Garden'.

Mr Tom Gates, a supporter, spoke in support of the application.

Ms Victoria Dickenson, an objector, spoke against the application.

Reverend Simon Rowlands, the applicant, spoke in support of the application.

Ward Members spoke in support of the application and raised points which included: Historic England raised no objection; the Faversham Branch of the Royal British Legion supported the proposal; the Council's Community Services Manager supported the scheme; no strong objections on planning grounds had been given; and following the wide consultation to the proposals, significant changes to the proposals had been made.

Councillor David Simmons, Cabinet Member for Environment and Rural Affairs, spoke in support of the proposal. He stated that re-locating the memorial would be a good opportunity to clean it. Councillor Simmons stated that the memorial garden was an important local green space and disabled access would be improved. Councillor Simmons spoke about the importance of ensuring that the names of people from Faversham were recorded at the memorial.

Some Members spoke in support of the application and raised the following points: the proposed concrete around the base would help to enhance the memorial; the Memorial Garden needed refurbishing and it would be the perfect place for loved ones to reflect on their loss; should not forget those who had given their lives for us; rare for a memorial not to list the names of those fallen; and would not cause demonstrable harm, but enhance the memorial.

Some Members spoke against the application and raised the following points: when the memorial was erected in its current location it would have been done with a lot of respect and care and for us to just move it seemed wrong; unconvinced of the need to move the memorial; if it was located in the memorial garden would put the memorial in a different context; note that 74 letters and emails objecting to the proposal had been received whilst only two letters and one email in support received; noted the War Memorials Trust's (WMT) objections to the application; had not heard from officers that it would not lead to demonstrable harm to the character of the listed structure and conservation area; believed the applicants had lost sight of what the local community would like to see; recording of names very important, but unsure that granite was the best way to do this; the memorial could be refurbished without being moved; would support improving access to the memorial garden but we do not need to move the memorial to achieve this; re-siting the memorial to avoid a road closure once a year was not sufficient grounds; roads in central London were closed for memorial at The Cenotaph with no problems, so should not be a problem in Faversham; had Historic England actually visited the site?; could introduce concrete base around the current memorial; as stated by the WMT demonstrable harm could be caused to the fabric of the memorial; the two-steps to the memorial was a standard style for the time it was built; and the wishes of those who had a connection with the memorial should be honoured.

The Conservation Officer stated that Members needed to consider whether the Grade II listed structure would be diminished if re-sited, he stated that in his opinion it would be maintained. He stated that there were other examples of listed structures being re-sited and constructed to make them more relevant again in their altered modern context. The Conservation Officer was unsure whether Historic

England had visited the site, but confirmed that it had advised it was content for the heritage aspect of the application to be handled by the Local Planning Authority's in-house Design and Conservation staff.

The Conservation Officer referred to paragraph 4.5 of the Historic England Conservation Principles, Policies and Guidance document the management of 'significant places'. He read out the paragraph which stated that "*Intervention may be justified if it increases understanding of the past, reveals or reinforces particular heritage values of a place, or is necessary to sustain those values for present and future generations, so long as any resulting harm is decisively outweighed by the benefits.*" He stated that it could be argued that moving the memorial would make it more meaningful to the younger generations. He considered that the Conservation Area would be slightly enhanced by the proposal and that the structure was capable of being moved, without being damaged. He concluded that there were no substantive reasons to refuse on listed building and conservation area grounds.

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

In accordance with Council Procedure Rule 19(2) a recorded vote was taken on the motion to approve the application as follows:

For: Councillors Bobbin, Roger Clark, James Hunt, Ken Ingleton, Nigel Kay, Bryan Mulhern and Ghlin Whelan.

Against: Councillors Mike Baldock, Cameron Beart, Andy Booth, Richard Darby, Mike Dendor, James Hall, Samuel Koffie-Williams, Mike Henderson, Peter Marchington and Prescott.

The motion to approve the application was lost.

Councillor Mike Henderson moved the following motion: That the dismantling, re-location and re-erection of the war memorial would involve moving an historic and well loved monument to a new and less appropriate location which will damage and result in harm to the setting and historic context of the listed building, and be harmful to the character of the Faversham Conservation Area, contrary to saved policies E14 and E15 of the Swale Borough Local Plan 2008 and that the dismantling, re-location and re-erection of the war memorial is likely to result in the danger of damage to the monument which would be harmful to the listed building contrary to saved policy E14 of the Swale Borough Local Plan 2008. This was seconded by Councillor Mike Baldock.

In accordance with Procedure Rule 19(2) a recorded vote was taken on the motion to refuse the application as follows:

For: Councillors Mike Baldock, Cameron Beart, Andy Booth, Richard Darby, Mike Dendor, James Hall, Samuel Koffie-Williams, Mike Henderson, Peter Marchington and Prescott.

Against: Councillors Bobbin, Roger Clark, James Hunt, Ken Ingleton, Nigel Kay, Bryan Mulhern and Ghlin Whelan.

Resolved: That application 16/504008/LBC be refused for the reasons as minuted.

2.2 REFERENCE NO – 16/504266/FULL		
APPLICATION PROPOSAL Erection of 9 no. 2 storey 3 and 4 bedroom detached and semi-detached dwellings and associated works.		
ADDRESS Land At Lavender Avenue Minster-on-sea Kent ME12 3RB		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Jones Homes Southern AGENT Britch & Associates Ltd

The Planning Officer reported that there had been further discussion with KCC, who had re-evaluated their position and now considered it appropriate and necessary to request contributions towards primary education from this development. The contributions amounted to £4,000 per dwelling (£36,000 total) and would be put towards the Thistle Hill primary school development. This has been included within the terms of the accompanying Section 106 legal agreement.

The Planning Officer further reported that the KCC Flood Risk Officer recommended a condition requiring the submission of the proposed drainage layout and calculations confirming that the discharge from the site was at the rates the existing system was designed to receive.

The Lower Medway Internal Drainage Board had no objection further to the County Flood Risk Officer’s response. The County Archaeologist requested that the standard programme of works and watching brief conditions was attached.

The Planning Officer reported that the County Ecologist advised that a reptile survey and mitigation strategy were required to make the application acceptable. The reptile survey must be submitted and agreed before planning permission can be formally granted to avoid conflict with the advice of Circular 06/2005, which stated that ecological matters must be resolved before granting consent other than in exceptional circumstances. KCC Developer Contributions confirmed that this application can be considered as the 5th site to contribute towards Thistle Hill Primary School project, thus completing the total number of projects that could contribute to that scheme under the Community Levy Regulations. The Environment Agency had no comments. Southern Water raised no objection subject to a condition requiring the position of water and drainage pipes to be determined, and a standard informative.

The Planning Officer reported that further to KCC Highways and Transportation’s initial concerns, a revised drawing had been received (no. 3653/2.08 rev C) showing the highway layout in front of the properties amended, so as to provide additional on street parking. A footway had also been provided on the frontage of the properties on Lavender Avenue.

The Planning Officer sought delegation from Members to approve the application subject to: receipt of an amended landscaping scheme (as referred to at para 9.05 of the report); receipt of the required reptile survey and further comments from the

County Ecologist; adding a condition requiring submission of a mitigation strategy and drainage condition; adding a condition requiring submission of drainage layout and calculations; adding the standard archaeological programme of works condition; any further conditions requested by Southern Water; amending the wording of condition (2) to reflect the amended drawings that had been received; and completion of a Section 106 Agreement to secure financial contributions.

A Ward Member welcomed more on-street parking.

In response to queries, the Planning Officer confirmed that the financial contribution to the proposed Lower Road/Barton Hill Drive junction road upgrade was £9,054.00. A condition requiring broadband ducting be installed could be provided, however it was for outside agencies to provide.

Members considered the application and raised the following points: the density of housing was too much; reptile studies should not be carried out during autumn/winter; developer contributions were not enough and feel we are being 'robbed'; and the infrastructure on the Isle of Sheppey cannot support this development.

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

In response to queries from Members, the Planning Officer referred to paragraph 9.08 of the report which set out developer contributions. He stated that whilst it was unusual to request contributions on small developments in this instance it was necessary so as not to prejudice funding on the wider Thistle Hill development.

In accordance with Procedure Rule 19(2) a recorded vote was taken on the motion to approve the application as follows:

For: Councillors Bobbin, Roger Clark, Mike Dendor, James Hunt, Nigel Kay, Mike Henderson, Bryan Mulhern and Ghlin Whelan.

Against: Mike Baldock, Cameron Beart, Andy Booth, Richard Darby, James Hall, Ken Ingleton, Samuel Koffie-Williams, Peter Marchington and Prescott.

The motion to approve the application was lost.

Councillor Andy Booth moved the following motion: That the application be refused due to the lack of infrastructure to support continual expansion in the area, and unsustainable development. This was not seconded.

The Development Manager drew Members' attention to the history of the site and that outline permission for the application was approved by the Planning Committee on 30 June 2016. He was concerned about the proposed reasons suggested by Members for refusing the application and whether these could be supported at any subsequent appeal.

Councillor Ken Ingleton moved a motion to defer the application until substantial steps had been taken to resolve the traffic issues at the site. This was not seconded.

The Locum Solicitor stated that whilst he had some sympathy with Members' concerns in relation to traffic he was not sure they were sound reasons, given that the application was already approved in outline.

The Chairman agreed to a short adjournment for officers to receive advice from the Locum Solicitor.

At this point, the Development Manager 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 the next meeting when the Head of Planning would advise Members of the prospects of such a decision if challenged on appeal and if it becomes the subject for costs.

2.3 REFERENCE NO - 16/501883/FULL		
APPLICATION PROPOSAL		
Demolition of existing buildings and redevelopment to form circa 45 one and two bed sheltered apartments for the elderly including communal facilities (Category II type accommodation), access, car parking and landscaping.		
ADDRESS Prospect House 4 Canterbury Road Sittingbourne Kent ME10 4SB		
WARD Roman	PARISH/TOWN COUNCIL	APPLICANT Churchill Retirement Living AGENT Planning Issues

The Development Manager reported that the Council's Strategic Housing and Health Manager had confirmed, with regard to affordable housing, that a commuted sum could be accepted in lieu of affordable housing provision on the site, as set out in the report. The Council's Economy and Community Services Manager commented "*I am comfortable that the site would prove difficult to bring forward for meaningful alternative employment use, given its position and its previous use. I also welcome the prospect of retaining the dealerships' investment in the area, at a new location on Eurolink Way. With modern buildings and layout, this could provide an opportunity to improve a site, with an appropriate use, which will sit in close proximity to the proposed town centre regeneration*".

Mrs Wendy Usher, an objector, spoke against the application.

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

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

Members considered the application and raised points which included: concerned about the lack of parking spaces provided; not 'real' to say that people will walk and use public transport; disappointed about the lack of affordable homes; would improve the appearance of the current site; Echo House had less parking and seems to work ok, so lack of parking was not a reason to refuse; complies with KCC Highways and Transportation parking standards; most people over 60 years of age still have cars; and parking provided was 'ridiculous'.

Resolved: *That application 16/501883/FULL be approved subject to conditions (1) to (26) in the report.*

PART 5

- **Item 5.1 – Former Macknade Garden Centre, Canterbury Road, Faversham**

APPEAL ALLOWED – COSTS REFUSED

- **Item 5.2 – Alwick, The Street, Borden**

APPEAL DISMISSED

- **Item 5.3 – 75 The Street, Newnham**

APPEAL DISMISSED

- **Item 5.4 – Evaluna, Plum Pudding Lane, Dargate, Faversham**

APPEAL DISMISSED

885 ADJOURNMENT OF MEETING

The meeting was adjourned at 9.14pm and reconvened at 9.17pm.

Chairman

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