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## PLANNING COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 30 March 2017 from 7.00pm - 9.49pm.

**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:** Rob Bailey, Philippa Davies, Emma Eisinger, Russell Fitzpatrick, James Freeman, Alun Millard, Bob Pullen, Steve Wilcock and Jim Wilson.

**ALSO IN ATTENDANCE:** Councillors Tina Booth, Paul Fleming, Alan Horton, Gerry Lewin, Mike Whiting and John Wright.

### 1282 FIRE EVACUATION PROCEDURE

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

### 1283 MINUTES

The Minutes of the Meeting held on 2 March 2017 (Minute Nos. 1214 – 1223) were taken as read, approved and signed by the Chairman as a correct record.

### 1284 DECLARATIONS OF INTEREST

Councillor Mike Baldock declared an interest in respect of the Deferred Item, 16/507425/FULL, Land rear of Kaine Farm House, Breach Lane, Upchurch. Councillor Baldock did not speak or vote on this item.

### 1285 PLANNING WORKING GROUP

The Minutes of the Meeting held on 20 March 2017 (Minutes Nos. 1253 - 1254) were taken as read, approved and signed by the Chairman as a correct record.

#### **16/506986/FULL – 116 Oak Lane, Upchurch, Kent, ME9 7AY**

A Ward Member agreed with the concept of re-development of the site. However, he raised concern with highway issues in relation to the proposed access being onto Oak Lane, and suggested that access should be onto Wallbridge Lane instead. He stated that Oak Lane, with a width of four metres, was not wide enough, and from north to south, with the speed restriction sign being reverted from 30mph, to 60mph, vehicles started to speed up at this location. He explained that requests had been made to have a highway scheme at this location. He emphasised that good visibility was vital on this section of road, and reported that

vehicles often mounted the pavement, as the road was so narrow. The Ward Member explained that development at this site was not opposed, but he considered access at the proposed point onto Oak Lane was wrong.

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

Members considered the application and raised points which included: landscaping impact of the development was questionable; not happy with the responses from Kent County Council (KCC) Highways and Transportation; this was a chance to make Oak Lane safer; the development would be more preferable if the access was onto Wallbridge Lane; it would be dangerous with access onto Oak Lane; acknowledged concerns from local residents, but the highway issues already existed; it was unfair that the developer was having to pay for additional mitigation measures, when the highway issues had been longstanding; the existing property could install a dropped kerb in any case; this was not much of an impact to what was already there, and with landscaping and footpath, the area could be improved; the road was dangerous and vehicles' speed along it was excessive; suggest reducing the number of properties to two; this was not an ideal entrance/exit for the development; was the option of access onto Wallbridge Lane put forward?; would like to understand opportunities to improve the scheme; the site needed to be developed; the hedge-line impacted on visibility; suggest a warning sign be installed to warn of hidden exit; and if access was onto Wallbridge Lane, residents were unlikely to use the rear access for parking, further impacting on Oak Lane.

In response to a question, the KCC Highways and Transportation Officer explained that the definition of a dangerous road, was whether it had a crash history, and he reported that there was no crash history at this location. He stated that on balance the scheme was preferable as it was, rather than access onto Wallbridge Lane, and the scheme would increase visibility for neighbouring properties.

In response to a question, the Area Planning Officer explained that the previous application had shown all three accesses onto Oak Lane, but this application had been withdrawn. He stated that access was possible onto Wallbridge Lane, but it was difficult to achieve a good layout using this option.

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

Discussion ensued on the way forward. A Member suggested refusing the application on highway grounds.

The Senior Lawyer advised that there needed to be factual-based evidence, rather than comments, for highway reasons for refusal.

There was a two-minute recess whilst the Head of Planning Services, Senior Lawyer and Area Planning Officer left the meeting to consider the options.

The Head of Planning Services advised that the application could be deferred to discuss with the applicant further options for the scheme. He advised of the risk of an appeal for non-determination. The Chairman moved the recommendation to defer the application and this was seconded.

**Resolved: That application 16/506986/FULL be deferred to allow discussions with the applicant on further options for the scheme.**

**1286 DEFERRED ITEM**

<b>DEF ITEM 1 REFERENCE NO - 16/507425/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Demolition of 7 farm buildings and erection of 6 detached houses and garages, associated SUDS ponds, landscaping and wildlife planting.			
<b>ADDRESS</b> Land Rear Of Kaine Farm House Breach Lane Upchurch Kent ME9 7PH			
<b>WARD</b>	Hartlip, Newington And Upchurch	<b>PARISH/TOWN</b>	<b>COUNCIL</b>
		Upchurch	<b>APPLICANT</b> Mr T Ripley <b>AGENT</b> Lander Planning

The Area Planning Officer reminded Members that the site was not in a sustainable location, and that proximity to the farm shop and local restaurants did not make it sustainable, and that he was unaware of any regular, frequent bus services. He explained the importance of being consistent, and referred to Spade Lane, Hartlip where an appeal had been upheld by the Planning Inspector relating to sustainability, and advised that this site was in a broadly similar location in relation to shops and services. One further letter of objection had been received which outlined the close proximity of one of the dwellings to the neighbouring property, its muck heap and horses.

Mrs Sarah Rees, an objector, spoke against the application.

Mrs Klaire Lander, the Agent, spoke in support of the application.

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

Ward Members spoke in support of the application and raised points which included: the design was sympathetic to the area; there was a variety of buildings/land uses (solar panels) in the vicinity, and it would not be visible from many vantage points; the National Planning Policy Framework (NPPF) stated that Local Planning Authorities were expected to support small windfall sites; windfall sites were needed to make-up housing numbers; the Spade Lane Appeal had stated that some residents chose to live in rural areas, knowing the lack of services; there was a local bus service; this was a sustainable location, within walking distance of the local school; the present buildings were 'tired', with not a particularly agricultural function; and the proposal would soften the landscape by replacing large, solid, bulky buildings.

The Area Planning Officer referred again to the Spade Lane Appeal and reminded Members that the Planning Inspector had stated that most journeys would have to be by vehicle because of the nature/character of the lanes which were not conducive to pedestrians or cyclists.

Members considered the application and raised points which included: would have thought that the distance to the farm shop would have made the location

sustainable, the Planning Inspector had acknowledged this in the appeal; there were already permissions to build on the site; this was a nice scheme, but it set a precedent; this application was contrary to Swale Borough Council's (SBC) policies; welcomed development in hamlets; and with changes in farming, more sites like this would become available.

The Area Planning Officer stated that in terms of the application setting a precedent, Members needed to consider that the site was in an unsustainable location. Approval of the application gave the 'green light' to other rural sites, and it was not to be considered that agricultural buildings had no place in the countryside. He explained that this was not a brownfield site, it was an agricultural site, and an economically commercial use would be acceptable as a matter of principle.

**Resolved: That application 16/507425/FULL be refused for the reasons outlined in the report.**

**1287 SCHEDULE OF DECISIONS**

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 16/508117/OUT</b>			
<b>APPLICATION PROPOSAL</b>			
Outline application (with access being sought) for up to 62 dwellings including details of vehicular access.			
<b>ADDRESS</b> The Slips Scocles Road Minster-on-sea Kent ME12 3SN			
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN</b> Minster-On-Sea	<b>COUNCIL</b>	<b>APPLICANT</b> Parker <b>AGENT</b> BDB Design LLP

There was a tabled paper for this item which included amendments to the report and this had previously been emailed to Members.

The Senior Planner reported that KCC Highways and Transportation had requested that the developer contributed towards improvements to the Lower Road/Barton Hill Drive junction. Three developments had so far contributed to the delivery of junction improvements, so it had been requested that this development contributed as well. The sum of £1,006 per dwelling was therefore requested from the developer. She advised that some land, proposed to be a new footway, belonged to the KCC Highways and Transportation and that a grampian-style condition would be imposed to ensure that the footway was provided prior to commencement of the development, rather than an obligation within a Section 106 Agreement. KCC Highways and Transportation had advised that the plans needed to be amended to reflect the existing junction changes to the bell-mouth junction at Harps Avenue, and they had suggested that a 30mph speed limit be introduced before the junction with Elm Lane. KCC Highways and Transportation also advised that access for drives onto Scocles Road would need to be considered at the reserved matters stage, with vehicles exiting the drives in forward gear. These accesses were not part of the outline submission.

The Senior Planner reported that the results of a recent traffic survey had been received on 30 March 2017, and this would be used to determine the visibility splays required for the proposed southern access. KCC Highways and Transportation had identified a potential pinch-point on Scocles Road, because of a telegraph pole, so the road would need to be widened

Delegation was sought to approve the application, subject to ensuring that all outstanding highway matters were addressed in consultation with KCC Highways and Transportation, with any additional conditions or obligations recommended by them.

Parish Councillor Peter Macdonald, representing Minster Parish Council, spoke against the application.

Mrs Julie Bird was not present at the meeting.

Mr Mick Drury, the Agent, spoke in support of the application.

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

Ward Members raised points which included: concerned with the pinch-point on Scocles Lane; there was no parking facility for plot 47; this site was in an important Countryside Gap; 62 dwellings was over-intensive for the site; it would have a cumulative adverse effect on the landscape and the infrastructure; development of Minster was a sprawling mass of houses which had decreased the quality of life; traffic congestion issues; the indicative layout showed a lack of space for the housing, and parking at the rear was not ideal, with on-street parking causing obstruction; there were no safe cycle routes in Minster; access roads were not well designed; land to east of Scocles Road would be vulnerable to development; and there was no need for this development as there were un-developed sites nearby.

Members considered the application and made the following comments: happy to see KCC Highways and Transportation had insisted that Scocles Road be widened; the 30mph sign needed to be re-located; thought that funding for the junction had already been fully resourced; turning left out of Elm Road onto Scocles Road was a risk; KCC measures did not go far enough to make Scocles Road safe; hoped that there would be more than one parking space for the 4/5 bedroom properties; 10% less than 62 dwellings would help to solve parking and traffic problems; self-build option was good; question how officers can ensure that each existing tree location and reference number could be retained?; would like the majority of trees to remain and that this becomes a condition/part of a Section 106 Agreement; not convinced that this was in the best interests of local residents; housing was needed, this was just an outline application, lots could be changed; this was premature to the adoption of the emerging Local Plan; there was a potential of 110,000 travel movements from the proposed development, on infrastructure that was stretched to breaking point; this would present demonstrable harm to the view and to the Countryside Gap; and deeply concerned with the offer of £1,006 per dwelling for the roundabout, considered this was misleading and wrong.

The Senior Planner responded to the concern that the application was premature and drew Members’ attention to Paragraph 9.10 on page 33 of the report which outlined the fact that the site was included as a draft allocation in the emerging Local Plan. She acknowledged the concern that local residents might have regarding the Countryside Gap, but reiterated that the site was not identified as such under the Local Plan. Some of the funding of the Lower Road improvements had been secured already, but the additional funding (£1,006 per dwelling) was considered to be fair by KCC Highways and Transportation.

The KCC Highways and Transportation Officer confirmed that the 30mph zone would commence south of the Elm Lane junction. He further advised that it was a fair decision that the developer contributed to the highway improvements, as other developers had done so, and this provided flexibility on the design and detail of the improvement scheme.

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

For: Councillors James Hunt, Mike Henderson, Bryan Mulhern and Ghlin Whelan. Total equals four.

Against: Councillors Mike Baldock, Cameron Beart, George Bobbin, Andy Booth, Roger Clark, Richard Darby, Mike Dendor, James Hall, Ken Ingleton, Samuel Koffie-Williams and Peter Marchington. Total equals 11.

Abstain: Councillors Nigel Kay and Prescott. Total equals two.

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.***

**2.2 REFERENCE NO - 16/501266/FULL**

**APPLICATION PROPOSAL**

Erection on land to the north of 99 High Street of 124 No. dwellings in total including two storey 2, 3, and 4 bedroom dwellings and 1 and 2 bedroom apartments (2 no. 3 storey blocks) with a new access road from the High Street, pedestrian and cycle link to Church Lane, formal and informal areas of open space and landscaping, car parking and amenity space.

**ADDRESS** 99 High Street And Land To The North Of High Street Newington Kent ME9 7JJ

<b>WARD</b> Hartlip, Newington And Upchurch	<b>PARISH/TOWN</b> Newington	<b>COUNCIL</b>	<b>APPLICANT</b> Persimmon Homes South East Ltd <b>AGENT</b>
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There were tabled papers for this item. One outlined information of the High Court's decision to allow the appellant for the Pond Farm appeals to proceed with a Judicial Review, and the other contained additional comments from Newington Parish Council. These papers had previously been emailed to Members.

The Senior Planner reported that further comments from the Campaign for Rural England (CPRE) had been received. They had compared the application with the Pond Farm proposals which had been dismissed on appeal. CPRE had drawn attention to the lack of clear evidence of the effectiveness of air quality mitigation measures. CPRE also considered the development was likely to extend the time taken to meet air quality objectives in the Air Quality Management Area (AQMA).

The Senior Planner also reported that the MP for Gillingham and Rainham had objected to the application and considered the development would pose a significant threat to the air quality of the Rainham AQMA, as well as the health of people living and working in the area. The MP was also disappointed that the recommendation was for approval, despite the significant effect on human health.

Parish Councillor Richard Palmer, representing Newington Parish Council, spoke against the application.

Mr Richard Knox-Johnson, an objector, spoke against the application.

Mr Mick Drury, the Agent, spoke in support of the application.

The Senior Lawyer provided a legal update to Members. He outlined that the Pond Farm appeal was to be judicially reviewed as to whether the Planning Inspector had been correct and acted fairly in his decision in respect of air quality. There was a Watching Brief in respect of the Council's position on these matters.

The Senior Lawyer explained that the evidence in support of the application was not the same as that for Pond Farm. Mitigation measures had been improved. Air quality remained an important consideration, but there was no technical evidence from the CPRE to support their concerns on air quality. If the decision on the Pond Farm judicial review favours the appellant, there would be little weight to the original appeal decision. However, the Senior Lawyer advised that officers and Members needed to assume that the decision letter concerning Pond Farm was correct. Members needed to consider that if they refused the application on the grounds of air quality, they must have technical evidence to support this.

The Environmental Protection Team Leader provided information on the air quality measures that were in place in Newington. He advised that there was one continuous measure, plus nine diffusion tubes. He explained that the continuous monitoring station had never exceeded Government guidelines, but some of the nine tubes had. Of the readings that were gathered monthly, three exceeded the Government guideline. The Environmental Protection Team Leader further advised that the tubes were inherently inaccurate, and not real-time results as the continuous monitoring station was. This meant that the continuous data could be interrogated, but not the tube data. He considered the applicant had looked at the air quality issues and the Team Leader did not consider air quality to be a reason to

refuse the application. Modelling had proved that the impact on Newington was negligible, and slight to moderate in the Rainham/Medway AQMA.

Ward Members raised points which included: support the concerns of local residents; if the AQMA and highway concerns were not answered, the application should be refused; the report had said that there was some harm to health on the High Street in Newington; and the air quality in Newington would get worse if the development went ahead.

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

Members considered the application and raised the following points: the A2 was already grid-locked; concerned about the supply of water to the development; this application was premature given the current status of the emerging Local Plan; AQMA issues had not been addressed; ghost right-hand lane would not improve the traffic flow; appeal decision stated that landscapes needed to be protected; this went against SBC's policies; every development harmed air quality; happy with the advice from the Legal and Environmental Protection officers; needed to consider the style (layout and architectural treatment) of the development as it was close to a conservation area; air quality technical information was needed so that a decision could be made; and welcomed the 40% affordable housing that was proposed.

The Environmental Protection Team Leader further advised that the Government maximum guideline for nitrogen oxide was 40micrograms/cubic metre, and a rolling mean figure was used. Further information could be found at [www.kentair.org.uk](http://www.kentair.org.uk). Newington AQMA had never exceeded the maximum figure.

The Senior Planner advised that Southern Water were providing a foul water pumping station on site to address the additional housing.

The KCC Highways and Transportation Officer reported that the road into the proposed development was appropriately wide enough and the ghost lane would assist the flow of traffic, and although the footpath does narrow, this was only for a short distance.

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

For: Councillors James Hunt, Mike Henderson, Bryan Mulhern, Prescott and Ghlin Whelan. Total equals five.

Against: Councillors Mike Baldock, Cameron Beart, George Bobbin, Andy Booth, Richard Darby, James Hall, Ken Ingleton, Samuel Koffie-Williams and Peter Marchington. Total equals 9.

Abstain: Councillors Roger Clark, Mike Dendor and Nigel Kay. Total equals three.

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.**

**PART 3**

Applications for which **REFUSAL** is recommended

<b>3.1 REFERENCE NO - 16/508250/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Erection of a front and rear dormer to form two rooms, including a store room and bathroom, and alterations to the fenestration.			
<b>ADDRESS</b> Penult Imperial Avenue Minster-on-sea Kent ME12 2HG			
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN</b> Minster-On-Sea	<b>COUNCIL</b>	<b>APPLICANT</b> Mr & Mrs A Erving <b>AGENT</b> CK Designs

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

A Ward Member supported the officer’s recommendation.

**Resolved: That application 16/508250/FULL be refused for the reasons stated in the report.**

**PART 5**

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

- **Item 5.1 – Funton Brickworks, Raspberry Hill Lane / Sheerness Rd, Lower Halstow**

**APPEAL DISMISSED**

- **Item 5.2 – 155 Westerham Road, Sittingbourne**

**APPEAL ALLOWED**

- **Item 5.3 – 11 St Ann’s Road, Faversham**

**APPEAL DISMISSED**

- **Item 5.4 – 11 Leet Close, Eastchurch**

**APPEAL ALLOWED**

- **Item 5.5 – The Hawthorns, Greyhound Road, Minster**

**APPEAL ALLOWED**

Members were disappointed with the outcome.

- **Item 5.6 – Blackthorn Lodge, Greyhound Road, Minster**

**APPEAL ALLOWED**

Members were disappointed with the outcome.

- **Item 5.7 – The Peartree, Greyhound Road, Minster**

**APPEAL ALLOWED**

Members were disappointed with the outcome.

- **Item 5.8 – Land and buildings at Parsonage Farm, Painters Forstal**

**APPEAL ALLOWED IN PART**

- **Item 5.9 – Land east of St Marys View, Newington**

**APPEAL DISMISSED**

- **Item 5.10 – Land south-east side of Faversham Road, Ospringe**

**APPEAL ALLOWED**

**1288 EXCLUSION OF THE PRESS AND PUBLIC**

**Resolved:**

***(1) That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 2, 3 and 6 of Part 1 of Schedule 12A of the Act:***

***1. Information relating to any individual.***

***2. Information which is likely to reveal the identity of an individual.***

***3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).***

***4. Information relating to any consultation or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and any employees of, or office holders under, the authority.***

***5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.***

***6. Information which reveals that the authority proposes:***

***(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or***

*(b) to make an order or direction under any enactment.*

*7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.*

## 1289 REPORT OF THE HEAD OF PLANNING SERVICES

### 6.1 Ref 15/501068/CHANGE – 17 Bobbing Hill, Bobbing

*Resolved: That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring the activity to cease within three months of the Notice taking effect.*

*That the Head of Planning Services and Head of 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.*

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

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