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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 Monday, 5 March 2018 from 7.00pm - 9.58pm.

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

**OFFICERS PRESENT:** Simon Algar, Philippa Davies, Russell Fitzpatrick, James Freeman, Ross McCardle, Alun Millard, William Tait, Graham Thomas, Steve Wilcock and Jim Wilson.

**ALSO IN ATTENDANCE:** Councillors Bowles and Mike Whiting.

**APOLOGY:** Councillor Mike Baldock.

### 513 FIRE EVACUATION PROCEDURE

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

### 514 POSTPONED MEETING

The Chairman explained that this meeting was the postponed meeting, in place of the one scheduled to be held on 1 March 2018, because of the weather conditions.

### 515 MINUTES

The Minutes of the Meeting held on 1 February 2018 (Minute Nos. 462 – 468) were taken as read, approved and signed by the Chairman as a correct record.

### 516 DECLARATIONS OF INTEREST

No interests were declared.

### 517 PLANNING WORKING GROUP

The Minutes of the Meeting held on 19 February 2018 (Minute Nos. 496 – 497) were taken as read, approved and signed by the Chairman as a correct record.

### **17/505865/FULL LAND AT SONDES ARMS, STATION APPROACH, SELLING, FAVERSHAM, ME13 9PL**

The Area Planning Officer explained that since the Planning Working Group, held on 19 February 2018, a number of representations had been received. These had been circulated to Members and were tabled at the meeting. He explained that since the document had been circulated, a further six representations had been

made. The comments were similar to those already raised, with additional concerns with foul sewerage easement on the site.

The Area Planning Officer explained that he had spoken with the owner of the Sondes Arms and she had raised site boundary issues, which he advised were not a planning consideration. He explained that originally a garage had been included in the application, but this had now been removed. There were now issues of egress from the application site over land owned by National Rail. The Area Planning Officer confirmed that this could be controlled by way of conditions on the application.

A Ward Member, (not a member of the Planning Committee), spoke against the application. He considered that not enough had been done to take into account paragraph 70 of the National Planning Policy Framework (NPPF), in support of local businesses. The Ward Member explained that the Sondes Arms was a very necessary facility, and he was sorry to see it potentially disappear, for one additional house. He stated that the entrance would be across National Rail land, and considered it inappropriate to allow planning permission if there was no permission to get over the entrance. The Ward Member explained that there was no certainty of there being a direct line for sewerage.

In response, the Senior Lawyer advised that access, and sewer easement were irrelevant in relation to the planning application, as they were not planning matters.

A second Ward Member spoke against the application. He considered the application would damage the Sondes Arms business.

Members raised points which included: there would be a struggle to defend this on appeal; needed to consider the additional potential of two further cars parking along the busy road to the station; disappointed that National Rail was not consulted; this was overbearing; overlooking; privacy issues; needed to be a condition on the size and weight of vehicles at the construction stage; there were no other frontages onto this road; suggest by condition that construction took place out of the summer months to protect the Sondes Arms' garden facility; conditions were needed to define the access, and provide two parking spaces on the site; redesign the side facing the Sondes Arms so that there were no overlooking windows; the boundary issue should be sorted out before planning permission was given; and the scale was too large, and very close to the boundary.

In response to questions, the Area Planning Officer explained that there was a discrepancy between the applicant and Land Registry on the width of the plot. He reminded Members that this was not a planning matter, and he considered there was enough room on the site to manoeuvre two vehicles. The Area Planning Officer also explained that in relation to paragraph 70 of the NPPF, the aim was to promote a healthy community. He considered the Sondes Arms was not in jeopardy from one additional property being built. The Area Planning Officer explained that with reference to paragraph 28 of the NPPF, supporting public services, the application was not threatening the business at the Sondes Arms. The new property should be able to exist happily alongside the Sondes Arms, and there were already houses in the vicinity. He further explained that any cooking smells from the new property would be mitigated by the boundary fence and the

window on the first floor was a landing window. In response to a question about the access being from Sondes Court instead, he explained that this was a private road.

The Area Planning Officer advised that conditions could not be added to determine construction times, but that a construction management plan, condition or an informative could be added, and the drive could be defined as access by condition. These changes were agreed by Members.

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

**Resolved:** *That application 17/505865/FULL be approved subject to conditions (1) to (13) in the report with additional conditions to address construction issues, and access to the site.*

## 518 SCHEDULE OF DECISIONS

### PART 2

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 18/500046/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Remove existing pitched roof. Form new first floor level with new pitched roof.			
<b>ADDRESS</b> Summerwind Augustine Road Minster-on-sea Sheerness Kent ME12 2NB			
<b>WARD</b> Minster Cliffs	<b>PARISH/TOWN</b> Minster-On-Sea	<b>COUNCIL</b>	<b>APPLICANT</b> Mr Adam Wilson <b>AGENT</b> Deva Design

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

A Ward Member spoke in support of the application.

**Resolved:** *That application 18/500046/FULL be approved subject to conditions (1) to (5) in the report.*

<b>2.2 REFERENCE NO - 17/506083/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Demolition of existing garage and conservatory and erection of replacement detached garage, erection of two single storey side extensions and erection of new entrance gates.			
<b>ADDRESS</b> Kimlee Grovehurst Road Sittingbourne Kent ME9 8QZ			
<b>WARD</b> Bobbing, Iwade And Lower Halstow	<b>PARISH/TOWN</b> Iwade	<b>COUNCIL</b>	<b>APPLICANT</b> Mr & Mrs Sutton <b>AGENT</b> Woodstock

		Associates
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This item was withdrawn from the agenda as Iwade Parish Council had withdrawn their objection to the application.

### 2.3 REFERENCE NO - 16/505211/FULL

#### APPLICATION PROPOSAL

Change of use of land for the siting of a mobile home and the construction of a new brick built tack building and lean to on to the stables, as amended by additional information submitted on 4<sup>th</sup> October 2017 and 18<sup>th</sup> December 2017.

**ADDRESS** Syndale Equestrian Centre Seed Road Newnham Kent ME9 0NA

<b>WARD</b> East Downs	<b>PARISH/TOWN COUNCIL</b> Newnham	<b>APPLICANT</b> Mr & Mrs P Mead <b>AGENT</b> Acorus Rural Property Services
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The Chairman moved the officer recommendation to approve the application and this was seconded by the Vice-Chairman.

The Ward Member spoke in support of the application.

In response to a question, the Area Planning Officer reported that the application was for nine stables, plus an additional two as an isolation block for sick horses.

**Resolved:** *That application 16/505211/FULL be approved subject to conditions (1) to (5) in the report.*

### 2.4 REFERENCE NO - 16/508602/OUT

#### APPLICATION PROPOSAL

Outline application for erection of up to 250 dwellings with all matters reserved except for access

**ADDRESS** Land At Preston Fields Salters Lane Faversham Kent ME13 8YD

<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Preston Field Land Trustees <b>AGENT</b> HOW Planning
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The Major Projects Officer drew Members' attention to the tabled update which included officer responses to issues raised by Faversham Town Council. He reported that four further letters had been received, which included issues already noted in the report, plus comments which included: there should be space for a car park (for cars that currently park on the A2); there should be a 20mph speed limit through Faversham; housing schemes were dealt with on a case-by-case basis, however this should be on a cumulative basis; the proposals were unrealistic; the design of the road junction between the scheme and the A251 was questioned; and

emergency services would be delayed by the proposed road layout at the A2/A251 junction.

The Major Projects Officer reminded Members that this site was allocated for housing in the Local Plan. He referred Members to paragraph (5) of the tabled update which outlined the corrected amount being sought by the KCC Developer Contribution Team as a developer contribution (£1,181,002.50).

Eve Martin, an objector, spoke against the application.

James Berggren, the Agent, spoke in support of the application.

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

The Chairman read out a tabled statement from Councillor David Simmons, one of the Ward Members as he was unable to attend the meeting:

'You will be considering the above outline application at tonight's planning committee meeting. It is noted that this is an allocated housing site and that the development would be in accordance with the current Local Plan. I can therefore see little grounds for you to vote for refusal.

However, I would request that you consider carefully matters relating to air quality. You will be aware that Swale Borough Council is working on an Air Quality Action Plan (AQAP), which will include various actions along the length of the A2 to improve air quality.

This application provides the opportunity to provide a car park at the northern end of the site next to the A2. The aim would be to provide car parking spaces for the properties along Canterbury Road (A2) between the site and Salters Lane, Faversham. We could then introduce no parking outside these houses. (I note that there is one disabled bay). It is well known that air quality can be improved where traffic flows are steady and stop/starts are avoided. This is a particularly narrow section of the A2 where, because of parked cars, two large vehicles cannot pass each other.

If you think this idea has merit you could perhaps defer a decision to allow officers to work with the applicant to achieve this improvement to air quality.'

In response to a question, the Kent County Council (KCC) Senior Development Planner (Highways) explained that in terms of safe access, it was down to the design and also driver behaviour. He explained that the proposed accesses onto the A2 and A251 from the site both had met the highway design standards in relation to sight lines and geometry.

Members raised points which included: there would be an average of 14,000 car movements per week; mitigation was needed to address air quality issues; 35% affordable housing was a real benefit and officers should ensure that the 90:10 tenure split (in favour of rented housing) is secured; the application was not ready for approval at this stage; there were inaccuracies in the report; the KCC depot

entrance was on the A2, not Salters Lane; there was a lack of information on existing accesses onto the A2; the bus stop on the south side of the A2 needed a lay-by; concerned with the private road (which served a number of existing houses) next to the entrance to the site on the A251 from a highway safety point of view; would like to see an agreement on how the land outlined in blue would be protected in perpetuity for the residents living there; clarification was needed on the availability of minerals (brickearth) on the site; concept of a small parking area, to meet existing residential demand, was a good idea, and should not move forward until this was resolved; insufficient developer highway contributions; and needed to defer to deal with the outstanding issues.

In response, the KCC Senior Development Planner (Highways) reported that the proximity and nature of existing accesses close to the site had been considered and he explained that officers would be assessing them through local knowledge, and the access points were indicated on later versions of the site plans. He advised that developer contributions were based on a vehicle movements formula and the figure in the report was part of the full amount; and other major housing developments in the area would also contribute to the A2/A251 junction improvements. The figures needed to be a fair representation, reflecting anticipated impacts on traffic flow.

Further Member comments included: developers needed to comply and stick with the contribution amount; needed to be clear of what we were agreeing on this outline application; and issues with the layout.

In response, the Major Projects Officer referred to page 21 of the report which outlined the proposal for the erection of up to 250 dwellings. The application also included the two access points onto the A2 and A251, for which approval was sought. All other details, the scale, appearance, layout and landscaping would be subject to reserved matters. He also explained that a written agreement had confirmed that 35% affordable housing would be included.

Further Member comments included: this (A2) was the most dangerous road in Faversham; the access onto the A251 was not wide enough; cars parked on the pavements of the A2; the area near Salters Lane on the A2 was very congested with parked cars, and it was an accident black spot; off-street parking facility was vital; a traffic island was essential for pedestrians to walk safely; a bus layby on the A2 was vital; and the junction of the A2/A251 was not fit for purpose and needed to be improved before the development went ahead.

The Major Projects Officer stated that condition (36), plus the Section 106 Agreement, addressed the need for a footpath along the southern side of the A2 to the entrance of the Abbey School. He explained that the layby/car park facility was not a requirement of the application, but could be delegated to officers to ensure that it was provided as part of the planning permission. The land edged in blue (to the south of the site) was outside of the application site and there would be a legal agreement to ensure the management of the site as accessible, natural open space.

Further Member comments included: originally in Local Plan, 217 dwellings were allocated for this site; disappointed with the developer contributions outlined in

paragraph 7.17 (which set out the request made by KCC) of the report; needed to ensure that the ratio (tenure split) of affordable housing as noted in paragraph 7.07 remained.

The Major Projects Officer explained that the affordable housing tenure split had not yet been agreed.

Further Member comments included: did not need to defer the application; more clarification was needed in terms of the minerals (brick earth) on the site; and the road improvements needed to be completed and implemented at the right time.

In response to a question, the Senior Lawyer referred to the Section 106 Agreement outlined on page 51 of the report and explained that matters concerned with the layby/car park would be delegated to officers, but a decision was needed on the other aspects of the Agreement as part of the current application, not at the reserved matters stage.

In response to a question, the Major Projects Officer advised that the wording referring to the protection of the land outlined in blue could be amended to include the words 'in perpetuity', plus the addition of a management plan. With reference to the minerals on the site, outlined in paragraph 10.06 of the report, he stated that this had been weighed in the planning balance, however the priority was the delivery of the housing as the site was allocated for housing in the Local Plan.

Members agreed that the application be delegated to officers to approve subject to the Ward Members and the Planning Committee Chairman being included in the process of drafting the Section 106 Agreement.

***Resolved: That application 16/508602/OUT be delegated to officers to approve subject to the Ward Members and the Planning Committee Chairman being included in the process of drafting the Section 106 Agreement. Authority was also delegated to fine-tune/amend the wording of conditions as required.***

## **2.5 REFERENCE NO - 17/503673/REM**

### **APPLICATION PROPOSAL**

Reserved matters (Access, Appearance, Landscaping, Layout and Scale) following outline permission SW/14/0023 Creation of a public park to include: paved access route to waterfront; skate park for wheeled sports and a picnic area.

**ADDRESS** Proposed Park And Skate Park The Wall Sittingbourne Kent ME10 2GZ

**WARD** Chalkwell

**PARISH/TOWN COUNCIL**

**APPLICANT** Gravity Engineering Limited  
**AGENT** Gravity Engineering Limited

The Senior Planner reported that an Operation Management Plan had been received from the applicants which set-out the way in which the park would be

managed and overseen. This included the appointment of a dedicated site manager, review of health and safety procedures, engagement with park users and the local community, and regular engagement with the Council, KCC, and Kent Police.

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

Councillor Mike Whiting gave an overview of the background to the application.

The Ward Member welcomed the application which had first been requested in 2011.

Members raised points which included: concerned with the temporary fencing around the site, this needed to be improved; the financing from the Council should be applauded; considered the climbing wall should be higher than three metres; Heras fencing was not a good enough boundary; the access to the Sittingbourne and Kemsley Light Railway could be improved; lack of disabled access; absence of CCTV was a problem; welcomed the concept; and needed to look at the concerns raised by the Police. Members requested that officers monitored the development and continued to work with the applicant to secure a good development as neighbouring sites came forward.

In response, the Senior Planner advised that the fencing around the site was difficult to install as it was surrounded by land in different ownership. It was hoped that this would improve and permanent fencing would be erected as the site grew.

***Resolved: That application 17/503673/REM be approved subject to conditions (1) to (3) in the report.***

## 2.6 REFERENCE NO - 17/502338/FULL

### APPLICATION PROPOSAL

Variation of conditions 2 ,3 ,4 and 5 of planning permission SW/13/0137 Change of use for gypsy and traveller site to incorporate previous site approvals, increase number of pitches, relocate and enlarge communal facility building. Includes parking, lighting, fencing and landscape buffer. Condition 3 - to increase the total number of permanent caravan pitches to 40 with a dayroom on seven of the pitches; each pitch to have not more than one static caravans/mobile homes with space for car parking, and a touring caravan, as amended by drawing 2549/PL/Sk05 Revision D.

**ADDRESS** Brotherhood Wood, Gate Hill Dunkirk Faversham Kent ME13 9LN

**WARD** Boughton And Courtenay

**PARISH/TOWN COUNCIL** Dunkirk

**APPLICANT** Mr Joseph Robb

**AGENT** Philip Brown Associates

Parish Councillor Jeff Tutt, representing Dunkirk Parish Council spoke against the application.



Mr Philip Brown, 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 (not a member of the Planning Committee) spoke against the application and stated that the applicant had consistently failed to develop on the site in accordance with conditions. He raised concern with the loss of trees on the site, and that the application could set a precedent as there were blocks of woodland up for sale. He considered the report was not consistent with other applications, as it stated that this application site was sustainable, being close to Dunkirk Village Hall.

A second Ward Member did not support the application. He stated that the applicant had not abided by previous conditions but the site had not had enforcement action.

Members raised points which included: woodland could not be treated like this; action was needed, enough was enough; and there was a lack of enforcement action on the site.

In response to comments, the Area Planning Officer explained that the application was to re-plan within the existing site plan, not to expand the site or remove any more trees. Members were being asked to approve the layout. He explained the background to the site, and stated that the application would enable the site to be regularised and fit for purpose.

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 be deferred to a future meeting of the Committee.***

## 2.7 REFERENCE NO - 17/504037/FULL

### APPLICATION PROPOSAL

Proposed residential development of garden land to provide 4 no. detached 4 and 5 bedroom dwellings with associated garaging, parking and shared private driveway, as amended by drawings received on 24/01/2018 and 06/02/2018.

**ADDRESS** 172 Scarborough Drive Private Street Minster-on-sea Sheerness Kent ME12 2LR

**WARD** Minster Cliffs

**PARISH/TOWN COUNCIL**  
Minster-On-Sea

**APPLICANT** Mr N Shaw  
And Mrs E Conden

**AGENT** Kent Design

		Partnership
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The Senior Planner reported that there was an amendment on page 139 of the report. The figure in paragraph 1.02 should read '0.25 hectares', not '0.535 hectares'. Two additional letters had been received from neighbours in response to the amended plans and these raised issues already noted in 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 did not consider there was a need for this type of housing, and the demand was not there. He stated that the roads were un-adopted, access to the site was 'shoe-horned' in and he wanted the green space to remain.

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

Councillor Andy Booth considered the grounds for refusal of the application should be as outlined in paragraph 4.01 on page 140 of the report.

The Senior Planner advised that many of the issues raised in paragraph 4.01 could not be defended at appeal.

Discussion ensued on the possible grounds for refusal.

Councillor Andy Booth moved the following motion: That the application be refused on the grounds that it would be demonstrably harmful to the character and appearance of the area, and to the residential amenity of neighbouring residents. This was seconded by Councillor Bryan Mulhern. On being put to the vote, the motion was won.

***Resolved: That application 17/504037/FULL be refused on the grounds that it would be demonstrably harmful to the character and appearance of the area, and to the residential amenity of neighbouring residents.***

## PART 5

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

- **Item 5.1 – 2 Howard Avenue, Sittingbourne**  
**APPEAL DISMISSED**  
  
**DELEGATED REFUSAL**
- **Item 5.2 – Well Pets Animal Hospital, 6A The Broadway, Minster**  
  
**APPEAL DISMISSED (ADVERT)**  
  
**SPLIT COMMITTEE DECISION**
- **Item 5.3 – Seabreeze Park, Marine Parade, Sheerness**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

- **Item 5.4 – 35 Springvale, Iwade**

**APPEAL ALLOWED**

**DELEGATED REFUSAL**

- **Item 5.5 – 77 Augustine Road, Minster**

**APPEAL ALLOWED**

**DELEGATED REFUSAL**

- **Item 5.6 – 124 Athelstan Road, Faversham**

**APPEAL DISMISSED**

**DELEGATED REFUSAL**

- **Item 5.7 – 211 High Street, Sheerness**

**APPEAL ALLOWED (ADVERT)**

**DELEGATED SPLIT DECISION**

- **Item 5.8 – Amos Field, Denstrode Lane, Dunkirk**

**APPEAL ALLOWED**

**ENFORCEMENT APPEAL**

- **Item 5.9 – Windmill Farm, Yaugher Lane, Hartlip**

**APPEAL ALLOWED**

**DELEGATED REFUSAL**

The Head of Planning Services reported that the Council had submitted a challenge on the decision.

## **519 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 item s of business***

*on the grounds they involve the likely disclosure of exempt information as defined in Paragraphs 5 and 7 of Part 1 of Schedule 12A of the Act:*

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

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

## 520 SCHEDULE OF DECISIONS

**6.1 Case 17/500786/OPDEV Land adjacent 1 Boughton Field Cottage, Canterbury Road, Faversham ME13 8YW**

**Resolved:**

**(1) 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 removal of the fence within 1 month of the Notice taking effect.**

**(2) 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.**

## 521 ADJOURNMENT OF MEETING

The meeting was adjourned at 9.15pm and reconvened at 9.22pm.

Chairman

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