
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 20 November 2014 from 7.00 - 9.35 pm.

PRESENT: Councillors Barnicott (Chairman), Sylvia Bennett, Andy Booth, Mick Constable, Adrian Crowther, Mark Ellen, June Garrad, Sue Gent, Mike Henderson, Lesley Ingham, Peter Marchington, Bryan Mulhern (Vice-Chairman), Ben Stokes, Ghlin Whelan, Mike Whiting (Substitute) (In place of Prescott), Ted Wilcox (Substitute) (In place of Derek Conway) and Tony Winckless.

OFFICERS PRESENT: Philippa Davies, Claire Dethier, Emma Eisinger, James Freeman, Libby McCutcheon, Alun Millard and Steve Wilcock.

ALSO IN ATTENDANCE: Councillor Roger Truelove.

APOLOGIES: Councillors Derek Conway and Prescott.

354 MINUTES

The Minutes of the Meeting held on 30 October 2014 (Minute Nos. 318 – 322) were taken as read, approved and signed by the Chairman as a correct record.

355 DECLARATIONS OF INTEREST

Councillor Ted Wilcox declared an interest in items 2.1 (Hand Car Wash, Standard Quay, Faversham) and 2.3 (Land east of Love Lane, Faversham) as he had already spoken and voted on these matters at Faversham Town Council.

356 PLANNING WORKING GROUP

The Minutes of the Meeting held on 10 November 2014 (Minute Nos. 334 – 335) were taken as read, approved and signed by the Chairman as a correct record.

SW/14/0516 (2.7) – Land adj. Cedar Lodge, Whybornes Chase, Minster, Sheerness

The Senior Planner advised that two further letters of objection had been received which raised issues already noted in the report. She also advised that the Agent had submitted two additional drawings which showed a block plan and street elevation of the proposed semi-detached houses, together with the detached house, which had already been approved.

In response to a question raised at the Planning Working Group Meeting, the Senior Planner advised that the breakdown of properties along Whybornes Chase between Queenborough Drive and Wards Hill, were 10 detached houses; eight detached bungalows; five detached chalet bungalows; and two semi-detached houses. The Senior Planner further advised that condition (4) in the report needed to be amended to include indigenous species in the landscaping scheme.

The Chairman moved the officer recommendation for approval and this was seconded.

A Ward Member explained that he had no objection to the detached house that had been approved, but raised concern with the overall scale of the two proposed semi-detached houses. He stated that generally houses along Whybornes Chase had a reasonable gap

between them and these were too close to adjoining properties; there were detached houses in the vicinity and the road narrowed at this point. The Ward Member suggested the proposal was too large in scale for the plot; was not in-keeping with the street scene; it was completely out of character and design; and a bungalow/chalet bungalow would be more appropriate.

On being put to the vote the motion for approval was lost.

Councillor Andy Booth moved a motion for refusal on the grounds of the proposal being too large in scale; overintensification; and not in-keeping with the street scene. This was seconded by Councillor Adrian Crowther.

Members made the following comments: do not agree with refusal, proposal was only two storeys and did not overlook; no overshadowing; there was space between proposal and neighbouring properties; no grounds to refuse; the street had a mix of dwelling types; the proposal was overintensive; and it would have an adverse affect on residential amenity.

The Head of Planning advised that the proposal would not affect residential amenity.

On being put to the vote, the motion for refusal was agreed.

Resolved: That application SW/14/0516 be refused on the grounds of it being too large in scale; being too close to the boundaries of the plot; and not in-keeping with the street scene.

357 DEFERRED ITEM

SW/14/0399 – Old Sittingbourne Mill and Wharf (Morrisons)

The Senior Planner reported that the Applicant had submitted a phasing plan which showed the phasing for the construction of the housing development. She explained that the linear park could not be implemented as one operation as there needed to be access to that area for drainage work throughout the construction phases. A base for the linear park could be started, but would not be able to be completed until the housing was completed. The Senior Planner drew Members' attention to the tabled paper which set out the recommendations, with Option A in each case being the officer recommendation.

Mr Bellinger, the Applicant, spoke in support of the application.

The Chairman moved the recommendations in turn and these were seconded. Members were invited to comment on each recommendation.

9.01- that the phasing should be altered in line with the applicant's request:

- Phase A – residential units
- Phase B – Mill site public realm
- Phase C – Leisure building and Waterside Park
- Phase D - Museum and Heritage Building

A Ward Member acknowledged the reasons for the linear park's delay in completion, but considered that most of the linear park could be put in place before the last house was constructed and that work on the linear park should start before the final house was completed. He considered that as it had been stated that available funding for the museum and heritage building was highly unlikely, that this was a 'non-starter' and he considered

the leisure building should be an assured part of the process, not 'quite possible' as noted in the report.

Members stressed the need to complete the development as soon as possible.

On being put to the vote the recommendation was agreed.

9.02 - that the Council accepts a phased payment of the education contributions; 50% prior to occupation of 25% of the dwellings and the remaining 50% prior to occupation of 75% of the dwellings.

In response to a question, the Senior Planner confirmed that the recommendation was within the Planning Committee's remit.

On being put to the vote the recommendation was agreed.

9.03 – Either:

Option A: that there should be a review of the Viability Appraisal prior to the occupation of the final dwelling to be occupied on site and any additional profit should be used to fund a commuted payment for additional affordable housing to be provided off-site.

OR

Option B: that there should be a review of the Viability Appraisal prior to the occupation of the final dwelling to be occupied on site and any additional profit should be used to fund all or part of the Heritage Initiatives Contribution (up to a maximum of £215,000.00).

A Ward Member spoke in support of Option B; he was in favour of any additional profit being used on-site rather than fund housing off-site.

Members made the following comments: additional affordable housing was needed; the rate of affordable housing on the development was appalling; and affordable housing was more important than heritage initiatives.

Councillor Mike Henderson moved an addendum to Option A: that '.....additional affordable housing to be provided within the Sittingbourne area'. This was seconded by Councillor Barnicott. A Member considered lack of affordable housing was a Borough-wide issue. On being put to the vote the addendum was lost.

On being put to the vote the recommendation (Option A) was agreed.

9.04 - either

Option A: that Members accept the 3.3% affordable housing proposed and maintain the contribution to education in full.

OR

Option B: that Members require 10% affordable housing with acknowledgement that this will result in the reduction of the education contribution.

In response to a question, the Senior Planner confirmed that Option B was within the Planning Committee's remit.

Members made the following comments: a difficult choice to make, with a balance between affordable housing and education contributions; and Option A was slightly preferable.

In response to a question, the Senior Planner advised that for the developer to provide one affordable house, this would cost around £50,000 and that this would be drawn from the education contribution, resulting in a significant reduction therefore. The Senior Planner did not consider this to be preferable.

The Head of Planning explained that Option B would result in a loss of educational contributions, with a shortfall that would have an impact on Kent County Council.

On being put to the vote the recommendation (Option A) was agreed.

9.05 - either

Option A: that Members agree that the percentage of social rented accommodation within the agreed affordable housing provision shall be 70%.

OR

Option B: that Members agree that no social rented accommodation shall be required as part of the agreed affordable housing provision (i.e. only shared equity affordable housing provided) and the overall proportion of affordable housing shall be increased to 10%.

On being put to the vote the recommendation (Option A) was agreed.

9.06 - the acceptance of all other elements of the offer set out on pages 18 & 19 of the report and delegation to Head of Planning to finalise the wording of the modified Section 106 agreement.

On being put to the vote the recommendation was agreed.

Resolved: That the recommendations noted below be agreed for application SW/14/0399.

(1) That the phasing should be altered in line with the applicant's request:

Phase A – residential units

Phase B – Mill site public realm

Phase C – Leisure building and Waterside Park

Phase D - Museum and Heritage Building.

(2) That the Council accepts a phased payment of the education contributions; 50% prior to occupation of 25% of the dwellings and the remaining 50% prior to occupation of 75% of the dwellings.

(3) Option A: that there should be a review of the Viability Appraisal prior to the occupation of the final dwelling to be occupied on site and any additional profit should be used to fund a commuted payment for additional affordable housing to be provided off-site.

(4) Option A: that Members accept the 3.3% affordable housing proposed and maintain the contribution to education in full.

(5) Option A: that Members agree that the percentage of social rented accommodation within the agreed affordable housing provision shall be 70%.

(6) The acceptance of all other elements of the offer set out on pages 18 & 19 of the report and delegation to Head of Planning to finalise the wording of the modified Section 106 agreement.

358 REPORT OF THE HEAD OF PLANNING

PART 2 - Applications for which PERMISSION is recommended

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| 2.1 14/501373/FULL |
| APPLICATION PROPOSAL Change of use for open yard, of former Transport Depot, to hand car wash plus construction of canopy to washing area. |
| ADDRESS Hand Car Wash Standard Quay Faversham Kent ME13 7BS |
| APPLICANT Mr Vehbi Parallangaj AGENT Design And Build Services |

The Senior Planner reported that three additional comments had been received which raised similar issues already set out in the report. Additional comments, not noted in the report were: how was it known that the noise can be contained?; the Environmental Team were taking the Applicant's word on issues relating to the proposal; and the structure was contrary to regulations for a conservation area.

Ms Taylor, on behalf of the Agent, spoke in support of the application.

The Chairman moved the officer recommendation for approval which was seconded.

A Ward Member explained that he had some reservations with the application. He considered that vehicles going in and out of the premises, even if the car wash area was enclosed, would still generate noise. He considered there were environmental issues.

In response, the Environmental Health Officer stated that the proposed canopy would contain noise from the jet spray and also contain any over-spray. He explained that vehicle egress was a separate matter.

The Ward Member considered the noise of vehicles arriving and leaving the premises would be detrimental to local residents and that the proposed use as a whole was a disturbance within the conservation area.

The Senior Planner advised that vehicle egress noise disturbance could not be taken as being unacceptable, as the existing use of the site was semi-industrial.

A Member from an adjoining ward spoke against the application. He raised the following points: it was not known how much noise reduction could be achieved; waiting vehicles would have their engines running; noise from car spray and vacuum cleaner; this was not a suitable location for this type of activity; was adjacent to important listed buildings and in a conservation area; the previous use did not have continual activity; increase in traffic flow; and this would not preserve or enhance the area.

Members made the following comments: it was regretful that there were no acoustic values within the report; concern with noise levels from spray and vacuuming; condition (8) stating doors in the wash building were to be closed prior to vehicle cleaning was impossible to enforce; and concerned with water pollution.

Councillor Tony Winckless moved a motion for a site meeting, this was not seconded.

On being put to the vote the motion for approval was lost.

Councillor Mike Henderson moved a motion for refusal on the grounds that there was no guarantee that the noise issues would be addressed and the building did not preserve,

enhance or protect the conservation area or the curtilage of the listed buildings. This was seconded by Councillor Bryan Mulhern and upon being put to the vote the motion was agreed.

Resolved: That application 14/501373 be refused on the grounds that there was no guarantee that the noise issues would be addressed and the building did not preserve, enhance or protect the conservation area or the curtilage of the listed buildings.

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| 2.2 14/500561/OUT |
| APPLICATION PROPOSAL Outline Planning permission (all matters except access reserved) - Residential redevelopment with provision of associated vehicular and pedestrian access, open space, drainage and services. |
| ADDRESS Former HBC Engineering Site Power Station Road Halfway Minster-on-sea Kent ME12 3AB |
| APPLICANT TBH (Sheerness) Ltd AGENT |

The Senior Planner reported that an amended drawing had been received from the Applicant which showed a footpath extending to the western boundary of the site frontage, which would connect to the existing footpath on the other side of the road. The amendment addressed the issue of the highway not being wide enough for a footpath on the northern side of the road. Kent County Council (KCC) Highways raised no objection to the amended footpath proposal, subject to usual conditions. The Senior Planner advised that condition (24) in the report would need to be amended to reflect the altered design.

The Senior Planner reported that the additional six dwellings to the 136 originally proposed had received no objection from KCC Highways as they expected around three additional vehicle movements, and as such this would have little impact on traffic figures. She further advised that the submitted transport assessment was based on 160 dwellings and the traffic impact was still considered to be less than the lawful employment use of the site. The Senior Planner confirmed that the site was within the Minster Parish Council boundary; the report had stated that it was not.

The Senior Planner drew Members' attention to the viability assessment on pages 49 and 50 of the report. She explained that the development could not support the full Section 106 agreement, and the scheme was only viable if the affordable housing figures were reduced, and that option (b) was the preferred option, with KCC requesting at least two of the four affordable units to be wheelchair accessible.

The Senior Planner advised that the development would provide £284,000 in total, £2,000 per dwelling, and Swale Borough Council would retain the full amount required for wheeled bins, open space management and monitoring fee. She explained that the profit level was 15% which was a low profit value. As the contribution received by KCC was significantly lower, they had requested some discretion as to how they spent their share.

The Senior Planner outlined the work undertaken on Great Crested Newts which was in draft form, with further survey work due to take place in Spring 2015. Condition (14) needed to be amended as there were no water voles on site, but a condition was needed for precautionary measures to protect water voles before and during work on the site. Delegation was sought to amend condition (14) as appropriate, and add additional conditions as recommended by KCC ecology. An additional condition was also required to ensure mitigation measures were put in place in line with the submitted habitat survey.

The Chairman moved the officer recommendation for approval which was seconded.

Members made the following comments: concerned with the increase in traffic movement problems and flooding; disappointed with the level of affordable housing proposed, which was contrary to the 30% that SBC had agreed to provide on developments; balance between keeping land that was once industrial as land available for job provision, or using it for housing which was also needed; impact on nearby junction; demonstrable harm to residents; there were other developments planned which would compound the traffic problems; and the infrastructure needed to be improved.

In response to a question, the Senior Planner referred to the proposals map and advised that the land was not allocated for employment or housing. She further advised that on the emerging Local Plan, 87 houses were allocated on the southern part of the site.

Councillor Mike Henderson moved a motion for a site visit. This was seconded by Councillor Tony Winckless.

In response, the Senior Planner advised that the mitigation measures set out in the submitted flood risk assessment for the site were accepted by the Environment Agency and that appropriate sustainable urban drainage was proposed for the site. The KCC Highways Officer advised that the application site had been assessed and traffic movements had been projected as being less than the previous commercial use and the typical extant B2 use of the site

On being put to the vote the motion for a site visit was lost.

A Member doubted that that the nearby mini-roundabout and the road structure had the capacity to cope with the development.

Councillor Bryan Mulhern moved a motion to defer the application in order to seek further information on traffic movements and flooding issues. This was seconded by Councillor Tony Winckless.

The Head of Planning explained that traffic issues would be managed during the process of the development and reminded Members of KCC Highways comments and the need for housing in the Borough.

On being put to the vote the motion to defer was lost.

Councillor Mike Henderson moved a motion for an amendment: that approval of reserved matters be reduced from five years to four years. The Head of Planning stated that this was a standard time condition. The motion was not seconded.

The substantive motion to approve was put to the vote and the motion was lost.

At this point the Head of Planning 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 of the Committee on 11 December 2014 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.

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| 2.3 SW/14/0045 |
| APPLICATION PROPOSAL Outline application including access for a mixed use development comprising business park (up to 5,385sqm of commercial units, and a 2,000sqm office (innovation centre), a hotel (approx 70 bed), pub/restaurant (up to 400sqm), health centre (up to 300sqm), 196 residential dwellings, open space including sports pitches, amenity open space and parkland, roads, allotments and a traveller site. |
| ADDRESS Land East Of Love Lane, Faversham, Kent, ME13 8JB |
| APPLICANT The Vinson Trust |
| AGENT Mr M Woodhead |

The Senior Planner reported that Natural England (NE) had revised their comments on the application. They considered that the impacts on the Swale Site of Special Scientific Interest, the Special Protection Area and the Ramsar site needed to be considered further in respect of bird disturbance. They recommended a Section 106 agreement for access management and a monitoring mitigation strategy if there were to be significant effects. The Senior Planner sought delegation to do this if it was considered necessary following the receipt of information on mitigation measures proposed by the Applicant on any effects of the proposal on these areas.

The Senior Planner advised that two additional letters had been received which raised similar issues to those noted in the report. Additional comments included: distance from schools, would increase traffic further; the NHS said no GP surgeries were required; need new schools; outline application, therefore saying 'yes' to everything; bats and nesting birds were on the site; and brown fields sites in Faversham should be identified.

The Senior Planner advised that she was waiting for comments from KCC Archaeology, and ecology matters from the Applicant and sought delegation to approve and add any necessary conditions, subject to this further information.

Mrs Jenny Gurney, a supporter, spoke in support of the application.

Marilyn Smith, an objector, spoke against the application.

Duncan Scott, the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation for approval which was seconded.

A Ward Member spoke in favour of the application and acknowledged that it was part of the emerging Local Plan.

Members made the following comments: this was a good vision of mixed use; have to look at least worst option for Faversham, other options were significantly worse, with Faversham stretching too far south; this development should not go any further east, not to Brenley Corner; it provided housing, including affordable housing; there was a good road network to the site; it would improve the economy of Faversham; impact on existing nearby roads and junctions which may need improvements and traffic controls; and acknowledge impact on local residents.

Resolved: That application SW/14/0045 be delegated to officers to approve subject to conditions (1) to (35) in the report, and the receipt of further comments from KCC Archaeology and ecology matters from the Applicant and further information and discussions regarding bird disturbance.

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| 2.4 14/500338/FULL |
| APPLICATION PROPOSAL Single storey side and rear extension, first floor rear extension and first floor flank window. |
| ADDRESS 165 Minster Road Minster-on-sea Kent ME12 3LH |
| APPLICANT Mrs Tracey Gobbi AGENT Mr Dave Chamberlain |

The Senior Planner reported that KCC Highways had stated that the increase in bedrooms by six, to 26 in total, would normally equate to one additional parking space. As the application was to enable single occupancy of the bedrooms, no additional residents would be at the site, so there was no need to increase the parking provision.

The Senior Planner advised that the distance from the flank elevation of the rear conservatory to the neighbouring property was 3.8 metres, not 6.4 metres as noted in the report.

A Ward Member spoke against the application. She considered there had been major overdevelopment of the site, with overshadowing; it was too close to other properties; loss of garden amenity and was overdevelopment of a residential area.

Councillor June Garrad moved a motion for a site meeting. This was seconded by Councillor Lesley Ingham. On being put to the vote the motion was agreed.

Resolved: That application 14/500338 be deferred to allow the Planning Working Group to meet on site.

PART 5 - Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 - Site at Warren Farm, (Sheppey Animal Rescue), Warden Road, Eastchurch, Sheppey, ME12 4HD**

Appeal dismissed.

- **Item 5.2 - 28 Brier Road, Sittingbourne, ME10 1YJ**

Appeal allowed.

- **Item 5.3 - Land at Littles Farm, Faversham, ME13 8XZ**

Appeal dismissed.

Chairman

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