
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 26 May 2016 from 7.00pm - 10.18 pm.

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

OFFICERS PRESENT: Simon Algar, Gary Cordes, Philippa Davies, Martin Evans, James Freeman, Andrew Jeffers, Alun Millard, Graham Thomas and Jim Wilson.

ALSO IN ATTENDANCE: Councillor Gerry Lewin, David Simmons and John Wright.

APOLOGIES: Councillors Mike Dendor and Peter Marchington.

703 FIRE EVACUATION PROCEDURE

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

704 MINUTES

The Minutes of the Meeting held on 28 April 2016 (Minute Nos. 648 – 655) were taken as read, approved and signed by the Chairman as a correct record, subject to recording that Councillor Mike Baldock had objected to a representative from Hartlip Parish Council not being able to speak on item 2.5, 15/510595/OUT, Land off London Road, Newington.

Post Meeting Note: The above wording was included in the Minutes of the 28 April 2016 Meeting, at the beginning of item 2.5.

705 DECLARATIONS OF INTEREST

Councillor Cameron Beart declared a Disclosable Pecuniary Interest in respect of item 3.1, 16/500627/FULL, Marsh Bank, Old Ferry Road, Iwade and left the Chamber during consideration of this item.

Councillor Tina Booth declared a Disclosable Pecuniary Interest in respect of items 2.2, 15/509875/FULL, 35 Orchard Way, Eastchurch and 2.4, 15/510422/FULL, Warden Springs Holiday Park, Thorn Hill Road, Warden, and left the Chamber during consideration of these items.

Councillor Nigel Kay declared a Disclosable Pecuniary Interest in respect of item 2.1, 16/501352/FULL, 12 Market Place, Faversham and left the Chamber during consideration of this item.

Councillor Bryan Mulhern declared a Non-Pecuniary Interest in respect of item 2.1, 16/501352/FULL, 12 Market Place, Faversham, although a member of Faversham Town Council, he had not previously discussed this matter.

706 PLANNING WORKING GROUP

The Minutes of the Meeting held on 16 May 2016 (Minute Nos. 660 – 661) were taken as read, approved and signed by the Chairman as a correct record.

15/508144/FULL 6 Sheerstone, Iwade

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

Members raised the following points: this was over-intensification; concerned that the proposed parking would not fit on the site; the scale of the proposed dwelling was too big; and it did not improve the streetscene.

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

Councillor Andy Booth moved a motion to refuse the application on the grounds that the scale of the proposed dwelling was greater than could reasonably be afforded on the site and it was detrimental to the streetscene. This was seconded by Councillor James Hunt.

A Member raised concern with the parking, and in response the Kent County Council (KCC) Highways & Transportation Officer explained that three car parking spaces were to be provided on the site and this was above the standard required for a property of this size. Another Member considered parking to the front of the property would affect the streetscene.

On being put to the vote the motion to refuse the application was won.

Resolved: That application 15/508144/FULL be refused on the grounds of the scale of the proposed dwelling being greater than could reasonably be afforded on the site and it was detrimental to the streetscene.

707 DEFERRED ITEM

DEF ITEM 1 REFERENCE NO – 15/510595/OUT
APPLICATION PROPOSAL
Outline application with all matters reserved (except for the details of a vehicular access point from London Road, including the widening and realignment of the A2) for residential development of up to 126 dwellings (including 30% Affordable), plus 60 units of Extra Care (Use Class C2), an allocated 1/4 acre of serviced land for potential doctors surgery, planting and landscaping, informal open space, children's play area, surface water attenuation, and associated ancillary works (Resubmission of 15/500671/OUT).
ADDRESS Land Off London Road Newington Kent

WARD Newington & Upchurch	Hartlip,	PARISH/TOWN COUNCIL Newington	APPLICANT Developments	Gladman
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The Major Projects Officer drew Members' attention to the tabled paper which provided some further comments from a Ward Member, with officer responses. One further letter of objection had been received which raised issues already noted in the report. The Major Projects Officer referred to paragraph 8.0 on page 14 of the report which stated that the recommendation would have been to approve the application, subject to a Section 106 Agreement and the conditions in the report, had an appeal not been submitted.

Parish Councillor Stephen Harvey, Newington Parish Council, spoke against the application.

Mr Richard Knox-Johnson, representing the Campaign for the Protection of Rural England, spoke against the application.

The Chairman moved the officer recommendation to advise the Planning Inspectorate that the Council supported the proposals and this was seconded.

A Ward Member spoke against the application and raised points which included: consideration needed to be given to the KCC Waste and Mineral plan report on the brick earth; the geological data was not complete; a further brick earth survey was needed on the site; there would be a cumulative effect of building at this site; viability of brick earth needed to be looked at further; and detrimental impact on the landscape.

A second Ward Member spoke against the application and raised points which included: considered judgement on the application was finely balanced; heritage assets needed to be considered; landscape character assessment had stated serious concerns with the proposal; pressure on local services, and schools, with any expansion of local schools being detrimental to the highway; concerned with access to the site; and this would contribute to the 5-year supply of housing.

Councillor Mike Henderson proposed the following reasons for refusing the application if the motion to approve were to be lost:

- The development was too large for Newington; it would be a 20% increase to a small village;
- This development was not within the village envelope;
- Loss of potential brickearth resource; it was clear the applicant had not carried out a proper survey;
- Loss of best and most versatile high quality agricultural land;
- This was not a sustainable development. The National Planning Policy Framework (NPPF) states that a development had to be sustainable on economic, social and environmental grounds;
- The development was contrary to Policies E6 and E7 of the adopted Local Plan;
- There was a lack of 5-year supply of housing, with a 4.2 year supply, but it was for the decision maker to decide the weight to attach to each policy; and

the Planning Committee was the decision-making body to decide the level of importance of the issues raised;

- This site had not been selected as a housing site under the emerging Local Plan.

Members raised concerns which included: nothing has changed since the last meeting; this went against Policies; cumulative effect on highway; mitigation measures on application were insufficient and would add to problems; report did not reflect the KCC Minerals and Waste Plan; there will be a demand for brick earth, and needed to protect potential sites for the future.

In response to a question, the KCC Highways and Transportation Officer confirmed that there would be around 4 to 5 vehicle movements per dwelling and this would amount to approximately 630 vehicle movements per day, plus vehicle movements from the Extra Care Unit.

A Member referred to paragraph 6.18 on page 11 of the report and considered 630 movements not to be a relatively low figure.

The Head of Planning Services advised the Committee that recommendations from the Local Development Framework Panel meeting had been ratified by Cabinet on 25 May 2016. This called for 15 additional sites, and this site was not included within the 15. He explained that there was limited weight to the emerging Local Plan, as it still needed to go through a consultation, and the Planning Inspector's examination at the beginning of 2017. NPPF guidance stated that a housing application needed to be considered in the context of the relevant Local Plan, and the Head of Planning Services explained that Swale Borough Council could not demonstrate a 5-year supply of housing, and could not rely on the emerging Local Plan.

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

For: none.

Against: Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth, Roger Clark, Richard Darby, Sue Gent (substitute for Councillor Mike Dendor), James Hall, James Hunt, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams, Mike Henderson, Tina Booth (substitute for Councillor Peter Marchington), Bryan Mulhern, Prescott and Ghlin Whelan.

The motion to approve the application was lost.

Councillor Mike Henderson moved a motion to refuse the application on the grounds that it was too large for a modest size village; loss of potential of brick earth; loss of best and most versatile high quality agricultural land; not economically (construction phase and care home employment could be supplied elsewhere, and loss of best and most versatile land and brickearth were negatives), environmentally (visual and landscape, and loss of best and most versatile land), noting landscape consultant recommended refusal, or socially sustainable (growth outside built-up area boundary, and not wanted by community); and contrary to

Policies E6 and E7 of the adopted Local Plan, there was a 5-year supply on the way This was seconded by Councillor Andy Booth.

In response to a question, the Major Projects Officer explained that reference to the Air Quality Management Area (AQMA) in reasons for refusal might be difficult to defend on appeal as the Environmental Health Officer had advised that it was not safe to object on the grounds of adverse impact on the AQMA and as such there was no technical reason to refuse on that basis.

Members agreed that more detail be given to the above reasons for refusal following consultation with Councillor Mike Henderson (proposer), Councillor Andy Booth (seconder and Vice-Chairman), Councillor Bryan Mulhern (Chairman), Ward Members and officers.

Resolved: That the Council informs the Planning Inspectorate that application 15/510595/OUT would have been refused on the grounds that it was too large for a modest size village; loss of potential of brickearth; loss of best and most versatile high quality agricultural land; not economically, environmentally, or socially sustainable; not wanted by community; and contrary to Policies E6 and E7 of the adopted Local Plan.

More detail be given to the above reasons following consultation with Councillor Mike Henderson (proposer), Councillor Andy Booth (seconder and Vice-Chairman), Councillor Bryan Mulhern (Chairman), Ward Members and officers.

708 SCHEDULE OF DECISIONS

PART 1

Any other reports to be considered in the public session

1.1 REFERENCE NO – 16/500948/MOD106		
APPLICATION PROPOSAL		
Discharge of Section 106 Agreement made between Hyde Housing and Swale Council on 11th February 1994 - The Charges Register on the title; Part C: Charges register 1-3. This also includes reference to sell the property within social housing. Such Units to be utilised for such social and special needs housing whilst the application land is owned by a registered housing association		
ADDRESS 58 Whiting Crescent Faversham Kent ME13 7WB		
WARD	PARISH/TOWN COUNCIL	APPLICANT
St Ann's	Faversham Town	Hyde Housing Group

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

A Ward Member spoke against the application and considered it should remain as social housing and that it could set a precedent.

Members raised the following points: there was nothing structurally wrong, this could be repaired and remain as social housing; it should not be sold off; this was bad management by the housing association, the property should have been boarded-up earlier; private ownership could help to ‘uplift’ the area; there was a shortage of social housing; selling it off was the easy option; support this; and the repairs were excessive.

The Area Planning Officer outlined the extensive repairs that were needed to the property.

Resolved: That application 16/500948/MOD106 be approved to modify the terms of the existing Section 106 agreement.

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 16/501352/FULL			
APPLICATION PROPOSAL			
Change of use to exhibition space with ancillary retail use on the ground floor and B1 office use on the 1st floor			
ADDRESS 12 Market Place Faversham Kent ME13 7AE			
WARD Abbey	PARISH/TOWN Faversham Town	COUNCIL	APPLICANT Faversham Town Council
			AGENT Sell Wade Consultants

Mrs Turner, a supporter, spoke in favour of the application.

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

A visiting Member spoke in favour of the application. He considered the building to have been under-used and that the proposed use would benefit tourism. He referred to Policy B3 of the Local Plan which stated non-retail could be permitted if it enhanced the town centre and provided a service/facility to the town; he considered the application met these criteria.

Members raised the following points: this was a major shop, and the proposal was contrary to Council policy; this was in a defined core retail use area of the town centre; if this was marketed properly, it could be retail again; not sure this would attract visitors and question whether they would then shop locally as well; there was no evidence that it would boost tourism; there were other buildings that could host this type of proposed use; the proposal was restricted by condition (2) in the report which restricts use of the ground floor to Faversham Town Council; it was a shame

to see a Grade II listed building empty; good location for tourism; important to use this type of building; and finely balanced between retail potential and tourist attraction.

A Ward Member supported the application.

Resolved: That application 16/501352/FULL be approved subject to conditions (1) and (2) in the report.

2.2 REFERENCE NO - 15/509875/FULL			
APPLICATION PROPOSAL			
Erection of a three bedroom detached dwelling with associated parking and access to both the existing and proposed dwellings.			
ADDRESS 35 Orchard Way Eastchurch Kent ME12 4DS			
WARD Sheppey East	PARISH/TOWN Eastchurch	COUNCIL	APPLICANT Mr & Mrs Lee Marshall AGENT Kent Design Partnership

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

Members raised the following points: this was outside the village envelope; see no reason not to approve the application; this was encroachment; and the appeal decision was noted, we do not have to go with the Inspector’s decision.

Resolved: That application 15/509875/FULL be approved subject to conditions (1) to (11) in the report.

2.3 REFERENCE NO - 16/501136/FULL			
APPLICATION PROPOSAL			
Erection of new grain store As amended by drawings and information received on 6 TH 19 TH and 21 ST April 2016			
ADDRESS Parsonage Farm Parsonage Lane Bredgar Kent ME9 8HA			
WARD West Downs	PARISH/TOWN Bredgar	COUNCIL	APPLICANT S W Attwood And Partners AGENT

The Major Projects Officer drew Members’ attention to the tabled letter from Bredgar Parish Council. He referred Members to paragraph 5.06 on page 89 of the report and reported that following additional information received from the applicant, KCC Highways and Transportation had no objection to the application, subject to an amendment to condition (7) to limit grain storage to crops grown on farms belonging to SW Attwood and Partners, rather than any farms throughout Kent.

The Chairman moved the officer recommendation to approve the application, with the amendment to condition (7) and this was seconded.

Discussion ensued on the ability to enforce where the grain, that would be stored, came from.

In accordance with Procedure Rule 19(5) a recorded vote was taken on the motion to approve the application, with the amendment to condition (7) and voting was as follows:

For: Councillors Mike Baldock, Richard Darby, James Hall, Mike Henderson and Ghlin Whelan.

Against: Councillors Cameron Beart, Bobbin, Andy Booth, Roger Clark, Sue Gent (substitute for Councillor Mike Dendor), James Hunt, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams; Tina Booth (substitute for Councillor Peter Marchington), Bryan Mulhern and Prescott.

The motion, with the amendment to condition (7), was lost.

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

For: Councillors Cameron Beart, George Bobbin, Andy Booth, Roger Clark, Richard Darby, Sue Gent (substitute for Councillor Mike Dendor), James Hall, James Hunt, Ken Ingleton, Nigel Kay, Samuel Koffie-Williams; Tina Booth (substitute for Councillor Peter Marchington), Bryan Mulhern, Prescott and Ghlin Whelan.

Against: Councillors Mike Baldock and Mike Henderson.

The motion to approve the application was won.

Resolved: That application 16/501136/FULL be approved subject to conditions (1) to (7) in the report.

2.4 REFERENCE NO - 15/510422/FULL			
APPLICATION PROPOSAL			
Use of land for siting 12 static caravans and 17 touring pitches in place of pitches lost due to cliff erosion.			
ADDRESS Warden Springs Holiday Park Thorn Hill Road Private Street Warden ME12 4HF			
WARD Sheppey East	PARISH/TOWN Warden	COUNCIL	APPLICANT Park Resorts Ltd. AGENT Bilfinger GVA

The Major Projects Officer reported that the Greenspaces Manager had advised that there was not an adopted standard specifically for caravan parks, but the current Local Plan required 10% of the land to be greenspace. The Greenspaces Manager suggested opening up a glade or woodland edge to extend use to make up for the land that the application site would take up.

The Major Projects Officer sought delegated authority to approve the application to explore the scope of doing as the Greenspaces Manager suggested, and to impose further conditions as required. He reported that the applicant had submitted an additional plan, similar to the previous plan and had also provided further justification on the benefits of replacing the accommodation would have in terms of tourism and sustaining local businesses.

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

Members raised the following points: sympathy with the operators of the site; erosion was a serious concern with the loss of land/caravans; if continued to re-locate, this will encroach further inland; this was not sustainable long-term; and happy to move caravans back until run out of space.

Resolved: That application 15/510422/FULL be delegated to officers to approve subject to conditions (1) to (9) in the report and to full exploration of the scope of opening up a glade or woodland edge to extend active usage, and to impose further conditions as required.

2.5 REFERENCE NO – 15/509664/OUT		
APPLICATION PROPOSAL		
Outline (Access being sought) application for residential development for up to 26 dwellings.		
ADDRESS Land to East of St Mary’s View, Newington, Kent ME9 7JW		
WARD Newington	PARISH/TOWN COUNCIL Newington	APPLICANT Swann Construction (UK) LLP AGENT – DHA Planning

The Major Projects Officer drew Members’ attention to the tabled paper which outlined updates to the Committee report. He reported that a letter had been received, not included in the report, which had provided details of a traffic census that had been carried out at the junction of Church Lane/A2.

The Major Projects Officer sought delegated authority to approve the application subject to conditions in the original report, the additional conditions set out in the tabled paper and the signing of a suitably worded Section 106 Agreement, including provisions for the on-going management of the Sustainable Urban Drainage System, and to make amendments to the wording of the conditions and Section 106 Agreement as required.

Parish Councillor Stephen Harvey, Newington Parish Council, spoke against the application.

Professor John Colvin, an objector, spoke against the application.

Mr Matthew Garvey, the Agent, spoke in support of the application.

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

A Ward Member spoke against the application and raised the following concerns: this was in the wrong place; Church Lane was the biggest constraint to the application; concerned with parking and highway issues, especially during the school run, these would increase if the application was approved; the area was very picturesque, and it was close to a conservation area.

A second Ward Member spoke against the application and raised the following concerns: it was beyond the village envelope; question the impact of 'rounding-off' of development on the application as documented in the Housing and Planning Bill; impact on Church Farm; Church Lane was very narrow, with single file traffic; and impact on the school.

The Major Projects Officer considered the development 'rounded-off' the village in a logical way. He considered it to be a sustainable development and reminded Members of the lack of a 5-year housing supply.

Members raised the following points: concerned with impact on local highway network; damage to air quality at junction of A2; needed to identify that Church Lane was an important access route; there was already an issue on Church Lane, question whether the additional housing would present a significant issue; fighting against need for a 5-year housing supply; and housing needed to go somewhere.

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

Councillor Mike Baldock moved a motion to delegate to officers to refuse the application on the grounds of effect on highways; heritage and conservation.

At this point, there was a 15 minute recess.

Councillor Mike Baldock amended his motion to: refuse on the grounds of highway safety and convenience; loss of amenity on Church Lane; landscape and visual impacts; and loss of best and most versatile agricultural land. This was seconded by Councillor Bobbin. On being put to the vote the motion to refuse the application was won.

Resolved: That application 15/509664/OUT be refused on the grounds of highway safety and convenience; loss of amenity on Church Lane; landscape and visual impacts; and loss of best and most versatile agricultural land.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 16/500627/FULL			
APPLICATION PROPOSAL			
Change of use of land for the stationing 3 residential mobile homes for low cost affordable homes.			
ADDRESS Marsh Bank Old Ferry Road Iwade Kent ME9 8SW			
WARD Bobbing, Iwade & Lower Halstow	PARISH/TOWN Iwade	COUNCIL	APPLICANT Mr I Woolman AGENT BDB Design LLP

Tracy Dixon, the Agent, spoke in support of the application.

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

Councillor Prescott moved a motion for a site meeting. This was seconded by Councillor Mike Henderson. On being put to the vote the motion was agreed.

Resolved: That application 16/500627/FULL be deferred to allow the Planning Working Group to meet on site.

3.2 REFERENCE NO - 16/500546/FULL and 16/500547/LBC			
APPLICATION PROPOSAL			
16/500546/FULL Planning application for the erection of a single storey underground dwelling with a flat grass roof at ground level.			
16/500547/LBC Listed building consent for partial demolition of grade II* listed boundary wall.			
ADDRESS Land Adjacent To 77 Bull Lane Newington Kent ME9 7LY			
WARD Hartlip, Newington & Upchurch	PARISH/TOWN Newington	COUNCIL	APPLICANT Mr Marcus Daly AGENT Mrs Linda Clarke Smith

The Planner drew Members' attention to the scaled model of the proposed dwelling.

Mr Marcus Daley, the Applicant, spoke in support of the application.

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

Members raised the following points: good design but concerned with the demolition of a Grade II* wall.

The Conservation Officer confirmed that the wall was a Grade II* which was higher status than Grade II. He considered the design to be satisfactory, but that it was in the wrong location and was detrimental to the setting of a Grade II listed building. In response to a question, he advised that there were no comments from Historic England as they had stated they were happy to leave comments to the Council's Conservation and Design Team.

Resolved: That applications 16/500546/FULL and 16/500547/LBC 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 – 20 Amber Rise, Sittingbourne**
APPEAL ALLOWED
- **Item 5.2 – 1 Connaught Road, Sittingbourne**
APPEAL ALLOWED
- **Item 5.3 – 5 The Almhouses, South Road, Faversham**
TREE PRESERVATION ORDER APPEAL DISMISSED
- **Item 5.4 – 30 Preston Park, Faversham**
TREE PRESERVATION ORDER APPEAL DISMISSED
- **Item 5.5 – Norton Ash Garden Centre, London Road, Norton**
APPEAL DISMISSED
- **Item 5.6 – 1 Manor Cottages, Crockham Lane, Hernhill**
APPEAL DISMISSED
- **Item 5.7 – Land adjacent Chandlers Croft, fronting Swale Way, Kemsley**
APPEAL DISMISSED & ENFORCEMENT NOTICE UPHELD

709 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.**

710 REPORT OF THE HEAD OF PLANNING

6.1 15/501101/BOC – Unauthorised fence – Minster Cricket Club

Resolved: That no action be taken in respect of this development.

6.2 Application 15/510595/OUT- land off London Road, Newington

This action was not required.

711 SUSPENSION OF STANDING ORDERS

Members agreed to the suspension of Standing Orders in order that the Planning Committee could complete its business.

Chairman

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