
EXTRAORDINARY PLANNING COMMITTEE

MINUTES of the Extraordinary Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 31 March 2016 from 7.00 - 8.22 pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth, Tina Booth (substitute for Councillor Prescott (Vice-Chairman)), Roger Clark, Richard Darby, Mike Dendor, Mark Ellen, Sue Gent, James Hall, Mike Henderson, Gerry Lewin (substitute for Councillor Lesley Ingham), Peter Marchington, Bryan Mulhern (Chairman) and Ben Stokes.

OFFICERS PRESENT: Sally Benge, James Freeman, Kellie MacKenzie, Steve Wilcock and Jim Wilson.

ALSO IN ATTENDANCE: Councillors Bowles, Paul Fleming, David Simmons, Ted Wilcox and John Wright.

APOLOGIES: Councillors James Hunt, Lesley Ingham and Prescott.

630 FIRE EVACUATION PROCEDURE

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

631 DECLARATIONS OF INTEREST

No interests were declared.

632 DEFERRED ITEM - 15/504264/OUT LAND AT PERRY COURT, LONDON ROAD, FAVERSHAM

Def Item 1 REFERENCE NO – 15/504264/OUT		
APPLICATION PROPOSAL		
Outline application (with all matters reserved other than access into the site) for a mixed use development comprising: up to 310 dwellings; 11,875sqm of B1a floorspace; 3,800sqm of B1b floorspace; 2,850sqm of B1c floorspace; a hotel (use class C1)(up to of 3,800sqm) of up to 60 rooms including all associated ancillary floorspace; a local convenience store (use class A1) of 200sqm; 3 gypsy pitches; internal accesses; associated landscaping and open space; areas of play; a noise attenuation bund north of the M2; vehicular and pedestrian accesses from Ashford Road and Brogdale Road; and all other associated infrastructure.		
ADDRESS Land at Perry Court, London Road, Faversham, Kent, ME13 8YA		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town and Ospringe Parish	APPLICANT Hallam Land Management Ltd AGENT Barton Willmore

The Major Projects Officer introduced the application. He reported that Faversham Town Council reiterated their previous objection to the application as set out in paragraph 6.06 of the original committee report.

The Major Projects Officer reported that thirteen additional letters had been received, including one from the Member of Parliament, further to the one summarised at paragraph 2.7 on page 4 of the Committee report, one from CUT and CPRE Protect Kent. The new issues raised further to the summary of comments at paragraph 2.6 on pages 3 and 4 of the Committee report were: the arguments put forward in the new Committee report in the 'Appraisal' section are not accepted, and planning permission should be refused; the summary of relevant policies in the National Planning Policy Framework (NPPF) were considered to be " cursory " particularly with regard to those policies that deal with design issues, namely paragraphs 56 to 68; it was suggested that paragraph 6.4, which states that " development of poor design " should be refused was applicable and could be the basis for the refusal of this scheme; the Council should commission their own QC to advise them on the matter of air quality; do the Inspector's Interim Reports in respect of the emerging Local Plan deal adequately with air quality?; while the Faversham planning area may need to accommodate additional development as a result of the eventual adoption of the new Local Plan, that does not justify development on the scale envisaged at Perry Court or the approval of this development now, in advance of the adoption of the new Local Plan; and if the development is to be approved, improvements should be made to it, particularly with regard to the A2, which should be widened to accommodate additional vehicular traffic and a cycle lane, and a spine road should be provided to link the Ashford Road and Brogdale Road, Faversham.

The Major Projects Officer further reported that Kent County Council Archaeology had written stating that they raised no objection subject to the imposition of an appropriate condition. The Major Projects Officer advised that this was already covered by condition (21) on page 14 of the Committee report.

The Major Projects Officer stated that further to paragraph 4.7, independent legal advice had now been provided regarding the Air Quality issue, and this was tabled for Members. The Major Projects Officer read out the concluding paragraph of the document for Members: *"...I do not accept the points made by the objectors relying on the McCracken Opinion that a local planning authority must refuse planning permission in these circumstances. The Council has a considerable body of evidence about the likely impacts before it. The expert opinion is that the scale of the impact on air quality is not sufficiently significant, even when a more sceptical view is taken than the one expressed by Acoustic Air that the impacts would be negligible by 2025, and that there were clearly additional mitigation measures that could be required which would further reduce the likely impacts. On this basis, although the likely impacts are a material planning consideration, there is no evidence of significant harm."*

The Major Projects Officer also drew Members' attention to paragraphs 31 and 32 of the Counsel advice, which dealt with the Travel Plan. He considered, in the light of this that the Travel Plan, including mechanisms to ensure annual monitoring and, if necessary, enforcement should be delivered using clauses in the proposed

Section 106 Agreement, rather than using condition (9), as set out in the Committee report.

The Major Projects Officer stated that at paragraph 4.10 of the 'Appraisal', on page 8 of the Committee report, reference was made to Bearing Fruits 2031 and it was suggested that the Interim Findings issued by the Planning Inspector meant that the weight to be attached to the emerging Local Plan was "greatly diminished", this was an error and should read "enhanced".

The Major Projects Officer stated that as set-out at paragraph 6.0, he recommended that planning permission be granted subject to conditions as set out in the Committee report, with the deletion of condition (9) and the signing of a suitably worded Section 106 Agreement, which should include clauses to ensure the delivery of a Travel Plan based upon, but not limited to, the measures referred to in the legal advice. The Major Projects Officer also stated that for the avoidance of doubt, authority was sought to amend planning conditions as required and to negotiate the Section 106 Agreement including such amendments to the items as set-out in the Committee report as may be required.

The Mayor of Faversham, representing Faversham Town Council, spoke against the application.

Mr Andrew Keel, representing Ospringle Parish Council, spoke against the application.

Mr Brian Tovey, an objector from Ospringle, spoke against the application.

Mr David Bass, an objector from Faversham, spoke against the application.

Mrs Ruth McKeown, the applicant, spoke in support of the application.

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

Following a request from a Member, the Chairman agreed that there would be a 10 minute recess to allow Members of the Committee to read the tabled Counsel advice.

The two Ward Members for Watling Ward spoke against the application and raised points which included: the planning officer should have read out the second letter from the local Member of Parliament for Members; would destroy the rural landscape north of the A2 at Faversham; detrimental visual impact on Faversham; cumulative sprawl; would be a 'carbuncle on the face of Faversham'; mindful of the Community Infrastructure Levy monies that would benefit the local area but this is not a material planning consideration; were 776 dwellings per annum as recommended by the Planning Inspector possible?; the comments made about loss of best and most versatile farmland in paragraph 4.3 of the committee report were flawed; need to consider NPPF guidance on conserving and enhancing the historic environment; once the land is built on it is lost forever; have never known such wide public opposition to a planning application; traffic congestion has increased through the A2 at Ospringle in the last 30 years; concern that the application if allowed

would increase air pollution problems at Ospringe; the air quality management area in Ospringe has been extended so that proves that air quality is getting worse; CPRE raise concern that no specialist data had been provided in relation to air quality impacts; and concerns over the accuracy of the report as it required factor of about 8 in comparison with the LAQM report.

The KCC Member for some of the parishes affected by the proposal within the East Downs Ward raised concern that there seemed to be a 'cavalier' attitude to the loss of best quality agricultural land and as a nation we could not continue to keep losing this.

In response to a query from a Member, the KCC Highways and Transportation Officer stated that full crash data had been submitted and scoped. This identified that whilst the number of accidents along this part of the A2 was high, the majority of the accidents were caused as a result of either the time of day, weather or driver error and there was no evidence to suggest that any of the junctions were dangerous.

In response to queries from a Ward Member, the Environmental Health Officer reported that he was aware of concerns raised and that the latest air quality assessment provided was more accurate than the previous one undertaken and he had altered his opinion of the potential impact from the application if approved. The Environmental Health Officer stated that moving the continuous monitoring station closer to the road would result in readings being less accurate and would also have health and safety implications for officers trying to service and calibrate it. He stated that as a result of closer scrutiny of air pollution levels within the Air Quality Management Area (AQMA) and this updated report, he could now no longer find sufficient evidence of increased air pollution levels as a result of this application to raise objection to it.

In response to a query from a Member, the Head of Planning Services that from a Local Plan perspective the need for gypsy and traveller sites in Swale had reduced and if the gypsy and traveller pitches required as part of the application were removed the application would not be refused on those grounds. However, the three gypsy pitches were still part of the application and there was no reason why they should not be included.

A Member raised concern that the gypsy and traveller pitches were located next to the allotments. The Major Projects Officer advised that the exact siting of the gypsy and traveller pitches would be considered at the Reserved Matters stage in the event that the current, outline planning application was approved.

A Member raised concern that Members were being asked to consider the application prematurely and should consider deferment.

The Head of Planning Services then read out the following statement:

"I understand the difficulties Members are having with the application both in terms of the level of objection received and without having a definitive view on how the Local Plan may view the Perry Court site in the knowledge of the planning inspectors directions. As Members are aware, the Council was having to increase

its housing target from 550 dwellings per annum (dpa) to 776 dpa in-line with the Objectively Assessed Need (OAN), and the Local Plan Inspector had stated that she would expect housing sites to be provided on the same settlement strategy as contained within the Local Plan with 'a proportionate boost to housing delivery at Faversham'. That would require significant additional housing numbers to be found at Faversham beyond those sites currently granted planning permission or already allocated in the emerging Local Plan. Perry Court had been identified at the Local Plan examination as a site relatively highly ranked given that there were no show stopper issues e.g. National designations or highways constraints (with both KCC Highways and Highways England raising no objections based on cumulative impacts with the other sites coming forward at Love Lane and Oare Gravel works). Similarly, the inspector would not have directed such growth at Faversham if there was any evidence that AQ would be a significant constraint – these were all issues explored at the examination and the Environmental Health Officer's were raising no objection regarding this application and any potential adverse impact at the Ospringe AQMA.

Additionally, the Committee should not forget the employment benefits offered by this planning application noting it is being promoted as SBC's only possible allocation that will (currently) provide office floorspace. In these circumstances, I am advising that there is no evidence to support any reasons for refusal on environmental grounds and no statutory agencies would be able to defend such a position. This therefore leaves the purely housing numbers issue.

If this Committee was minded to refuse this planning application, you would need to have confidence that alternative sites were available which provided the 300+ dwellings and contributed to the 5 year supply, noting that many of the other sites promoted would rely much more heavily on access to Brenley Corner Junction of M2, which I am aware that Highways England would have significantly greater concerns over highways impacts and would look to seek very significant junction improvements, highly unlikely given the current housing numbers being considered and forthcoming.

Additionally, not permitting the site now would remove any chance of the site contributing to the 5 year housing supply which the other alternative sites would also struggle to meet. This would further undermine the Council's general ability to support a 5 year supply across the whole Borough, increasing the likelihood of alternative none preferred sites across the Borough coming forward challenging the Council and potentially gaining permission if necessary by appeal and in doing so causing significant harm to the local environment. Therefore, the Council is having to re-visit the site as part of the Local Plan process which could lead to the possibility of officers recommending to the Local Development Framework Panel that the site be allocated given that better alternatives were not available. If this occurs and is accepted, the Council would be in a very bad place, particularly as regards a potential appeal against refusal of this planning application.

I would strongly urge the Committee to consider its position in the light of the advice provided in the report and from officers and do not consider there are any material planning considerations to turn down the planning application."

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

For: Councillors Cameron Beart, Roger Clark, Mike Dendor, Sue Gent, Gerry Lewin, Peter Marchington, Bryan Mulhern, Tina Booth and Ben Stokes.

Against: Councillors Mike Baldock, George Bobbin, Andy Booth, Richard Darby and James Hall.

Abstain: Councillors Mark Ellen and Mike Henderson.

The motion to approve the application was won.

Resolved: That application 15/504264/OUT be delegated to officers to approve subject to conditions (1) to (41) in the report, to delete condition (9), and the signing of a suitably worded Section 106 Agreement which should include clauses to ensure the delivery of a Travel Plan based upon, but not limited to, the measures referred to in the legal advice and to amend planning conditions as required and to negotiate the Section 106 Agreement including such amendments as may be required.

633 ADJOURNMENT OF MEETING

The meeting was adjourned at 7.30pm and reconvened at 7.40pm.

Chairman

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