
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber - Swale House, East Street, Sittingbourne, Kent ME10 3HT on Thursday, 16 August 2018 from 7.00pm - 9.25 pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Bobbin, Richard Darby, Mike Dendor, James Hall, Nicholas Hampshire, Mike Henderson, James Hunt, Ken Ingleton, Peter Marchington, Bryan Mulhern (Chairman) and Prescott.

OFFICERS PRESENT: Matt Bembridge, Colin Finch, Andrew Jeffers, Ross McCardle, Jo Millard, Cheryl Parks, Graham Thomas and Jim Wilson and Steve Wilcock.

ALSO IN ATTENDANCE: Councillors Roger Clark and Duncan Dewar-Whalley.

APOLOGIES: Councillors Andy Booth and Nigel Kay.

179 FIRE EVACUATION PROCEDURE

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

180 MINUTES

The Minutes of the Meeting held on 19 July 2018 (Minute Nos. 67 - 72) were taken as read, approved and signed by the Chairman as a correct record.

181 DECLARATIONS OF INTEREST

During the discussion on the deferred item 17/500727/OUT, Councillor Baldock declared a non-pecuniary interest as he sat on Borden Parish Council but had taken no part in the discussion at their Parish Council meeting.

182 DEFERRED ITEM

Reports shown in previous Minutes as being deferred from that Meeting.

DEF ITEM 1 REFERENCE NO - 17/500727/OUT			
APPLICATION PROPOSAL			
Outline application for residential development for up to 50 dwellings with access off Chestnut Street (All others matters reserved), as amended by drawings received 31/05/2017 and further amended by drawings received 9 November 2017			
ADDRESS Manor Farm Key Street Sittingbourne Kent ME10 1YU			
WARD Borden And Grove Park	PARISH/TOWN Borden	COUNCIL	APPLICANT Balmoral Land (UK) Ltd AGENT

The Major Projects Officer drew attention to the tabled update.

The Chairman moved the officer recommendation to delegate approval of the application to officers and this was seconded.

Parish Councillor Clive Simms, representing Borden Parish Council, spoke against the application.

The Environmental Protection Team Leader advised that air quality levels in Swale were measured against Government standards in locations where traffic flows were highest, and Swale already monitored air quality more than any other authority in Kent. He added that extra monitoring was taking place in and around the proposed site, but at least 12 months monitoring data would be needed before knowing what the levels were in this vicinity. The Environmental Protection Team Leader drew attention that the equipment used by Borden Parish Council in their air quality measuring was not certified and that the monitoring periods used were too short to be accurate and comparable with that carried out by the Council.

A Member congratulated Borden Parish Council for the work carried out on air quality monitoring and said that it was premature to make a decision on the application until the air quality data for the area of the proposed site was collected.

In the debate that followed Members raised the following points:

- Concern about vehicles parking along Chestnut Street, Borden affecting the sight lines to the entrance of the proposed development;
- would the improvements to Key Street roundabout alter the layout and traffic flows?;
- the full Air Quality report submitted by Borden Parish Council should have been considered;
- the plans did not reflect the route of the footpath;
- the Ecological survey was inadequate as there was a large badger sett and a colony of doormice on land in the vicinity of the application site;
- an Archaeological survey was required
- the site did not integrate in the urban area and the levels of affordable housing proposed should be increased to 30%, as it was for rural housing development;
- proper screening of the site by mature trees should be provided;
- suggested Section 106 payments for roadworks were sought in advance of the commencement of the development; and
- concern about a possible appeal against the non-determination of the application and a possible costs application alongside the appeal.

The Principal Transport and Development Planner (Kent County Council – Highways and Transportation), advised that the proportion of the contribution sought from the development was more than had been sought from developments already granted and would be combined with the money from the Housing Infrastructure Fund bid. The funding would allow for an interim mitigation scheme to be delivered which included the installation of traffic lights on the A249 off-slip. He added that when considering the contribution offered and traffic flows through

the improved junction, the number of predicted vehicle movements from the site was de minimis.

The Major Projects Officer explained that condition (22) in the report required drawings to show the relocation of Public Right of Way ZR117. He referred to the KCC Ecological report which raised no objection and reminded Members that other legislation protected wildlife such as badgers and dormice, which were a protected species, if necessary. The Major Projects Officer stated that the site was detailed in the Local Plan as an extension to Sittingbourne and 10% affordable housing was therefore appropriate. He explained that the application would be difficult to defend at an appeal as all the expert consultees had no objections to the proposal.

Councillor Nicholas Hampshire moved a motion to defer the application for 12 months to allow for the air quality data currently being collected, to be considered and this was seconded by Councillor Mike Baldock. On being put to the vote, the motion was agreed.

Resolved: That application 17/500727/OUT be deferred for 12 months to allow the air quality monitoring in the area to be carried out and the data considered.

183 **SCHEDULE OF DECISIONS**

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 17/500807/FULL			
APPLICATION PROPOSAL			
Change of use of land for the keeping of private horses. Erection of stables and cess pool with associated landscaping and parking			
ADDRESS Land Adjacent To M2 Yaugher Lane Hartlip Kent ME9 7XE			
WARD Hartlip, Newington And Upchurch	PARISH/TOWN Hartlip	COUNCIL	APPLICANT Mr Simon Coaten AGENT

The Senior Planner advised that Hartlip Parish Council were unable to send a speaker but maintained their objection to the scheme. He added that the stables were 15m **east** and the manure stable **east**, not north as stated in the report at 2.02 on page 45 of the Agenda.

The Senior Planner drew Members' attention that the new brick walls and gates that had recently been erected at the site were not part of this application, were unacceptable and negotiations for their removal were on-going.

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

A Member requested that the planning history stated on reports be in date order, most recent first. In response to a question from a Member on the use of the car

park for a private livery, the Senior Planner highlighted condition (6) and advised an amended drawing would be sought.

Resolved: That application 17/500807/FULL be approved subject to conditions (1) to (10) in the report and amended drawings restricting the car park to a private livery use only.

2.2 REFERENCE NO - 18/502420/FULL			
APPLICATION PROPOSAL Conversion of existing integral garage into living space.			
ADDRESS Boleyn 103 Scarborough Drive Minster-On-Sea ME12 2LX			
WARD Minster Cliffs	PARISH/TOWN Minster-On-Sea	COUNCIL	APPLICANT Miss Kelly Collins AGENT

Mr Aaron Holmes, the applicant, spoke in support of the application.

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

The Senior Planner advised Members that the applicant had offered to convert the rest of his garden to provide parking. A Member requested that this suggestion be included in the decision notice.

Resolved: That application 18/502420/FULL be approved subject to conditions (1) to (2) in the report.

2.3 REFERENCE NO - 18/501918/AGRREQ			
APPLICATION PROPOSAL Prior Notification for proposed Forestry Road. For its prior approval for the siting and means of construction of the private way.			
ADDRESS George Bell Farm Plum pudding Lane Dargate Kent ME13 9EU			
WARD Boughton And Courtenay	PARISH/TOWN Hernhill	COUNCIL	APPLICANT Mr Robert Lewis AGENT
DECISION DUE DATE 31/05/18	PUBLICITY EXPIRY DATE 07/05/18		

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

Resolved: That Prior Approval 18/501918/AGRREQ be granted.

2.4 REFERENCE NO - 18/500283/FULL		
APPLICATION PROPOSAL Erection of 31 dwellings with associated access, parking and landscaping works at former oasis academy		
ADDRESS Land Adjacent To Sheppey Academy East Admirals Walk Halfway Kent ME12 3JQ		
WARD Queenborough And Halfway	PARISH/TOWN COUNCIL	APPLICANT Malro Homes Ltd AGENT DHA Planning

Richard Higgins, an objector, spoke against the application.

John Collins, agent for the applicant, spoke in support of the application.

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

The Major Projects Officer referred to the tabled update. He then highlighted condition (12) in the report and stated that Southern Water had advised that additional infrastructure was not required, so the planning condition would be amended to a standard condition in respect of foul and surface water drainage.

A Member raised concerns of parking obstruction and flooding in the area, and said that drains were unable to cope with the current capacity. He also said that highway improvements were necessary, and suggested a site visit was needed. Another Member said that issues could be overcome and it was a good scheme.

The Chairman moved a motion for a site visit. This was seconded by Councillor Richard Darby.

On being put to the vote the motion for a site meeting was won.

Resolved: That application 18/50283/FULL be deferred to allow the Planning Working Group to meet on site.

2.5 REFERENCE NO - 18/500258/FULL		
APPLICATION PROPOSAL The provision of a 3 unit accommodation building, car park and outdoor event space, the erection of 20 private residential dwellings, together with associated access, parking, highway works, drainage and landscaping.		
ADDRESS Land At Hill Farm Bobbing Hill Bobbing Kent ME9 8NY		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Bobbing	APPLICANT Hill Farm and Demelza Hospice Care for Children AGENT DHA Planning

Parish Councillor Graham Herbert, representing Bobbing Parish Council spoke in objection to the application.

Lavinia Jarrett, the agent, spoke in support of the application

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

The Major Projects Officer referred to the tabled update and said that KCC Highways had no objection to the installation of a footpath on one side of the road. He added that the Greenspaces Officer had no objection, and accepted that a developer contribution would not be secured in this instance.

A visiting Member, who sat on Bobbing Parish Council, spoke against the application, in his capacity as Ward Member. He gave his support of Demelza Hospice Care and highlighted the site’s tranquility, but said that the proposal would have a negative impact. The visiting Member said that there was no economic benefit to the area, had concerns for additional, future development on the site and urged Members not to ignore the Local Plan.

The Major Projects Officer advised that it was unusual to deviate from the Local Plan, but the application made a specific and detailed case and approval of the application would not undermine it. He added that additional housing in the future would not be appropriate on the site, whilst noting that every planning application was assessed on its particular merits.

In the debate that followed, Members made comments which included the following:

- The layout of the development was good and the properties were of a high standard and good design, incorporating the Building for Life standard;
- the development was well-planned with properties situated in lower parts of the site;
- could not refuse on Highway grounds as KCC Highways and Transportation had not objected;
- concerns that approving the development would set a precedent and encourage other developers to apply on sites not allocated in the Local Plan;
- there was no good reason to go against the Local Plan;
- critical of developers using Demelza for their own profit;
- the highway improvements were a big benefit;
- windfall sites should be considered; and
- the improvements balanced the negative aspects of the proposal.

In response to a question from a Member, the Principal Transport and Development Planner said there were significant improvements to the highway as part of the proposal.

Resolved: That application 18/500258/FULL be approved subject to conditions (1) to (22) in the report, and the signing of a suitably-worded Section 106 Agreement.

<p>2.6 REFERENCE NO - 18/502208/FULL</p>
<p>APPLICATION PROPOSAL</p> <p>Revocation of quarrying use and erection of 4 No. detached dwellings with garages, associated landscaping, Restoration scheme, enlarged lake and use of existing access (Revision to</p>

16/501552/FULL)					
ADDRESS Winterbourne Wood Quarry Jezzards Lane Dunkirk ME13 9PH					
WARD	Boughton	And	PARISH/TOWN	COUNCIL	APPLICANT Clifford Property Developments Ltd
	Courtenay		Dunkirk		AGENT Rebus Planning Solutions

The Area Planning Officer drew Members’ attention to Appendix A, which was tabled. He explained the history of the site, clarified the site plan and explained that the current application was made by a different applicant. The Area Planning Officer advised that the Unilateral Undertaking had not been finalised.

Parish Councillor Jeff Tutt, representing Dunkirk Parish Council, spoke in objection to the application.

Karen Banks, the Agent, spoke in support of the application.

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

In response to a question on the management of the land ‘in perpetuity’, the Area Planning officer explained that the wording in the Unilateral Undertaking was exactly the same as that already approved, but negotiations were still on-going with Legal Services to tighten up the wording further for more commitment. The Lawyer (Planning) confirmed that there were a few concerns, but the wording in the Unilateral Undertaking would be strengthened further.

Members made points including:

- This scheme was a vast improvement on the previous scheme;
- the delineation for gardens should be included in the plan;
- why had the application been brought back to Planning Committee again?
and
- concerns over lack of control, so welcomed further strengthening of the Unilateral Undertaking.

A Member highlighted a typing error at paragraph 4.2.7 which should have read.... consent not be **unreasonably** withheld....

The Lawyer (Planning) advised there was a lot of ongoing work on the Unilateral Undertaking and reminded Members that the Head of Legal Services had delegated authority.

The Area Planning Officer advised Members that the restoration scheme now covered approximately 98% of the site and that Swale Borough Council had never been offered the freehold of the site.

The Chairman advised that the application had been brought back to the Planning Committee for consideration as it was called in by Dunkirk Parish Council.

Resolved: That application 18/502208/FULL be approved subject to conditions (1) to (20) in the report and the completion of a Unilateral Undertaking to secure cessation of all future quarrying, restoration of the site and long-term management of adjacent woodland.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 18/502643/FULL			
APPLICATION PROPOSAL Erection of a single storey side and rear extension with a pitched roof. Re-position of garden side wall.			
ADDRESS 3 Chetney View Iwade Sittingbourne Kent ME9 8SQ			
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN Iwade	COUNCIL	APPLICANT Mr Gary Fitchett AGENT Deva Design

Eve Fitchett, the applicant, spoke in support of the application.

The Senior Planner advised that a letter of support had been received from a local estate agent. He referred to the photograph of a similar property but explained that, unlike this application, the fence was behind a mature hedge.

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

A visiting Member spoke in support of the application and advised that the applicants would plant trees and shrubs in front of the wall and move it back from the boundary as other properties had. He added that Iwade Parish Council had no objection.

In response to a question, the Principal Transport and Development Planner advised that he was not familiar with the site and KCC Highways and Transportation had not commented on the application as the development was non-protocol. The Senior Planner reminded Members that the reason for refusal was on visual amenity, not highway grounds.

In the discussion that followed, the Chairman moved a motion for a site visit. This was seconded by Councillor Mike Baldock.

On being put to the vote the motion for a site meeting was won.

Resolved: That application 18/50643/FULL be deferred to allow the Planning Working Group to meet on site.

3.2 REFERENCE NO - 18/502184/FULL			
APPLICATION PROPOSAL Demolition of existing garages and erection of 1 no. new dwelling within sub divided plot(s).			
ADDRESS 32 The Broadway Minster-on-sea Sheerness Kent ME12 2RR			
WARD Minster Cliffs	PARISH/TOWN Minster-On-Sea	COUNCIL	APPLICANT Mr & Mrs Raggett AGENT Oakwell Design Ltd

Mark Raggett, the applicant, spoke in support of the application.

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

A Member advised that Minster Parish Council had withdrawn their support of the application.

In response to a question from a Member on whether any issues could be overcome, the Senior Planner advised that the proposed dwelling would cause overlooking issues due to the constrained site layout and distance between properties.

Resolved: That application 18/502184/FULL be refused for the reasons stated in the report.

PART 5

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

- **Item 5.1 – Land At The Tracies, Newington**

COMMITTEE REFUSAL

APPEAL ALLOWED – COSTS REFUSED

- **Item 5.2 – Graces Place, Homestall Road, Doddington**

COMMITTEE REFUSAL

ENFORCEMENT AND PLANNING APPEALS ALLOWED

- **Item 5.3 – 84 Scarborough Drive, Minster**

AGAINST OFFICER RECOMMENDATION

APPEAL ALLOWED – COSTS REFUSED

Chairman

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