
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 5 December 2019 from 7.00pm - 10.09pm.

PRESENT: Councillors Cameron Beart, Monique Bonney, Roger Clark, Tim Gibson (Chairman), James Hall, James Hunt, Carole Jackson, Elliott Jayes, Denise Knights (Substitute for Councillor Benjamin Martin), Peter Marchington, Ken Rowles (Substitute for Councillor Simon Clark), David Simmons, Paul Stephen, Eddie Thomas, Tim Valentine and Tony Winckless.

OFFICERS PRESENT: Rob Bailey, Philippa Davies, James Freeman, Corinna Griffiths, Benedict King and Jim Wilson.

ALSO IN ATTENDANCE: Councillor Corrie Woodford.

APOLOGIES: Councillors Simon Clark, Nicholas Hampshire and Benjamin Martin.

384 EMERGENCY EVACUATION PROCEDURE

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

385 MINUTES

The Minutes of the Meeting held on 7 November 2019 (Minute Nos. 349 - 355) were taken as read, approved and signed by the Chairman as a correct record, subject to including further wording to the resolution for item 2.8, 18/500257/EIFUL, Land adj. to Quinton Farm House, Quinton Road, Sittingbourne, Kent ME10 2DD, as below:

‘.....and the signing of a suitably worded Section 106 Agreement for the Heads of Terms as set-out in the report and updates.’

Also, to an amendment on page 390 of the minutes, to read after the wording ‘The motion to adjourn the meeting was lost’.....‘Councillor Angela Harrison left the chamber and was absent for the remainder of the Committee’s business’.

386 DECLARATIONS OF INTEREST

No interests were declared.

387 PLANNING WORKING GROUP

The Minutes of the Meeting held on 25 November 2019 (Minute Nos. 372 - 373) were taken as read, approved and signed by the Chairman as a correct record, subject to recording that Councillor Simon Fowle and Councillor Pete Neal were in attendance.

19/501921/FULL, Land at Belgrave Road, Halfway, ME12 3EE

This application was withdrawn from the agenda.

388 SCHEDULE OF DECISIONS**PART 2**

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 19/503553/FULL		
APPLICATION PROPOSAL Demolition of existing detached dwelling. Erection of two buildings comprising of 10no. flats (4no. one bedroom flats in a two storey building & 5no. one bedroom and 1no. two bedroom flat in a three storey building) including parking, external areas and extension of existing vehicular access.		
ADDRESS 125 London Road Sittingbourne Kent ME10 1NR		
WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT Ms Jasmine Friend AGENT Alpha Design Studio Limited

The Planning Officer explained that this application had originally been scheduled for consideration at the Planning Committee on 7 November 2019. She stated that there had been some minor changes to the report, with updated plan numbers and a new condition stating that each dwelling would have one electric vehicle charging point.

The Chairman invited Members to ask questions.

A Member asked about the visual impact of the building, landscaping, and the impact on the A2. The Planning Officer said that the Principal Urban and Landscape Design Officer had broadly been supportive of the scheme.

A Member asked about the status of the empty land and the Planning Officer explained that it had been a garage and rear garden.

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

Councillor Ken Rowles moved a motion for a site meeting and this was seconded by Councillor Tony Winckless. On being put to the vote the motion was lost.

Members were invited to debate the application and raised points which included:

- This fitted in well with the streetscene;
- welcomed the one bedroom units;

- did not like the design, there was a lack of relief and it looked very flat;
- the roof needed to overhang more;
- the dwelling dwarfed the house next door because of its massing;
- the site at the moment was an eyesore, this development enhanced the area;
- an energy efficient condition needed to be added to the application; and
- this was not-in-keeping with the surrounding area.

Councillor Monique Bonney moved the following motion: That the application be looked at again to improve the front façade so that there was a better design on the front elevation, and to include some landscaping at the front. This was seconded by Councillor Paul Stephen. On being put to the vote the motion was lost.

Members then discussed the substantive motion. The Planning Officer confirmed that conditions (14) and (15) dealt with landscaping. A Member considered landscaping to the front would help to ‘soften’ the building, and an amendment to the conditions should be added. The Major Projects Officer further explained that the above conditions adequately dealt with landscaping and so an amendment was not required.

Members agreed that the energy efficiency condition be added to the application.

Resolved: That application 19/503553/FULL be approved subject to conditions (1) to (31) in the report, the addition of the energy efficiency condition (with officers given delegated authority to amend in consultation with the Cabinet Member for the Environment and the Chairman).

2.2 REFERENCE NO - 19/502769/FULL

APPLICATION PROPOSAL

Construction of an irrigation reservoir, with associated operational development and landscape enhancements.

ADDRESS Culnells Farm School Lane Iwade Sittingbourne Kent ME9 8QJ

WARD Bobbing, Iwade
And Lower Halstow

PARISH/TOWN COUNCIL
Iwade

APPLICANT AC Goatham & Son
AGENT Bloomfields

The Planning Officer referred Members to the tabled update for this item which set out an additional condition, in relation to a Great Crested Newt District Level Licence.

Beth Watts, the Agent, spoke in support of the application.

The Chairman invited Members to ask questions.

In response to a question, the Planning Officer confirmed that no update had been received from the Lower Medway Internal Drainage Board.

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

A visiting Ward Member raised concern with potential flood issues as a result of the proposed irrigation reservoir. A Ward Member, who was also a Member of the Planning Committee considered a CCTV survey should be carried out before anything was agreed.

A Member asked whether there was a condition in relation to a CCTV survey being undertaken. The Planning Officer referred the Member to pages 27 and 28 of the Committee report which set-out the response from Kent County Council (KCC) Flood and Water which stated that the proposal was low risk in terms of potential for increase in flooding elsewhere, and as such there was no requirement for a CCTV survey.

Members were invited to debate the application and raised points which included:

- Concerned that with more frequent and heavy rain, and flash flooding, if this was agreed, there would be flooding in the area in the future;
- the Environment Agency (EA) were aware of the potential flooding issues in Iwade, and monitored the situation, and said there was not an issue here; and
- this was an overflow from the existing reservoir, and so was a good scheme as it increased the resilience of water storage.

Resolved: *That application 19/502769/FULL be approved subject to conditions (1) to (8) in the report, and the additional condition (9) which was tabled at the meeting.*

2.3 REFERENCE NO - 19/500866/OUT

APPLICATION PROPOSAL

Outline application for a residential development of up to 9 dwellings and open space, including associated access (vehicular/cycle/pedestrian), alterations to levels, surface water attenuation features (including swales), landscaping and related development. (Access being sought).

ADDRESS Land At Swale Way Great Easthall Way Sittingbourne Kent ME10 3TF

WARD Murston

PARISH/TOWN COUNCIL

APPLICANT Mr Chris Hall

AGENT Vincent And
Gorbing

The Area Planning Officer introduced the application for the provision of up-to 9 dwellings. He explained that the site was in the built-up area of Murston.

Mr Chris Hall, the Applicant, spoke in support of the application.

The Chairman invited Members to ask questions.

A Member sought clarification as to whether the security barrier at the Lakeview Village Hall would remain, and also whether any car parking spaces would be lost at the Village Hall. The Area Planning Officer explained that the barrier would need to be re-located and positioned further back into the site. He considered there would not be a loss of parking spaces as a result of this application. The Member also asked for details about any acoustic sound proofing measures that would be undertaken. The Area Planning Officer referred the Member to the condition at the bottom of page 46 in the Committee report, which Environmental Services had considered suitable to address any potential noise. They did not think that an acoustic barrier was warranted at this stage. The Member also sought clarification on the number of dwellings proposed for the site. The Area Planning Officer explained that the application was for up-to 9 dwellings. The indicative drawings suggested a maximum of 7 detached or semi-detached dwellings could be accommodated, but it was possible that up-to 9 units could be accommodated on the site, with an alternative housing mix, including some flats. The Member asked about the air quality on the site, due to its proximity to industrial sites and HGV movements. The Area Planning Officer referred the Member to page 47 of the report which set-out that the Air Quality Assessment had been reviewed and officers were satisfied that no additional measures were required.

A Member asked about the number of dwellings on the site, and sought reassurance that there would not be 9 dwellings. The Area Planning Officer explained that there might be 9 dwellings, but this would require a decrease in their size, and a change in the type of units, and not detached dwellings. He said this would be dealt with under the reserved matters application.

A Member asked what the site was originally intended for as part of the Great Easthall development. The Area Planning Officer explained that it was part of the neighbourhood centre, and had been allocated for a community hall and medical centre. The Section 106 Agreement had required the developer to offer the site over 2 years to the NHS. This had been done twice, in 2013 and 2016, and the NHS had declined to take the site on. Consequently as the obligations had been met, the site was being treated as undeveloped land.

A Member asked at what stage of the application a condition relating to environmental performance could be imposed. The Area Planning Officer explained that it could be added now. He referred the Member to condition (9) in the report which was a standard condition. The Member quoted the following draft condition:

“The dwellings hereby approved shall be constructed and tested to achieve the following measures:

At least a 50% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013 (as amended);

A reduction in carbon emissions of at least 50% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to the construction of any dwelling, details of the measures to be undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details."

The Area Planning Officer said that this could be imposed as a pre-construction condition, with the agreement of the developer. The Head of Planning Services suggested the condition be delegated to officers, in consultation with the Chairman and the Cabinet Member for Environment. The Senior Planning Solicitor clarified that it was not a pre-construction condition, and it did not need the consent of the applicant.

A Member asked for more details of the site plan. The Area Planning Officer indicated that the land adjoining the site was mainly scrubland.

A Member asked about the area of land allocated for open space. The Area Planning Officer explained that there were two play areas and some public open space elsewhere within the estate.

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

Members were invited to debate the application.

A Ward Member spoke against the application. He said that roads and lighting had not been completed on the development as a whole and it was lacking in medical facilities, and close to a dangerous roundabout, and a large industrial estate and it was over development

Councillor James Hall moved a motion for a site meeting and this was seconded by Councillor Elliott Jayes. On being put to the vote the motion was agreed.

Resolved: That application 19/500866/OUT be deferred to allow the planning working group to meet on site.

2.4 REFERENCE NO - 19/501564/EIFUL

APPLICATION PROPOSAL

Variation of condition 37 of 15/504264/OUT (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 3,250sqm) of up to 100 bedrooms including an ancillary restaurant; a care home (use class C2)(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.) to allow occupation of residential dwellings prior to completion of the off site highways works d) (Brogdale Road Footpath and e) (Brogdale Road/A2 junction).

ADDRESS Land At Perry Court London Road Faversham Kent ME13 8YA		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT BDW Kent AGENT

The Major Projects Officer referred Members to the tabled paper for this item. He also explained to the Committee that under the Environmental Impact Assessment Regulation, and further to paragraph 8.19 on page 66 of the Committee report, the Council would need to provide a statement with the decision notice explaining how environmental issues had been dealt with as part of the processing of the planning application. He further explained that a Deed of Variation was required to tie-in the variation to Condition (37) to the existing Section 106 Agreement, signed pursuant to the original outline planning permission.

The Chairman invited Members to ask questions.

A Member sought more information on how the developer had breached planning conditions. The Major Projects Officer explained that the applicant was looking to amend the trigger point in condition (37) to before occupation of the 75th unit. He explained that the highway works for this application were quite minor, but the main works for the development as a whole was the roundabout on the A251, with £300,000 of developer contributions from the scheme towards the cost of upgrading the junction of the A2 and the A251, but this was not linked to this application. The Major Projects Officer explained that the wide footpath at the junction of the A2/Brogdale Road would be partly taken away and the road would be widened to enable two lanes of traffic to approach the junction. The Member queried why the trigger point was 75 houses, and the Major Projects Officer explained that this gave the developer flexibility to get the work done, rather than potentially come back to the Planning Committee for another amendment in due course. The Member sought clarification on where the temporary traffic lights would be positioned along Brogdale Road during the road widening. The Major Projects Officer could not give the precise location, and acknowledged that some traffic was likely to be diverted onto alternative routes, to avoid the temporary traffic lights which he said was a routine occurrence when roads works were taking place.

A Member asked about the footpath improvements along Brogdale Road, and the consequence of the grass bank on one side of the road, and the Major Projects Officer indicated the proposed scheme and explained that pedestrians would need to cross the road to access the footpath. The Member asked about the implications of refusing the applications. The Major Projects Officer explained that the developer would still be in breach of the conditions, which could lead to enforcement. He considered there would be no benefits in refusing the applications, but noted that this was a decision for the Committee.

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

Members were invited to debate the application and raised points which included:

- The developers had already had enough leeway;

- the 75 dwelling trigger point needed to be reduced;
- the delay was effecting residents who had already moved into the development;
- concerned with the prospect of 11.5 weeks of temporary traffic lights while the improvements were implemented;
- a condition was needed to put up notices on Vicarage Lane and Porters Lane to say that they were not suitable for HGVs; and
- it was important to know exactly where the temporary traffic lights on Brogdale Road would be positioned and how this might change while the works were carried out.

There was some discussion on the timeframe and trigger point.

The Major Projects Officer advised that the danger of reducing the trigger point too much was that the developer would need to come back to the Committee for a further amendment. He said that a condition was not required with regard to the positioning of the traffic lights, but that a meeting could be held with the Planning Officer, KCC Highways and Transportation Officer and the Member.

Councillor James Hunt moved the following amendment: That officers be given delegated authority to re-word condition (37), so that the trigger point be reduced to before the occupation of the 40th dwelling or the 8th April 2020 whichever was the sooner. This was seconded by Councillor Roger Clark and on being put to the vote the motion was agreed.

Resolved: That application 19/501564/EIFUL be delegated to officers to approve subject to re-wording condition (37), so that the trigger point be reduced to before the occupation of the 40th dwelling or the 8th April 2020 whichever was the sooner, the completion of a Section 106 Agreement to tie-in the obligations secured under 15/504264/OUT to this new permission and to conditions (1) to (36) and (38) and (39) in the report.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 18/506225/OUT		
APPLICATION PROPOSAL Outline application for residential development comprising of nine 2 bed bungalows together with provision of a community orchard. Matters relating to access and layout to be determined, with appearance, landscaping and scale reserved for future consideration.		
ADDRESS Land To The South Of School Lane Lower Halstow Kent ME9 7ES		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Lower Halstow	APPLICANT Crabtree & Crabtree (Lower Halstow) Limited AGENT Grange Ash Limited

The Area Planning Officer introduced the application which was for 9 bungalows. He explained that the site was outside the built-up area, there would be a community orchard and access to the site would be on School Lane.

Parish Councillor Rob Smith, representing Lower Halstow Parish Council, spoke in support of the application.

Mrs Alyson Beerstecher, an objector, spoke against the application.

Mick Drury, the Agent, spoke in support of the application.

The Chairman invited Members to ask questions.

A Member asked whether the local school was within the built-up area and the Area Planning Officer confirmed that it was not.

A Member asked about the piece of land to the north of the application site, and the Area Planning Officer explained that this was a paddock and could be vulnerable to development in the future. In response to a further question, he advised that the application did not meet the threshold for developer contributions. The Member asked about the criteria for Rural Exception Sites and the Area Planning Officer explained that a housing needs survey had to be carried out by an independent body; there needed to be the support of the parish council; the dwellings would need to be affordable housing, and there would need to be a robust site selection process to ensure that a site was suitable. The proposal here was not, he advised, for rural exception housing.

A Member asked whether the site was allocated in the Local Plan, or was it a windfall site? The Area Planning Officer explained that windfall sites were normally land within the built-up area boundary, and that the site was outside the built-up area.

A Member asked about the community orchard and the Area Planning Officer explained that this would be likely to be dealt with by a management company.

The Chairman moved the officer recommendation to refuse the application and this was seconded by Councillor Denise Knights.

A visiting Ward Member spoke in support of the application.

The Chairman read out a statement from a visiting Member who supported the application.

A Ward Member spoke in support of the application. He said there was a demonstrable demand for this type of housing in Lower Halstow, and many elderly people wanted to downsize and stay in the area.

Members were invited to debate the application and raised points which included:

- Usually supported bungalows, but noted there were many representations from residents who did not support the application;

- the application was finely balanced on representations from residents;
- this was not allocated in the Local Plan and was outside the built-up area;
- it was unhelpful of the Cabinet Member for Planning to go against officer recommendation;
- this was a very dangerous precedent;
- if there had been an independent housing needs survey, would have been minded to support the application;
- sceptical about the success of community orchards;
- needed to consider the landscape;
- the 'tilted balance' should be considered;
- small bungalows were needed;
- there should be some affordable housing units;
- the status of the bungalows needed to be in perpetuity;
- concerned with the potential isolation of the land to the north of the site;
- the community orchard needed to be properly managed; and
- needed to see the detail of the Section 106 Agreement before a decision was made.

The Area Planning Officer explained that support from local residents was not a material planning consideration. He acknowledged the demand for bungalows, but advised that there needed to be an identified need and indications on how this was being addressed. The Area Planning Officer advised that the 'tilted balance' was considered in paragraph 8.02 on page 86 of the report. He added that the dwellings were not affordable housing. A Section 106 Agreement could restrict the residents of the dwellings to Lower Halstow, and to a certain minimum age, and this could be done in perpetuity. The Area Planning Officer advised that a condition could be added to remove permitted development rights, but that this did not prevent additional works taking place, as a planning application could be submitted instead. He said that if Members were minded to approve the application because bungalows were being provided, they needed to be aware that the dwellings might not always be bungalows.

In response to a question, the Senior Planning Solicitor advised that a covenant could be put in place on the bungalows, but it could not be guaranteed that future sales of the bungalows would carry this forward.

There was some discussion on having a Section 106 Agreement added to the application, and Members were advised by the Senior Planning Solicitor that they would need to vote on the motion to refuse the application first. The Head of Planning Services acknowledged the difficulty for Members as they were working with the current Local Plan, with the new Plan 18 months away. He added that there would normally be a full review of all the sites, followed by a selection exercise.

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

For: Councillors Cameron Beart, Monique Bonney, Denise Knights, David Simmons, Eddie Thomas, Tim Valentine. Total equals 6.

Against: Councillors Roger Clark, Tim Gibson, James Hall, James Hunt, Carole Jackson, Elliott Jayes, Peter Marchington, Paul Stephen. Total equals 8.

Abstain: Councillors Ken Rowles, Tony Winckless. Total equals 2.

The motion to refuse the application was lost.

At this point the meeting was adjourned from 8.47pm to 8.57pm.

Councillor James Hunt moved the following motion: That the application be approved subject to suitably worded conditions, a suitably worded Section 106 Agreement to tie in the bungalows being for over 60 year olds only, that they remained bungalows in perpetuity, permitted development rights were removed from the bungalows, the orchard was suitably managed, and then back to the Planning Committee for the final decision. This was seconded by Councillor Roger Clark.

Members discussed the motion and the Head of Planning Services suggested the Section 106 Agreement be delegated to officers in discussion with the Chairman and Ward Members. The Proposer and Secunder were happy that the energy efficiency condition be added, and officers be given delegated authority in discussion with the Chairman and Cabinet Member for the Environment to produce the final version of the condition. The Proposer and Secunder were also happy that the age limit be changed to over 55s, and that a Strategic Access Management and Monitoring Strategy (SAMMS) payment be included.

Resolved: That application 18/506225/OUT be delegated to officers to approve subject to suitably worded conditions, including the new energy efficient condition (with discussion with the Chairman and Cabinet Member for the Environment), a suitably worded Section 106 Agreement (with discussion with the Chairman and Ward Members) to tie in the bungalows being for over 55 year olds only, that they remained bungalows in perpetuity, permitted development rights were removed from the bungalows, the orchard was suitably managed, and SAMMS payments, and then back to the Planning Committee for the final decision.

389 SUSPENSION OF STANDING ORDERS

At 10pm Members agreed to the suspension of Standing Orders in order that the Committee could complete its business.

390 ADJOURNMENT OF MEETING

The Meeting was adjourned from 8.47pm to 8.57pm.

Chairman

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