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## PLANNING COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 5 March 2020 from 7.00pm - 10.23pm.

**PRESENT:** Councillors Mike Baldock (Substitute for Councillor James Hall), Cameron Beart, Monique Bonney, Roger Clark, Simon Clark, Mike Dendor, Tim Gibson (Chairman), James Hunt, Carole Jackson, Elliott Jayes, Peter Marchington, Benjamin Martin (Vice-Chairman), Ben J Martin, David Simmons, Paul Stephen, Tim Valentine and Tony Winckless.

**OFFICERS PRESENT:** Rob Bailey, Philippa Davies, James Freeman, Andrew Jeffers, Benedict King, Andrew Spiers and Jim Wilson.

**ALSO IN ATTENDANCE:** Councillor Corrie Woodford.

**APOLOGY:** Councillor James Hall.

### 614 EMERGENCY EVACUATION PROCEDURE

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

### 615 MINUTES

The Minutes of the Meeting held on 6 February 2020 (Minute Nos. 498 – 505) were taken as read, approved and signed by the Chairman as a correct record.

### 616 DECLARATIONS OF INTEREST

Councillor Mike Baldock declared a Disclosable Non-Pecuniary Interest in respect of item 2.2, 19/504059/FULL, Wentworth House, Wentworth Drive, Sittingbourne, as he had called it in. Councillor Baldock confirmed that he had an open mind on the application.

Councillor Roger Clark declared a Disclosable Non-Pecuniary Interest in respect of item 2.1, 18/506328/FULL, Land lying to the south of Dunlin Walk, Iwade, as he was pre-determined. On item 2.1, Councillor Clark, spoke as Ward Member and then left the chamber.

Councillor David Simmons declared a Disclosable Non-Pecuniary Interest in respect of item 2.3, 19/506038/REM, Land fronting Painters Forstal Road, Ospringe, as his wife was a member of Ospringe Parish Council.

Councillors Mike Baldock, Monique Bonney and Ben J Martin declared a Disclosable Non-Pecuniary Interest in respect of item 2.3, 19/506038/REM, Land fronting Painters Forstal Road, Ospringe, as they had previously discussed the matter at Cabinet.

617 DEFERRED ITEM

Reports shown in previous Minutes as being deferred from that Meeting

<b>Def Item 1 REFERENCE NO - 19/503810/OUT</b>			
<b>APPLICATION PROPOSAL</b>			
Outline application for the erection of 17 dwellings with new access road, associated parking and landscaping. (Access being sought, all other matters reserved for future consideration).			
<b>ADDRESS</b> Land On The South East Side Of Bartletts Close Halfway Kent ME12 3EG			
<b>WARD</b> Queenborough And Halfway	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Stephen Potter	<b>AGENT</b> Penshurst Planning Ltd

The Major Projects Officer introduced the application and reminded Members that it was an outline application, with all matters other than access, reserved for future consideration. He referred Members to the tabled update and to the responses to questions submitted by Members to officers prior to the meeting.

Mrs Caroline Barkway, an objector, spoke against the application.

Mr Peter Cooper, the Agent, spoke in support of the application.

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

A Ward Member sought clarification between this application and the one for nine dwellings which was refused in 2004. The Major Projects Officer explained that the 2004 application had been refused for four reasons, which he outlined for Members. He explained that the main difference between that application and the current one was that although the site was outside the built-up area, the National Planning Policy Framework (NPPF) had been introduced due to the need to increase delivery of housing sites. The Major Projects Officer reminded Members that the Council could not demonstrate a 5-year supply of housing sites. The site was considered to be sustainable, and any adverse impact of the development did not outweigh the identified benefits of the scheme. The Ward Member sought further clarification on the issue of freshwater run-off on Uplands Way which resulted in gardens being flooded, and asked what surface water drainage measures would be taken to ensure this problem would not get worse with the new development. He asked that Ward Members be consulted on this matter. The Major Projects Officer explained that normally a technical assessment would be carried out and officers would liaise with the relevant agencies. He said that Members could be included in the process, but advised that the matter would need to be assessed purely on technical merit. The Ward Member said that residents shared an existing foul water sewer pipe and had lined it at their own cost, and raised concern that this pipe would also be used

for the new development, and suggested the arrangements for this should be in place prior to the development going ahead.

Another Ward Member spoke against the application and raised the following points: the condition of the road was awful, as indicated by photographs which had been displayed; the site was not allocated for housing; it was outside the built-up area; there was poor access to the site, no footpaths, and only one streetlight; there were no sustainable options of getting to the site and cars would be used; only one bus service remained; the pharmacy had shut down; there were 2,000 permissions outstanding, did not understand the need for this windfall site; and in the 2004 application Kent County Council (KCC) Highways and Transportation had raised no objection, but had wanted the road to be made up to adoptable standards, their opinion had now changed. The Ward Member sought clarification on the response to a Member's question following the appeal decision for Barton Hill Drive, and whether this application conflicted with the Grampian condition attached to the Barton Hill Drive appeal. The Major Projects Officer confirmed that Highways England (HE) were content that even though the Barton Hill Drive application had now been granted planning permission, the advice they had given to schemes along the A249 was unchanged, and as such did not affect the recommendation. He referred to the statement that 'no more than 100 dwellings were to be occupied at the Barton Hill Drive site until work on M2 Junction 5 was completed', needed to be looked at differently as speed restrictions would be in place, whilst the road improvements were ongoing, and this would reduce the safety issues.

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

- Would have liked to have seen a written document from HE before a decision was made;
- these were a complicated set of figures;
- the 17 dwellings would not impact on the Council's 5-year supply situation;
- this site was not allocated for housing;
- windfall sites should not impact on the Countryside Gap, should only do so for a very good reason, and this was not a good reason;
- the access road was in an awful condition;
- KCC Highways and Transportation had changed their mind with regard to the road being made up to adoptable standards;
- independent highway advice should be sought;
- if permission was granted, Ward Members should be involved with the Section 106 Agreement; and
- the road was unfit for any additional traffic movements.

A Member sought clarification as to whether the road was a private road with public access, and how the NHS figures in the Section 106 Agreement were arrived at. The Major Projects Officer explained that the road was privately maintained with public access, and the NHS figures were provided via a standard formula. The Senior Planning Lawyer referred to the tabled response where it was stated that KCC had not commented on the suitability of the access road, and Members could decide themselves whether it was suitable or not. He added that condition (12) in the report had been amended to ensure that the road was not damaged by

construction traffic. The Senior Planning Lawyer said that the public right to use the road was not a matter for this Committee.

Members made further comments which included:

- The road was not suitable for any additional housing;
- the road was not practical for use by pushchairs, wheelchairs and push bikes;
- with reference to paragraph 108 of the NPPF, the road was **not** suitable for all users;
- there was no footpath;
- M2 Junction 5 figures did not add up;
- the HE needed to be clear on what they meant; and
- this application should not be approved.

The Head of Planning Services read out a response from HE which stated that the Barton Hill Drive appeal did not affect their representations on any other site currently undetermined. He added that capacity was not related to the number of dwellings, but by the peak hour movements at M2 Junction 5. In response to a question, he confirmed that this site was too far from Junction 5 for HE to comment.

Further comments included:

- After the application was called-in there should have been information on the cost implications to the Council; and
- condition (12) was unenforceable.

A Member asked what number of dwellings triggered HE being consulted on an application. The Major Projects Officer advised that it was not a set number, but when it was judged that a development would have a material impact on the strategic highway. He said this application was set away from a major road. The Member asked about the Council's 5-year housing supply. The Head of Planning Services stated that the Council had a 4.6-year supply which included the Barton Hill Drive development. The Member queried this figure and the Senior Planning Lawyer confirmed that to-date the figure was between 4.1 (without windfall sites) and 4.6-years supply, and not five.

In response to a question, the Major Projects Officer referred to paragraph 3.2 on page 4 of the report regarding the potential costs which would be awarded against the Council if the application went to appeal. He said the cost could be significant, but it was not possible to give a precise figure.

A Member referred to condition (14) in the report and asked whether this could be changed to use the one on the tabled paper which followed the wording used by the Inspector under condition (9) of the Barton Hill Drive decision. The Major Projects Officer confirmed that this could be done, and the Cabinet Member for Environment be consulted to confirm the exact wording.

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

Against: Councillors Mike Baldock, Cameron Beart, Monique Bonney, Roger Clark, Simon Clark, Mike Dendor, Tim Gibson, James Hunt, Carole Jackson, Elliott Jayes, Peter Marchington, Benjamin Martin, Ben J. Martin, David Simmons, Paul Stephen, Tim Valentine and Tony Winckless. Total equals 17 (unanimous).

The motion to approve the application was lost.

A Member suggested the application be deferred to get independent highway advice to add to the reasons for refusal.

Councillor Cameron Beart moved a motion to refuse the application on the following grounds:

- (1) That the development, having a mix of houses and bungalows, would not be in-keeping with the existing streetscene.
- (2) That the site's location within the open countryside and located within the important Countryside Gap would cause demonstrable harm to the value, landscape setting and beauty of the countryside, contrary to policies ST3 and DM25 of the adopted Local Plan.
- (3) That the site access road was not considered safe and suitable for access to be achieved for all users and would not promote sustainable transport modes, which would be contrary to policies DM6 and CP2.

This was seconded by Councillor Peter Marchington.

The Major Projects Officer reminded Members that the application was in outline form and only access was to be considered at this stage and not the housing mix, and as such reason (1) was not appropriate and Members agreed that it be deleted.

At this point the meeting was adjourned for five minutes.

The Head of Planning Services suggested that Members included sustainability as a reason, in front of the two other reasons and this would give more credence to those reasons. He suggested that the development would not constitute a sustainable development in accordance with the relevant policies of the Local Plan. The proposer and seconder were happy with this additional reason and on being put to the vote Members agreed to all three reasons.

**Resolved: That application 19/503810/OUT be refused for the following reasons:**

**(1) The development would not constitute a sustainable development in accordance with the relevant policies of the Local Plan. The development is therefore contrary to policies ST1, ST3, ST6 and CP3 of the adopted Bearing Fruits 2031: The Swale Borough Local Plan (2017) and would be contrary to paragraphs 8 and 11 of the National Planning Policy Framework.**

**(2) That the site's location within the open countryside and located within the important Countryside Gap would cause demonstrable harm to the value,**

*landscape setting and beauty of the countryside, contrary to policies ST3, ST6, DM24 and DM25 of the adopted Bearing Fruits 2031: The Swale Borough Local Plan (2017).*

*(3) The site access road was not considered safe and suitable for access to be achieved for all users and would not promote sustainable transport modes which would be contrary to policies DM6 and CP2 of the adopted Bearing Fruits 2031: The Swale Borough Local Plan (2017).*

618 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 18/506328/OUT</b>		
<b>APPLICATION PROPOSAL</b>		
Outline Application for the erection of 20 residential dwellings (access being sought, all other matters for future consideration).		
<b>ADDRESS</b> Land Lying To The South Of Dunlin Walk Iwade Kent ME9 8TG		
<b>WARD</b> Bobbing, Iwade And Lower Halstow	<b>PARISH/TOWN COUNCIL</b> Iwade	<b>APPLICANT</b> BDW Kent <b>AGENT</b>

There were tabled papers for this item.

Mr Scott Finch, the Applicant, spoke in support of the application.

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

A Ward Member who was also a member of the Planning Committee spoke against the application. He raised the following points: the proposed development would cause demonstrable harm to residents and local school children; there was a lack of parking in the area; loss of a footpath and recreation area; the local roads and infrastructure were at breaking point; Sandling Way was a dangerous access point; this was infill development and it was over-intensive.

A Ward Member who was not a member of the Planning Committee spoke against the application.

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

- Needed a clear analysis of the traffic implications of the Barton Hill Drive application;
- this site was not allocated for housing;
- the site was difficult to get to and was not in a suitable location;
- it was a quiet walk, and the development would completely change the aspect for local people;

- it was over-development;
- this was unnecessary and unsuitable; and
- not happy with the ecological mitigation measures.

In response, the Major Projects Officer suggested a condition could be added to the application to state that none of the dwellings be occupied before M2 Junction 5 was either commenced or finished.

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

**Resolved: That application 18/506328/OUT be deferred to allow the Planning Working Group to meet on site.**

<b>2.2 REFERENCE NO - 19/504059/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Installation of six modular prefabricated 1100 litre bin-stores to the front of Wentworth House (retrospective).			
<b>ADDRESS</b> Wentworth House Wentworth Drive Sittingbourne Kent ME10 1TU			
<b>WARD</b> Borden And Grove Park	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Shaun Morris	<b>AGENT</b>

The Area Planning Officer explained that there was an error on page 66 of the report and the dimensions should read: 3.3 metre width; 1.4 metre depth and 1.8 metre height.

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

Councillor Mike Baldock, who called-in the application, explained that the bin stores had appeared, without planning permission. He said they should be located in a more suitable location as they stuck out into the street view. He also considered they would be used by passers-by.

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

- These were an eyesore;
- the bins themselves could be placed in this position without planning position;
- the bin stores should be re-located behind the building line;
- preferred to have the bin stores, rather than just the bins;
- this caused harm to the residential amenity;
- there were more suitable places to put the bin stores; and
- there should be some soft landscaping.

Councillor Simon Clark moved the following motion: That the application be delegated to officers to approve subject to the applicant re-siting the bin stores further into the site, or else refuse on the grounds of loss of visual amenity on the open character of the streetscene, if the bin stores were not re-located, and in consultation with the Ward Members. This was seconded by Councillor Monique Bonney. On being put to the vote the motion was agreed.

**Resolved: That application 19/504059/FULL be delegated to officers to approve subject to the applicant re-siting the bin stores further into the site, or else refuse on the grounds of loss of visual amenity on the open character of the streetscene, if the bin stores were not re-located, and in consultation with the Ward Members.**

<b>2.3 REFERENCE NO - 19/506038/REM</b>			
<b>APPLICATION PROPOSAL</b>			
Reserved matters of access, appearance, landscaping, layout and scale, including external lighting and pedestrian crossing following an outline application 18/500041/OUT for erection of a new Community Hall, outside recreational facilities and car parking.			
<b>ADDRESS</b> Land Fronting Painters Forstal Road Ospringe Kent ME13 0EG			
<b>WARD</b> East Downs	<b>PARISH/TOWN COUNCIL</b> Ospringe	<b>APPLICANT</b> Forstal Association	Painters Community
		<b>AGENT</b> Red House Design	

The Development Manager referred to the tabled paper for this item which showed an amended site location plan. He outlined the tree and hedge planting that was proposed and said that conditions (3), (6) and (7) needed to be amended to reflect the new drawing number. Two emails had been received from objectors to the application and they had raised points which included: this was built next to a residential area, it could be built elsewhere; this development should not affect the community; it would intrude on the garden and garden room of the neighbouring property; and it should be located where it would not upset anyone.

Parish Councillor Andrew Keel, representing Ospringe Parish Council spoke with some concerns about the application.

Professor Ben Bennett, a supporter, spoke in support of the application.

Mr Robert Dodgson, an objector, spoke against the application.

Mr Brian Lloyd, the Applicant, spoke in support of the application.

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



A Ward Member who was also a member of the Planning Committee welcomed the principle of the development, but raised concern with the location of the hall, adjacent to Pawley Farm. He considered it to be detrimental to the residential amenity of the Farm, and that there was space available to move the building towards the left hand corner. He also suggested that if the application was approved that condition (2) be amended to include consultation with the Ward Member, and that hedging be limited to a height of 2 metres adjacent to Pawley Farm to reduce the potential for overshadowing, and that the Ward Member be consulted on condition (5) and (9) of the appendix.

Councillor David Simmons moved a motion for a site meeting. This was seconded by Councillor Mike Baldock and on being put to the vote the motion was agreed, with the Chairman using his casting vote.

A Member requested that the site be marked out so that the proposed footprint of the building could be identified.

**Resolved: That application 19/506038/REM be deferred so that the Planning Working Group could meet on site.**

<b>2.4 REFERENCE NO - 19/500768/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
During the winter months, the stationing, unoccupied, of 1 welfare unit and 15 mobile homes used residentially in the preceding agricultural season to accommodate seasonal workers at Owens Court Farm, as shown on drawing 22259/56/200219V2 (Revised)			
<b>ADDRESS</b> Owens Court Farm Owens Court Road Selling Faversham Kent ME13 9QN			
<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN</b> Selling	<b>COUNCIL</b>	<b>APPLICANT</b> F W Mansfield & Son <b>AGENT</b> Hobbs Parker Property Consultants

Parish Councillor Amanda Saunders, representing Selling Parish Council spoke with some concerns with the application.

Mr Holman, an objector, spoke against the application.

Jane Scott, the Agent, spoke in support of the application.

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

A Ward Member who was also a member of the Planning Committee welcomed the revised plan rotating the caravans by 90 degrees. He raised concern with the proximity of the site to the Area of Outstanding Natural Beauty (AONB). He supported the suggested conditions submitted by Selling Parish Council, including the change of entrance from the north west to the south east which he considered

would have less impact. The Ward Member suggested that the parking area be moved to the welfare unit and vice-versa, and whether this could be investigated. The Planner explained that the stationing of the caravans throughout the growing season constituted permitted development, and Members were being asked to consider the stationing when it was not the growing season.

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

- There was no need for this application, local people should be able to be found to work on the site;
- needed to consider the setting of the AONB;
- the Permitted Development Rights (PDRs) needed to be removed; and
- needed to see whether there were any Public Rights of Way (PROW) nearby with regard to the setting of the AONB and its proximity to the application site.

In response, the Planner advised that agricultural PDRs could not be removed, and he added that as the site was 100 metres outside the AONB, the AONB unit had not been consulted, and he reminded Members that in any case there were already agricultural buildings nearby.

Councillor Monique Bonney moved the following motion: That the application be deferred to look into whether there were any PROWs nearby from where views of the application site/AONB could be seen. This was seconded by Councillor Tim Valentine.

Members made the following further comments:

- The access to the site could also be looked at with the applicant;
- it would be difficult to re-site the access as it would be right outside the entrance to the agriculture engineer;
- the mitigation measures suggested by the Parish Council were sensible ideas;
- it was often difficult to get local fruit pickers; and
- concerned with the amount of cars that could be coming onto the site.

The Area Planning Officer explained to Members that they could not take into account the impact of PDRs because they did not require planning permission. He re-iterated that it was the impact of the storage over winter that was being considered.

***Resolved: That application 19/500768/FULL be deferred to allow more information to be sought regarding the existence of any PROWs and consequently the visual impact of the development on the AONB.***

## **PART 5**

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

- **Item 5.1 – 106 Scrapsgate Road, Minster**

**COMMITTEE REFUSAL**

**APPEALS DISMISSED**

A Member welcomed the decision.

- **Item 5.2 – Blean Cottage, Hickmans Green, Boughton Under Blean**

**DELEGATED REFUSAL**

**APPEAL ALLOWED**

- **Item 5.3 – Funton Brickworks Raspberry Hill Lower Halstow**

**DELEGATED REFUSAL**

**APPEAL DISMISSED**

A Member was disappointed with the decision.

- **Item 5.4 – 61 Playstool Road Newington**

**DELEGATED REFUSAL**

**APPEAL DISMISSED**

- **Item 5.5 – One Acre Blind Marys Lane**

**DELEGATED REFUSAL**

**APPEAL DISMISSED**

A Member welcomed the decision.

- **Item 5.6 – Loyterton Farmhouse Tickham Lane Lynsted**

**DELEGATED REFUSAL**

**APPEAL ALLOWED**

- **Item 5.7 – The Old School, Dunkirk**

**DELEGATED REFUSAL**

**APPEAL ALLOWED**

**619 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 5 and 7.**

- 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**
- 7. Information relation to any action in connection with the prevention, investigation or prosecution of crime.**

**620 SCHEDULE OF DECISIONS****19/500866/OUT – Land at Swale Way, Great Easthall Way, Sittingbourne**

The Area Planning Officer gave an overview of this application which was considered by the Planning Committee on 9 January 2020, where Members had given four reasons to refuse the application, had the appeal not been submitted for non-determination. The Area Planning Officer referred to the noise survey the appellant had carried out, and also the views of the Council's Environmental Health Manager following the survey. It was concluded that, with appropriate mitigation, there would not be significant harm to residential amenity.

**Resolved: That the second reason for refusal (that it had not been demonstrated that noise and disturbance from the community hall would not give rise to harm to the amenities of residents of the proposed development) be dropped from the reasons for refusal, with the remaining three to continue.**

**621 ADJOURNMENT OF MEETING**

The Meeting was adjourned from 8.10pm to 8.15pm and 10.03pm to 10.10pm.

**622 SUSPENSION OF STANDING ORDERS**

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

Chairman

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