
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 30 May 2019 from 7.00pm - 9.20pm.

PRESENT: Councillors Cameron Beart, Monique Bonney, Roger Clark, Simon Clark, Richard Darby (Substitute for Councillor Elliott Jayes), Mike Dendor (Substitute for Councillor David Simmons), Tim Gibson (Chairman), James Hall, Nicholas Hampshire, James Hunt, Carole Jackson, Peter Marchington, Ben A Martin (Vice-Chairman), Paul Stephen, Eddie Thomas, Tim Valentine and Tony Winckless.

OFFICERS PRESENT: Simon Algar, Colin Finch, James Freeman, Andrew Jeffers, Kellie MacKenzie, Ross McCardle, Cheryl Parks, Andrew Spiers, Steve Wilcock and Jim Wilson.

ALSO IN ATTENDANCE: Mike Baldock, Roger Truelove and Ghlin Whelan.

APOLOGIES: Councillors Elliott Jayes and David Simmons.

19 EMERGENCY EVACUATION PROCEDURE

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

20 MINUTES

The Minutes of the Meeting held on 30 May 2019 (Minute Nos. 608 – 613) were taken as read, approved and signed by the Chairman as a correct record.

21 DECLARATIONS OF INTEREST

Councillor Eddie Thomas declared a Non-Pecuniary Interest on item 2.4 18/502735/FULL Land at Perry Court, Ashford Road, Faversham as he had previously campaigned for adequate infrastructure and air quality improvements at the site.

Councillor Tim Valentine declared a Non-Pecuniary Interest on deferred item 1 18/503723/MOD106 as he had instructed the Agent Brachers LLP in a private matter.

22 DEFERRED ITEM

Deferred Item 1 REFERENCE NO – 18/503723/MOD106
APPLICATION PROPOSAL
Modification of Planning Obligation dated 18/05/2010 under reference SW08/1124 to allow a reduction of on site affordable housing.
ADDRESS 153 London Road, Sittingbourne, Kent, ME10 1PA

WARD Borden and Grove Park	PARISH/TOWN COUNCIL	APPLICANT Clarity Properties Ltd AGENT Brachers LLP
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Ward Members welcomed the application.

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

The Chairman invited Members to ask questions.

A Member asked whether there was a signed agreement with the registered provider for the three units? The Major Projects Officer advised that there was no signed agreement but that was not unusual at this stage of the application.

A Member asked where on the development the affordable houses would be? The viability of the proposal needed to be looked at again and would these properties meet the Homes England Criteria? She raised concern that the developer had already sold some properties, and asked whether smaller housing providers been approached?

The Major Projects Officer explained that that level of detail would be considered through the Section 106 Agreement. The Major Projects Officer explained that there was nothing to stop the developer from pre-selling the units as they already had planning permission, and as long as they did not go beyond the trigger which was the 22 occupation before the affordable housing provision was confirmed, he did not consider it unreasonable. With regard to prices he considered that these would have gone up in-line with inflation and that build costs would also have risen. He explained that officers had looked at prices and done some broad calculations and the profit margin was unlikely to be much beyond approximately 10%, the Government bench mark for reasonable profit was 20% so he did not consider the applicant was going to make an unacceptable level of profit. He stated that officers were of the opinion that the 10% affordable housing was in-line with the Local Plan and appropriate. The Major Projects Officer concluded by saying that the registered provider had been involved with discussions and would be unlikely to enter into a deal if they did not think the properties were being built to an appropriate standard.

Members debated the application and raised the following points: a regrettable application which would open the flood gates for other developments with affordable housing allocations; no commentary from the registered housing provider within the Committee report; as the scheme has already been built, the Committee had no assurance that it had been built to the correct standard as no detail had been provided in the Committee report; the Committee report referred to 0.65% profit and now we are being told it was 10% profit, Members were not able to interrogate that information and did not feel comfortable agreeing the application without seeing that information; viability had been an issue at the site since 2017; the application was a fait accompli; the developer had under-priced the units; lots of inconsistencies in the applicant's statements; not confident that the three units would be provided; without the service agreement no assurance the properties

would be built to the correct standard and a risk the provider would pull-out from the scheme; the Committee had looked at this in depth and officers had done well to get this scheme on the table; if in the Section 106 Agreement the developer would have to provide; Ward Members support; shame that the properties were not social rent; concern that the viability study had been provided after the development had been built; appeared that the application was transferring risk from the developer to the tax-payer; officers referred to gross profit not net profit; and the Council would not be able to support refusal on appeal.

The Head of Planning Services stated that officers did not know that there was a 10% profit that was an approximate calculation, however officers were of the opinion that the developer would not receive anything near the 20% benchmark level.

In response to a concern about no registered provider agreement being signed, the Lawyer (Planning) stated that the Section 106 if modified would have a Clause built-in and a trigger prior to the occupation of the 22nd unit. She explained that the legal definition of 'occupation' was 'by sale' so the developer would be in breach of the Section 106 Agreement if they did not provide the affordable units and went on to sell further units. The Council would then be able to take the developer to court and serve an injunction on them.

Resolved: That application 18/503723/MOD106 be approved subject to delegation to agree the precise wording of the modified planning obligation under the instruction of the Head of Legal Services.

23 SCHEDULE OF DECISIONS

PART 1

Reports to be considered in public session not included elsewhere on this Agenda

1.1 REFERENCE NO – TPO No. 6 of 2018		
APPLICATION PROPOSAL		
This report seeks the permission of the Planning Committee to Confirm without modification Tree Preservation Order No. 6 of 2018 for which objections have been received.		
ADDRESS Blean Wood, Dunkirk, Kent		
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Dunkirk	

The Development Manager reminded Members that there had been a Tree Preservation Order on the two small parts of the site since 1974, but that a larger Tree Preservation Order area was now required.

Parish Councillor Jeff Tutt, representing Dunkirk Parish Council, spoke in support of the application.

Resolved: That application TPO NO. 6 of 2018 be confirmed without modification.

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 18/506323/FULL			
APPLICATION PROPOSAL			
Retrospective application for the stationing of 37 static caravans including associated hardstanding and landscaping.			
ADDRESS Meadow View Park, Irwin Road, Minster-on-Sea, Sheerness, Kent, ME12 2DB			
WARD Minster Cliffs	PARISH/TOWN Minster-on-Sea	COUNCIL	APPLICANT Mr Henry Boswell AGENT Michael Parkes Surveyors

The Planning Officer drew attention to condition (3) of the Committee report which restricted occupancy to 8 months. He explained that the site benefited from 10 month occupation (granted in 2012 under SW/12/0306) and requested delegation to correct the conditions to reflect that.

The Planning Officer further reported that one additional letter of objection had been received from someone who had already commented, they raised issues already covered in the report and corrected some minor points: the access road was made-up of 2 private roads, not 1; the adjacent park was not called “Irwin Park” any more; condition (3) should be for 10 months; and noted a number of issues of maintenance and construction relating to the chalets on Parklands Village were unrelated to the application at hand.

The Chairman invited Members to ask questions.

In response to a query from a Member, the Planning Officer confirmed that following an application agreed at Planning Committee on 14 May 2012 for the site, the ten month occupancy had been agreed. He advised that the site was now in new ownership.

A Ward Member raised concern about planning breaches at the adjacent park and that Planning Enforcement needed to be proactive in addressing these issues.

The Head of Planning advised that enforcement officers did carry out spot checks and that Members could inform officers of any specific breaches they may be aware of.

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

Resolved: That application 18/506323/FULL be delegated to officers to approve subject to conditions (1) to (5) in the report and an amendment to condition (3) to ten month occupancy.

2.2 REFERENCE NO – 19/500050/FULL & 19/500051/LBC

APPLICATION PROPOSAL

Conversion, part demolition and extension of former school building to provide two 4 bedroom dwellings, and erection of two detached 4 bedroom dwellings with associated landscaping and parking.

ADDRESS Tunstall Church of England Primary School, Tunstall Road, Tunstall, Sittingbourne, Kent, ME9 8DX

WARD West Downs

PARISH/TOWN COUNCIL
Tunstall

APPLICANT Mr G Swift
AGENT Penshurst Planning Ltd

The Planner reported that four additional objections had been received from local residents raising the following points: parking provision was inadequate; Tunstall Road was a commuter route; emergency vehicles would have difficulty with the access track; access for construction vehicles would be dangerous for pedestrians and dog walkers; design of the new houses was out-of-keeping, and their rooms were small; and new builds added nothing 'innovative or novel' to the Grade II listed school building.

The Planner further reported that the Victorian Society had initially raised concern with regard to internal works to the school, but noted there were virtually no existing historical or architectural internal features left and therefore raised no objection.

Parish Councillor Mavis Hibben, representing Tunstall Parish Council, spoke against the application.

Mr Gary Swift, the Applicant, spoke in support of the application.

Councillor Tony Winckless proposed a motion for a site meeting. This was seconded by Councillor Monique Bonney.

Some Members spoke against the site meeting.

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

Resolved: That applications 19/500050/FULL and 19/500051/LBC be deferred to allow the Planning Working Group to meet on site.

2.3 REFERENCE NO – 18/506384/FULL

APPLICATION PROPOSAL

Change of use of land and development of 34 no. general industrial units, a secure lorry park, café and associated landscaping. (Resubmission of 18/504147/FULL).

ADDRESS Land South East of A299 Slip Road, Off Thanet Way, Highstreet Road,

Hernhill, Kent		
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT P&S Properties Services (South East) Ltd AGENT Giarti

The Planner reported that Kent County Council (KCC) Ecology had requested additional conditions; one referring to the protection of hedgehogs on site; a clause in condition (4) of the Committee report referring to details of a sensitive lighting plan to avoid impact on bats and an Informative regarding the protection of birds on-site during the nesting season. He stated that delegation to approve the application was sought, subject to the conditions and informatives requested by KCC Ecology

Justin Tuck, an Objector, spoke against the application.

Gary Turner, the Agent, spoke in support of the application.

The Chairman invited Members to ask questions.

A Ward Member advised that Hernhill Parish Council had now considered the amended application and still raised objection to the application. He read out their further comments for Members.

In response to their queries, the Planner reminded Members that the applicants already had permission for a van and HGV lorry park on the site.

A Member asked whether KCC Highways and Transportation considered the rural roads surrounding the site to be dangerous. The Highways and Transportation Officer did not consider them to be dangerous and noted that it was a low speed designated area.

A Member asked whether there was a charge for overnight parking; how many parking spaces were there in the new scheme; and whether it would be possible to provide weight limit signs through the village to alleviate local concerns. In response the Planner stated that there was no charge for proposed overnight parking, and the new scheme was for 14 hgv's and 7 smaller commercial vehicle spaces. The Highways and Transportation Officer stated that a weight limit sign could be requested via a Traffic Regulation Order.

A Member asked whether a condition could be imposed requiring weight restriction signs to be provided and delegated to officers to negotiate. The Highways and Transportation Officer stated that this could not be imposed by condition, but could be requested as part of the Section 106 Agreement.

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

Councillor Monique Bonney moved the following addendum: That officers be given delegated authority to negotiate with KCC Highways and Transportation suitable

weight restriction signage through Dunkirk village as part of the Section 106 Agreement. This was seconded by Councillor Simon Clark.

The Highways and Transportation Officer stated that Members needed to be clear on what type of signage they were asking for, and that this may also be difficult to enforce in a such a rural location. He considered it may be more appropriate to allow the applicants to provide suitable directions for visitors and employees to their site.

Members debated the proposed addendum, and the proposer of the original addendum moved the following amendment to the addendum: That officers be given delegated authority to negotiate with KCC Highways and Transportation suitable signage restricting HGVs except for local access as part of the Section 106 Agreement. This was agreed by the seconder of the original addendum. On being put to the vote the amended addendum was agreed.

Members debated the proposals and some Members stated that they preferred the original lorry park scheme.

Resolved: That application 18/506384FULL be delegated to officers to approve subject to conditions (1) to (19) in the report, the additional conditions required by KCC Ecology, and a Section 106 Agreement requiring the applicant to apply for a Traffic Regulation Order in respect of potential weight or height restrictions on local lanes in the vicinity of the site, to be negotiated with KCC Highways and Transportation.

2.4 REFERENCE NO – 18/502735/FULL

APPLICATION PROPOSAL

Erection of a new supermarket (Use Class A1) and a hotel (Use Class C1) along with associated accesses, car and cycling parking, lighting, drainage, hard and soft landscaping and associated infrastructure.

ADDRESS Land at Perry Court, Ashford Road, Faversham, Kent, ME13 8YA

WARD Watling

PARISH/TOWN COUNCIL
Faversham Town

APPLICANT HDD
(Faversham) Limited and
Premier Inn Hotels Limited
AGENT Pegasus Planning
Group

The Major Projects Officer drew Members' attention to the tabled update which had previously been emailed to the Committee and included further representations from consultants acting for Tesco and Morrisons; the Council's Tree Officer; details of updated site plans; costings for the provision of public art; and amendments to conditions (2), (4), (14), (15), (17), (18), (20), (21), and informatives (1) and (2) of the Committee report. He also drew attention to the further letter from Tesco which was also tabled for Members.

The Major Projects Officer reported that there was an error on condition (14) of the tabled paper, and it should refer to "charging facilities" not "changing" as stated.

The Major Projects Officer sought delegation to refine the wording to condition (20) of the tabled paper to omit "...and approved in writing by..." from the 3rd line.

The Major Projects Officer further reported that Southern Water were happy with the foul and surface water drainage strategy and recommended removal of that condition. Southern Water had suggested that the applicant consult with the Environment Agency regarding use of soakaways for surface water disposal. The Major Projects Officer noted condition (25) of the Committee report, which he considered should be amended to refer to the approved details, rather than removed altogether.

The Major Projects Officer sought delegated authority to approve the application subject to the signing of a suitably-worded Section 106 Agreement, and the planning conditions as set out in the main report and as amended by the tabled paper and above update.

Town Councillor John Irwin, representing Faversham Town Council, spoke against the application.

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

The Chairman invited Members to ask questions.

A Member asked how the proposed materials for the supermarket and hotel fitted-in with the local vernacular? The Conservation and Design Manager – Planning said that the applicants had worked closely with officers to improve the materials and design of the scheme. He explained that whilst the format of the proposed supermarket was a standard format, it used materials that were the same across the three sites and primarily of a traditional local brickwork and render, and added further details including to the brise-soliel and mono-pitched roof to add further design elements to the building. He explained that officers had also negotiated substantial landscaping to the front of the supermarket building and hotel. He considered that on balance the siting was acceptable and created a strong entrance to the site with trees leading into it.

In response to a question, the Major Projects Officer confirmed that there would be a restaurant at the hotel. A Member raised concern about deliveries as it was a residential area. The Major Projects Officer referred to condition (30) of the Committee report which imposed delivery restrictions.

A Member queried what was meant by phasing in condition (14) of the Committee report, in respect of details of electric charging, and asked whether this could be "tightened-up" to ensure it was clear that this would be provided at both the supermarket and hotel. The Major Projects Officer confirmed that the supermarket and hotel would be built under two separate phases, and agreed to amend the wording in the condition as requested.

A Member asked for confirmation that under Policy DM2, any building under 2,500 square metres did not require a Retail Assessment? He also asked officers whether they were aware of the contributions for improvements towards highway

improvements to the A2/A251 junction, and at what stage of the development they would be paid?

The Major Projects Officer explained that following the publication of the Retail and Leisure Needs Assessment for Swale it had been considered necessary to carry out an independent assessment of the retail impact of the proposed development, as set out in paragraph 8.19 on page 147 of the Committee report, and this had been carried out by White Young Green Planning Consultants. The Major Projects Officer explained that the assessment had been received relatively recently and it was that document that Tesco considered they should have been formally consulted on.

The KCC Highway and Transportation Officer confirmed that the highway contribution was £99,660 calculated on a movement rate of £1,020 per peak hour movement through the A2/A251 junction, as per the original planning application 15/504264. He confirmed that the applicant had not challenged that calculation. He explained that it would be usual for payments of that kind to be made prior to occupation of the building.

A Member queried whether the design of the A2/A251 junction improvements had been approved, and when would it be constructed in relation to the construction of the supermarket and hotel.

The KCC Highways and Transportation Officer stated that he would be taking a report outlining details of three options for improvements to the A2/A251 junction to the meeting of the Swale Joint Transportation Board on Monday 24 June 2019, and was therefore unable to provide timings in terms of this application.

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

Councillor Nicolas Hampshire moved the following motion: That the application be deferred until details of the A2/A251 junction improvements were known. This was seconded by Councillor Paul Stephen.

Councillor Benjamin Martin asked that this included a site meeting.

On being put to the vote the motion was lost.

Members debated the application and raised the following points: welcomed anything that brought employment to Faversham; the delivery times of 0600 - 2300 hours should be amended to 0700 to 2200 hours; did not like the design of the proposed supermarket and hotel; the supermarket and hotel should have pitched roofs with local Kent peg tiles; concerned that operators of the medieval market and independent shops had not been consulted on the application; the landscaping needed to include native species; needed to have a better understanding of the environmental details, such as whether solar panels were to be included; did not think it necessary to defer, as KCC Highways and Transportation had already carried out traffic modelling; had full faith in officers that this was a suitable design; disappointed with the design; challenged the need for a supermarket; considered the Sainsbury's building was a better design; local bio-mass boilers should be

provided; ground source heat pumps and solar panels should be provided; this development would have an adverse impact on air pollution; the condition relating to charging for electric vehicles should specify whether they would be rapid charge; would have an adverse impact on the viability of Faversham Town Centre; the Section 106 monies from this scheme would help to fund any improvements to the A2/A251 junction improvements; and should not consider until details of the junction improvements were known.

The Head of Planning stated that officers had worked very hard with the applicants to secure a quality scheme, particularly in respect of landscaping. He reminded Members that the applicants were not responsible for highway decisions relating to the public road network.

Councillor Monique Bonney moved the following motion: That the application be deferred until the decision of the Swale Joint Transportation Board in relation to the proposed A2/A251 junction improvements was known. Further details be provided of the design of the proposed buildings, the environmental impact (particularly sustainable design and construction), the potential impact on the viability of Faversham Town Centre, the implications for local air quality and native tree species be planted. This was seconded by Councillor Benjamin Martin.

On being put to the vote the motion to defer was agreed.

Resolved: That application 18/50638/FULL be deferred until the decision of the Swale Joint Transportation Board in relation to the proposed A2/A251 junction improvements was known, and further details be provided of the design of the proposed buildings, the environmental impact (particularly sustainable design and construction), the potential impact on the viability of Faversham Town Centre, the implications for local air quality and native tree species be planted.

PART 5

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

- Item 5.1 – 30 Ferry Road, Iwade

APPEAL DISMISSED

COMMITTEE REFUSAL

- Item 5.2 – Friston, Lower Road, Eastchurch

APPEAL DISMISSED

DELEGATED REFUSAL

- Item 5.3 – 10 Athelstan Road, Faversham

APPEAL ALLOWED

DELEGATED REFUSAL

- **Item 5.4 – Ashfield Court Farm, Newington**

APPEAL ALLOWED

DELEGATED REFUSAL

- **Item 5.5 – 19 Victory Street, Sheerness**

APPEAL ALLOWED

DELEGATED REFUSAL

A Member stated that this was a disappointing decision.

- **Item 5.6 – Coronation Drive, Leysdown**

APPEAL DISMISSED

DELEGATED REFUSAL

Chairman

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