
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Tuesday, 23 July 2019 from 7.00pm - 10.00pm.

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

OFFICERS PRESENT: Simon Algar, Andy Byrne, Philippa Davies, Colin Finch, Andrew Jeffers, Benedict King, Steve Wilcock and Jim Wilson.

ALSO IN ATTENDANCE: Councillors Angela Harrison and Peter Marchington.

APOLOGIES: Councillors Monique Bonney, Roger Clark, Peter Marchington and Benjamin Martin.

146 EMERGENCY EVACUATION PROCEDURE

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

147 DECLARATIONS OF INTEREST

No interests were declared.

148 DEFERRED ITEM

Reports shown in previous Minutes as being deferred from that Meeting

Def Item 1 REFERENCE NO - 18/503135/OUT			
APPLICATION PROPOSAL			
Outline application for the development of up to 700 dwellings and all necessary supporting infrastructure including land for provision of a convenience store / community facility, internal access roads, footpaths, cycleways and parking, open space, play areas and landscaping, drainage, utilities and service infrastructure works. (All detailed Matters Reserved for subsequent approval except for access to Lower Road and to Barton Hill Drive).			
ADDRESS Land West Of Barton Hill Drive Minster-on-sea Kent ME12 3LZ			
WARD	Queenborough And Halfway	PARISH/TOWN COUNCIL	APPLICANT SW Attwood & Partners
		Minster-On-Sea	AGENT JB Planning Associates

The Senior Planner introduced the application, and in doing so drew Members' attention to the tabled paper. He gave a brief presentation of the site and the proposal and reminded Members that the application had been deferred at the

meeting held on 28 February 2019. The Senior Planner explained that the site was to the west of Barton Hill Drive, Minster, and predominantly to the north of the Lower Road. To the north of the site was the Oasis Academy and the western side of Parsonage Chase. Parsonage Farmhouse, sited to the north east of the site, was a Grade II listed building, to the west were hedgerows and open fields, and Lower Road was at the southern boundary. The Senior Planner explained that the application site was 35.7 hectares in size, and was currently open agricultural land, rising-up from Lower Road northwards. The development largely fell within the site allocated for housing within the Local Plan, and a minimum of 620 dwellings had been allocated. The Senior Planner explained that the application site was different to the site allocation plan, and as such there were three parcels of land within the application site which did not fall within the site allocation. He highlighted the planning constraints in relation to the unallocated land which included it being within open countryside, and some parts to the west fell within an important Local Countryside Gap. Two areas of land, to the east and north were part of the site allocation but did not form part of this application, one of which was an overgrown orchard.

The Senior Planner explained that the housing mix would be 2, 3 and 4 bedroom dwellings, mainly two storeys, but some three storeys as well. There would be a variety of density of housing, and 14.8 hectares of open space would be provided. There would be a woodland buffer, 20 metres in width, and a sustainable drainage area to the south and west. Open spaces, including the installation of a central play area and ball court would be provided. There would be green corridors and a network of cycle routes and pedestrian footpaths. The application also included provision for a local centre, with a medical facility and shops. The Lower Road would be widened between the new roundabout and Cowstead Corner. Work on a cycle path along the Lower Road was underway.

Mr John Boyd, the Agent, spoke in support of the application.

The Chairman read out a statement from a Ward Member from an adjoining Ward who raised concern about the lack of medical facilities.

The Chairman invited Members to ask questions.

A Member referred to page three of the report and considered the movement of General Practitioners (GPs) from another location to this site, did not increase the GP provision and asked for further details. The Senior Planner explained that the NHS did not consider there was a requirement for a new facility on the site at this time. The Clinical Commissioning Group (CCG) had requested input in how the medical facility was developed on the site. The Senior Planner said it was a complicated process; the land was secured for a medical facility, and in time there could be an additional facility to meet identified needs, but this depended on the NHS.

The Member also stated that the Halfway Road junction was already over capacity at the moment, and if ever the Lower Road closed, this was the main route off the Isle of Sheppey. He asked what the £20,000 contribution would deliver to enhance the road network? The Principal Transport and Development Planner acknowledged that the junction was over capacity and explained that there was

developer funding of £1.2m for road widening on the Lower Road. There was a projected increase in queues from 50 to 71 vehicle numbers on the Halfway Road and 43 to 62 on the Minster Road. He said that the £20,000 would fund an option of closing the junction, with traffic going back on Queenborough Road and Minster Road, and to mitigate residents in Adelaide Gardens. The Member asked for assurance that with regard to the new right hand turn lane proposed at Wallend Farm on the Lower Road, entering onto the road was left turn only. The Principal Transport and Development Manager gave his assurance.

A Member asked that if the Local Plan differed from the National Planning Policy Framework (NPPF) which took precedence? The Senior Planner explained that the NPPF was a later publication, but that the Local Plan was what had been adopted. He added that the NPPF was a material planning consideration.

A Member asked for more details on the provision of the convenience store. The Senior Planner explained that there was a proposal for a local centre, 450 square metres in size, for up to three retail units. The local centre would be built and marketed, over a certain period of time, with incentives agreed as part of the marketing strategy. He added that the Section 106 Agreement would set the time-frame, and if there was no interest, the Applicant would be free to apply to use the units for another use.

A Member requested that the proposal be separated, and to consider the outline application first and then the Section 106 Agreement. In response, the Senior Planning Solicitor acknowledged the request, but explained that the Section 106 Agreement should be considered at the same time as the planning application so it could be seen how any harm from the development was mitigated by the Agreement. There was some discussion on how this should proceed.

Councillor Simon Clark moved the following motion: That the proposal be considered separately, with the outline application being considered first and then the Section 106 Agreement. This was seconded by Councillor Carole Jackson. On being put to the vote the motion was agreed, with the Chairman using his casting vote.

Planning Application

A Member asked if the funding would go back to landscaping maintenance, if the medical centre did not go ahead, and what would be done with the unit if it was not occupied? The Senior Planner confirmed that the funding would go back to landscaping, and explained again that the unit would be marketed, and that ultimately it was down to the NHS/GP interest.

A Member asked whether if the unit did not become a medical centre, it could become a community centre instead? The Senior Planner stated that was an option, but this would need to be agreed with the Applicant. The Member also asked for more details of the £20,000 for the cycle link. The Principal Transport and Development Planner explained that there would be a 3 metre wide footway/cycle link to Neats Court, and this would be a Kent County Council (KCC) scheme. It would run alongside Queenborough Road to Cowstead Corner and also along Lower Road. The Principal Transport and Development Planner also

explained that future applications would deliver 'shortcuts' across the A249. The Member also asked if the green space to the south of Lower Road would be for public use. The Senior Planner explained that there was no detail on this at the moment, but it was considered that there would be no encouragement to have it as a public area, as there were other areas north of it that were sufficient to meet the open space needs for the development.

A Member asked what the rationale was for including additional land not within the allocated site even though this was available, and how could the development of other land parcels be justified? The Senior Planner advised that as far as he was aware, the landowners had not reached agreement for inclusion of this land. He added that justification for the additional parcels was that there was very limited harm by going beyond the boundary of the allocated site, because there was no physical boundary there and the additional site 'squared-off' the line of the site allocation. The Senior Planning Solicitor explained that it was up to the Applicant to draw the red line as they saw fit.

A Member considered there was a need for a GP surgery, whereas the CCG had said there was no need for increasing medical provisions, and the Member considered this was a statutory requirement and requested more details. The Senior Planner explained that the scheme would increase demand on healthcare in the future, but at the moment the CCG had not identified need for a new centre on the site. The Member considered that with the additional cars expected from the development, there should have been an air quality assessment because of the effect on air quality. The Environmental Protection Team Leader did not consider there would be an issue, because of the openness of the area. He stated that an air quality assessment was not considered necessary by the Applicant as there was no data showing anything near exceedance. Air quality monitoring was taking place now with diffusion tubes positioned to the north of the site, rather than the south as this was completely open. The Principal Transport and Development Planner outlined some environmental measures that would be installed, such as electric car charging points, and cycle and footpath routes. The Member asked whether there would be any renewable energy on site and the Senior Planner explained that this would be dealt with at the reserved matters stage.

A Member asked for further details of funding for the secondary school. The Senior Planner explained that KCC were the education authority for Swale, and it was a matter for them to decide where they provided this provision. This was still being discussed at KCC in terms of the potential capacity and would be dealt with at a later stage. The Member suggested that if there was no help in getting a secondary school delivered, this was not mitigating the circumstances. The Major Projects Officer explained that a secondary school in north west Sittingbourne was part of a pending application. The Principal Transport and Development Planner explained that there would have to be a demonstrable need for a local school.

A Member asked if local labour would be used to build the development, and the Senior Planner confirmed a local labour clause was set out in the Section 106 Agreement.

A Member asked what the implications were on the schedule in specifying that no more than 250 dwellings were to be occupied until junction 5 of the M2 was

completed. The Principal Transport and Development Planner explained that progress of works on the junction were on target and it was expected to be completed by Winter 2021. The Member also asked about the zero value of affordable housing on the development. The Senior Planner explained that historic poor land values could not support affordable housing on the Isle of Sheppey. There was a clause in Policy for this to be tested, and a viability consultant had checked the Applicant's assessment and concluded that it was substantially unviable.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

A visiting Ward Member said that he was happy with the proposed development. He was aware of the need for more housing, and welcomed the green spaces and the tree corridor, and acknowledged the traffic chaos on Queenborough Road.

Another Ward Member who was also a member of the Planning Committee considered there had been no significant changes to the application. He was concerned with the highway improvements, and considered the mitigation offered was not enough for the harm the development would cause. He considered the alternative route, via Halfway, to be over-capacity and the Island could come to a standstill. He considered the application to be premature.

A third Ward Member, a substitute on the Planning Committee spoke on the traffic issues.

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

- There was an infrastructure deficit on the Isle of Sheppey;
- Policy requisites were a bare-minimum, developers could offer more;
- the medical facility should be larger and offer more facilities;
- the CCG should look at the two GP opportunities that had come forward;
- the Council should say what it wants and stick with it;
- the latest NPPF update stated that there should be at least 10% affordable housing, unless this exceeded the need in the area;
- the shop/medical centre should be there;
- funding a school in Sittingbourne, rather than on the Isle of Sheppey was not sensible;
- funding should go to the Oasis Academy instead;
- this development would have a significant impact on traffic in the area;
- there was a lack of infrastructure and this would make it worse;
- the 'dog leg' inclusion was not a good planning reason; and
- there needed to be GP provision on the site.

Section 106 Agreement

The Major Projects Officer gave an overview of balancing the NPPF with the adopted Local Plan. He reminded Members that Swale's Local Plan was adopted in 2017, but some weight needed to be given to the NPPF, agreed in July 2018. He referred to the viability and infrastructure on page 55 of the report, and explained

that 5% affordable housing had marginal viability. He stated that it was not appropriate to insist on 10% affordable housing. The Senior Planning Solicitor referred to paragraph 5.01 in the report which set out the relationship between the NPPF and the Local Plan when the 5 year supply of housing could not be demonstrated, and a balance had to be struck between the two. He said that this was a tilted balance, and unless the adverse impacts outweighed the benefits, the application should be granted. There was precedence given to the NPPF over the Local Plan in this instance, and the NPPF should be given weight with regards to affordable housing.

A Member considered a second opinion in appraising the viability be sought. The Senior Planner explained that a reputable consultant had been employed, and that affordable housing was generally built to a higher specification than those on the open market.

Members debated the Section 106 Agreement and raised points which included:

- The Section 106 Agreement should demand 10% affordable housing;
- there should be solar panels and electric car charging points;
- there should be photovoltaics on the roofs;
- the layout was moveable, south facing roofs should be maximised; and
- the Section 106 Agreement should be determined with the Chairman and Ward Members, rather than coming back to the Planning Committee.

The Senior Planning Solicitor explained that the Section 106 Agreement was under negotiation at the moment. He advised that the community hall use would be dealt with by the Section 106 Agreement, rather than by condition. The redirected landscaping money of £102,000 was to go where it was most needed for mitigation. With the secondary school issues, it was difficult to go against the view of the statutory consultant.

Members raised further points which included:

- The Section 106 Agreement was under negotiation, therefore officers should seek to get a minimum of 10% affordable housing;
- officers should talk to registered housing for them to take on the affordable housing; and
- funding for the medical centre should be ring-fenced.

In response to a question, the Principal Transport and Development Planner explained that the cycleway had been provided by KCC through Government funding, and the widening of the Lower Road would be funded by the development.

The Senior Planning Solicitor advised Members that they needed to consider whether the harm of the development could be mitigated adequately, so they should consider approving the application unless they could identify significant harm. The Development Manager reminded Members of the viability assessment carried out by the developer, and the subsequent independent assessor who had agreed that the site was not viable for affordable housing, and that KCC Highways and Transportation had no significant issues with the application.

Councillor Cameron Beart moved the following amendment: That if the application was agreed, the Section 106 Agreement be delegated to officers to seek a final agreement after consultation with the Chairman and Ward Members. This was seconded by Councillor Mike Dendor and upon being put to the vote the amendment was won.

In accordance with Council Procedure Rule 19(2) a recorded vote was taken on the motion to approve the application, delegate the Section 106 Agreement to officers after consultation with the Chairman and Ward Members, and voting was as follows:

For: Councillors James Hunt, Mike Dendor, David Simmons. Total equals 3.

Against: Councillors Cameron Beart, Lee McCall, Simon Fowle, Simon Clark, Tim Gibson, James Hall, Carole Jackson, Elliott Jayes, Ben J Martin, Paul Stephen, Eddie Thomas, Tim Valentine, Tony Winckless. Total equals 13.

Abstain – total equals nil.

The motion to approve the application was lost.

The Development Manager referred Members to page 58 of the report which provided an overview of elements of harm of the application to aid Members in their reasons for refusal of the application.

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

1. the application caused demonstrable harm to the open undeveloped character of the area;
2. the additional parcels of land beyond the site allocation were contrary to Policy ST3 of the Local Plan;
3. the loss of the important Countryside Gap was contrary to Policy DM5 of the Local Plan;
4. the impact to the highway was too significant and demonstrably outweighed the benefits of the mitigation of the Section 106 Agreement.

This was seconded by Councillor James Hunt.

The Senior Planner responded to the motion and referred to the first reason for refusal and reminded Members that a large part of the site was allocated for housing in the Local Plan, and so this would be difficult to argue against. Councillor Beart suggested that as in the Local Plan, the area near to the Lower Road was left as tree planting, to mitigate the visual impact from Lower Road. The Senior Planner clarified that this concern was based on the 'creep southwards of built form'.

The Senior Planner responded to the second reason for refusal where the tilted balance applied to the NPPF, and considered policies that restricted housing were 'out of date'. He explained that Policy ST3 of the Local Plan restricted housing, and it would be necessary to demonstrate the harm of the development in a strong way if this policy was used in any refusal reason.

The Development Manager responded to the fourth reason for refusal and reminded Members that KCC Highways and Transportation had not objected to the application, and so this would be difficult to defend on appeal. The Conservation and Design Manager suggested that reference could be made to the listed building to the north of the site, and the minor harm the application would cause to the setting of the building.

Members suggested the application failed to meet the new NPPF requirements for affordable housing and there was a demonstrable need for affordable housing on the Isle of Sheppey, and the highway was already over-capacity.

Following a fifteen minute adjournment, the Development Manager suggested Members focussed on the additional areas of land between the allocated site in the Local Plan and the application site, and consider the harmful impact on the Countryside Gap, in particular its function and character, and the southern creep towards Lower Road, and the landscaping impact.

Councillor Cameron Beart, as proposer of the motion for refusal was happy to withdraw the fourth reason for refusal.

Discussion ensued on the reasons for refusal, including adding mention of the listed building, lack of affordable housing, and highway design. In response, the Major Projects Officer referred Members to condition (6) in the report, and explained that a design code would be submitted prior to the reserved matters application. The Development Manager explained that the highway issues existed already, and would continue even without this application. In respect of affordable housing he reminded Members of Policy DM8 in the Local Plan where due to viability issues the provision of 0% affordable housing was sought on the Isle of Sheppey. Members needed to consider what additional harm the application would bring. The Senior Planning Solicitor stated that Members needed to consider harm that would be caused by this development.

Councillor Cameron Beart moved a motion for an additional reason for refusal: that the application would cause demonstrable harm to the setting of the listed building. This was seconded by Councillor Ben J Martin.

Councillor Ben J Martin moved an additional reason for refusal: that the application had a lack of affordable housing and this should be 10%, as in the NPPF, of the total housing numbers. This was seconded by Councillor Tim Valentine.

Councillor Tim Valentine moved an additional reason for refusal: that the traffic modelling figures at Halfway Road and Minster Road were not acceptable, the impact here would be severe, and further traffic modelling should be carried out. This was seconded by Councillor Elliott Jayes.

Councillor Cameron Beart moved an additional reason for refusal: that the mitigation measures for the impact on the highway were not significant to out-weigh the harm. This was seconded by Councillor Elliott Jayes.

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

For: Councillors Cameron Beart, Lee McCall, Simon Fowle, Simon Clark, Tim Gibson, James Hall, Carole Jackson, Elliott Jayes, Ben J Martin, Paul Stephen, Eddie Thomas, Tim Valentine, Tony Winckless. Total equals 13.

Against: Councillors James Hunt, Mike Dendor. Total equals 2.

Abstain: Councillor David Simmons. Total equals 1.

The motion to refuse the application was won.

Resolved: That application 18/503135/OUT be refused on the following grounds, and delegated to officers for the precise wording:

- 1. The application would cause demonstrable harm to the open undeveloped character of the area and landscape;***
- 2. The additional parcels of land beyond the site allocation were contrary to Policy ST3 of the Local Plan, and the southern creep of built form towards Lower Road would reduce landscape mitigation;***
- 3. The harmful impact on the Countryside Gap - the loss of the important Countryside Gap was contrary to Policy DM5 of the Local Plan;***
- 4. Demonstrable harm to the setting of the listed building;***
- 5. There was a lack of affordable housing and this should be 10%, as in the NPPF, of the total housing numbers;***
- 6. The traffic modelling figures at Halfway Road and Minster Road were not acceptable, the impact here would be severe, and further traffic modelling should be carried out; and***
- 7. The mitigation measures for the impact on the highway were not significant to out-weigh the harm.***

149 REPORT OF THE HEAD OF PLANNING SERVICES

There were no items to be considered as the meeting on 18 July 2019 completed its business on that date.

150 ADJOURNMENT OF MEETING

The meeting was adjourned at 9.22pm and reconvened at 9.37pm.

Chairman

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