

## 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, 3 October 2019 from 7.00pm - 9.14pm.

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

**OFFICERS PRESENT:** Zoe Callaway, Philippa Davies, James Freeman, Paul Gregory, Benedict King, Rebecca Walker and Jim Wilson.

**ALSO IN ATTENDANCE:** Councillors Monique Bonney (Ward Member), Angela Harrison, Ken Rowles and Ghlin Whelan.

**APOLOGIES:** Councillors Monique Bonney, Nicholas Hampshire, David Simmons, Paul Stephen and Eddie Thomas.

### **271 EMERGENCY EVACUATION PROCEDURE**

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

### **272 DECLARATIONS OF INTEREST**

No interests were declared.

### **273 SCHEDULE OF DECISIONS**

#### **PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 18/505151/REM</b>			
<b>APPLICATION PROPOSAL</b>			
Approval of Reserved Matters for mixed-use development relating to appearance, landscaping, layout and scale of 311 dwellings and 650sqm of neighbourhood shopping/community facilities pursuant to outline planning permission 14/501588/OUT			
<b>ADDRESS</b> Land At Stones Farm The Street Bapchild Kent ME9 9AD	<b>WARD</b> West Downs	<b>PARISH/TOWN COUNCIL</b> Bapchild	<b>APPLICANT</b> Chartway Group Ltd <b>AGENT</b>

The Senior Planning Officer introduced the report and referred Members to the tabled papers for this item. He explained that there was an error in the table on page 19 of the report, and that the number of 1 bedroom units should be 34, and the number of 2 bedroom units should be 110. This amendment also related to paragraph 2.02 in the report. The tabled paper also set-out that two additional letters that had been received from Bapchild Parish Council, and also responded to some queries that were raised at the developer briefing held on 1 October 2019. The Senior Planning Officer reported that an email had been received from a local resident on the day of the Planning Committee asking why works on the highway had commenced already, and highlighted the impact on an already over-stretched highway. The Senior Planning Officer explained that detail of the access works had been dealt with as part of the hybrid application and impacts upon the local highway network had already been dealt with.

Parish Councillor Richard Bush, representing Bapchild Parish Council, spoke against the application.

Katherine Putman, on behalf of the Applicant, spoke in support of the application.

The Chairman invited Members to ask questions.

A Member asked whether a roundabout would be a better option than traffic lights on the junction of the development with the A2; whether the 30mph speed limit would be extended; and would the affordable housing be offered to local people? The Senior Planning Officer explained that the detail of the road junction had already been granted detailed consent under the hybrid application, and was not being considered as part of this application. He explained that the 30mph speed limit was to be extended, but this was outside the terms of reserved matters. The Strategic Housing and Health Manager explained that the affordable rented units would be allocated via the housing register. The housing register had a qualification of residence in Swale of four out of five years. The shared ownership units would give preference to local families.

A Member asked what the percentage of apprentices would be that worked on the development and whether the apprenticeships covered all trades? The Senior Planning Officer explained that this would ordinarily be dealt with under the Section 106 Agreement in the outline application, not in the reserved matters stage. Although there was no requirement in the Section 106 Agreement, he added that he had spoken to the developer on this matter who would be able to provide further details if required.

A Member asked whether local building materials were being used and requested more information on the medical facilities on the site. The Senior Planning Officer referred the Member to condition (12) of the hybrid application and explained that he was waiting for further details of local materials being utilised on the development, from the developer. He added that the reserved matters condition could also require this and could be refined to reiterate the stipulation that local building materials were used as well. The Senior Planning Officer explained that the NHS had previously commented on two minor material amendment applications, but not in relation to the reserved matters application, as this was for appearance, landscaping, layout and scale only. He added that there was 650

square metres of neighbourhood shopping/community facilities proposed on the site. There would be a marketing campaign for these and the NHS could potentially take over one of the units as a medical facility. Again, this was not required as part of this reserved matters application. The Member referred to page 10 of the report where it stated that a medical facility should be provided prior to the occupation of any dwellings. He also referred to building regulations and requested more information on the provision of sustainable measures such as solar panels and rain water harvesting. The Senior Planning Officer explained that the comments made on page 10 of the report were from Bapchild Parish Council, not Planning Officers or the NHS. He added that building regulations were not part of the planning process, and referred to condition (12) in the outline application and explained that this had not yet been signed-off, and so more sustainable measures could be requested. This had to be in accordance with the Council's policies. The Senior Planning Officer again stated that this issue was not part of the current application being considered.

A Member asked for clarification on access to the school. The Senior Planning Officer explained that there had been a separate planning application which gave consent for a separate permission inside the school grounds, with a drop-off facility and a circulation route around the spaces. There was a hard surface, and it would be an additional access to the school. The Member queried the total of 4 x 1.00kWp PV array on the apartment blocks and whether this could also be amended in condition (12).

Another Member also sought further clarification on the access to the school. The Senior Planning Officer explained that Gladstone Drive was the current access to the school, and the access from the Stones Farm side would be an additional access. He added that no land from the school would be used for the Stones Farm development.

A Member asked for more details of the Countryside Gap and the timetable for this to be implemented in terms of the number of dwellings being occupied. The Senior Planning Officer referred the Member to condition (4) of the hybrid permission, and that the Countryside Gap had to be in place prior to the occupation of the 200<sup>th</sup> dwelling. He explained that as part of the reserved matters application, the roads to the Countryside Gap would have to be in place for public use to enable condition (4) to be complied with.

A Member asked about the look and appearance of the streetscene. The Senior Planning Officer showed the Committee the layout and design, as tied into condition (7) of the outline permission. The design would be of a traditional appearance. There had been some amendments, mainly on layout, rather than appearance. Some changes had been made to the dwellings with dual frontages, so that there were strong elevations that sat well with the streetscene.

A Member requested more information on the height of the buildings, as he was concerned with the height of the three-storey units. The Senior Planning Officer showed the location of the three-storey flats. He considered the location of these to be acceptable with suitable distances in-between. There would predominantly be 2 storey dwellings around the perimeter of the site to protect the residential amenity of existing properties.

A Member asked for more detail on the roads, parking spaces and air quality. The Senior Planning Officer explained that the width of the roads were in accordance with the aspirations of the outline planning permission. Kent County Council (KCC) Highways and Transportation had not commented on the internal layout, as these roads would not be adopted by them. However, some guidance had been received from KCC, and tracking drawings had indicated that there was adequate room for vehicles to manoeuvre around the site. The Member questioned the number of parking spaces, whether these were adequate and if not, considered parking on the pavement would decrease movement. The Senior Planning Officer referred the Member to paragraph 8.62 in the report. He explained that out of the 167 3 and 4 bedroom units, 43 of these had two independently accessible spaces. The remaining 124 had tandem spaces. Additional visitor spaces had been added to address this potential issue. The benefits of this were considered to be less visible hardstanding, and more room for landscaping. The Senior Planning Officer added that the quantum of parking was in accordance with guidelines. The Member wanted clarification with regard to air quality that the mitigation measures were effective. The Major Projects Officer referred to the second page of the tabled update which outlined the parking strategy on the site. He suggested this could be tied into the reserved matters application with an additional condition. The Senior Planning Officer explained that air quality could not be considered at the reserved matters stage as it was an 'in principle' detail which had been considered acceptable by virtue of granting planning permission.

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

The Ward Member spoke against the application.

Members were invited to debate the application.

Councillor Simon Clark moved the following motion: That the application be deferred and officers consult with the developer to address the issues raised by Members. This was seconded by Councillor Richard Palmer.

Members made the following comments on the proposal:

- A lot of the issues were relevant to the outline application, not this reserved matters application;
- the internal road layout needed to be looked at;
- 'squares' were needed to create a better sense of community;
- there needed to be additional sustainable measures on the site, including being carbon neutral by 2030;
- concerned with the height of some of the buildings;
- road layout issues;
- a northern access out of the site was needed, without crossing the traffic on the A2;
- improved permeability of the site was needed, with improved flow and alternative route options;
- an updated traffic assessment was needed;

- clarification on the design modelling of the Swanstree Avenue junction was needed;
- the Parish Council should be consulted;
- more healthcare facilities were needed; and
- the whole application did not need to be deferred.

The Senior Planning Officer explained that the layout of the development was in-line with the outline permission. KCC Highways and Transportation had had concerns with additional traffic coming out near the junction. The Major Projects Officer explained that as condition (12) had not been signed-off, there could be further negotiation on sustainable measures.

The Head of Planning Services explained that concerns with the internal road layout could be taken back to KCC and the applicant. Sustainability measures could be discussed further with relevant Members, and brought back to the Committee if not resolved. The heights of the buildings for this type of development was usual for this type of development and added to the mix.

On being put to the vote, the motion to defer the application was lost.

There was some discussion on the way forward which included: That the application be delegated to officers to approve subject to officers negotiating with the developer, Ward Member and Parish Council to attain more permeability through the site and to maximise the sustainability of the dwellings, and agree £518,000 towards funding healthcare.

At this point, the Head of Planning Services advised that healthcare was dealt with at the hybrid application stage, and the sustainability issues could be dealt with, via condition (12) and through discussions with the Cabinet Member for Environment and Cabinet Member for Housing. Other suggestions to include a review of the height of the properties. The Senior Planning Officer advised that car parking and use of local materials could also be negotiated at the same time that condition (12) was considered again.

Councillor Benjamin Martin moved the following motion: That the application be delegated to officers to approve subject to negotiation with officers, the developer, the Ward Member and the Parish Council to attain more permeability through the site, review the height of some of the buildings and the design layout of the internal roads. If there was not a satisfactory resolution, the application would be brought back to the Planning Committee. This was seconded by Councillor Carole Jackson. On being put to the vote the motion was agreed.

***Resolved: That application 18/505151/REM be delegated to officers to approve subject to negotiation with officers, the developer, the Ward Member and the Parish Council to attain more permeability through the site, review the height of some of the buildings and the design layout of the internal roads. If there was not a satisfactory resolution, the application would be brought back to the Planning Committee.***

<b>2.2 REFERENCE NO - 19/502967/NMAMD</b>			
<b>APPLICATION PROPOSAL</b>			
Non Material Amendment Being Alterations to Wording of Planning Conditions 9 and 12, Please See Covering Letter for Wording, Subject to 14/501588/OUT			
<b>ADDRESS</b> Land At Stones Farm The Street Bapchild Kent ME9 9AD	<b>WARD</b> West Downs	<b>PARISH</b> Bapchild	<b>COUNCIL</b> <b>APPLICANT</b> C/O Agent <b>AGENT</b> Miss Rosie Cavalier

In response to questions, the Senior Planning Officer confirmed that the changes to the conditions did not effect foul water matters, that they would still need to be provided to the Council and approved in consultation with Southern Water, and also that it was a retrospective application.

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

The Ward Member spoke against the application.

There was no debate.

***Resolved: That amendments to conditions (9) and (12) in application 14/501588/OUT constituted a non-material amendment to planning permission 14/501588/OUT.***

#### 274 URGENT ITEM - EXCLUSION OF THE PRESS AND PUBLIC

***Resolved:***

***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 of Part 1 of Schedule 12A of the Act:***

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

#### 275 URGENT ITEM - SCHEDULE OF DECISIONS

**17/505711/HYBRID Land at Wises Lane, Borden**

Members were disappointed that some Councillors had not returned to the Meeting after the recess.

The Head of Planning Services introduced the report which had been urgently tabled due to impending deadlines to provide further information to the Planning Inspector and appellant, on some of the specific grounds for refusal raised by the

Planning Committee on 29 August 2019. An appeal had been made against non-determination of this application, and on 29 August 2019, the Planning Committee resolved that, had an appeal not been submitted, the application would have been refused on a number of grounds.

The Council had been asked by the Planning Inspectorate for greater clarity on reasons relating to climate change, ecology and heritage matters.

The Planning Committee were being asked to agree to the additional clarification sought by the Planning Inspector.

Discussion ensued and Members indicated that the heritage aspect be delegated to officers, in consultation with the Chairman, Cabinet Member for Housing and the Head of Planning Services, to take forward subject to the results of the Heritage Consultant's advice note. They also indicated that the ecology and the climate change reasons be taken forward. Voting was taken for all three matters en masse.

**In accordance with Council Procedure Rule 19(2) a recorded vote was taken on all three matters going forward and voting was as follows:**

For: Councillors Lee McCall, Simon Clark, Tim Gibson, James Hall, Carole Jackson, Elliott Jayes, Benjamin Martin, Richard Palmer, Ben J Martin, Tim Valentine and Tony Winckless. Total equals 11.

Absent from Meeting: Councillors Cameron Beart, Roger Clark, James Hunt, Peter Marchington and Mike Dendor . Total equals 5.

The motion was won.

***Resolved: That further information on three of the reasons for refusal of application 17/505711/HYBRID (climate change, ecology and heritage) be provided to the Planning Inspector.***

## **276 ADJOURNMENT OF MEETING**

The Meeting was adjourned from 8.22pm to 8.35pm.

Chairman

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