
PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Monday, 27 January 2020 from 7.00pm - 9.14pm.

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

OFFICERS PRESENT: Philippa Davies, James Freeman, Benedict King, Ross McCardle and Jim Wilson.

ALSO IN ATTENDANCE: Councillors Richard Darby and Steve Davey.

APOLOGIES: Councillors Monique Bonney, Simon Clark, Elliott Jayes and David Simmons.

478 EMERGENCY EVACUATION PROCEDURE

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

479 DECLARATIONS OF INTEREST

No interests were declared.

480 DEFERRED ITEM

Reports shown in previous Minutes as being deferred from that Meeting

Def Item 1 REFERENCE NO - 18/506417/FULL
APPLICATION PROPOSAL Residential development consisting of 72no. 3 and 4 bedroom dwellings with associated garaging, parking and infrastructure.
ADDRESS Land At Southsea Avenue, Scarborough Drive, Augustine Road, Sexburga Drive And The Broadway Minster-on-sea Kent ME12 2NF
REASON FOR REFERRAL TO COMMITTEE This application was deferred by the Planning Committee on 10 th October 2019.

The Major Projects Officer referred to the tabled update for this item.

Annette King, an objector, spoke against the application.

Ian McCourt, the Agent, spoke in support of the application.

The Chairman invited Members to ask questions.

A Member sought clarification on the change in mix of dwelling types and also the revised window heights. The Major Projects Officer referred him to paragraph 1.3 on page 2 of the committee report. He highlighted the main changes which included plots 4 – 7 and 72 being replaced with chalet bungalows; the removal of Juliet balconies and replacement with high level windows on 14 plots, and the removal of double height windows on 14 plots, over various locations throughout the layout. The Major Projects Officer said that if Members had concerns with a particular plot, this could be looked at further.

A Member asked for an update on any ecological studies being carried out on the site. The Major Projects Officer explained that he was not aware of any ecological work currently being undertaken. He said that the original report, for the 10 October 2019 Planning Committee set-out details of work undertaken by Kent County Council (KCC) Ecology. He added that KCC Ecology had requested a number of conditions if planning permission was granted.

A Member noted the density of the housing as being 28 dwellings per hectare and asked for comparison with density figures in the nearby vicinity. The Major Projects Officer showed the Committee the layout plan of the proposed development and said that the mix of houses were generally detached and semi-detached, with some short terraces. He considered the design to be in-line with the character of the surrounding area, and that 28 dwellings per hectare was a modest figure. The Member asked which roads would be brought-up to specification. The Major Projects Officer referred to condition (15) in the report whereby the key roads through the site were to be made-up to an adoptable standard.

A Member referred to bollards being positioned on some of the roads to help stop them becoming rat-runs, and asked if the rights of existing access would be retained? The Major Projects Officer explained that bollards were not proposed on the site, and that any existing rights of access was a private legal matter and not a planning matter.

A Member referred to the ecology section on page 22 of the report and that the proposal should demonstrate a net gain in biodiversity. The Major Projects Officer explained that the resolution from the October 2019 Planning Committee had centred on three specific issues being given further consideration, going forward, and these had not included ecology matters. He referred the Member to pages 30 – 31 in the report where the ecological issues had been assessed. The Major Projects Officer said that most of the site was heavily vegetated, and the development would have an adverse effect in that a lot of this would be lost, but he explained that the benefits of the proposal outweighed the potential harm. In response to a question from the Member as to whether bio-diversity gain was required, the Major Projects Officer advised that generally this was the case, but the benefits of the development also needed to be considered and that in this instance these outweighed the harm. The Member noted that some of the vegetation had

already been removed and questioned whether condition (9) in the report was thereby enforceable? The Major Projects Officer acknowledged that some of the vegetation had been cleared, but stated that condition (9) was relevant to the remaining vegetation and should be complied with, going forward. The Member welcomed the measures outlined on page 7 of the report but considered an energy efficiency condition should have been included on the application if it was granted. The Major Projects Officer referred the Member to condition (4) in the report which set-out required sustainable and renewable measures, and agreed that an additional, more robust, condition could be added.

A Member questioned why an ecological survey could not have been carried out prior to planning permission being granted. The Major Projects Officer again referred to pages 30 – 31 of the original report, and the sequence of events in terms of ecology matters, and that KCC Ecology had been happy with the application, subject to conditions (7), (8) and (9) relating to ecology. He added that the assessment of the application was a balancing exercise, but considered it was reasonable to approve, based on these conditions and noting the benefits of the scheme. He also noted that protected species, if located on the site, were protected by separate legislation.

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

A Ward Member spoke against the application. He queried the number of chalet bungalows and raised concern that most of the dwellings were 3-storey, and he considered the fact that they were on a slope had been 'glossed-over', and that these dwellings would cause overlooking to existing properties. He said that ecological studies had been carried out near residential areas, and not in areas where wildlife was more likely to live. The Ward Member considered the proposal to be over-development and that it did not fit in with the street-scene. The Major Projects Officer confirmed that five chalet dwellings were proposed on plots 4 to 7 and on plot 72. He added that contoured plans had been supplied showing the levels of the site.

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

- Not enough of the properties had been reduced in height;
- overlooking and too intensive;
- officers and the developer had been given a clear message at the last meeting as to what Members wanted from this application, and the applicant had done what was asked; and
- happy with the resolution in relation to the crossing point, and the open space.

At this point, Councillor Tim Valentine moved the following amendment:

That, should the application be approved, the following energy efficiency condition be added:

Prior to the construction of any dwelling a scheme of sustainable design and construction measures for the dwellings shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate –

- a) A reduction in carbon emissions of at least 50% compared to the target emission rate as required under Part L of the Building Regulations 2013 (as amended) for any dwelling completed between the years 2020 and 2023 (inclusive);*
- b) A reduction in carbon emissions of at least 75% compared to the target emission rate as required under Part L of the Building Regulations 2013 (as amended) for any dwelling completed between the years 2024 and 2027 (inclusive);*
- c) A reduction in carbon emissions of 100% (Zero Carbon) compared to the target emission rate as required under Part L of the Building Regulations 2013 (as amended) for any dwelling completed in or after the year 2028.*

The development shall be carried out in accordance with the approved details.

This was seconded by Councillor Benjamin Martin. On being put to the vote the amendment was agreed.

Resolved: *That application 18/506417/FULL be approved subject to conditions (1) to (28) in the report, and the inclusion of an energy efficiency condition (setting-out reductions in carbon dioxide emissions to be achieved over and above the standards set by the current Building Regulations), plus inclusion of the developer contributions as noted in paragraph 8.39 of the original report.*

481 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 19/503100/FULL		
APPLICATION PROPOSAL		
Creation of a new agricultural vehicular entrance and access track (Part retrospective).		
ADDRESS Rides House Warden Road Eastchurch Sheerness Kent ME12 4HA		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mr W. Love AGENT Bloomfields

There were no questions.

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

A Member was disappointed that there was not a representative from Eastchurch Parish Council at the meeting.

Resolved: *That application 19/503100/FULL be approved subject to conditions (1) to (4) in the report.*

2.2 REFERENCE NO - 19/505108/FULL

APPLICATION PROPOSAL

Erection of a single storey extension within existing courtyard to form a new hall and addition of 8no. rooflights to existing buildings.

ADDRESS Iwade County Primary School School Lane Iwade Sittingbourne Kent ME9 8RS

WARD Bobbing, Iwade
And Lower Halstow

PARISH/TOWN COUNCIL
Iwade

APPLICANT Ms Dee Stacey
AGENT Kent Design Studio
Ltd

The Senior Planner reported that the Agent had responded to comments raised by Iwade Parish Council, noted in paragraph 8.6 in the report. The Agent had advised that ventilation would be provided by roof lights and mechanical ventilation in the hall and classrooms.

There were no questions.

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

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

- Agreed with the Parish Council's comments, but acknowledged that this was a building regulations matter;
- there was a lack of windows on the side of the building;
- this was too much in a small space;
- concerned with fire safety issues; and
- suggested an informative be added to recommend a heat recovery system as part of the mechanical ventilation to improve the energy performance of the building.

The Senior Planner advised that an informative could be added and Members were happy with this approach.

Resolved: *That application 19/505108/FULL be delegated to officers to approve subject to conditions (1) to (4) in the report, and an informative to recommend a heat recovery system as part of the mechanical ventilation to improve the energy performance of the building.*

2.3 REFERENCE NO - 19/503810/OUT

APPLICATION PROPOSAL

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).

ADDRESS Land On The South East Side Of Bartletts Close Halfway Kent ME12 3EG

WARD Queenborough
And Halfway

WARD Queenborough
And Halfway

WARD Queenborough And
Halfway

The Major Projects Officer referred to the tabled paper for this item. He also reported that an amended plan had been received indicating access to the site, and advised that an additional condition would be required to ensure that the access was provided, in accordance with the submitted plan before the occupation of the first dwelling.

Caroline Barkway, an objector, spoke against the application.

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

The Chairman invited Members to ask questions.

A Member questioned how up-to-date some of the information was in the report, in terms of viability issues and in relation to available services and bus routes. The Major Projects Officer apologised for any inaccuracies, but did not consider the points raised would affect the officer recommendation. The Member asked about the cumulative impact of this site, plus the adjacent site on the road network, especially bearing in mind that the roads were unmade. The Major Projects Officer explained that KCC Highways and Transportation had commented on the adjoining, Belgrave Road site, and as such were aware of the potential combined traffic impact on the local road network. He explained that the Belgrave Road site was allocated within the Local Plan for 153 dwellings, and this site, being only 17 dwellings was a much smaller development. With the improvements proposed under the Belgrave Road application, KCC Highways and Transportation felt there was capacity for both schemes to come forward.

A Member spoke on the condition of the unmade road, which would get worse if the development went ahead and asked who would be expected to maintain the road. The Major Projects Officer referred to paragraph 9.24 on page 74 of the report and said that this had been assessed by KCC Highways and Transportation and they had not requested that the site and link roads be made-up to adoptable standards. He explained that maintenance of the road was a civil matter, and there was not a policy in the Local Plan to allow the Council to insist that roads were made-up to adoptable standard between the application site and the nearest adopted road.

A Member asked about how enforceable the ecology conditions could be as some of the site had already been cleared? The Major Projects Officer acknowledged the situation and stated that from now on, a bio-diversity net gain could be achieved on the site due to the attached conditions. He added that although the site might previously have been scrubland, and so with the use of best possible landscaping and trees, the site could be an asset. The Member requested the developer be asked for some mitigation measures for the road. The Senior Planning Lawyer advised that KCC Highways and Transportation had their own system in place to

request that private roads were made-up to a necessary standard, but this was not within the remit of the Planning Committee. He further confirmed that if the Committee decided that the making up and adoption of the roads was required in planning terms, KCC would be obliged to take this forward, but that the works would be carried out by the Developer.

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

A Ward Member spoke against the application. He said the site was not allocated for housing in the Local Plan and it was outside the built-up area. He stated that sites outside the Local Plan allocation should not be considered whilst waiting for appeal results. The Ward Member said that this was a small amount of housing, but it came with problems and the development was contrary to policy, and there was already enough development in the area. The other two Ward Members agreed with his comments. The Head of Planning Services reminded Members that the Council did not have a five-year housing supply. He said that the development was contrary to policy, but that the tilted balance was applied in this case.

Councillor Tim Valentine moved the following amendment: That the development not commence until a Section 38 Agreement (to require the road between the application site and the nearest adopted road be adopted by KCC Highways and Transportation) be agreed with KCC. This was seconded by Councillor Tony Winckless.

There was some discussion on who would be required to make-up the road and how much it would cost to do that.

Councillor Tim Valentine withdrew his motion.

Councillor James Hunt moved the following amendment: That the application be delegated to officers to approve subject to a Section 38 Agreement being agreed with the Ward Members and officers, with the full cost going to the applicant and if not, the application be brought back to the Planning Committee. This was seconded by Councillor Tony Winckless. On being put to the vote the amendment was agreed.

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

For: Councillors Roger Clark, Ghlin Whelan, Tim Gibson, Carole Jackson, Benjamin Martin, Eddie Thomas and Tim Valentine. Total equals 7.

Against: Councillors Cameron Beart, Lee McCall, James Hall, Mike Dendor, James Hunt, Sarah Stephen, Peter Marchington, Simon Fowle, Paul Stephen and Tony Winckless. Total equals 10.

Abstain: 0

The motion to approve the application was lost.

The meeting was adjourned from 8.19pm to 8.27pm.

The Head of Planning Services called-in the application.

Resolved: That as the Planning Committee was minded to make a decision that would be contrary to officer recommendation and contrary to planning policy and/or guidance, determination of the application be deferred to a future meeting of the Committee.

2.4 REFERENCE NO - 19/501845/OUT

APPLICATION PROPOSAL

Outline application (All Matters Reserved) for the demolition of existing house and the erection of 23 dwellings with access road on land to the rear of the existing dwellings at Bramblefield Lane.

ADDRESS 2 Bramblefield Lane East Of Iwade Pass Sittingbourne Kent ME10 2SU

WARD Kemsley	PARISH/TOWN COUNCIL	APPLICANT Mr Tony Hutchins
		AGENT RDA Consulting Architects

The Major Projects Officer referred to the tabled update for this item.

The Chairman invited Members to ask questions.

A Member queried the estimated vehicle movements, and the Major Projects Officer explained that the key factor was the vehicle movements at peak times. These were 12 in the morning peak hour and 10 in the evening peak hour. He considered these to be relatively low figures. The Member felt the vehicle movement numbers were underestimated and would be higher. In response the Major Projects Officer explained that KCC used a national data base for their modelling, and they had advised that the development would not give rise to unacceptable impact. He added that an evidence base would be needed in order to justify the argument that KCC's assessment was incorrect and that, as such, there would be an adverse impact.

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

A Ward Member spoke against the application. He said that it was not possible to get proof of the harm, prior to the development being built. He advised that a lot of the residents were not against the development per se but were concerned with the blind junction at Bramblefield Lane and Grovehurst Road.

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

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

- Problems with speeding vehicles at this location;
- the speed limit needed to be enforced; and
- issues with parked cars on both sides of the road on Bramblefield Lane.

In response to the comments, the Major Projects Officer suggested that a requirement for a Traffic Regulation Order (TRO) for double yellow lines to cover the junction with Grovehurst Road and both sides of the access into the new development from Bramblefield Lane, and for the developer to cover the cost of the double yellow lines could be added to the requirements for the Section 106 Agreement that would be needed for the development. The Major Projects Officer advised that if a TRO was requested, there was no guarantee on what the outcome would be as it was a separate regime determined by another Committee.

Councillor James Hunt moved the following amendment: That a requirement for a Traffic Regulation Order (TRO) for double yellow lines to cover the junction with Grovehurst Road and both sides of the access into the new development from Bramblefield Lane, and for the developer to pay all costs, including the cost of the double yellow lines be added to the Section 106 Agreement. This was seconded by Councillor Mike Dendor and on being to the vote the amendment was agreed.

Councillor Tim Valentine moved the following amendment: That, should the application be approved, the following energy efficiency condition be added:

Prior to the construction of any dwelling, a scheme of sustainable design and construction measures for the dwellings shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate –

a) A reduction in carbon emissions of at least 50% compared to the target emission rate as required under Part L of the Building Regulations 2013 (as amended) for all dwellings within the development.

The development shall be carried out in accordance with the approved details.

This was seconded by Councillor Benjamin Martin. On being put to the vote the amendment was agreed.

Resolved: That application 19/501845/OUT be approved subject to conditions (1) to (25) in the report, that the heads of terms for the Section 106 Agreement be extended to include a requirement for a Traffic Regulation Order (TRO) for double yellow lines to cover the junction with Grovehurst Road and both sides of the access into the new development on Bramblefield Lane, and for the developer to pay all costs, including the cost of the double yellow lines, and the inclusion of an energy efficiency condition (to achieve a reduction in carbon emissions of at least 50% compared to the target emission rate as required under Part L of the Building Regulations 2013).

PART 4

Swale Borough Council's own development; observation on County Council's development; observation of development by Statutory Undertakers and by

Government Departments; and recommendations to the County Council on 'County Matter' applications.

4.1 REFERENCE NO - 19/504918/COUNTY		
APPLICATION PROPOSAL County Matters -Amendments to surface water and process water arrangements at Ridham Dock Biomass Facility, Iwade, Kent to enable discharge to the River Swale (KCC/SW/0210/2019).		
ADDRESS Mvv Environment Ridham Lord Nelson Road Ridham Dock Iwade Kent ME9 8FQ		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT Mr Bruce Braithwaite AGENT KCC Planning Applications Group

The Senior Planner advised Members that this application was a consultation request from KCC and not an application for planning permission. KCC would be the determining authority, and would base their decision on the comments received from consultees.

There were no questions.

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

A Ward Member supported the application.

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

- Concerned with the comments from Iwade Parish Council; and
- would like a caveat that all processes undertaken during the amendments were carried out 'by the book'.

In response, the Senior Planner advised that if the Committee's decision was no objection, it would be subject to comments from statutory consultees.

Resolved: That no objection be made to application 19/504918/COUNTY subject to condition (1) in the report.

482 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 items of business on the grounds that they involve 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.

483 URGENT ITEM - SCHEDULE OF DECISIONS

18/503135/OUT – Land west of Barton Hill Drive, Minster

The Head of Planning Services introduced the report which related to land at Barton Hill Drive, Minster which was subject to an Appeal and a Public Inquiry due to commence on 4 February 2020. The developer had, in the last week, confirmed that they would agree to additional highways mitigation which would address the concerns raised by the Council's highways witness. This report was being presented urgently to Members given that the start of the Inquiry was imminent.

A statement was tabled from a Ward Member.

Resolved:

1) That the highways reason for refusal is withdrawn, subject to inclusion of the mitigation measures put forward by the appellant.

2) That the sustainability conditions are pursued for inclusion, in the event that planning permission is granted for the development.

484 ADJOURNMENT OF MEETING

The meeting was adjourned from 8.19pm to 8.27pm.

485 RECORD OF THANKS

The Chairman announced that Ross McCardle, Senior Planner was leaving the Council after 14 years. He thanked Ross for his advice and guidance over the years and wished him well in the future.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

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