
PLANNING COMMITTEE

MINUTES of the Virtual Meeting Via Skype - Virtual Meeting Via Skype on Thursday, 23 July 2020 from 7.00 - 10.22 pm.

PRESENT: Councillors Cameron Beart, Monique Bonney, Roger Clark, Simon Clark, Mike Dendor, Tim Gibson (Chairman), James Hall, Nicholas Hampshire (Substitute) (In place of David Simmons), James Hunt, Carole Jackson, Elliott Jayes, Denise Knights (Substitute) (In place of Benjamin Martin), Peter Marchington, Ben J Martin, Paul Stephen, Tim Valentine and Tony Winckless.

OFFICERS PRESENT: Rebecca Corrigan, Philippa Davies, James Freeman, Paul Gregory, Corinna Griffiths, Andrew Jeffers, Benedict King, Kellie MacKenzie and Graham Thomas.

ALSO IN ATTENDANCE: Councillors Mike Baldock, Derek Carnell, Steve Davey, Ken Rowles and Roger Truelove.

APOLOGIES: Councillors Benjamin Martin and David Simmons.

22 INTRODUCTION

The Chairman explained that the meeting would be conducted in accordance with the Local Authorities and Police and Crime Panel (Coronavirus) Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392.

In welcoming all Members and members of the public, the Chairman explained which Swale Borough Council officers were in attendance.

23 MINUTES

The Minutes of the Meeting held on 25 June 2020 (Minutes Nos. 714 – 717) were taken as read, approved and signed by the Chairman as a correct record.

24 DECLARATIONS OF INTEREST

No interests were declared.

25 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 20/500938/MOD106
--

APPLICATION PROPOSAL

Modification of a Planning Obligation under reference SW/08/1124 to remove the
--

requirement for provision of on-site affordable housing and replace it with a requirement to make a financial contribution of £44,000 towards off-site provision.		
ADDRESS 153 London Road Sittingbourne Kent ME10 1PA		
WARD Borden And Grove Park	PARISH/TOWN COUNCIL	APPLICANT Clarity Properties LTD AGENT Brachers LLP

The Senior Planning Officer introduced the report and referred to the tabled update for this item. He advised that the start letter for the appeal submitted against non-determination had been received on 23 July 2020, and the deadline for the Council's Statement of Case was 3 September 2020, if Members voted to defend the appeal..

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Denise Knights.

A visiting Ward Member spoke against the application.

A Ward Member who was also a member of the Planning Committee spoke against the application. He said that £44,000 was not enough to construct three affordable housing units, and that a clear message needed to be sent to the developer.

Members were invited to debate the application and the following points were made:

- The developers should supply the affordable housing units;
- it was not right that the developers kept asking for variations, the Council needed to stand firm on this;
- £44,000 was not enough for affordable housing;
- the £44,000 could be lost if Members did not approve the application;
- affordable housing was needed, but housing associations had no appetite to take on small numbers;
- the Council could lose the appeal and the commuted sum;
- did not like the way the developer, and the housing association had acted;
- the developer could not get the housing association to buy the units, what else could they do?
- the Council could not force the developer when the units could not be sold;
- the formula for commuted sums varied so much;
- the developer was trying to get out of their obligations;
- the Council should go to appeal and fight this;
- there was evidence at paragraphs 7.1 and 7.2 in the report that housing associations could not work with this development;
- the Council would be 'laughed-at' at appeal; and
- Members should go with the officer recommendation.

In response, the Senior Planning Officer advised that there was no formula for commuted sums in Swale, and that if Members wished to pursue this then a change

to policy, or a new policy, was required. However, there would also always be the need to consider applications on a case-by-case basis, especially on a site like this one. A Supplementary Planning Document (SPD), or a specific policy dealing with this issue could be investigated further as part of the Local Plan Review. The Head of Planning said that a housing SPD was coming forward as part of the Local Plan Review. He added that the commuted sum calculations varied from borough to borough, mainly because of differences in viability. There were also options through small and medium-sized enterprises (SMEs) to promote their sites, and these could be grouped together going forward.

Resolved: That the modification as proposed is considered acceptable and that the Council does not defend the appeal.

2.2 REFERENCE NO - 19/505582/FULL			
APPLICATION PROPOSAL			
Demolition of the existing 5 bedroom house and attached garage. Construction of 6no. 3 bedroom semi-detached houses.			
ADDRESS Westgate House Site 21 Horselees Road Boughton Under Blean Faversham Kent ME13 9TG			
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mr Matthew Brown	AGENT Nicholas Hobbs Associates

The Area Planning Officer introduced the report. He sought delegated authority in relation to the requirement for a Strategic Access and Management and Monitoring (SAMMS) payment in respect of the nearby Special Protection Area.

Parish Councillor Jeff Tutt, representing Dunkirk Parish Council, spoke against the application.

Julie Dennis, an objector, spoke against the application.

Nick Hobbs, the Agent, spoke in support of the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Denise Knights.

A Ward Member, who was also a member of the Planning Committee acknowledged the objections to the development. He said that Horselees Road was quite narrow and there was an issue with parked cars. The Ward Member noted that the housing was denser than the surrounding housing. He welcomed the size of housing proposed and considered the objections to the scheme were not so significant as to refuse the application.

A Member asked for clarification of the access to and from the site; how many households were served by the two access points from The Street; and where the bin collection point was? The Area Planning Officer indicated where the bin collection was on the plan and said that each property would have their own bin in their garden, which would be taken to the bin collection point at the appropriate time. He said that Horselees Road looped around in a semi-circle, and there were two access points onto The Street. The Area Planning Officer stated that there were approximately 200 houses overall, and in response a Member considered the increase of six dwellings to be a very small percentage increase.

Resolved: That application 19/505582/FULL be delegated to officers to approve subject to conditions (1) to (15) and the informative in the report and a SAMMS mitigation payment in respect of the nearby Special Protection Area.

2.3 REFERENCE NO - 20/501838/PNQCLA		
ADDRESS Meadow Farm Pond Farm Road Borden Sittingbourne Kent ME9 8LJ		
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Bloomfields AGENT Bloomfields

The Area Planning Officer introduced the application which was for Prior Approval, and he showed Members the plans, plus photographs of the existing building. He indicated two access points, one of which was no longer in use for this building. He referred Members to paragraph 2.2 in the report which set-out the required matters for the Prior Approval. The Area Planning Officer said that the process did not require neighbours or the Parish Council to be consulted, but for there to just be a site notice. He added that local residents were in fact notified, even though there was no requirement to do so. Following representations received, the Parish Council were also consulted, and they had objected on highway grounds. The Area Planning Officer referred to the representations in the report and to an anonymous letter, which had been added to the website. He also referred to an addendum from the Agent, which some residents had responded to, and had questioned some of the Applicant’s traffic figures. The Area Planning Officer outlined the points that had been made which included: the track to the east of the application site was no longer available for the Applicant; the addendum had quoted 10 vehicle trips a day, but there were only two or three; large HGVs and tractors could not use the track; and they felt that the traffic figures were exaggerated; and that there had been sheep there for many years, not only very recently. He summarised by saying that in principle he was against the slightest increase in traffic in the vicinity on an unmade road, but that informal advice received from Kent County Council (KCC) Highways and Transportation, and as noted in paragraph 6.2 of the report, had advised that vehicle movements from an agricultural use were generally thought to be higher than that from residential use, so as such they could not raise objection.

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

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Denise Knights.

A visiting Ward Member spoke against the application.

A Ward Member who was also a member of the Planning Committee asked for clarification on the curtilage of the property. The Area Planning Officer explained that an agricultural building could be converted into up to five dwellings provided the curtilage was no greater than the footprint of the building. The Ward Member asked how the conversion would affect the designation of the farm land? The Area Planning Officer said that it should not affect it at all. The Ward Member spoke against the Prior Approval and considered there was an opportunity to refuse the application due to highway concerns.

Members were invited to debate the application and the following points were made:

- Traffic modelling would identify that agricultural use of the highway was more than residential use;
- if the buildings were to be taken on by another farm, traffic would increase;
- this was a way to ensure it was residential use, and traffic would be reduced as a consequence;
- there was no reason to refuse this;
- the access had changed and was now insufficient;
- the access was narrow and not practical for large vehicles such as removal vans;
- weight should be given to local highway views from local residents;
- there should be a condition to add signage to the access entrance;
- real sympathy with the local residents and Ward Members, but following advice from KCC Highways and Transportation, it would be difficult to win an appeal;
- concerned that refuse vehicles would not be able to access the properties;
- impact of development on sewerage system; and
- issue of contamination.

In response to questions from a Member, the Area Planning Officer explained that if there was no decision by the end of July 2020, the development could automatically go ahead. He also advised that the other access route had ceased when a nearby property was purchased in September 2018. The Area Planning Officer added that a condition could only be included within the application where the applicant was able to instigate it and the Applicant did not own the access.

The Area Planning Officer reminded Members that the criteria set-out at paragraph 2.2 in the report, including contamination, was to protect future occupants, rather than look at the impact *from* future residents.

Resolved: That Prior Approval 20/501838/PNQCLA is approved subject to condition (1) and the informatives as set out in the report.

2.4 REFERENCE NO - 20/500858/FULL
--

APPLICATION PROPOSAL

Erection of 8 dwellings, comprising 6 affordable homes and 2 open market homes
--

(cross subsidy).		
ADDRESS Land On The North East Staple Street Hernhill Kent		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT English Rural AGENT Martello Building Consultancy

The Area Planning Officer introduced the application for six affordable housing units and two open market homes. He explained that the application site was adjacent to Staplesteet Conservation Area. He showed Members the overall site layout. The Area Planning Officer referred to paragraph 8.14 in the report in relation to the 50% carbon emission reduction condition, and stated that the Applicants had said that they did not agree with the condition. Officers had tried to negotiate with the Applicants. The Area Planning Officer said that the scheme was very expensive for the developers, and any solar panels would need to be on the south-facing side, at the front of the properties to meet the 50% reduction, but that these had drawn local opposition at pre-application stage. Air source heat pumps had been proposed which would increase carbon reduction to 25-30%, but to achieve 50%, solar panels were required as well. So, without the solar panels, it was difficult to achieve 50% reduction.

Jill Geliot, representing Hernhill Parish Council, spoke in support of the application.

Kelvin Hinton, an objector, spoke against the application.

Alison Thompson, the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Denise Knights.

A Ward Member who was also a member of the Planning Committee, spoke on what he called a hugely controversial development. He agreed that there was a need for affordable housing, and said that other schemes built by the developer had been of a high quality. The Ward Member said that the proper process had been followed in selecting the best location possible. He advised that the location was near to a primary school and was accessible to local services, and the design was in-keeping with the local area. The Ward Member acknowledged the objections to the scheme but said there were no planning grounds to refuse. He referred to paragraph 8.13 in the report and welcomed the addition of air source heat pumps, and said he would have liked to have seen solar panels on the development as well. The Ward Member suggested a pre-construction condition be implemented so that there was no development beyond construction of the foundations until carbon reduction measures had been approved by the Council.

Members were invited to debate the application and the following points were made:

- This looked like a good development;

- welcomed the affordable housing element;
- this was a good development that allowed residents to stay in the village;
- acknowledged the difficulties getting the solar panels into the development;
- sometimes compromises were needed on an application, in this case, no solar panels;
- welcomed the development;
- the location was sustainable, although public transport had decreased over the years;
- this was a very good scheme;
- solar roof tiles could be installed instead of solar panels;
- if residents were against solar panels, we should listen to them;
- there could be viability issues with solar tiles; and
- fuel costs in the dwellings would be reduced with carbon reduction initiatives.

In response to the points raised, the Area Planning Officer reminded Members that officers had already asked the applicants about the 50% reduction, and they had said that it was not practical to have the solar panels. He advised that if there was a pre-construction condition imposed on the application, the Applicant could either go to appeal, or not go ahead with the scheme. He considered condition (3) and the informative were the right way to deal with this issue, and that 50% reduction might be achieved by other means, and he highlighted that the affordable housing was a gain. The Ward Member was happy with this approach.

Resolved: That application 20/500858/FULL be approved subject to conditions (1) to (18) and the informatives in the report, the signing of a Section 106 Agreement and a SAMMS tariff payment in respect of the nearby Special Protection Area.

2.5 REFERENCE NO - 19/504375/FULL			
APPLICATION PROPOSAL			
Erection of building to house laboratory, equine stock and welfare unit and the erection of 3no. birthing stables.			
ADDRESS Bell Grove Stud Farm Halstow Lane Upchurch Sittingbourne Kent ME9 7AB			
WARD	Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL	Upchurch
APPLICANT Mr T Simms		AGENT Architectural Designs	

The Development Manager introduced the report.

Michael Tamsett, the Agent, spoke in support of the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Denise Knights.

Resolved: That application 19/504375/FULL be approved subject to conditions (1) to (6) in the report.

2.6 REFERENCE NO - 19/505469/FULL		
APPLICATION PROPOSAL Conversion of existing dwelling to create 2no. one bedroom flats with erection of single storey infill side extension. Demolition of existing garage and erection of 2no. one bedroom flats and 1no. cycle store.		
ADDRESS 74 Unity Street Sittingbourne Kent ME10 1HX		
WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT Mr Gerald Sait AGENT Woodstock Associates

The Planner introduced the application and explained that the scheme was a car free zone.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Denise Knights.

A Ward Member who was also a member of the Planning Committee referred to the local representations on page 91 of the report and asked what notification had been given to advertise the application? He also asked for more clarification on what a car free development was. The Planner explained that neighbours on all sides had been consulted. There had been a lot of interest in the application, and a site notice had also been put up. She explained that as the application site was in a town centre location where it was considered to be sustainable because of the local transport network, and there not being such a reliance on cars. The Planner explained that as the development was made-up of one-bedroom flats, there were likely to be no families living there, and so the residents would not be reliant on cars. The Ward Member said there was an assumption that no cars would be owned by the residents of the flats, but in fact there could be two cars per flat. He added that in principle he did not object to the application, and considered overlooking would not be a problem, but there could be an issue with extra vehicles within the controlled parking zone. The Planner explained there were no spaces provided for parking for the development, and that the Supplementary Planning Guidance (SPG) required one car per flat maximum in a town centre scenario. She said the existing property had two parking permits, and so there was a deficit of two spaces. The Planner added that where the double garage was located, the dropped kerb could be extended to create two further spaces. The Ward Member considered that only one space could be achieved from the space in front of the garage.

In response to a question from a Member on whether a condition could be added to the application to achieve the additional parking, the Head of Planning explained that this was not in the control of the Applicant, and it would be up to KCC Highways and Transportation to make any changes to the parking zone.

Members were invited to debate the application and the following points were made:

- The flats blended-in with the streetscene;
- There would be loss of light to the rear as a result of the extension;
- this was sustainable as a car-free development;
- welcomed the provision of bike racks;
- there should be eight bike racks provided;
- the town centre did not have 24-hour bus services and train and bus services stopped earlier than in other locations such as London;
- happy with the design of the building, but concerned with parking issues;
- the cycle storage needed to be secure; and
- the bikes could be double-stacked/hung-up to achieve more spaces.

In response, the Planner advised that the rear extension with a depth of 3.3metres was allowed under Permitted Development Rights in any case and she did not consider this would have an impact on overshadowing. She said four bike racks were proposed.

Resolved: That application 19/505469/FULL be approved subject to conditions (1) to (8) in the report.

2.7 REFERENCE NO - 20/500339/FULL		
APPLICATION PROPOSAL Erection of an equine rehabilitation barn.		
ADDRESS Horse Gate Court Orchard Way Eastchurch Sheerness Kent ME12 4DS		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mrs Lisa Marsuau AGENT DS Equine LTD

The Planning Officer introduced the report.

A statement from Teresa Nicholls, a supporter, was read-out in support of the application.

David Spragg, the Agent, spoke in support of the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Denise Knights.

A Member said that this supported the rural community and considered it an appropriate location for this type of development.

Resolved: That application 20/500339/FULL be approved subject to conditions (1) to (11) in the report.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 19/501551/FULL		
APPLICATION PROPOSAL Erection of a building to be used as a forge workshop and associated hardstanding		
ADDRESS 122 Scrapsgate Road Minster-on-sea Sheerness Kent ME12 2DJ		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr B Pugh AGENT The Rural Planning Practice

The Development Manager introduced the report. He referred to a letter that had been sent to Members by the Agent, but not to officers, which had raised a number of issues in terms of the application. He responded to some points raised in the letter and confirmed the use was classed as B2 use; there had been no evidence that the proposed use needed to be in a rural location; the Council’s Environmental Health Manager **had** raised concern as noted in paragraph 6.1 in the report; and no formal details for sound insulation has been submitted.

Bob Pugh, the Applicant, spoke in support of the application.

The Chairman moved the officer recommendation to refuse the application and this was seconded by Councillor Denise Knights.

A Member sought clarification on the designation of the land and that a farrier was usually expected to be working in the countryside, and that the Applicant had been willing to work with the Council on attenuation measures. The Development Manager drew attention to paragraphs 8.3 and 8.4 in the report, and highlighted why, in this case, it was not necessary for the development to be in the countryside, as the Applicant would be travelling to her clients. In terms of mitigation, he stated that the Environmental Health Manager had raised concerns with the structure being metal and not easy to insulate. No details of any sound insulation measures had been submitted.

Councillor Mike Dendor moved the following amendment: That the application be deferred to allow the Applicant more time to submit noise attenuation measures; details of pollution; and the hours of use. This was seconded by Councillor Ben J Martin.

Members were invited to debate the amendment and the following points were made:

- The skillset offered by the Applicant was invaluable;
- it would not be ideal to have this type of activity on an industrial estate;
- this was an opportunity for the Applicant to resolve the issues raised and amend the design for mitigation measures;
- supported a deferral;
- sound insulation could be dealt with by conditions;
- we should support rural businesses;

- the design of the building seemed to be at odds with the description of the use;
- insulation was not applicable as this type of work needed to take place outside, as it would be too hot inside;
- the noise would not be a big issue;
- there was nothing wrong with the application;
- farriers were in great demand;
- the building design needed to be improved; and
- a metal-clad building was the best for this type of work and was ideal for insulation.

Resolved: That application 19/501551/FULL be deferred to allow the Applicant more time to submit noise attenuation measures; details of pollution; and the hours of use.

PART 5

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

- **Item 5.1 – 35 Hartlip Hill, Hartlip**

DELEGATED REFUSAL

APPEAL ALLOWED

26 EXTENSION OF STANDING ORDERS

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

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