
PLANNING COMMITTEE

MINUTES of the Virtual Meeting held via Skype on Thursday, 4 March 2021 from 7.00 pm - 9.53 pm.

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

OFFICERS PRESENT: Simon Algar, Billy Attaway, Rob Bailey, Colin Finch, James Freeman, Andrew Jeffers, Clare Lydon, Julie Oates, Cheryl Parks and Jim Wilson.

ALSO IN ATTENDANCE: Councillors Derek Carnell, Steve Davey, Angela Harrison, Pete Neal, Ken Rowles, Mike Whiting and Corrie Woodford.

APOLOGIES: Councillors Monique Bonney and Peter Marchington.

508 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 Policy 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 and Kent County Council officers were in attendance.

509 MINUTES

The Minutes of the Meeting held on 4 February 2021 (Minute Nos. 439 – 443) were taken as read, approved and signed by the Chairman as a correct record.

510 DECLARATIONS OF INTEREST

Councillor David Simmons declared a Disclosable Pecuniary Interest in respect of a report to be considered under part 6 of the agenda. Councillor Simmons left the meeting at that point.

511 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO 18/502190/EIHYB

APPLICATION PROPOSAL

Phase 1 North - Erection of 91 dwellings accessed from Grovehurst Road, public open and amenity space (including an equipped children's play area) together with associated landscaping and ecological enhancement works, acoustic barrier to the A249, internal access roads, footpaths, cycleways and parking, drainage (including infiltration basins and tanked permeable paving), utilities and service infrastructure works. Full Planning Application - Phase 1 South Erection of 257 dwellings (including 35 affordable dwellings) accessed from Quinton Road, public open and amenity space, together with associated landscaping and ecological enhancement works, internal access roads, footpaths, cycleways and parking, drainage (including infiltration swales, ring soakaways, and permeable paving), utilities and service infrastructure works.

Outline Planning Application - for up to 852 new dwellings (including 10% affordable housing), a site of approximately 10 ha for a secondary and primary school, a mixed use local centre, including land for provision of a convenience store, public open and amenity space (including equipped children's play areas), together with associated landscaping and ecological enhancement works, acoustic barrier to the A249, internal access roads, footpaths, cycleways and parking, drainage (including a foul water pumping station and sustainable drainage systems), utilities and service infrastructure. All matters reserved.

ADDRESS Land North of Quinton Road, Sittingbourne, Kent, ME10 2SX

<p>WARDS: Kemsley; Bobbing, Iwade and Lower Halstow; and The Meads.</p>	<p>PARISH/TOWN COUNCIL Bobbing (part of the site – to the west of the ditch running through the centre of the site is located within Bobbing Parish); Members will note that most of the site falls within the Sittingbourne area, which is un-parished. Iwade Parish is located to the north of the site, though is separated from it by the A249.</p>	<p>APPLICANT Persimmon Homes Ltd AGENT JB Planning Associates</p>
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The Major Projects Officer introduced the application and drew attention to the following documents: responses to questions submitted by Ward Members; the officer update which outlined amendments to conditions (16A), (17A), (12A), (14B), (26A), (29A), (27B), (2B), (19B), (10C), (17C), (20C), (21C); the further comments of Kent County Council (KCC) Minerals and Waste; updates to the draft wording of the proposed Section 106 Agreement; three updates from the applicant which summarised (i) the infrastructure to be provided in support of the three applications that made-up the North West Sittingbourne Local Plan allocation, (ii) set-out Persimmon's estimate of when and at what rate they expected the dwellings to be built-out and (iii), with respect to Biodiversity Net Gain and their request that the requirements of condition (12A) be amended. All of which had previously been emailed to Members and published on the Council's website.

The Major Projects Officer advised that in addition he had received further input from KCC Education, which he read out for Members: *“KCC’s Environment Policy gives a commitment in principle to Building Research Establishment Environmental Assessment Method (BREEAM) “very good” design standards for KCC buildings and KCC funded build projects. School build projects are delivered within the DfE Baseline Design Standards for Schools which include standards on light, temperature and ventilation. The detailed design specification is set-out in the DfE School Specific Brief which includes a Generic Design Brief that requires the school to be built in accordance with BS EN ISO 14001 and with the aim of being able to achieve a BREEAM rating of “very good”.*

The Major Projects Officer reported that he had also received further comments from Network Rail. He stated that they continued to raise no objection to the application, and their comments focused on the proposed Heads of Terms for the Section 106 Agreement. In particular, with regard to Kemsley Halt, they suggested that the £60,000 contribution, as outlined on Page 62 of the report, might not be sufficient to fund the provision of an access/connection with the proposed development (for a foot and cycle path seamless connection from the development to the existing platform) and minor improvements to facilities within the station. The Major Projects officer drew attention to an error in the report, the total payment for Kemsley Halt improvements would be £73,000 and **not** £60,000 as set-out in the report, and delegated authority was sought to include that in the Section 106 Agreement.

With regard to the public right of way railway crossing and the proposed mitigation, set-out on page 61 of the report, the Major Projects Officer stated that Network Rail now suggested that rather than a maximum of £1million developer contributions as set-out in the report to provide the bridge, they suggested that £1.25million would be required. The applicant had agreed to pay this, and authority was sought to include this increased amount in the Section 106 Agreement.

The Major Projects Officer drew attention to condition (30A) in the report, authority was sought to remove the words “or Phase South” from the wording in the report.

The Major Projects Officer advised that delegated authority was sought to approve the application as set-out in his tabled update, other than in respect of the amended contributions for Kemsley Halt and the mitigation for the railway crossing and the amendment to condition (30A).

The Major Projects Officer drew attention to the Concept Masterplan for the whole of the MU1 Local Plan allocation, which was set-out on page 24 of the report. He explained that the application related to most of that allocation, but there were two other applications which would be coming forward, and these were: from the northern area of the site a proposal at Grovehurst Farm for 115 dwellings which included a roundabout at the north-eastern end of Grovehurst Road (close to the junction with the A249); and land at Quinton Road where permission had previously been given for 155 dwellings. He stressed that when considering this application officers had considered those two applications to ensure the three elements came together seamlessly as one overall development. The Major Projects Officer then highlighted each of the key phases and components of the development in detail for Members, summarising the information in the report.

The Principal Transport & Development Planner (KCC) gave a highway-related presentation which focused on the following themes: a Local Plan Mitigation Overview; North West Sittingbourne accesses; the wider mitigating schemes; and required restrictions. The presentation had previously been emailed to Members and published on the Council's website.

Tom Ashley, the Applicant, spoke in support of the application.

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

Ward Members raised points which included:

- The site had been allocated for development in the Council's Local Plan;
- considered it was a good development and thanked the Major Projects Officer for his hard work in producing the report;
- the applicants had made a lot of changes to the scheme following concerns from local residents;
- considered that a lot more local residents would have attended the meeting if it had been held in the Council Chamber, Swale House;
- supported the comments made by Bobbing Parish Council;
- welcomed the proposed entrance to the secondary school (from the spine road, rather than directly from Grovehurst Road) and location of the proposed roundabout;
- needed to improve parking and drop-off space for buses outside the proposed secondary school;
- pleased that a lot of green space would be provided;
- could not support the application; and
- the current road infrastructure in the area made the application untenable and would cause demonstrable harm for residents.

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

- Considered the proposed footbridge (over the adjacent railway line) was needed but would be better located at the Foxgrove crossing;
- had some concerns about the information contained in the Noise Measurement document which did not state the distances in relation to properties where the measurements had been taken and had not used the correct noise measurement methods;
- pleased the developer was funding the proposed footbridge;
- the footbridge was essential;
- a footbridge would be much safer, than other mitigation or the current arrangement;
- good application and welcomed the funding for the recreation grounds at Kemsley and Milton Regis;
- sufficient space needed to be allocated for the parking of buses outside the proposed school to ensure residents on the estate were not impacted; and
- could improvements to the Bramblefield Lane and Hurst Lane junctions be provided as part of this application?

In response to a question from a Member about provision of a new service road to the gas governor site, the Major Projects Officer drew attention to condition (25A) on page 71 of the report which required this. He explained that development of that service road would come forward at a later stage of the development.

A Member asked when the proposed roundabout at the top end of the spine road would be developed? He also asked whether a traffic crossing was still proposed by the Grovehurst surgery? The Principal Transport & Development Planner (KCC) referred to condition (5C) in the report which required that none of the dwellings accessed via Grovehurst Road were to be accessed until the roundabout referred to had been completed. The Principal Transport & Development Planner (KCC) stated that the proposed crossing at the Grovehurst surgery would likely be a zebra crossing rather than a signalled crossing due to the layout of the junctions in the area. The Major Projects Officer added that the crossing was part of the mitigation for the Grovehurst Farm application, rather than 18/502190/EIHYB. The Principal Transport & Development Planner (KCC) explained that a toucan crossing would be provided to the north of the proposed roundabout on the proposed spine road, which would also link-up to the footpath and cycle route down Swale Way to the employment land.

The Principal Transport & Development Planner (KCC) explained that with regard to junction improvements at Bramblefield Lane and Hurst Lane, the proposed roundabout (at the northern end of the spine road) had been designed to take all the traffic movements generated by the schools as well as any other traffic. Also the original proposed access to the east of the site for the schools which would have affected the Bramblefield Lane and Hurst Lane junctions had been removed and the traffic impacts to those junctions would be minimal, making it difficult to justify improvements at this stage. However, he advised that KCC were always looking to improve junctions if there were issues.

Resolved: *That application 18/502190/EIHYB be delegated to officers to approve subject to conditions (1A) to (56C) in the report and as specifically amended to address the points in the tabled officer update and the verbal officer update, further information from KCC in respect of BREEAM for the schools; the signing of a suitably worded Section 106 Agreement as minuted and set-out in paragraph 8.16 of the report, with authority to make amendments as reasonably required and to resolve any outstanding matters; and to make further amendments as reasonably required to condition wording.*

2.2 REFERENCE NO – 20/502407/FULL		
APPLICATION PROPOSAL		
The construction of thirteen commercial units (for general industrial, storage and distribution, and light industrial use), and associated parking and landscaping.		
ADDRESS Land South East of A299 Slip Road Off Thanet Way, Highstreet Road, Hernhill, Kent ME13 9EN		
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT P & S Properties South East

		AGENT Turner Jackson Day Associates
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The Major Projects Officer introduced the application and stated that contrary to paragraph 9.01 on page 115 of the report, the further views of KCC Highways and Transportation were not awaited, and that they had raised no objection as set-out in paragraph 7.02 on page 113 of the report.

The Major Projects Officer reported that Hernhill Parish Council had unanimously voted against the application and had no further comments to add to those already submitted and set-out in paragraph 7.01 on page 112 of the report. The Major Projects Officer said that delegated authority was sought to amend the wording to condition (14) to refer to units 35 to 47 **rather than** 1 to 34 and condition (18) needed to be amended to require BREEAM ‘very good’ rather than BREEAM ‘good’, as required by the Council’s Local Plan for developments with a floor space over 1000 metres.

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 raised the following points:

- Disappointed that KCC and the Government were penalising HGV drivers for parking where they needed to take legal breaks;
- disappointed about the loss of HGV parking; and
- there would be no loss of HGV parking as the scheme to provide an HGV park had never been implemented.

Resolved: *That application 20/502407/FULL be delegated to officers to approve subject to conditions (1) to (21) in the report and amendments to condition (14) and (18) as minuted.*

2.3 REFERENCE NO – 20/505412/FULL		
APPLICATION PROPOSAL		
Section 73 - Application for variation of conditions 1 (model aircraft flying times) and 2 (maximum number of model aircraft flying at one time) pursuant to 16/504776/FULL for - Variation of condition 1 of SW/13/0579 - to make permission permanent.		
ADDRESS Land Adjacent to Heel Farm, Heel Road, Throwley, Faversham, Kent, ME13 0JH		
WARD East Downs	PARISH/TOWN COUNCIL Throwley	APPLICANT Mr James & Charles Hills AGENT Mr Brian Planner

The Major Projects Officer introduced the application and drew attention to an error on page 124 of the report; the hours of silent flight (SF) Monday to Friday should

read 09.00 - 19.00 hours **not** 17.00 hours as stated. He also drew attention to condition (2) on page 127 of the report and stated that delegated authority was sought to add “and no further internal combustion engines shall be running on the ground” to the end of that condition.

Parish Councillor Charlotte Shattuck, representing Throwley Parish Council, was unable to join the meeting due to technical issues. Her speech against the application was read-out by the Democratic Services Officer.

Brian Planner, the Agent, spoke in support of the application.

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

In response to queries from the Ward Member, the Major Projects Officer stated that with the exception of conditions (1) and (2) all the conditions remained the same as those contained in the previous permission 16/504776/FULL. This application was for a variation of the mix of aircraft to be flown, and a change to the flying hours. He showed Members a plan of all properties located near the application site.

A Member asked how close the adjacent properties were to the site? The Major Projects Officer advised they were within a few 100 metres of the site, however the application was very tightly conditioned particular in respect of the internal combustion planes which made the most noise. He noted that officers from Swale Borough Council’s (SBC) Environmental Health team raised no objection.

Resolved: That application 20/505412/FULL be delegated to officers to approve subject to conditions (1) to (7) in the report and the amendment to condition (2) as minuted.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO – 21/500012/FULL		
APPLICATION PROPOSAL Erection of single storey front extension with internal alterations.		
ADDRESS 59 Wards Hill Road, Minster-on-Sea, Sheerness, Kent, ME12 2LL		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-on-Sea	APPLICANT Mr & Mrs Belsey AGENT EvolutionBlue

The Area Planning Officer introduced the application and showed Members the existing and proposed block plans.

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

A Ward Member stated that he agreed with the officer recommendation to refuse the application.

Resolved: That application 21/500012/FULL be refused for the reason outlined in the report.

3.2 REFERENCE NO – 20/505466/FULL		
APPLICATION PROPOSAL		
Conversion of first floor and loft into 3no. one-bedroom apartments, together with erection of three storey external staircase enclosure, three dormer windows, section of flat roof to south west elevation, changes to fenestration, creation of roof terraces and creation of external access and amenity area. Internal alterations to existing Pub and Restaurant.		
ADDRESS Napier Hotel 1 Alma Road Sheerness Kent ME12 2NZ		
WARD Sheerness	PARISH/TOWN COUNCIL Sheerness Town Council	APPLICANT Mr Paul Newton AGENT Richard Baker Partnership

The Area Planning Officer introduced the application and explained that contrary to his update to Members at the Chairman’s briefing, Officers did request a site specific flood risk assessment, and were advised that one would not be submitted. Officers had also sought amendments to the plans and again these were not forthcoming. The agent requested that the application be determined as submitted.

Paul Newton, the applicant, was unable to join the meeting due to technical issues. His speech in support of the application was read-out by the Democratic Services Officer.

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

A Ward Member supported the officer recommendation to refuse the application.

A Member stated that it was disappointing that the applicant had not provided the information requested in relation to flood risk.

Resolved: That application 20/505466/FULL be refused for the reasons outlined in the report.

PART 5

Decisions by the County Council and Secretary of State reported for information.

- **Item 5.1 – 19 The Willows Newington**

APPEAL DISMISSED

DELEGATED REFUSAL

- **Item 5.2 – Broadoak Farm Broadoak Road Milstead**

APPEAL DISMISSED

DELEGATED REFUSAL

- **Item 5.3 – Land to rear of 132 High Street Newington**

APPEAL DISMISSED / COSTS AWARDED TO APPELLANT

DELEGATED REFUSAL

In response to a query from a Member, the Area Planning Officer explained that costs could be awarded irrespective of the appeal decision if the Inspector considered that either of the parties had acted unreasonably and had caused unnecessary costs to the other party.

- **Item 5.4 – Black Cottages Mutton Lane Ospringe**

APPEAL ALLOWED / COSTS AWARDED TO APPELLANT

DELEGATED REFUSAL

A Member was disappointed that costs had been awarded to the appellant.

- **Item 5.5 – South East Side of Highview Road adj Minster Methodist Church**

APPEAL DISMISSED

DELEGATED REFUSAL

512 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 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.

513 REPORT OF THE HEAD OF PLANNING SERVICES**6.1 61 Playstool Road, Newington**

The Area Planning Officer introduced the report.

(1) Resolved: That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring that the extension is demolished and all materials arising from the demolition are removed from the site within one year of the Notice taking effect.

(2) That the Head of Planning Services and Head of Legal Services be authorised to prepare and serve the necessary documentation, including the precise wording thereof to give effect to this decision.

6.2 Land to East of Hawes Wood, Bobbing

The Area Planning Officer introduced the report.

Resolved:

(1) That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring the use of the site as an animal sanctuary ceases; the residential use of the caravan ceases; and all the recently erected fencing within the site and along the frontage with the highway, together with the gates and posts, and all the structures, buildings and all materials arising from the demolition are removed from the site within one year of the Notice taking effect.

(2) That the Head of Planning Services and Head of Legal Services be authorised to prepare and serve the necessary documentation, including the precise wording thereof to give effect to this decision.

6.3 Polytunnels sited on land at Brook Farm, Ospringe

The Development Manager introduced the report and responded to queries and points of clarification from Members.

Councillor Cameron Beart moved the following motion which was seconded by Councillor James Hunt: That no action be taken. On being put to the vote the motion was lost.

The Head of Development Services advised Members that if they wished to taken enforcement action a reason outlining the harm that the proposal may cause was required.

Councillor Simon Clark moved the following motion which was seconded by Councillor Paul Stephen. That enforcement action be taken and policies outlined in the report be included as reasons. The Area Planning Officer stated that the

reason needed to clearly outline the harm that would be caused. The proposer and seconder withdrew the motion.

Councillor Elliot Jayes moved the following motion which was seconded by Councillor Lee McCall: That the application be deferred to allow time for planning reasons to be provided so that enforcement action could be taken, and a virtual site meeting. On being put to the vote the motion was lost.

Councillor Lee McCall moved the following motion which was seconded by Councillor Ben J Martin: That enforcement action be taken for the following reason, the polytunnels that had been erected without planning permission were an unwelcome and intrusive development that was seriously harmful to the character and appearance of this rural area, to the natural beauty of the Kent Downs Area of Outstanding Natural Beauty (AONB), to the setting of the Whitehill conservation area, and to the settings of nearby listed buildings, contrary to policies ST7, DM14, DM24, DM32 and DM33 of Bearing Fruits: The Swale Borough Local Plan 2017, and to policies SD1, SD3, SD8 of the Kent Downs AONB Management Plan 2014 – 2019. On being put to the vote the motion was agreed by Members.

Resolved:

(1) That an Enforcement Notice be issued pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring that the polytunnels be removed from the site within one year of the Notice taking effect.

(2) That the Head of Planning Services and Head of Legal Services be authorised to prepare and serve the necessary documentation, including the precise wording thereof to give effect to this decision.

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