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## PLANNING COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 27 May 2021 from 7.00 pm - 9.40 pm.

**PRESENT:** Councillors Cameron Beart, 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 for Councillor Monique Bonney), David Simmons, Paul Stephen, Tim Valentine and Tony Winckless.

**OFFICERS PRESENT:** Simon Algar, Billy Attaway, Andy Byrne, Julie Coxon, Philippa Davies, Colin Finch, Paul Gregory, Andrew Jeffers, Clare Lydon, Kellie MacKenzie, Alun Millard, Cheryl Parks, Larissa Reed and Jim Wilson.

**ALSO IN ATTENDANCE (REMOTELY):** Councillors Steve Davey, Alan Horton and Corrie Woodford.

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

### 15 **EMERGENCY EVACUATION PROCEDURE**

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

### 16 **MINUTES**

The Minutes of the Meeting held on 29 April 2021 (Minute Nos. 627 – 631) were taken as read, approved and signed by the Chairman as a correct record.

### 17 **DECLARATIONS OF INTEREST**

Councillor Cameron Beart declared a Disclosable Non-Pecuniary Interest in respect of the Deferred Item, 21/500414/FULL, 21 Bobbing Hill, Bobbing. Councillor Beart did not speak or vote on the item.

Councillor James Hunt declared a Disclosable Non-Pecuniary Interest in respect of item 2.1, 19/503974/HYBRID, Land east of Iwade, as he had previously taken part in discussions on the matter.

### 18 **PLANNING WORKING GROUP**

#### **20/503707/HYBRID, Kent Science Park, Shimmin Road, Sittingbourne, ME9 8BZ**

Due to a change in circumstances relating to the ability to implement the previous planning permission at the Kent Science Park, officers were now required to review parts of the committee report and discuss further with some consultees. As a result, the application was withdrawn from the agenda and it was hoped it would be reported to the 24 June 2021 committee meeting.

19 DEFERRED ITEM

<b>REFERENCE NO - 21/500414/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of part single, part two storey rear extension with internal alterations.		
<b>ADDRESS</b> 21 Bobbing Hill Bobbing Sittingbourne Kent ME9 8NY		
<b>WARD</b> Bobbing, Iwade And Lower Halstow	<b>PARISH/TOWN COUNCIL</b> Bobbing	<b>APPLICANT</b> Cassie Burton <b>AGENT</b> APX Architecture LTD

The Area Planning Officer introduced the application and explained that it had originally been presented to the Planning Committee on 1 April 2021 and had been deferred for further discussions between officers and the Applicant. The Area Planning Officer explained that originally the residents at no. 19 Bobbing Hill, Bobbing had supported the application, but had since put their property on the market, and had changed their view to a neutral position. Following discussions, the two-storey projection had been reduced to 3.5 metres in depth at first floor level, with chamfering of the corner of the extension. The impact on no. 23 Bobbing Hill was now slightly reduced, and the impact on no. 19 Bobbing Hill, on balance, was not unacceptable. The Area Planning Officer added that because of the positioning of the neighbouring dwellings, the development would not cast a shadow on No. 19, and the scale and impact of the extension had now been reduced to No. 23, albeit to a small degree.

Mr Marc Stelfox, 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.

A visiting Ward Member spoke in support of the application.

Members welcomed the changes that had been put in place following the discussions with the Applicant and officers.

***Resolved: That application 21/500414/FULL be approved subject to conditions (1) to (3) in the report.***

20 SCHEDULE OF DECISIONS

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 19/503974/HYBRID</b>
<b>APPLICATION PROPOSAL</b> Hybrid application comprising of - Outline application (all matter reserved except for access) for up to 466 dwellings and a community hall. Full planning application for

access from Grovehurst Road and The Street and for a country park.		
<b>ADDRESS</b> Land East Of Iwade Kent ME9 8ST		
<b>WARD</b> Bobbing, Iwade And Lower Halstow	<b>PARISH/TOWN COUNCIL</b> Iwade	<b>APPLICANT</b> G H Dean & Co Ltd <b>AGENT</b> Hume Planning Consultancy Ltd

The Senior Planning Officer introduced the application and referred to the tabled update for this item. He drew attention to the point that this development no longer needed to make a contribution towards primary school education land costs due to other nearby developments being approved which would provide for sufficient primary school places to absorb the demand from this development. An additional representation had been received from a neighbour and in response, the Senior Planning Officer confirmed that the land was allocated for housing in the Local Plan. The precise wording of the recommendation was also clarified to confirm that it should, as well as including reference to the conditions, set-out that an approval would also be subject to the signing of a Section 106 Agreement.

The Senior Planning Officer referred to the mix of dwelling set-out in paragraphs 2.7 on page 25 of the report, and paragraph 8.16 on page 54. He explained that because the percentages had been rounded up/down, a figure of 99% had resulted. However, the actual mix of dwelling numbers in paragraph 2.7 was correct. A late representation had been received from the Environmental Health Team and they had suggested a condition be added to mitigate any noise from the nearby A249. The Senior Planning Officer sought delegation to resolve this issue and impose the condition if it was considered necessary.

The Senior Planning Officer gave an overview of the outline element of the application which was for up-to 466 dwellings, plus a community hall, and the detailed elements of the full application for access from Grovehurst Road and The Street and a country park. There would be a woodland buffer, Sustainable Drainage System basins, ponds and swales and enhancements for nesting birds and reptiles. There would also be an area of land safeguarded for the Grovehurst junction improvements.

Alister Hume, 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.

A visiting Ward Member spoke against the application.

Members raised the following points:

- Concerned with the number of dwellings proposed for the site;
- acknowledged that the site was allocated for housing in the Local Plan;

- this would generate increased pressure at the Grovehurst Road/A249 roundabout;
- parking facilities at Swale station needed to be improved;
- clarification sought on the wording of condition (24) in the report, and when the dwellings could be occupied;
- clarification was needed with some of Kent County Council (KCC) Highways & Transportation comments;
- condition (12) should be amended to reflect the standard of the construction of the village hall to Building Research Establishment Environmental Assessment Model (BREEAM) 'excellent' to reflect comments made by Swale Borough Council's Climate Change Officer;
- condition (35) should be amended to reflect a 50% reduction in carbon emissions;
- welcomed the early delivery of the country park, and the village hall; and
- it was important to get the infrastructure in place first.

In response to some of the comments, the Principal Transport & Development Planner (KCC) confirmed that condition (24) referred to both highway improvement schemes (the A249/Grovehurst Road and M2/J5 junction improvements) needing to be open before occupancy of the dwellings. He explained that the Section 106 Agreement would secure a financial contribution to deliver improvements to the Sanderling Way junction.

The Senior Planning Officer explained that the policy stated a figure of a minimum of 572 dwellings, and with the three allocations: Pond Farm (69), this application (466) and the undetermined application at land north of Sanderling Way (65), this came to 600 dwellings. The assessment had been undertaken as to whether these housing numbers were acceptable, and it was concluded that they were, and as such he did not see a conflict with the minimum housing numbers required within the Local Plan. There was no policy requirement to upgrade Swale Station and Kemsley Halt station was being upgraded as part of developer contributions which had been apportioned to various developments under the Iwade Expansion policy (A 17) and the developments being brought forward under the North West Sittingbourne allocation (MU 1). The Senior Planning Officer referred to paragraph 8.61 on page 63 of the report and explained that in terms of BREEAM, although a rating of 'excellent' was originally being sought for the community hall, after a more detailed assessment, the Applicant considered that a rating of 'very good' could be achieved. This was over and above the policy requirement for a building of this size and as such considered acceptable. In terms of the dwellings and the potential for a 50% reduction in carbon emissions, the condition imposed did not set a precise figure, but instead required the dwellings to meet the emission targets required at the time they came forward. As the development was built-out over time, these requirements were likely to become more stringent, and the condition allowed flexibility to meet the standards at that point in time. He added that improvements to Swale station were not a policy requirement and as such, requesting contributions towards it would not meet the tests for planning obligations.

***Resolved: That application 19/503974/HYBRID be delegated to officers to approve subject to conditions (1) to (60) in the report; and imposing an additional condition to mitigate any noise issues from the A249 if considered***

*necessary; the signing of a suitably worded Section 106 Agreement with the contributions amended as per the tabled update and with authority to make amendments as reasonably required; and to make amendments as reasonably required to condition wording.*

<b>2.2 REFERENCE NO - 20/506128/FULL</b>		
<b>APPLICATION PROPOSAL</b> External alterations to facades of building to include installation of render cladding system and panels with replacement and installation of windows and entrance doors		
<b>ADDRESS</b> Economic House 25-27 London Road Sittingbourne Kent ME10 1PE		
<b>WARD</b> Homewood	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Longting Limited <b>AGENT</b> D. Rose Planning LLP

This item was withdrawn from the agenda.

<b>2.3 REFERENCE NO - 20/503325/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 107 residential dwellings together with associated access, infrastructure, drainage, open space and landscaping.		
<b>ADDRESS</b> Land East of Crown Quay Lane Sittingbourne Kent ME10 3ST		
<b>WARD</b> Murston	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Bellway Homes <b>AGENT</b> DHA Planning

The Area Planning Officer introduced the application and referred to the tabled update for this item. This included additional comments from the KCC Ecologist, the KCC Minerals and Waste team, the KCC Archaeologist and Swale Borough Council (SBC) Environmental Health team. Some minor amendments to ecology conditions and to condition (4) in relation to noise mitigation had been added. The Section 106 Agreement contributions would increase for the NHS contribution to reflect the minor changes in the housing mix. The Area Planning Officer also drew attention to the applicant’s request that condition (12) be removed and the matter be secured by a Section 106 Agreement instead, and he requested delegated authority to do this as an option if otherwise acceptable.

The Area Planning Officer outlined the application which was for 107 dwellings, with a mix of dwelling types, and 11 units would be affordable housing. There would also be a creekside path and open space. There had been improvements in the design over the course of the application and he indicated this, with some dwellings having a distinctive roof design to reflect the waterside/industrial location. The proposals also included improvements to the frontage of Crown Quay Lane, Sittingbourne as part of a wider scheme to deliver cycle paths, tree planting and footpaths.

Julian Goodban, 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.

A Ward Member who was also a member of the Planning Committee asked how the noise from the surrounding industrial sites would be mitigated; how floodlighting would be deflected; and whether the land would be adopted by SBC? In response, the Area Planning Officer advised that the Applicant had submitted noise reports and an air quality assessment which had been viewed by the SBC Environmental Health team and consultees. The Environmental Health team were content in principle that the noise was not a defining issue, subject to agreeing mitigation measures. The Area Planning Officer reminded Members that the wider allocation was surrounded by commercial units when allocated for residential development in the Local Plan, and he considered the report demonstrated that a residential development could be built here. The Senior Scientific Officer explained that she had requested an additional noise condition which she considered to be a strong one. The Senior Development Planner (KCC) said the road network would be offered for adoption by the highway authority.

Members raised the following points:

- Considered any alteration of the traffic light sequence at Crown Quay Lane/St Michael's Road would not make a difference to easing traffic issues;
- capacity of traffic at the Swale Motors roundabout was already high, especially at peak times;
- interested to know how KCC came to their decision on highway matters at this location;
- the proposed measures would not mitigate the increased traffic movements;
- the traffic light sequence at Crown Quay Lane needed to be looked at again;
- concerned with the compatibility of a residential area adjacent to an existing industrial use;
- the proposed housing was high density;
- welcomed the use of a brownfield site, rather than a greenfield site;
- this was allocated in the Local Plan; and
- concerned that if condition (12) was secured instead by a Section 106 Agreement whether there were any enforcement measures in place?

In response to issues raised, the Senior Development Planner (KCC) explained that the site was a brownfield site with a historic industrial use. He said the improvements to the Crown Quay Lane/St Michael's Road junction included the addition of more filter lights, so that the two arms of Crown Quay Lane could run at the same time. He added that even with additional traffic, this provided a significant benefit over the current performance. The Planning Lawyer explained that there were different enforcement measures in place for conditions and Section 106 Agreements. The Area Planning Officer explained that the wording in condition (12) was drafted on the basis of terms requested by KCC Highways & Transportation.

Councillor Cameron Beart moved the following motion: That condition (12) remained as a condition, and not changed to be included within the Section 106

Agreement. This was seconded by Councillor Ben J Martin and on being put the vote the motion was agreed.

In response to further questions, the Area Planning Officer advised that an update to paragraph 6.23 in the report from the KCC Minerals and Waste team was included in the tabled paper. The Senior Scientific Officer confirmed that a light pollution assessment was not included with the application.

Councillor Mike Dendor moved the following motion: That a floodlighting assessment be carried out and officers be given delegated authority to consider the assessment. This was seconded by Councillor Lee McCall and upon being put to the vote the motion was agreed.

Further comments from Members included:

- The traffic modelling needed to be looked at again, as many variables could upset the model;
- mitigation measures in traffic light sequencing with the Crown Quay Lane junction were not enough;
- HGV traffic needed to be considered;
- air quality and odour issues;
- there were a lot of issues that needed mitigating;
- issues with parked cars;
- with the number of dwellings, traffic would increase;
- access issues; and
- these were very dangerous roads, and not attractive to cyclists.

Councillor Paul Stephen moved a motion for a site meeting and this was seconded by Councillor Tony Winckless. On being put to the vote the motion was agreed.

Members said that they would like KCC Highways & Transportation officers to attend the site meeting. They also requested that conditions (13) and (21) be looked at again.

**Resolved: That application 20/503325/FULL be deferred to allow the Planning Working Group to meet on site.**

<b>2.4 REFERENCE NO - 19/506047/REM</b>		
<b>APPLICATION PROPOSAL</b>		
Approval of Reserved Matters following outline application 15/507059/OUT for the erection of 95no. dwellings, comprising a mixture of two-storey semi-detached, terraced, and detached houses with a mix of 2no., 3no. and 4no. bedrooms. (Appearance, Landscaping, Layout and Scale being sought).		
<b>ADDRESS</b> Land to The North of Plover Minster-on-sea Kent ME12 3BT		
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN COUNCIL</b> Minster-On-Sea	<b>APPLICANT</b> Sunningdale House Developments Ltd <b>AGENT</b> Hume Planning Consultancy Ltd

The Major Projects Officer introduced the application and referred to the tabled update for this item. He explained that the principle of development and access had been agreed at the outline application stage in 2018. The amount of units to be built had also been established. The Major Projects Officer said the Applicant had advised that as well as being willing to provide a footpath link adjacent to plot 71 in the north-east corner of the site, he had also accepted a Grampian condition, before an agreed trigger, for a further footpath to the corner of the Thistle Hill, Minster development to be provided which would connect the two sites and also provide access to the Thistle Hill primary school. The Major Projects Officer sought delegated authority to add the Grampian condition and to resolve the three points set-out on the tabled paper.

Parish Councillor John Stanford, representing Minster Parish Council, spoke against the application.

Alister Hume, 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.

A Ward Member considered the parking at plot 82 was not fit for purpose. He welcomed the footpath to the north-east of the site, but considered the green space, in particular the proposed swale close to the northern site boundary, would not be very usable. The Ward Member said the roofs should have all been facing the same way so that solar panels could be added.

Members raised the following points:

- Acknowledged that access and parking had been dealt with at the outline stage, but still had some concerns with the width of the roads;
- issues with the size of the garages, and did not like tandem parking;
- vehicles could be parked in the unallocated spaces for weeks/months;
- Plover Road would become a 'nightmare';
- there was a lack of infrastructure such as dentists and medical services and were the Clinical Commissioning Group (CCG) consulted?; and
- would have liked to have seen some affordable housing.

In response to some of the points raised, the Major Projects Officer emphasised that the application sought approval of reserved matters only and that as such, Members should consider only the reserved matters, namely layout, scale, appearance and landscaping.

The Major Projects Officer also referred to paragraph 7.14 on page 125 and 126 of the report, and explained that garages were additional and did not go towards the parking requirement, and as such were not required to be able to facilitate a car, as parking provision was already included without taking them into account. He said that provision of medical services was an issue that had been dealt with at the outline application stage, which included a Section 106 Agreement to mitigate the impact on local services. The CCG would not have been consulted at this reserved



matters stage, because that would have taken place at the outline application. The Major Projects Officer also referred to paragraph 7.08 on page 124 of the report which set-out that affordable housing was not required as Policy DM8 stated nil provision for developments on the Isle of Sheppey. The Senior Development Planner (KCC) added that any unallocated space on the development could be used as parking, subject to any parking controls in place.

***Resolved: That application 19/506047/REM be delegated to officers to approve subject to conditions (1) to (8) in the report, the addition of a Grampian condition in respect of the footpath link on the adjacent land at Thistle Hill and the satisfactory resolution of the points set-out on the tabled update.***

## **PART 5**

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

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- **Item 5.1 – Car Showroom London Road Upchurch**

**DELEGATED REFUSAL**

**APPEAL ALLOWED**

A Member was disappointed with the decision.

- **Item 5.2 – Land south-west Sittingbourne / Wises Lane Sittingbourne**

**APPEAL AGAINST NON DETERMINATION**

**APPEAL ALLOWED AND PART COSTS AWARDED**

- **Item 5.3 – Land off Thanet Way Hernhill**

**DELEGATED REFUSAL**

**APPEAL ALLOWED**

- **Item 5.4 – 105 Bell Road Sittingbourne**

**COMMITTEE REFUSAL**

**APPEAL DISMISSED**

A Member was disappointed with the decision.

## **21 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 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.***

## 22 URGENT ITEM - SCHEDULE OF DECISIONS

### **18/500767/FULL – Newington Working Men’s Club (now known as Charlotte Court), High Street, Newington**

The urgency of this item arose because one of the ward Members had asked for the application to be reported to the Planning Committee (as had Newington Parish Council) and it was felt that it was desirable for the matter to be resolved as soon as possible.

The Major Projects Officer introduced the report and explained that the windows to the front façade were not a non-openable type as required by condition (9) of the appeal decision. He also explained that a Breach of Condition Notice (requiring the windows on the front façade, facing the High Street, to be fixed shut) had been served and the developer had not complied with it.

Officers had concluded that enforcement action was not necessary as Environmental Health officers had advised that noise issues alone did not justify formal enforcement action, and the Inspector dealing with the appeal against the refusal of 18/500767/FULL had concluded that there were no potential air quality issues.

The Chairman moved the officer recommendation to not pursue enforcement action for the non-compliance with condition (9) of the Inspector’s decision for 18/500767/FULL and this was seconded by the Vice-Chairman.

A visiting Ward Member who had called-in the item, spoke in support of action against the developer.

Members considered that action should be taken.

On being put to the vote the motion to not take action was lost.

Councillor James Hunt moved the following motion which was seconded by Councillor Cameron Beart: That enforcement action be taken. On being put to the vote the motion was agreed.

***Resolved:***

***(1) That the developer be prosecuted for failure to comply with the Breach of Condition Notice served pursuant to condition (9) of 18/500767/FULL, pursuant to the provisions of Section 172 of the Town and Country Planning Act 1990, as amended, requiring compliance with condition (9) of the Inspector's decision for 18/500767/FULL.***

***(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 to give effect to this decision.***

## **23 ADJOURNMENT OF MEETING**

The meeting was adjourned from 8.34 pm to 8.43 pm and from 9.09 pm to 9.16 pm.

### Chairman

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