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## RECONVENED PLANNING COMMITTEE

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**MINUTES** of the Reconvened Meeting held Via Skype on Monday, 16 November 2020 from 6.30pm - 9.36pm.

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

**OFFICERS PRESENT:** Simon Algar, Rob Bailey, Russell Fitzpatrick, James Freeman, Paul Gregory, Corinna Griffiths, Andrew Jeffers, Kellie MacKenzie, Jo Millard and Andrew Spiers.

**ALSO IN ATTENDANCE:** Councillors Mike Baldock, Steve Davey, Simon Fowle and Corrie Woodford.

### 249 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 officers were in attendance.

### 250 DECLARATIONS OF INTEREST

Councillor Richard Darby declared a disclosable pecuniary interest in respect of item 2.8 19/502969/FULL Land to the East of Queenborough Road, Queenborough and did not vote on this item.

### 251 DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

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<b>Def Item 1    REFERENCE NO - 20/500490/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of nine chalets to replace existing units.		
<b>ADDRESS</b> Seaview Holiday Camp Warden Bay Road Leysdown Sheerness Kent ME12 4NB		
<b>WARD</b> Sheppey East	<b>PARISH/TOWN COUNCIL</b> Leysdown	<b>APPLICANT</b> Wickland (Holdings) Ltd <b>AGENT</b> Forward Planning And Development Ltd

The Area Planning Officer introduced the application. He reported that a Ward Member had raised a number of issues with regard to this application and the other application on the agenda at this site. The issues related to technical matters in respect of the nature of the application, the extent of hardstanding for storage of liquid petroleum gas (LPG) canisters for each unit, overlooking distances, whether the buyers of the chalets could be controlled such that they could not be used as second homes, additional pressure on water supplies and sewerage, and lack of infrastructure, for example, doctors and schools.

The Area Planning Officer stated that a small area of hardstanding for an LPG canister would, in his view, be so insignificant that planning permission would not be required. The overlooking distances permissible here were set by the existing relationships between chalets, which were much less than would normally be considered desirable. The Area Planning Officer reminded Members that the existing chalets could be used 12 months of the year without restriction. The Area Planning Officer advised that, as the units were replacements, officers would not be able to justify restricting who could purchase them. He considered the impact on water supplies and sewerage, and on doctors and schools was likely to be minimal.

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 points raised included:

- Disappointed that the applications are being submitted in a piecemeal fashion;
- poor design and layout;
- landscape harm;
- lack of parking spaces;
- would be an improvement and give an open appearance to the site; and
- had thought the application had been deferred for sustainability issues.

On being put to the vote the motion to approve the application was lost.

Councillor Monique Bonney moved the following motion: That the application be refused due to poor layout and design, lack of parking provision, and lack of energy efficiency provision and be delegated to officers to provide the exact wording. This was not seconded.

The Planning Team Leader (Mid-Kent Legal) stated that Members needed to state their reasons for refusal, they could not delegate to officers to provide a reason. The Area Planning Officer urged Members to be cautious about including highway reasons for refusing the application. He stated that Members also needed to be precise when giving reasons and demonstrate the harm they considered the development would cause.

In response to queries from Members, the Area Planning Officer advised that Members could not split the decision. He also advised that whilst the application did not meet the Council's 50% energy efficiency rating, officers considered the proposed 35% was acceptable.

The following further reasons for refusal were put forward by Members:

- The orientation of the chalets would have a detrimental impact on the site; and
- over-intensification of the site caused harm to the character and appearance of the site.

The Development Manager requested a 10 minute break to allow officers to consider a way forward.

The meeting reconvened and at this point the Head of Planning Services used his delegated powers to call-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 would be deferred to a subsequent meeting of the Committee when the Head of Planning Services would advise Members of the prospects of such a decision if challenged on appeal and if it becomes the subject for costs.***

**Def Item 2 REFERENCE NO - 18/506328/OUT**

**APPLICATION PROPOSAL**

Outline Application for the erection of 20 residential dwellings (access being sought all other matters for future consideration).

**ADDRESS** Land Lying To The South Of Dunlin Walk Iwade Kent ME9 8TG

**WARD** Bobbing, Iwade  
And Lower Halstow

**PARISH/TOWN COUNCIL**  
Iwade

**APPLICANT** BDW Kent  
**AGENT**

The Senior Planning Officer introduced the report. She reported that the Council had sought independent highway advice, the Railton report, on the submitted indicative layout, and that advice had been included as a tabled update which had previously been sent to Members and published on the Council's website.

The Senior Planning Officer further reported that the wording of Condition (4) on page 21 of the report, needed to be amended to refer to the Council's adopted Parking Standards Supplementary Planning Document (SPD), rather than the Kent County Council (KCC) Vehicle Parking Standards.

Parish Councillor Ray Ingham, representing Iwade Parish Council, spoke against the application.

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

Ward Members spoke against the application and raised points which included: would lead to over-development of the site; was not included in the Council's Local Plan for development and was one of the few green spaces left in Iwade; it was unacceptable to "cram" a further 20 dwellings in an already highly built-up area;

drew attention to the independent Railton report which addressed highway concerns highlighting that the proposed servicing arrangements were inadequate and could lead to safety concerns, was over-development in terms of transport, there was an under provision of parking spaces, bike parking provision, poor pedestrian access and it was dangerous for delivery vehicles to access; improvements to the A249 were needed before further development could be allowed in Iwade; the road infrastructure in Iwade was at breaking point; the junction of Sanderling Way and The Street, Iwade was dangerous; the road to the site was narrow and had many pinch points; it would cause demonstrable harm to the area; services in Iwade needed upgrading before further development could be considered; the Parish Council were against the application; and concerns about the impact on the great crested newts in the area.

A visiting Member spoke against the application and raised concerns which included: just because the Council did not have a five year housing supply it did not mean it had to accept unacceptable applications; it was clear from the Railton report that it had not been demonstrated that the application could be delivered in a way that was acceptable and in-line with the Council's policies; lack of parking spaces would lead to a significant increase in on-street parking; poor service delivery for accessing bins; and it was an over-development of the site.

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

- Improvements to the A249 Grovehurst Road junction needed to be completed before considering this application;
- significant weight should be given to the fact that the M2 junction 5 needed to be completed before development in the area could be considered, as per the Barton Hill Drive application;
- concerned that construction traffic would be accessing the site via a residential area;
- loss of amenity area;
- concerned about the consequences of refusing the application as all the technical issues had been covered in the report;
- could not include highways as a reason for refusal, it would not be supported at any subsequent appeal;
- the Council had no five year housing supply so should approve the application;
- concerned that if the application was refused on access grounds the applicant could resubmit it with two access roads through a residential area which needed to be avoided;
- Members needed to provide a clear reason for refusal;
- unhappy with the application but could see no grounds to refuse which would be upheld at any subsequent appeal;
- could not refuse on policy grounds or overlooking grounds as outlined in the officer's report;
- mitigation land had already been provided for the great crested newts;
- paragraph 29 of the Railton report would be an adequate reason to refuse the application;
- 20 dwellings on this site was clearly over-development; and
- what weight should we give to the Railton report?

In response to a query from a Member, the Planning Team Leader (Mid-Kent Legal) stated that it was an outline application for access, all other issues would be considered at the reserved matters stage. If Members were minded to refuse the application then the planning officer would need to confirm what grounds they could support refusal on.

The Senior Planning Officer considered the issues raised by the Railton report could be addressed at the reserved matters stage, however if Members were minded to refuse the application then officers could provide relevant Policies to support this.

A Member drew attention to the wording in paragraph 29 of the Railton report, specifically *“These concerns could be overcome when the site layout is subject to detailed design but it appears likely that the number of dwellings will need to be reduced and the layout itself will be significantly altered from that shown currently.”* She considered that it was clear that the application for 20 dwellings should not be supported.

The Development Manager noted that the Railton report was a material planning consideration and included concerns about the number of dwellings proposed and other material planning concerns which he suggested Members considered as possible reasons for refusal.

On being put to the vote the motion to approve the application was lost.

Councillor Roger Clark suggested the following possible reasons for refusal: impact on the local road infrastructure, demonstrable harm to children and residents, lack of parking and amenities, loss of wildlife habitat, DM14 (Safe access) and over-development of the site.

The Chairman invited Members to add any other reasons to the motion and the following points were made:

- the main reason for refusal was over intensive use of the site which would lead to the other issues raised by Councillor Roger Clark;
- lack of capacity at the A249 Grovehurst Road junction;
- lack of capacity at the M2 junction 5 Stockbury roundabout;
- access to the site was unsuitable for construction traffic; and
- lack of amenity space.

The Development Manager stated that concerns around wildlife habitat had been addressed as outlined in the report. Natural England and KCC Ecology raised no objection. KCC Highways also raised no objection. He suggested that Members focussed on paragraph 29 of the Railton report, in particular lack of parking and service areas as possible reasons for refusal.

Councillor Monique Bonney moved the following motion: That the application be refused as it was over-intensive development of the site, it would lead to poor pedestrian access and service delivery arrangements to the development and that it would have a negative impact on the surrounding area. Members gave significant

weight to the Railton report in particular concerns in paragraph 29. This was not seconded.

The Development Manager read-out a possible reason for refusal: *That application 18/506328/OUT be refused as the proposed development was likely to represent a potential overdevelopment of the site, with harm arising from a likely under provision of car parking or suitable parking arrangements; likely inadequate servicing arrangements due to the lack of turning area at the eastern end of the site resulting in lorries and other large vehicles having to reverse along the length of the access road, causing danger and inconvenience to other highway users. The proposed development for 20 dwellings would therefore be contrary to paragraph 110 of the National Planning Policy Framework and contrary to policies CP2, CP4, DM7, DM14 of Bearing Fruits Local Plan 2031, and the Parking Standards Supplementary Planning Document 2020.*

Councillor Bonney agreed to withdraw her original motion for refusal and proposed the reason set-out above as read-out by the Development Manager. This was seconded by Councillor Ben J Martin. On being put to the vote the motion to refuse the application was agreed.

**Resolved:** *That application 18/506328/OUT be refused as the proposed development was likely to represent a potential overdevelopment of the site, with harm arising from a likely under provision of car parking or suitable parking arrangements; likely inadequate servicing arrangements due to the lack of turning area at the eastern end of the site resulting in lorries and other large vehicles having to reverse along the length of the access road, causing danger and inconvenience to other highway users. The proposed development for 20 dwellings would therefore be contrary to paragraph 110 of the National Planning Policy Framework and contrary to policies CP2, CP4, DM7, DM14 of Bearing Fruits Local Plan 2031, and the Parking Standards Supplementary Planning Document 2020.*

## 252 SCHEDULE OF DECISIONS

### PART 1

Any other reports to be considered in the public session

<b>1.1 REFERENCE NO - 19/505353/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Erection of 5no. four bedroom detached dwellings with associated garages, parking spaces and private amenity space.		
<b>ADDRESS</b> Danedale Stables Chequers Road Minster-on-sea Sheerness Kent ME12 3SJ		
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN COUNCIL</b> Minster-On-Sea	<b>APPLICANT</b> Mr Sted-Smith <b>AGENT</b> Kent Design Partnership

This application was considered at the Planning Committee meeting held on Thursday 12 November 2020.

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 20/500887/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing rear extension to no. 226. Erection of single storey side extensions and two storey rear extensions to both, alterations to windows and erection of boundary fence and gates. Erection of 2no. semi-detached properties at rear with associated access, parking, pedestrian footpath, landscaping and private amenity spaces.		
<b>ADDRESS</b> 224-226 Minster Road Minster-on-sea Sheerness Kent ME12 3LL		
<b>WARD</b> Sheppey Central	<b>PARISH/TOWN COUNCIL</b> Minster-On-Sea	<b>APPLICANT</b> Mr Dan Fillingham <b>AGENT</b> Mr Lewis Bailie

This application was considered at the Planning Committee meeting held on Thursday 12 November 2020.

<b>2.2 REFERENCE NO - 20/502880/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing buildings and erection of 2no. dwellings including access, landscaping and associated works.		
<b>ADDRESS</b> Queenborough Rowing Club North Road Queenborough Kent ME11 5EN		
<b>WARD</b> Queenborough And Halfway	<b>PARISH/TOWN COUNCIL</b> Queenborough	<b>APPLICANT</b> Mr Parker <b>AGENT</b> DHA Planning

This application was considered at the Planning Committee meeting held on 12 November 2020.

<b>2.3 REFERENCE NO - 20/503571/FULL</b>		
<b>APPLICATION PROPOSAL</b> The replacement of four existing chalet units at plots 51, 51A, 53 and 60.		
<b>ADDRESS</b> Seaview Holiday Camp Warden Bay Road Leysdown Sheerness Kent ME12 4NB		
<b>WARD</b> Sheppey East	<b>PARISH/TOWN COUNCIL</b> Leysdown	<b>APPLICANT</b> Wickland (Holdings) Ltd <b>AGENT</b> Forward Planning And Development Ltd

The Area Planning Officer introduced the application and reported that, as set-out in the deferred item, a Ward Member had raised a number of queries. With regard to this specific application, he also queried the lack of parking spaces for each chalet.

The Area Planning Officer advised that the existing chalets did not have their own parking spaces, with parking taking place informally adjacent to the access road, or in the communal parking area elsewhere at the site. On the basis that the proposed units here would replace existing chalets (albeit that they would be slightly larger) and as this was a private holiday site rather than a residential street, the Area Planning Officer considered it would be very difficult to justify the refusal of planning permission on highways grounds. The chalets were a significant distance from the highway and provision of parking between the highway and the chalets meant it was most unlikely that any parking would take place on the public highway.

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 the following points were made:

- Agreed with the officer recommendation for approval, however given that we were seeking to refuse a similar application at the same site at deferred item 1 of the agenda, did not see how we could now approve this application;
- should refuse the application for the suggested reasons provided by Members for deferred item 1; and
- not happy that the application had been submitted on a piece-meal basis.

In response to a query from the Planning Team Manager (Mid-Kent Legal), the Area Planning Officer stated the applicant was not replacing the chalets like-for-like, the footprint of the new chalets was larger, but the application was supported by the Council's Local Plan.

On being put to the vote the Chairman announced that the vote was tied, so he used his casting vote and the motion to approve the application was lost.

At this point the Head of Planning Services used his delegated powers to call-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 would be deferred to a subsequent meeting of the Committee when the Head of Planning Services would advise Members of the prospects of such a decision if challenged on appeal and if it becomes the subject for costs.***

## **2.4 REFERENCE NO - 16/507689/OUT**

### **APPLICATION PROPOSAL**

Outline Application (with all matters reserved other than access into the site) for mixed use development including up to 300 dwellings; employment area (Use Classes B1(a), B1(b) and B1(c) (offices, research and development, and light industrial) (up to 26,840sqm); sports ground (including pavilion/changing rooms); open space (including allotments and community orchard); access, including new link road and roundabout on A2; other vehicular/pedestrian / cycle accesses (including alterations to Frognal Lane); reserve site for health centre; and associated parking and servicing areas, landscaping, wildlife



areas, swales and other drainage / surface water storage areas, and related development			
<b>ADDRESS</b> Land Between Frognal Lane And Orchard View Lower Road Teynham Kent ME9 9TU			
<b>WARD</b> Teynham And Lynsted	<b>PARISH/TOWN COUNCIL</b> Teynham	<b>APPLICANT</b> The Trenport Teynham Partnership <b>AGENT</b> Vincent And Gorbing	

This application was considered at the Planning Committee meeting held on Thursday 12 November 2020.

<b>2.5 REFERENCE NO - 20/501601/FULL</b>			
<b>APPLICATION PROPOSAL</b> Full planning permission for the erection of a new coffee shop (Use Class A1/A3) including drive-thru facility with associated car parking, cycle parking, motorcycle parking, landscaping and associated works. As amended by drawings received on 14 <sup>TH</sup> SEPTEMBER 2020			
<b>ADDRESS</b> Gate Service Station London Road Dunkirk Faversham Kent ME13 9LN			
<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN COUNCIL</b> Dunkirk	<b>APPLICANT</b> Motor Fuel Ltd <b>AGENT</b> JMS & Development Ltd	

This application was considered at the Planning Committee meeting held on Thursday 12 November 2020.

<b>2.6 REFERENCE NO - 19/500113/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of a commercial unit for existing plant hire business (use class B8), creation of separate LPG cylinder and welding gas storage areas and construction of 2.4 metre high perimeter fence and crushed stone hardstanding area with associated staff and visitor car parking and landscaping.			
<b>ADDRESS</b> Abbeyfields 39 Abbeyfields Faversham Kent ME13 8HS			
<b>WARD</b> Abbey	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> Mr Keith Fuller <b>AGENT</b> MS Town Planning Consultancy Services	

This application was considered at the Planning Committee meeting held on Thursday 12 November 2020.

<b>2.7 REFERENCE NO - 20/501936/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of a retail terrace (Classes A1, A2, A3, A5 and D1).			

<b>ADDRESS</b> Land At Perry Court Local Centre (Plot 4) Tettenhall Way Faversham Kent ME13 8XN		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> HDD (Faversham) Limited <b>AGENT</b> Pegasus Planning Group

This application was considered at the Planning Committee meeting held on Thursday 12 November 2020.

<b>2.8 REFERENCE NO - 19/502969/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of a new foodstore with associated parking, servicing, landscaping and new vehicular access		
<b>ADDRESS</b> Land To The East Of Queenborough Road Queenborough Kent ME12 3RH		
<b>WARD</b> Queenborough And Halfway	<b>PARISH/TOWN COUNCIL</b> Queenborough	<b>APPLICANT</b> ALDI Stores Ltd <b>AGENT</b> Planning Potential Ltd

The Senior Planning Officer introduced the application and drew attention to the two tabled updates which had previously been emailed to Members and added to the website. The updates related to, off-site highway works, further objections received, and amendments to the retail conditions in the report. The Senior Planning Officer reported that a letter had been received from the Lower Medway Internal Drainage Board (LMIDB) reiterating that they had no objections as set-out in paragraph 6.11 of the report. The LMIDB also stated that separate to the planning application, consents were required under the Local Land Drainage Act 1991, and they recommended that the applicant sought that consent prior to determination of this application. The Senior Planning Officer drew attention to paragraph 8.75 of the report which set-out that drainage consent was a separate process and that it was entirely the applicants decision whether they pursued the drainage consents prior to or post planning permission. The Senior Planning Officer concluded that he did not believe the comments impacted on the proposal and reiterated the lack of objection from the drainage board. The Senior Planning Officer sought delegation to approve the application subject to the conditions outlined in the report and the tabled update dated 12 November 2020.

Mr Alastair Close, 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.

Ward Members spoke in support of the application and made comments which included: supported the application and welcomed the economic benefits it would bring to Queenborough; welcomed the improved design; disappointed that Aldi would be closing the Sheerness store; better designed and more in-keeping than a

previous scheme; Aldi had engaged with the local community; disappointed that KCC Highways and Transportation had gone back on their decision to extend the pedestrian/cycle route from Cowstead Corner to Queenborough Corner, as access was one of Queenborough Town Council's concerns; disappointed that no officer from KCC Highways and Transportation was in attendance; disappointed that nobody from Queenborough Town Council was present to speak; it would create better shopping facilities for people on the Isle of Sheppey; and it would create more jobs.

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

- Very good design;
- concerned that the access to the loading bay was difficult requiring a blind side reverse and urged the agent to look into this issue in respect of any future applications;
- why had KCC Highways and Transportation gone back on their decision to provide a crossing to Neats Court?;
- unhappy that the pedestrian and cycle access was not now being provided;
- condition (17) in the report needed to be amended so that landscaping was provided earlier than 12 months after development;
- not providing the pedestrian and cycle path went against the Council's policies DM14 and DM6 and KCC needed to be pushed to ensure it was provided;
- the nearest bus-stop was a long way from the site;
- concerned that there was no safe pedestrian access across the A249 to the site;
- this was a significant supermarket outside of the town centre so pedestrian access was crucial;
- it was the developer's responsibility to fund the pedestrian and cycle access;
- suggested the application be deferred to allow officers to liaise with KCC Highways to address the highway issues.
- referred to Policy DM2 sub paragraph 1 in paragraph 4.4 of the report and stated that as the development was out of centre the Council should push for a pedestrian and cycle route;
- there should be a pedestrian link to the Neats Court development;
- concerned that there would be no safe access across the A249;
- aware of Government funding for provision of pedestrian and cycle footpath;
- important not to lose sight of the economic benefits of the application; and
- needed either a Section 278 agreement or Section 106 agreement between KCC and the developer to secure the cycle and pedestrian route which should be delegated to officers to achieve.

In response to queries from Members, the Senior Planning Officer explained that prior to the application being submitted there had been a request made for a pedestrian crossing from the Neats Court site to this site, however Highways England had said they would not support that for safety reasons. The Senior Planning Officer explained that in respect of the pedestrian and cycle footpath, KCC Highways and Transportation had initially stated that they had costed a scheme for a route from Cowstead Corner to Queenborough Corner at a cost of approximately £132,000 which the developer agreed to fund via a Section 106 Agreement.

However, it was understood that the initial costing of £132,000 was 'optimistic', and the pedestrian/cycle route now proposed, which did not run the full length of Queenborough Road from Cowstead Corner to Queenborough Corner would on its own cost comfortably more than the originally stated figure. KCC Highways and Transportation had confirmed that they would prefer the applicant to carry out the works to provide the scheme via a Section 278 Agreement.

In response to further queries from a Member, the Senior Planning Officer reported that with regard to the pedestrian and cycle route, it was worth noting that adjacent parcels of land were also allocated for employment uses within the Development Plan. He further reported that KCC Highways and Transportation had indicated that for any applications coming forward upon those plots, the developer would be required to provide the footpath alongside their section of land, so in time there was potential that the footpath and cycle path would be achieved. With regard to condition (17), the Senior Planning Officer suggested amending the wording so that landscaping be commenced during the first suitable planting season if Members had concerns regarding timings.

Councillor Elliott Jayes moved a motion to defer the application to allow officers time to discuss highway issues with KCC Highways and Transportation. This was seconded by Councillor Monique Bonney.

In response to a query from a Member, the Planning Team Leader (Mid-Kent Legal) explained the differences between a Section 278 agreement and Section 106 agreement. He stated that Section 278 agreements related to carrying-out work to a highway and could either be carried out by the developer at their expense or KCC at the developer's expense. Section 106 agreements were to mitigate the impact of development by making a contribution to the costs of those works. It was considered by some Members that a Section 278 agreement was required to provide the pedestrian/cycle route.

A Member asked that the following be included in any deferral: look at provision of Electric Vehicle (EV) charging points; installation of solar panels; and consider recycling heat from the freezers if not included as part of the Building Research Establishment Environmental Assessment Method (BREEAM) rating. A Member referred to condition (13) of the report which related to the provision of 15 EV charging points.

The Senior Planning Officer referred to paragraphs 8.77 to 8.80 on pages 299 to 300 of the report which stated that the development would be meeting the requirements of Policy DM19 of the Council's Local Plan and achieve a BREEAM 'very good' rating.

A Member requested that the applicant look at providing suitable space for HGV access onto the loading bays as part of the deferral. A Member asked that a footpath to Neats Court also be included.

A visiting Ward Member raised concern that Members did not lose sight of the economic benefits and positive regeneration of Queenborough which the application provided.

In response to a question from a Member, the Senior Planning Officer stated that if the application was deferred and matters between all parties agreed to condition requiring the pedestrian/cycle route could be imposed to achieve this.

The Head of Planning Services asked Members if they would be happy to delegate the application to officers in consultation with the Planning Chairman and Ward Members rather than deferring the application. Ward Members said that they would be happy with that approach. A Member asked that the delegation include exploring a route from the application site to the existing retail area at Neats Court. The Head of Planning Services stated that he would be happy to include this.

The motion to defer the application was withdrawn by the proposer and seconder of that motion.

The Chairman moved the following addendum: That the application be delegated to officers to approve subject to agreement with Ward Members and Chair of Planning Committee, regarding a footpath/cycle route from Cowstead Corner to Queenborough Corner; and a route from the application site to the existing retail area at Neats Court. This was seconded by Councillor Monique Bonney. On being put to the vote the addendum was agreed.

***Resolved: That application 19/502969/FULL be delegated to officers to approve subject to conditions (1) to (35) in the report as amended by the tabled update dated 12 November 2020; and subject to agreement with Ward Members and Chair of Planning Committee regarding a footpath/cycle route from Cowstead Corner to Queenborough Corner; and a route from the application site to the existing retail area at Neats Court and enter into the requisite agreement or secure an appropriate condition as necessary.***

## **2.9 REFERENCE NO - 19/503278/REM**

### **APPLICATION PROPOSAL**

Approval of Reserved Matters (access, appearance, landscaping, layout and scale being sought) for the erection of 26no. dwellings and a building comprising of 9no. flats.

**ADDRESS** Land To The East Of Ham Road Faversham Kent ME13 7ER

**WARD** Priory

**PARISH/TOWN COUNCIL**  
Faversham Town

**APPLICANT** Penenden  
Heath Developments  
**AGENT** GDM Architects

The Planner introduced the application and drew attention to the tabled update and amended financial viability appraisal from the Council's Independent Financial consultant which had both been previously emailed to Members and published on the Council's website. The Planner explained that the updated financial viability appraisal concluded that the 10% uplift over the building regulation standard for energy efficiency would be achieved by condition (13) of the report. The Planner stated that it amounted to a good outcome for the Council, given the marginal viability of the development.

The Planner drew attention to an error in paragraph 8.07 on page 318 of the report, and stated that it should refer to Appendix II, which was the letter setting out the key financial details, not Appendix B, the applicant's viability study which was not appended to the report. The Planner reported that the applicant had queried the wording in condition (8) on page 320 of the report, and delegated authority was sought to replace the condition with an alternative one dealing with surface water drainage, which better reflected the requirements of KCC Drainage. In particular delegation was sought to impose an updated version of condition (12) on page 330 of the report, but without reference to foul drainage and add reference to the 100 year plus 40% storm.

The Planner concluded that officers were of the opinion that the application should be delegated to officers to approve subject to the amendment to condition (8) as outlined above.

Mr Gavin Ernest, 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.

The Member who had called-in the application stated that he considered 10% energy efficiency was disappointing and would prefer that car chargers not be fitted to the houses, but that money be used to improve the fabric of the building, making them more energy efficient. He explained that there were Government grants available if the occupiers of the dwellings wished to install their own EV charging points. The Member welcomed the affordable housing the applicant would provide.

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

- Welcomed the affordable housing and disappointed about the 10% energy efficiency but it was about balancing the need for affordable housing;
- pleased to see the addition of EV charging points on affordable housing; and
- 35 affordable housing units would be greatly appreciated in the area.

***Resolved: That application 19/503278/REM be delegated to officers to approve subject to conditions (1) to (18) in the report, and the amendments to conditions (8) and (12) as minuted.***

## **PART 5**

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

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- **Item 5.1 – Pebble Court Farm Woodgate Lane Borden - 19/506446/PNPA**

**DELEGATED REFUSAL**

**APPEAL DISMISSED**

- **Item 5.2 – Pebble Court Farm Woodgate Lane Borden - 19/505970/FULL**

**DELEGATED REFUSAL**

**APPEAL DISMISSED**

- **Item 5.3 – Land on the south east side of Bartletts Close, Halfway**  
**COMMITTEE REFUSAL**

**APPEAL ALLOWED & COSTS AWARDED**

A Member stated that it was a disappointing decision which showed that the lack of a five year housing supply and relying on windfall sites would come “undone” in the end.

Another Member urged Members of the Committee to ensure that they gave good reasons when refusing applications.

- **Item 5.4 – 78 Preston Street Faversham**

**DELEGATED REFUSAL**

**APPEALS DISMISSED**

The Chairman welcomed the heritage based objections.

- **Item 5.5 – 69 Church Road Eastchurch**

**DELEGATED REFUSAL**

**APPEAL DISMISSED**

A Member agreed with the officers observations, the decision was not logical.

- **Item 5.6 – Bourne Place Stockers Hill Rodmersham**

**DELEGATED REFUSAL**

**APPEAL DISMISSED**

A Member welcomed the decision and noted it was a delegated refusal.

**253 ADJOURNMENT OF MEETING**

The Meeting was adjourned at:

- 7.03pm and reconvened at 7.13pm; and
- 9.00pm and reconvened at 9.10pm.

Chairman

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