

---

**PLANNING COMMITTEE**

---

**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 28 February 2019 from 7.00pm - 10.39pm.

**PRESENT:** Councillors Mike Baldock, Cameron Beart, Bobbin, Andy Booth (Vice-Chairman, in-the-Chair), Tina Booth (Substitute for Councillor Nicholas Hampshire), Richard Darby, Mike Dendor, James Hall, Harrison, Mike Henderson, James Hunt, Ken Ingleton, Nigel Kay, Gerry Lewin (Substitute for Councillor Bryan Mulhern), Peter Marchington and Ghlin Whelan.

**OFFICERS PRESENT:** Andy Byrne, Philippa Davies, Colin Finch, James Freeman, Andrew Jeffers, Cheryl Parks and Jim Wilson.

**ALSO IN ATTENDANCE:** Councillors Roger Clark, Lynd Taylor and Roger Truelove.

**APOLOGIES:** Councillors Nicholas Hampshire, Bryan Mulhern and Prescott.

525 **EMERGENCY EVACUATION PROCEDURE**

The Vice-Chairman in-the-Chair ensured that those present were aware of the emergency evacuation procedure.

526 **DECLARATIONS OF INTEREST**

No interests were declared.

527 **SCHEDULE OF DECISIONS**

**PART 2**

Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 18/503135/OUT</b>		
<b>APPLICATION PROPOSAL</b>		
Outline application for the development of up to 700 dwellings and all necessary supporting infrastructure including land for provision of a convenience store / community facility, internal access roads, footpaths, cycleways and parking, open space, play areas and landscaping, drainage, utilities and service infrastructure works. (All detailed Matters Reserved for subsequent approval except for access to Lower Road and to Barton Hill Drive).		
<b>ADDRESS</b> Land West of Barton Hill Drive Minster-on-sea Kent ME12 3LZ		
<b>WARD</b> Queenborough And Halfway	<b>PARISH/TOWN COUNCIL</b> Minster-On-Sea	<b>APPLICANT</b> SW Attwood & Partners

*Planning Committee*

*28 February 2019*

		AGENT JB Planning Associates
--	--	------------------------------

The meeting was adjourned from 7.05pm to 7.11pm to allow Members to read the tabled papers, if they had not already done so.

The Senior Planner introduced the application and referred to the tabled papers. He explained that following discussion with the Applicant, there was now agreed wording to conditions (6), (9), (16), (36) and (47). He added that condition (47) on page 44 of the report should refer to Parsonage Farmhouse, not Parsonage Chase. The Senior Planner stated that the site area was 35.7 hectares, not 37.5 hectares as noted on page 2 of the report. In paragraph 8.34, A4 use should also have been included as a potential use of the local facility, as noted in condition (15) in the report.

The Senior Planner indicated the site on the plans and referred to the orchard to the north of the site which was within the site allocation, but was not part of this application. There were three parcels of land within the application that did not fall within the site allocation, including land for sustainable drainage systems (SuDS). The application also included a footpath link to Lower Road.

The Senior Planner outlined the planning constraints in relation to the unallocated land. He explained that all three parcels were classed as open countryside and some of the land to the western and southern sections fell within an important Local Countryside Gap. The Senior Planner stated that the site was near Parsonage Farmhouse which was a Grade II listed building. The development was for up-to 700 dwellings, with all matters reserved, except for matters relating to access to Lower Road and to Barton Hill Drive. The Senior Planner said that the development would consist of a varying density of properties, mostly 2-storey in height, with some 3-storey as well. There would be a central landscaped area, including a ball court, land for a local facility, open spaces, and green corridor areas. There would also be a woodland buffer, with a minimum 20 metre depth to the south and west, and footpath and cycle connections to Lower Road and Parsonage Chase. He concluded by stating that the scheme facilitated road improvements between Barton Hill Drive and Cowstead Corner, and this included road widening and the addition of dedicated footpaths.

Mr Andy Fisher, an objector, spoke against the application.

Mr John Boyd, the Agent, spoke in support of the application.

The Vice-Chairman in-the-Chair invited Members to ask questions, relevant to pages 1 to 33 in the report, and the questions and answers are set-out below.

Page 1

A Member asked as the site *largely* complied with the criteria in the Local Plan, and some of the site was outside the allocated land, why it was being recommended for approval? The Senior Planner explained that the application had not complied with

all the Local Plan criteria, and the report set out in detail why officers had recommended approval.

A Member asked why the application did not conform to the allocated site, and also about the viability of the housing numbers. The Head of Planning acknowledged that the application was not in accordance with the allocation, and Members had to decide whether there was demonstrable harm overall as a consequence. He added that the Viability Assessment indicated that this was a deliverable scheme. There was an issue with lack of land coming forward for development in the Borough, with a lag-time between planning permission being granted and housing being built. The Borough no longer had a 5-year supply which changed the emphasis.

#### Page 3

A Member referred to paragraph 3.02 and requested confirmation as to whether the unallocated land was Grade 3 agricultural land. The Senior Planner explained that Natural England's (NE) website had indicated that it was Grade 3. There had been discussions with the Council's agricultural consultant, and they had advised that it was likely to be Grade 3b. The Senior Planner came to the conclusion that this was not likely to be best and most versatile land.

#### Page 5

The same Member referred to paragraph 4.06 where in accordance with Policy DM31, unless allocated by the Local Plan, that the loss of high quality agricultural land should be avoided. He was not convinced by it being 'not likely' to be best and most versatile land and asked that a test be carried out. The Senior Planner reiterated that NE maps and the agricultural consultant had indicated that it was unlikely to be best and most versatile land.

#### Page 6

A Member questioned whether the landscaped buffer to the south of the site was adequate to mitigate the impact of the development, and the negative impact of this in respect of tourism and views of the area. In the Local Plan, this land had been allocated as open space, with lakes, woodland and no built development. The Senior Planner referred the Member to page 19 of the report, paragraphs 8.26 and 8.27 which set out the landscaping and open space on the site. He explained that the application proposed green open space in the centre of the development instead, and this would be more accessible to the development as a whole. The Senior Planner said the landscape consultant was satisfied with the 20 metre buffer.

#### Page 11

A Member asked how the link to Neats Court would be carried out as there was a dual carriageway way in between, and what proposals were there to reduce congestion at Halfway/MinsterRoad/The Crescent? The Principal Transport and Development Planner (Kent County Council (KCC)) explained that the connection to Neats Court would be via a 3.5 metre wide cycleway to Cowstead Corner from Lower Road. Queenborough Road would also be improved with pedestrian and

cycle routes. In respect of the Halfway junction, he added that consultation would be required with existing residents to establish an agreeable solution. Options could include one of the above three roads would be closed-off, or one made into a one-way street.

A Member asked what a puffin crossing was and how much the contribution of £300 per unit would reduce vehicle movements over a 5-year period? The Principal Transport and Development Planner explained that a puffin crossing was a signal-controlled crossing for pedestrians only. He stated that the £300 was a new incentive for all developments which provided bus or train passes for a period of four months. He added that the purpose of this was to change travel habits and that this could reduce movements by 11-12%.

A Member requested details of the works to address queuing at the Wallend junction to Lower Road. The Principal Transport and Development Planner explained that this would involve the implementation of a right-turn lane.

A Member asked about any improvements to the Cowstead Corner roundabout. The Principal Transport and Development Planner explained that there were ongoing discussions with the landowner over additional land, and it was hoped to have a 70 metre stretch of two lanes on the Lower Road approach.

Page 12

A Member questioned the comments from Highways England (HE) that no more than 250 dwellings should be occupied prior to the M2 Junction 5 works being completed. The Member considered this could be an issue if the junction works were delayed, or did not go ahead, and 250 dwellings would be a disaster viability-wise, and how could the development go ahead with that limitation? He also queried as to whether HE were rejecting any further transport modelling until Junction 5 was complete, and questioned why the application was being considered at this stage? The Principal Transport and Development Planner stated that HE were committed to the junction improvements. The Head of Planning said that Junction 5 of the M2 was up to capacity, and explained that there was a five-year lead time for the development, and the junction was likely to be complete by then. He was not aware of the HE saying that there would be no more traffic modelling until Junction 5 was completed. The Principal Transport and Development Planner explained that HE had not said no more transport modelling, just that they were not accepting more than 250 dwellings being built until the junction was open and available for use.

Page 13

A Member queried the provision of funding for a school in Sittingbourne, rather than the Isle of Sheppey, and the Head of Planning explained that this provision was being made as pupils were more likely to choose to go to a secondary school on the mainland.

A Member referred to paragraph 6.14 of the report with the mention of affordable homes, noting that there were none proposed on the site, and that there was a dangerous road to cross to get to some of the open space south of Lower Road.

The Senior Planner confirmed that there was no provision for affordable housing on the site and that the land to the south of Lower Road would be an area for SuDS drainage and would be unlikely to be used as open space, given the location of this land.

A Member asked whether the Council ever did pay Section 106 monies to Clinical Commissioning Groups (CCGs), and the Head of Planning explained that they were paid from money received from developer contributions, and this was released when the CCG put forward a request with evidence of the project to be funded, at trigger points throughout progress of the development.

A Member stated that there was mention of 5% affordable housing, and the Senior Planner drew his attention to page 29 of the report, and that the viability appraisal modelled 5% affordable housing, and this had indicated that this could not be delivered.

A Member stated that as soon as the dwellings were occupied, this put pressure on the health service and funding should be released to the health providers. The Head of Planning Services explained that the Section 106 funding was for capital, not revenue funding. The NHS/CCG would identify projects with the Section 106 Agreement, in accordance with CIL regulations.

A Member asked whether there were time limits for the money to be claimed by the CCG, before it went back to the developer? The Head of Planning explained that the funding would be phased from first occupancy of the dwellings, the funding did not always go back to the developer, but could do after 10 years of the development being completed.

A Member asked in relation to the SuDS how much of the area was available for open space? The Senior Planner explained that the second SuDS area to the west could be available for recreational use, and there was a balance between open SuDS and general amenity space, with the potential for them to be combined. If the southern SuDS area was removed from the open space, the total would be 10.5 hectares.

Page 14

A Member considered that with 700 dwellings, funding for sports facilities should be on-site, rather than to the nearby rugby club. The Senior Planner explained that there was provision for informal play facilities within the site, more formal facilities would require the addition of changing facilities. The rugby club was 200 metres from the application site, and could be used by residents of the new development, and this was acceptable to the Council's Green Spaces Manager.

Page 16

A Member queried the importance, as stated, of the Local Countryside Gap, and should the land if it was that important, remain as a Countryside Gap? The Senior Planner explained that the Gap was important as a tool to avoid coalescence between different urban areas. The main reason in this instance that development

was acceptable was that the Gap sat in a recess, along the site allocation boundary, and the built form did not go further west than the existing boundary line.

A Member questioned what was meant by the 'potential' for a local shop/community facility? The Senior Planner explained that a building could not be built if there was no market appetite for its use. He added that incentives were in place to make it a reality.

A Member asked how the development met the exceptions in Policy ST3 of the Local Plan which required a site outside an allocated area to contribute to protecting and enhancing landscape settings, tranquillity and beauty of the countryside and asked how this development met this criteria? The Senior Planner drew the Member's attention to paragraph 8.11, and acknowledged there would be some conflict with Policies ST3 and DM25 of the Local Plan. The Member considered the exception policy was being overridden at will. The Senior Planner explained that priority was given to the Development Plan unless there were reasons not to; on very large schemes there might be conflict with some policies, and it was a case of finding a balance.

Page 17

A Member asked if the two parcels of land allocated under Policy A12, and not included in this application could come forward for development in the future. The Senior Planner confirmed that they were still part of the Local Plan allocation.

A Member referred to the tabled paper from Consilium and asked about the status of the land mentioned in the paper in relation to the application site. The Senior Planner explained that pre-application talks had taken place, and he had advised that under Policy A12, the orchard should be retained, and he confirmed that an application for the site had not been received to-date.

A Member asked that if the land referred to in paragraph 8.13 was not available to purchase so the road could be widened, would KCC Highways and Transportation have objected to the application? The Principal Transport and Development Planner explained that the application would have to be re-assessed if that was the case.

Page 18

A Member asked what the contribution was following consultation with local residents on the masterplan? The Senior Planner explained that the consultation had taken place in May 2018, and the statement of community involvement from the applicant had been taken into account when the application was submitted.

Page 19

A Member asked for clarification on the tabled Landscape Impact Update, and the Senior Planner explained that some more detailed feedback was needed from the Council's Landscape Consultant, but there were indications that there were no significant issues remaining.

A Member asked why Members had not seen a masterplan or development brief for this application, as they could sometimes assist in making a decision. The Senior Planner explained that there was a development brief and site parameter plans which gave overarching principles of the development. He referred to condition (6) which required a design code for each stage of the development which would set further principles for the development.

Page 20

A Member asked whether the £200,000 in paragraph 8.33 towards the cost of the local facility, included everything required to build the building, and who would make up the shortfall if there was one? The Senior Planner acknowledged that it might cost more than £200,000, but considered this amount to be substantial. He added that exact terms regarding this within the Section 106 Agreement had not been finalised. If an occupier came forward, they would 'bridge the gap', but if no one came forward and there was no market interest, this facility might not be provided. The Head of Planning explained that the £200,000 would not be lost, it would go towards the new secondary school if it was not used.

A Member considered the orchard land was overgrown orchard and the Senior Planner agreed that it had probably not been managed for a number of years.

A Member considered the local facility should be a **minimum** of 650 square metres (reference condition (15)), and considered that building costs could be £1,000 per square metre. The Senior Planner did not know the true cost of construction, but considered £200,000 to be a substantial amount.

A Member suggested that a contribution be made instead to the adjoining development's community building.

Page 21

A Member considered residents would still need to use their cars to get to train stations, and there was no incentive to cut down on car use. The Principal Transport and Development Planner said there were incentives, plus cycle routes on the development, and bus stops being secured within the site, all with the aim of encouraging alternative options for travel.

A Member requested further information on the views that would result due to the topography, and the positioning of open spaces. The Senior Planner explained that the Design Review Panel had considered this, in an aim to remove or adapt the buffer landscaping to promote views. He acknowledged that there would be some visual impact, particularly on the top half, which was less likely to be mitigated by landscaping screening. The Member also said that there was demonstrable harm to the view from within the site as well.

A Member spoke on the beauty of the Isle of Sheppey, and its open views, and that this would be lost. The Senior Planner explained that sites needed to be found for housing through the Local Plan, and that officers sought to minimise the impacts.

## Page 22

A Member asked who paid for the bus services and who kept them going and at what stage were residents given the vouchers? The Principal Transport and Development Planner explained that bus vouchers were provided, and the bus routes would go where there was demand. He said that the route would be delivered in Phase 1, and vouchers given out when the dwellings were purchased, and triggered when the bus route commenced. These would provide income to the bus operators.

## Page 26

A Member asked how realistic the transport assessment figures were for vehicle movements to and from the site. The Principal Transport and Development Planner explained the process of collecting data from an existing development and projecting them for the proposed development.

## Page 29

A Member asked why the viability assessment had not been included with the report. The Senior Planner explained that these assessments were now in the public domain, and so freely assessable to view.

A Member asked what happened if the assumed 18% margin was not realised by the developer? The Senior Planner explained that the viability assessment predicted the modelling carried out based on 18% returns to the developer. There was no re-course to the developer if the 18% was not achieved.

## Page 30

A Member asked why no air quality testing had been done along Lower Road to see whether there was an impact on residents? The Major Projects Officer referred to paragraph 6.30 on page 15 of the report, and that it was not an issue of concern on the Isle of Sheppey, and so not necessary to carry out an air quality assessment. The Head of Planning added that there was not an Air Quality Management Area on the Isle of Sheppey.

## Page 32

A Member considered bio-diversity was an important issue which had been ignored. The Senior Planner referred the Member to page 12 of the report where KCC Ecology and NE had stated no objection to the scheme. He considered the bio-diversity value to be limited, and added that tree planting and landscaping could provide bio-diversity on the site. The Member stated that it was a requirement of the Local Plan to improve bio-diversity. The Senior Planner acknowledged the importance of bio-diversity and referred the Member to condition (39) in relation to achieving ecological enhancements on the site.



Page 33

The Principal Transport and Development Planner confirmed that the amount towards bus/train/cycle vouchers was £350 per dwelling.

A Member asked that it be ensured that the Council got a significantly large sum to monitor the Section 106 Agreement and conditions for the full period that they lasted. The Senior Planner explained that a sum would be sought to reflect the application size.

The Senior Planner explained that the larger figure of £945 for bin contribution to flats was because these were the large communal bins.

The Vice-Chairman in-the-Chair moved the officer recommendation to approve the application and this was seconded by Councillor Cameron Beart.

A Ward Member spoke against the application. He raised the following points: there was an over-riding fact that this development was being rushed so that funding for the road improvements could be achieved; there would be a cumulative effect on the Isle of Sheppey as a result of the development; concerned with the HE terms that no more than 250 dwellings be occupied prior to the M2 Junction 5 works being completed; there was other housing on the Isle of Sheppey due to come forward as well; the roundabout at Cowstead Corner had helped and there were less queues; the increased width of Lower Road was not a significant change; the application was premature; and cannot support it. These views were endorsed by the other two Ward Members, and they added that this was not worth it, it was just for the road funding, and that the views on the Isle of Sheppey needed to be preserved.

An adjoining Ward Member spoke against the application and raised the following points: the new roundabout had helped, but the test would be when the holiday sites re-opened on 1 March 2019; loss of views; there were some inaccuracies in the report; and the orchard was dead. Another adjoining Ward Member spoke on the application and raised the following points: there were planning permissions outstanding for 1,000 houses in the area; the infrastructure had not developed in-line with housing development; there were good schools and a cottage hospital; the bus service was terrible; improvements were needed on the road to Cowstead Corner; did not like developing land like this; did not like the development being here but we needed a planning consideration to refuse it; this was allocated in the Local Plan; the development could help with the addition of shops, and the hospital could develop further; and did not like to approve it, but should look at all the things that it would bring to the area.

The Committee debated the proposal to approve the application, and raised the following points:

- The majority of the site was allocated for housing within the Local Plan;
- the main parts not within the allocated site were green spaces anyway;
- the additional 2.1 acres for the additional 80 houses with the benefits the development would bring outweighed the reasons for not approving;
- if refused, the road widening would not take place;

- 553 -

*Planning Committee**28 February 2019*

- 620 dwellings were in the Local Plan, if it did not go ahead, 620 houses could be built on a future application, but without the extra infrastructure which would have a massive impact on residents;
- have not been convinced with the answers I have received;
- allocation in Local Plan that was not viable was an unsettling situation;
- there was a potential for even more housing if other sites in the allocation came forward;
- not happy with how this had been handled, it should have been plan-led;
- hard to believe the predicted morning traffic movements;
- impact on Cowstead Corner would be severe;
- the improved roads would once again get full with traffic;
- funds should not go to a Sittingbourne school, the school on the Isle of Sheppey should be improved instead;
- not happy with the community building situation, the developer should build the shell;
- needed a traffic assessment of our own;
- needed to consider that this land would be developed at some point, but do not think this was the right time;
- not happy with the SuDS area south of the Lower Road being an amenity space as well, the true amenity space on the site was significantly less than promised and less than in the Local Plan;
- Junction 5 of the M2 was functioning over capacity already, so this application was premature, if the junction improvements did not go ahead or were delayed, there would only be the 250 houses, which would not be viable for the developer;
- housing was needed, but there were 1,000 dwellings already approved to be built on the Isle of Sheppey already;
- did not need this before the next three to five years, and the improvement at Junction 5 should have been completed by then;
- could not turn down flat, as 620 were allocated in the Local Plan, but should refuse as this was premature;
- damage to the Countryside Gap;
- the Section 106 Agreement mitigated a lot of issues, it should be adjusted and maximised and come back to the Planning Committee for a decision to be made on the final agreement;
- a masterplan and development brief were important so that Members could visualise what was being agreed;
- the road improvements should have already been carried out, and the Isle of Sheppey should have had the same chances as other parts of Kent;
- there was a pressure to approve because of the improvements to the infrastructure, felt 'bribed'/'bullied' to approve;
- the developers could afford the Section 106 monies, more should be negotiated;
- Swale was viewed as a 'soft touch' by developers;
- homes for social rent were needed;
- negative cumulative effect;
- regarding the school contribution to Sittingbourne, there was no KCC school on the Isle of Sheppey in any case;

*Planning Committee*

*28 February 2019*

- there was no delivery date for the completion of the improvements to Junction 5, so the HE could say at an appeal that they would still deliver the improvements;
- needed to consider the Local Plan, there was no material consideration to refuse;
- significant benefits outweighed some of the negatives of the application;
- there were 1,000 dwellings approved in the parish of Minster alone, without those in Queenborough;
- this would increase car movements, and the road network was already struggling; and
- harm to the unique landscape.

Councillor Mike Baldock moved the following amendment: That the Section 106 Agreement came back to the Planning Committee for the final decision. This was seconded by Councillor Nigel Kay. The Head of Planning reminded Members that there were timing issues with regards to the funding of the road improvements, and so the application was time-dependent, with the potential of the funding not going ahead. He added that if the application was deferred the funding would be lost. He suggested therefore that officers met with the Chairman and Ward Members to determine the final Section 106 Agreement, rather than bring back to the Committee.

The Vice-Chairman in-the-Chair moved the following amendment: That officers met with the Chairman and Ward Members to determine the final Section 106 Agreement, rather than bring back to the Committee. This was seconded by Councillor Nigel Kay.

A Member suggested that if the application was approved that condition (15) be amended to state the convenience store be a minimum of 500 square metres, and up to 650 square metres; that condition (23) be amended to markedly reduce the number of dwellings built before a puffin crossing was provided; and that conditions (42) and (43) be amended to read 'types', rather than 'type'.

**In accordance with Council Procedure Rule 19(2) a recorded vote was taken on the motion to approve the application, plus amendment, and voting was as follows:**

**For:** Councillors: James Hunt, Nigel Kay, Gerry Lewin and Ghlin Whelan. Total equals 4.

**Against:** Councillors Mike Baldock, Cameron Beart, George Bobbin, Andy Booth, Richard Darby, Mike Dendor, James Hall, Tina Booth, Harrison, Mike Henderson and Peter Marchington. Total equals 11.

**Abstain:** Councillor Ken Ingleton. Total equals 1.

At this point the Head of Planning used his delegated powers to 'call-in' the application.

*Planning Committee*

*28 February 2019*

---

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

**528 SUSPENSION OF STANDING ORDERS**

At 10pm and 10.30pm 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