
LOCAL PLAN PANEL

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 14 March 2019 from 7.00pm - 9.52 pm.

PRESENT: Councillors Mike Baldock, Monique Bonney, Andy Booth, Richard Darby, James Hunt, Gerry Lewin (Chairman), Peter Marchington and David Simmons.

OFFICERS PRESENT: Alan Best, Philippa Davies, Gill Harris and Jill Peet.

ALSO IN ATTENDANCE: Councillors Bowles, Mike Cosgrove, Nicholas Hampshire, Roger Truelove, Ghlin Whelan and Tony Winckless.

APOLOGY: Councillor Bryan Mulhern.

558 EMERGENCY EVACUATION PROCEDURE

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

559 MINUTES

The Minutes of the Meeting held on 29 November 2018 (Minute Nos. 369 – 373) were taken as read, approved and signed by the Chairman as a correct record.

560 DECLARATIONS OF INTEREST

Councillor Andy Booth declared a Disclosable Non-Pecuniary Interest as he was Chairman of Swale Community Leisure Limited. He advised that if this was discussed, he would not take part in the debate.

Councillor Monique Bonney declared a Disclosable Non-Pecuniary Interest as she was Chairman of the Five Parishes Opposition Group.

561 RETAIL AND LEISURE NEEDS ASSESSMENT

The Principal Planning Officer introduced the report which provided the evidence base to assist in the formulation of future development plan policy, as well as providing baseline information to assist in the determination of planning applications for retail and leisure development. The Assessment superseded the previous 2010 Retail and Town Centre Study.

Specialist consultants were commissioned to assess the retail and commercial leisure needs for the Borough up to the period 2037/8. As part of the brief they also looked at the 'health' of the town centres and reviewed the retail hierarchy. She drew attention to the key findings and recommendations set out from page 116 of the report. She summarised the findings and reported that there was capacity for additional convenience floorspace in Sittingbourne and Sheerness, but not for

Faversham; and there was capacity for additional comparison (non-food) floorspace in Sittingbourne, Sheerness and Faversham, and they had identified capacity for between 7 and 9 gyms. The consultants concluded that the health of the town centres was good, with a range of shops and services, facilities, state of the environment, and access to and within the centres. However, for a number of reasons, including the unpredictability of the retail sector, they considered the good health of the Borough's town centres was in the balance. They had consequently recommended that the Council adopted a locally set threshold of 500 square metres, instead of 2,500 square metres set out in the National Planning Policy Framework (NPPF) before the requirement for a retail impact assessment set in. So any applications that came in for retail or leisure on sites not in the town centre, those larger than 500 square metres would need an impact assessment. At the moment only schemes of 2,500 square metres required an impact assessment. This lower threshold would give the Council the flexibility needed to test the impact implications of edge of centre proposals of both leisure and retail. The Principal Planning Officer also reported that other information provided was the current retail hierarchy set out in Policy DM2 of Bearing Fruits. She explained that in Swale there were two levels of centres: the town centres were the primary focus, with a number of local centres meeting the day-to-day needs of local communities. The consultants had concluded that Rushenden should be removed from the hierarchy as it did not function in the way that other local centres did because it did not have their range of facilities. They had also recommended 'tweaks' to the town centre boundaries and to the primary shopping areas to better reflect what was on the ground, i.e. where there was a concentration of retail.

The Principal Planning Officer summarised and explained that the information in the study provided base-line evidence for the town centre and for retail policies for the Local Plan Review. She read out the recommendations and stated that these would be used as a tool in advance of progressing with the Local Plan.

The Chairman invited Members' comments on the key findings and recommendations. He added that flexible policies were needed going forward to allow for progress.

A Member referred to page 118 of the report – Indoor Sport/Health & Fitness, and stated that there was no evidence base for a music venue, it was not asked in the questions and considered this had been severely missed, and added that one was needed in the Borough. He read out the responses for the need for a cinema (24%) and those wanting 10-pin bowling (17%), the second most popular facility and questioned why this had been dismissed, and with only 1% wanting gym facilities, but a need for 7 to 9 additional gyms had been identified. The Principal Planning Officer explained that a key factor in determining what facilities were needed was by the current presence of a facility within the vicinity, plus the travel times to that facility. There was a measure for the demand for the facility needed before it became viable.

A Member suggested that the cinema could be used for other activities and suggested the door be 'left open' for a potential alternative use in the future. She referred to paragraph 2.18, and asked what town centres were competing against, whether other local towns or larger shopping centres, or the Internet?

She suggested this information was needed so that policy could be set. The Member also sought clarification in paragraph 2.16 about what was meant by retail service units? Also, with regard to the 500 square metres, she asked for an example of that size building in the town centre for comparison. She considered that if a use fell under that threshold that there could be proliferation of drive-thru facilities, which she spoke against. The Principal Planning Officer explained that competition, referred to in paragraph 2.18 referred to the main centres respondents mentioned in the questionnaire responses. The Borough was not able to compete with 'higher order' town centres, but the Borough had its own uniqueness, and remained competitive to similar town centres within the Borough and nearby. She explained that retail services were those providing a particular service, for example beauty. The same Member referred to page 124 of the report and considered there was a shortage, not over-supply of car parking. She considered reference to the perception of safety and CCTV needed to be checked, following the decision made by Full Council on the CCTV cameras within the Borough. The Principal Planning Officer provided a comparison of 1100 square metres for a small supermarket in Sittingbourne, in relation to the 500 square meters threshold. She explained in terms of car parking, that as there was not a pool of shops in Swale to attract people, it was still possible to increase the 'health' of a town centre by encouraging people to stay longer. The car parking strategy would also be looked at as part of the Supplementary Planning Guidance (SPG). The Spatial Planning Manager explained that there had been a briefing on this and a draft would be submitted to the Panel, possibly in June 2019.

A Visiting Member considered that although the Panel was asked to note the report, it did not necessarily mean that Members agreed with it. He considered that some of the recommendations from page 116 were 'way out of order'. He thought the Local Plan must look at specific policies to retain more people in Swale, rather than residents using facilities outside the Borough, and to increase the level of comparison shopping inside the Borough.

The Principal Planning Officer reminded Members that this was evidence, not policy, to get details and direction.

Another Visiting Member referred to paragraph 2.15 in the report and considered the primary shopping area in Faversham should be widened to include up to Abbey Street and include the library on Newton Road, and the two town supermarkets to give a better sense of where people were and their journeys.

A Member referred to paragraph 12.5.3 on page 122 of the report (and a typing error) and the changes in the town centre boundaries around residential properties and the implication of that? The Principal Planning Officer explained that the National Planning Practice Guidance review of town centre boundaries reflected what was happening in respect to residential areas within town centres. She explained that the sentence should read '....main town centre **uses**....'.

A Visiting Member noted that the Government's findings on retail space/commercial space were a lot more pessimistic than the figures within the report, and he hoped these figures were correct. He acknowledged having retail policies, and subsequently drew attention to the loss of retail facilities in villages.

A Member asked why a small supermarket was not included within the Primary Shopping Area in Sittingbourne? The Principal Planning Officer explained that the Primary Shopping Area included areas where retail was concentrated. The benefit of a tighter Primary Shopping Area boundary was that it gave more flexibility when looking at opportunities for the whole town. The Member considered by excluding the supermarket, and making it a residential area, made this use weaker to sustain. The Principal Planning Officer explained that this approach was taken so not as to put 'all the eggs in one basket'. She said that it was a balancing act, and the shopping area needed to stay vibrant, with areas of non-retail use as well.

Recommended:

(1) That the content of the Retail and Leisure Needs Assessment Study be noted as part of the Local Plan Review evidence base to be used in shaping the planning strategies for the Borough's town centres and town centre policies.

(2) That Cabinet adopts, as a material consideration, a local threshold of 500 square metres for retail/leisure floorspace proposals outside of designated centres to require an impact assessment of the proposal as set out in paragraph 89 of the NPPF.

562 CONSIDERING THE ROLE OF NEW GARDEN COMMUNITIES WITHIN THE LOCAL PLAN REVIEW

The Principal Planner introduced the report which presented the current state of the work undertaken by officers and consultants Peter Brett Associates and Land Use Consultants, and sought a steer on whether work on new garden communities should continue. He drew Members' attention to Appendix I which included the consultant's draft assessment, with key issues, assessment and recommendations. From page 266, the appendices to the consultant's report and the assessments for each individual submission was included. Appendix II showed the landscape work to inform the assessment work. The Principal Planner explained that work on this had been carried out in the past year and was about the challenges of meeting the Council's development needs. In February 2018, PBA had submitted their 'Choices for Housing Growth' report to the Council, and a Swale New Garden Communities (NGC) Prospectus was published. He explained that the report this evening was about whether progress on NGCs had been sufficient for them to be a possible option for the Council to consider as part of the Local Plan review.

The Principal Planner introduced Richard Pestell from PBA who gave a presentation, a summary of which is outlined below.

Emerging Findings

- The next Local Plan needed to achieve 1,050 dwellings per annum (dpa) which was not negotiable and might even be more than this;
- the 'Choices for Housing Growth' document tested the feasibility of Garden Communities in Swale; and
- there had been five expressions of interest for the Garden Communities, and four sites were included in the Prospectus.

Assessment Process

- The sites were not being recommended at this stage;
- the Assessment Process looked at deliverability, with risks and issues being flagged up;
- extensive feedback from consultees was considered;
- this was about de-risking the four options prior to a decision being made on their implementation; and
- the process had benefits for the Council in that it could shape any early proposals, and check and challenge before a decision was made.

Key Issues

- Looked at potential non-starters on technical grounds, such as highway constraints;
- timing and viability – slippage for Swale was a major problem so needed to get viability and deliverability addressed before any sites went forward, with a detailed viability assessment being carried out for all the sites;
- Transport – Garden Communities themselves might assist as they offered the chance for more infrastructure funding. However, there were no show-stopping issues in terms of transport; utilities work was still ongoing; and
- Landscape and Environment – all four sites had impacts; independent landscape consultants confirmed these, and offered possible ways to mitigate them. It was about addressing issues early on in the process.

Summary

The assessment process was not about making a decision. When the time came for the decision to be made, this could be done knowing there was lots of evidence behind it. However, at this point in time, there were no 'showstoppers'.

The Principal Planner explained that the decision this evening was not about the individual sites, but the concept and he drew Members' attention to paragraph 2.20 in the report. Members were not being asked to allocate a site, but bring Garden Communities forward to see their role within the Local Plan. He said that Garden Communities were a distinctive alternative to other housing schemes. This process endeavoured to see if the sites were available, suitable and deliverable. He added that they were available – with four schemes proposed; they were suitable at the moment, and were deliverable.

The Principal Planner gave an overview of the three recommendations in the report. These collectively would allow the progress of including New Garden Communities as reasonable housing alternatives. In respect of recommendation (c), he explained that the proposed New Garden Communities Council resolution was intended to reduce uncertainties, and drew Members' attention to paragraphs 3.8 and 3.9 in the report. He added that a word was missing: the third line should read: '....comprehensive **way**....'

The Principal Planner outlined the next steps which included a steer on spatial options (Summer 2019); the agreement of options for consultation (Autumn 2019);

publication of a Draft Local Plan (Autumn 2020); the Local Plan Examination in Public (Spring 2021); and adoption of the Local Plan (Summer 2023).

The Chairman invited Members to debate the recommendations in the order of (b), (a) and then (c) and the following points were made:

Recommendation (b)

- Concerned that there was considerable development on first class agricultural land, and stating that there was a lot of this type of land was a poor reason for doing so;
- what was 'rush money'?
- what were the legal implications of the resolution in paragraph 3.9?
- there was a risk that one of the four sites might be rejected, and there might be a challenge by the developer;
- needed to understand that the risks in relation to transport issues were significant for the four sites, and these would get worse, with worsening air quality;
- it would be beneficial to include the economic aspect of the sites as this progressed;
- seemed in principle that they were very carefully sited locations, carefully designed and complete communities;
- there was a lot to commend as a NGC would prevent urban sprawl across the Borough;
- happy for work to be continued;
- hoped all four options did not come forward, there were show-stoppers on all of them;
- there was a danger that the risks were so bad and spending years on this and nothing happened, when other more deliverable sites could have been looked at;
- considered that totally different strategies could have been put forward;
- suggest say 'no' to this route and get a better strategy;
- this was just giving this 'the nod', the decision had already been made;
- without NGC to meet housing targets, there would be major development throughout the Borough which was unacceptable;
- securing the Northern Relief Road, and improvements to Junction 5 of the M2 were essential before this goes ahead;
- paragraphs 9.22 and 9.23 summarised the situation very well;
- risk was not always bad, it helped to keep the focus;
- relationships with existing communities was critical;
- positive that highway issues were being embraced;
- utility issues needed to be addressed;
- caution needed on increasing impact on already busy infrastructure;
- did not like how this was being dealt with by the Council, the developers were getting too many 'bites of the cherry';
- all four options posed significant highway issues;
- had not seen any detailed transport modelling;
- before this goes forward, needed to see other options, this was too premature;

- too much money was being spent on consultants;
- viability issues;
- not happy with the report and the evidence;
- brownfield sites should be used first;
- NGC could help 'fix' a lot of the issues raised in the consultation;
- highway issues would come up with whatever alternative strategy was chosen;
- there were major problems in different parts of the Borough, ruling out NGC was not the right option; and
- needed to achieve the housing numbers and look at solutions which would change the infrastructure.

Mr Pestell explained that 'rush money' was the situation when a lot of money was put into a scheme and, as a result, it was realised quicker. He acknowledged that highways was the biggest risk, but explained the benefits of de-risking, spotting issues early and keeping Highways England (HE) informed so that they could mediate at an early stage.

The Principal Planner explained that this recommendation gave developers the confidence of engaging with New Garden Communities.

The Principal Planner explained that the Council was not neglecting alternative options, and other sites would be brought forward for housing allocation. He stated that there were no show stoppers at this point. He said that there was always a residual amount of risk, but added that the huge advantage of this process was that the risk was being 'flushed out' early in the process.

The Principal Planner explained that alternative options would be brought to the Panel later in the year so there would be a full picture of potential land allocation. He said that NGC was potentially the most complex strategy and advised that Rushenden was put forward as a NGC but had not met the criteria, and was moved into the Strategic Land Availability Process so could get to the Local Plan allocation via that route.

In accordance with Council Procedure Rule 19(2) a recorded vote was taken on Recommendation (b), and voting was as follows:

For: Councillors Andy Booth, James Hunt, Gerry Lewin, Peter Marchington, Roger Clark and David Simmons. Total = 6.

Against: Councillors Mike Baldock, Monique Bonney and Richard Darby. Total = 3.

Abstain: 0

Recommendation (a)

- The NGCs would bring more housing than what was actually needed up to 2038;
- questioned why rate of delivery of houses needed to increase (page 199 of report);

- if this goes ahead, do not limit to just four, better sites might come up in the future;
- considered only one or two of the four sites would come forward; and the Local Plan gets reviewed every five years in any case;
- health care had not been considered;
- the size and scale of the NGC needed to be looked at;
- Junction 5 upgrade needed to be added to NS1 option (page 198); and
- this looked like it was a foregone conclusion.

Recommendation (c)

The Principal Planner acknowledged that the wording of the proposed resolution was 'tricky', and drew Members' attention to paragraph 3.8 of the report. This would mean that land within the submission area would be a material consideration in the planning process. He considered it was a useful message to send out to developers and land owners.

Members comments included:

- Could not see the benefit of the additional recommendation on page 207 of the report;
- not right to consider a planning application on the basis that a NGC might or might not come through;
- this was limiting and premature;
- detrimental effect on the planning process;
- would be more effective once the NGC route had been taken;
- legal advice was needed on the resolution;
- the resolution did not protect the Council, and could have a negative impact, i.e. in the appeal process;
- protection of the Local Plan was at stake;
- urged caution on what had been suggested;
- was important to involve the public, community engagement needed to be increased;
- seemed that by accepting NGCs as a material consideration this became a means of preventing other applications coming forward; and
- did not support as it stood.

The Principal Planner explained that he did not read the resolution as saying that the Council would consider NGC, but that it was just a process and Local Plan-led. He added that the resolution had been designed to assist Members with their position when making a decision.

The Principal Planner suggested the resolution be given further consideration by officers, together with legal advice.

Councillor Mike Baldock proposed: That recommendation (c) be deferred. This was seconded by Councillor Monique Bonney. On being put to the vote, the motion was agreed.

Recommended:

(a) That the draft technical assessment material in Appendix I and II be noted and its finalisation and publication be agreed.

(b) That work on new garden communities continued in order that their position be considered as a potential option(s) for the Local Plan Review process.

(c) That the recommended resolution on new garden communities for decision-making purposes noted on page 207 of the report be deferred for further consideration and legal advice.

563 LOCAL PLAN REVIEW PROCESS UPDATE AND POTENTIAL OPTIONS

The Principal Planning Officer introduced the report which provided an overview of the local plan review process moving towards the preparation of the formal Regulation 18 Issues and Options consultation document currently scheduled to take place this autumn. She explained that this was the evidence gathering stage, and Appendix I to the report outlined the evidence so far and the headline figures.

Members debated the three recommendations and made the following comments:

- It was unwise to continue to look at Junction 5a of the M2 until delivery of improvements at Junctions 5 and 7;
- did not support Recommendation (2); and
- reference to Council Minute No. 151 of 26 July 2017 in Recommendation (3) was misleading and flawed.

Councillor Mike Baldock moved the following motion: That Junction 5a not be advanced until Junctions 5 and 7 were improved and the M2 widening secured. This was seconded by Councillor Monique Bonney. On being put to the vote the motion was lost.

In accordance with Council Procedure Rule 19(2) a recorded vote was taken on Recommendation (3), and voting was as follows:

For: Councillors Andy Booth, James Hunt, Gerry Lewin, Peter Marchington, Roger Clark and David Simmons. Total = 6.

Against: Councillors Mike Baldock, Monique Bonney and Richard Darby. Total = 3.

Abstain: 0

Recommendations:

(1) That the report, which provided an update on the current position in the local plan review preparation process including an update on the evidence, be noted.

(2) That work on new garden communities continues in order that their position be considered as potential options for the Local Plan Review process.

(3) That further to Council Minute No. 151 of 26 July 2017 which aimed to deliver M2 junction 5a, A2/M2 link road, completion of the Northern Relief Road and Southern Link, investigation of potential strategic options that will deliver this infrastructure and wider benefits, subject to evidence and Sustainability Appraisal be agreed.

564 RECORD OF THANKS

Alan Best was leaving the Council after 32 years and the Chairman wished him well. He was thanked for all his work over the years and Members applauded.

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