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## EXTRAORDINARY PLANNING COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Wednesday, 25 January 2023 from 7.00 pm - 9.41 pm.

**PRESENT:** Councillors Monique Bonney, Lloyd Bowen, Steve Davey, Tim Gibson (Chair), James Hall, Mike Henderson, James Hunt, Peter Marchington, Ben J Martin, Richard Palmer (Substitute for Councillor Elliott Jayes), Ken Rowles, Paul Stephen, Tim Valentine and Tony Winckless.

**PRESENT (Virtually):** Councillors Elliott Jayes and David Simmons .

**OFFICERS PRESENT:** Simon Algar, Flo Churchill, Philippa Davies, Andrew Lainton, Cheryl Parks and Ceri Williams.

**OFFICERS PRESENT (Virtually):** Kellie MacKenzie.

**ALSO IN ATTENDANCE:** Councillors .

**ALSO IN ATTENDANCE (Virtually):** Councillors Mike Baldock, Carole Jackson and Roger Truelove.

**APOLOGIES:** Councillors Richard Darby, Oliver Eakin, Elliott Jayes and David Simmons.

### 609 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

### 610 **One-Minute Silence**

A one-minute silence was held in memory of Councillor Cameron Beart, a member of the Planning committee, who had recently died.

### 611 **New member of the Planning Committee**

It was announced that Councillor Cameron Beart's position on the Planning Committee had been filled by Councillor Lloyd Bowen.

### 612 **Declarations of Interest**

No interests were declared.

## 613 Schedule of Decisions

<b>2.1 REFERENCE NO - 22/503418/OUT</b>		
<b>APPLICATION PROPOSAL</b>		
Outline Application with access matters sought for the development of up to 16 dwellings and all necessary supporting infrastructure including internal access roads, footpaths and parking, open space and landscaping, drainage, utilities and service infrastructure works. (Matters of appearance, landscaping, layout and scale are reserved for future considerations; except for access to Tonge Road.)		
<b>ADDRESS</b> Land at Tonge Road Sittingbourne Kent ME9 9BD		
<b>WARD</b> Murston	<b>PARISH/TOWN COUNCIL</b> Within Murston Parish which no longer has a Parish Council.	<b>APPLICANT</b> Fenrose Ltd <b>AGENT</b> Carter Jonas LLP

The Major Projects Officer introduced the application as set out in the report and referred to the tabled paper.

James Delafield, the agent, spoke in support of the application.

The Chair moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

A Ward Member spoke against the application.

Councillor James Hall moved a motion for a site meeting. This was seconded by Councillor Richard Palmer. On being put to the vote, the motion was agreed.

**Resolved: That application 22/503418/OUT be deferred to allow the Planning Working Group to meet on site.**

<b>2.2 REFERENCE NO - 22/502834/EIOUT</b>		
<b>APPLICATION PROPOSAL</b>		
Outline application for up to 380 residential dwellings (including affordable homes) and 450 sqm of Use Class E/F floorspace, together with associated open space, play space, and landscaping (All matters reserved except for access).		
The application is supported by an Environmental Impact Assessment, Parameter Plans and Design Guidance and Code.		
<b>ADDRESS</b> Land West Of Church Road Bapchild Tonge Kent		

<b>WARD</b> Teynham And Lynsted	<b>PARISH/TOWN COUNCIL</b> Tonge	<b>APPLICANT</b> Trenport East Hall Park Ltd <b>AGENT</b> Knight Frank
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The Major Projects Officer introduced the application as set out in the report and referred to the tabled paper.

Parish Councillor Gill Beer, representing Tonge Parish Council, spoke against the application.

Parish Councillor Paul Townson, representing Teynham Parish Council, spoke against the application.

Glyn Middleton, an objector, spoke against the application.

Roland Bass, the Agent, spoke in support of the application.

A visiting Ward Member spoke against the application.

The Chair moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

A Ward Member who was also a member of the Planning Committee spoke against the application.

Members considered the application and the points raised included:

- Welcomed the affordable housing included within the application;
- welcomed the improved bus service, but concerned with what would happen to it after three years when the support stopped;
- the surrounding rural country lanes were not suitable for this size of development;
- this would bring additional pressure on GP services;
- worried that the retail unit would not be added to the development;
- this was not an estate, but more like a village, but none of the amenities expected in a village were included;
- concerned with the access to the site and that it would become a giant cul-de-sac;
- the development would have an impact on other nearby developments in terms of additional traffic;
- this was encroaching into the countryside;
- the amount of housing proposed was more than what was allocated for this site;
- there should be more affordable housing within the development;
- the site was too close to the Grade I Listed Church of St Giles, Tonge;
- improved infrastructure was needed before construction commenced;
- clarification sought on the allocated land safeguarded for the Sittingbourne Northern Relief Road (SNRR);
- this was a very complicated application, being considered alongside the Local Plan Review and the Council not having a 5-year housing supply;
- Kent County Council (KCC) Highways and Transportation were happy with the application, and so it would be difficult to refuse on highway grounds;

- did not consider the application was compliant with policy MU2 of the Local Plan;
- clarification sought as considered conditions (1) and (2) in the report conflicted with each other;
- considered the application site was in close proximity to Tonge Conservation Area;
- there could be issues of parking on rural lanes as a result of the development;
- concerned with the phasing and trigger points within the application;
- Section 106 monies needed to be delivered early on in the development;
- the design and layout needed to be improved;
- there were too many houses proposed for this site, more than was allocated in the Local Plan;
- would like clarification as to whether the officer considered there was any justification for turning the application down;
- this application was too premature, the SNRR needed to be completed prior to development of the site;
- this was an unsustainable site;
- traffic would end up going through Air Quality Management Areas (AQMA), with a detrimental effect on air quality;
- there were highway safety issues;
- infrastructure needed to be in place before building commenced;
- confirmation was needed on the colouring of each of the phases indicated on page 194 of the report;
- clarification needed on what would happen in terms of the Section 106 Agreement if only Phases 1 & 2 were built;
- energy efficiency needed to be considered;
- Teynham school was already at full capacity; and
- there would be an accumulative impact of issues arising from a development like this.

The Major Projects Officer responded and explained the following: that there would be no development on the land safeguarded for the SNRR for up to 20 years (with a review after 10 years) unless an alignment was agreed in the Local Plan Review or if the principle of safeguarding was dropped from the revised draft Local Plan; the three potential routes that the SNRR could take; the principle of housing on the site had been established; the tilted balance applied to this site; and the position of Policy AS1 in terms of the different phases of the housing and the SNRR.

The Senior Lawyer (Planning) explained that role of the Council was to facilitate and collect any developer contribution monies, but that it was not in control of delivering the infrastructure projects that were listed in a Section 106 agreement and were the responsibility of other statutory providers.

The Interim Head of Planning Services explained that on the map on page 194 of the report, pink indicated Phase 1; yellow, Phase 2; purple, Phase 3; and blue, Phase 4.

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

There was some discussion on the precise reasons for refusal and the Interim Head of Planning Services reminded Members that the site was allocated for housing in the extant Local Plan.

Councillor James Hunt moved the following motion: That the application be refused on the grounds that it did not comply with Policy MU2 of the Local Plan and also relating to Policy AS1 because Phase 2 would encroach into the safeguarded land within AS1 and without the SNRR coming forward, it would be of poor design, contrary to Policy 130 of the National Planning Policy Framework, and that the road being a long cul-de-sac would not comply with that policy on design. This was seconded by Councillor Lloyd Bowen.

The Major Projects Officer advised that the resilience of a long cul-de-sac and the absence of the SNRR could be a reason for refusal.

The Chair invited the Design and Conservation Manager to speak on the heritage issues of the site. He advised that some low-level harm to the church and Tonge Farm could be identified. Some mitigation measures had been put forward which could help to improve the condition of the church. He considered the heritage harm to be less than substantial and suggested that it would be difficult to sustain heritage as a reason for refusal at appeal, and that the public benefits outweighed the heritage harm. In response to a question, he explained that the SNRR aligned in Phase 2 would bring the road close to the church, but there would be significant screening, and less harm than housing.

A Member suggested the reasons for refusal be that the application was premature and should not go ahead until the future of the SNRR was settled. In response, the Interim Head of Planning Services explained that this reason would be difficult to defend as the application site was within the extant Local Plan.

At this point the meeting was adjourned so that officers could discuss the potential reasons for refusal in order to advise the Committee on their robustness and defensibility at an appeal if the developer was so minded.

After some advice from the Interim Head of Planning Services and the Senior Planning Lawyer, the proposer and seconder withdrew their motion.

Councillor James Hunt moved the following motion: That the application be deferred to allow officers to take counsel's opinion on which of the identified potential reasons for refusal were sustainable at appeal. This was seconded by Councillor Lloyd Bowen and on being put to the vote the motion was agreed.

***Resolved: That application 22/502834/EIOUT be deferred to allow officers to take counsel's opinion on which of the identified potential reasons for refusal were sustainable at appeal.***

<b>2.3 REFERENCE NO - 20/506066/OUT</b>
<b>APPLICATION PROPOSAL</b> Outline application for the development of up to 14 no. residential dwellings with associated parking and landscaped areas (all detailed matters are reserved for future consideration).
<b>ADDRESS</b> Land at Lomas Road Bapchild Kent ME9 9BD

<b>WARD</b> Teynham And Lynsted	<b>PARISH/TOWN COUNCIL</b> Tonge	<b>APPLICANT</b> Bowl Reed Enterprises Ltd <b>AGENT</b> Mark Carter Design
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The Major Projects Officer briefly introduced the application and said that it could not be determined until the access details set out in application 22/502834/EIOUT (2.2) had been resolved.

Councillor Lloyd Bowen moved the following motion: That as the application could not be determined until the resolution of application 22/502834/EIOUT, it be deferred until such a time that application 22/502834/EIOUT had been resolved. This was seconded by Councillor Ben J Martin and on being put to the vote the motion was agreed.

***Resolved: That application 20/506066/OUT be deferred until such a time that application 22/502834/EIOUT had been resolved.***

#### 614 **Adjournment of Meeting**

The Meeting was adjourned from 7.09 pm until 7.19 pm and from 9.05 pm until 9.24 pm.

#### Chair

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