

Extraordinary Planning Committee

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Tuesday, 6 August 2024 from 7.00 pm - 11.00 pm.

PRESENT: Councillors Mike Baldock (Chair), Andy Booth, Lloyd Bowen (Substitute for Councillor James Hunt), Hayden Brawn, Ann Cavanagh (Substitute for Councillor Kieran Golding), Simon Clark, Elliott Jayes (Vice-Chair), Claire Martin, Ben J Martin, Richard Palmer, Paul Stephen, Terry Thompson, Angie Valls, Karen Watson and Tony Winckless.

OFFICERS PRESENT: Billy Attaway, Paul Gregory, Megan Harris, Joanne Johnson, Guy Martin, Luke Simpson, Carly Stoddart and Ceri Williams.

OFFICER PRESENT (VIRTUALLY): Surinder Atkar.

ALSO IN ATTENDANCE: Councillor Tara Noe.

ALSO IN ATTENDANCE (VIRTUALLY): Councillor Carole Jackson.

APOLOGIES: Councillors Kieran Golding, James Hunt and Julien Speed.

154 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

155 **Declarations of Interest**

Councillor Ann Cavanagh declared a Non-Pecuniary Interest in respect of Items 2.1, 2.2 and 2.3, as she was a Ward Member. Councillor Cavanagh said she was not pre-determined and took part in the debate for these items.

Councillor Mike Baldock declared a Non-Pecuniary Interest in respect of Items 2.1, 2.2 and 2.3 as he sat on Borden Parish Council. Councillor Baldock said he had not taken part in the Parish Council's discussion on the applications and stayed for the debate of these items.

156 **2.1 - 23/505420/REM Land at Wises Lane, Borden**

2.1 REFERENCE NO 23/505420/REM		
APPLICATION PROPOSAL		
Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale sought) for creation of the eastern spine road (Phase 2D), pursuant to 17/505711/HYBRID.		
ADDRESS Land At Wises Lane Borden Kent ME10 1GD		
WARD	PARISH/TOWN COUNCIL	APPLICANT Karen Dunn
Borden and Grove Park	Borden	AGENT DHA Planning

The Planning Consultant introduced the application as set out in the report.

The Chair moved the officer recommendation to approve the application, and this was

seconded by Councillor Andy Booth.

Oonagh Kerrigan, the Agent, spoke in support of the application.

Lee Small, an Objector, spoke against the application.

The Chair invited Members to make comments and points raised included:

- The officer's report stated that a recommendation was made, following a badger survey carried out recently, but could not see the survey in the officer's report;
- concerned that other organisations and Members did not have sufficient time to read the late survey;
- sought clarity on the location of the roundabout on Borden Lane;
- sought clarity on the path the construction traffic would take to get to the site;
- concerned that the pre-allocated small residential roads of the spine road would pre-determine Members at future committees if this application was approved;
- the development was approved three years ago by the planning inspector and it was Members responsibility to make sure the development was suitable for the local area;
- the possible dead-end created by the spine road posed anti-social behaviour issues;
- when did the developer plan to complete the junction improvements?; and
- were there any wildlife crossings within the road networks to allow for suitable migration of the different species on the site?

The Planning Consultant responded to Member's points and said there were no wildlife underpasses on the proposed road networks and the badger survey contained confidential information, which had been shared to all relevant parties, including the Borden Wildlife Group on 31 May 2024 for comments.

The Planning Consultant showed the location of the roundabout proposed for Borden Lane. Councillor Tony Winckless moved the following motion: That an extra condition be included which required the construction traffic to use the new link road at Chestnut Street, Sittingbourne, to access the site rather than using Wises Lane, Sittingbourne. The motion was seconded by Councillor Simon Clark. On being put to the vote, the motion was carried. Councillor Simon Clark requested that haulage firms be told the route they were required to take before any works commenced on the site.

With regards to the residential roads coming off the spine road, the Planning Consultant said the developer would have looked at the location of the roads before submitting the application to ensure that it would take into account the layout for future residential phases. She added that if changes to the location of those roads were to be required when the details were fully worked up, then it was likely it could be dealt with as a non-material or minor material amendment at that time, when the reserved matter application came forward.

The Team Leader (Planning Applications) responded to the points raised about the completion of the junction works and read out condition (26) from the outline consent. The condition read that: No more than 421 dwellings shall be occupied within the development until the spine road between Wises Land and Borden Lane and the roundabout connection to Borden Lane had been constructed to an adoptable standard and made available for public use.

Councillor Tony Winckless moved the following motion: That an extra condition be included which required construction traffic to use the new link road at Chestnut Street, Sittingbourne, to access the site rather than using Wises Lane, Sittingbourne, and that haulage firms be told the route they were required to take before any works started on the site. This was seconded by Councillor Simon Clark. On being put to the vote, the motion was carried.

The Chair was concerned that Members did not have all the information they required to make a decision on the impact the site would have on the badger setts and proposed a site visit should be undertaken for Members to understand the extent of the impact the road would have to wildlife. This was seconded by Councillor Richard Palmer. On being put to the vote, the motion was lost.

The Chair invited Members to make further comments, and points raised included:

- Referring to paragraph 5.3 of the officers report, could the Council provide an extra condition that required any changes to the Public Rights Of Way (PROW) order be made available to the public before any changes were made?;
- sought clarity on how the dead-end to Cryalls Lane would be managed;
- the spine road could cause serious problems for the migration of species given that four green spaces would be separated; and
- the applicant should have worked with the local resident groups to conduct the badger survey together to ensure all parties had the necessary expert opinions.

The Planning Consultant responded to the points raised and said that Members could not add such a condition to the PROW diversions, as these were covered by different legislation. However, she advised that an informative could be included.

With regards to the dead-end, she said that the developer had told officers they planned to provide secure fencing before the dead-end, to stop any use of the dead-end until the full connection to Borden Lane, Sittingbourne, was completed.

Resolved: That application 23/505420/REM be approved as per the recommendation in the report with the additional condition as minuted.

157 2.2 - 24/500856/REM Land at Wises Lane, Borden

2.2 REFERENCE NO 24/500856/REM		
APPLICATION PROPOSAL Approval of reserved matters (Access, Appearance, Landscaping, Layout, and Scale sought) for levels and earthworks changes for Phase 2F and the Primary School Land pursuant to 17/505711/HYBRID		
ADDRESS Land At Wises Lane Borden Kent ME10 1GD		
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Karen Dunn AGENT DHA Planning

The Planning Consultant introduced the application as set out in the report.

Oonagh Kerrigan, the Agent, spoke in support of the application.

The Chair moved the officer recommendation to approve the application, and this was seconded by Councillor Andy Booth.

The Chair invited Members to make comments and points raised included:

- Concerned that the works could damage the hedgerows;
- sought assurance from the officer that the land levels would be completed as proposed, as there had been previous applications in the past when the developer had not delivered on what was promised;
- did not understand why the developer needed to level the landscaping in the open space area of the site;
- concerned that changing the levels of the land in the open space area would harm the visual amenity of the site;
- the 'levelling' of the site was not needed for people to walk along the open space as people already walked across those fields;
- could Members agree the change of levels for the school development and not the open space part of the site?;
- the least disruption to the wildlife and natural habitat, the better;
- could a condition be added for the wildlife buffer to be created first, before any 'levelling' of soil took place?;
- thought it was sensible to move soil from one location on the site to another location on the site rather than remove from the site to maintain consistency; and
- had real concerns with the disturbance to wildlife.

The Planning Consultant responded to points raised and explained to Members that condition (44) of the report, referred to the Tree Protection measures that would be put in place to ensure protection of the hedgerows. She added that the applicants' intentions were to provide a more gentle sloping of the open space to make it more accessible for people to use the space and that there was no provision for a sports field to be made.

The Planning Consultant explained that the developer wanted to provide a more gentle slope allowing increased accessibility. It was for the Committee to decide whether the proposal was acceptable in planning terms and whether there was any harm.

The Planning Consultant advised that the application could not be approved in part and refused in part.

With regards to the wildlife buffer, the Planning Consultant explained to Members that this was not something that would normally be added prior to works as it would be difficult for the applicant to protect the new wildlife buffer, whilst the works were being carried out, as the trees and bushes would not have time to mature in their setting. This would usually be something that the applicant would carry out once the disturbance to the ground works had completed.

Councillor Terry Thompson moved the following motion: That an additional condition be added for the wildlife buffer to be created, before the earthwork's construction was started to minimise the impact to the wildlife. This was seconded by the Chair. On being put to the vote, the motion was carried.

Councillor Tony Winckless moved the following motion: That an additional condition be included which required the construction traffic to use the new link road at Chestnut Street, Sittingbourne, to access the site rather than using Wises Lane, Sittingbourne,

and that haulage firms be told the route they were required to take before any works commenced on the site. This was seconded by Councillor Simon Clark. On being put to the vote, the motion was carried.

The Vice-Chair moved the following motion: That the application be deferred to allow officers to negotiate with the applicant to explore the possibility of re-levelling the land needed for the school site, rather than the open space area of the site. This was seconded by Councillor Richard Palmer. On being put to the vote, the motion was agreed.

Resolved: That application 24/500856/REM be deferred to allow officers to negotiate with the applicant to explore the possibility of re-levelling the land needed for the school site, rather than the open space area of the site.

158 **2.3 - 23/502210/FULL Land On Either Side of Vigo Lane & Wrens Road, Sittingbourne**

2.3 REFERENCE NO 23/502210/FULL		
APPLICATION PROPOSAL Construction of a solar farm together with control building, switch room, substations and compound, point of connection equipment, store room, access track, security measures, associated infrastructure and works, landscaping and biodiversity enhancements.		
ADDRESS Land on Either Side of Vigo Lane and Wrens Road, Sittingbourne, Kent, ME9 8LA		
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Industria Solar Vigo Ltd. AGENT Wardwell Armstrong LLP

The Planning Officer introduced the application as set out in the report.

William Mulvany, the Agent, spoke in support of the application.

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

The Chair invited Members to make comments and points raised included:

- The principle of the application was very good as the Borough needed to create its own renewable energy;
- Concerned that the land lost would be Grade 1 agricultural land;
- there was a real need to think about the future of agricultural farming in the Borough as there was a shortage of it across the country;
- solar farms should only be placed on land that was of lower grade quality, rather than high quality;
- solar farms were a good example of providing clean, greener energy to the residents of Swale;
- concerned with the glares onto the motorway but happy with the mitigations that the applicant had proposed;

- it would take 15 years for the screening to grow and this was too long for solar panels which would be on the site for 40 years;
- this was the wrong location to place solar panels;
- disappointed that the Kent County Council (KCC) Highways and Transportation team had not considered the impact the solar panel glares would have on the Oad Street road, Sittingbourne, as well as the motorway.
- understood that there was a real need for renewable energy, but had concerns with the PROW officer's opinion that the right-of-way could be too narrow for users;
- was not convinced that there was a social and economic value to the site;
- solar panels should be placed on homes, car parks and other buildings in the borough, not on agricultural farmland; and
- 60% of our food was imported and the Council needed to stop the industrialisation of farmland to grow our own organic food in the Borough.

The Planning Consultant advised that the glint was not an issue for Oad Street as the panels were south facing and tilted away from Oad Street.

The Planning Consultant confirmed that the PROW officer's comments in terms of the widths of the PROW were not entirely addressed.

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

The Chair moved the following motion: That the application be refused and delegated authority be given to officers to agree the wording of the reason(s) for refusal with the Chair and Vice-Chair. This was seconded by Councillor Richard Palmer. On being put to the vote, the motion for refusal was carried.

Resolved: That application 23/502210/FULL be refused as per the reason(s) to be agreed with the Chair and Vice-Chair.

159 **2.4 - 24/501424/FULL Flat 3 231-235 High Street, Sheerness**

This item was withdrawn from the agenda and it was agreed that officers dealt with the application under delegated powers.

160 **2.5 - 24/501489/ADV Parcel G Harps Farm, Thistle Hill Way, Minster**

2.5 REFERENCE NO 24/501489/ADV		
APPLICATION PROPOSAL		
Advertisement Consent for 2no. totem signs, 4no. flags and flag poles, and 2no, fascia signs		
ADDRESS Parcel G Harps Farm, Thistle Hill Way, Minster-on-sea, Kent		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-on-sea	APPLICANT Jones Homes (Southern) Ltd AGENT Rosie Dennis (DHA Planning)

The Senior Planning Officer introduced the application as set out in the report.

Rosie Dennis, the Agent, spoke in support of the application.

Parish Councillor Tom Nundy, representing Minster-on-Sea Parish Council, spoke against the application.

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

The Chair invited Members to make comments and points raised included:

- Were the flag poles fixed or operated by a pulley system?;
- developments across the country had signs and flagpoles similar to this proposal so this was something residents started to expect when a new development was being constructed;
- Members needed to be mindful that the Council had lost a recent appeal for advertisements relating to a housing development; and
- could the Council request that the developer offered the used flagpoles to local community groups once they were no longer required so the flagpoles could be repurposed.

The Senior Planning Officer responded to the points raised and said that the flags were in a fixed position. The Team Leader (Planning Applications) stated that a condition could be added, however it would need to be worded in such a way that allowed local groups to be asked as to whether they wanted the flagpoles but did not insist that the flagpoles were re-used, as this would be outside the control of the applicant.

Resolved: That application 24/501489/ADV be approved as per the recommendation and conditions in the report with an additional condition relating to the re-use of the flagpoles.

161 2.6 - 24/500823/FULL Jimmy G's Amusements, The Promenade, Leysdown

2.6 REFERENCE NO 24/500823/FULL		
APPLICATION PROPOSAL		
Continued use of the rear external area for the siting of children's fairground rides and associated attractions, for a temporary period of two years (retrospective).		
ADDRESS Jimmy G's Amusements The Promenade Leysdown Sheerness Kent ME12 4QB		
WARD Sheppey East	PARISH/TOWN COUNCIL Leysdown	APPLICANT Mr Godden AGENT N/A

The Senior Planning Officer introduced the application as set out in the report.

Councillor Tara Noe, spoke as a Ward Member against the application.

Jeremy Godden, the Applicant, spoke in support of the application.

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

The Chair invited Members to make comments and points raised included:

- Two years ago, the Committee had given permission for a temporary permission based on previous complaints from local residents, but yet these complaints were still being made;
- sound barriers had continually been suggested but not installed at the site, could a condition be placed to have sound barriers installed on the site?;
- Leysdown was an area of the Borough that was always vibrant and loud during this time of the year;
- amusement parks in this area provided key income for the local area;
- the applicant needed to work with the planning enforcement officers to better understand the mitigations that could be carried out to the site to limit the noise complaints from local residents;
- the houses that backed onto the amusement park had been there for 10+ years and the business had been operating since the 1950s so the sound levels had always been apparent;
- concerned that local businesses were constantly being controlled by new housing;
- thought that the enclosing of the park would help with the sound issues, but understood an application had recently been refused;
- there were other amusement and arcade parks near the surrounding houses so closing this one down would not affect the noise levels; and
- understood that the amusement park had operating hours of 10 am until 7 pm which was reasonable and that the noise probably came from the surrounding buildings after those hours.

Resolved: That application 24/500823/FULL be approved as per the recommendation and conditions in the report.

162 **2.7 - 23/504718/FULL The Vicarage, 101 The Street, Boughton under Blean**

2.7 REFERENCE NO 23/504718/FULL			
APPLICATION PROPOSAL			
Erection of two detached dwellings with solar panels, associated access, parking, landscaping, bin and shed/cycle stores.			
ADDRESS The Vicarage 101 The Street Boughton Under Blean Kent ME13 9BG			
WARD	PARISH/TOWN COUNCIL	APPLICANT	Diocesan
Boughton and Courtenay	Boughton under Blean	Enterprises Ltd	
		AGENT Bishops Planning	

The Senior Planning Officer introduced the application as set out in the report.

Parish Councillor Sarah Moakes, representing Boughton-under-Blean Parish Council, spoke against the application.

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

The Chair invited Members to make comments and points raised included:

- The dwellings should be a similar design to those in the area, rather than the biggest building the developer could fit onto the land;

- there was a need for more bungalows in the area;
- the proposal was overdevelopment of the area; and
- could the officer clarify whether Strategic Access Management Monitoring strategy (SAMMs) payment had been made.

The Senior Planner confirmed that the SAMMs payment had been made.

In response to a question, the Team Leader (Planning Applications) set out the national and Local Plan policy position upon development within residential gardens and how the scheme had been assessed in relation to the character and appearance of the area.

Resolved: That application 23/504718/FULL be approved as per the recommendation and conditions in the report.

163 3.1 - 23/505783/FULL Dickens Inn, Fourth Avenue, Eastchurch

3.1 REFERENCE NO 23/505783/FULL		
APPLICATION PROPOSAL Subdivision of existing first floor flat to create 2no. flats, including erection of a first floor side extension with 2no. dormers and rear roof extension with associated external staircase. Demolition of existing lean-to and pergola, and erection of a single storey side extension to provide public house snack bar.		
ADDRESS Dickens Inn, Fourth Avenue, Eastchurch, Kent, ME12 4EW		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mr & Mrs B Trask AGENT Refine Architecture

The Senior Planning Officer introduced the application as set out in the report.

Bernard Trask, the Applicant, spoke in support of the application.

The Chair moved the officer recommendation to approve the application, and this was seconded by Councillor Andy Booth.

The Chair invited Members to make comments and points raised included:

- What was the situation with the recent approval of four holiday cottages that were on the site?;
- the proposal was for a permanent residency, not temporary which was the standard policy required for the designated holiday park area;
- the development met the policy requirements of a public house extension;
- thought that this was a sustainable approach to providing a service to a holiday park;
- made more sense for the flats to home the workers of the public house, rather than the workers travelling to the site;
- could a condition be placed that tied the occupants of the flats to the business use of the public house?
- this was a sensible proposal made by a local business to improve their custom; and
- sometimes the policy did not always apply to every application, and it was the Committee's responsibility to know when it was suitable to go against policy.

The Senior Planning Officer responded and informed Members that the four holiday cottages had been approved in a different application as they were for temporary accommodation rather than permanent residency.

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

The Team Leader (Planning Applications) suggested that if Members were putting 'weight' on the benefits of the occupants of the residential unit working at the associated business, then a condition could be imposed requiring there to be a link between the occupant and the business.

The Vice-Chair moved the following motion: That a condition be placed on the application that tied the occupants of the flats to the business use of the public house. This was seconded by the Chair. On being put to the vote, the motion was lost.

The Chair moved the following motion: That the application be approved as it was a legitimate sustainable extension of a public house and it was in line with policies ST6 & DM3, that SAMMs payment be made and delegated authority be given to officers to issue a decision notice with the standard worded conditions. This was seconded by the Vice-Chair. On being put to the vote, the motion was carried.

Resolved: That application 23/505783/FULL be approved subject to SAMMs payment and that delegated authority be given to officers to issue a decision notice with the standard worded conditions.

164 Adjournment of Meeting

The meeting was adjourned at 9.11 pm until 9.27 pm.

165 Extension of Standing Orders

At 10 pm, 10.30 pm and 11 pm Members agreed to the suspension of Standing Orders in order that the Committee could complete its business.

Chair

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