
Planning Committee

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Monday, 5 June 2023 from 7.00 pm - 9.43 pm.

PRESENT: Councillors Mike Baldock (Chair), Andy Booth, Derek Carnell (Substitute for Councillor Elliott Jayes), Simon Clark, Kieran Golding, James Hall, Mike Henderson, James Hunt, Peter Marchington, Claire Martin, Charlie Miller, Julien Speed, Paul Stephen, Terry Thompson, Angie Valls, Karen Watson and Tony Winckless.

PRESENT (VIRTUALLY): Councillor Elliott Jayes (Vice-Chair).

OFFICERS PRESENT: William Allwood, Billy Attaway, Matt Duigan, Paul Gregory, Joanne Johnson, Cheryl Parks and Ceri Williams.

OFFICERS PRESENT (VIRTUALLY): Simon Algar and Kellie MacKenzie.

ALSO IN ATTENDANCE: Councillor Lloyd Bowen.

ALSO IN ATTENDANCE (VIRTUALLY): Councillors Monique Bonney, Ann Cavanagh and Carole Jackson.

APOLOGY: Councillor Elliott Jayes.

58 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

59 **Declarations of Interest**

Councillor Julien Speed declared a Disclosable Non-Pecuniary Interest in respect of Deferred Item 1 22/502835/EIOUT Land West of Church Road Bapchild Tonge Kent.

60 **Deferred Items**

Reports shown in previous Minutes as being deferred from that Meeting.

DEF ITEM 1 REFERENCE NO 22/502834/EIOUT		
APPLICATION PROPOSAL		
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		
ADDRESS Land West of Church Road Bapchild Tonge Kent		
WARD Teynham and Lynsted	PARISH/TOWN COUNCIL Tonge	APPLICANT Trenport East Hall Park Ltd AGENT Knight Frank

The Area Team Leader introduced the report as set out in the report and referred to an error at the end of paragraph 2.1 which read 168 dwellings, but should read 212 dwellings.

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

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

Glynn Middleton, an objector, spoke against the application.

Roland Brass, the applicant, spoke in support of the application.

A visiting Ward Member spoke against the application.

The Chair advised Members that there was a tabled update for Members to read but it contained confidential information and if Members wished to discuss the information on the tabled update, they would need to go into closed session. There was a short adjournment to allow Members to read the exempt item.

Exclusion of the Press and Public

Resolved:

(1) That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of schedule 12A of the Act:

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

There was further discussion in the closed session.

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

Resolved: That application 22/502834/EIOUT would have been approved subject to conditions (1) to (33) as set out in the report and the completion of a section 106 agreement to include the heads of terms as set out in the reports, tabled updates and officer presentation.

DEF ITEM 2 REFERENCE NO 22/503418/OUT
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APPLICATION PROPOSAL

Outline Application with access matters sought for 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).
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ADDRESS Land at Tonge Road Sittingbourne Kent ME9 9BD		
WARD Murston	PARISH/TOWN COUNCIL Within Murston Parish which no longer has a Parish Council	APPLICANT Fenrose Ltd AGENT Carter Jonas LLP

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

A visiting Ward Member 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:

- When Members visited the site, the developer explained that refuse collections would be made at the narrowest point of the road, and this was a concern for pedestrians trying to cross the road;
- commented that the narrowing of the road was unsustainable;
- had safety concerns regarding the crossing point as the road had a 60mph speed limit where pedestrians regularly crossed;
- asked for clarification on the actual width of the proposed widening of the road;
- wanted clarification as to whether a footpath was separate to the widening of the road;
- thought that the developer needed to provide a zebra crossing to make it safe for pedestrians to cross; and
- could not understand why Kent County Council (KCC) Highways & Transportation did not recommend lowering the speed limit and installing a zebra crossing.

The Planning Consultant responded to points raised and said that the proposed new width of the road would be 5.5 metres wide and there would also be a footpath installed. He added that KCC Highways did not feel that it was necessary to force the developer to provide a zebra crossing so it would be difficult for Members to condition the developer to install a zebra crossing. KCC Highways & Transportation had not planned a zebra crossing or a change of speed limit signage for the junction but there had been a suggestion from Swale Borough Council (SBC) for that a zebra crossing could be installed.

The Senior Lawyer (Planning) advised Members that a Section 278 was a contract between the developer and KCC Highways & Transportation that required both parties to agree with the works proposed. She said that if KCC did not feel that it was necessary for a zebra crossing to be placed on this site then it would be difficult for the contract to be agreed. This would make the potential imposition of a condition or a planning obligation difficult in respect of the relevant required tests, notably in respect of reasonableness.

Councillor James Hunt said that there were real concerns about pedestrians crossing and accessing the site and proposed that a condition should be added to require the developer to seek to install a zebra crossing. This was seconded by the Chair.

On being put to the vote the proposal to add the extra condition was agreed.

Councillor James Hunt was also concerned about the speed limit on the road of the site and proposed that condition (22) of the report be reworded to require the developer to also make an application to KCC to reduce the speed limit of the road to 40 mph.

This was seconded by the Chair and on being put to the vote the proposal for the amendment to condition (22) was agreed.

Resolved: That application 22/502834/EIOUT be approved subject to conditions (1) to (23) as set out in the report including the change of wording for condition 22 and the requirement for the developer to seek to install a zebra crossing.

61 **Exclusion of the Press and Public**

Resolved:

(1) That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 5 and 7 of Schedule 12A of the Act:

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

7. Information relation to any action in connection with the prevention, investigation or prosecution of crime.

62 **Report of the Head of Planning Services**

Part 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO 22/505990/FULL		
APPLICATION PROPOSAL		
Temporary change of use of land for the provision of a marshalling compound for commercial vehicles, including a welfare cabin and creation of vehicular accesses and 40 staff car parking spaces, for use in conjunction with the regulation of construction traffic accessing Cleve Hill Solar Park.		
ADDRESS Land Between the A299 Staple Street Road and Whitstable Road Graveney Kent ME13 9HT		
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Graveney with Goodnestone	APPLICANT Mr David Fisher AGENT Hobbs Parker Property Consultants

The Area Team Leader introduced the application as set out in the report.

Steve Davies, 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:

- How many vehicles were estimated to come through the site?;
- what was the width of the road at the junction and was the site access going to be widened to accommodate the large Heavy Goods Vehicles (HGV) coming in and out of the site;
- replacing agricultural land for a lorry park was far from ideal but was forced into this decision due to a decision for a solar park to be installed in the countryside;
- thought that this was the best of a bad situation;
- page 239 of the report referred to noise pollution and sought clarification as to why there was not an extension of acoustic fencing to minimise the noise from the generator on the site;
- wanted to know why there was no electric charger spaces on the site?;
- wanted to ensure that the welfare cabin was not habitable;
- could solar panels be placed on the site to avoid the need of a generator?; and
- was the site lighting being powered by the generator during daylight hours.

The Area Team Leader responded by presenting Members with plans and layouts of the width of the road, and that KCC Highways & Transport had considered that the width to be suitable for HGV traffic. The Environmental Health Team considered that an acoustic barrier was limited to the generator and the site was located 65 meters away from the nearest residential building.

The Area Team Leader referred to the lack of electric vehicle charging points and said the reasons these were not provided was because this was a temporary permission and the site would be returned to agricultural land once no longer required.

Councillor Andy Booth asked the officer if it was possible to add an extra condition to restrict the use of the welfare cabin to ensure it could not be habitable. The Area Team Leader suggested that a condition could be added but if approved separate planning permission would be required to use the cabin as a residential unit. Councillor Andy Booth moved the motion that an extra condition should be improved to not allow the welfare cabin to be used as a residential unit. This was seconded by the Chair and on being put to the vote was agreed.

Resolved: That the application 22/505990/FULL be approved subject to conditions (1) to (19) as set out in the report and the additional condition be imposed requiring that the welfare cabin to be used as a residential unit.

63 Adjournment of Meeting

The Meeting was adjourned from 8:36 pm until 9:06 pm.

Chair

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