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## Planning Committee

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 7 November 2024 from 6.00 pm - 8.33 pm.

**PRESENT:** Councillors Lloyd Bowen (Substitute for Councillor Julien Speed), Hayden Brawn, Simon Clark, Charles Gibson (Substitute for Councillor Ben J Martin), James Hunt, Elliott Jayes (Vice-Chair, in-the-Chair), Peter Marchington, Tara Noe (Substitute for Councillor Andy Booth), Chris Palmer (Substitute for Councillor Mike Baldock), Richard Palmer, Hannah Perkin (Substitute for Councillor Claire Martin), Paul Stephen, Terry Thompson, Karen Watson and Tony Winckless.

**OFFICERS PRESENT:** Matt Duigan, Russell Fitzpatrick, Ian Harrison, Joanne Johnson, Kellie MacKenzie, Michael Rhimes and Ceri Williams.

**OFFICERS PRESENT (VIRTUALLY):** Clare Lydon and Emma Wiggins.

**ALSO IN ATTENDANCE:** Councillors Mike Baldock, Monique Bonney, Julien Speed and Sarah Stephen.

**ALSO IN ATTENDANCE (VIRTUALLY):** Councillor Dolley Wooster.

**APOLOGIES:** Councillors Mike Baldock, Andy Booth, Kieran Golding, Claire Martin, Ben J Martin and Julien Speed.

### 372 **Vice-Chair in-the-Chair**

Councillor Elliott Jayes (Vice-Chair) took the chair for this meeting and would be referred to as 'Chair' for the remainder of these minutes.

### 373 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

### 374 **Minutes**

The Minutes of the Meeting held on 10 October 2024 (Minute Nos. 329 – 340) were taken as read, approved and signed by the Chair as a correct record subject to the following amendment to Minute No 336 (2.3 22/502086/OUT Land east of Scocles Road, Minster): ***That application 22/502086/OUT be deferred to allow the Chair and Vice-Chair in conjunction with the Labour and Conservative spokespersons meet with the applicant, the relevant Swale Borough Council (SBC) officers and Kent County Council (KCC) officers to make the application ready for a committee decision, and that an independent traffic survey be undertaken.***

### 375 **Declarations of Interest**

No interests were declared.

### 376 **3.1 - 21/503906/EIOUT - Land to the West of Teynham, London Road, Teynham, Kent**

#### **Schedule of Decisions**

**PART 3**

Applications for which **REFUSAL** is recommended.

**3.1 REFERENCE NO – 21/503906/EIOUT**

**APPLICATION PROPOSAL**

Northern Site - Outline Planning Application for the phased development of up to 97.94 hectares at Highsted Park, Land to West of Teynham, Kent, comprising of. Demolition and relocation of existing farmyard and workers cottages. Up to 1,250 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3), up to 2,200 sqm / 1 hectare of commercial floorspace (Use Class E(g)). Mixed use local centre and neighbourhood facilities including commercial, business and employment floorspace (Use Class E) non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including a primary school (Use Class F1(a)), open space, green infrastructure, woodland and community and sports provision (Use Class F2)). Highways and infrastructure works including the completion of a Northern Relief Road: Bapchild Section, and new vehicular access points to the existing network, and associated groundworks, engineering, utilities and demolition works.

**ADDRESS** Land to The West of Teynham, London Road, Teynham Kent.

<p><b>WARD</b> Teynham and Lynsted</p>	<p><b>PARISH/TOWN COUNCIL</b> Teynham</p>	<p><b>APPLICANT</b> Quinn Estates Kent Ltd, G.H. Dean &amp; o Ltd, Attwood Farms Ltd, Attwood Trustees, and AG Kent Holding BV. <b>AGENT</b> Montagu Evans LLP</p>
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The Chair reported that the Secretary of State had informed officers just less than three hours before the meeting, that under Section 77 of the Town and Country Planning Act 1990 they were calling in the application. He explained that this meant the Council were no longer the determining authority but could still inform the Secretary of State what the Council’s decision would have been. This would also form the basis of the Council’s response to the Inquiry.

The Chair reported that any registered speakers could withdraw from speaking and instead provide comments to the Secretary of State via the Planning Inspectorate (PINS) website, and that Parish Councils could apply for Rule 6 Status.

A Member thanked the officer for all his due diligence and work in producing the ‘first-class’ report.

Councillor Lloyd Bowen moved the following motion: That if the meeting was adjourned until Monday 11 November 2024, and then again until Thursday 14 November 2024, the meetings commenced at 7 pm, not 6 pm as suggested. This was seconded by Councillor James Hunt. The Chair said it was not the right time to be considering such a motion and referred Members to the agenda and item 3.1.

The Principal Planning Consultant advised that following the call-in, the officer recommendation needed to be amended to read: "To delegate to the Head of Place the authority to manage and progress all aspects of the Council's case before the Secretary of State in relation to determination of the application". The Principal Planning Consultant explained that whilst the report outlined the Council's reasons for refusing the application, the Secretary of State might want the Council's views on other areas including: delivering a sufficient supply of homes; building a strong, competitive economy, promoting sustainable transport; conserving and enhancing the natural environment; conserving and enhancing the historic environment; consistency with the development plan for the area; and any other matters the Inspector considered relevant.

The Principal Planning Consultant reminded members of the Committee that a briefing detailing the application had been provided, and given the Council were no longer the decision maker, his presentation would focus on the key issues where refusal was recommended as set out in the report. This included: transport and highway matters; noise; air quality; energy; development in the countryside; the loss of Best and Most Versatile Agricultural land; trees and hedges; the rural economy; landscape and visual impacts; the Environmental Impact Assessment Regulations: the Swale and Medway Estuary Special Protect Areas, Sites of Special Scientific Interest (SSSI) and RAMSAR sites; planning obligations and viability; and interrelationships between the application and cumulative issues.

Stuart Crossen (Cerda Planning Ltd), representing Bapchild Parish Council, spoke against the application.

Parish Councillor Brian Clarke, representing Bredgar Parish Council, spoke against the application.

Parish Councillor Tony Cross, representing Milstead Parish Council, spoke against the application.

Parish Councillor Graham Haggard, representing Rodmersham Parish Council, spoke against the application.

Bruce Bamber (Railton TPC), representing Teynham Parish Council, spoke against the application.

Parish Councillor Alastair Stewart, representing Lynsted with Kingsdown Parish Council spoke against the application.

Catherine Igoe representing Locate in Kent, spoke in support of the application.

Ben Geering, on behalf of the applicant, spoke in support of the application.

The Ward Member for West Downs, spoke against the application.

At this point Councillor Terry Thompson arrived at the meeting.

A Ward Member for Woodstock Ward, spoke against the application.

A Ward Member for Teynham and Lynsted Ward, spoke against the application.

A visiting Member, spoke against the application.

The Chair moved the following motion: That discussion of the item be adjourned until the introductory presentation for item 3.2 had been considered. This was seconded by Councillor Simon Clark and agreed by Members.

On returning to consider the application, the Chair moved the amended officer recommendation: Noting that the Council would have been minded to refuse the application for the reasons set out in the officers report, that delegated authority be given to the Head of Place to manage and progress all aspects of the Council’s case before the Secretary of State in relation to the determination of the application. On seconding the motion Councillor Simon Clark proposed that Members moved straight to the vote. This was agreed by Members.

Councillor Terry Thompson did not vote on this item as he was not in attendance for the whole time that the application was considered.

***Resolved: Noting that in respect of application 21/503906/EIOUT the Council would have been minded to refuse the application for the reasons set out in the officer’s report, that delegated authority be given to the Head of Place to manage and progress all aspects of the Council’s case before the Secretary of State in relation to the determination of the application.***

377 **3.2 - 21/503914/EIOUT - Land South and East of Sittingbourne, Kent**

<b>3.2 REFERENCE NO – 21/503914/EIOUT</b>		
<b>APPLICATION PROPOSAL</b>		
Southern Site. Outline Planning Application for the phased development of up to 577.48 hectares at Highsted Park, Land to the South and East of Sittingbourne, Kent, comprising of up to 7,150 residential dwellings including sheltered / extra care accommodation (Use Class C2 and Use Class C3). Up to 170,000 sq m / 34 hectares of commercial, business and service / employment floorspace (Use Class B2, Use Class B8 and Use Class E), and including up to 2,800 sq m of hotel (Use Class C1) floorspace. Up to 15,000 sq m / 1.5 hectares for a household waste recycling centre. Mixed use local centre and neighborhood facilities including commercial, business and employment floorspace (Use Class E), non-residential institutions (Use Class F1) and local community uses (Use Class F2) floorspace, and Public Houses (Sui Generis). Learning institutions including primary and secondary schools (Use Class F1(a)). Open space, green infrastructure, woodland, and community and sports provision (Use Class F2(c)). Highways and infrastructure works including the provision of a new motorway junction to the M2, a Highsted Park Sustainable Movement Corridor (inc. a Sittingbourne Southern Relief Road), and new vehicular access points to the existing network; and associated groundworks, engineering, utilities, and demolition works.		
<b>ADDRESS</b> Land South and East of Sittingbourne, Kent.		
<b>WARD</b> West Downs Teynham and Lynsted	<b>PARISH/TOWN COUNCIL</b> Teynham	<b>APPLICANT</b> Quinn Estates Kent Ltd, G.H. Dean & o Ltd, Attwood Farms Ltd, Attwood

Woodstock Roman		Trustees, and AG Kent Holding BV. <b>AGENT</b> Montagu Evans LLP
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The Chair reminded Members that as for item 3.1, the Secretary of State had informed officers that under Section 77 of the Town and Country Planning Act 1990 they were calling in the application. This meant the Council were no longer the determining authority but could still inform the Secretary of State what the Council’s decision would have been. This would also form the basis of the Council’s response to the Secretary of State’s Inquiry.

The Principal Planning Consultant advised that following the call-in the officer recommendation needed to be amended to read: “To delegate to the Head of Place the authority to manage and progress all aspects of the Council’s case before the Secretary of State in relation to determination of the application”. The Principal Planning Consultant explained that whilst the committee report outlined the Council’s reasons for refusing the application, the Secretary of State might want the Council’s views on other areas including: delivering a sufficient supply of homes; building a strong, competitive economy, promoting sustainable transport; conserving and enhancing the natural environment; conserving and enhancing the historic environment; consistency with the development plan for the area; and any other matters the Inspector considered relevant.

The Principal Planning Consultant reported that given the Council were no longer the decision maker, he would focus on the key issues where refusal was recommended as set out in the committee report which included: interrelationship with the Southern Relief Road; severance; modelling and mitigation; Environmental Impact Assessment Regulations: air quality and noise; and planning obligations and viability.

Stuart Crossen, representing Bapchild Parish Council, spoke against the application.

Penny Thwaites, representing Bredgar Parish Council, spoke against the application.

Parish Councillor Tony Cross, representing Milstead Parish Council, spoke against the application.

Parish Councillor Duncan Burnett, representing Rodmersham Parish Council, spoke against the application.

Bruce Bamber, representing Teynham Parish Council, spoke against the application.

Parish Councillor Clive Simms, representing Borden Parish Council, spoke against the application.

Maurice Dunk (We are Pioneer Group), a Supporter, spoke in support of the application.

Paul Forshaw, an Objector, spoke against the application.

Ben Geering, the Applicant, spoke in support of the application.

The Ward Member for West Downs, spoke against the application.

A Ward Member for Woodstock, spoke against the application.

A Ward Member for Teynham and Lynsted, spoke against the application.

A visiting Member, spoke against the application.

The Chair moved the following motion: That discussion of the item be adjourned until Monday 11 November 2024. This was seconded by Councillor Simon Clark. On being put to the vote the motion was lost. At this point, the Chair referred Members back to consider agenda item 3.1.

The Chair moved the officer recommendation as amended: Noting that the Council would have been minded to refuse the application for the reasons set out in the officers report, that delegated authority be given to the Head of Place to manage and progress all aspects of the Council's case before the Secretary of State in relation to the determination of the application. On seconding the motion Councillor Simon Clark proposed that Members moved straight to the vote. This was agreed by Members.

The Principal Planning Consultant outlined the next steps for Members as set out in the tabled letter from the Secretary of State.

In response to questions from Members, the Council's external barrister explained that all the information and representations submitted to the Local Planning Authority would now be passed to the Secretary of State, including any additional considerations. He advised that other parties would also be able make their views known. The Team Leader (Planning) added that all the information requested by the Secretary of State would be published on the planning portal pages of SBC's website. He said that deferring both applications would not have been beneficial, as the principal issues were already contained within the officer's report and delaying the process would put more pressure on officers given the prescribed deadlines for the Secretary of State's consideration.

A Member stated how disappointing and frustrating it was that local people were not allowed to make decisions about their local environment.

***Resolved: Noting that in respect of application 21/503914/EIOUT the Council would have been minded to refuse the application for the reasons set out in the officers report, that delegated authority be given to the Head of Place to manage and progress all aspects of the Council's case before the Secretary of State in relation to the determination of the application.***

### 378 Adjournment of Meeting

The Meeting was adjourned at 7 pm until 7.10 pm and then again at 20.10 pm until 20.15 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