
Extraordinary Planning Committee

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Thursday, 26 March 2026 from 7.00 pm - 10.32 pm.

PRESENT: Councillors Monique Bonney, Andy Booth (Chairman), Lloyd Chapman, Shelley Cheesman (Substitute for Councillor Kieran Golding), Simon Clark (Vice-Chair), Charles Gibson (Substitute for Councillor Ben J Martin), Angela Harrison (Substitute for Councillor Ann Cavanagh), James Hunt, Elliott Jayes, Peter MacDonald, Peter Marchington, Ben J Martin, Julien Speed, Paul Stephen and Terry Thompson.

OFFICERS PRESENT: Russell Fitzpatrick, Simon Greenwood, Ian Harrison, Joanne Johnson and Kellie MacKenzie.

ALSO IN ATTENDANCE: Councillors Mike Baldock, Chris Palmer, Richard Palmer and Mike Whiting.

ALSO IN ATTENDANCE (VIRTUALLY): Councillor Dolley Wooster.

APOLOGIES: Councillors Ann Cavanagh, Kieran Golding, Claire Martin and Tony Winckless.

851 **Emergency Evacuation Procedure**

The Chairman outlined the emergency evacuation procedure.

852 **Declarations of Interest**

Councillor Lloyd Chapman said that whilst he was a ward member he was considering the application as a Member of the Planning Committee.

Councillor Simon Clark declared a disclosable non-pecuniary interest as he knew the previous occupiers of Parsonage Chase, Bobbing. He said he was open-minded about the application.

853 **2.1 - 22/503654/EIOUT Land to the west of Bobbing, Sittingbourne, Kent, ME9 8QL**

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO 22/503654/EIOUT

PROPOSAL

Outline application (all matters reserved except for means of access from Sheppey Way) for a mixed used development comprising up to 2,500 dwellings, a 5.21 ha commercial employment zone including doctors' surgery, a 4.35 ha sports hub (and sports pitches), 3FE primary school, community facilities, local retail provision, public open space, children's play areas and associated parking, servicing, utilities, footpath and cycle links, drainage, ground and other infrastructure.

SITE LOCATION	Land to the west of Bobbing, Sittingbourne, Kent, ME9 8QL	
WARD	Bobbing, Iwade and Lower Halstow	
PARISH/TOWN COUNCIL	Bobbing and Iwade	
APPLICANT	Foxchurch (Kent) Ltd	AGENT DHA Planning

The Planning Consultant introduced the application as set out in the report. He referred to the tabled update and stated that the Public Protection Officer comments on the applicant's Air Quality submission had been received. The Public Protection Officer stated *"she had reviewed the applicant's comparison of the Environmental Statement Traffic Data with the updated Traffic Data and the updated flows would not cause a significant impact, and that the Environmental Statement for this application can still be considered valid for noise and air quality"*. Two further letters of objection had been received, one reiterated comments already covered in the committee report and tabled update. The other focused on ecology matters which he summarised for Members as follows: the developers assessment and other documents could not be relied on as they were not independent; there was much that was not known about the ecology of the area; Kent County Council (KCC) Ecology were relying on the developers ecologist who were unreliable as there were hares on the site that had not been identified; there was too much risk granting permission for applications without more reliable reports; the assertion that badgers were only a protected species because of welfare concerns is misleading, they are protected as they are persecuted including by developers; the developer should consult local badger groups; skylark mitigation was a serious cause for concern given experiences with the Wises Lane development, without enforcement any skylark mitigation conditions cannot be accepted; there was currently a crisis of biodiversity loss and the Government's warnings of ecological collapse yet protections for habitats and biodiversity were weakening. In response, the Planning Consultant reiterated that KCC's Ecologist had raised no objections in relation to ecology and biodiversity.

Parish Councillor Gareth Randall, representing Bobbing Parish Council, spoke against the application.

Parish Councillor Steve Tolhurst, representing Iwade Parish Council, spoke against the application.

Parish Councillor Mike Brown, representing Eastchurch Parish Council, spoke against the application.

Parish Councillor Lee Small, representing Borden Parish Council, spoke against the application.

Parish Councillor Gaynor Bidgood, representing Leysdown Parish Council, spoke against the application.

Rebecca Duffus, an Objector, spoke against the application.

David Morris, representative of the applicant, spoke in support of the application.

The Chairman moved the officer recommendation to grant planning permission as per the recommendation in the report, and this was seconded by the Vice-Chairman.

Four visiting Members spoke against the application.

The Chairman invited questions from Members, these included:

- What was the policy requirement for social housing;
- referred to paragraph 6.19 on page 29 of the report, where was the gas pipe

situated and how old was it?;

- referred to paragraph 6.20 on page 29 of the report, where was the explosives site located;
- how had the traffic modelling been carried out for the travel plan?
- referred to the adjoining site which had permission for a secondary school, however permission had not yet been granted because the Section 106 Agreement had not been completed, was that correct and when was that likely to complete?;
- what assurance was there a sustainable water supply would be provided for the development?;
- where there any permissive paths within the ancient woodland?;
- had officers considered the view from St Bartholomew's Church, Bobbing?;
- referred to paragraph 8.17.9 on page 108 of the report, and asked what mechanisms were in place to ensure acute health care provision was provided if following the Secretary of State decision regarding Regulation 122 of the CIL Regulations the financial contribution was removed from the Section 106 agreement?;
- if acute health care could not be provided, would the application remain acceptable?;
- referred to condition (63) of the report and asked how water consumption on the site would be monitored?;
- referred to condition (52) of the report, if Southern Water (SW) confirmed there was insufficient sewerage capacity, was there a mechanism within the conditions to prevent occupation until those upgrades were delivered?;
- the parameter plans for the application would be approved as set out in condition (12) of the report, how much flexibility was there with the layout once they were approved?;
- sought clarification on what the community hub would be and whether contributions could be provided towards the current Bobbing Village Hall, as requested by the Bobbing Village Hall Management Committee;
- the baseline data for ecology had not been provided so how could the Council monitor any potential impacts?;
- had the mitigation land for skylarks been secured, and how would the mitigation be enforced?;
- had a Registered Housing Provider been signed-up for the development?;
- was there a condition requiring internal estate roads would be to an adoptable standard?; and
- had a Stewardship Vehicle been proposed, as it was important to establish how the open spaces would be managed and the estate layouts.

In response, the Planning Consultant reported that as set out in the report the policy requirement for social housing was 40% and the Council would seek 90% social rent and 10% intermediate shared ownership he was not aware that a Registered Housing Provider had been secured. The Planning Manager (Planning Applications) stated that the Section 106 Agreement would secure the provision of 35% affordable housing.

The Planning Manager showed Members a map detailing where the gas pipe ran through the site. He clarified that Funton brickworks was the licensed explosives site referred to in the report.

The Planning Consultant confirmed that there were still outstanding matters to be

resolved with regard to the Section 106 Agreement concerning the secondary school at an adjoining site. As set out in the report, if it was not possible to bring forward development of the secondary school at that site the Section 106 monies would be used to purchase another site. He was not aware of any permissive paths within the ancient woodland. The views from St Bartholomew's Church would not be considered a public view and had not been identified by the Heritage Consultant or the Heritage Assessment as such.

The Planning Consultant stated SW had a statutory duty to provide the necessary water supply and there were safeguards to ensure this, but he was unaware where the water would be sourced from. The Planning Team Leader stated it was not for the planning system to fix the obligations of statutory undertakers.

The KCC Highways and Transportation Officer reported that the traffic modelling for the application was undertaken using the Junctions 9 ARCADY and PICADY software programmes. The software looked at the road junctions in the area before and after the development. The modelling identified areas with minimal differences, and some areas where mitigations would be required. The KCC Highways and Transportation Officer confirmed that officers had visited the site and the number of vehicle movements had been taken from physical surveys undertaken and those numbers were then fed into the modelling software. He said that the traffic modelling would not have assumed there was a secondary school on the site, but accepted it was beyond the site.

The Planning Consultant reported that with regard to the financial contribution towards acute health care, if the courts ruled it was not appropriate for the developer to fund, then the financial contribution would need to be provided by central government. The Planning Manager said that in such a scenario funding for acute health care would not be necessary to ensure the development was acceptable in planning terms.

The Planning Consultant said that Condition (63) of the report relating to water consumption did not require the submission and approval of details. The Planning Manager added that water consumption would be policed via the building regulations standards. He referred to condition (52) of the report for foul water drainage which required that the developer ensured there was a strategy in place prior to commencement of any phase of the development.

The Planning Consultant referred to the: Land Use Parameter plan; building heights; and densities, which were binding once being considered at the reserved matters stage. The community facility was identified for 650sqm which could be used under Use Class E(d) - Indoor sport recreation or fitness or F2(b) - Halls or meeting places for the principle use of the local community.

In response to a question about how the proposed sites connected, the Planning Consultant reported that there was a pedestrian route through the country park for pedestrians and cyclists. He reported the Biodiversity and Net Gain (BNG) baseline, agreed by KCC, had been received which could be used to assess the uplift that would be secured through the BNG legislation. The Planning Consultant referred to paragraph 8.17.17 on page 110 of the report and said the mitigation measures for skylarks would be secured via the Section 106 Agreement on land within the applicant's control.

The Planning Manager reported that with regard to imposing a condition requiring estate roads to be of an adoptable standard, road layout and access would be considered

under the reserved matters stage. The Planning Consultant advised that there was currently no Stewardship Vehicle proposed but referred to condition (14) of the report which secured an Open Space Strategy, and condition (15) of the report which secured an Open Space Scheme of Management. He also referred to condition (12) of the report which set out all the matters that should be addressed in the reserved matters submission, and condition (11) of the report which required details of landscaping, internal roads and parking, and a specification of the access. Officers would need to discuss with the applicant whether a Stewardship Vehicle was required.

The Chairman invited comments from Members, and these included:

- Needed to be cautious with regard to the loss of the Best and Most Versatile (BMV) land and there was no mitigation for providing BMV land;
- the application would be building away from the built-up area of Bobbing into the rural environment;
- Keycol Hill and Key Street, Sittingbourne would lose their identity and be overwhelmed by traffic from the proposal;
- would cause fragmentation in the countryside;
- the proposed green space would not help wildlife due to the increased human activity;
- it was not a sustainable development in terms of transport;
- the congestion that the application would cause would be unacceptable;
- the application was far too large for the area;
- would have an unacceptable impact on transport and cause gridlock;
- Kent was known as 'the garden of England' but would end up being the 'allotment of England';
- the wider community had suffered due to the non-delivery of a secondary school at an adjoining site;
- concerned about the water supply for the proposed 2,500 houses;
- SW needed to provide details of how much water they could supply to the properties within the timeframe proposed by the applicant;
- concerned that the report did not provide any detail on any upgrade to the waste water treatment plant in Sittingbourne;
- this was a huge development and there was not enough detail on improvements to the existing infrastructure;
- the ancient woodland did have permissive paths, and also was adjacent to a rural lane so could not be 'blocked off' but the application stated that people would be kept out;
- concerned that KCC's Ecologist had not visited the site;
- 'staggered' that KCC Highways and Transportation had raised no objection from using a computer model, rather than taking physical numbers at the junctions;
- the report already stated that the junctions affected were already at capacity;
- concerned about the noise impact the development would have on the nearby tranquil crematorium;
- the developer had been in discussions with planning officers for four years and submitted a 'joke' application;
- concerned that the plans submitted were quite specific and potentially binding;
- concerned that the country park site did not seem to connect well with the main development site;
- did not consider the development achieved what it could from a landfill

- perspective;
- there may or may not be a secondary school on the adjacent site and the traffic it may generate was not included in the traffic modelling;
 - there were no specific mitigation measures proposed to protect badgers;
 - it was important that the final Section 106 Agreement document came back to the Committee for consideration;
 - did not like to see outline applications for such a large development as it was difficult for Members to 'nail-down' the detail;
 - the Council's Accommodation and Resettlement Manager stated in paragraph 6.10 on page 27 of the report *"90% of the affordable housing should be provided as affordable/social rented and 10% should be provided as shared ownership housing"*, so this is what the Committee should push for if the developer could not provide a Financial Viability Assessment to prove it would not be viable;
 - referred to paragraph 8.17.4 page 105 of the report which set out the proposed Section 106 Agreement, and said that if a proposal was agreed and the Section 106 Agreement mitigation measures should be specific to that area and not be too vague;
 - any proposed 'extra care housing' needed to include a provision that nomination rights were with Swale Borough Council (SBC);
 - this had the potential to be a 'good' development, but considered it was in the wrong location on highway grounds;
 - Members did not have enough detail in terms of noise impact to be able to make a decision;
 - the development did not comply with the Council's planning policies;
 - the application was contrary to various planning policies of the Council and also the National Planning Policy Framework (NPPF);
 - objected as it would have a detrimental impact on an important countryside gap;
 - if the Council allowed development on 198 acres of countryside, how could it then say that it was delivering biodiversity net gain;
 - should defer the application to allow the concerns raised by Members to be addressed;
 - concerned about the traffic impact that the development would have on the already congested A249;
 - the lack of secondary school provision was a concern;
 - concerned that the report stated the development would cause 'significant harm'; and
 - the developer should contribute to the Bobbing Village Hall Management Committee regardless of whether a community hub was provided.

The Planning Team Leader reported that with regard to a registered housing provider there was a clause within the template agreement which stated *"Prior to the commencement of development the owner covenants that it shall have secured the exchange of contracts of the affordable dwellings to a registered provider, and shall provide to the Borough Council sufficient evidence to the Borough Council's satisfaction to show that this sub-paragraph has been complied with and the owner/covenant said it shall not commence development unless the provisions of this sub-paragraph have been complied with."* It would not be appropriate for the committee to negotiate the Section 106 Agreement as it would be undermining commercial confidentiality. However, there was the opportunity for Members to comment on it.

The Planning Manager referred to the "Conclusion on the Planning Balance" on page

130 of the report. He said that Members had to acknowledge that the Council's Local Plan was out-of-date and to give significant weight to the fact that the application would be delivering 2,500 dwellings at a time when the Council did not have a five-year housing land supply. He said achieving 35% affordable housing was more than was being achieved on many other sites in the borough currently.

Councillor James Hunt moved the following amendment: That the Section 106 Agreement includes the upgrades requested by the Bobbing Village Hall Management Committee, estimated cost £236,000 plus VAT, including kitchen upgrades, additional storage space, extension and improvement of car park, connection to main sewage system and electrical upgrade, and that a claw-back be included that if a community hub of a village hall nature was delivered on the site, and improvements to the village hall were not required the money be clawed-back but in conjunction with the Bobbing Village Hall Management Committee and Bobbing Parish Council to discuss how that would work. This would need to be prior to occupation of the first phase of the development. This was seconded by the Chairman.

Discussion ensued and the Planning Team Leader reported that the developer had advised as part of the application there would be a community hub and had also agreed to pay for the improvements to Bobbing Village Hall.

Councillor Monique Bonney moved the following amendment to the amendment: That reference to the community hub and claw-back be removed from the amendment. This was seconded and agreed by the proposer and seconder of the original amendment, and by Members.

On being put to the vote the amendment as amended was agreed by Members.

Councillor Bonney proposed the following amendment: That a condition be imposed requiring that all internal estate roads were to an adoptable standard. This was seconded by Councillor Elliott Jayes. This was agreed by members.

Councillor Bonney proposed the following amendment: That a condition be imposed requiring a Stewardship Vehicle acceptable to the Council. Following advice from the Planning Team Leader, the proposer agreed to amend the amendment to: That a condition be imposed requiring a Stewardship Vehicle acceptable to the Council and **that officers be given delegated authority to provide the appropriate wording for the Stewardship Vehicle.** This was seconded by Councillor Jayes. On being put to the vote the amended amendment was agreed by Members.

In accordance with Council Procedure Rules 3.1.19(5) a recorded vote was taken on the motion to approve the application and voting was as follows:

For: Councillors Booth, Harrison, Charles Gibson and Speed. Total equals 4.

Against: Councillors Bonney, Clark, Chapman, Cheesman, Hunt, Jayes, Marchington, MacDonald, Stephen and Thompson. Total equals 10.

Abstain: None. Total equals 0.

The motion to approve the application was lost.

Councillor Harrison proposed the following motion: That the application be deferred. This was seconded by Councillor Charles Gibson.

Members spoke on the deferment and asked that officers: sought clarification regarding the disposal of the foul water; open space provisions (on-site and off-site financial contributions in lieu of on-site provision), seek 40% affordable housing; and that a viability assessment be provided.

In accordance with Council Procedure Rules 3.1.19(5) a recorded vote was taken on the motion to defer the application and voting was as follows:

For: Councillors Booth, Harrison, Clark, Cheesman, Hunt, Jayes, Gibson and Speed. Total equals 8.

Against: Councillors Bonney, Chapman, Marchington, MacDonald, Stephen and Thompson. Total equals 6.

Abstain: None. Total equals 0.

Resolved: That application 22/503654/EIOUT be deferred to allow officers to seek further clarification in respect of: disposal of the foul water; address open space provisions (on-site and off-site financial contributions in lieu of on-site provision), to seek 40% affordable housing; and the provision of a viability assessment.

854 **Adjournment**

The meeting was adjourned at 7.06 pm until 7.16 pm, 8.11 pm until 8.17 pm and 9.27 pm until 9.37 pm.

855 **Extension of Standing Orders**

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

Chairman

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