

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 8 MAY 2014

Present: Councillor Collins (Chairman) and
Councillors Black, Butler, Chittenden, Cox, Harwood,
Hogg, Moriarty, Nelson-Gracie, Paine, Paterson,
Mrs Robertson and J.A. Wilson

381. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Ash.

382. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Butler was substituting for Councillor Ash.

383. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

384. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

385. URGENT ITEM

The Chairman stated that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item as it contained further information relating to the application to be considered at the meeting.

386. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

387. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on the report of the Head of Planning and Development relating to application MA/13/2099.

388. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

389. PRESENTATION OF PETITIONS

There were no petitions.

390. MA/13/2099 - ERECTION OF CLASS A1 RETAIL DEVELOPMENT (WITH ANCILLARY CAFE), SUPPORTING RETAIL (A1-A3), DOCTORS' SURGERY (CLASS D1) AND ASSOCIATED SERVICING, CAR PARKING, LANDSCAPING AND ACCESS ARRANGEMENT - SPRINGFIELD PARK, ROYAL ENGINEERS ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development. The Head of Planning and Development advised the Committee that, whilst the decision on 10 April 2014 to defer the application and its earlier decision not to refuse planning permission, as recorded in the Minute within the urgent update report, were material considerations, they did not fetter the Committee from either granting or refusing planning permission.

The Head of Planning and Development further advised the Committee that the Officers considered that the proposed development was in fundamental conflict with retail policies as set out in the NPPF, the adopted Local Plan and the emerging Local Plan, and could not put forward any suggested reasons for approval of this application. They did not consider there to be any adequate material planning considerations that would outweigh the harm and cause the Council to depart from the provisions of the Development Plan. The Officers reminded Members of the legal test in section 38(6) of the Planning and Compulsory Purchase Act 2004.

The Officers had also reviewed the suggested reasons for approval submitted by the applicant, but did not consider that they outweighed the planning harm. A unilateral undertaking and suggested conditions had also been submitted by the applicant and these had been considered by the Officers, but again they did not believe that they would overcome the planning harm. Only the proposed contribution towards improvements to nearby bus stops serving the site was considered to comply with the requirements of the CIL Regulations. In the Officers' view the other obligations could not therefore be reasons for granting permission.

Mr Curtis, an objector, Mrs Butler of the Ringlestone Community Association (in support) and Ms Davidson, for the applicant, addressed the meeting.

It was moved by Councillor Harwood, seconded by Councillor Chittenden, that subject to the prior completion of a legal agreement in such terms as the Head of Legal Services may advise to secure the obligations set out in the Appendix to the report, as amended by the urgent update report, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the Appendix to the report, as amended by the urgent update report, and the additional conditions set out in the urgent update report.

An amendment was moved by Councillor Paine, seconded by Councillor Hogg, that permission be refused for the reasons set out in the report.

In accordance with Council Procedure Rule 19.4, three Members of the Committee requested that a named vote be taken on the amendment to refuse permission.

The voting was as follows:

FOR (7)	AGAINST (6)
Councillor Black	Councillor Chittenden
Councillor Butler	Councillor Cox
Councillor Collins	Councillor Harwood
Councillor Hogg	Councillor Moriarty
Councillor Nelson-Gracie	Councillor Paterson
Councillor Paine	Councillor Mrs Robertson
Councillor J. A. Wilson	

AMENDMENT CARRIED

The substantive motion was then put to the vote and carried.

RESOLVED: That permission be refused for the reasons set out in the report.

Voting: 7 – For 6 – Against 0 – Abstentions

Councillors Chittenden, Cox, Harwood, Moriarty, Paterson and Mrs Robertson requested that their dissent be recorded.

391. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that this was Councillor Nelson-Gracie's last meeting of the Planning Committee as he would not be seeking re-election this year. Members expressed their appreciation of Councillor Nelson-Gracie's services to the Committee over the years.

392. DURATION OF MEETING

6.00 p.m. to 7.10 p.m.