

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES (PART I) OF THE MEETING HELD ON 4 FEBRUARY 2016 ADJOURNED TO 11 FEBRUARY 2016**

**Present:** Councillor English (Chairman) and Councillors Ash, Clark, Cox, Harper, Harwood, Hemsley, Munford, Paine, Paterson, Round, Mrs Stockell and J A Wilson  
**4 February 2016**

**Also Present:** Councillors Mrs Blackmore, Brice, Burton, McLoughlin, B Mortimer and Sargeant

#### 251. APOLOGIES FOR ABSENCE

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

#### 252. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor J A Wilson was substituting for Councillor Perry.

#### 253. NOTIFICATION OF VISITING MEMBERS

Councillors Brice and McLoughlin indicated their wish to speak on the report of the Head of Planning and Development relating to application 13/1456.

Councillor B Mortimer indicated his wish to speak on the report of the Head of Planning and Development relating to application 15/504345.

It was noted that Councillor Mrs Blackmore had indicated her wish to speak on the report of the Head of Planning and Development relating to application 13/1456.

Councillor Sargeant attended the meeting as an observer.

Councillor Burton entered the meeting shortly before application 13/1456 was introduced by the Case Officer, and indicated his wish to speak on the application and application 15/507493. The Chairman indicated that, notwithstanding Councillor Burton's late arrival, he would be able to speak on these items.

#### 254. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

255. URGENT ITEMS

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained further information relating to the applications to be considered at the meeting.

The Chairman also drew Members' attention to the supplementary exempt report of the Head of Planning and Development relating to application 15/506426/MOD106.

256. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 13/1456, Councillor Paine stated that he knew the landowners from his previous role as a Trustee of a local Charity. However, he did not believe that this represented an interest in the application, and he intended to speak and vote when it was discussed.

257. EXEMPT ITEMS

**RESOLVED:** That the item on Part II of the agenda be taken in private as proposed.

258. MINUTES OF THE MEETING HELD ON 14 JANUARY 2016

**RESOLVED:** That the Minutes of the meeting held on 14 January 2016 be approved as a correct record and signed.

259. PRESENTATION OF PETITIONS

There were no petitions.

260. DEFERRED ITEM

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

The Development Manager advised Members that he had nothing further to report in respect of this application at present.

261. 13/1456 - GROUND BASED PHOTOVOLTAIC SOLAR FARM, ACCESS, ASSOCIATED WORKS AND GRID CONNECTION - GREAT PAGEHURST FARM, PAGEHURST ROAD, STAPLEHURST, MAIDSTONE, KENT

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

The Development Manager advised the Committee that a revised version of the first update report had been produced and uploaded onto the Council's website to reflect the fact that, in the final paragraph of her consultation response letter, Helen Grant MP had stated that she felt that there was a substantial argument for this application to be rejected. A copy of the letter had been attached to the first update report.

The Development Manager then drew the Committee's attention to the second update report, and, in particular, the additional tree protection conditions recommended by the Landscape Officer in relation to retained trees within the site area. He explained that reasons for these conditions had been omitted from the update report and that the reason in each case should read: In the interests of good arboricultural practice.

Mr Foulkes, for objectors, Councillor Buller of Staplehurst Parish Council (against), Councillor Mannington of Marden Parish Council (against), Ms Marriage, for the applicant, and Councillors Brice, McLoughlin, Mrs Blackmore and Burton (Visiting Members) addressed the meeting.

During the discussion on the application, the Development Manager amended the second sentence of paragraph 4.19 of the report to read "The proposal should **not** be regarded as a significant development of agricultural land where land of poorer ALC quality than the proposed site should be sought instead."

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members considered the proposed development to be unacceptable by virtue of its adverse visual effect upon the landscape character and appearance, contrary to the aims and objectives of the National Planning Policy Framework (2012), the National Planning Practice Guidance (2014), Saved Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan (2000), the Council's Planning Policy Advice Notice (2014), the Maidstone Landscape Character Assessment (2012) and the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015). The planning harm that had been identified would not be outweighed by the planning benefits of the development.

**RESOLVED:** That permission be refused for the following reason:

The proposed development is considered to be unacceptable by virtue of its adverse visual effect upon the landscape character and appearance, contrary to the aims and objectives of the National Planning Policy Framework (2012), the National Planning Practice Guidance (2014), Saved Policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan (2000), the Council's Planning Policy Advice Notice (2014), the Maidstone Landscape Character Assessment (2012) and the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015). The planning harm that has been identified would not be outweighed by the planning benefits of the development.

Voting:        6 – For        4 – Against        3 – Abstentions

Councillor Harwood requested that his dissent be recorded.

262. EXCLUSION OF THE PUBLIC FROM THE MEETING

**RESOLVED:** That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test:

**Head of Schedule 12A and Brief Description**

Exempt Report of the Head of Planning and Development –  
15/506426/MOD106 – Springfield Park, Royal Engineers Road, Maidstone

5 – Legal Proceedings

263. EXEMPT REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - 15/506426/MOD106 - SPRINGFIELD PARK, ROYAL ENGINEERS ROAD, MAIDSTONE

The Committee considered the report of the Head of Planning and Development updating the position with regard to (a) the S106 agreement dated 1 August 2006 in respect of planning application MA/05/2350 for a mixed office and residential development, including a community facility, on land at Springfield Park, Royal Engineers Road, Maidstone and (b) the developer contributions.

The Committee gave instructions to the Officers as to the way to proceed in respect of this matter.

264. 15/504345 - CHANGE OF USE OF BUILDING FROM LIVE/WORK USE (SUI GENERIS) TO A MIXED BUSINESS (USE CLASS B1A, B OR C) AND RESIDENTIAL USE (USE CLASS C3) (RETROSPECTIVE) - AMERICAN OAST, TUTSHAM FARM, WEST FARLEIGH, KENT

The Chairman and Councillors Clark, Harper, Paine, Mrs Stockell and J A Wilson stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Draper, an objector, Councillor Scott of West Farleigh Parish Council (against), Mr Collins, for the applicant, and Councillor B Mortimer (Visiting Member) addressed the meeting.

**RESOLVED:** That consideration of this application be deferred to enable the Officers to hold discussions with the applicant to establish any traffic management measures that could be introduced to prevent commercial traffic using Mill Lane.

Voting:        9 – For        1 – Against        3 – Abstentions

265. 15/507493 - OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO NINE DWELLINGS CONSIDERING ACCESS FROM CHARTWAY STREET WITH ALL OTHER MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) RESERVED FOR FUTURE CONSIDERATION - LAND NORTH OF WIND CHIMES, CHARTWAY STREET, SUTTON VALENCE, KENT

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Deveson, an objector, Councillor Stancombe of Sutton Valence Parish Council (against), Mr Court, for the applicant, and Councillor Burton (Visiting Member) addressed the meeting.

The Chairman left the meeting following Councillor Stancombe's speech, and the Vice-Chairman (Councillor Harper) took the Chair for the remainder of the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposals would consolidate existing development and result in the urbanisation of the site, which would be harmful to the character and appearance of the countryside, contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, the NPPF 2012 and the NPPG 2014. Any planning benefits would not outweigh the planning harm.

**RESOLVED:** That permission be refused for the following reason:

The proposals would consolidate existing development and result in the urbanisation of the site, which would be harmful to the character and appearance of the countryside, contrary to Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, the NPPF 2012 and the NPPG 2014. Any planning benefits would not outweigh the planning harm.

Voting:        12 – For        0 – Against        0 – Abstentions

266. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Planning and Development relating to application 15/507493, the Committee:

**RESOLVED:** That the meeting be adjourned until 6.00 p.m. on 11 February 2016 when the remaining items on the agenda will be discussed.

267. DURATION OF MEETING

6.00 p.m. to 10.10 p.m.