

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 30 JUNE ADJOURNED TO 7 JULY 2016

Present: **Councillor Perry (Chairman) and Councillors Boughton, Clark, Cox, English, Harwood, Hastie, Hemsley, Munford, Powell, Prendergast, Round and Mrs Stockell.**

30 June 2016

Also Present: **Councillors Cuming, Garland, Newton and Springett
Martina Olley - Mott MacDonald (Transport Consultants)**

45. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

46. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

47. **NOTIFICATION OF VISITING MEMBERS**

Councillor Cuming indicated his wish to speak on the report of the Head of Planning and Development relating to application 15/503288.

Councillor Garland indicated his wish to speak on the report of the Head of Planning and Development relating to application 15/509015.

Councillor Newton indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 14/506264, 15/503288, 15/509015 and 15/509251.

Councillor Springett indicated her wish to speak on the reports of the Head of Planning and Development relating to applications 15/503288 and 15/509015.

48. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

49. **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.

50. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Boughton said that, with regard to the reports of the Head of Planning and Development relating to applications 14/506264 and 15/509251, he had previously campaigned against housing development in Otham. However, he had never expressed a view on these particular applications, and he intended to speak and vote when they were discussed.

Councillor Munford said that, with regard to the report of the Head of Planning and Development relating to application 15/509015, he was the Chairman of Boughton Monchelsea Parish Council, and some of the application site was located within the Parish. However, he had not taken part in the Parish Council's Planning Committee's discussions on the application, and intended to speak and vote when it was considered.

Councillor Prendergast said that, in the past, she had been a member of CPRE Kent which had commented on applications 14/506264, 15/503288, 15/509015 and 15/509251. However, she had not participated in CPRE Kent's discussions on these applications, and intended to speak and vote when they were considered.

Councillor Mrs Stockell said that with regard to the reports of the Head of Planning and Development relating to applications 14/506264, 15/503288 and 15/509015, but the latter mainly, she represented the Parish of Langley where the application site was located. However, she had taken no part in discussions with the developers or at meetings of the Parish Council, and intended to speak and vote as she had an "open mind".

51. EXEMPT ITEMS

RESOLVED: That the exempt Appendix to the urgent update reports of the Head of Planning and Development relating to applications 14/506264, 15/509015 and 15/509251 should be taken in private as it contains confidential legal advice relevant to the determination of these applications.

52. MINUTES OF THE MEETING HELD ON 2 JUNE ADJOURNED TO 9 JUNE 2016

RESOLVED: That the Minutes of the meeting held on 2 June adjourned to 9 June 2016 be approved as a correct record and signed.

53. PRESENTATION OF PETITIONS

It was noted that a petition would be presented objecting to application 15/509015.

54. DEFERRED ITEMS

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

15/503223 - PART RETROSPECTIVE - CHANGE OF USE AND REBUILDING OF FORMER CATTLE SHED TO PROVIDE TOURIST ACCOMMODATION - BLETCHENDEN MANOR FARM, BLETCHENDEN ROAD, HEADCORN, KENT

15/505906 - DEMOLITION OF THE EXISTING GARDEN CENTRE BUILDINGS AND INFRASTRUCTURE, ERECTION OF 14 DETACHED BESPOKE DWELLINGS INCLUDING GARAGES WITH ANNEX ABOVE, TWO STOREY B1 OFFICE UNIT (5,515SQFT) TOGETHER WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING - GRAFTY GREEN GARDEN CENTRE, HEADCORN ROAD, GRAFTY GREEN, KENT

There were no updates in respect of these applications on this occasion.

55. LOCAL PLAN CONTEXT

The Head of Planning and Development provided a brief update on the Local Plan context applicable to all four applications to be considered at the meeting.

It was noted that the draft Maidstone Borough Local Plan (MBLP) had been submitted to the Secretary of State for independent examination on 20 May 2016. In authorising the submission of the draft MBLP to the Secretary of State, the Council had endorsed the document as a sound and legally compliant Local Plan. For this reason, significant weight should be attached to the draft MBLP in the determination of planning applications. The Local Plan Inspector would test the soundness of the draft MBLP based on evidence, and Housing and Employment Topic Papers, for example, submitted with the draft MBLP formed part of that evidence base. It would be necessary to demonstrate how the MBLP meets the objectively assessed needs for housing and employment and also, with specific regard to housing, how the Council had a five year housing land supply and how it was maintained. In terms of the delivery of the necessary infrastructure to support development, there were detailed policies on infrastructure and an Infrastructure Delivery Plan.

56. 15/503288 - OUTLINE APPLICATION FOR A MIXED COMMERCIAL DEVELOPMENT COMPRISING B1(A), B1(B), B1(C) AND B8 UNITS, MAXIMUM FLOOR SPACE 46,623 SQUARE METRES. (ACCESS BEING SOUGHT AT THIS STAGE) - LAND AT WOODCUT FARM, ASHFORD ROAD, HOLLINGBOURNE, 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 Lupton, an objector, Councillor Bennett of Hollingbourne Parish Council (against), Councillor Fort of Leeds Parish Council (against), Mr Blake, for the applicant, and Councillors Newton, Springett and Cuming (Visiting Members) addressed the meeting.

In accordance with Council Procedure Rule 21.4, three Members of the Committee requested that a named vote be taken on this application.

It was moved by Councillor Harwood, seconded by Councillor English, that subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the obligations set out in the report, as amended by the urgent update report, the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional condition set out in the urgent update report.

Contrary to the recommendation of the Head of Planning and Development, an amendment was moved by Councillor Mrs Stockell, seconded by Councillor Prendergast, that outline permission be refused for the summarised reason set out below and that the Head of Planning and Development be given delegated powers to finalise the exact wording.

The proposed development would be harmful to the character and appearance of the countryside, Special Landscape Area and the setting of the Kent Downs Area of Outstanding Natural Beauty. It would also cause less than substantial harm to the setting of the Grade II listed building "Woodcut Farm" and any public benefits are not considered to outweigh this harm. The development would therefore be contrary to saved policies ENV21, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and advice within the National Planning Policy Framework 2012.

The voting on the amendment was as follows:

FOR (7)	AGAINST (6)
Councillor Boughton	Councillor Clark
Councillor Hemsley	Councillor Cox
Councillor Perry	Councillor English
Councillor Powell	Councillor Harwood
Councillor Prendergast	Councillor Hastie
Councillor Round	Councillor Munford
Councillor Mrs Stockell	

AMENDMENT CARRIED

The substantive motion was then put to the vote.

The voting on the substantive motion was as follows:

FOR (7)	AGAINST (6)
Councillor Boughton	Councillor Clark
Councillor Hemsley	Councillor Cox
Councillor Perry	Councillor English
Councillor Powell	Councillor Harwood
Councillor Prendergast	Councillor Hastie
Councillor Round	Councillor Munford
Councillor Mrs Stockell	

RESOLVED: That outline permission be refused for the following summarised reason and that the Head of Planning and Development be given delegated powers to finalise the exact wording:

The proposed development would be harmful to the character and appearance of the countryside, Special Landscape Area and the setting of the Kent Downs Area of Outstanding Natural Beauty. It would also cause less than substantial harm to the setting of the Grade II listed building "Woodcut Farm" and any public benefits are not considered to outweigh this harm. The development would therefore be contrary to saved policies ENV21, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and advice within the National Planning Policy Framework 2012.

Voting: 7 – For 6 – Against 0 - Abstentions

FURTHER RESOLVED: That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the S106 legal agreement in the event of an appeal.

Voting: 13 – For 0 – Against 0 - Abstentions

57. EXCLUSION OF THE PUBLIC FROM THE MEETING

The Committee, wishing to consider legal advice relevant to the determination of applications 14/506264, 15/509015 and 15/509251 in private:

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:

Exempt Appendix to the Urgent Update Reports of the Head of Planning and Development Relating to Applications 14/506264, 15/509015 and 15/509251

Head of Schedule 12A and Brief Description

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

58. EXEMPT APPENDIX TO THE URGENT UPDATE REPORTS OF THE HEAD OF PLANNING AND DEVELOPMENT RELATING TO APPLICATIONS 14/506264, 15/509015 AND 15/509251

The representative of the Head of Legal Partnership explained that the legal advice was intended to assist Members of the Planning Committee to determine these applications in a lawful and reasonable manner.

The Committee considered the advice and asked questions of the Officers relating to the weight to be attached to Local Plan policies, the issue of determining the applications in advance of the examination of the Maidstone Borough Local Plan (prematurity) and the implications of Members being minded to make decisions otherwise than in accordance with the Officers' recommendations. Having considered the answers to these questions, the Committee:

RESOLVED: That the public be re-admitted to the meeting.

59. 14/506264 - RESIDENTIAL DEVELOPMENT OF 271 DWELLINGS INCLUDING 30% AFFORDABLE HOUSING, ACCESS AND ASSOCIATED INFRASTRUCTURE (AMENDED 08.03.2016) - LAND AT BICKNOR FARM, SUTTON ROAD, LANGLEY, 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.

Councillor Aplin of Otham Parish Council (against), Councillor Reeves of Langley Parish Council (against) and Councillor Newton (Visiting Member) addressed the meeting.

RESOLVED: That consideration of this application be deferred until the meeting of the Committee scheduled to be held on 14 July 2016 to enable the Officers to review the level of detail in the report and to bring forward a full detailed list of suggested conditions and Heads of Terms for the S106 legal agreement.

Voting: 10 – For 0 – Against 3 – Abstentions

60. LONG MEETING

During consideration of the report of the Head of Planning and Development relating to application 14/506264, the Committee:

RESOLVED: That the meeting should continue to 11.00 p.m. to conclude the Committee's deliberations regarding application 14/506264.

61. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Planning and Development relating to application 14/506264, the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on 7 July 2016 when the remaining items on the agenda will be discussed.

62. DURATION OF MEETING

6.00 p.m. to 10.35 p.m.