

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 31 MARCH 2022

Present: Councillor Spooner (Chairman) and
Councillors Brindle, Cox, English, Harwood, Holmes,
Kimmance, Munford, Parfitt-Reid, Perry, M Rose,
Trzebinski and Young

Also Present: Councillor Garten

264. APOLOGIES FOR ABSENCE

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

265. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Parfitt-Reid was substituting for Councillor Eves.

266. NOTIFICATION OF VISITING MEMBERS

Councillor Garten had given notice of his wish to speak on application 18/504836/EIOUT (Binbury Park, Bimbury Lane, Detling, Maidstone, Kent), and attended the meeting in person.

267. URGENT ITEMS

The Chairman said that he intended to take the updates to be included in the Officer's presentation as urgent items as they included further information relating to the application to be considered at the meeting.

268. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

269. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on application 18/504836/EIOUT (Binbury Park, Bimbury Lane, Detling, Maidstone, Kent).

270. EXEMPT ITEMS

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

271. PRESENTATION OF PETITIONS

There were no petitions.

272. 18/504836/EIOUT - OUTLINE APPLICATION (WITH ALL MATTERS RESERVED APART FROM ACCESS) FOR THE ERECTION OF UP TO 1,725 DWELLINGS INCLUDING AFFORDABLE HOUSING, 46,000 SQ.M OF COMMERCIAL SPACE, A HOTEL, A LOCAL CENTRE, A NEW PRIMARY SCHOOL, A PARK AND RIDE FACILITY, STRATEGIC HIGHWAYS IMPROVEMENTS INCLUDING NEW KENT SHOWGROUND ACCESS/EGRESS, ACCESSES/ROADS INCLUDING A NEW BRIDLEWAY BRIDGE, PARKING, ASSOCIATED OPEN SPACE, LANDSCAPING, SERVICES, AND SUSTAINABLE DRAINAGE SYSTEMS. IN ADDITION, THE PROPOSALS INCLUDE A PUBLICLY-ACCESSIBLE COUNTRY PARK INCLUDING THE BINBURY MOTTE AND BAILEY CASTLE SCHEDULED ANCIENT MONUMENT - BINBURY PARK, BIMBURY LANE, DETLING, MAIDSTONE, KENT

Prior to the introduction of the report by the Major Projects Manager, the Head of Planning and Development provided a short strategic overview explaining that:

- The application site was situated within the open countryside and was within the Kent Downs AONB and great weight was afforded to the protection of the AONB in the NPPF.
- The NPPF stated that development within AONBs should be limited, and that permission should be refused for major development other than in exceptional circumstances and where it could be demonstrated that the development was in the public interest.
- Paragraph 177 of the NPPF set out three tests for such applications i.e., the need for the development and the economic consequences arising from an approval or refusal; an assessment of alternative locations; and the environmental effects and the extent to which they could be mitigated.
- In terms of need, it was considered that this was catered for in both the adopted Local Plan and the draft Local Plan Review. The Council had identified that it was able to meet the objectively assessed needs for both housing and employment development as identified in the Local Plan and that as part of the Local Plan Review process it had identified sufficient land to meet needs for the period to 2037.
- There were alternative locations, and they were set out in the Local Plan Review. The application proposals did not form part of the Local Plan Review.
- In terms of environmental impact, there was a clear impact on the character and appearance of the AONB. The site was on the dip slope of the Kent Downs escarpment and contained a dry valley. The proposals would result in the loss of ancient woodland and the NPPF

afforded great weight to ancient woodland. The proposals would also cause harm to non-designated heritage assets.

- In terms of broad environmental harm, it was considered that the site location was unsustainable and that it was not capable of being made sustainable because a number of the uses were car dependent.
- The development did mitigate its own impact and the impact on the wider highway network and there were other benefits such as addressing a shortfall in affordable housing, a new sports hub, a country park and a SEN school. However, the NPPF sets out a very high bar for development such as this on a greenfield site in the AONB and it was not considered that these benefits or any other material considerations were great enough to clear that bar.
- If Members were minded to disagree with the recommendation that the application be refused, a decision could not be made until an 'appropriate assessment' was carried out of the potential effects on the North Downs Woodlands SAC in accordance with the Habitat Regulations.

The Committee then considered the report of the Major Projects Manager.

In introducing the report, the Major Projects Manager advised the Committee that:

- Since publication of the agenda, two further communications had been received as follows:

Comments from the applicant on the proposed reasons for refusal. It was not considered that these comments provided any additional information that had not been considered already in reviewing the report.

An email that afternoon from National Highways which had indicated a holding objection to the application and there was a reason for refusal reflecting this. National Highways were continuing to work positively and at pace with the applicant and their transport advisers regarding the remaining matters not yet agreed. Based on information received over the last few days, they believed that all the not yet agreed matters were resolvable. In effect they were confident that given further time they would be able to agree all outstanding matters with the applicant. Therefore, if the decision was taken to refuse the application, it was highly likely that the Officers would not pursue the reason for refusal relating to highways.

- A pack of drawings had been circulated to Members and published on the Council's website.

Councillor Skinner of Thurnham Parish Council addressed the meeting in person.

Councillor Moody of Stockbury Parish Council addressed the meeting remotely.

Councillor Bowie of Detling Parish Council addressed the meeting remotely.

Mr Kalorkoti addressed the meeting in person on behalf of the applicant.

Councillor Garten (Visiting Member) addressed the meeting in person.

Ms Pearson of Natural England, the Government's Adviser for the Natural Environment, including Areas of Outstanding Natural Beauty, addressed the Committee remotely as a third party pursuant to Council Procedure Rule 17.

During the discussion, in response to questions, the Head of Planning and Development confirmed that if the Committee agreed to grant permission contrary to the Officer recommendation, the application would be referred to the Secretary of State.

The Major Projects Manager reiterated that although the Officers would be unlikely to pursue the reason for refusal relating to highways, it should still stand because there was a holding objection from National Highways.

The Major Projects Manager also said that if Members were minded to refuse permission, he wished to add another reason stating that in the absence of a S106 agreement, there was no mechanism in place to secure affordable housing and other mitigation measures. The Major Projects Manager requested delegated powers to finalise the wording of the additional reason for refusal.

RESOLVED:

1. That permission be refused for the reasons set out in the report with an additional reason for refusal stating that in the absence of a S106 agreement, there is no mechanism in place to secure affordable housing and other mitigation measures.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional reason for refusal.

Voting: 8 – For 3 – Against 2 – Abstentions

273. DURATION OF MEETING

6.00 p.m. to 7.30 p.m.