

These are draft minutes and need to be approved at the next meeting of the Planning Committee.

Items that are not relevant to the schools or the nature reserve have been redacted from the document. No other changes have been made.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 25 APRIL 2019 **ADJOURNED TO 29 APRIL 2019**

Present: Councillor English (Chairman) and Councillors
25 April Adkinson, Bartlett, Boughton, Harwood, Kimmance,
2019 Munford, Parfitt-Reid, Round, Spooner and Wilby

Also Councillors Cuming, Hinder, Mrs Hinder and J Sams
Present:

330. NOTIFICATION OF VISITING MEMBERS

Councillors Cuming and Hinder indicated their wish to speak on the reports of the Head of Planning and Development relating to applications 18/506656/FULL (Popesfield, Bearsted Road, Weaving, Kent) and 18/506609/OUT (Newnham Park, Bearsted Road, Weaving, Kent).

Councillor Mrs Hinder indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/506656/FULL (Popesfield, Bearsted Road, Weaving, Kent).

331. ITEMS WITHDRAWN FROM THE AGENDA

It was noted that following advice from the Council's Monitoring Officer, it was the recommendation of the Head of Planning and Development that applications 18/506656/FULL (Popesfield, Bearsted Road, Weaving, Kent) and 18/506609/OUT (Newnham Park, Bearsted Road, Weaving,

Kent) should not be determined until after the local elections on 2 May 2019 due to their controversial nature.

The Chairman said that taking all matters into consideration, the difficulty in drawing a line as to what constituted "controversial" and based on case law, it was his view that the Committee should proceed to determine these applications at the meeting. All commentaries legal and otherwise stated that provided a decision maker takes into account only matters that are material that decision cannot be open to question. The Committee had been careful over the years to make its planning decisions based only on material planning considerations. In the unlikely event that it did not, the Council had procedures in place to deal with that.

Since no Members indicated that they considered that these applications should be withdrawn from the agenda, the Chairman said that the Committee would proceed to determine the applications at the meeting.

333. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the reports of the Head of Planning and Development relating to applications 18/506656/FULL (Popesfield, Bearsted Road, Weaving, Kent) and 18/506609/OUT (Newnham Park, Bearsted Road, Weaving, Kent), he was a Member of Boxley Parish Council. However, he had not participated in the Parish Council's discussions on the applications and from that perspective he intended to speak and vote when they were considered. Further, it had been noted by the Council's Legal Team that he had submitted multiple detailed critiques regarding these applications. He did this on almost every large planning application and it gave no inference of a closed mind or pre-determination so he intended to speak and vote.

Councillor Spooner said that on 12 March he had attended a meeting along with Borough Councillors Bob and Wendy Hinder to discuss application 18/506656/FULL (Popesfield, Bearsted Road, Weaving, Kent) with Kent County Council (KCC) Members and Officers, including the KCC Cabinet Member for Education. He had made it quite clear at the start of the meeting that as a member of the Borough Council's Planning Committee he had a duty of impartiality and would not comment on the

application. However, he did convey the known comments of his fellow Bearsted Ward Members who were unable to attend the meeting. He was disappointed, therefore, to see a report from Boxley Parish Council on its website and subsequently on other social media saying that he had agreed with the objections raised by the other Borough Councillors. That was not correct, and he could assure the Committee that he was attending the meeting with an open mind and had not pre-determined.

337. 18/506656/FULL - ERECTION OF A NEW TWO-STOREY PRIMARY SCHOOL AND SPECIAL EDUCATIONAL NEEDS SECONDARY SCHOOL WITH VEHICULAR AND PEDESTRIAN ACCESS VIA KENT MEDICAL CAMPUS, TOGETHER WITH ASSOCIATED CAR PARKING AND DROP OFF AREA, PEDESTRIAN ACCESS, DRAINAGE, AREAS FOR FORMAL AND INFORMAL OUTDOOR PLAY AND LANDSCAPING WORKS - POPESFIELD, BEARSTED ROAD, WEAVERING, KENT

All Members stated that they had been lobbied.

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

In presenting his report, the Principal Planning Officer advised the Committee that:

- The description of the application set out at the beginning of the Committee report should be amended as it was drafted when vehicular and pedestrian access was going to be from Bearsted Road. The proposals had been amended in response to representations made on the application so that both vehicular and pedestrian access would be via the Kent Medical Campus.
- Since the agenda was published, Kent County Council which dealt with surface water drainage had reviewed the information submitted and confirmed that further details were not required. This meant that recommended condition 11 relating to surface water drainage should be deleted but a condition requiring its implementation and relating to the operation and management of the proposed sustainable drainage scheme should be added.

Mr Coward, an objector, Mrs Bowdery, on behalf of Boxley Parish Council, Councillor Hughes of Bearsted Parish Council, Mr Wallis, for the applicant, and Councillors Hinder and Mrs Hinder (Visiting Members) addressed the meeting. Councillor Cuming also addressed the meeting as a Visiting Member in his own right and on behalf of Councillor Springett (Bearsted Ward Member) and de Wiggondene-Sheppard (Detling and Thurnham Ward Member) who were unable to attend the meeting.

RESOLVED:

1. That subject to
 - (a) The prior completion of a legal agreement to provide for the Heads of Terms set out in the report; AND
 - (b) The conditions set out in the report, as amended by the Principal Planning Officer at the meeting, with:
 - The removal of original condition 19 (Off-site highway works) and the removal of part (c) of original condition 20 (Off-site upgrade works);
 - The amendment of the Biodiversity Enhancement and Landscape Management Plan to include a less intensive management regime for the woodland buffers and grassland areas in order to preserve wildlife and a semi-natural edge to this part of north Maidstone;
 - The addition of a condition removing permitted development rights and a condition stipulating that no temporary buildings shall be placed on the application site without the consent of the Local Planning Authority;

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle, add or amend any necessary Heads of Terms and conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

2. That the details to be submitted pursuant to original condition 21 (Car Park Management Plan) are to be agreed in consultation with the Boxley and Bearsted Ward Members, Boxley and Bearsted Parish Councils and the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee.

Voting: 7 – For 5 – Against 0 – Abstentions

338. 18/506609/OUT - APPLICATION TO VARY CONDITIONS 3, 4, AND 5 OF PLANNING PERMISSION 16/507292/OUT (OUTLINE APPLICATION WITH ACCESS SOUGHT FOR DEVELOPMENT OF MEDICAL CAMPUS) TO ALLOW FOR THE RELOCATION OF THE NATURE RESERVE - NEWNHAM PARK, BEARSTED ROAD, WEAVERING, KENT

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

Mr Clark, an objector, Councillor Willmott of Boxley Parish Council, Councillor Hughes of Bearsted Parish Council and Mr Blythin, for the applicant, addressed the meeting. Councillor Hinder addressed the meeting in his own right as a Visiting Member and on behalf of Councillor Mrs Hinder (Boxley Ward Member). Councillor Cuming also addressed the meeting as a Visiting Member in his own right and on behalf of Councillor Springett (Bearsted Ward Member) and de Wiggondene-Sheppard (Detling and Thurnham Ward Member) who were unable to attend the meeting.

RESOLVED:

1. That subject to:
 - (a) The prior completion of a variation to the previous legal agreement to secure the relocated nature reserve;
 - (b) A mechanism to secure the retention of the "Hockers Wood Nature Reserve" as an area managed for ecological protection and enhancement in perpetuity with the intention of ensuring that no development occurs there and investigation of a mechanism for its designation as a Local Nature Reserve, including land ownership and any funding arrangements; AND
 - (c) The conditions set out in the report with the amendment of condition 5 (Landscaping) to require a more appropriate, less intensive management regime for the Nature Reserve,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle, add or amend any necessary Heads of Terms and conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

2. That if the Head of Planning and Development is unable to secure a mechanism in consultation with the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee to secure the retention of the "Hockers Wood Nature Reserve" as an area managed for ecological protection and enhancement in perpetuity, the application must be reported back to the Committee.

Voting: 9 – For 1 – Against 2 - Abstentions