

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING REFERRALS COMMITTEE**

**MINUTES (PART I) OF THE MEETING HELD ON 11 MAY 2015**

**Present:** Councillor B Mortimer (Chairman) and  
Councillors Mrs Hinder and J Sams

**Also Present:** Councillors Chittenden and Harwood

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

3. NOTIFICATION OF VISITING MEMBERS

Councillors Chittenden and Harwood indicated their wish to speak on the exempt report of the Head of Planning and Development relating to application MA/13/2197 – Land at Boughton Lane, Maidstone.

4. ELECTION OF CHAIRMAN

**RESOLVED:** That Councillor B Mortimer be elected as Chairman of the Committee for the remainder of the Municipal Year 2014/15.

5. ELECTION OF VICE-CHAIRMAN

**RESOLVED:** That Councillor J Sams be elected as Vice-Chairman of the Committee for the remainder of the Municipal Year 2014/15.

6. URGENT ITEMS

The Chairman drew the Committee's attention to the exempt update report of the Head of Planning and Development and to Counsel's detailed Opinion both of which had been circulated separately.

7. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

8. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied regarding the exempt report of the Head of Planning and Development relating to application MA/13/2197 – Land at Boughton Lane, Maidstone.

9. EXEMPT ITEMS

**RESOLVED:** That the item on Part II of the agenda together with the exempt update report of the Head of Planning and Development and Counsel’s detailed Opinion be taken in private.

10. MINUTES OF THE MEETING HELD ON 4 DECEMBER 2008

**RESOLVED:** That the Minutes of the meeting held on 4 December 2008 be approved as a correct record and signed.

11. 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 – Application MA/13/2197 – Land at Boughton Lane, Maidstone, Kent (Including the Exempt Update Report of the Head of Planning and Development and Counsel’s Detailed Opinion)

5 – Legal Proceedings

12. APPLICATION MA/13/2197 - LAND AT BOUGHTON LANE, MAIDSTONE, KENT

The Committee considered the exempt report and the exempt update report of the Head of Planning and Development regarding the appeal against the Planning Committee’s decision to refuse application MA/13/2197 and the Committee’s decision that, notwithstanding Counsel’s Opinion in relation to the likely prospects of success, the Council should not defend reason for refusal 2 relating to the level of affordable housing but should continue to defend reason 1 relating to the loss and deterioration of ancient woodland at the forthcoming Public Inquiry. It was noted that in accordance with paragraph 27.3 of Part 4 of the Council’s Constitution and paragraph 17 of the Local Code of Conduct for Councillors and Officers Dealing with Planning Matters, both relating to planning decisions which have significant cost implications, this decision of the Planning Committee had been referred to the Planning Referrals

Committee by the Head of Planning and Development upon the advice of the representative of the Head of Legal Partnership.

The Committee also considered Counsel's detailed Opinion. This Opinion was circulated at the meeting to Committee Members and Visiting Members under strict terms and all copies were returned to the representative of the Head of Legal Partnership after consideration.

**RESOLVED:**

1. That in the matter of the appeal against the Planning Committee's decision to refuse application MA/13/2197, and having regard to (a) the provision of new evidence and (b) Counsel's Opinion in relation to the likely prospects of success at appeal, the Council should not defend reason for refusal 2 relating to the level of affordable housing at the forthcoming Public Inquiry.

Voting:            3 – For            0 – Against

**FURTHER RESOLVED:**

1. That in the matter of the appeal against the Planning Committee's decision to refuse application MA/13/2197, and having regard to (a) the provision of new evidence and (b) Counsel's Opinion in relation to the likely prospects of success at appeal, the Council should not defend reason for refusal 1 relating to the loss and deterioration of ancient woodland at the forthcoming Public Inquiry.
2. That the Head of Planning and Development be requested to seek to achieve, through the Statement of Common Ground, a single vehicular access or an alternative vehicular access to the development which avoid the woodland and also the removal of the footways from the woodland buffer zone.

Voting:            2 – For            1 – Against

13. **DURATION OF MEETING**

6.00 p.m. to 8.30 p.m.