

APPENDIX 2

Planning Committee

28 April 2016

2.5 REFERENCE NO – 15/510595/OUT		
APPLICATION PROPOSAL		
Outline application with all matters reserved (except for the details of a vehicular access point from London Road, including the widening and realignment of the A2) for residential development of up to 126 dwellings (including 30% Affordable), plus 60 units of Extra Care (Use Class C2), an allocated 1/4 acre of serviced land for potential doctors surgery, planting and landscaping, informal open space, children's play area, surface water attenuation, and associated ancillary works (Resubmission of 15/500671/OUT).		
ADDRESS Land Off London Road Newington Kent		
WARD Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL Newington	APPLICANT Mr Gladman Developments

Councillor Mike Baldock raised concern that a representative from Hartlip Parish Council had not been able to speak on this item which he considered was not consistent with the Council's Constitution. The Chairman explained that the application site was within the parish of Newington and suggested that the Member speak to the Monitoring Officer outside of the meeting about his concern.

The Major Projects Officer outlined the application and placed it in context with the original scheme (reference 15/500671/OUT) and drew attention to the tabled papers which included: planning and environmental health officers response to Councillor John Wright's emails; KCC Highways and Transportation response to Councillor John Wright's emails; a new letter of objection from Newington Parish Council and the officer update.

The Major Projects Officer drew attention to the tabled officer update and the various additional representations that had been received from third parties, the additional information in respect of brick-earth and in respect of air quality, and the new comments from technical consultees: KCC Ecology, KCC Developer Contributions, Highways England, Kent Police, UK Power Networks and Southern Gas Networks.

The Major Projects Officer concluded that the information received about brick-earth did cast doubt on the practicability and viability of extracting brick earth prior to development of this site. Whilst it was possible to view the failure to extract such deposits as a negative economic cost, the wider benefits of the proposal outweighed the harm in this regard in his view. Officers remained of the view that the development was acceptable and that the Planning Inspectorate should be advised accordingly.

Parish Councillor Stephen Harvey, Newington Parish Council, spoke against the application.

Mr Richard Knox-Johnson, representing the Council for the Protection of Rural England, spoke against the application.

At this point the Chairman invited questions from Members on the tabled papers.

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In response to queries about comments raised by Newington Parish Council, the Major Projects Officer drew attention to pages 117 and 118 of the Committee report which set out why officers considered the proposal was sustainable. He noted that Pond Farm would be taken out of agricultural use, but officers had considered that the benefits of the proposal outweighed the harm in that regard.

The KCC Highways and Transportation Officer reported that whilst there may be an extra 250 vehicle movements from the application site it would not all be leaving or accessing the site at the same time. He stated there would be an additional 60 movements through the village at peak times and 1,500 vehicles currently pass through Newington in each of those peak hours, so the increase associated with the development therefore amounted to a relatively small amount.

In response to queries from Members, the Major Projects Officer explained that the applicants had lodged two appeals for non-determination, this application and another one which was for 330 properties at the site (and relating to 15/500671/OUT, which Members considered in August 2015). The Planning Inspector was receiving representations on how to manage both applications and there may be a public inquiry in June 2016 and although this was confirmed in respect of 15/500671/OUT it was not yet known whether 15/510595/OUT would also be considered at that Inquiry. The Major Projects Officer stated that in terms of appeal costs the Committee needed to be confident that they had behaved reasonably when considering the application and made their decision on material planning grounds.

The Head of Planning Services reminded Members that they needed to consider this application on its merits.

With regard to Section 106 monies for education going to Regis Manor, the Major Projects Officer advised that during the appeal Members could request this went to the local school in Newington, though evidence would need to be provided in order to justify such a request.

The Chairman moved the officer recommendation to advise the Planning Inspectorate that the Council supported the proposals and this was seconded.

A Ward Member spoke against the application and raised points which included: have some sympathy with planning officers as there is so much information that needs to be considered and provided with the application; need to consider the outcomes of the emerging Swale Local Plan (Bearing Fruits 2031) and KCC Waste and Minerals Plan announced on the 19 April; lights from vehicles leaving the site would have an adverse impact on properties in London Road; the Council's Landscape and Visual Impact Consultants recommend refusal this has been ignored by officers; need to consider the results of the KCC Waste and Mineral Plan recently published; need to consider cumulative impact of development as this is a material planning consideration; no Section 106 monies for local school or recreation area; traffic assessment was not carried out correctly; vehicle movements would double; does not comply with the National Planning Policy Framework (NPPF); does not improve the quality of the village; and a lot of questions remained unanswered.

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Members raised concerns which included: contrary to the emerging Local Plan; site lies within an important strategic gap would be undermining our own Local Plan; the recently published KCC Minerals and Waste Plan states that a 25-year supply of brick earth is essential and this type of development is fundamental for promoting brick earth reserves to be used; bullet point five of paragraph 17 of the NPPF does not apply and there is case law to support this; Council's climate Change Officer has concerns why have officers ignored this advice; consider that the developer is trying to 'blackmail' the Council by stating that if we approve this they will not pursue the appeal for their other application; the proposed third lane of traffic should be removed as it will cause problems; the Section 106 monies should not be used for Key Street roundabout but Church Road in Newington which has issues with on-street parking; and why is the Council approving applications like this, we should be listening to the public?

Councillor Mike Henderson proposed the following reasons for refusing the application if the motion to approve were to be lost:

- In principle the application is over-intensive for Newington and an expansion of 20% to the size of the village is not sustainable;
- Loss of potential brick earth resource;
- Increased pressure on the highways and therefore an increase in pollution and impact on the Air Quality Management Area;
- Loss of best and most versatile high quality agricultural land;
- Not economically sustainable (contrary to the NPPF);
- Not environmentally sustainable (contrary to the NPPF). The Council's Environmental Protection Officer has concerns.
- Not socially sustainable;
- Contrary to Policies E1, E6, E7 and H2 of the adopted Local Plan;
- Loss of listed building and heritage assets;
- Inadequate Travel Plan

In accordance with Procedure Rule19(5) a recorded vote was taken on the motion to approve the application and voting was as follows:

For: Councillors Roger Clark and Bryan Mulhern.

Against: Councillors Mike Baldock, Cameron Beart, George Bobbin, Andy Booth, Richard Darby, Mike Dendor, Mark Ellen, Sue Gent, Paul Fleming; Mike Henderson, Lesley Ingham; Peter Marchington, Colin Prescott and Ben Stokes.

Abstention: Councillor James Hunt

The motion to approve the application was lost.

Councillor Mike Henderson moved a motion to refuse the application. This was seconded by Councillor Mark Ellen.

At this point the Head of Planning Services used his delegated powers to 'call-in' the application.

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Resolved: That as the Planning Committee was minded to make a decision that would be contrary to officer recommendation and contrary to planning policy and/or guidance, determination of the application be deferred to the next meeting of the Committee, when the Head of Planning Services should advise Members of the prospects of such a decision if challenged on appeal and if it becomes the subject of a costs application.