

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 6 NOVEMBER 2014**

**Present:** Councillor English (Chairman) and  
Councillors Ash, Butler, Cox, Edwards-Daem,  
Harwood, Hogg, Paine, Paterson, Mrs Robertson,  
Mrs Stockell and J.A. Wilson

**Also Present:** Councillors Mrs Blackmore, Daley and  
McLoughlin

#### 155. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Collins and Greer.

#### 156. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Greer  
Councillor Mrs Stockell for Councillor Collins

#### 157. NOTIFICATION OF VISITING MEMBERS

Councillor Daley indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/501209.

It was noted that Councillor Mrs Blackmore had indicated her wish to speak on the report of the Head of Planning and Development relating to application MA/14/0679.

It was noted that Councillor McLoughlin had indicated his wish to speak on the reports of the Head of Planning and Development relating to applications MA/14/0059, MA/14/0539 and MA/14/0679.

#### 158. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

#### 159. URGENT ITEM

The Chairman stated that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item as it contained further information relating to the applications to be considered at the meeting.

160. DISCLOSURES BY MEMBERS AND OFFICERS

During consideration of the report of the Head of Planning and Development relating to application 14/500583, Councillor Ash stated that he was a Member of Bearsted Parish Council, but he had not participated in the Parish Council's discussions relating to the proposed development, and intended to speak and vote.

161. EXEMPT ITEMS

**RESOLVED:** That the item on Part II of the agenda be taken in private as proposed.

162. MINUTES OF THE MEETING HELD ON 16 OCTOBER 2014

**RESOLVED:** That the Minutes of the meeting held on 16 October 2014 be approved as a correct record and signed.

163. PRESENTATION OF PETITIONS

There were no petitions.

164. DEFERRED ITEM

MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE

The Principal Planning Officer advised Members that a revised viability assessment was still awaited.

165. 14/501209 - THE DEVELOPMENT OF THE SITE FOR 140 TWO, THREE, FOUR AND FIVE BED DWELLINGS, NEW ACCESS ROAD OFF A20, NEW ESTATE ROADS, CAR PARKING, LANDSCAPING AND AMENITY OPEN SPACE - BRIDGE NURSERY, LONDON ROAD, MAIDSTONE, 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.

County Councillor Bird, an objector, Mr Hull/Ms Baker, for the applicant, and Councillor Daley (Visiting Member) addressed the meeting.

**RESOLVED:** 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 following:

- The provision of 30% affordable housing;
- A contribution of £1,350 per dwelling for the A20 Coldharbour Lane junction improvement;
- A contribution of £86 per dwelling for the improvement of Junction 5 of the M20;
- A contribution for Kent County Council of £4,000 per applicable house and £1,000 per applicable flat towards build costs and £2,701.63 per applicable house and £675.41 per applicable flat towards land costs in connection with the construction of a new primary school;
- A contribution for Kent County Council of £2,359.80 per applicable house and £589.95 per applicable flat towards the extension of a secondary school within Maidstone;
- A contribution for Maidstone Borough Council of £402.96 per dwelling towards the provision of public open space within a one mile radius of the development for the improvement, refurbishment and maintenance of existing areas of open space and equipped play, outdoor sports facilities and allotments;

*Adisham Drive and Midley Close are within 1km of the site and would be used by the development as they are the nearest sites with areas of equipped play, whilst the likes of Allington Open Space and Giddyhorn Lane are areas that would benefit in terms of outdoor sports facilities.*

- A contribution for the NHS of £111,996 towards improvements at the named surgeries of Allington Clinic, Allington Park Surgery, Aylesford Medical Practice, College Practice, Lockmeadow Surgery and Blackthorn Practice all of which are within 1.5 miles of the site;
- A contribution for Kent County Council of £30.70 per dwelling towards community learning for adult learning classes or outreach adult learning in Maidstone;
- A contribution for Kent County Council of £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough youth outreach services in the area;
- A contribution for Kent County Council of £79.71 per dwelling to provide expansion of library services in Maidstone and additional book stock and equipment; and
- A contribution for Kent County Council of £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to

integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report and the additional conditions and informative set out in the urgent update report, with the amendment of condition 15 and additional conditions as follows:

Condition 15 (amended)

The dwellings shall achieve a minimum of Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that (at least) Code Level 4 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development.

Additional Condition (to replace the terms originally proposed under the S106 legal agreement requiring the submission of a landscape and ecological management plan)

No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and ecology.

Additional Condition relating to the establishment of a Monitoring Committee comprising the local Ward Members and Councillor Harwood to monitor the discharge of conditions.

Voting: 5 – For 2 – Against 4 – Abstentions

**FURTHER RESOLVED:** That the developer and Tonbridge and Malling Borough Council be approached regarding the designation of the land edged blue on the site layout plan as a local nature reserve.

Voting: 11 – For 0 – Against 0 – Abstentions

Note: Councillor J. A. Wilson entered the meeting during consideration of this application (6.30 p.m.) and did not participate in the discussion or the voting.

166. MA/14/0679 - ERECTION OF 6 NO. NEW BUILD AFFORDABLE HOUSES WITH ASSOCIATED ACCESS, PARKING AND AMENITY SPACE - LAND ADJACENT HIGHFIELD HOUSE, MAIDSTONE ROAD, MARDEN, MAIDSTONE, KENT

All Members except Councillor Edwards-Daem stated that they had been lobbied.

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

Mr Bayliss, an objector, Councillor Mannington of Marden Parish Council (in support), Mr Mandy, for the applicant, and Councillors McLoughlin and Mrs Blackmore (Visiting Members) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposed development, by way of its mass, design and layout, would fail to respect, respond and relate to the established pattern of built development in the immediate surroundings and the wider context of Marden (breaching the northern boundary of the railway line), and would thus cause harm to the character and appearance of the open countryside and would fail to represent good design. Furthermore, no overriding need has been demonstrated. To permit the proposal would therefore be contrary to Local Plan policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Central Government Advice contained in the National Planning Policy Framework.

**RESOLVED:** That permission be refused for the following reason:

The proposed development, by way of its mass, design and layout, would fail to respect, respond and relate to the established pattern of built development in the immediate surroundings and the wider context of Marden (breaching the northern boundary of the railway line), and would thus cause harm to the character and appearance of the open countryside and would fail to represent good design. Furthermore, no overriding need

has been demonstrated. To permit the proposal would therefore be contrary to Local Plan policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and Central Government Advice contained in the National Planning Policy Framework.

Voting: 7 – For 4 – Against 1 – Abstention

167. 14/500583 - ERECTION OF A DETACHED GARAGE AND THE ERECTION OF A FIRST FLOOR EXTENSION AND REAR EXTENSION TO FACILITATE THE CREATION OF A NEW DWELLING TO CREATE PAIR OF SEMI-DETACHED HOUSES - 7 CAVENDISH WAY, BEARSTED, KENT

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

Councillor Etheridge of Bearsted Parish Council (against) addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report.

Voting: 10 – For 2 – Against 0 – Abstentions

168. MA/14/0059 - CHANGE OF USE OF LAND FOR THE STATIONING OF 1 NO. RESIDENTIAL CARAVAN FOR GYPSY ACCOMMODATION INCLUDING RESURFACING OF SITE AND ASSOCIATED WORKS - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT

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

Mrs Arthur, an objector, Mr McKay, for the applicant, and Councillor McLoughlin (Visiting Member) addressed the meeting.

**RESOLVED:** That permission be granted 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, with the amendment of condition 7 and an additional informative as follows:

Condition 7 (amended)

The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following:

- i) Details of the species, size, density and location of all new planting within the site;
- ii) Native hedge planting along the southern boundary of the site;
- iii) The use of native species to stop up existing gaps; and
- iv) The fencing-off of all new planting until it is established.

Reason: In the interests of visual amenity and biodiversity.

Additional Informative

The developer should consult with the Council's Landscape Officer regarding the native species to be used in stopping up gaps in the existing planting.

Voting: 5 – For 4 – Against 3 – Abstentions

Note: Councillor Edwards-Daem left the meeting after consideration of this application.

169. MA/14/0539 - ERECTION OF THREE 4 BEDROOM DETACHED HOUSES WITH INTEGRAL GARAGES AND TWO PARKING SPACES EXTERNALLY - EASTWELLS, KENWARD ROAD, YALDING, MAIDSTONE, KENT

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

Councillor McLoughlin (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposal represented a significant extension into the open countryside and therefore to the built form of Yalding and by reason of its mass and design and associated loss of hedgerows, trees and other natural features would cause harm to the character and appearance of the open countryside and fail to represent good design, contrary to policies ENV28 and ENV41 of the Maidstone Borough-Wide Local Plan 2000 and Central Government Advice contained in the National Planning Policy Framework.

**RESOLVED:** That permission be refused for the following reason:

The proposal represents a significant extension into the open countryside and therefore to the built form of Yalding and by reason of its mass and design and associated loss of hedgerows, trees and other natural features would cause harm to the character and appearance of the open countryside and fail to represent good design, contrary to policies ENV28 and ENV41 of the Maidstone Borough-Wide Local Plan 2000 and Central Government Advice contained in the National Planning Policy Framework.

Voting: 11 – For 0 – Against 0 – Abstentions

170. TREE PRESERVATION ORDER NO. 3 OF 2014 - TREE AT 1 HONEYSUCKLE MEWS, LOOSE GREEN, LOOSE, MAIDSTONE

The Committee considered the report of the Head of Planning and Development concerning Tree Preservation Order No. 3 of 2014 which was made to protect a mature Sycamore tree growing in the rear garden of 1 Honeysuckle Mews, Loose Green, Maidstone. It was noted that:

- The grounds for the making of the Order were that the tree made a positive contribution to the character and amenity of the area. Conservation area notification TA/0051/14 proposed works to the tree that were considered to be inappropriate arboricultural management and that would degrade the visual amenity afforded by the tree, reducing landscape quality in the area.
- One objection to the Order had been received from the owner/occupiers of an adjacent property, but the Officers considered that the objection did not raise any issues to suggest that the Order should not be confirmed.

**RESOLVED:** That Tree Preservation Order No. 3 of 2014 be confirmed without modification.

Voting:        8 – For        2 – Against        1 – Abstention

171. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

**RESOLVED:** That the report be noted.

172. UPDATE ON MATTERS REFERRED TO CABINET MEMBERS

It was noted that there was nothing to report at present.

In response to comments by a Member, the Chairman confirmed that the issue of acceptance or otherwise of Highway Authority advice in relation to planning applications would be included as an item for discussion by the Political Group Spokespersons.

173. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

174. MA/12/2255 - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 53 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT

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



The Committee, wishing to consider the information contained in the financial statements attached as exempt Appendices to the report of the Head of Planning and Development 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:

**Head of Schedule 12A and  
Brief Description**

Exempt Appendices to the Report of the Head of Planning and Development Relating to Application MA/12/2255 3 – Financial/Business Affairs

Having discussed the information contained in the financial statements attached as exempt Appendices to the report of the Head of Planning and Development in private, the Committee:

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

**FURTHER RESOLVED:** 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 following:

- The provision of a minimum of 40% affordable housing;
- A contribution for Kent County Council for primary school provision local to the site (being £2,701.63 per applicable house and £675.41 per applicable flat for land acquisition);
- A contribution for Kent County Council of £144.64 per dwelling or flat to be spent within Maidstone on the provision of library book stock;
- A contribution for Kent County Council of £28.71 per dwelling or flat to be spent within Maidstone on the provision of community learning and skills facilities; and
- A contribution for Maidstone Borough Council of £1,575 per residential unit to be used for the enhancement of open space within a one mile radius of the application site,

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.

**Voting:** 11 – For 0 – Against 0 – Abstentions

Note: This decision supersedes that contained in Minute 225 of the meeting held on 12 December 2013.

175. DURATION OF MEETING

6.00 p.m. to 8.50 p.m.