

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 25 MAY 2017

ADJOURNED TO 1 JUNE 2017

Present: Councillor English (Chairman) and Councillors Boughton, Clark, Cox, Harwood, Hemsley, Munford, Powell, Prendergast, Round, Spooner, Mrs Stockell and Vizzard

Also Present: Councillors Adkinson, Butler, Daley, Harper and Perry

6. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

7. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

8. **NOTIFICATION OF VISITING MEMBERS**

Councillors Adkinson, Daley and Harper indicated their wish to speak on the reports of the Head of Planning and Development relating to the following applications:

16/505632 - 1 - 17 The Broadway, Maidstone, Kent

16/506320 - Jubilee Free School, Gatland House, Gatland Lane, Maidstone, Kent

16/506322 - Jubilee Free School, Gatland House, Gatland Lane, Maidstone, Kent

It was noted that Councillor Perry wished to speak on the reports of the Head of Planning and Development relating to the following applications, and was on his way to the meeting:

15/501528 - Maplehurst Lane, Frittenden Road, Staplehurst, Kent

15/501537 - Maplehurst Lane, Frittenden Road, Staplehurst, Kent

15/510660 - Parkwood Stables, Park Wood Lane, Parallel Track, Staplehurst, Kent

Councillor Butler attended the meeting as an observer.

9. **ITEMS WITHDRAWN FROM THE AGENDA**

The Chairman announced that, due to the number of items on the agenda, the reports of the Head of Planning and Development relating to the

following applications had been rolled over to the adjourned meeting of the Committee scheduled to be held on 1 June 2017:

- 16/504047 - Crossways, Maidstone Road, Sutton Valence, Kent
- 16/506795 - 164 Ashford Road, Bearsted, Kent
- 16/508284 - Land Adjacent The Mews, Buckland Lane, Maidstone, Kent
- 17/500175 - Land Adjacent South Cottage, High Street, Staplehurst, Kent

10. URGENT ITEMS

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

11. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the reports of the Head of Planning and Development relating to applications 16/506320 and 16/506322 (Jubilee Free School, Gatland House, Gatland Lane, Maidstone, Kent), Councillor Prendergast said that in her new position as Deputy Cabinet Member for Education at Kent County Council, she had not taken part in any discussions regarding the School, and intended to speak and vote when the applications were considered.

With regard to the report of the Head of Planning and Development relating to application 15/509961 (Land at Church Street and Heath Road, Boughton Monchelsea, Kent), Councillor Munford said that he was the Chairman of Boughton Monchelsea Parish Council. However, he had not taken part in the Parish Council's Planning Committee's discussions on the proposed development, and intended to speak and vote when the application was considered.

With regard to the report of the Head of Planning and Development relating to application 13/1823 (Mayfield Nursery, Ashford Road, Harrietsham, Kent), Councillor Powell said that he was a Member of Harrietsham Parish Council, but since he was not a Member of the Parish Council when the application was first considered, he intended to speak and vote when it was discussed.

12. EXEMPT ITEMS

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

13. MINUTES OF THE MEETING HELD ON 27 APRIL 2017

RESOLVED: That the Minutes of the meeting held on 27 April 2017 be approved as a correct record and signed subject to the addition of the following note to Minute 374:

During the discussion on this item, Councillor Prendergast asked that her dissent to how the exempt legal advice had been presented to Members be recorded.

14. MINUTES OF THE MEETING HELD ON 23 MAY 2017

RESOLVED: That the Minutes of the meeting held on 23 May 2017 be approved as a correct record and signed.

15. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

RESOLVED: That the following Members be appointed as Spokespersons for their respective Political Groups for the Municipal Year 2017/18:

Councillor Boughton - Conservative
Councillor Harwood - Liberal Democrat
Councillor Munford - Independent
Councillor Powell - UKIP

16. PRESENTATION OF PETITIONS

It was noted that a petition might be referred to in relation to application 16/505632.

17. DEFERRED ITEM

16/507491 - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 19 NO. APARTMENTS - 3 TONBRIDGE ROAD, MAIDSTONE, KENT

The Development Manager said that negotiations were continuing in respect of this application.

18. 17/501210 - INSTALLATION OF AN EXTERNAL PASSENGER LIFT SHAFT (3 STOPS), REMOVAL OF PART OF A FLAT ROOF AND EXISTING TOILET AND INSTALLATION OF A NEW ACCESSIBLE TOILET - MAIDSTONE MUSEUM, ST FAITHS STREET, MAIDSTONE, KENT

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

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

Voting: 13 – For 0 – Against 0 – Abstentions

19. 17/501211 - LISTED BUILDING CONSENT FOR THE INSTALLATION OF AN EXTERNAL PASSENGER LIFT SHAFT (3 STOPS), REMOVAL OF PART OF A FLAT ROOF AND EXISTING TOILET AND INSTALLATION OF A NEW ACCESSIBLE TOILET - MAIDSTONE MUSEUM, ST FAITHS STREET, MAIDSTONE, KENT

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

RESOLVED: That listed building consent be granted subject to the conditions set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

20. 17/501555 - LISTED BUILDING CONSENT FOR THE INSTALLATION OF A PLATFORM LIFT (2 STOPS) AND AN ACCESSIBLE TOILET IN LIEU OF EXISTING TOILETS. OPENING OF A DOOR FOR THE LIFT ACCESS THROUGH AN EXISTING BRICK WALL - MAIDSTONE MUSEUM, ST FAITHS STREET, MAIDSTONE, KENT

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

RESOLVED: That listed building consent be granted subject to the conditions set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

21. 16/506320 - ERECTION OF AN EXTENSION TO THE EXISTING SCHOOL BUILDING FOR EDUCATIONAL USE - JUBILEE FREE SCHOOL, GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT

All Members except Councillors Spooner and Vizzard stated that they had been lobbied.

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

Mr Skinner of the Save Fant Farm Group, an objector, Mr Fitzgerald, for the applicant, and Councillors Harper, Adkinson and Daley (Visiting Members) addressed the meeting.

RESOLVED: That consideration of this application be deferred for one meeting cycle to enable the Officers, applicant, Ward Members and Political Group Spokespersons to discuss the detail of conditions relating to:

Off-site outdoor play provision and the mechanism to secure this;
Landscaping to improve enclosure of the School, including the Gatland Lane frontage;
Renewable energy generation for the scheme;
Security lighting and other lighting issues; and
Ecological enhancements.

Voting: 10 – For 1 – Against 2 – Abstentions

During the discussion on this application, a Member requested that an assessment be undertaken of how existing conditions are being complied with.

22. 16/506322 - REMOVAL OF CONDITION 2 OF 14/503957 (APPLICATION FOR PERMANENT CHANGE OF USE TO A FREE SCHOOL (CLASS D1)) - THE CONDITION RESTRICTS THE NUMBER OF PUPILS TO 240 UNTIL JULY 2022 AND THEN 210 FROM SEPTEMBER 2022 ONWARDS. THE CONDITION IS THEREFORE REQUIRED TO BE REMOVED, TO ACCOMMODATE AN INCREASE IN CAPACITY, IN THE EVENT THE EXTENSION OF FLOORSPACE APPLICATION IS APPROVED AT THE SUBJECT SITE - JUBILEE FREE SCHOOL, GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT

This application stands deferred until application 16/506320 is reported back to the Committee.

23. 16/505632 - REMOVAL OF CONDITION 7 (OPERATING HOURS) OF PREVIOUSLY APPROVED 14/504694/FULL TO ALLOW 24HR OPERATION - 1 - 17 THE BROADWAY, MAIDSTONE, KENT

All Members except Councillors Hemsley, Spooner, Mrs Stockell and Vizzard stated that they had been lobbied.

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

Mr Kirby, an objector, Mr El Hajj, for the applicant, and Councillors Harper, Adkinson and Daley (Visiting Members) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission because by virtue of the noise and disturbance likely to be caused by the use of the site for 24 hour operation, including from the comings and goings of customers, cars visiting the site, radios and doors slamming, the proposal was considered to be harmful to the residential amenity of the nearby occupiers contrary to Policy R17 of the Maidstone Borough-Wide Local Plan 2000 and Policy DM1 of the Submitted version of the Maidstone Local Plan.

RESOLVED: That permission be refused for the following reason:

By virtue of the noise and disturbance likely to be caused by the use of the site for 24 hour operation, including from the comings and goings of customers, cars visiting the site, radios and doors slamming, the proposal is considered to be harmful to the residential amenity of the nearby occupiers contrary to Policy R17 of the Maidstone Borough-Wide Local Plan 2000 and Policy DM1 of the Submitted version of the Maidstone Local Plan.

Voting: 13 – For 0 – Against 0 – Abstentions

FURTHER RESOLVED: That the Environmental Protection Team be requested to consider installing nitrogen dioxide monitoring equipment in proximity to the McDonald's drive-through at The Broadway, Maidstone to gain an understanding of air pollution issues in that area.

Voting: 13 – For 0 – Against 0 – Abstentions

24. 15/509961 - ERECTION OF 41 NO. RESIDENTIAL UNITS TOGETHER WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING - LAND AT CHURCH STREET AND HEATH ROAD, BOUGHTON MONCHELSEA, KENT

All Members except Councillors Spooner and Vizzard stated that they had been lobbied.

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

When introducing this item, the Major Developments Officer advised the Committee that:

- Since this was a detailed application, a contribution totalling £1,968 was being sought for additional Library book stock to meet the need generated by the new residents.
- A message had been received from the office of former MP Helen Whately asking that the Committee take full account of objections raised by Mr Carpenter, a local resident. These representations were available to view on-line.

Mr Blythin addressed the meeting on behalf of the applicant.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Interim Head of Legal Partnership may advise to secure the following:
 - The provision of affordable housing, the tenure split and amount to be determined, subject to a minimum of 16 affordable units which will be provided with a tenure split of 70/30 in favour of affordable rented housing or equivalent DM13 policy compliant solution;
 - A financial contribution per dwelling for the provision of health facilities, to be used towards a medical facility within Boughton Monchelsea, or failing that, for Stockett Lane Surgery or the Orchard Medical Centre, Coxheath, based on the following formula: £31,611 divided by (41 minus X) where X being the number of affordable housing units;

- A financial contribution of £1,968 (£48 per dwelling) for additional Library book stock to meet the need generated by the new residents; and
- A financial contribution of £38,950 (£950 per dwelling) for off-site open space provision, for use in the Parish of Boughton Monchelsea, subject to an assessment of pooling restrictions (the exact wording to be finalised by the Head of Planning and Development acting under delegated powers),

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, with the deletion of condition 9 (and re-numbering of the remaining conditions), the amendment of conditions 2 and 14 (originally 15) and an additional condition as follows:

Condition 2 (Landscaping and Boundary Treatment) (amended)

Details of landscaping and boundary treatment, including fences and walls within the site, and treatment of existing hedges to be submitted to and approved by the Local Planning Authority prior to development above dpc level on site. Particular focus should be given to the boundary adjoining Cobtrees in order to minimise overlooking and any loss of privacy. Such details shall include maintenance and long term management of existing and proposed landscape, including trees and hedges. All such works shall be carried out in accordance with the approved details.

Reason: To secure appropriate screening and landscaping.

Condition 14 (originally 15) (External Materials and Architectural Detailing) (amended)

Prior to the commencement of development, details of external materials and architectural detailing including the use of timber weatherboarding, tile hanging, ragstone, arched brickwork and other vernacular detailing, including the materials for cycle stores, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In order to achieve a high standard of design in accordance with criterion 3 of Policy H1 (53) of the Proposed Main Modifications to the Maidstone Borough Local Plan, February 2016.

Additional Condition

To the effect that no development shall commence on site until a S278 agreement has been entered into covering the upgrading of the existing zebra crossing to a puffin crossing on Heath Road – the

exact wording to be finalised by the Head of Planning and Development acting under delegated powers.

2. That the details to be submitted pursuant to condition 2 are to be agreed in consultation with the Ward Member and Councillor Harwood.

Voting: 12 – For 0 – Against 1 – Abstention

25. 14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

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

RESOLVED: That advertisement consent be granted subject to the conditions and informative set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

26. 13/1823 - AN OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF 49 DWELLINGS AND ASSOCIATED CAR PARKING AND LANDSCAPING, WITH THE MATTER OF ACCESS TO BE CONSIDERED AT THE CURRENT TIME AND ALL OTHER MATTERS RESERVED - MAYFIELD NURSERY, ASHFORD ROAD, HARRIETSHAM, MAIDSTONE, KENT

Councillors Powell and Prendergast stated that they had been lobbied.

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

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement, in such terms as the Interim Head of Legal Partnership may advise, to secure the following:
 - The provision of 40% affordable residential units within the application site;
 - A financial contribution of £129,636 towards the Phase 2 expansion of Harrietsham Primary School;
 - A financial contribution of £2,352.78 to be used to address the demand from the development for additional book stock to be supplied to the mobile library service serving the development;
 - A financial contribution of £23,587 (£360 per predicted occupier based on size of market dwellings) towards the improvement of

healthcare facilities at The Glebe Medical Centre, Harrietsham; specifically, the provision of two additional clinical rooms; and

- A financial contribution of £3,500 per dwelling towards highway improvements to the A20 in Harrietsham,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions set out in the report, as amended by the urgent update reports, and the informatives set out in the first urgent update report.

Voting: 13 – For 0 – Against 0 – Abstentions

2. That the Head of Planning and Development be given delegated powers to refuse outline permission should the S106 agreement not be signed and sealed within six weeks of this meeting of the Committee.

Voting: 13 – For 0 – Against 0 – Abstentions

27. 15/501528 - CHANGE OF USE OF LAND FOR THE STATIONING OF A MOBILE HOME, UTILITY ROOM, STABLE BLOCK AND TOURING CARAVAN FOR GYPSY FAMILY (PART RETROSPECTIVE) - MAPLEHURST LANE, FRITTENDEN ROAD, STAPLEHURST, KENT

All Members except Councillor Vizzard stated that they had been lobbied.

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

Councillor Burnham of Staplehurst Parish Council, Mr Roots, the applicant, and Councillor Perry (Visiting Member) addressed the meeting.

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

Voting: 4 – For 2 – Against 7 – Abstentions

28. 15/501537 - CHANGE OF USE OF LAND FOR THE PERMANENT STATIONING OF A MOBILE HOME, UTILITY ROOM, STABLE BLOCK AND TOURING CARAVAN FOR GYPSY FAMILY. (PART RETROSPECTIVE) - MAPLEHURST LANE, FRITTENDEN ROAD, STAPLEHURST, 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.

Councillor Buller of Staplehurst Parish Council, Mr Collins, for the applicant, and Councillor Perry (Visiting Member) addressed the meeting.

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

Voting: 4 – For 2 – Against 7 – Abstentions

29. LONG MEETING

Prior to 10.30 p.m., during consideration of the report of the Head of Planning and Development relating to application 15/501537, the Committee:

RESOLVED: That the meeting should continue until 11.00 p.m. if necessary.

30. 15/510660 - RETROSPECTIVE PERMISSION SOUGHT FOR TWO MOBILE HOMES, A DAY ROOM, TWO TOURING CARAVANS AND STABLE BLOCK FOR THE BENEFIT OF A GYPSY FAMILY - PARKWOOD STABLES, PARK WOOD LANE, PARALLEL TRACK, STAPLEHURST, KENT

All Members stated that they had been lobbied.

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

Councillor Burnham of Staplehurst Parish Council and Councillor Perry (Visiting Member) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report, as amended by the second urgent update report, and the following additional informative:

The applicant is encouraged to plant fruit trees to the east of the stable block.

Voting: 5 – For 4 – Against 5 – Abstentions

Note:

1. Chairman's casting vote in favour of granting permission.
2. Arising from consideration of this application, the Landscape Officer was asked to liaise with the applicant on the content of the landscaping scheme.

31. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Planning and Development relating to application 15/510660, the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on 1 June 2017 when the remaining items on the agenda will be discussed.

32. DURATION OF MEETING

6.00 p.m. to 10.55 p.m.