

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 26 APRIL
ADJOURNED TO 30 APRIL 2018

Present: **Councillor English (Chairman) and**
26 April **Councillors Boughton, Clark, Cox, Harwood, Munford,**
2018 **Perry, Powell, Round, Spooner and Vizzard**

Also Present: **Councillor Garten**

460. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Prendergast and Mrs Stockell.

461. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Perry was substituting for Councillor Prendergast.

462. NOTIFICATION OF VISITING MEMBERS

Councillor Garten indicated his wish to speak on the report of the Head of Planning and Development relating to application 17/503118 (Land to the West of Windmill Lane, Eyhorne Street, Hollingbourne, Kent) and his possible wish to speak on the report of the Head of Planning and Development relating to application 17/506323 (Maple Leaf Garage, Ashford Road, Hollingbourne, Kent). In the event, Councillor Garten left the meeting before consideration of the report relating to application 17/506323.

463. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

464. 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 matters to be considered at the meeting.

465. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

466. EXEMPT ITEMS

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

467. MINUTES OF THE MEETING HELD ON 5 APRIL 2018

RESOLVED: That the Minutes of the meeting held on 5 April 2018 be approved as a correct record and signed.

Note: Councillor Harwood entered the meeting prior to consideration of this item (6.05 p.m.).

468. PRESENTATION OF PETITIONS

There were no petitions.

469. DEFERRED ITEMS

17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT

The Development Manager said that he had nothing further to report in respect of this application at present.

17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO. UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

The Development Manager said that he had nothing further to report in respect of this application at present.

17/505995 - ERECTION OF A DETACHED FIVE BEDROOM DWELLING WITH ASSOCIATED PARKING - COURT LODGE FARM, THE STREET, TESTON, MAIDSTONE, KENT

The Development Manager said that he had nothing further to report in respect of this application at present.

470. 18/500353 - VARIATION OF CONDITION 6 OF PLANNING PERMISSION MA/13/1645 (ERECTION OF POLYTUNNELS) TO ALLOW POLYTUNNELS TO BE COVERED WITH POLYTHENE BETWEEN THE 14 FEBRUARY AND 15 NOVEMBER - CHURCH FARM, ULCOMBE HILL, ULCOMBE, KENT

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

Councillor Round stated that he had been lobbied. Councillor Round advised the Committee that since this was an emotive issue within his Ward, he intended to refrain from the discussion and abstain from the voting.

Ms Banham, an objector, Councillor Kenward of Ulcombe Parish Council, and Mr Charlton, the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report as amended by the urgent update report.

Voting: 8 – For 0 – Against 3 – Abstentions

471. 16/502993 - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 18 NEW C2 EXTRA CARE RETIREMENT HOMES, CLUB HOUSE, CAR PORTS, BIN STORES, LANDSCAPE SCHEME AND ACCESS ROAD. DEMOLITION OF GARAGE TO REAR OF 70 CHURCH STREET AND ERECTION OF NEW OAK FRAMED CAR PORT TO REAR GARDEN - LAND TO WEST OF 70 CHURCH STREET, BOUGHTON MONCHELSEA, KENT

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

Mr Osborne, for the applicant, addressed the meeting. Mr Osborne said that the draft S106 legal agreement had been received by the applicant earlier that day, but the wording "to be agreed with the Local Planning Authority" had been omitted from the Head of Terms regarding occupation of the units as set out in the Minutes of the meeting held on 16 March 2017 and the report and the urgent update report of the Head of Planning and Development.

The representative of the Head of Legal Partnership advised the Committee that this omission would be rectified before the S106 legal agreement was signed and sealed.

RESOLVED: That subject to:

- (a) The prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to provide for the Heads of Terms set out in the report as amended by the urgent update report; AND
- (b) The conditions set out in the report and the additional condition and informative set out in the urgent update report,

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

Voting: 11 – For 0 – Against 0 – Abstentions

472. 17/503118 - ERECTION OF 10 DWELLINGS AND ASSOCIATED WORKS INCLUDING ASSOCIATED GARAGING AND CONSTRUCTION OF ACCESS ROAD - LAND TO THE WEST OF WINDMILL LANE, EYHORNE STREET, HOLLINGBOURNE, KENT

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

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

Mr Cobbett, an objector, Councillor Bennett of Hollingbourne Parish Council, Mr Osborne, for the applicant, and Councillor Garten (Visiting Member) addressed the meeting.

RESOLVED: That subject to:

- (a) The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to provide for the Heads of Terms set out in the report; AND
- (b) The conditions and informatives set out in the report with the amendment of condition 4 (Landscaping) to include a proportion of small-leaved Lime trees in the woodland buffer along the south-western boundary (the 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 and to be able to settle or amend any necessary Heads of Terms in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 8 – For 3 – Against 0 – Abstentions

473. ITEMS ROLLED OVER TO THE ADJOURNED MEETING OF THE COMMITTEE SCHEDULED TO BE HELD ON 30 APRIL 2018

After consideration of the report of the Head of Planning and Development relating to application 17/503118 (Land to the West of Windmill Lane, Eyhorne Street, Hollingbourne, Kent), the Chairman advised the Committee that, due to the number of items on the agenda, the following reports of the Head of Planning and Development would be rolled over to the adjourned meeting of the Committee scheduled to be held on 30 April 2018:

18/500563 – The Stables, East Court, The Street, Detling, Maidstone, Kent
5003-2018 – Tree Preservation Order – 5 Southways, Sutton Valence, Maidstone, Kent

474. 18/500229 - RESERVED MATTERS OF SCALE, APPEARANCE AND LAYOUT TO APPLICATION 17/504144/OUT FOR ERECTION OF 51 DWELLINGS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS, CAR AND CYCLE

PARKING, STREET AND EXTERNAL LIGHTING, MAIN SERVICES, BIN STORES AND OTHER ANCILLARY DEVELOPMENT - 5 TONBRIDGE ROAD, MAIDSTONE, KENT

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

RESOLVED: That the reserved matters be approved subject to the conditions set out in the report as amended by the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

475. 18/500718 - RESERVED MATTERS APPLICATION FOR ACCESS (CONDITIONS 1, 2 AND 4) AND PHASE 1 LANDSCAPING (CONDITIONS 1 AND 3) OF 17/504144/OUT (REMOVAL OF CONDITION 14 (SCHEME OF MITIGATION TO ADDRESS POOR AIR QUALITY SHALL BE PROVIDED) OF PLANNING PERMISSION 15/510179 (ALL MATTERS RESERVED) FOR REDEVELOPMENT WITH UP TO 65 DWELLINGS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS, CAR AND CYCLE PARKING, STREET AND EXTERNAL LIGHTING, MAIN SERVICES, BIN STORES AND OTHER ANCILLARY DEVELOPMENT) - 5 TONBRIDGE ROAD, MAIDSTONE, KENT

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

RESOLVED: That the reserved matters be approved subject to the condition and informative set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

476. 18/500469 - DEMOLITION OF AN EXISTING GARAGE AND THE ERECTION OF A NEW THREE BEDROOM DWELLING - 99 SUTTON ROAD, MAIDSTONE, KENT

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

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

Voting: 11 – For 0 – Against 0 – Abstentions

477. 17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

Councillor Perry stated that he had been lobbied.

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

Councillor Sharp of Staplehurst Parish Council and Mr Court, for the applicant, addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

- Seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout; and
- Seek modifications to boundary fencing to allow the passage of wildlife.

Voting: 11 – For 0 – Against 0 – Abstentions

478. 17/505877 - APPROVAL OF RESERVED MATTERS APPLICATION (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BEING SOUGHT) PURSUANT TO 15/509402/OUT FOR A RESIDENTIAL DEVELOPMENT OF 30 DWELLINGS CONSIDERING THE ACCESS ARRANGEMENTS FROM MOUNT AVENUE AND BLUNDEN LANE - LAND AT MOUNT AVENUE/BLUNDEN LANE, YALDING, KENT

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

Councillor Brown of Yalding Parish Council and Mr Bland, for the applicant, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - The amendment of condition 3 (Fencing, Walling, Railings and Other Boundary Treatments) to include the requirement to have gaps under fences to allow the passage of wildlife;
 - An additional condition to the effect that notwithstanding the details shown in drawing no. 3042-LLB-ZZ-XX-DR-L-0002 rev P05 (Landscape Strategy), a revised Landscape Strategy showing prickly hedging to deter pedestrian access through to Vicarage Road and the incorporation of cordwood on the site shall be submitted to and approved in writing by the Local Planning Authority; and
 - An informative advising the applicant of the Council's concerns regarding the use of excessive external lighting and for this to be considered when discussions take place with KCC Highways regarding the adoption of the road and the need for lighting to the highway.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and the additional informative.

Voting: 8 – For 0 – Against 3 – Abstentions

479. 17/506323 - DEMOLITION OF EXISTING STORES, OFFICES AND WCS, AND ERECTION OF NEW OFFICES WITH DRY STORE AND ASSOCIATED PARKING - MAPLE LEAF GARAGE, ASHFORD ROAD, HOLLINGBOURNE, KENT

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

Councillor Bennett of Hollingbourne Parish Council addressed the meeting.

During the discussion, the Committee agreed unanimously that an informative relating to Members' concerns about traffic speed and the visibility of the vehicle site entrance and advising the applicant to discuss with KCC Highways measures to alert and improve visibility for drivers should be attached to any planning consent.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - The amendment of condition 6 (Renewables) to include the requirement for the incorporation of photovoltaic panels within the development and an additional condition relating to the requirement for the incorporation of rainwater harvesting and grey water recycling measures within the development;
 - The amendment of the reason for condition 19 (External Lighting) to read:

In the interest of biodiversity protection and visual amenity and to ensure that there is no negative impact on road safety.
 - An informative relating to Members' concerns about traffic speed and the visibility of the vehicle site entrance and advising the applicant to discuss with KCC Highways measures to alert and improve visibility for drivers.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and the informative.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Harwood left the meeting before consideration of this application (8.30 p.m.).

480. 18/500563 - CONSTRUCTION OF A PAIR OF SEMI-DETACHED COTTAGES ON NORTHERN SECTION OF PLOT INCLUDING ROOFLIGHTS AND ASSOCIATED PARKING. (DEMOLITION OF EXISTING KENNEL BUILDINGS AND GARDEN WALL) - THE STABLES, EAST COURT, THE STREET, DETLING, MAIDSTONE, KENT

See Minute 473 above.

481. TREE PRESERVATION ORDER NO.5003-2018 - 5 SOUTHWAYS, SUTTON VALENCE, MAIDSTONE, KENT

See Minute 473 above.

482. APPEAL DECISIONS

This item was rolled over to the adjourned meeting of the Committee scheduled to be held on 30 April 2018.

483. CHAIRMAN'S ANNOUNCEMENTS

The Chairman expressed his regrets at the passing of Morel D'Souza, a former Member of the Council and Mayor of Maidstone.

The Chairman also said that he would arrange for an item relating to renewables to be included on the agenda for a future meeting of the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee.

484. 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 reasons specified having applied the Public Interest Test:

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

Enforcement Tracker

2 – Identity of an Individual
6 (a) and (b) – Enforcement/Court Proceedings
7 – Prevention, Investigation or Prosecution of Crime

485. ENFORCEMENT TRACKER

The Committee considered the report of the Head of Planning and Development setting out the Enforcement Tracker which provided the current status of enforcement cases that had had formal notices served. It was noted that it was the intention to report the Tracker to the Committee on a quarterly basis, and it would be updated to reflect outcomes.

The Development Manager advised the Committee that the Strategic Planning, Sustainability and Transportation Committee would be reviewing the current Enforcement Protocol, and that Members would have input through workshop sessions. The Officers were taking a proactive approach to breaches of planning control, having regard to the sensitivity of the issues.

The Committee welcomed the introduction of the Enforcement Tracker report, and wished to place on record their support and thanks for the work being undertaken by the Planning Enforcement Team. It was suggested, and agreed, that the Communications Team be asked to publicise the successful outcomes of enforcement action.

RESOLVED:

1. That the report be noted.
2. That the Planning Enforcement Team be thanked for their work in dealing with breaches of planning control.
3. That the Communications Team be asked to publicise the successful outcomes of enforcement action.

486. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Planning and Development concerning planning enforcement, the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on 30 April 2018 when the remaining items on the agenda will be discussed.

487. DURATION OF MEETING

6.00 p.m. to 9.35 p.m.