

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 26 FEBRUARY 2015

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

Also Present: Councillors Mrs Grigg, Harper, Naghi,
Perry, Powell, Sams and Sargeant

253. APOLOGIES FOR ABSENCE

There were no apologies for absence.

254. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

255. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Grigg indicated her wish to speak on the report of the Head of Planning and Development relating to application 14/0241.

Councillor Naghi indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/500290.

Councillor Perry indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/503305.

Councillors Powell and Sams indicated their wish to speak on the report of the Head of Planning and Development relating to application 14/502973.

Councillor Sargeant indicated that he was attending the meeting as an observer.

It was noted that Councillor Harper had indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/503755.

256. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

257. 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.

258. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Cox disclosed an Other Significant Interest in the report of the Head of Planning and Development relating to application 14/500290 by virtue of being a Trustee of the Vinters Valley Park Trust which would receive a payment of £25,000 towards wildlife protection measures and visitor improvements to the nature reserve if the application was approved.

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions relating to application 14/500290, and intended to speak and vote when it was considered.

With regard to application 14/500290, Councillor Harwood also stated that he was a founder Trustee of the Vinters Valley Park Trust, but he was no longer involved in its activities. He was a former employee of the Maidstone Studios. He did not consider that his former Trusteeship/employment precluded him from speaking and voting on this application.

259. EXEMPT ITEMS

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

260. MINUTES OF THE MEETING HELD ON 5 FEBRUARY 2015

RESOLVED: That the Minutes of the meeting held on 5 February 2015 be approved as a correct record and signed subject to the following amendments relating to matters which Members have confirmed were taken into account in their decisions:

MINUTE 242 - 14/0566 - OUTLINE APPLICATION FOR A MIXED USE DEVELOPMENT COMPRISING UP TO 72 DWELLINGS, UP TO 43 EXTRA CARE APARTMENTS AND PROVISION OF LAND FOR OPEN SPACE/COMMUNITY USE WITH ASSOCIATED ACCESS AND PARKING WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND SOUTH OF HEATH ROAD, COXHEATH, KENT

Amend the heads of terms of the proposed S106 legal agreement to include the following contribution which was referred to in the Committee report, but inadvertently omitted from the heads of terms:

A contribution for Kent County Council of £2,359.80 per applicable house towards secondary education provision in Maidstone;

MINUTE 243 - 14/0828 - THE REDEVELOPMENT OF LAND SOUTH OF ASHFORD ROAD FOR RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 113/114 DWELLINGS, INTERNAL ACCESS ROAD, LANDSCAPED PUBLIC OPEN SPACE, A LAP, A CONVENIENCE STORE AND HIGHWAYS WORKS TO ASHFORD ROAD - LAND SOUTH OF ASHFORD ROAD, HARRIETSHAM, KENT

Amend the heads of terms of the proposed S106 legal agreement as set out below to provide for a contribution for Kent County Council of £200 *per dwelling* towards the improvement and maintenance of public rights of way in the vicinity of the application site. This was referred to in the Committee report, but incorrectly stated in the heads of terms:

A contribution for Kent County Council of £200 per dwelling towards the improvement and maintenance of public rights of way in the vicinity of the application site;

261. PRESENTATION OF PETITIONS

There were no petitions.

262. DEFERRED ITEMS

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 Development Manager advised Members that an updated viability assessment had been received earlier that week. The information was being considered and a further report would be submitted to a future meeting.

MA/13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT

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

263. 14/502973 - ERECTION OF 82 NEW RESIDENTIAL DWELLINGS TOGETHER WITH ACCESS ONTO HAM LANE, INTERNAL ROADS, PARKING, LANDSCAPING AND ANCILLARY WORKS ON LAND AT HAM LANE - WESTWOOD, HAM LANE, LENHAM, 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.

Mr Jerrett, an objector, Councillor Gillett of Lenham Parish Council (against), Mr Buckwell, for the applicant, and Councillors Powell and Sams (Visiting Members) (against) addressed the meeting.

Councillor Greer stated that as a Cabinet Member he had been involved in the Cabinet's decision regarding this site going back to Regulation 18 consultation for deletion from the draft Local Plan. He would not participate in the discussion or voting on the application.

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 development proposed would not constitute good design by reason of its layout (including inadequate space for structural landscaping) and scale. It would therefore be harmful to the character and appearance of the open countryside, including the setting of the Kent Downs Area of Outstanding Natural Beauty. The application was therefore contrary to the National Planning Policy Framework, in particular paragraphs 56, 57, 58 and 109, and 'saved' policies ENV28 and ENV33 of the Maidstone Borough-Wide Local Plan 2000.

RESOLVED: That permission be refused for the following reason:

The development proposed would not constitute good design by reason of its layout (including inadequate space for structural landscaping) and scale. It would therefore be harmful to the character and appearance of the open countryside, including the setting of the Kent Downs Area of Outstanding Natural Beauty. The application is therefore contrary to the National Planning Policy Framework, in particular paragraphs 56, 57, 58 and 109, and 'saved' policies ENV28 and ENV33 of the Maidstone Borough-Wide Local Plan 2000.

Voting: 12 – For 0 – Against

Note: Councillor Greer did not participate in the voting on this application.

264. 14/503305 - APPLICATION FOR THE APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR 12 NO. DWELLINGS PURSUANT TO OUTLINE PLANNING PERMISSION MA/10/0220 FOR THE ERECTION OF UP TO 14 NO. DWELLINGS - HOMELEIGH TIMBER SUPPLIES, STATION 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.

Mr Buller, an objector, Councillor Silkin of Staplehurst Parish Council (against), Mr Blythin, for the applicant, and Councillor Perry (Visiting Member) (against) 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 conditions and informative set out in the urgent update report with the amendment of original conditions 2 and 4 as follows:

Original Condition 2 (amended)

The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the buildings, road surfacing and boundary walling hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The materials for the buildings shall include natural slate and clay tiles.

Reason: To ensure a satisfactory appearance to the development.

Original Condition 4 (amended)

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species and showing additional planting in place of the refuse collection area, an Arboricultural Method Statement (AMS) in accordance with BS5837: 2012 which includes details of the soakaway, a methodology for the excavation of hard surfacing within the root protection areas of trees to be retained together with suitable measures for tree protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall show crab apple trees along the access road. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall be carried out in accordance with the approved details unless with the prior agreement in writing of the Local Planning Authority.

Reason: No such details have been submitted.

Voting: 11 – For 0 – Against 1 – Abstention

Note: Councillor Moriarty was not present for the voting on this application.

265. 14/0241 - ERECTION OF 2 PAIRS OF SEMI-DETACHED DWELLINGS (4 NO. DWELLINGS TOTAL) - LAND ADJACENT TO BEGGARS ROOST, WELL STREET, LOOSE, 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.

Mrs Mulholland, an objector, Councillor Andrew of Loose Parish Council (against), Mr Osborne, for the applicant, and Councillor Mrs Grigg (Visiting Member) (against) 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, with the amendment of condition 19 as follows:

No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of badgers and reptiles has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall incorporate the recommendations of the LaDellWood Ecology Phase I Habitat Survey received 30 May 2014 and the LaDellWood Ecology Badger Survey and Reptile Presence/Absence Survey received 3 November 2014 and shall include the following additional information:

- i) Purpose and objectives for the proposed works;
- ii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including timetabling of further survey/monitoring work for badger setts, a precautionary approach to vegetation removal and measures to minimise the potential impacts of construction works;
- iii) Extent and location of proposed works shown on appropriate scale maps and plans;
- iv) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- v) The times during construction when specialist ecologists need to be present on site to oversee works;
- vi) Use of protective fences, exclusion barriers and warning signs;
- vii) Persons responsible for implementing the works; and
- viii) Details of on-site enhancement measures for badgers and reptiles.

The works shall be carried out strictly in accordance with the approved details.

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

Voting: 5 – For 4 – Against 4 – Abstentions

Note: Councillor Hogg requested that his dissent be recorded.

266. 14/500290 - DEMOLITION OF A NUMBER OF DISUSED TEMPORARY STRUCTURES ASSOCIATED WITH MAIDSTONE STUDIOS AND ERECTION OF 77 DWELLINGS TOGETHER WITH ACCESS, PARKING, GARAGING, LANDSCAPING AND ANCILLARY WORKS ON LAND TO EAST OF MAIDSTONE STUDIOS - THE MAIDSTONE STUDIOS, VINTERS BUSINESS PARK, NEW CUT ROAD, MAIDSTONE, KENT

Having disclosed an Other Significant Interest, Councillor Cox left the meeting whilst this application was discussed.

All other Members stated that they had been lobbied.

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

Mr Woodhead, for the applicant, and Councillor Naghi (in support) 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:

- A) Investment of £2.7m by the Maidstone TV Studios (Media City) during 2015 and 2016 in projects specified;
- B) Provision of 21% (equal to 16 dwellings) affordable homes for 100% rented purposes and these to be delivered prior to occupation of 25% of the market dwellings;
- C) Submission of a travel plan within 6 months from the date of the implementation of this permission. The travel plan shall provide details of and include the following:
 - Car and any coach parking provision within the TV Studio (Media City) site;
 - Details of a shuttle bus facility from the TV Studio to the local park and ride facility for when shows with audiences are recorded;
 - Measures to prevent staff and visitors to the TV Studio parking their vehicles within the application site;
- D) A payment of £25,000 to the Vinters Valley Park Trust to improve wildlife protection and the nature reserve's visitor facilities;
- E) A contribution for NHS Property Services of £79,992 towards healthcare facilities at a number of local surgery premises:
 - Grove Green Medical Centre
 - St Lukes Medical Centre
 - Brewer Street Surgery
 - Bearsted Surgery
 - The College Practice
- F) A contribution of £5,108 for Kent County Council towards Primary Education;

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 condition set out in the urgent update report.

Voting: 9 – For 2 – Against 1 - Abstention

Note: Councillors Harwood and Paterson requested that their dissent be recorded.

267. 14/503755 - DEMOLITION OF THE EXISTING COMMERCIAL BUILDINGS AND THE CHANGE OF USE AND ERECTION OF 22 RESIDENTIAL UNITS, TOGETHER WITH NEW ACCESS FROM HARTNUP STREET, AND ASSOCIATED LANDSCAPING AND CAR PARKING PROVISION - LAND TO THE REAR OF MILTON STREET AND HARTNUP STREET, MILTON STREET, MAIDSTONE, KENT

Councillors Ash, Collins, Cox, Paterson and J.A. Wilson stated that they had been lobbied.

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

Mr Pack, an objector, Mr Woodhead, for the applicant, and Councillor Harper (Visiting Member) (against) addressed the meeting.

RESOLVED:

1. 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 three affordable housing units as part of the proposed development;
 - A contribution for Kent County Council of £4,000 per applicable house and £1,000 per applicable flat towards the construction of a new primary school together with a contribution of £2,701.63 per applicable house and £675.41 per applicable flat towards the primary school land acquisition costs;
 - A contribution for Kent County Council of £2,359.80 per applicable house and £589.95 per applicable flat towards the cost of increasing the capacity of local secondary schools;
 - A contribution for Kent County Council of £30.70 per household to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development;

- A contribution for Kent County Council of £8.44 per household to be used to address the demand from the development for increased centre based youth services in the local area;
- A contribution for Kent County Council of £144.36 per household to be used to address the demand from the development towards additional book stock and services at local libraries serving the development (including mobiles);
- A contribution for Kent County Council of £53.88 per household to be used to address the demand from the development for the provision of new/expanded facilities for older people and adults with learning or physical disabilities, including building community capacity and assistive technology projects;
- A contribution for NHS Property Services of £17,208 plus legal costs to be used to improve facilities and services provided in local doctors' surgeries; and
- An off-site contribution for Maidstone Borough Council Parks and Open Space of £1,575 per dwelling to be used towards the enhancement, maintenance, improvement and renewal of provision for children (equipped play) and outdoor sports facilities within a one mile radius of the development,

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, and the additional conditions set out in the urgent update report.

2. That the details to be submitted pursuant to condition 4 (hard and soft landscape works) must be considered in consultation with the Ward Members and Councillor Harwood.

Voting: 11 – For 0 – Against 2 – Abstentions

268. 11/1194 - RETROSPECTIVE APPLICATION FOR THE VARIATION OF CONDITION 2 OF PERMISSION MA/09/1685 TO ALLOW THE STATIONING OF AN ADDITIONAL MOBILE HOME - FAIRWAY, CHURCH HILL, BOUGHTON MONCHELSEA, 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: 12 – For 0 – Against 1 – Abstention

269. TREE PRESERVATION ORDER NO. 5002/2014/MS - FOLEY OAST, LOWER STREET, LEEDS, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development concerning Tree Preservation Order No. 5002/2014/MS which was made to protect one Sycamore tree located adjacent to the entrance of Foley Oast, Lower Street, Leeds, Maidstone. It was noted that:

- The Order had been made in response to conservation area notification 14/502017/TCA. The notice proposed works by the tree owner that would have reduced the tree significantly in size and resulted in large pruning wounds. The works would not have been in accordance with the recommendations of BS3998:2010 and were not, therefore, considered to be in line with best practice. The sum of the works proposed was considered to be excessive, unjustified and inappropriate arboricultural management which would have had a significant detrimental impact on the long term health and amenity value of the tree. The tree was also considered to make a valuable contribution to the character and amenity of the area.
- An objection to the Order had been received from the tree owner. The grounds for objection were largely a criticism of the conservation area regulations and its mechanisms relating to trees. The owner's wish to carry out works to the tree had since been addressed by the submission and approval of an application for lesser works under the Tree Preservation Order. It was not considered that the grounds of objection demonstrated that it was inappropriate to make a Tree Preservation Order on the Sycamore tree or that the tree should not continue to be the subject of the Order.

RESOLVED: That Tree Preservation Order No. 5002/2014/MS be confirmed without modification.

Voting: 13 – For 0 – Against 0 – Abstentions

270. TREE PRESERVATION ORDER NO. 5007/2014/MS - THE TITHE BARN, THE STREET, DETLING, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development concerning Tree Preservation Order No. 5007/2014/MS which was made to protect a mature Sycamore tree growing in the southern corner of the owner's garden adjacent to The Street, Detling. It was noted that:

- The Order had been made in response to conservation area notification 14/502209/TCA. The notice proposed the removal of the tree. The amenity evaluation assessment confirmed that the tree was of sufficient quality and amenity value to merit protection by a Tree Preservation Order.
- An objection to the Order had been received from the tree owner on the grounds that the tree was a nuisance and a danger. However, on balance, it was the Landscape Officer's view that the grounds of objection were not sufficiently robust to suggest that it was

inappropriate to make a Tree Preservation Order on the Sycamore tree or that the tree should not continue to be the subject of the Order.

RESOLVED: That Tree Preservation Order No. 5007/2014/MS be confirmed without modification.

Voting: 13 – For 0 – Against 0 - Abstentions

271. 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.

272. LIST OF S106 CONTRIBUTIONS HELD BY THE COUNCIL AND SIGNED S106 AGREEMENTS FROM JANUARY 2010-2015

The Committee considered the report of the Head of Planning and Development setting out details of S106 agreements in respect of which the Council was currently holding money on behalf of infrastructure providers. The report also included details of all signed S106 agreements from January 2010-2015. Members drew Officers' attention to a number of inaccuracies in the report.

RESOLVED:

1. That the report be noted.
2. That Members should raise any queries direct with the Officers.

273. UPDATE ON MATTERS REFERRED TO CABINET MEMBERS

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

The Chairman advised the Committee that the Planning, Transport and Development Overview and Scrutiny Committee had raised with the Cabinet Member for Community and Leisure Services the issue of the Parks and Open Spaces Team's approach to the use of S106 contributions. He would keep Members informed of the outcome.

274. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

275. DURATION OF MEETING

6.00 p.m. to 10.15 p.m.