

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 27 JUNE 2019**

**Present:** Councillor English (Chairman) and Councillors Adkinson, Bartlett, Harwood, Kimmance, Munford, Parfitt-Reid, Spooner, Vizzard, Wilby and Young

**Also Present:** Councillors Brice, B Hinder, J Sams and Springett

23. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Eves, Perry and Round.

24. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Young was substituting for Councillor Eves.

25. **NOTIFICATION OF VISITING MEMBERS**

It was noted that Councillor Brice had indicated her wish to speak on the report of the Head of Planning and Development relating to application 19/500705/FULL (Hen and Duckhurst Farm, Marden Road, Staplehurst, Kent), but would be late in arriving at the meeting.

Councillor B Hinder indicated his wish to speak on the report of the Head of Planning and Development relating to application 19/501025/FULL (22 Goldstone Walk, Boxley, Chatham, Kent).

Councillor J Sams indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/506223/FULL (Parkwood House, West Street, Harrietsham, Maidstone, Kent).

Councillor Springett indicated her wish to speak on the report of the Head of Planning and Development relating to application 19/501221/FULL (Land to the South of Cross Keys, Bearsted, Kent).

26. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

27. **URGENT ITEMS**

The Chairman said that, in his opinion, the update reports of the Head of Planning and Development and the updates to be included in the Officer

presentations should be taken as urgent items because they contained further information relating to matters to be considered at the meeting.

28. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 19/501025/FULL (22 Goldstone Walk, Boxley, Chatham, Kent), he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions on the application, and intended to speak and vote when it was considered.

Councillor Spooner said that, with regard to the report of the Head of Planning and Development relating to application 19/501221/FULL (Land to the South of Cross Keys, Bearsted, Kent), he was a Member of Bearsted Parish Council, but had not participated in the Parish Council's discussions on the application, and intended to speak and vote when it was considered.

Councillor Parfitt-Reid said that since she had pre-determined application 18/506223/FULL (Parkwood House, West Street, Harrietsham, Maidstone, Kent), she would not participate in the discussion or the voting on the proposed development.

29. EXEMPT ITEMS

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

30. MINUTES OF THE MEETING HELD ON 30 MAY 2019

**RESOLVED:** That the Minutes of the meeting held on 30 May 2019 be approved as a correct record and signed.

31. 18/506657/FULL - RESIDENTIAL DEVELOPMENT OF 53 NO. TWO, THREE AND FOUR BEDROOM TRADITIONAL TWO STOREY HOUSES AND APARTMENTS INCLUSIVE OF 40% AFFORDABLE HOUSING INCLUDING PROVISION OF FOUL PUMPING STATION, OPEN SPACE WITH ECOLOGICAL POND, PLAY AREA AND LANDSCAPING WITH VEHICULAR/PEDESTRIAN ACCESS VIA LODER CLOSE OFF HAM LANE, LENHAM - LAND WEST OF LODER CLOSE AND WESTWOOD CLOSE, HAM LANE, LENHAM, KENT

The Committee considered the update report of the Head of Planning and Development seeking clarification of its decision relating to application 18/506657/FULL (Land West of Loder Close/Westwood Close, Lenham, Kent).

The Major Projects Manager said that:

- When this application was considered at the meeting of the Committee held on 30 May 2019, both the Officer's report and the Officer's verbal presentation referred to the proposed development providing a policy

compliant level of affordable housing. As clarified verbally by the Officer, this comprised a 40% level of affordable housing with a 70/30 tenure split in favour of affordable rented.

- In considering the application, Members acknowledged the priority afforded to the provision of affordable housing.
- Unfortunately, in paragraph 8 of the written report where the heads of terms were summarised under the recommendation, there was an inconsistency in that the affordable mix was presented as "12 shared ownership and 9 affordable rented."
- Members were asked to confirm that it was on the basis of the policy compliant mix of affordable housing, as presented in the main body of the report and as clarified in the Officer's presentation, that the recommendation was accepted by Members and that the Head of Term of the proposed S106 legal agreement relating to affordable housing should read:

*Provision of 21 units of affordable housing in compliance with Policy SP20's target mix to a size to be agreed by the Housing Officer*

**RESOLVED:** That with regard to application 18/506657/FULL, the Head of Term of the proposed S106 legal agreement relating to affordable housing should read:

*Provision of 21 units of affordable housing in compliance with Policy SP20's target mix to a size to be agreed by the Housing Officer*

Voting:      11 – For      0 – Against      0 – Abstentions

32. PRESENTATION OF PETITIONS

There were no petitions.

33. DEFERRED ITEMS

18/505541/FULL - ERECTION OF A CHALET STYLE RESIDENTIAL PROPERTY WITH DETACHED GARAGE AND LANDSCAPING - LAND OPPOSITE ST ANNS, CHAPEL LANE, THURNHAM, KENT

The Development Manager said that he hoped to be in a position to report this application back to the next meeting of the Committee.

19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 20 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT

The Development Manager said that Members had asked for a lot of additional information to enable them to determine this application, but he

would endeavour to address the issues as thoroughly and as quickly as possible.

34. PLANNING COMMITTEE MEMBER AND SUBSTITUTE MEMBER TRAINING

The Development Manager presented a report setting out a proposed training programme to enable Members and Substitute Members of the Planning Committee to fulfil their responsibilities under the Council's Constitution and their individual responsibilities to maintain their knowledge and understanding of local and national planning policy and legislation while serving on or supporting the Committee.

During the discussion, it was suggested and agreed that Parish Council Members should be invited to attend the planning training sessions.

**RESOLVED:**

1. That new Planning Committee Members and new Substitute Members (*to include Councillor M Burton*) must complete Planning Training by the end of August 2019 covering the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Grounds of Refusal of Planning Applications, Section 106 Agreements and Legal Training including Pre-determination of Planning Applications (General and Constitution background) and Planning Judicial Reviews (General process) in order to fulfil the requirements in the Constitution.
2. That existing Planning Committee Members and Substitute Members (*excluding Councillor M Burton*), due to attendance at the training sessions in January, February and March 2019 which covered annual refresher training on recent changes to Planning Policies & Guidance, Legislation, Procedures and Legal Training including Pre-determination of Planning Applications (General and Constitution background) and Planning Judicial Reviews (General process) are not required to undertake further refresher training on the above matters this financial year but must complete refresher training covering Planning Conditions and Grounds of Refusal in order to fulfil the requirements in the Constitution and that this be completed every two years thereafter.
3. That Planning Committee Members and Substitute Members are strongly recommended to complete the following optional training sessions:
  - Between 3-4 specialised/best practice subject area sessions covering S106 Agreements, Maidstone Building for Life 12, NPPF – Housing, NPPG, Landscape and Ecology and Enforcement.
  - Design Tours - to include neighbouring Boroughs and Maidstone Borough.
4. That Parish Council Members should be invited to attend the planning training sessions.

Voting: 11 – For 0 – Against 0 – Abstentions

35. 18/506223/FULL - INSTALLATION OF SEWERAGE PACKAGE TREATMENT PLANT AND ASSOCIATED DRAINAGE FIELD, PIPEWORK AND EQUIPMENT - PARKWOOD HOUSE, WEST STREET, HARRIETSHAM, MAIDSTONE, KENT,

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

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

Mrs Davis, an objector, Councillor Powell of Harrietsham Parish Council and Councillor J Sams (Visiting Member) addressed the meeting.

**RESOLVED:**

1. That permission be granted subject to the conditions and informatives set out in the report, with
  - (a) An additional condition to ensure that chlorinated water from the swimming pool is not discharged into the sewerage package treatment plant until details have been submitted to and approved in writing by the Local Planning Authority demonstrating that the plant can manage this flow and is designed to handle chlorinated water without adverse impact on the surrounding environment;
  - (b) An additional condition requiring the submission of a landscaping scheme which includes willow tree planting to help with the absorption of the by-product of the sewerage package treatment plant; and
  - (c) An additional informative encouraging the applicant to provide a back-up emergency power supply in the form of a back-up generator or a renewable energy solution such as solar PV in case of a power supply failure which could affect the sewerage package treatment plant and result in contamination of the surrounding environment.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional conditions and informative and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 0 – Abstentions

**FURTHER RESOLVED:** That the Planning Enforcement Team be asked to investigate whether the pond at Parkwood House has been filled in without consent as an engineering operation.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Having stated that she had pre-determined this application, Councillor Parfitt-Reid did not participate in the discussion or the voting.

36. 19/501221/FULL - SECTION 73 APPLICATION (MMA) TO AMEND APPROVED PLANS CONDITION TO INCLUDE ALTERING ROAD LAYOUT, LAYOUTS TO PLOTS 17, 18, 19, 20 AND DESIGN OF PLOTS 16, 17, 25, 27, 28, 31-39, 43 AND ASSOCIATED WORKS OF PLANNING PERMISSION 14/504795/FULL (ERECTION OF 30 NO. OPEN MARKET HOMES AND ASSOCIATED GARAGING, AND ERECTION OF 20 NO. AFFORDABLE HOMES, CONSTRUCTION OF ACCESS ROAD AND BRIDGE, AND PROVISION OF OPEN SPACE, ECOLOGY PARK AND NEW PUBLIC FOOTPATH. DEMOLITION OF 24 BAY GARAGE COURT AND REDEVELOPMENT TO PROVIDE A 16 BAY GARAGE COURT AND AMENITY STOREROOM) - LAND TO THE SOUTH OF CROSS KEYS, BEARSTED, KENT

All Members except Councillors Parfitt-Reid and Young stated that they had been lobbied.

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

Mr Flisher, for the applicant, and Councillor Springett (Visiting Member) addressed the meeting.

During the discussion on the application, the Major Projects Manager confirmed that the Officers would be prepared to facilitate a meeting with local residents, representatives of the Parish Council and Ward Members to explain the proposed changes to the previously approved scheme and to provide a schedule detailing all of the conditions which have been imposed on previous planning permissions and identifying those which have been discharged already and those which have not.

**RESOLVED:** That subject to:

- (a) The prior completion of a variation to the S106 legal agreement in relation to planning permission 14/504795/FULL to link it to this permission; and
- (b) The conditions set out in the report as amended by the urgent update report, with:
  - The amendment of condition 13 (Landscaping) to require the submission of revised landscaping details taking into account the proposed amendments to the layout and the inclusion of an electrical substation; and
  - The amendment of condition 21 (Biodiversity Enhancements) to require the incorporation of bee bricks for solitary bees,

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 and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting:        8 – For        0 – Against        3 – Abstentions

**FURTHER RESOLVED:**

1. That the Officers be requested to facilitate a meeting with local residents, representatives of the Parish Council and Ward Members to explain the proposed changes to the previously approved scheme and provide a schedule detailing all of the conditions which have been imposed on previous planning permissions and identifying those which have been discharged already and those which have not.
2. That as part of the discussions referred to above, clarification be sought as to the scope of the existing Delivery Group.

Voting:        11 – For        0 – Against        0 – Abstentions

37. 19/500705/FULL - VARIATION OF CONDITION 20 OF 14/502010/OUT (OUTLINE APPLICATION FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT FOR UP TO 250 DWELLINGS WITH ACCESS AND GARAGING WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) TO ALLOW SATURDAY WORKING HOURS START TIME TO BE CHANGED FROM 9:00 A.M. TO 8:00 A.M. (TOTAL WORKING HOURS 8:00 A.M. TO 13:00 P.M.) - HEN AND DUCKHURST FARM, MARDEN ROAD, STAPLEHURST, KENT

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

In presenting the report, the Major Projects Manager advised the Committee that:

- The developer had breached the planning condition controlling working hours during the construction period; indeed, the previous weekend, the developer had carried out intensive works outside the approved hours, including the construction of roads with no reason other than development timing.
- The Officers were advising that the planning condition was not the most effective way of dealing with issues of noise and disturbance during the construction period. For example, under the Control of Pollution Act 1974, the Council could require the developer through a notice to accord with hours of work and noise levels and other measures relating to equipment and dust control not only outside hours but within the approved hours as well. It was the view of the Officers that having regard to the legal and policy tests for planning conditions, the retention of the condition could not be justified and that there were other measures that the Committee could rely on in terms of the Council enforcing against future breaches.

- The applicant had acknowledged that there had been some shortcomings in terms of their working practices and relationships with neighbours, and had indicated that they would accept a deferral of the application in order to engage with local residents, the Parish Council and Ward Members.
- In addition to deferral for further discussions, the options available to the Committee were to:

Accept the Officers' recommendation and remove the condition in its entirety and in so doing request the Environmental Protection Team to deal with the issues under other legislation such as the Control of Pollution Act 1974 and the Environmental Protection Act 1990;

Refuse the application if the additional hour was considered to be unacceptable; or

Approve the request to retain the condition with an additional hour, but it would be necessary to identify why it should be retained as the Courts had advised that there must be unique circumstances pertaining to a site that justify a planning condition going above or duplicating legislation.

**RESOLVED:** That consideration of this application be deferred for further discussions to determine the most effective mechanism to control issues of noise and disturbance during the construction phase of the development i.e. whether legislation such as the Control of Pollution Act 1974 and the Environmental Protection Act 1990 would provide sufficient remedy to deal with the issues such that the condition can be removed in its entirety or whether the condition still serves a useful planning purpose.

Voting:        8 – For        1 – Against        2 – Abstentions

38. 19/501025/FULL - ERECTION OF ONE DETACHED 3-BEDROOM HOUSE WITH GARAGE AND PARKING - 22 GOLDSTONE WALK, BOXLEY, CHATHAM, KENT

The Chairman and Councillor Harwood stated that they had been lobbied.

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

Councillor B Hinder addressed the Committee as a Boxley Ward Member and as a representative of Boxley Parish Council.

**RESOLVED:** That consideration of this application be deferred to:

- Investigate the ownership of the land over which the access will pass, whether the correct certificates have been served, whether the red line boundary is correct and whether there are any impacts on the footpath over which the access will pass; and



- Seek to negotiate additional conditions requiring the provision of gaps under new fencing to allow the movement of wildlife, the incorporation of integrated niches for wildlife (bird bricks etc.) and renewable energy measures such as solar PV panels.

Voting: 11 – For 0 – Against 0 – Abstentions

39. 19/500341/SUB - SUBMISSION OF DETAILS PURSUANT TO CONDITION 11: SCHOOL TRAVEL PLAN (ORIGINAL APPLICATION REFERENCE 16/506320/FULL - ALLOWED ON APPEAL) - GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT

There were no disclosures of lobbying.

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

**RESOLVED:** That the details submitted to discharge condition 11: School Travel Plan (original application ref: 16/506320/FULL – allowed on appeal ref: APP/U2235/W/17/3188248) be approved.

Voting: 11 – For 0 – Against 0 – Abstentions

40. 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. The Development Manager said that he intended to submit a report to the next meeting of the Committee reviewing the Council's performance at appeal and whether there are any particular trends. This would include a review of current working practices.

Members considered that the absence of public/affordable G&T sites might be a factor in appeal decisions and it was noted that the need for such sites was being taken forward as part of the Local Plan review.

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

41. DURATION OF MEETING

6.00 p.m. to 9.00 p.m.