

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 19 OCTOBER 2023
ADJOURNED TO 26 OCTOBER 2023

Present

26 October 2023:

Committee Members:	Councillor Spooner (Chairman) and Councillors Cooper, Cox, Eagle, English, Mrs Gooch, Harwood, Kimmance, McKenna, Perry and Riordan
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143. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jeffery, Russell and D Wilkinson.

144. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Cooper for Councillor Russell
Councillor Eagle for Councillor Jeffery

145. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

146. ITEMS WITHDRAWN FROM THE AGENDA

23/501716/FULL - CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL LAND AND ERECTION OF 1NO. DWELLING WITH ASSOCIATED PARKING, LANDSCAPING AND AMENITY AREA, INCLUDING PART DEMOLITION OF EXISTING UNAUTHORISED STRUCTURE (PART RETROSPECTIVE) (RE-SUBMISSION OF 22/504298/FULL) - CHERRY BARN, OLD TREE LANE, BOUGHTON MONCHELSEA, KENT

The Head of Development Management sought the agreement of the Committee to the withdrawal of application 23/501716/FULL from the agenda as there were a number of issues that the Officers needed to reconsider which were fundamental to its determination.

RESOLVED: That agreement be given to the withdrawal of application 23/501716/FULL from the agenda.

147. URGENT ITEMS

The Chairman said that he intended to take the update reports of the Head of Development Management and the verbal updates in the Officer presentations as urgent items as they contained further information relating to the applications to be considered at the meeting.

148. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

149. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

9.	23/500773/FULL & 23/500769/LBC - Len House, Mill Street, Maidstone, Kent	Councillors Cox, Cooper, English, Mrs Gooch, Harwood and Kimmance
10.	23/501293/FULL - The Coach Yard, Old Ashford Road, Lenham, Kent	Councillor Kimmance
11.	23/501716/FULL - Cherry Barn, Old Tree Lane, Boughton Monchelsea, Kent	Councillors Cox, Harwood, Kimmance and Riordan
12.	23/503889/FULL - Balfour Winery, Five Oak Lane, Staplehurst, Kent	Councillors Cox, English, Mrs Gooch and Kimmance

150. EXEMPT ITEMS

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

151. 23/501293/FULL - CHANGE OF USE OF LAND FOR THE SITING OF MOBILE BURGER VAN AND CANOPY FOR THE PROVISION OF HOT FOOD ON THE FORECOURT (RETROSPECTIVE) - THE COACH YARD, OLD ASHFORD ROAD, LENHAM, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with the amendment of condition 4 (i)(e) (Waste and Refuse Strategy) to ensure that it covers both trade waste and litter arisings from customers.
2. That delegated powers be given to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 11 – For 0 – Against 0 – Abstentions

152. 23/503889/FULL - REPLACEMENT LIGHTING SCHEME TO WINERY SITE, RESURFACING OF CAR PARK AND HARDSTANDING AND ASSOCIATED DRAINAGE - BALFOUR WINERY, FIVE OAK LANE, STAPLEHURST, KENT

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

When introducing the application, the Principal Planning Officer advised the Committee that KCC Ecology had now withdrawn its objection to the scheme on ecology grounds and was satisfied that the design of the lighting would keep light spillage outside the site to a minimum and would not impact on any of the woodland or pond or any other area of ecological value in the vicinity.

The Democratic Services Officer read out a statement on behalf of Ms Tipples who objected to the application.

Councillor Ash of Staplehurst Parish Council and Ms Easton, for the applicant, addressed the meeting.

During the discussion, Councillor Perry stated that he was a Member of Staplehurst Parish Council. However, he had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

RESOLVED:

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

An additional condition requiring the submission of a landscaping scheme for the written approval of the Local Planning Authority and a landscaping implementation condition. The landscaping scheme shall comprise native shrub planting between the building, lighting and large pond in the southeast corner of the site.

2. That delegated powers be given to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 11 – For 0 – Against 0 – Abstentions

153. 23/500773/FULL & 23/500769/LBC - LEN HOUSE, MILL STREET, MAIDSTONE, KENT

23/500773/FULL - Section 73 - Application for minor material amendment to approved plans condition 2 (to allow amendments to the design and layout including rebuilding of 2 bays to Palace Avenue, omission of external boardwalk, first floor car park, 9 terraces to second floor and green roof of top roof level) and variation of conditions 3 (programme of archaeological work); 5 (contamination risks); 7 (commercial use of ground floor); 9 (materials); 10 (constructional details); 14 (roof treatments), 16 (EV charging facilities); 17 (hard landscape works); 24 (enhancement of biodiversity); 25 (LEMP); 31 (boardwalk and Mill Street forecourt), 34 (ground floor commercial space), 35 (external plant), 37 (travel plan) and 40 (sustainable surface water drainage scheme) pursuant to 20/501029/FULL (as amended by 23/500477/NMAMD) for - Restoration of Len House and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide flexible commercial floorspace within the following uses - retail, financial and professional, cafe or restaurant, drinking establishment, offices, clinic or health centre, crèche or day nursery, gymnasium or indoor recreational purposes

uses (within classes - E, F2(a) & Sui Generis of the Town & Country Planning uses Classes Order). (ii) Provision of 22 residential apartments (C3) at first floor by conversion and erection of part rear first floor extension and provision of 58 No. residential apartments (C3) in two storey roof extension with rooftop amenity space, together with ancillary car parking. (iii) construction of two new buildings of up to 5-storeys to provide 79 No. residential apartments (C3) with amenity space. (iv) Provision of associated car parking, open space, landscaping, earthworks including demolition of hardstanding and structures, de-culverting the River Len and reutilisation of existing vehicular access points from Mill Street and Palace Avenue

AND

23/500769/LBC - Listed Building Consent for restoration of Len House, rebuilding of 2 bays to Palace Avenue and associated new build works to provide a mixed-use development comprising: (i) Retention with alterations and change of use of Len House to provide commercial floorspace within the following uses - retail, financial and professional, cafe or restaurant, drinking establishment, offices, clinic or health centre, creche, or day nursery, gymnasium or indoor recreational purposes uses (within classes E, F2(a) and Sui Generis) at ground floor. (ii) Provision of 22 No. residential apartments (class C3) at first floor by conversion and erection of a part rear first floor extension and provision of 58 No. residential apartments (class C3) in a two-storey roof extension with rooftop amenity space (iii) Associated landscaping to roof (Revised scheme to 20/501030/LBC)

The Committee considered the report, urgent update report and additional urgent update report of the Head of Development Management.

In introducing the applications, the Principal Planning Officer advised the Committee that:

- There had been further consultation responses. Southern Water Services and the Environment Agency had both reiterated their previous comments. KCC Drainage Authority had commented that the flood risk assessment was now out of date (April 2020), and they would wish to see it updated. It was therefore suggested that the submission of an updated flood risk assessment be incorporated into the drainage condition to be considered in conjunction with the revised drainage strategy.
- The Heads of Terms might need to be adjusted so delegated powers were requested to enable the Head of Development Management 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.
- There was a Head of Terms relating to the 'internal street'. It was now considered appropriate to deal with this by way of a planning condition.

Mr Obee, the applicant, addressed the meeting on both applications.

23/500773/FULL

RESOLVED: That subject to:

- A. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure (a) the Heads of Terms set out in the report as amended by the urgent update reports and by the Principal Planning Officer when introducing the applications; (b) amendments to the Heads of Terms to reflect Members' concern to ensure that discussions take place with the South East Rivers' Trust and the Environment Agency regarding the daylighting of the River Len and between Southern Water Services and the Environment Agency regarding misconnections with the river; and (c) the prior payment of monitoring fees of £3,825; and
- B. The conditions and informatives set out in the report as amended by the first urgent update report and by the Principal Planning Officer when introducing the applications (incorporation of updated flood risk assessment into the drainage condition and the 'internal street' to be dealt with as a planning condition) with an additional informative advising the applicant that there should be more solar panels on the roof than indicated,

the Head of Development Management be given delegated powers to grant permission and to be able to settle or amend any necessary planning conditions and/or informatives and Heads of Terms in line with the matters set out in the recommendation and as resolved by the Planning Committee, including to consider amendments to the Heads of Terms to reflect Members' concern to ensure that there is flexibility regarding the future use of first floor communal spaces.

Voting: 10 – For 0 – Against 1 – Abstention

23/500769/LBC

RESOLVED: That Listed Building consent be granted subject to the conditions set out in the report as amended by the first urgent update report with delegated powers given to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 10 – For 0 – Against 1 – Abstention

- 154. 23/501716/FULL - CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL LAND AND ERECTION OF 1NO. DWELLING WITH ASSOCIATED PARKING, LANDSCAPING AND AMENITY AREA, INCLUDING PART DEMOLITION OF EXISTING UNAUTHORISED STRUCTURE (PART RETROSPECTIVE) (RE-SUBMISSION OF 22/504298/FULL) - CHERRY BARN, OLD TREE LANE, BOUGHTON MONCHELSEA, KENT

See Minute 146 above.

- 155. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

156. DURATION OF MEETING

6.00 p.m. to 7.15 p.m.