

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 20 MARCH 2014**

**Present:** Councillor Collins (Chairman) and  
Councillors Ash, Black, Chittenden, Cox, Harwood,  
Hogg, Moriarty, Nelson-Gracie, Paine, Paterson,  
Mrs Robertson and J.A. Wilson

**Also Present:** Councillors Naghi and Thick

314. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

315. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

316. **NOTIFICATION OF VISITING MEMBERS**

Councillor Naghi indicated his wish to speak on the report of the Head of Planning and Development relating to application MA/13/1711.

Councillor Thick indicated his wish to speak on the report of the Head of Planning and Development relating to application MA/13/1315.

317. **ITEMS WITHDRAWN FROM THE AGENDA**

**MA/12/2255 – OUTLINE PLANNING PERMISSION FOR THE ERECTION OF  
53 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE  
CONSIDERATION – NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT**

The Chairman sought the agreement of the Committee to the withdrawal of this application from the agenda as a revised viability report had been received.

**RESOLVED:** That agreement be given to the withdrawal of application MA/12/2255 from the agenda to enable consideration to be given to the revised viability report.

318. **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 because they contained further information relating to the applications to be considered at the meeting.

319. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application MA/13/1711, Councillor Ash stated that the building at 97 Holland Road, Maidstone had been used as his doctor's surgery since the 1970's. However, he did not believe that he had a disclosable interest in the application, and intended to speak and vote when it was discussed.

With regard to the report of the Head of Planning and Development relating to application MA/14/0116:

- The Chairman stated that he was the Chairman of the Advisory Panel which had recommended that Aylesbury House, 56 London Road, Maidstone be acquired by the Council for use as a hostel to provide emergency temporary accommodation. However, he had not pre-determined the application, and intended to speak and vote when it was discussed.
- Councillor Nelson-Gracie stated that he was a Member of the Advisory Panel which had recommended that Aylesbury House, 56 London Road, Maidstone be acquired by the Council. However, he had not pre-determined the application, and intended to speak and vote when it was discussed.

320. EXEMPT ITEMS

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

321. MINUTES OF THE MEETING HELD ON 27 FEBRUARY 2014

**RESOLVED:** That the Minutes of the meeting held on 27 February 2014 be approved as a correct record and signed.

322. PRESENTATION OF PETITIONS

There were no petitions.

323. DEFERRED ITEMS

See Minute 326 below.

324. MA/12/2255 - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 53 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT

See Minute 317 above.

325. MA/13/1291 - OUTLINE APPLICATION FOR 44 DWELLINGS COMPRISING 5 NO. 1 BEDROOM, 9 NO. 2 BEDROOM, 17 NO. 3 BEDROOM AND 13 NO. 4 BEDROOM HOUSES TOGETHER WITH NEW ACCESS, ASSOCIATED

PARKING, WILDLIFE ENHANCEMENT AREA AND ATTENUATION POND  
WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS  
RESERVED FOR FUTURE CONSIDERATION - LAND TO THE NORTH OF  
HOWLAND ROAD, MARDEN, 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 Warrington, an objector, Councillor Mannington of Marden Parish Council (against) and Mr Hough, for the applicant, addressed the meeting.

**RESOLVED:** That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

- The provision of 40% affordable residential units within the application site;
- A contribution of £2,360.96 per 'applicable' house ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation specifically for the elderly) towards the build costs of extending Marden Primary School;
- A contribution of £2,359.80 per 'applicable' house towards the extension of secondary school buildings, which (based on current trends) are currently used by residents of Marden;
- A contribution of £118.73 per dwelling towards the provision of additional book stock and services at local libraries serving the development, in order to address the demand from the development;
- A contribution of £30.70 per dwelling towards the provision of new/expanded facilities and services both through adult education centres and through outreach community learning facilities local to the development, in order to address the demand from the development;
- A contribution of £8.44 per dwelling towards youth services locally, in order to address the demand from the development;
- An adult social services contribution of £18.05 per dwelling towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access, in order to address the demand from the development;
- A contribution of £10,928.63 towards (forward funded and completed) extensions and works to the Marden Medical Centre;

- A contribution towards forecourt improvements at Marden railway station (subject to further investigation demonstrating that the request is CIL compliant);
- The translocation of slow worms to the receptor site and a management plan; and
- The establishment of a development delivery steering committee comprising the developer, MBC Officers, representatives of Marden Parish Council, the local Ward Members and Councillor Harwood to oversee all aspects of the development,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report with the amendment of condition 11 and an additional condition as follows:

#### Condition 11 – Amended

The development shall not commence until a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity and to ensure the long term management/maintenance of the SUDS.

#### Additional Condition

The development shall not commence until details of a construction traffic management plan have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include, inter alia, measures for parking and turning of construction vehicles within the site and the avoidance of construction traffic movements during school drop off and pick up times. The development shall be undertaken in accordance with the approved details.

Reason: To avoid conditions which would give rise to congestion and be detrimental to highway safety.

Voting:        7 – For        3 – Against        3 – Abstentions

326. MA/13/1711 - AN APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 5 NO. TOWN HOUSES WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - 97 HOLLAND ROAD, MAIDSTONE, 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.

Ms Bish, for objectors, and Councillor Naghi (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that without the provision of on site parking the development would have a detrimental cumulative impact upon existing residents' quality of life by reducing an overloaded local parking scheme, making it an unsustainable layout and design. Also, the number of units proposed would ensure that the development would be of a density which is jarring to the layout and rhythm of the streetscape and therefore detrimental to the local street scene.

**RESOLVED:** That outline permission be refused for the following reasons:

1. Without the provision of on site parking the development will have a detrimental cumulative impact upon existing residents' quality of life by reducing an overloaded local parking scheme, making it an unsustainable layout and design.
2. The number of units proposed would ensure that the development would be of a density which is jarring to the layout and rhythm of the streetscape and therefore detrimental to the local street scene.

Voting:        10 – For        2 – Against        1 – Abstention

**DECISION DEFERRED UNTIL THE NEXT MEETING PURSUANT TO PARAGRAPH 17 (a) OF THE LOCAL CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS.**

327. MA/13/1315 - CONTINUED OCCUPATION OF THE SITE AS A GYPSY CARAVAN SITE (PLANNING APPLICATION REFUSED UNDER REF:MA/03/2366 BUT ALLOWED ON APPEAL) BUT WITH VARIATION OF THE FOLLOWING CONDITIONS TO ALLOW : CONDITION 2 : TO ENABLE UNRESTRICTED OCCUPATION BY ANY GYPSY/TRAVELLER FAMILY (CURRENTLY RESTRICTED TO APPLICANT AND DEPENDENTS); CONDITION 3 : TO ENABLE PERMANENT OCCUPATION BY GYPSY AND TRAVELLER FAMILY (CURRENTLY RESTRICTED TO 4 YEARS EXPIRING ON 31 JULY 2013); AND CONDITION 4 : INCREASE IN NUMBER OF CARAVANS ON SITE (CURRENTLY PERMITTED 3 STATIC AND 2 TOURERS)

TO 4 STATIC AND 4 TOURERS - QUARTER PADDOCKS, BLETCHENDEN ROAD, HEADCORN, KENT

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

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

Councillor Pyman of Headcorn Parish Council (against) and Councillor Thick (Visiting Member) addressed the meeting.

**RESOLVED:** That subject to the prior negotiation of an additional condition to secure a scheme of landscaping for the paddock to the rear, using indigenous fruit species which shall be arranged in orchard groups and grids within the site in order to break up the visual impact of the configuration of the mobiles, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, the additional condition referred to above (no.9), the additional condition set out in the urgent update report (amended in the light of any plans received in connection with additional condition 9) and the following additional informative:

The applicant is advised to liaise with Maidstone Borough Council Landscape Officers to achieve a suitable landscaping scheme for the interior of the site and its delivery.

Voting:        9 – For        3 – Against        1 – Abstention

Councillors Black, Hogg and J. A. Wilson requested that their dissent be recorded.

328. TREE PRESERVATION ORDER NO. 1 OF 2014 - TREE WITHIN GRASS VERGE OF COURTLANDS TO THE SOUTH OF DOLLY BEES, MALLING ROAD, TESTON, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development concerning Tree Preservation Order No. 1 of 2014 which was made under Regulation 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 to protect one Lime tree within the grass verge of Courtlands to the south of Dolly Bees, Malling Road, Teston, Maidstone, Kent.

It was noted that one objection to the Order had been received, outside the statutory 28 day period from its making, on behalf of the owner of the neighbouring property, Dolly Bees, Malling Road, Teston, Maidstone.

Mr Pick, the owner of Dolly Bees, and Councillor Levett of Teston Parish Council addressed the meeting in support of the Order. Mr Pick asked that when works were undertaken to crown lift the tree, a condition be applied requiring the crown to be raised to the same extent on his side as well.

**RESOLVED:** That Tree Preservation Order No. 1 of 2014 be confirmed without modification.

Voting:        13 – For        0 – Against        0 – Abstentions

329. TREE PRESERVATION ORDER NO. 13 OF 2013 - WOODLAND EAST SIDE OF DEAN STREET, EAST FARLEIGH, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development concerning Tree Preservation Order No. 13 of 2013 which was made under Regulation 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 to protect an area of developing woodland to the east side of Dean Street, East Farleigh, Maidstone.

It was noted that one objection to the Order had been received, within the statutory 28 day period from its making, on behalf of the site owner.

**RESOLVED:** That Tree Preservation Order No. 13 of 2013 be confirmed without modification.

Voting:        13 – For        0 – Against        0 – Abstentions

330. MA/13/1580 - DEMOLITION OF MOTOR VEHICLE BODY REPAIR WORKSHOP AND DEMOLITION OF 2 NO. EXISTING DWELLINGS IN CONVERTED FARM BUILDINGS. ERECTION OF 4 NO. TWO-BEDROOMED DWELLINGS AND 2 NO. THREE-BEDROOMED DWELLINGS WITH ASSOCIATED GARAGING/PARKING AND LANDSCAPING - LAND AT FISHERS OAST, FISHERS ROAD, STAPLEHURST, TONBRIDGE, 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 and the informative set out in the urgent update report.

Voting:        13 – For        0 – Against        0 – Abstentions

331. MA/14/0175 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 6 NO. NON-ILLUMINATED VERTICAL BANNER SIGNS TO EXISTING BRACKETS AND 3 NO. NON-ILLUMINATED WINDOWS GRAPHICS - HAZLITT THEATRE, EARL STREET, MAIDSTONE, KENT

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

**RESOLVED:** That subject to the expiry of the most recent consultation period, and no representations being received raising new material issues, the Head of Planning and Development be given delegated powers to grant advertisement consent subject to the conditions set out in the report.

Voting:        13 – For        0 – Against        0 – Abstentions

332. MA/14/0308 - LISTED BUILDING CONSENT FOR THE ATTACHMENT OF NEW PURPLE BACKING TO EXISTING FASCIA SIGN AND ALTERATION OF LETTERING WITHIN THE FRONT ELEVATION - HAZLITT THEATRE, EARL STREET, MAIDSTONE, KENT

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

**RESOLVED:** That this application be referred to the Secretary of State for determination with the recommendation that listed building consent be granted subject to the conditions set out in the report.

Voting:        13 – For        0 – Against        0 – Abstentions

333. MA/14/0116 - CHANGE OF USE FROM HOTEL TO A 12 ROOM HOSTEL FOR USE AS EMERGENCY TEMPORARY ACCOMMODATION FOR HOUSEHOLDS ACCOMMODATED BY THE COUNCIL - AYLESBURY HOUSE, 56 LONDON 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:        13 – For        0 – Against        0 – Abstentions

334. 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.

335. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that he would like a representative of Southern Water to be invited to attend the meeting of the Planning Committee when the next major housing development in Marden is discussed. Also, he considered that traffic surveys should be undertaken during school term time to provide a more accurate assessment of the impact of development upon the local highway.

336. DURATION OF MEETING

6.00 p.m. to 9.05 p.m.