

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 5 FEBRUARY 2015**

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

**Also Present:** Councillors Daley, B Mortimer, Powell,  
Sams and Willis

#### 232. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Edwards-Daem and that Councillor Hogg had indicated that he would be late in arriving at the meeting.

#### 233. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Ells was substituting for Councillor Edwards-Daem.

#### 234. NOTIFICATION OF VISITING MEMBERS

Councillor Daley indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/503493.

Councillor B Mortimer indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/0566.

Councillor Sams indicated her wish to speak on the report of the Head of Planning and Development relating to application 14/0828.

Councillor Willis indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/500412.

It was noted that Councillor Powell had indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/0828.

#### 235. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

236. 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.

237. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Collins disclosed a Disclosable Pecuniary Interest in the report of the Head of Planning and Development relating to application 14/503905 by virtue of being the owner of Gudgeon Oast and the applicant.

Councillor Collins disclosed a Disclosable Pecuniary Interest in the report of the Head of Planning and Development relating to application 14/505603 by virtue of being the owner of Eden Barn and the applicant.

During the discussion on the report of the Head of Planning and Development relating to application 14/506527, Councillor Harwood stated that 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.

238. EXEMPT ITEMS

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

239. MINUTES OF THE MEETING HELD ON 15 JANUARY 2015

**RESOLVED:** That the Minutes of the meeting held on 15 January 2015 be approved as a correct record and signed.

240. PRESENTATION OF PETITIONS

It was noted that a petition would be referred to in relation to application 14/0566.

241. 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 a detailed update in respect of this application would be submitted to the next meeting of the Committee.

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.

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

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

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

Mrs Allfrey, an objector, Councillor Hughes of Coxheath Parish Council (in support), Mr Hume, for the applicant, and Councillor B Mortimer (Visiting Member) addressed the meeting.

**RESOLVED:** That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- The provision of 40% affordable residential units within the application site of which a proportion shall be for local needs housing;
- A contribution for Kent County Council towards the expansion of education provision at Coxheath Primary School if deemed feasible (the amount to be finalised by the Head of Planning and Development acting under delegated powers) OR, if the amount is not finalised within 6 weeks, a contribution of £4,000 per applicable house towards the construction of a new primary school in south east Maidstone and £2,701.63 per applicable house towards land acquisition costs;
- 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 towards youth services locally;
- A contribution for Kent County Council of £16.28 per household to be used to address the demand from the development towards additional book stock and services at local libraries serving the development;

- A contribution for Kent County Council of £15.94 per household to address the demand from the development for social services to be used 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;
- A contribution for NHS Property Services of £93,384 towards the extension, refurbishment and/or upgrade of the Orchard Medical Centre and Stockett Lane Surgery;
- A contribution towards highway works at the junction of the A229 and B2163 (Linton Crossroads) to mitigate the impact of the development (the amount to be finalised by the Head of Planning and Development acting under delegated powers); and
- A contribution towards off-site public open space (the amount to be finalised by the Head of Planning and Development acting under delegated powers) and the provision of on-site open space OR a contribution of £1,575 per dwelling towards the improvement of parks and open spaces local to the proposal site,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions set out in the report, as amended by the urgent update report, with the deletion of condition 22, the amendment of conditions 13 and 20 and an informative as follows:

Condition 13 (amended)

The development shall not commence until a surface water drainage scheme for the site, including open swales, basins and balancing ponds, 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 scheme shall subsequently be implemented in accordance with the approved details before 85% of the dwellings are occupied.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance.

Condition 20 (amended)

The details of landscaping submitted pursuant to condition 1 shall provide for the following:

- (i) Retention and strengthening of the frontage hedge line along the northern boundary of the site with Heath Road;
- (ii) Retention and strengthening of the tree line along the eastern boundary of the site with the access to Clockhouse Farm;

- (iii) Retention and strengthening of the hedge lines along the western and northwestern boundaries of the site; and
- (iv) Incorporation of the hedge line within the site that runs from north to south into the layout where appropriate.

Reason: To ensure a satisfactory appearance and setting to the development and to maintain the character of Coxheath.

#### Informative

The applicant is advised that the Heads of Terms of the S106 legal agreement in respect of Parks and Open Spaces, Highways and Education are to be discussed with Ward Members and the Parish Council.

Voting:          6 - For          5 – Against          1 – Abstention

Note: Councillor Hogg entered the meeting during consideration of this application (6.31 p.m.), but did not participate in the discussion or the voting.

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

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 Kay, an objector, Councillor Clifton of Harrietsham Parish Council (in support), Mr Houghton, for the applicant, and Councillors Powell and Sams (Visiting Members) addressed the meeting.

**RESOLVED:** That subject to:

A. Any statutory consultee party responses received prior to the expiry of the public advertisement of the partial extinguishment of the KH276 Public Right of Way; AND

B. The prior completion of a Section 106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- The provision of 40% affordable residential units within the application site OR the provision of 39% affordable housing within the application site and the provision of a community facility fully fitted out for occupation and use by the Parish Council on plot 9;

- A contribution for Kent County Council of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Harrietsham Primary School;
- A contribution for Kent County Council of £148.68 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to Harrietsham;
- A contribution for Kent County Council of £30.70 per dwelling 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 application site;
- A contribution for Kent County Council of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site;
- A contribution for Kent County Council of £63.56 per dwelling to address the demand from the development for adult social services to be used 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;
- A contribution for NHS Property Services of £71,028 (based on £360 per predicted occupier of market dwellings) to be prioritised firstly towards healthcare facilities at the Glebe Medical Centre, Harrietsham and then the Len Valley Medical Centre, Lenham;
- A contribution towards highway improvements to the A20 in Harrietsham (the amount to be finalised by the Head of Planning and Development acting under delegated powers);
- A contribution for Kent County Council of £200 towards the improvement and maintenance of public rights of way in the vicinity of the application site;
- The provision of land identified on drawing number 061302-WARD-PLAN2 received 20 January 2015 for public allotments and a contribution of £907.80 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site OR a contribution of £1,575 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site,

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, the additional informative set out in the urgent update report, and an additional condition in consultation with Kent Highway Services relating to the

provision of traffic calming measures proportionate and directly related to the development prior to the occupation of the dwellings.

Voting:        8 – For        3 – Against        2 – Abstentions

244. 14/503493 - OUTLINE APPLICATION FOR THE ERECTION OF 9 (NO.) DWELLINGS WITH ACCESS AND SCALE TO BE CONSIDERED AT THIS STAGE AND APPEARANCE, LANDSCAPING AND LAYOUT RESERVED FOR FUTURE CONSIDERATION - THE LODGE, LONDON ROAD, MAIDSTONE, KENT

The Chairman and Councillors Hogg and Mrs Robertson stated that they had been lobbied.

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

Mr La Dell, for the applicant, and Councillor Daley (Visiting Member) addressed the meeting.

**RESOLVED:** That outline permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional informative set out in the urgent update report.

Voting:        13 – For        0 – Against        0 – Abstentions

**FURTHER RESOLVED:** That Tonbridge and Malling Borough Council and the developer be approached regarding the designation of open space/a receptor site on land north west of The Lodge.

Voting:        13 – For        0 – Against        0 – Abstentions

245. 14/500412 - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE TO PROVIDE 69 RESIDENTIAL UNITS INCLUDING AFFORDABLE HOUSING (USE CLASS C3) TOGETHER WITH ASSOCIATED CAR PARKING, LANDSCAPING AND INFRASTRUCTURE WORKS - LAND AT OAKAPPLE LANE AND HERMITAGE LANE, MAIDSTONE, 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.

The Committee was informed that the applicant had now indicated that the development would achieve at least Level 4 of the Code for Sustainable Homes.

Mr Kimmance, an objector, Mr Thomas, for the applicant, and Councillor Willis (Visiting Member) 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 40% affordable residential units within the application site;
  - A contribution for Kent County Council of £4,000 per 'applicable' house and £1,000 per 'applicable' flat towards the build costs and £2,701.63 per 'applicable' house and £675.41 per 'applicable' flat towards land acquisition costs for a new primary school;
  - A contribution for Kent County Council of £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards secondary school education;
  - A contribution for Kent County Council of £144.36 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to the application site;
  - A contribution for Kent County Council of £30.70 per dwelling 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 application site;
  - A contribution for Kent County Council of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site;
  - A contribution for Kent County Council of £53.88 per dwelling to address the demand from the development for adult social services to be used 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;
  - A contribution for Maidstone Borough Council Parks and Open Space of £108,675 (based on £1,575 per dwelling) towards the improvement, refurbishment and maintenance of existing parks and open spaces local to the application site; and
  - A contribution of £29,408 towards highway improvements at the A26/Fountain Lane and A20/Coldharbour Lane,

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, with the amendment of condition 3 and an additional informative as follows:

Condition 3 (amended)

The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that a minimum of Code Level 4 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development.

Additional Informative

The applicant is advised that the details for the landscaping scheme are to be assessed in consultation with the Chairman and the Political Group Spokespersons of the Planning Committee and Ward Members, and will be reported back to the Planning Committee for determination.

2. That it be noted that the issue of the provision of a footpath link across Barming Heath will be raised by Ward Members with the Parks and Open Spaces Team when discussing the use of the proposed S106 contribution.

Voting:        10 – For        2 – Against        1 – Abstention

246. 14/506527 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 BRUSHED STAINLESS SIGNS MOUNTED ON THE EXISTING RAGSTONE WALLS (NON-ILLUMINATED) - VINTERS PARK CREMATORIUM, BEARSTED ROAD, WEAVERING, KENT

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

Ms Brown addressed the meeting on behalf of the applicant.

**RESOLVED:** That advertisement consent be granted subject to the conditions set out in the report.

Voting:        13 – For        0 – Against        0 – Abstentions

247. 14/503905 - TWO-STOREY EXTENSION, ADDITION OF FIRST FLOOR WINDOW TO NORTH ELEVATION AND EXTENSION TO APPROVED PARKING/TURNING AREA - GUDGEON OAST, WEST STREET, HUNTON, KENT

Having disclosed a Disclosable Pecuniary Interest, Councillor Collins left the meeting whilst this application was discussed.

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

The Chairman drew the Committee's attention to an additional representation which had been received.

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

Voting:        12 – For        0 – Against        0 - Abstentions

248. 14/505603 - CHANGE OF USE FROM HAIRDRESSING AND BEAUTY SALON (CLASS A1) TO A RESIDENTIAL DWELLING (CLASS C3) TO INCLUDE SINGLE STOREY EXTENSION TO EAST ELEVATION, REMOVAL OF EXTERNAL FIRE ESCAPE AND FIRST FLOOR ACCESS, REPLACEMENT OF WINDOWS, ADDITION OF NEW OPENING AT GROUND FLOOR LEVEL AND ASSOCIATED LANDSCAPING AND PARKING WORKS - EDEN BARN, VICARAGE ROAD, YALDING, KENT

Having disclosed a Disclosable Pecuniary Interest, Councillor Collins left the meeting whilst this application was discussed.

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 and informatives set out in the report.

Voting:        12 – For        0 – Against        0 - Abstentions

249. 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 undertook to keep Ward Members informed of his discussions with the Planning Enforcement Team following dismissal of the appeal against the decision to refuse retrospective application MA/14/0273 – Wayside, Amsbury Road, Hunton, Maidstone.

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

250. UPDATE ON MATTERS REFERRED TO CABINET MEMBERS

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

251. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee that a report would be submitted to the next meeting setting out the current position with regard to S106 contributions held by the Council.

252. DURATION OF MEETING

6.00 p.m. to 9.55 p.m.