

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

**MINUTES (PART I) OF THE MEETING HELD ON
16 APRIL ADJOURNED TO 23 APRIL 2015**

Present: Councillor English (Chairman) and
Councillors Ash, Chittenden, Collins, Cox, Greer,
16 April 2015 Harwood, Hogg, Moriarty, Paine, Mrs Robertson and
J.A. Wilson

Also Present: Councillors Cuming, B Mortimer, Perry,
Round, Sargeant, Springett and Thick

314. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Paterson.

315. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Chittenden was substituting for Councillor Paterson.

316. NOTIFICATION OF VISITING MEMBERS

Councillors Cuming and Springett indicated their wish to speak on the report of the Head of Planning and Development relating to application 14/504795.

Councillor B Mortimer indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/504905.

Councillors Round and Thick indicated their wish to speak on the report of the Head of Planning and Development relating to application 14/505284.

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

It was noted that Councillor Perry had indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/502010.

317. ITEMS WITHDRAWN FROM THE AGENDA

The Chairman stated that the reports of the Head of Planning and Development relating to applications 14/502152, 14/504538 and 14/504556 and the items on Part II of the agenda had been rolled over to the adjourned meeting scheduled to be held on 23 April 2015.

318. URGENT ITEMS

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.

319. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

320. EXEMPT ITEMS

RESOLVED: That the items on Part II of the agenda and associated updates be taken in private as proposed.

321. MINUTES (PART I) OF THE MEETING HELD ON 19 MARCH ADJOURNED TO 23 MARCH 2015

RESOLVED: That the Minutes (Part I) of the meeting held on 19 March adjourned to 23 March 2015 be approved as a correct record and signed.

322. PRESENTATION OF PETITIONS

There were no petitions.

323. DEFERRED ITEMS

1. 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
2. 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
3. 14/503960 - OUTLINE APPLICATION FOR 13 NO. DWELLING HOUSES WITH ASSOCIATED AMENITY SPACE, SHARED ACCESS ROAD AND NEW FOOTWAY WITH ACCESS, APPEARANCE, LAYOUT AND SCALE TO BE CONSIDERED AT THIS STAGE WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND EAST OF THATCH BARN ROAD AND SOUTH OF LENHAM ROAD, HEADCORN, KENT
4. 14/503975 - APPLICATION FOR PERMANENT CHANGE OF USE TO A FREE SCHOOL (CLASS D1) - GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT

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

324. 14/505358 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 6 DWELLINGS WITH ASSOCIATED WORKS - WESTMOUNT PACKAGING, THE FORSTAL, BULL HILL, LENHAM HEATH, 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 and informatives set out in the report, as amended by the urgent update report, and the additional condition set out in the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

325. 14/505767 - CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL GARDEN ALONG WITH THE ERECTION OF FENCING AND LANDSCAPING - THE ROUNDELS, GATEHOUSE FARM OAST, HUNTON ROAD, MARDEN, 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 condition set out in the report.

Voting: 10 – For 0 – Against 1 – Abstention

326. 14/505284 - OUTLINE APPLICATION FOR DEVELOPMENT OF UP TO 220 HOUSES TOGETHER WITH AREAS OF OPEN SPACE, A NATURE CONSERVATION AREA, LANDSCAPING, NEW ACCESS ONTO ULCOMBE ROAD AND IMPROVED ACCESS TO KINGS ROAD PLUS CHANGE OF USE OF LAND TO SCHOOL PLAYING FIELD, WITH ACCESS TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND BETWEEN MILL BANK, ULCOMBE ROAD AND KINGS ROAD, HEADCORN, 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.

Dr Driver, an objector, Councillor Selby of Headcorn Parish Council (against), Mr Page, for the applicant, and Councillors Thick and Round (Visiting Members) (against) addressed the meeting.

RESOLVED:

1. That the Planning Inspectorate be advised that if the applicant had not lodged an appeal against non-determination of this application by the target date of 5 February 2015, the Council would have granted

outline planning permission subject to a S106 legal agreement and conditions.

2. That the heads of terms of the S106 legal agreement and the conditions (summarised) that would have been applied be as set out in the report of the Head of Planning and Development, as amended by the urgent update report, with the amendment of the parameters on landscaping to include the protection and enhancement of retained east/west landscape and biodiversity features during the construction phase.

Voting: 9 – For 2 – Against

Note: Councillor J.A.Wilson entered the meeting during consideration of this application (6.24 p.m.), but did not participate in the discussion or voting.

327. 14/504795 - 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 stated that they had been lobbied.

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

Mr Vidler of the Bearsted and Thurnham Amenity Society (against), Councillor Spooner of Bearsted Parish Council (against), Mr Osborne, for the applicant, and Councillors Springett and Cuming (Visiting Members) (against) addressed the meeting.

Councillor Harwood stated that in response to comments which had been made about his involvement in the application, he could confirm that as a Political Group Spokesperson, he had participated in pre-application discussions with the Case Officer and the developer. In the course of those discussions, no heads of terms relating to the management of any future designated land were discussed or agreed. Maidstone Borough Council Parks and Leisure Department had advised that it was not in a position to take on the woodland area and ecology park. He had suggested that obtaining a Local Nature Reserve designation would provide protection for the land and would require a management plan going forward. The determining authority for a Local Nature Reserve would be the Borough Council. He had no interest whatsoever in the application.

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, 65% rental and 35% shared ownership;
 - A contribution for NHS Property Services of £37,800 to be put towards improvements at the named surgeries of Bearsted Medical Practice and The Spires Surgery;
 - A contribution for Kent County Council of £2,360.96 per applicable house towards primary education provision in Maidstone to be put towards the enhancement of teaching space at South Borough Primary School;
 - A contribution for Kent County Council of £2,359.80 per applicable house towards secondary education provision in Maidstone to be put towards the enhancement of teaching space at Maplesden Noakes School;
 - A contribution for Kent County Council of £1,589 to be used to address the demand from the development for youth services; the contribution to go towards the Infozone Youth Hub for use and distribution locally;
 - A contribution for Kent County Council of £2,400.79 to be used to address the demand from the development towards additional book stock and services to be supplied to Bearsted Library;
 - A contribution for Kent County Council of £1,400 for the purposes of improving the environment and furniture of Public Footpath KM75 to mitigate the impact of the development and to include the addition of two handrails to a section of the footpath; and
 - Details of a long term management plan for the open space, woodland and ecology park including responsibility for management, management contribution including the duration of the contribution, restriction of public access to certain areas and full habitat and ecology management details,

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 following additional informative:

There should be no access for construction vehicles through the village.

2. That the details of the long term management plan for the open space, woodland and ecology park referred to in the heads of terms of the S106 legal agreement must be reported to the Planning Committee for approval prior to completion of the S106 legal agreement.

Voting: 7 – For 4 – Against 1 – Abstention

FURTHER RESOLVED: That a delivery group comprising the developer, Maidstone Borough Council Officers, the local Ward Members, representatives of the Parish Council and Councillors English, Greer and Harwood be established to ensure that the development is delivered to a satisfactory high standard.

Voting: 10 – For 0 – Against 2 – Abstentions

328. 14/502010 - 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 - HEN AND DUCKHURST FARM, MARDEN ROAD, STAPLEHURST, KENT

All Members stated that they had been lobbied.

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

Mr Phipps, an objector, Councillor Mrs Buller of Staplehurst Parish Council (against), Mr Page, for the applicant, and Councillor Perry (Visiting Member) (against) 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. The provision of 40% affordable housing (equating to 100 dwellings) and the designation of at least 5 no. of the affordable units to provide wheelchair accessible homes;
- B: A contribution towards highway works at the junction of the A229 (Station Road) and Marden Road to mitigate the impact of the development (the amount to be finalised by the Head of Planning and Development acting under delegated powers);
- C. A contribution towards the improvement and enhancement of vehicle and cycle parking provision at the railway station development (the amount to be finalised by the Head of Planning and Development acting under delegated powers);
- D. The following contributions based on a pro rata assessment of the exact number of dwellings proposed at the reserved matters stage:

A contribution for Kent County Council of £580,725.90 towards the construction of Phase 1 of the expansion of Headcorn Primary School (40.65 pupils from HDF @ £14,286 per pupil);

A contribution for Kent County Council of £129,453.99 towards land acquisition costs in connection with the expansion of Headcorn Primary School (40.65 pupils from HDF @ £3,184.60 per pupil);

A contribution for Kent County Council of £487,888.65 for secondary education to be used towards the expansion of Cornwallis School (41 pupils @ £11,799 per pupil);

A contribution for Kent County Council of £12,003.95 to be used to address the demand from the development towards additional book stock at Staplehurst Library; and

A contribution for Kent County Council of £2,110.58 to be used to address the demand from the development for youth equipment (to be supplied to youth workers and organisations covering Staplehurst);

- E. The provision of on-site open space of not less than 4.66 hectares (open space areas should be a mixture of formal and semi-natural areas and allotment areas);

A contribution of £613.02 per dwelling towards the improvement or upgrade of facilities at Lime Trees, Surrenden Playing Field; and

The appointment of a management company by the developer to be responsible for the on-going maintenance of the public open space.

The management company shall submit to and obtain the approval in writing of the Local Planning Authority to the details required under sub-sections E.1 and E.2 below:

E.1 - Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an Ecological Design Strategy (EDS) addressing ecological mitigation and enhancement of each phase in the context of the wider site shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints, informed by further survey effort as appropriate;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives (may be provided as a set of method statements). Incorporation of bird and bat boxes and swift bricks in the fabric of houses and on trees within the landscaped areas;

- d) Role and responsibilities on-site of an ecological clerk of works (ECoW) or similarly competent person;
- e) Extent and location/area of proposed works on appropriate scale maps and plans;
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- h) Persons responsible for implementing the works;
- i) Details of initial aftercare and long term maintenance; and
- j) Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details unless varied by a European Protected Species licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity any variation of the agreed mitigation required by Natural England must not result in the reduction in the quality or quantity of mitigation/compensation provided and all features shall be retained in that manner thereafter.

E.2 - Prior to the commencement of development of each phase as agreed under condition 5 of this permission, a Landscape and Ecological Management Plan for each phase in the context of the wider site shall be submitted to and approved in writing by the Local Planning Authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management prescriptions for achieving aims and objectives;
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- f) Details of the body or organisation responsible for implementation of the plan; and
- g) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally

approved scheme. The approved plan will be implemented in accordance with the approved details.

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, as amended by the urgent update report, and the additional conditions and informative set out in the urgent update report with the amendment of conditions 12, 17 and 18 as follows:

Condition 12 (amended)

Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall make provision for arrangements during the period up until the last dwelling is completed and shall include details of:

- a) A programme for the phasing of work to construct the development, including the roads, landscaping and open space;
- b) The location of temporary site buildings, compounds and areas used to store plant and materials;
- c) Arrangements for the routing, turning and access of lorries into the site;
- d) Arrangements for the parking of vehicles of site operatives and visitors;
- e) Measures to control and mitigate noise and vibration from construction activities, including piling;
- f) Arrangements for the storage, collection and disposal of waste;
- g) Measures to prevent mud and dust being deposited on the highway;
- h) The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing;
- i) Temporary lighting;
- j) Noise generating plant; and
- k) Details of how landscape features acting as existing biodiversity networks, including hedgerows, will be retained and protected during the construction phase.

The development shall take place in accordance with the approved plan.

Reason: In the interests of residential amenities in the area and in the interests of biodiversity and ecology.

Condition 17 (amended)

No development shall take place until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy

should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on or off site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Condition 18 (amended)

The development hereby permitted shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features and shall be completed in full prior to first occupation of the dwellings hereby permitted.

Reason: To ensure that foul and surface water is satisfactorily managed and disposed of from the site and in the interests of the protection of local wildlife.

Voting: 9 – For 1 – Against 2 – Abstentions

Note: Councillor Paine left the meeting after consideration of this item (10.26 p.m.).

329. LONG MEETING

Prior to 10.30 p.m., following consideration of the report of the Head of Planning and Development relating to application 14/502010, the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

RESOLVED: That the meeting should continue until 11.00 p.m. if necessary.

330. 14/504905 - ERECTION OF 1 NO. DETACHED HOUSE AND GARAGE FOR FARM OWNER/MANAGER - WARNHAMS FARM, HUNT STREET, WEST FARLEIGH, KENT

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

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

Councillor Martin of West Farleigh Parish Council (in support), Mr Sewell, the applicant, and Councillor B Mortimer (Visiting Member) (in support) addressed the meeting.

RESOLVED: That consideration of this application be deferred for one meeting cycle only to enable the Officers to draw up appropriate conditions and informatives to be attached to any planning consent; these to include time limit, materials, agricultural occupancy, landscape, landscape implementation, boundary treatments, code for sustainable homes, removal of permitted development rights and any other conditions the Case Officer deems appropriate.

Voting: 11 – For 0 – Against 0 – Abstentions

331. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Planning and Development relating to application 14/504905, the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on 23 April 2015 to enable the remaining items on the agenda to be discussed.

332. DURATION OF MEETING

6.00 p.m. to 10.50 p.m.