MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 30 JULY 2015

Present: **Councillor English (Chairman) and Councillors Butler, Clark, Cox, Harper, Harwood, Hemsley, Munford, Paine, Paterson, Thick and J. A. Wilson**

Also Present: **Councillors Burton, Cuming, Daley, Mrs Gooch, McLoughlin, Mrs Robertson, Springett and Willis**

80. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Ash, Greer and Mrs Stockell.

81. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Greer
Councillor J. A. Wilson for Councillor Ash

It was also noted at this point that Councillor Burton, upon his arrival, would be substituting for Councillor Mrs Stockell. In the event, Councillor Burton attended the meeting as a Visiting Member.

82. 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.

Councillors Daley, Mrs Gooch, Mrs Robertson and Willis indicated their wish to speak on the report of the Head of Planning and Development relating to application 14/503735.

Councillors Burton and McLoughlin attended the meeting to speak on the report of the Head of Planning and Development relating to application 13/1585, but were not present at this stage of the proceedings.

83. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

84. 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.

85. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

86. EXEMPT ITEMS

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

87. MINUTES OF THE MEETING HELD ON 9 JULY ADJOURNED TO 16 JULY 2015

RESOLVED: That the Minutes of the meeting held on 9 July adjourned to 16 July 2015 be approved as a correct record and signed.

88. PRESENTATION OF PETITIONS

There were no petitions.

89. 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. 14/503957 - 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 no updates in respect of these applications at present.

In response to a question by a Member, the Development Manager said that whilst he could not say precisely when, he hoped to be in a position to report application 14/503957 back to the Committee soon.

90. 14/503735 - OUTLINE - ACCESS NOT RESERVED - MIXED USE DEVELOPMENT COMPRISING UP TO 420 RESIDENTIAL DWELLINGS (INCLUDING AFFORDABLE HOMES), LAND SAFEGUARDED FOR AN EDUCATION FACILITY AND LAND SAFEGUARDED FOR A COMMUNITY CENTRE. PROVISION OF PUBLIC OPEN SPACE (INCLUDING CHILDREN'S PLAY AREAS) ASSOCIATED INFRASTRUCTURE AND NECESSARY DEMOLITION AND EARTHWORKS. THE FORMATION OF 2 NO. NEW VEHICLE ACCESSES FROM HERMITAGE LANE AND HOWARD DRIVE - LAND TO THE EAST OF HERMITAGE LANE, MAIDSTONE, KENT

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

Mrs Bates, an objector, Mrs Poletti of the New Allington Action Group (against), Councillor Levett of Teston Parish Council (against), Mr Wilford, for the applicant, and Councillors Daley, Mrs Robertson, Mrs Gooch and Willis (Visiting Members) 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:

- The provision of 30% affordable residential units within the application site;

- The provision of land measuring no less than 2.05 ha to allow for the construction of the 2FE Primary School. The terms of land transfer to be the same as agreed for the appealed scheme 1 - 13/1749;

- The provision of land measuring no less than 0.36 ha to be set aside for the Community Hall and the construction of the Community Hall by the owners of the land (applicant) to a specification reflecting its use and ready to use and then transferred to a management company;

- A financial contribution of £14,286 per pupil totalling £1,685,748 towards the cost of constructing the Primary School;

- A financial contribution of £11,799 per pupil totalling £991,116 towards the cost of expansion of Maplesden Noakes Secondary School;

- A financial contribution of £48.02 per dwelling totalling £20,166.64 to be used to address the demand from the development towards additional bookstock at Allington Library;

- A financial contribution of £30.70 per dwelling totalling £12,894 to accommodate the increased demand arising from the development with provision of new and/or expanded facilities and services through dedicated education centres and outreach community learning facilities;

- A financial contribution of £47.44 per dwelling totalling £19,925 to accommodate the increased demand arising from the development by providing new and expanded adult care facilities and services;

- A financial contribution towards Highways totalling £3,039 per dwelling towards the following:

  £400 per dwelling for the A26 improvement works – modifications to the junction of Fountain Lane and Tonbridge Road;

  £1,362 per dwelling for the A20/Coldharbour junction works – modifications to the layout and approaches of Coldharbour roundabout (London Road);

  £102 per dwelling for the M20 Junction 5 improvement works with a white lining scheme;

  £39 per dwelling for pedestrian crossing facilities in Hermitage Lane north of the site;

  £52 per dwelling for improvements to create a shared pedestrian/cycle use of the footway along the eastern side of Hermitage Lane; and

  £1,084 per dwelling to support the bus service via Allington for a period of 5 years.

- A financial contribution of £30,000 towards the funding of surfacing and improvements to public right of way KB35 and KB18, to facilitate improvements to the public right of way network which immediately serves the development and connects with the town centre;

- A contribution towards Healthcare, based on the formula number of dwellings x 2.34 x £360 (excluding affordable housing) to be spent on the following 6 surgeries, all of which are within a 1.5 mile radius of the site, and which will support improvements to these surgeries by way of extension, refurbishment and/or upgrade in order to meet the additional demands generated by the development:

  Allington Clinic;
  Allington Park Surgery;
  College Practice;
  Blackthorne Medical Centre;
  Aylesford Medical Centre; and
  Lockmeadow Clinic.

- A financial contribution of £71,820 for off-site open space deficiency based on the formula set out in paragraph 7.08 of the report of the Head of Planning and Development towards improvements, repair and renewal to the Keswick Drive play area and open space which is less than 300 metres from the site;

- The long-term management and maintenance of on-site open space including the mechanisms by which the open space will be secured by the developer with the management body(ies) responsible for its delivery;

- The inclusion of an updated version of the Landscape and Biodiversity Management Strategy (LBMS) (which is to provide principles upon which the LEMP is based) to be agreed by the Head of Planning and Development (acting under delegated powers) in liaison with the KCC Ecology Officer and to include the southern woodland copse (including the Ancient Woodland) which lies outside the redline boundary;

- A landscape and ecological management plan (LEMP) together with 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 LEMP shall be in accordance with the principles contained within the LBMS and Ecological Assessment 2013 and updated survey work 2014/2015 and 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 options for achieving aims and objectives;
  e) Prescriptions for management actions;
  f) Preparation of a work schedule (including a five year work plan capable of being rolled forward over the lifetime of the development) and demonstrating alignment with the development phasing;
  g) Details of the body or organisation responsible for implementation of the plan; and
  h) Details of ongoing monitoring and remedial measures in the form of a biodiversity monitoring strategy (BMS) which shall include:

     i. Aims and objectives of monitoring to match the stated purpose;
     ii. Identification of adequate baseline conditions prior to the start of development;
     iii. Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
     iv. Methods for data gathering and analysis;
     v. Location of monitoring;
     vi. Timing and duration of monitoring;

vii. Responsible persons and lines of communication;
viii. Review mechanisms and, where appropriate, publication of results and outcomes;
ix. A report describing the results of monitoring at intervals identified in the strategy, which shall set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified; and
x. Details of (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; and

i) Details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery,

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.

Voting: 6 – For 4 – Against 1 - Abstention

Note: Councillor Harwood entered the meeting during consideration of this application (6.14 p.m.), but did not participate in the discussion or the voting.

91. 14/504381 - APPLICATION FOR A REPLACEMENT DWELLING - NEW COCKHILL FARM, YELSTED LANE, SITTINGBOURNE, KENT

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

RESOLVED: That subject to the prior completion of a legal agreement (unilateral undertaking) in such terms as the Head of Legal Partnership may advise to secure the removal of redundant farm buildings from the 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.

Voting: 12 – For 0 – Against 0 – Abstentions

92. 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 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.

Mr Vidler of the Bearsted and Thurnham Society (an objector), Mr Stevens, for the applicant, and Councillors Springett and Cuming (Visiting Members) addressed the meeting.

RESOLVED:

1. That subject to the deletion of references to the Bearsted Woodland Trust as appropriate, the management plan, attached as an Appendix to the report of the Head of Planning and Development and as amended by the urgent update report, be approved for inclusion in the heads of terms of the S106 legal agreement agreed by the Planning Committee at its meeting held on 16 April adjourned to 23 April 2015 and that the heads of terms be further amended by:

   A. The addition of a contribution of £25,000 towards the future enhancement, management and maintenance of the open space, woodland area and ecology park; and

   B. The removal of the original reference to the provision of details of a long term management plan for the open space, woodland area and ecology park.

2. That subject to the prior completion of the revised S106 legal agreement, the Head of Planning and Development be given delegated powers to grant permission in respect of application 14/504795 subject to the conditions and informatives previously agreed.

Voting: 6 – For 0 – Against 6 – Abstentions

93. 15/501230 - OUTLINE APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF 5 DWELLINGS COMPRISING A PAIR OF 3 BEDROOM SEMI-DETACHED HOUSES AND A TWO STOREY BUILDING CONTAINING ONE 2 BEDROOM APARTMENT AND TWO 1 BEDROOM APARTMENTS, TOGETHER WITH ASSOCIATED CAR PARKING - BUDGET RENT A CAR, LAND REAR OF 33 TONBRIDGE ROAD, MAIDSTONE, KENT

The Chairman and Councillors Harper and Paine stated that they had been lobbied.

Councillor Harper said that although he had asked that this application be dealt with by the Planning Committee (rather than by the Head of Planning and Development under delegated powers), he had not pre-determined the application, and intended to speak and vote when it was considered.

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

Miss Preedy, an objector, Ms Wissenden of the Orchard Place/Reginald Road Residents' Association (against) and Mr Atkinson, for the applicant, 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 considered that the proposed development, by way of its cramped layout and lack of space between buildings, constituted poor design and would represent an overdevelopment of the site detrimental to the character of the area. The layout presented insufficient space for adequate landscaping and the amenities of the occupants of the proposed dwellings would be adversely affected by the cramped layout and restricted garden space. The application was therefore considered contrary to the advice in Section 7 of the National Planning Policy Framework 2012 on good design.

RESOLVED: That permission be refused for the following reason:

The proposed development, by way of its cramped layout and lack of space between buildings, constitutes poor design and would represent an overdevelopment of the site detrimental to the character of the area. The layout presents insufficient space for adequate landscaping and the amenities of the occupants of the proposed dwellings would be adversely affected by the cramped layout and restricted garden space. The application is therefore considered contrary to the advice in Section 7 of the National Planning Policy Framework 2012 on good design.

Voting: 12 – For 0 – Against 0 – Abstentions

94. 13/1585 - AN OUTLINE APPLICATION FOR 85 RESIDENTIAL UNITS, OPEN SPACE AND ALLOTMENTS WITH ACCESS FROM PLAIN ROAD AND NAPOLEON DRIVE. ALL OTHER MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) RESERVED FOR FUTURE CONSIDERATION - LAND AT STANLEY FARMS, PLAIN ROAD, MARDEN, KENT

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

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

Mr Witts, an objector, Councillor Mannington of Marden Parish Council and Councillors Burton and McLoughlin (Visiting Members) addressed the meeting.

RESOLVED: That consideration of this report be deferred to enable the Officers to ascertain whether the developer would be prepared to make a financial contribution to fund repairs to the roof of Marden Memorial Hall.

Voting: 10 – For 1 – Against 0 - Abstentions

Note: Councillor Harwood was not present at the start of the Committee's consideration of this report. He returned to the meeting at 10.05 p.m., and did not participate in the discussion or the voting on the report.

95. 14/503755 - DEMOLITION OF THE EXISTING COMMERCIAL BUILDINGS AND THE CHANGE OF USE AND ERECTION OF 22 RESIDENTIAL UNITS, TOGETHER WITH NEW ACCESS FROM HARTNUP STREET, AND ASSOCIATED LANDSCAPING AND CAR PARKING PROVISION - LAND TO THE REAR OF MILTON STREET AND HARTNUP STREET, MILTON STREET, MAIDSTONE, KENT

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

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 contribution for primary education of £2,360.96 per applicable house (x16) and £590.24 per applicable flat (x6) towards the Barming Primary School enhancements;

- A contribution for secondary education of £2,359.80 per applicable house and £589.95 per applicable flat towards the second phase of expansion of Maidstone Grammar School for Boys;

- A contribution of £1,056.35 to be used to address the demand from the development towards additional bookstock to be supplied to Maidstone Library;

- A contribution for NHS Property Services of £17,208 to be used to improve facilities and services provided in local doctors' surgeries at Blackthorne Surgery, College Practice, Lockmeadow Surgery, Bower Mount Surgery and The Vine Surgery; and

- An off-site contribution for Maidstone Borough Council Parks and Open Space of £1,575 per dwelling to be used towards the enhancement, maintenance, improvement and renewal of provision for children (equipped play) and outdoor sports facilities at Clare Park which is within a few hundred metres of the development 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.

Voting: 11 – For 0 – Against 1 – Abstention

96. LONG MEETING

Prior to 10.30 p.m., following consideration of the report of the Head of Planning and Development relating to application 14/503755, 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.

97. 15/500137 - ERECTION OF A DWELLING HOUSE - LAND ADJACENT AMSBURY COTTAGE, AMSBURY ROAD, COXHEATH, 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.

Voting: 12 – For 0 – Against 0 – Abstentions

98. 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:

1. That the report be noted.

2. That when the Waterside Park appeal decision is reported to the Committee, the decision letter should be reproduced in full and a summary of the decision should be provided for Members' information.

99. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

100. DURATION OF MEETING

6.00 p.m. to 10.35 p.m.