

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 20 AUGUST 2015**

**Present:** Councillor Cox (in the Chair) and Councillors Ash, Butler, Chittenden, Clark, Harwood, Hemsley, McKay Munford, Paine and Paterson

**Also Present:** Councillors Sargeant and Willis

#### 101. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from the Chairman (Councillor English) and Councillors Greer, Harper and Thick.

#### 102. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Greer  
Councillor Chittenden for Councillor English  
Councillor McKay for Councillor Harper

#### 103. ELECTION OF CHAIRMAN FOR THE MEETING

In the absence of the Chairman and the Vice-Chairman, it was:

**RESOLVED:** That Councillor Cox be elected as Chairman for the meeting.

#### 104. NOTIFICATION OF VISITING MEMBERS

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

It was noted that Councillor Willis had indicated his wish to speak on the report of the Head of Planning and Development relating to application 13/2079, but would be late in arriving at the meeting.

#### 105. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

#### 106. 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.

107. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Chittenden said that he had discussed application 15/502680 with one of the residents affected by the development. He would speak but not vote when the application was discussed.

108. EXEMPT ITEMS

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

109. MINUTES OF THE MEETING HELD ON 30 JULY 2015

**RESOLVED:** That the Minutes of the meeting held on 30 July 2015 be approved as a correct record and signed.

110. PRESENTATION OF PETITIONS

There were no petitions.

111. 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 Principal Planning Officer advised Members that work was continuing in respect of these applications, and he had nothing further to report at present other than it was anticipated that application 14/503957 (Gatland House) would be reported back to the Committee in two cycles' time.

A Member expressed concern about the lack of progress being made in relation to application 07/2133 (Laguna Motorcycles site) which had been deferred since April 2014.

**RESOLVED:** That the report be noted and that the Officers be requested to provide an update on application 07/2133 at the next meeting.

112. 15/502680 - RETROSPECTIVE PLANNING PERMISSION FOR THE CONSTRUCTION OF ANCILLARY DOMESTIC OUTBUILDING TO PROVIDE A GARAGE, HOME OFFICE AND GYM - TIMBERDEN, BOXLEY ROAD, MAIDSTONE, KENT

The Chairman and Councillors Chittenden, Clark, Harwood and Paine stated that they had been lobbied.

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

Mr Harrison, an objector, and Mr Wise, for the applicant, addressed the meeting.

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

1. Within 3 months of the date of this decision, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall use indigenous species and include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The approved landscaping details shall be carried out in the first planting season following the occupation of the building or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development.

2. Within 3 months of the date of this decision, details of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details.

Reason: To ensure adequate surface water drainage.

3. Within 3 months of the date of this decision, details of ecological enhancements including bat tubes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity enhancement.

Voting:        6 – For        2 – Against        2 – Abstentions

Note: Councillor Chittenden did not participate in the voting having stated that he had discussed the application with one of the residents affected by the development.

113. 14/502152 - DEMOLITION OF UNITED REFORM CHURCH AND ADJOINING HALL TO FACILITATE THE ERECTION OF 24 NO. DWELLINGS ON THIS LAND AND LAND TO THE SOUTH WITH ASSOCIATED PARKING, ACCESS (FROM MAIDSTONE ROAD) AND LANDSCAPING - LENHAM UNITED REFORMED CHURCH, MAIDSTONE ROAD, LENHAM, KENT

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

Mr Greenwood, an objector, and Mr Hume, for the applicant, addressed the meeting.

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

- The provision of 40% affordable residential units;
- A contribution of £2,360.96 per 'applicable' house (£56,663.04) towards the enhancement of teaching facilities at Lenham Primary School;
- A contribution of £202.62 towards youth service equipment at Swadelands Youth Centre;
- A contribution of £1,152.38 to be used to address the demand from the development towards additional book stock at Lenham Library;
- A contribution of £14,292 (£360 per predicted occupier based on size of market dwellings) to be prioritised firstly towards the extension of healthcare facilities at The Glebe Medical Centre, Harrietsham;
- A contribution of £37,800 towards the improvement, maintenance, refurbishment and replacement of the Ham Lane play area; and
- Details of a long term management plan for strategic landscaping areas within the site and cricket ball stop nets to the western boundary of the site, which shall include details of the following:

responsibility for ongoing long term management; financial contributions towards implementation/installation and long term maintenance (including the duration of the contribution) (details to be finalised by the Head of Planning and Development acting under delegated authority),

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report and the additional informative set out in the urgent update report.

Voting:        11 – For        0 – Against        0 – Abstentions

114. 15/500911 - DEMOLITION OF EXISTING OUTHOUSE. ALTERATIONS AND ERECTION OF A GROUND FLOOR REAR EXTENSION, SIDE EXTENSION AT FIRST FLOOR AND ROOF LEVEL, ENTRANCE PORCH, CHIMNEY STACK, PLACEMENT OF WINDOWS AND ROOFLIGHTS AND ERECTION OF A NEW CARPORT - 2 BOYTON COURT COTTAGES, BOYTON COURT ROAD, SUTTON VALENCE, KENT

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

Miss Mills, for objectors, Councillor Armstrong of Sutton Valence Parish Council (against) and Mrs Graves, the applicant, addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report and the following additional condition:

The development shall not commence until details of measures to provide for the installation of bat boxes and swift bricks within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: In the interests of biodiversity and ecology.

Voting:        8 – For        3 – Against        0 – Abstentions

115. 15/502129 - DEMOLITION OF EXISTING OUTHOUSE. ALTERATIONS AND ERECTION OF A GROUND FLOOR REAR EXTENSION, SIDE EXTENSION AT FIRST FLOOR AND ROOF LEVEL, ENTRANCE PORCH, CHIMNEY STACK, PLACEMENT OF WINDOWS AND ROOFLIGHTS AND ERECTION OF A NEW CARPORT - 2 BOYTON COURT COTTAGES, BOYTON COURT ROAD, SUTTON VALENCE, KENT

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

Miss Mills, for objectors, Councillor Armstrong of Sutton Valence Parish Council (against) and Mrs Graves, the applicant, addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report and the following additional condition:

The development shall not commence until details of measures to provide for the installation of bat boxes and swift bricks within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: In the interests of biodiversity and ecology.

Voting:        7 – For        2 – Against        2 – Abstentions

116. 15/504879 - TPO APPLICATION TO FELL 1 GROUP OF CONIFER TREES - 8 ALBERT REED GARDENS, TOVIL, KENT

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

Councillor Wilby of Tovil Parish Council (against) and Mrs Brown, the applicant, addressed the meeting.

**RESOLVED:**

1. That permission be granted subject to the conditions set out in the report with the amendment of condition 2 and an additional informative as follows:

Condition 2 (amended)

Any tree planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of ten years from the date of the planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species and size as that originally planted, except where an alternative proposal has been submitted to and approved in writing by the Local Planning Authority prior to that planting season.

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area.

Additional Informative

Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

2. That the Landscape Officer be requested to consider making a Tree Preservation Order to protect the replacement trees.

Voting: 11 – For 0 – Against 0 – Abstentions

117. TREE PRESERVATION ORDER NO. 5011/2015/TPO - LAND WEST OF GANDYS LANE, BOUGHTON MONCHELSEA, KENT

The Committee considered the report of the Head of Planning and Development concerning Tree Preservation Order No. 5011/2015/TPO which was made to protect woodland on land west of Gandys Lane, Boughton Monchelsea, Kent. It was noted that an objection to the making of the Order had been received from the landowners. By modifying the Order to allow a permanent vehicular access to be established, works to reinstate a coppice regime would be possible.

Councillor Munford stated that he was the Chairman of Boughton Monchelsea Parish Council, but the Parish Council had had no involvement in the making of the Order.

**RESOLVED:** That Tree Preservation Order No. 5011/2015/TPO be confirmed with modification to exclude the eastern access strip from the TPO plan.

Voting: 11 – For 0 – Against 0 – Abstentions

118. 15/502640 - DEMOLITION OF EXISTING VEHICLE AND PLANT STORAGE BUILDING AND ERECTION OF 2 NO. DETACHED DWELLINGS AND CONVERSION AND EXTENSION OF OAST STOWAGE AND FRONTAGE GARAGE BUILDINGS TO PROVIDE 2 NO. DWELLINGS WITH PARKING AND LANDSCAPING - FARLEIGH GREEN YARD, LOWER ROAD, WEST FARLEIGH, KENT

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

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

Voting: 11 – For 0 – Against 0 – Abstentions

119. 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

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

Mr Witts, an objector, addressed the meeting.

**RESOLVED:**

1. That subject to the prior completion of a 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 of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Marden Primary School;
  - A contribution of £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the Phase 1 extension of Maidstone Grammar School for Boys;
  - A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock at Marden Library;
  - A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through the funding of an officer who visits Marden one evening a week;
  - A contribution of £55,080 to be used to address the demand from the development towards an extension of waiting room facilities at the Marden Medical Practice; and
  - A contribution of £17,793.05 towards improvements at Marden railway station,

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.

2. That an Implementation Committee should be established comprising the developer, Maidstone Borough Council Officers, the local Ward Members and a representative of the Parish Council to oversee the implementation of this development.
3. That the delegation to the Head of Planning and Development to determine any reserved matters application pursuant to this application be withdrawn and that any application for approval of the reserved matters must be reported to the Planning Committee.

Voting:      11 – For      0 – Against      0 – Abstentions

120. 15/504242 - ERECTION OF A SINGLE STOREY DWELLING (REVISED SCHEME) - LAND TO THE REAR OF BARKER COTTAGES, NEW CUT, DEAN STREET, EAST FARLEIGH, KENT



Councillors Chittenden and Clark stated that they had been lobbied.

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

Mr Kidner, the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed that subject to the application being advertised as a departure from the Development Plan and no new material considerations being raised, the Head of Planning and Development be given delegated powers to grant permission subject to conditions to be agreed in consultation with Ward Members and the Political Group Spokespersons of the Committee.

In making this decision, Members felt that the proposed development did not conform with policy ENV 28 of the Maidstone Borough-Wide Local Plan 2000. However, due to the limited visual harm and relative sustainability of the site in the context of one dwelling, there was not considered to be significant planning harm. Given the current shortfall in the 5 year housing land supply any limited adverse impacts of the proposal were considered to be outweighed by the benefit of providing an additional dwelling and this was considered sufficient grounds to depart from the Development Plan.

**RESOLVED:** That subject to the application being advertised as a departure from the Development Plan and no new material considerations being raised, the Head of Planning and Development be given delegated powers to grant permission subject to conditions.

Voting:        6 – For        4 – Against        1 – Abstention

**FURTHER RESOLVED:** That the conditions are to be agreed by the Head of Planning and Development in consultation with Ward Members and the Political Group Spokespersons of the Planning Committee.

Voting:        11 – For        0 – Against        0 – Abstentions

121. 13/2079 - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED FOR THE DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF UP TO 80 DWELLINGS WITH ASSOCIATED WORKS FOR ACCESS, PARKING, INFRASTRUCTURE, OPEN SPACE AND LANDSCAPING - LAND SOUTH WEST OF OAKAPPLE LANE, MAIDSTONE, KENT

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

Mr Collins, for the applicant, and Councillor Willis (Visiting Member) addressed the meeting.

**RESOLVED:** That subject to the prior completion of a 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 of £4,000 per 'applicable' house and £1,000 per 'applicable' flat towards the build cost of phase two of the Hermitage Lane Primary School;
- A contribution of a MAXIMUM of £2,701.63 per 'applicable' house and £675.41 per 'applicable' flat (to be reduced if appropriate in accordance with the actual price paid by Kent County Council for the Hermitage Lane site) towards the land acquisition costs of the Hermitage Lane Primary School;
- A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock and services at Maidstone Library;
- A contribution of £30.70 per dwelling to be used to address the demand from the development towards new IT equipment at the St Faiths Adult Education Centre;
- A contribution of £8.44 per dwelling to be used to address the demand from the development towards equipment and services at Maidstone for youth workers and groups local to the development;
- A contribution of £67,392 towards the improvement (refurbishment and reconfiguration) of healthcare facilities at Barming Medical Practice;
- A contribution of £400 per dwelling towards offsite highway works for improvement works to the A26/Fountain Lane;
- A contribution of £86 per dwelling towards offsite highway works for improvement works to junction 5 of the M20;
- A contribution towards offsite highway works for improvements to pedestrian crossing provision at the junction of Hermitage Lane/Fountain Lane/Heath Road (sum to be decided by the Head of Planning and Development under delegated powers); and
- A contribution of £428.12 per dwelling towards the improvement and maintenance of open space within 1km of the application site, or offset against the complementary enhancement of the unmade section of Oakapple Lane, retaining the features that are integral to its character, to provide a secondary access, used by emergency vehicles, pedestrians and cyclists (to be negotiated by the Head of Planning and Development under delegated powers),

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.

Voting:        11 – For        0 – Against        0 – Abstentions

122. 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.

123. WATERSIDE PARK (J8) APPEAL DECISIONS

The Committee considered the précis prepared by the Head of Planning and Development in respect of the Waterside Park appeal decisions.

**RESOLVED:** That the conclusions of the Inspector in dismissing the Waterside Park appeals be noted.

124. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that Catherine Slade, Senior Planning Officer, would be leaving to take up a new position with Lambeth Council on 28 August 2015. On behalf of Members, the Chairman thanked Ms Slade for her services to the Committee over the years and congratulated her on her new appointment.

125. DURATION OF MEETING

6.00 p.m. to 9.05 p.m.