

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 18 JUNE 2015

Present: Councillor English (Chairman) and Councillors Ash, Chittenden, Clark, Cox, Greer, Harper, Harwood, Munford, Paine, Mrs Stockell and Thick

Also Present: Councillors Perry, Round and Sargeant

27. **APOLOGIES FOR ABSENCE**

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

28. **NOTIFICATION OF SUBSTITUTE MEMBERS**

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

29. **NOTIFICATION OF VISITING MEMBERS**

Councillor Perry indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/503810.

Councillor Round indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/505162.

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

30. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

31. **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.

32. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Clark stated that, with regard to the report of the Head of Planning and Development relating to application 14/501562, he lived in Boughton Lane. However, his property was a significant distance from the

application site, and he intended to speak and vote when the development was discussed.

Councillor Greer stated that, with regard to the report of the Head of Planning and Development relating to application 15/502568, he had worked with Councillor Mrs Parvin, the applicant, on the design of the proposed dwelling. He would not speak or vote when the application was discussed.

Councillor Munford stated that he was the Chairman of Boughton Monchelsea Parish Council, but he had not participated in the Parish Council's discussions regarding application 13/0742, and intended to speak and vote when it was considered.

33. EXEMPT ITEMS

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

34. MINUTES OF THE MEETING HELD ON 28 MAY 2015

RESOLVED: That the Minutes of the meeting held on 28 May 2015 be approved as a correct record and signed.

35. PRESENTATION OF PETITIONS

There were no petitions.

36. 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 nothing further to report in respect of these applications at present.

37. 14/505162 - ERECTION OF 48 DWELLINGS TOGETHER WITH PROVISION OF ASSOCIATED LANDSCAPING AND ACCESS - LAND TO THE NORTH OF LENHAM ROAD, HEADCORN, 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.

Councillor Pyman of Headcorn Parish Council (against), Mr Hawkins, for the applicant, and Councillor Round (Visiting Member) (against) addressed the meeting.

During the discussion, and in response to questions by the representative of the Head of Legal Partnership, Councillor Thick confirmed that he had pre-determined this application. Councillor Thick was advised that, having pre-determined, he could speak but not vote on the application. Councillor Thick then left 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 40% affordable housing (equating to 19 dwellings) within the application site of which 3 dwellings are to be Wheelchair Accessible Homes;
- A contribution for primary education of £4,891.69 per applicable house (x29) and £1,222.92 per applicable flat (x15) = £160,202.81 towards Phase 2 of the Headcorn Primary School expansion project;
- A contribution for secondary education of £2,359.80 per applicable house (x29) and £589.95 per applicable flat (x15) = £77,283.45 towards the expansion of Cornwallis School;
- A contribution of £2,304.76 to be used to address the demand from the development for book stock (supplied to Headcorn Library);
- Based on a shortfall of 0.40ha, an offsite contribution of £1,260 per dwelling (£1,260 x 48 dwellings = £60,480) to be directed to Hoggs Bridge Green Play Area within 0.25 miles of the development;

- A contribution of £650 per dwelling (£650 x 48 dwellings = £31,200) to provide signal control at the A274 crossroads junction in Headcorn;

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 an additional informative as follows:

The landscaping/SUDS scheme pursuant to condition 7 should include a shelving edge to the attenuation ponds, with marginal vegetation etc.

Voting: 9 – For 2 – Against 0 – Abstentions

Note: The Secretary of State has received a third party request to call in this application. The National Planning Casework Unit has asked that no decision be issued on the application until the case has been assessed.

38. 13/0742 - PROPOSAL FOR FORMATION OF PRIVATE SYNDICATE FISHING LAKE WITH 2 NO. BREEDING PONDS (FOR COARSE FISH), CONSTRUCTION OF "FISHING PEGS", ACCESS AND PARKING AREAS WITH ASSOCIATED EARTHWORKS, NEW ACCESS, PARKING AND PATHWAYS, THE PROVISION OF AN ECOLOGICAL POND, SMALL SCALE PUMP CHAMBER AND ASSOCIATED WORKS ALONG WITH LANDSCAPING AND TO INCLUDE THE ERECTION OF A SITE MAINTENANCE BUILDING - FISHING LAKE, BOUGHTON BOTTOM FARM, LOWER FARM ROAD, BOUGHTON MONCHELSEA, KENT

The Chairman and Councillors Greer, Harper, Munford 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.

Councillor Gershon of Boughton Monchelsea Parish Council (against) and Mr Collins, for the applicant, addressed the meeting.

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

Voting: 9 – For 2 – Against 0 – Abstentions

39. 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

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

Mr Brooks, an objector, 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 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 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 of £487,888.65 for secondary education to be used towards the expansion of Cornwallis School (41 pupils @ £11,799 per pupil);

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

A contribution 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);

A contribution of £842.40 per dwelling in respect of market housing only (equating to up to 150 dwellings) towards the improvement or upgrade of facilities at Staplehurst Health Centre;

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

- E. 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.

Voting: 10 – For 0 – Against 1 – Abstention

40. 14/503810 - CHANGE OF USE OF LAND FROM GRAZING TO RESIDENTIAL FOR ONE CARAVAN AND A TOURING CARAVAN AND ONE UTILITY SHED - BLOSSOM, MAPLEHURST LANE, FRITTENDEN ROAD, STAPLEHURST, KENT

Councillors Ash, Cox, Greer, Harper, Munford and Paine stated that they had been lobbied.

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

Councillor Buller of Staplehurst Parish Council (against) and Councillor Perry (Visiting Member) (against) addressed the meeting.

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

Additional Condition

Within 2 months of the date of this permission, full details of the septic tank shall be submitted to and subsequently approved in writing by the

Local Planning Authority and the approved septic tank shall be installed within 1 month of the date of its approval.

Reason: In the interests of pollution prevention.

Additional Informative

The applicant is encouraged to work closely with the Landscape Officer to ensure an appropriate species and spacing of hedgerow planting.

Voting: 9 – For 0 - Against 2 – Abstentions

41. 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 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.

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

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to grant permission subject to conditions and an informative. In making this decision, the Committee was of the opinion that there was a bona fide requirement for accommodation to serve the farm and the form of built development and the quality of the landscaping and boundary treatments would not cause harm to the landscape. The development would be energy efficient and sustainable.

RESOLVED: That permission be granted subject to the conditions set out in the report and the additional condition and informative set out in the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

42. 14/501562 - RETROSPECTIVE APPLICATION FOR SINGLE STOREY DETACHED ANNEXE - BOUGHTON MANOR, BOUGHTON LANE, MAIDSTONE, KENT

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

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

Voting: 11 – For 0 – Against 0 – Abstentions

43. 15/502568 - ERECTION OF ONE NEW DWELLING - 49 MEADOW WALK, MAIDSTONE, KENT

Councillor Mrs Parvin, who was present in the public gallery, left the meeting whilst her 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 informative set out in the report.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Having stated that he had worked with Councillor Mrs Parvin on the design of the proposed new dwelling, Councillor Greer did not participate in the discussion or the voting.

44. 14/500679 - REPLACEMENT FORECOURT BUILDING AND FORECOURT ALTERATIONS - STAR SERVICE STATIONS LTD, ASHFORD ROAD, LENHAM, 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.

Voting: 11 – For 0 – Against 0 – Abstentions

45. 14/502593 - CREATION OF 2 NO. SELF CONTAINED FLATS INCLUDING INSERTION OF DORMER WINDOWS AND ASSOCIATED WORKS AND CREATION OF 2 ADDITIONAL PARKING SPACES - DETLING HOUSE, BURDOCK COURT, MAIDSTONE, 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: 10 – For 1 – Against 0 – Abstentions

46. 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 and that the Officers be congratulated on the outcome of the appeals listed.

47. PLANNING COMMITTEE TRAINING

The Committee considered the report of the Head of Finance and Resources setting out details of the induction/refresher training which had been provided to date and the training which was being organised for Planning Committee Members and Substitute Members in accordance with the requirements of the Constitution. It was noted that Group Leaders were insistent that existing Members and Substitute Members of the Planning Committee must receive refresher training on an annual basis, and the training which had been provided could be repeated. It was a matter for the Planning Committee to determine the details of the other training to be completed. The Democracy Committee had been charged with reviewing the operation and effectiveness of the new Constitution, and the issue of the provision of quality training for all Committees would be addressed at that time.

RESOLVED:

1. That the Political Group Spokespersons should consult with their respective groups and draw up a proposed programme of professional development for Planning Committee Members and Substitute Members, including external training and peer assisted learning, to feed into the report to the Democracy Committee.
2. That all Members should be provided with training on planning processes.

48. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that he would be meeting with the Planning Committee Political Group Spokespersons in a few months' time. Members of the Committee could put forward items for consideration if they so wished.

49. DURATION OF MEETING

6.00 p.m. to 9.00 p.m.