

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**MINUTES OF THE MEETING HELD ON 27 OCTOBER  
ADJOURNED TO 3 NOVEMBER 2016**

**Present:**                    **Councillor Perry (Chairman) and  
27 October                    **Councillors Boughton, M Burton, Cox, English, Hastie,  
2016:                            **Hemsley, Munford, Powell and Prendergast******

**Also Present:**            **Councillors Brice, Mrs Gooch and Naghi  
Paul Goodenough – Mott MacDonald**

173. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Clark, Harwood, Round and Mrs Stockell.

174. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor M Burton was substituting for Councillor Round.

175. NOTIFICATION OF VISITING MEMBERS

Councillor Brice indicated her wish to speak on the reports of the Head of Planning and Development relating to applications 14/505432 and 15/507124.

Councillor Mrs Gooch indicated her wish to speak on the reports of the Head of Planning and Development relating to applications 16/503786 and 16/505427.

Councillor Naghi indicated his wish to speak on the report of the Head of Planning and Development relating to application 15/509461.

176. ITEMS WITHDRAWN FROM THE AGENDA

It was noted that no applications had been withdrawn from the agenda, but due to the number of items on the agenda, the following applications had been rolled over to the adjourned meeting of the Committee scheduled to be held on 3 November 2016:

16/504798 – Land at Forge Lane, Bredhurst, Kent  
16/505695 – 1 Fancy Row, Thurnham Lane, Thurnham, Kent  
16/505930 – Land at Hawthorn Place, Greenway Forstal, Harrietsham, Kent

177. URGENT ITEMS

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained information relating to the applications to be considered at the meeting.

178. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Brice disclosed an Other Significant Interest in the report of the Head of Planning and Development relating to application 15/510186 as the financial position of an associated person was potentially affected.

Councillor Prendergast stated that she used to sit on the CPRE Committee, and she was sure that the Committee had commented on applications 14/505432, 15/507124 and 15/510186 in the past. However, she did not take part in these discussions, and intended to speak and vote when the applications were considered.

179. DISCLOSURES OF LOBBYING

All Members stated that they had been lobbied on the reports of the Head of Planning and Development relating to applications 14/505432, 15/507124, 15/509461 and 15/510186.

Councillor Munford stated that he had been lobbied on the report of the Head of Planning and Development relating to application 16/503786.

Councillors Boughton, Cox, English, Hemsley and Munford stated that they had been lobbied on the report of the Head of Planning and Development relating to application 16/505427.

180. EXEMPT ITEMS

**RESOLVED:** That legal advice to assist Members in their determination of applications 14/505432, 15/507124 and 15/510186 be considered in public, but the information contained therein should remain private. However, should Members wish to ask questions of the Officers about the advice, the public should be excluded from the meeting because of the likely disclosure of exempt information having applied the Public Interest Test.

The Chairman announced that he had been advised that he had pre-determined the three Staplehurst applications. He did not think he had, but he accepted the advice, and would leave the meeting when the applications were discussed and the associated petition was presented. The Vice-Chairman would take the Chair in his absence.

181. MINUTES OF THE MEETING HELD ON 6 OCTOBER 2016

**RESOLVED:** That the Minutes of the meeting held on 6 October 2016 be approved as a correct record and signed.

182. ADJOURNMENT OF MEETING

The meeting was adjourned for ten minutes to enable the Committee to read the legal advice which had been provided to assist Members in their determination of applications 14/505432, 15/507124 and 15/510186 in a lawful and reasonable manner. The advice was circulated at the meeting to Members and Substitute Members only and all copies were returned to the Development Manager by the end of the meeting.

183. PRESENTATION OF PETITION

The Chairman (Councillor Perry) left the meeting whilst this item and the following four items were considered. The Vice-Chairman (Councillor English) took the Chair.

Councillor Brice presented a petition signed by over 130 people calling for a safe crossing at Cuckolds Corner, Staplehurst. Councillor Brice explained that the petition had been organised in response to the latest plans shared by the Planning Officers relating to the crossroads. The petitioners wanted to see any improvements made at the crossroads to include the following:

- Safe pavement widths and wide crossing points for all pedestrians, including wheelchair users, people using buggies, etc.;
- Safe pedestrian crossings at the crossroads as the current re-positioning of the High Street crossing, away from the lights, was too close to a blind bend especially having regard to stopping distances;
- Extension of the double yellow lines on the Headcorn Road to stop traffic weaving in and out of parked cars; and
- Additional car lanes created only where there is the required minimum space for a busy A-road with a great deal of HGV/farm traffic.

Councillor Brice added that the emerging Local Plan and the Integrated Transport Strategy identified this crossroads as in need of improvements, and this should be for the benefit of all residents of Staplehurst, not just people driving through the village, and should focus as well on cyclists with the provision of cycling boxes and cycling lanes.

It was noted that the petition would be considered in conjunction with the reports of the Head of Planning and Development relating to applications 14/505432, 15/507124 and 15/510186 later in the meeting.

184. REFERENCE FROM THE COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE - AIR QUALITY MITIGATION

The Committee considered a reference from the Communities, Housing and Environment Committee concerning the establishment of an Air Quality Working Group. It was noted that the Working Group, comprising five Members (three representing the Communities, Housing and

Environment Committee and two representing the Strategic Planning, Sustainability and Transportation Committee) would be the appropriate forum for raising matters regarding air quality mitigation. The terms of reference of the Working Group would be agreed at its first meeting.

**RESOLVED:** That the establishment of an Air Quality Working Group be noted.

185. DEFERRED ITEM

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

The Development Manager advised Members that work was continuing on this application, and he hoped to be in a position to report it back to the Committee in the near future.

186. OVERVIEW OF HIGHWAYS ISSUES RELEVANT TO APPLICATIONS 14/505432, 15/507124 AND 15/510186 (THE THREE STAPLEHURST APPLICATIONS ON THE AGENDA)

The Development Manager provided an overview of the highways issues relevant to all three Staplehurst applications to be considered at the meeting.

Referring to pages 28 to 31 of the agenda, the Development Manager explained that the tables 1 and 3 showed the cumulative impact of development traffic on the A229/Headcorn Road/Marden Road junction, including a 10% reduction in development traffic by the use of Travel Plans, both with and without any physical mitigation works to the crossroads.

Tables 2 and 4 showed the scenarios without the Stanley Farm application for illustrative purposes.

The potential works to the crossroads had resulted in the Highway Authority and other parties raising road safety and convenience issues. After careful consideration, it was the Officers' recommendation that the mitigation proposed was acceptable. If no mitigation works were secured at the crossroads, the result would be more cars queuing at the junction.

187. EXCLUSION OF THE PUBLIC FROM THE MEETING

The Committee, wishing to consider legal advice relevant to the determination of applications 14/505432, 15/507124 and 15/510186 in private:

**RESOLVED:** That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt

information for the reason specified having applied the Public Interest Test:

**Head of Schedule 12A and Brief Description**

Legal Advice Relevant to the Determination of Applications 14/505432, 15/507124 and 15/510186

5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

The Development Manager advised the Committee that paragraph 3 of the advice should refer to applications 14/505432 and 15/510186 as seeking permission for the development identified in the respective site allocation policy in the submitted Local Plan. In addition, the last sentence of paragraph 43 should be deleted.

The Committee considered the legal advice and asked questions of the Officers relating to their approach to the issue of the severity of the cumulative highways impact on the A229/Headcorn Road/Marden Road junction, despite the views of Kent Highway Services, and the implications of Members being minded to make decisions otherwise than in accordance with the Officers' recommendations. Having considered the answers to these questions, the Committee:

**RESOLVED:** That the public be re-admitted to the meeting.

188. 14/505432 - RESIDENTIAL DEVELOPMENT TO PROVIDE 167 DWELLINGS, AREAS OF PUBLIC OPEN SPACE, ASSOCIATED LANDSCAPING AND INFRASTRUCTURE AND THE FORMATION OF NEW VEHICULAR ACCESS FROM HEADCORN ROAD AND PEDESTRIAN ACCESS FROM FISHERS ROAD, HURST CLOSE AND HEADCORN ROAD. EMERGENCY VEHICLE INGRESS ONLY FROM FISHERS ROAD - LAND NORTH OF HEADCORN ROAD, STAPLEHURST, KENT

The Chairman (Councillor Perry) left the meeting whilst this application was discussed. The Vice-Chairman (Councillor English) took the Chair.

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

Councillor Burnham of Staplehurst Parish Council (against), Mr Dale, for the applicant, and Councillor Brice (Visiting Member) addressed the meeting.

Having regard to local representations about the proposed highway mitigation works, Members felt that the financial contribution of £59,953 towards junction improvements at the A229/Headcorn Road/Marden Road junction should be deleted from the Heads of Terms of the proposed S106 legal agreement.

**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 residential units within the application site;

A financial contribution of £585,333.36 towards the Phase 2 expansion of the Headcorn Primary School;

A financial contribution of £97,862.76 towards land acquisition costs of the Headcorn Primary School expansion;

A financial contribution of £371,078.55 towards the Phase 3 expansion of Cornwallis school;

A financial contribution of £238,643 towards train station improvements at Staplehurst Station;

A financial contribution of £140,280 towards bus service enhancements to increase the frequency of services through Staplehurst village;

A financial contribution of £1,409.86 towards equipment to expand the range of youth focused activities able to take place in Staplehurst by KCC's commissioned youth worker;

A financial contribution of £8,018.64 towards libraries to address the demand from the development for additional book stock (supplied to Staplehurst Library);

A financial contribution of £5,126.39 towards the cost of providing additional laptops and software to the Adult Education delivery point at Staplehurst Library;

A financial contribution of £98,196 towards improvements and refurbishment of Jubilee Playing Fields and Play Area;

A financial contribution of £93,060 towards extension, refurbishment and/or upgrade of Staplehurst Health Centre;

The provision of a Residential Travel Plan to aim to achieve a 10% reduction in development traffic flows covering a 10 year monitoring period, and to include monitoring costs;

Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site ("rat-running" monitoring); and

A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted (the Head of Planning and Development be given delegated powers to agree the financial contribution),

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report as amended by the urgent update reports.

Voting: 7 – For 1 – Against 1 – Abstention

**FURTHER RESOLVED:** That the Maidstone Joint Transportation Board be requested to look at parking and traffic build up at the A229/Headcorn Road/Marden Road junction and, specifically, the possible implementation of double yellow lines on the Headcorn Road junction arm.

Voting: 9 – For 0 – Against 0 – Abstentions

189. 15/510186 - DEVELOPMENT OF SITE TO ACCOMMODATE 185 DWELLINGS, TOGETHER WITH ASSOCIATED ACCESS ROAD (INCLUDING RECONFIGURATION OF PILE LANE), CAR PARKING, LANDSCAPING AND OPEN SPACE - LAND AT FISHERS FARM, FISHERS ROAD, STAPLEHURST, KENT

The Chairman (Councillor Perry) left the meeting whilst this application was discussed. The Vice-Chairman (Councillor English) took the Chair.

Having disclosed an Other Significant Interest, Councillor Brice left the meeting when this application was discussed.

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

Mrs Thatcher, an objector, Councillor Miss Sharp of Staplehurst Parish Council (against), and Miss Ashton, for the applicant, addressed the meeting.

Having regard to local representations about the proposed highway mitigation works, Members felt that the financial contribution of £68,415 towards junction improvements at the A229/Headcorn Road/Marden Road junction should be deleted from the Heads of Terms of the proposed S106 legal agreement.

**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 financial contribution of £573,714.31 towards the Phase 2 of the Headcorn Primary School new expansion and site enlargement;

A financial contribution of £95,920.15 towards the cost of acquiring additional land to accommodate the expansion of Headcorn Primary School;

A financial contribution of £365,769 towards the Phase 1 expansion of Cornwallis school;

A financial contribution of £264,365 towards train station improvements at Staplehurst Station;

A financial contribution of £155,400 towards bus service enhancements to increase the frequency of services through Staplehurst village;

A financial contribution of £1,596.78 towards youth equipment (supplied to Youth Workers and organisations covering Staplehurst);

A financial contribution of £5,678.88 towards the cost of providing additional laptops and software to the Adult Education delivery point at Staplehurst Library;

A financial contribution of £8,882.93 towards libraries to address the demand from the development for additional book stock (supplied to Staplehurst Library);

A financial contribution of £157,068 towards extension, refurbishment and/or upgrade of Staplehurst Health Centre;

A financial contribution of £14,568.75 towards the improvement of existing play facilities at the site known as Lime Trees;

The provision of a Residential Travel Plan to aim to achieve a 10% reduction in development traffic flows covering a 10 year monitoring period, and to include monitoring costs;

Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site ("rat-running" monitoring); and

A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted (the Head of Planning and Development be given delegated powers to agree the financial contribution),

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report as amended by the urgent update reports.

2. That the Head of Planning and Development be given delegated powers to investigate the potential impact of headlights on the amenity of the dwelling immediately adjacent to the proposed Pile Lane access (Home Farm), and whether changes to the alignment of

the access are necessary to limit any impact, and to frame a condition as appropriate.

3. That the Head of Planning and Development be given delegated powers to investigate the possibilities of securing Local Need Housing as part of the affordable housing mix negotiations (but acknowledging that this may not be achievable for in-perpetuity provision).

Voting:        6 – For        2 – Against        1 – Abstention

190. 15/507124 - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 110 DWELLINGS (ACCESS BEING SOUGHT WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) - STANLEY FARM, HEADCORN ROAD, STAPLEHURST, KENT

The Chairman (Councillor Perry) left the meeting whilst this application was discussed. The Vice-Chairman (Councillor English) took the Chair.

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

Mr Lord, for objectors, Councillor Mrs Buller of Staplehurst Parish Council (against), Mr Hawkins, for the applicant, and Councillor Brice (Visiting Member) addressed the meeting.

**RESOLVED:**

1. That the Planning Inspectorate be informed that if the applicant had not lodged an appeal against non-determination, the Council would have refused outline permission for the reasons set out in the report, as amended by the urgent update report circulated at the meeting, subject to delegated powers being given to the Head of Planning and Development to reword the second reason for refusal to cover all contributions except the financial contribution towards junction improvements at the A229/Headcorn Road/Marden Road junction.
2. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement to be submitted to the Planning Inspectorate as part of the appeal process.

Voting:        9 – For        0 – Against        0 – Abstentions

191. 15/509461 - DEMOLITION OF THE EXISTING CONCRETE GARAGES AND ERECTION OF 4 X TWO BEDROOM DWELLINGS - GARAGES R/O 48 GRECIAN STREET, MAIDSTONE, KENT

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

Miss Grainger, an objector, Mr Barnes, for the applicant, and Councillor Naghi (Visiting Member) 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 felt that the development would be a cramped form of overdevelopment representing poor design that would be out of character with the local area and result in poor living conditions for future occupiers by virtue of the oppressive rearward outlook of the three terraced properties contrary to advice within the NPPF. Also, the development, due to its scale, proximity and the height difference caused by the falling land profile, would have an overbearing and oppressive impact on the residential amenity of the occupiers of neighbouring properties in Waterlow Road contrary to advice within the NPPF.

**RESOLVED:** That permission be refused for the following reasons:

1. The development would be a cramped form of overdevelopment representing poor design that would be out of character with the local area and result in poor living conditions for future occupiers by virtue of the oppressive rearward outlook of the three terraced properties contrary to advice within the NPPF.
2. The development, due to its scale, proximity and the height difference caused by the falling land profile, would have an overbearing and oppressive impact on the residential amenity of the occupiers of neighbouring properties in Waterlow Road contrary to advice within the NPPF.

Voting:        10 – For        0 – Against        0 - Abstentions

192. 16/505427 - ERECTION OF 35 DWELLINGS TOGETHER WITH THE PROVISION OF ASSOCIATED LANDSCAPING, EARTHWORKS, PARKING AND ACCESS - BELL FARM, NORTH STREET, BARMING, KENT

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

Mrs Burn, an objector, Mr Hawkins, for the applicant, and Councillor Mrs Gooch (Visiting Member) 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 - 70% rental and 30% shared ownership;

A financial contribution, if required, for the NHS (the Head of Planning and Development be given delegated powers to finalise the details of the contribution as necessary);

A financial contribution of £80,862.88 (£2,360.96 per applicable house) towards the enhancement of teaching space at Barming Primary School;

A financial contribution of £80,823.15 (£2,359.80 per applicable house) towards the enhancement of teaching space at Maplesden Noakes School;

A financial contribution of £296.99 to be used to address the demand from the development for youth services locally (to be supplied to Infozone Youth Hub);

A financial contribution of £1,680.55 towards new book stock to be supplied to the Mobile Library service covering Barming;

A financial contribution of £55,125 (£1,575 per dwelling) towards the improvement of open space in the vicinity of the site; and

A financial contribution of £17,500 (£500 per dwelling) towards pedestrian crossing facilities at the Hermitage Lane/Heath Road junction,

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

Voting:        9 – For        1 – Against        0 - Abstentions

193. LONG MEETING

Prior to 10.30 p.m., following consideration of the report of the Head of Planning and Development relating to application 16/505427, the Committee:

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

194. 16/503786 - PROVISION OF A NEW ACCESS DRIVEWAY TO BARMING WATER TOWER FROM DRIVEWAY OF NO. 80 REDE WOOD ROAD COMPRISING DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF A NEW DRIVE ACROSS REAR GARDEN OF NO 80; CONSTRUCTION OF NEW SINGLE GARAGE AT REAR; AND EXTENSION OF EXISTING DRIVEWAY TO WATER TOWER - BARMING WATER TOWER, NORTH POLE ROAD, BARMING, KENT

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

Councillor Mrs Gooch (Visiting Member) addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions set out in the report with the amendment of condition 5 as follows:

The laurel hedge planting shown on drawing no: GFSRD04 rev E shall be carried out within the first available planting season following

commencement of the development hereby approved. Any planting becoming dead, dying or diseased within 5 years shall be replaced with a specimen of the same species and in the same location. The hedge shall be maintained thereafter at a height no greater than 2.0 metres above ground level.

Reason: In the interests of visual amenity and to protect the amenity of the immediately adjoining properties.

Voting:        9 – For        1 – Against        0 - Abstentions

195. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of an appeal decision received since the last meeting.

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

196. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

197. ADJOURNMENT OF MEETING

Following the Chairman's announcements item, the Committee:

**RESOLVED:** That the meeting be adjourned until 6.00 p.m. on 3 November 2016 when the remaining items on the agenda will be discussed.

198. DURATION OF MEETING

6.00 p.m. to 10.30 p.m.