

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 6 APRIL 2017

Present: Councillor Perry (Chairman) and Councillors Boughton, Clark, Cox, English, Harwood, Hastie, Hemsley, Munford, Powell, Round and Mrs Stockell

346. APOLOGIES FOR ABSENCE

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

347. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

348. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

349. ITEMS WITHDRAWN FROM THE AGENDA

16/508640 - ERECTION OF 10 RESIDENTIAL DWELLINGS, TOGETHER WITH ASSOCIATED ACCESS, PARKING, DRAINAGE AND LANDSCAPING - LAND EAST OF EYHORNE STREET, HOLLINGBOURNE, KENT

The Development Manager sought the agreement of the Committee to the withdrawal of application 16/508640 from the agenda to enable further negotiations to take place with the applicant as there were unresolved issues regarding affordable housing and the relationship with the 2014 Ministerial Statement, which was re-instated, and the subsequent emerging policy SP20. The Development Manager explained that the report did not address issues of affordable housing and in the Officers' view, the SP20 policy was an important consideration.

RESOLVED: That agreement be given to the withdrawal of application 16/508640 from the agenda to enable further negotiations to take place with the applicant on issues regarding affordable housing.

350. URGENT ITEMS

There were no urgent updates in relation to the applications to be considered at the meeting.

351. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 15/504300 (Land north of 61 Knaves Acre, Headcorn), Councillor Round said that he lived in close proximity to the proposal site. However, he had not yet formed an opinion on the proposed development, and intended to speak and vote when the application was discussed.

352. DISCLOSURES OF LOBBYING

Councillor Round stated that he had been lobbied on the report of the Head of Planning and Development relating to application 15/504300 (Land north of 61 Knaves Acre, Headcorn).

353. EXEMPT ITEMS

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

354. MINUTES OF THE MEETING HELD ON 16 MARCH 2017

RESOLVED: That the Minutes of the meeting held on 16 March 2017 be approved as a correct record and signed.

355. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 16 MARCH 2017

MINUTE 343 – REVIEW OF THE PROVISIONS OF THE COUNCIL'S CONSTITUTION RELATING TO THE PLANNING COMMITTEE

It was suggested that to facilitate a structured approach, the Chairman, Vice-Chairman and Political Group Spokespersons should meet to review the provisions of the Council's Constitution relating to the Planning Committee, taking into account concerns raised by Members, and then report back to a future meeting of the Committee in good time to enable considered and coherent recommendations to be made to the Democracy Committee at its meeting scheduled to be held on 3 July 2017.

RESOLVED: That the Chairman, Vice-Chairman and Political Group Spokespersons should meet to review the provisions of the Council's Constitution relating to the Planning Committee, taking into account concerns raised by Members, and then report back to a future meeting of the Committee in good time to enable considered and coherent recommendations to be made to the Democracy Committee at its meeting scheduled to be held on 3 July 2017.

356. PRESENTATION OF PETITIONS

There were no petitions.

357. DEFERRED ITEMS

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 he had nothing further to report in respect of this application at present. The Development Manager apologised for the delay in reporting the application back to the Committee, and said that he had asked the Principal Planning Officer to deal with the outstanding issues as a matter of priority.

16/507491 - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 19 NO. APARTMENTS - 3 TONBRIDGE ROAD, MAIDSTONE, KENT

The Development Manager advised the Committee that the Principal Planning Officer had had discussions with the applicant and meetings had been held to look at the issues raised by Members. An Air Quality Assessment had been received and was being reviewed.

RESOLVED: That the position be noted.

358. 15/504300 - OUTLINE APPLICATION FOR TWO STOREY DETACHED HOUSE WITH ACCESS, LAYOUT, SCALE AND APPEARANCE TO BE CONSIDERED - LAND NORTH OF 61 KNAVES ACRE, HEADCORN, KENT

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

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

Voting: 10 – For 0 – Against 2 – Abstentions

359. 5023/2016/TPO - LAND OFF BLUNDEN LANE, YALDING, KENT

Prior to consideration of this item, the representative of the Interim Head of Legal Partnership advised the Committee that it had been proposed that an application be made for the Blunden Lane planning application to be judicially reviewed, but, due to an oversight, Counsel filed the papers a day late.

The Development Manager said that he had written to the Quality Assurance Unit at the Planning Inspectorate regarding a number of inconsistencies in appeal decisions, mainly about the five year housing land supply and public perception, and he would update Members when he received a response.

The Committee then considered the report of the Head of Planning and Development concerning Tree Preservation Order No.5023/2016 which

had been made to protect woodland on land off Blunden Lane, Yalding. It was noted that:

- An objection to the Tree Preservation Order had been received from Millwood Designer Homes (also made on behalf of the owners of the site). Outline planning permission for a residential development on the site had been granted at appeal.
- It was considered that the woodland made sufficient contribution to localised landscape character and amenity to merit protection by a Tree Preservation Order. The outline planning permission granted at appeal did not mean that the applicant was bound to pursue the indicative scheme in submitting details nor that the applicant would continue to pursue a similar scheme. It was recommended that the Council should continue to maintain control over proposed felling and pruning works to prevent pre-emptive felling and pruning ahead of a detailed development proposal.

RESOLVED: That Tree Preservation Order No.5023/2016 be confirmed without modification.

Voting: 12 – For 0 – Against 0 – Abstentions

360. S106 DELIVERY REPORT

The Committee considered a schedule setting out details of S106 contributions held by the Council on behalf of infrastructure providers and the progress of schemes funded by S106 contributions, including spend by dates. The Development Manager explained that:

- The schedule had been prepared on a different basis from previously partly as a result of feedback from the Chairman, Vice-Chairman and Political Group Spokespersons and partly as a result of the S106 Internal Audit report which recommended that Members be provided with more information in terms of project delivery.
- The Council was holding just over £2m of S106 contributions for public open space and recreation projects. It was also holding healthcare contributions of £927k on behalf of NHS England until the appropriate project was identified and the monies were requested for release.
- A “traffic light” system was being used to ensure that spend by dates were not missed in order to avoid having to repay contributions.
- In terms of the S106 contributions held for public open space and recreation projects, any issues raised by Members would be fed back to the Parks and Leisure Team, and arrangements could be made for members of the Team to attend a future meeting of the Committee to answer questions if required.

In response to questions by Members, the Development Manager undertook to:

- Seek clarification and update Members on the use of the balance of the S106 contribution for projects to mitigate the impact of application 12/2314 (Next Store) on the town centre.
- Arrange for the schedule to be submitted to the Committee on a quarterly basis.

During the discussion, concerns were expressed about the age of some of the applications listed in the schedule; the proposed commencement dates for some projects, which could be affected by unforeseen events, compared to spend by dates; the impact on community infrastructure as a result of projects being delayed; and the risk of S106 monies having to be repaid. It was suggested that there was an urgent need for a Delivery Officer within the Planning Service to ensure that projects funded by S106 contributions/CIL are implemented, and that this should be taken forward as part of the review of the Planning Service.

The Development Manager explained that there could be a time lag between planning permission being granted and the implementation of projects depending on when triggers were set in the S106 legal agreements. Also, developers used to have up to five years to commence development from the date of permission being granted. As part of the emerging Local Plan there were mechanisms in place to monitor effectiveness in delivery of the Plan including mitigation projects which might be funded by S106 contributions/CIL.

It was suggested that, in addition, consideration be given as to whether a Key Performance Indicator could be set to measure performance in the delivery of projects funded by S106 contributions/CIL.

RESOLVED:

1. That the information set out in the schedule be noted.
2. That it be recommended that, as part of the review of the Planning Service, provision should be made for a Delivery Officer within the Service to ensure that projects funded by S106 contributions/CIL are implemented.

Voting: 12 – For 0 – Against 0 – Abstentions

3. That the Development Manager be requested to discuss with the Policy and Information Team whether a Key Performance Indicator can be set to measure performance in the delivery of projects funded by S106 contributions/CIL, and to report back to a future meeting on the outcome of the discussion.

Voting: 12 – For 0 – Against 0 – Abstentions

361. 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.

Councillor Boughton drew Members' attention to the dismissal by the Planning Inspector of the appeal against the Committee's decision to refuse outline application 15/509962 for the development of land at Fant Farm. Councillor Boughton said that he wished to thank the Officers and the Save Fant Farm community group for their work in achieving this outcome.

RESOLVED: That the report be noted and that the Officers be congratulated on their work on these appeals.

362. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

363. DURATION OF MEETING

6.00 p.m. to 7.00 p.m.