

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 9 NOVEMBER 2017** **ADJOURNED TO 16 NOVEMBER 2017**

**Present:**            **Councillor English (Chairman) and Councillors Boughton, Butler, Clark, Cox, Harwood, Munford, Prendergast, Round, Spooner and Wilby**  
**9 November**  
**2017**

**Also Present:**    **Councillors Fermor, Garten, Mrs Grigg, Lewins, B Mortimer, Springett, Webb and Willis**

#### 249. APOLOGIES FOR ABSENCE

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

#### 250. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Mrs Stockell  
Councillor Wilby for Councillor Vizzard

#### 251. NOTIFICATION OF VISITING MEMBERS

Councillors Fermor, Mrs Grigg, B Mortimer, Webb and Willis indicated their wish to speak on the report of the Head of Planning and Development relating to application 17/502072 (Land South of Forstal Lane, Coxheath, Kent).

Councillors Lewins and Willis indicated their wish to speak on the reports of the Head of Planning and Development relating to applications 17/502767 and 17/503680 (Land to the East of Hermitage Lane, Maidstone, Kent).

Councillor Springett indicated her wish to speak on the report of the Head of Planning and Development relating to application 17/502118 (Mount Lodge, Church Lane, Bearsted, Kent). In the event, Councillor Springett left the meeting before the application was discussed.

It was noted that Councillor Garten had indicated his wish to speak on the report of the Head of Planning and Development relating to application 17/500819 (Bungalow at Hill View, Yelsted Road, Yelsted, Kent), but would be late in arriving at the meeting.

252. ITEMS WITHDRAWN FROM THE AGENDA

The Chairman announced that, due to the number of items on the agenda, the reports of the Head of Planning and Development relating to the following applications had been rolled over to the adjourned meeting of the Committee scheduled to be held on 16 November 2017:

16/505932 – Land Rear of Chart View, off Chart Hill Road, Chart Sutton, Kent

16/508660 – Land South of Vicarage Road, Yalding, Kent

17/503043 – Land South of Avery Lane and Land South of Sutton Road, Otham, Kent

17/503284 – Church Farm, Ulcombe Hill, Ulcombe, Kent

17/503647 – Orchard Farm Nursery, Chartway Street, Sutton Valence, Kent

253. 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 further information relating to the applications to be considered at the meeting.

254. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

255. EXEMPT ITEMS

**RESOLVED:** That the items on the agenda be taken in public as proposed, but should it be necessary to receive legal advice in relation to application 17/502072 (Land South of Forstal Lane, Coxheath, Kent), then the public be excluded from the meeting because of the likely disclosure of exempt information having applied the Public Interest Test.

256. MINUTES OF THE MEETING HELD ON 19 OCTOBER 2017

**RESOLVED:** That the Minutes of the meeting held on 19 October 2017 be approved as a correct record and signed.

257. PRESENTATION OF PETITIONS

It was noted that a petition would be presented objecting to application 16/508660 (Land South of Vicarage Road, Yalding, Kent).

258. REFERENCE FROM THE POLICY AND RESOURCES COMMITTEE - BUDGET MONITORING 2017/18 - DEVELOPMENT CONTROL APPEALS

**RESOLVED:** That consideration of this reference be deferred until the adjourned meeting of the Committee scheduled to be held on 16 November 2017.

259. DEFERRED ITEMS

16/506349 - VARIATION OF CONDITION APPLICATION IN RELATION TO INSTALLATION OF 6 NO. FLOODLIGHTING COLUMNS REF. MA/09/1616 (ALLOWED ON APPEAL) WITH AMENDMENT TO CONDITION 3) THE FLOODLIGHTING SHALL NOT BE USED BETWEEN 1ST MAY AND 31ST AUGUST IN ANY CALENDAR YEAR; AND CONDITION 4) THE FLOODLIGHTING SHALL NOT BE USED OUTSIDE THE HOURS OF 15:00-22:30 ON TUESDAYS, WEDNESDAYS AND THURSDAYS, 15:00-21:30 ON SATURDAYS AND NOT AT ALL ON ANY OTHER DAY OF THE WEEK - BEARSTED FOOTBALL CLUB, HONEY LANE, OTHAM, KENT

The Development Manager advised the Committee that ecological survey information was awaited in respect of this application.

17/501477 - USE OF LAND FOR THE SITING OF 1 NO. MOBILE HOME, PARKING FOR 1 NO. TOURING CARAVAN AND ERECTION OF AN AMENITY BUILDING FOR A MEMBER OF THE TRAVELLING COMMUNITY - LAND AT PYE CORNER, ULCOMBE, KENT

The Development Manager advised the Committee that further information was awaited in respect of an amended site layout.

260. 17/502072 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 210 DWELLINGS TOGETHER WITH ACCESS OFF FORSTAL LANE, 1.85 HECTARES OF OPEN SPACE AND ASSOCIATED INFRASTRUCTURE (ACCESS BEING SOUGHT) - LAND SOUTH OF FORSTAL LANE, COXHEATH, 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.

Mr Hawkins, an objector, Councillor Parker of Coxheath Parish Council, Councillor Rigby of Loose Parish Council, Mr Hill, for the applicant, and Councillors Webb, B Mortimer, Fermor, Mrs Grigg and Willis (Visiting Members) addressed the meeting.

**RESOLVED:**

1. That subject to the prior completion of a S106 legal agreement as set out in the report of the Head of Planning and Development, with delegated powers being given to the Head of Planning and Development to review and amend the heads of terms of the legal agreement to:
  - Provide greater control and flexibility over contributions and to ensure that they are spent to serve the Coxheath area, with specific reference but not limited to social care and youth services;

- Secure a contribution for improvements to bus services in the locality of the site; and
- Achieve, as part of the LEMP, alongside other requirements, protection measures for open spaces and protected species prior to commencement of and during development. This should include demarcation of open spaces at the outset, phasing, landscaping, planting, provision of a receptor area for protected species and protection of the woodland,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions set out in the report with:

- The amendment of condition 21 to require, before development commences on site, a signed S278 agreement covering, inter alia, the access to Forstal Lane and measures to prevent access eastwards towards Well Street; a potential solution being to create an access which will enter Forstal Lane in a westerly direction where it is almost parallel at the point of access thereby preventing a right turn (the precise wording to be finalised by the Head of Planning and Development acting under delegated powers, including any subsequent amendments to condition 20);
- The addition of a condition to secure pedestrian links from the development area to the south east footpath access to increase pedestrian permeability (the precise wording to be finalised by the Head of Planning and Development acting under delegated powers); and
- An informative advising the applicant that the reserved matters application will be reported to the Planning Committee for determination.

2. That the details of the S106 legal agreement are to be finalised in consultation with Ward Members and the Parish Council.

Voting: 9 – For 0 – Against 2 – Abstentions

**FURTHER RESOLVED to RECOMMEND to the MAIDSTONE JOINT TRANSPORTATION BOARD:** That an item be included in the Board's Work Programme to monitor, after 50% occupation, the effectiveness of the measures put in place in order to prevent a right turn from the development into Forstal Lane towards Well Street and whether changes need to be made and/or a Traffic Regulation Order introduced.

Voting: 11 – For 0 – Against 0 – Abstentions

261. 16/505326 - VARIATION OF CONDITIONS 1 & 2 OF MA/13/0103 TO MAKE THE PERMISSION NON PERSONAL AND EITHER MAKE PERMISSION PERMANENT OR ALLOW A FURTHER TEMPORARY PERMISSION - PEAR PADDOCK, SYMONDS LANE, YALDING, KENT

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

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

Voting: 9 – For 1 – Against 1 – Abstention

262. 17/502118 - ERECTION OF DWELLINGHOUSE AND ENGINEERING OPERATIONS TO CREATE OFF ROAD PARKING - MOUNT LODGE, CHURCH LANE, BEARSTED, MAIDSTONE, 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

263. 17/502767 - APPROVAL OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BEING SOUGHT) PHASE 2 FOR THE ERECTION OF 119 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE PURSUANT OF 13/1749 ALLOWED ON APPEAL APP/U2235/A/14/2226326 - LAND TO THE EAST OF HERMITAGE LANE, MAIDSTONE, KENT

All Members except Councillors Butler and Spooner stated that they had been lobbied.

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

Mr Young, an objector, and Councillor Lewins and Willis (Visiting Members) addressed the meeting.

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

Condition 5 (amended)

Prior to any development above damp proof course level details of measures to prevent parking on landscaped/amenity areas, such as low level wooden posts, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development and in the interest of safety.

### Additional Condition

Prior to first occupation, each dwelling which has been allocated a garage/car port space shall have an electric charging point installed and thereafter retained.

Reason: In the interests of sustainability and to reduce reliance on fossil fuels.

Voting:        10 – For        0 – Against        1 – Abstention

264. 17/503680 - RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR PHASE 2A OF THE OUTLINE APPROVAL 13/1749 COMPRISING COMMUNITY CENTRE WITH ASSOCIATED INFRASTRUCTURE - LAND TO THE EAST OF HERMITAGE LANE, MAIDSTONE, KENT

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

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

Mrs Poletti of the New Allington Action Group, Mr Young, an objector, and Councillors Willis and Lewins (Visiting Members) addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report with the amendment of conditions 3 and 4 and an additional condition and an additional informative as follows:

#### Condition 3 (amended)

Notwithstanding the agreed landscape planting, tree protection measures and play space provision, within a period of 3 months from the date of this decision notice details of supplementary landscape planting which shall incorporate blocks of shrub planting adjacent to the "wet" attenuation basin comprising purging buckthorn (*rhamnus cathartica*), goat willow (*salix caprea*), guelder rose (*viburnum opulus*) and hazel (*corylus avellana*) shall be submitted to, and approved in writing by, the Local Planning Authority. The landscaping and supplementary landscaping details shall be carried out in accordance with the approved landscaping planting plans (including supplementary landscaping detail), the Arboricultural Method Statements and NEAP details. No occupation of the development hereby permitted shall commence until all planting, seeding, turfing and NEAP provision specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaped setting for the development.

Condition 4 (amended)

Prior to any development above damp proof course level the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details and locations of swift bricks and bat boxes integral to building;
- b) Details and locations of bird and bat boxes throughout the site of phase 2A;
- c) Wildlife friendly gullies;
- d) Retention of cordwood on site and provision of at least 3 log piles within the site;
- e) Details of the existing and proposed contours levels to ODN in and around the attenuation basin within the open space area including measures to protect public safety; and
- f) Timing of delivery of the above matters.

Works shall be carried out in accordance with the agreed details.

Reason: To protect and enhance biodiversity.

Additional Condition

The development shall provide solar PV on the roof of the community centre in accordance with the requirements of condition 19 of the outline planning permission.

Reason: In the interests of sustainability and due to the design of the building and orientation which lends itself to solar PV technology.

Additional Informative

The applicant is advised that Members of the Planning Committee wish to strongly advise the applicant of the desirability of having a separate lockable access door to the side/rear of the building which could be used to access the store room. This could then facilitate separate use of this room for an external organisation.

Voting:      11 – For      0 – Against      0 – Abstentions

265. LONG MEETING

Prior to 10.30 p.m., during consideration of the report of the Head of Planning and Development relating to application 17/503680, the Committee:

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

The Chairman advised the Committee that in view of the limited time available the reports of the Head of Planning and Development relating to applications 17/500819 (Bungalow at Hill View, Yelsted Road, Yelsted, Kent) and 17/501308 (1 Brooklands, Headcorn, Kent) would be rolled over to the adjourned meeting scheduled to be held on 16 November 2017.

266. 17/502262 - ERECTION OF FIRST FLOOR REAR EXTENSION - 56 VALLEY DRIVE, LOOSE, MAIDSTONE, KENT

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

Mr Slocombe, an objector, and Dr Pancholi, the applicant, addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions set out in the report with the amendment of condition 3 as follows:

The materials to be used in the construction of the external work to the first floor rear extension hereby permitted shall match those used in the existing building, and shall incorporate bat boxes or tubes in the eaves.

Reason: To ensure a satisfactory appearance to the development and in the interest of biodiversity.

Voting:        11 – For        0 – Against        0 – Abstentions

267. DURATION OF MEETING

6.00 p.m. to 10.50 p.m.