

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 19 DECEMBER 2017
ADJOURNED TO 4 JANUARY 2018

Present: **Councillor English (Chairman) and Councillors Boughton, Brice, M Burton, Clark, Cox (in the Chair in the absence of the Vice-Chairman, after the Chairman left the meeting), Harwood, B Mortimer, Munford, Perry, Powell, Prendergast and Vizzard**

Also Present: **Councillors Garten and McLoughlin**

321. **APOLOGIES FOR ABSENCE**

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

322. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were noted:

Councillor Brice for Councillor Round
Councillor M Burton for Spooner
Councillor Perry for Councillor Mrs Stockell

323. **NOTIFICATION OF VISITING MEMBERS**

Councillor Garten indicated his wish to speak on the report of the Head of Planning and Development relating to application 17/503401 (Catharos Lithos, Yelsted Road, Yelsted, Sittingbourne, Kent).

Councillor McLoughlin indicated his wish to speak on the report of the Head of Planning and Development relating to application 17/503291 (The Packhouse, Queen Street, Paddock Wood, Tonbridge, Kent).

324. **ITEMS WITHDRAWN FROM THE AGENDA**

The Development Manager sought the agreement of the Committee to the withdrawal of the report of the Head of Planning and Development relating to application 16/508512 (Horseshoe Paddock, Chart Hill Road, Chart Sutton, Kent) from the agenda. He explained that he had spoken to the applicant before the meeting and it would not be correct to determine the application on the basis of the information contained in the report.

RESOLVED: That agreement be given to the withdrawal of the report of the Head of Planning and Development relating to application 16/508512

(Horseshoe Paddock, Chart Hill Road, Chart Sutton, Kent) from the agenda and that the Head of Planning and Development be given delegated powers to progress the application on the basis of the true facts.

325. DATE OF ADJOURNED MEETING - 4 JANUARY 2018

RESOLVED: That in the event of it not being possible to complete all of the items on the agenda, the meeting be adjourned until 6.00 p.m. on Thursday 4 January 2018.

326. 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 because they contained further information relating to the applications to be considered at the meeting.

327. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 17/505399 (The Stables, Street Farm, The Street, Boxley, Kent), Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions on the application, and intended to speak and vote when it was considered.

Councillor B Mortimer disclosed a Pecuniary Interest in the report of the Head of Planning and Development relating to application 17/504314 (Land Rear of 161 Heath Road, Coxheath, Kent). He explained that the proposed development would have a big impact on his property, and that he would leave the room when the application was discussed.

Councillor Munford said that he would leave the room when the report of the Head of Planning and Development relating to application 17/503401 (Catharos Lithos, Yelsted Road, Yelsted, Sittingbourne, Kent) was considered. He explained that he would not be able to participate in the discussion with an open mind as he was opposed to the business plan.

Councillor Prendergast said that she had been present at the meeting of Ulcombe Parish Council when application 17/501477 (Land at Pye Corner, Ulcombe, Kent) was considered, but she had not taken part in the discussion.

328. EXEMPT ITEMS

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

329. MINUTES OF THE MEETING HELD ON 30 NOVEMBER 2017 ADJOURNED TO 7 DECEMBER 2017

RESOLVED: That the Minutes of the meeting held on 30 November 2017 adjourned to 7 December 2017 be approved as a correct record and signed subject to the amendment of Minute 319 (Chairman's Announcements) as follows:

On behalf of the Chairman, the Vice-Chairman and the Development Manager updated the Committee on the introduction of planning performance agreements which was seen to be a positive move going forward.

330. PRESENTATION OF PETITIONS

There were no petitions.

331. DEFERRED ITEM

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 he had asked the Principal Planning Officer to set a deadline for the receipt of the bat survey. He would report the application back to Committee with a recommendation for refusal if this was not achieved.

332. 17/505703 - TWO YEAR CHANGE OF USE TO ALLOW THE SITING OF A MOBILE BURGER VAN ON CAR WASH/CAR SALES FORECOURT (RE-SUBMISSION OF 17/503283/FULL) - HARRISON CAR SALES, STATION APPROACH, HEADCORN, ASHFORD, KENT

The Committee considered the 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: 9 – For 2 – Against 0 – Abstentions

333. 17/504632 - PROPOSED DEMOLITION OF ALL EXISTING BUILDINGS AND INTRODUCTION OF A NEW 33 SPACE PUBLIC CAR PARK, TOGETHER WITH 24 FLATS IN A FOUR STOREY BLOCK FRONTING UPPER STONE ST. A ROW OF 6 HOUSES CONSTRUCTED OVER 3 STOREYS FRONTING ORCHARD ST. 2 ROWS OF 4 HOUSES EACH CONSTRUCTED OVER 3 STOREYS FRONTING

BRUNSWICK ST, AND GEORGE ST AND 9 FLATS IN A STEPPED BLOCK
OVERLOOKING THE NEW PAY AND DISPLAY CAR PARK. THE
DEVELOPMENT WILL INCLUDE ALLOCATED PARKING AND SOFT
LANDSCAPING - LAND AT BRUNSWICK STREET, MAIDSTONE, KENT

The Chairman (Councillor English) and Councillors M Burton, Cox, Munford, Perry, Powell and Prendergast stated that they had been lobbied.

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

Mr Pinhey, an objector, and Mr Walker, for the applicant, addressed the meeting.

RESOLVED: That subject to:

- (a) The prior completion of a legal agreement to provide for the Heads of Terms set out in the report, as amended by the urgent update report, with the amendment of Head of Terms no. 4 (Open Space) to secure a contribution of £74,025 and to give the flexibility to look at other sites within the immediate area, such as the Collis Millennium Green, subject to CIL compliance checks; AND
- (b) The conditions set out in the report and the additional condition set out in the urgent update report, with the amendment of conditions 8 (Materials), 11 (Landscaping) and 18 (Boundary Treatments) as follows:

Condition 8 (Materials) (amended)

Prior to the commencement of any works above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and surfacing of parking and turning areas and pathways shall be submitted to and approved in writing by the Local Planning Authority. This shall include red stock brick, timber cladding, standing metal seam cladding, grey aluminium windows and doors, in addition to darker colour render such as sage green, grey or blue on elevations fronting Upper Stone Street. Once approved, the development shall be constructed using the approved materials.

The details and samples of the materials submitted shall include details of swift and sparrow bricks incorporated into the proposed building.

Reason: To ensure a satisfactory appearance to the development.

Condition 11 (Landscaping) (amended)

Prior to the commencement of any works above damp proof course level details of a scheme of landscaping using indigenous species which shall 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 long term management, shall be submitted to and approved by the Local Planning Authority. The details shall include a mixed species native hedgerow (interspersed with hedgerow trees) on the Upper Stone Street frontage. The programme shall thereafter be implemented in accordance with the subsequently approved details. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

Boundary Treatments (amended)

The development hereby approved shall not commence above slab level until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Such details shall include ragstone walling to the eastern frontage area and shall include detail of bond, mortar mix and pointing detail. The submitted details shall leave gaps under fences to allow passage of hedgehogs. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms and conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 6 – For 5 – Against 1 – Abstention

FURTHER RESOLVED:

1. That to allay residents' concerns, the Parking Services Section be asked to exclude this development from the S2 residents' parking zone area and to allow residents with S2 zone residents' parking permits to park in the Brunswick Street public car park after 5.00 p.m. rather than 6.30 p.m.

Voting: 9 – For 0 – Against 3 – Abstentions

2. That the general issue of residents being able to use Maidstone Borough Council car parks by showing their residents' parking permits be referred to the Strategic Planning, Sustainability and Transportation Committee for consideration.

Voting: 12 – For 0 – Against 0 - Abstentions

Note: Councillor Powell entered the meeting just prior to the introduction of this application by the Principal Planning Officer (6.15 p.m.).

Councillor Clark entered the meeting during consideration of this application (6.35 p.m.), but did not participate in the discussion or the voting.

334. 17/504428 - CREATION OF A NEW 48 SPACE PUBLIC CAR PARK, TOGETHER WITH 30 FLATS IN A STEPPED BLOCK BACKING ONTO QUEEN ANNE ROAD. A ROW OF 6 SEMI DETACHED HOUSES FRONTING UNION STREET AND TWO TERRACED ROWS ARRANGED AS A 'MEWS' PROVIDING 11 HOUSES, TOGETHER WITH A NEW ESTATE ROAD, ALLOCATED PARKING AND SOFT LANDSCAPING - MAIDSTONE BOROUGH COUNCIL CAR PARK, CORNER OF UNION STREET, QUEEN ANNE ROAD, MAIDSTONE, KENT

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

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

Mrs Barham, an objector, and Mr Walker, for the applicant, addressed the meeting.

RESOLVED:

That subject to:

- (a) The prior completion of a legal agreement to provide for the Heads of Terms set out in the report; AND
- (b) The conditions set out in the report with the amendment of condition 21 (Vehicle Parking/Turning and Cycle Parking Areas) to include reference to the provision of a disabled parking bay as follows:

The approved details of the vehicle parking/turning and cycle parking areas associated with the residential development (including the provision of one disabled parking bay) shall be completed before the commencement of the use of the land or buildings to which they relate and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety and sustainability.

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms and conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 8 – For 4 – Against 1 - Abstention

FURTHER RESOLVED:

1. That a Tree Preservation Order be served to protect the new trees when they have been planted at the site.

Voting: 13 - For 0 - Against 0 - Abstentions

2. That the Parking Services Section be asked to exclude this development from the N4 residents' parking zone area and to allow residents with N4 zone residents' parking permits to park in Maidstone Borough Council car parks after 5.00 p.m. rather than 6.30 p.m.

Voting: 6 – For 0 – Against 6 – Abstentions

The Chairman left the meeting after consideration of this application (8.20 p.m.).

335. ELECTION OF CHAIRMAN FOR THE REMAINDER OF THE MEETING

In the absence of the Chairman and the Vice-Chairman, the Committee:

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

336. 17/501477 - USE OF LAND FOR THE SITING OF 1NO. MOBILE HOME, PARKING FOR 1NO. TOURING CARAVAN AND ERECTION OF AN AMENITY BUILDING FOR A MEMBER OF THE TRAVELLING COMMUNITY - LAND AT PYE CORNER, ULCOMBE KENT

All Members except Councillors Brice and B Mortimer stated that they had been lobbied.

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

Mr Linstead, an objector, Councillor Lovegrove of Ulcombe Parish Council and Mr Gilham, for the applicant, addressed the meeting.

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: 5 – For 5 – Against 2 – Abstentions

The Chairman used his casting vote in favour of approval.

337. 17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT

Councillors Brice and Boughton stated that they had been lobbied.

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

Mrs Ayling, an objector, Councillor Robbins of Yalding Parish Council and Councillor McLoughlin (Visiting Member) addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

- Check whether the correct certificates were served;
- Seek the views of Kent Highway Services on the implications of the potential use of HGVs to serve the site taking into account possible business growth;
- Investigate the potential for traffic calming measures on the shared access;
- Seek details of the proposed landscaping scheme including what it would comprise and where it would be planted;
- Enable the Officers to draft suggested conditions to prevent the amalgamation of the units into one enterprise and to link the hours of illumination to the hours of opening of the premises;
- Discuss with the applicant the possibility of limiting the hours of operation on Saturdays;
- Enable a representative of Kent Highway Services to be in attendance when the application is discussed.

Voting: 12 – For 0 – Against 0 – Abstentions

338. LONG MEETING

Prior to 10.30 p.m., during consideration of the report of the Head of Planning and Development relating to application 17/503291 (The Pack House, Queen Street, Paddock Wood, Tonbridge, Kent), the Chairman announced that in view of the limited time available the reports of the Head of Planning and Development relating to the following applications would be rolled over to the adjourned meeting of the Committee scheduled to be held on 4 January 2018:

17/502714 - Caravan 2, Hawthorn Farm, Pye Corner, Ulcombe, Kent
17/503401 - Catharos Lithos, Yelsted Road, Yelsted, Sittingbourne, Kent
17/504314 - Land Rear Of 161 Heath Road, Coxheath, Kent

The Committee:

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

339. 17/504979 - PROPOSED CHANGE OF USE OF PART OF D2 (SNOOKER CLUB) TO A1 (SANDWICH SHOP) WITH ALTERATIONS TO FENESTRATION - MAIDSTONE SNOOKER CLUB, BUCKLAND HILL, MAIDSTONE

The Committee considered the 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: 10 – For 0 – Against 2 – Abstentions

340. 17/505399 - GARAGE/STORE (WORKS STARTED) - THE STABLES, STREET FARM, THE STREET, BOXLEY, KENT

Councillor Brice stated that she had been lobbied.

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

Councillor Hinder of Boxley Parish Council addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report with additional conditions to secure (a) a landscaping scheme, including the provision of a tree (perhaps an evergreen such as Holly) to break up the mass and (b) biodiversity enhancements through integrated methods into the design and appearance of the building by means such as a bat tube/bricks; the Head of Planning and Development be given delegated powers to finalise the wording.

Voting: 8 – For 4 – Against 0 – Abstentions

341. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Planning and Development relating to application 17/505399 (The Stables, Street Farm, The Street, Boxley, Kent), the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on 4 January 2018 when the remaining items on the agenda will be discussed.

342. DURATION OF MEETING

6.00 p.m. to 10.35 p.m.