

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 5 JULY 2018

Present: Councillor English (Chairman) and Councillors Adkinson, Bartlett, Boughton, Harwood, Kimmance, Munford, Parfitt-Reid, Round, Spooner, Vizzard and Wilby

Also Present: Councillors Mrs Blackmore, Brice, Perry and Purle

42. **APOLOGIES FOR ABSENCE**

There were no apologies for absence although it was noted that Councillor Parfitt-Reid would be late in arriving at the meeting.

43. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

44. **NOTIFICATION OF VISITING MEMBERS**

Councillor Perry indicated his wish to speak on the report of the Head of Planning and Development relating to application 18/501158 (Knoxbridge Farm, Cranbrook Road, Staplehurst, Kent).

Councillor Purle indicated his wish to speak on the report of the Head of Planning and Development relating to application 18/502320 (Land to the east of The Grove Residential Home, 6 Bower Mount Road, Maidstone, Kent).

It was noted that Councillors Mrs Blackmore, Brice and Webb had given notice of their wish to speak on various items on the agenda, but would be late in arriving at the meeting. In the event, Councillor Webb was unable to attend the meeting and put forward his apologies.

45. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

46. **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.

47. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the reports of the Head of Planning and Development relating to applications 18/502213 (The Firs, Boxley Road, Walderslade, Kent) and 18/502385 (Vinters Park Crematorium, Bearsted Road, Weaving, Kent), he was a Member of Boxley Parish Council, but he had participated in the Parish Council's discussions on the applications, and intended to speak and vote when they were considered.

48. EXEMPT ITEMS

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

49. MINUTES OF THE MEETING HELD ON 14 JUNE 2018

RESOLVED: That the Minutes of the meeting held on 14 June 2018 be approved as a correct record and signed.

50. PRESENTATION OF PETITIONS

There were no petitions.

51. DEFERRED ITEMS

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

The Major Projects Manager said that this application was currently invalid as issues relating to the ownership certificate had still to be resolved.

17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO. UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

The Major Projects Manager said that this application was currently out to re-consultation. It was hoped to report the application back to the Committee within the next few months.

17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

The Major Projects Manager said that it was hoped to report this application back to the Committee by the end of July 2018.

52. 18/501427 - ERECTION OF A TWO STOREY EXTENSION AT ROOF LEVEL TO CREATE 6 NEW ONE BEDROOM DWELLINGS (RESUBMISSION OF 18/500233/FULL) - MEDWAY HOUSE, 26-28 MEDWAY STREET, MAIDSTONE, KENT

The Chairman and Councillor Round stated that they had been lobbied.

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, as amended by the urgent update report, and the additional condition set out in the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

53. 18/502320 - ERECTION OF 3 DETACHED HOUSES WITH ASSOCIATED GARAGES ON VACANT LAND TO THE EAST OF THE GROVE RESIDENTIAL HOME, WITH A NEW ENTRANCE AND DRIVE OFF BOWER MOUNT ROAD - LAND EAST TO THE GROVE RESIDENTIAL HOME, 6 BOWER MOUNT ROAD, MAIDSTONE, 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.

The Principal Planning Officer advised the Committee that since publication of the agenda, Helen Grant M.P. had made representations objecting to the application and reiterating the concerns of her constituents and local Councillors. Specific reference was made to the negative impact of the development upon the privacy, outlook and sunlight of adjoining properties; the impact on the neighbouring residential care home; and concerns amongst local residents that if the application were to be approved, it could incentivise other landowners in the area to seek to redevelop garden areas.

Ms Austin, an objector, Mr Collins, for the applicant, and Councillor Purle (Visiting Member) addressed the meeting.

It was established during the debate that Councillor Adkinson had pre-determined the application. Councillor Adkinson did not participate further in the discussion or the voting.

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 proposal would result in the removal of part of a visually important ragstone wall and loss of mature landscaping to the front of the site, which would harm the special character of this

section of Bower Mount Road. The proposed development did not respect the spacious character of the local area and particularly the western part of Bower Mount Road and resulted in a compact and incongruous form of development, which significantly harmed the character of the local area. As such the proposal would be contrary to policies DM1 and DM11 of the Maidstone Borough Local Plan (2017) and the London Road Character Area Assessment Supplementary Planning Document.

Members also felt that the proposal due to the size of the properties and their close proximity to the side and front boundaries was unable to adequately mitigate through landscaping and appropriate boundary treatment against the significant harm to the visual appearance and spacious character of the street scene and the local area. As such the proposal would be contrary to policies DM1 and DM11 of the Maidstone Borough Local Plan (2017) and the London Road Character Area Assessment Supplementary Planning Document.

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

1. The proposal will result in the removal of part of a visually important ragstone wall and loss of mature landscaping to the front of the site, which would harm the special character of this section of Bower Mount Road. The proposed development does not respect the spacious character of the local area and particularly the western part of Bower Mount Road and results in a compact and incongruous form of development, which significantly harms the character of the local area. As such the proposal would be contrary to policies DM1 and DM11 of the Maidstone Borough Local Plan (2017) and the London Road Character Area Assessment Supplementary Planning Document.
2. The proposal due to the size of the properties and their close proximity to the side and front boundaries is unable to adequately mitigate through landscaping and appropriate boundary treatment against the significant harm to the visual appearance and spacious character of the street scene and the local area. As such the proposal would be contrary to policies DM1 and DM11 of the Maidstone Borough Local Plan (2017) and the London Road Character Area Assessment Supplementary Planning Document.

Voting: 10 – For 0 – Against 0 - Abstentions

Note: Councillor Parfitt-Reid entered the meeting during consideration of this application (6.15 p.m.), and did not participate in the discussion and the voting.

54. 18/501158 - PROVISION OF NEW FARM ACCESS TO KNOXBRIDGE FARM FROM THE A229, INCLUDING LANDSCAPING, CROSSING OVER STREAM AND BARRIER (RESUBMISSION OF 16/508630/FULL) - KNOXBRIDGE FARM, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

All Members stated that they had been lobbied.

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

The Senior Planning Officer said that she was aware that the agent for the applicant had sent a further letter to Members. She did not intend to go into detail, but the Officer recommendation remained unchanged.

Councillor Burnham of Staplehurst Parish Council, Mr Watts, for the applicant, and Councillors Perry and Brice (Visiting Members) addressed the meeting.

RESOLVED: That consideration of this application be deferred to seek the submission of (a) further details of the junction layout and (b) additional landscape mitigation measures, in the form of a woodland shaw.

Voting: 12 – For 0 – Against 0 – Abstentions

55. 18/500618 - ERECTION OF NEW DOCTOR'S SURGERY BUILDING WITH ASSOCIATED PARKING, LANDSCAPING AND CREATION OF NEW VEHICULAR ACCESS ONTO HEATH ROAD - LAND SOUTH OF HEATH ROAD, LINTON, MAIDSTONE, 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.

The Principal Planning Officer advised the Committee that since the publication of the agenda a further objection had been received from a local resident making specific reference to the following summarised issues:

- This site would be more difficult for elderly/infirm residents to access and the current bus service could not be relied upon to get people to appointments on time.
- There would be increased traffic as residents who currently walked to appointments would have to drive instead.
- There was concern that if the Clock House Farm site was not used for a new practice, it would be used instead for more housing, putting additional pressure on village services.
- There were concerns about the proposed use of volunteers to provide a transport service from the village.
- The proposed medical centre development would add to congestion at Linton Crossroads.

- The proposed development would impact on the provision of village services.

The Principal Planning Officer also updated the Committee on comments received from the CCG regarding the wording of condition 5 (opening hours). She explained that in order to meet Government requirements for improved access to Primary Care facilities, it was proposed to amend condition 5 to read:

No activity in connection with the use hereby permitted, other than the cleaning of the premises, shall be carried out outside of the hours of 0745 and 2015 and ~~not at any time on Sundays, Bank or Public Holidays.~~

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

To mitigate potential noise disturbance to the neighbouring property, Forge House, as a result of this change, it was proposed to add a further condition specifying that there should be a boundary fence along the common boundary.

Councillor Cresswell of Linton Parish Council and Mr Hawkins, for the applicant, addressed the meeting.

RESOLVED: That subject to:

- (a) The prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report as amended by the urgent update; AND
- (b) The conditions and informatives set out in the report, as amended by the urgent update report and by the Principal Planning Officer at the meeting, the additional condition set out in the urgent update report and the additional condition proposed by the Principal Planning Officer relating to boundary treatments, with the amendment of condition 26 (Travel Plan) and additional informatives as follows:

Condition 26 (amended)

No development above dpc level shall be carried out until a travel plan has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full upon first occupation.

Reason: In the interests of sustainable travel.

Additional Informatives

- A Working Group comprising the Coxheath and Hunton and Loose Ward Members, Councillors Harwood, Munford and Round, representatives of Coxheath, Linton and Loose Parish Councils, the developer and Officers should be set up to discuss matters

relating to the Travel Plan, structural landscaping to the south of the site and the sustainable surface water drainage scheme.

- The applicant is encouraged to install a sprinkler system in the building in the interests of public safety.

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle, add or amend any necessary Heads of Terms of the S106 legal agreement and/or conditions in line with the matters resolved by the Planning Committee and as a result of the discussions of the Working Group.

Voting: 12 – For 0 – Against 0 – Abstentions

56. 18/500160 - DEMOLITION OF EXISTING OFFICE BUILDING AND ERECTION OF 43 NO. APARTMENTS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS - 3 TONBRIDGE ROAD, MAIDSTONE, KENT

The Chairman and Councillors Adkinson, Bartlett, Boughton, Round and Wilby stated that they had been lobbied.

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

The Principal Planning Officer said that KCC Flood and Water Management had now commented on the information provided for the proposed drainage strategy, which detailed the use of Permavoids under the access road and hard surfaces, and considered it to be acceptable in principle subject to the attachment of conditions requiring:

- The submission of a sustainable surface water drainage scheme for the site;
- The submission of an operation and maintenance manual for the proposed sustainable drainage scheme detailing how the scheme would be implemented and maintained; and
- The submission of a Verification Report demonstrating that the surface water drainage system had been installed correctly and would be able to achieve objectives in dealing with surface water.

The recommendation remained unchanged subject to the deletion of condition 7 relating to surface water drainage and the attachment of the conditions relating to surface water drainage as recommended by KCC Flood and Water Management.

Mr Stroud addressed the meeting on behalf of the applicant.

RESOLVED: That subject to:

- (a) The prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure a libraries contribution of £2,064.68; AND

- (b) The conditions and informatives set out in the report with the deletion of condition 7 relating to surface water drainage, the additional drainage conditions referred to by the Principal Planning Officer in her verbal update at the meeting and an additional informative relating to the possibility of providing a car sharing scheme operating from the site being investigated by the applicant (the wording to be finalised by the Head of Planning and Development acting under delegated powers),

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 of the legal agreement in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 6 – For 5 – Against 1 - Abstention

Councillors Adkinson and Boughton requested that their dissent be recorded.

57. 18/502380 - RELEVANT DEMOLITION IN A CONSERVATION AREA FOR THE PROPOSED UPGRADE OF NETWORK RAIL'S WATERINGBURY LEVEL CROSSING FROM A MANNED GATED HAND WORKED (MGHW) LEVEL CROSSING TO A MANUALLY CONTROLLED BARRIER(S) (MCB) TYPE - WATERINGBURY LEVEL CROSSING, BOW ROAD, WATERINGBURY, KENT

All Members except Councillor Parfitt-Reid stated that they had been lobbied.

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

Mr Mellor, an objector, Mr Leighton, for the applicant, and Councillor Mrs Blackmore (Visiting Member) addressed the meeting.

During the discussion, the Major Projects Manager advised the Committee that, in his opinion, the erection of the new replacement level crossing gates was permitted development and did not require planning permission. This application was solely for the demolition and removal of the existing level crossing gates within the Wateringbury Conservation Area. The Chairman asked the Officers to double-check the situation regarding permitted development rights.

RESOLVED: That subject to the Officers double-checking the situation regarding permitted development rights, permission be granted subject to the condition and informatives set out in the report with:

- (a) The amendment of informative one to include reference to the disposal of the interlocking mechanisms of the gates and to specify the Kent and East Sussex Railway as a possible recipient (the exact wording to be finalised by the Head of Planning and Development acting under delegated powers); and

- (b) An additional informative regarding the establishment, before works commence, of a working group comprising representatives of Nettlestead, Watringbury, Teston and Yalding Parish Councils, the local Ward Councillors and the applicant to discuss matters relating to public safety, walkways, lighting, noise and manning of the signal box (the exact wording to be finalised by the Head of Planning and Development acting under delegated powers).

Voting: 10 – For 1 – Against 0 – Abstentions

Note: Councillor Harwood left the meeting during consideration of this application (9.50 p.m.).

58. LONG MEETING

Prior to 10.30 p.m., after consideration of the report of the Head of Planning and Development relating to application 18/502380 (Watringbury Level Crossing, Bow Road, Watringbury, Kent), the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

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

59. 18/502213 - RETROSPECTIVE CONSTRUCTION OF A DETACHED GARAGE TO THE FRONT OF THE PROPERTY - THE FIRS, BOXLEY ROAD, WALDERSLADE, KENT

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

Mrs Bowdery addressed the meeting on behalf of Boxley Parish Council.

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 scale, design and siting of the garage in the front garden was visually harmful in the local area and incongruous in the street scene. There was inadequate space available for landscaping to mitigate the visual harm to the local area. As such the development was contrary to policies DM1 and DM9 of the Maidstone Borough Local Plan (2017) and the Maidstone Residential Extensions Supplementary Planning Document.

RESOLVED: That permission be refused for the following reason:

The scale, design and siting of the garage in the front garden is visually harmful in the local area and incongruous in the street scene. There is inadequate space available for landscaping to mitigate the visual harm to the local area. As such the development is contrary to policies DM1 and DM9 of the Maidstone Borough Local Plan (2017) and the Maidstone Residential Extensions Supplementary Planning Document.

Voting: 10 – For 1 – Against 0 – Abstentions

FURTHER RESOLVED: That enforcement action be taken to require the removal of the garage.

Voting: 10 – For 1 – Against 0- Abstentions

60. 18/502379 - LISTED BUILDING APPLICATION FOR PROPOSED UPGRADE OF NETWORK RAIL'S EAST FARLEIGH LEVEL CROSSING FROM A MANNED GATED HAND WORKED (MGHW) LEVEL CROSSING TO A MANUALLY CONTROLLED BARRIER(S) (MCB) TYPE (RE-SUBMISSION) - EAST FARLEIGH MGHW LEVEL CROSSING, FARLEIGH LANE, FARLEIGH BRIDGE, EAST FARLEIGH, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Councillor Coulling of Teston Parish Council and Mr Leighton, for the applicant, addressed the meeting.

During consideration of this application, Councillor Vizzard said that he was a Member of Barming Parish Council, and he had been very involved in discussions regarding listed buildings and gates in this area. In the circumstances, he would take no part in the discussion and voting on the application.

RESOLVED: That subject to the Officers double-checking the situation regarding permitted development rights, listed building consent be granted subject to the condition and informative set out in the report with:

- (a) The amendment of the informative to include reference to the disposal of the interlocking mechanisms of the gates and to specify the Kent and East Sussex Railway as a possible recipient (the exact wording to be finalised by the Head of Planning and Development acting under delegated powers); and
- (b) An additional informative regarding the establishment, before works commence, of a working group comprising representatives of Barming, East Farleigh and Teston Parish Councils, the local Ward Councillor plus a Fant Ward Member and a Coxheath and Hunton Ward Member, representatives of Kent Highway Services and the applicant to discuss matters relating to traffic movements across the River Medway, public safety, walkways, lighting, noise and manning of the signal box (the exact wording to be finalised by the Head of Planning and Development acting under delegated powers).

Voting: 9 – For 0 – Against 0 – Abstentions

Councillor Parfitt-Reid left the meeting prior to this application being introduced by the Major Projects Manager (10.40 p.m.). She returned after the application had been introduced (10.42 p.m.) and did not participate in the discussion or the voting.

61. 18/502385 - EXTENSION TO OFFICE TO HOUSE FIRE PROOF CABINETS - VINTERS PARK CREMATORIUM, BEARSTED ROAD, WEAVERING, 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 additional condition set out in the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

62. APPEAL DECISIONS

RESOLVED: That consideration of the report of the Head of Planning and Development setting out details of appeal decisions be deferred until the next meeting of the Committee.

63. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

64. DURATION OF MEETING

6.00 p.m. to 10.55 p.m.