

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 16 AUGUST 2018
ADJOURNED TO 23 AUGUST 2018

Present: Councillor English (Chairman) and
16 August Councillors Adkinson, Bartlett, Boughton, Cox,
2018 Harwood, Kimmance, Munford, Parfitt-Reid, Round,
Spooner and Wilby

Also Councillors Brice, Cuming and Perry
Present:

83. APOLOGIES FOR ABSENCE

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

84. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Cox was substituting for Councillor Vizzard.

85. NOTIFICATION OF VISITING MEMBERS

Councillor Cuming indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 18/502860 (Barty Farm, Roundwell, Bearsted, Maidstone, Kent) and 18/502850 (Barty House Nursing Home and Land at Barty Farm, Roundwell, Bearsted, Maidstone, Kent).

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).

It was noted that Councillor Brice had indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/501158 (Knoxbridge Farm, Cranbrook Road, Staplehurst, Kent), but would be late in arriving at the meeting.

86. ITEM WITHDRAWN FROM THE AGENDA

18/500346 - ERECTION OF 115 DWELLINGS TOGETHER WITH ASSOCIATED INFRASTRUCTURE, OPEN SPACE, LANDSCAPING AND ACCESS WORKS - LORDSWOOD URBAN EXTENSION, GLEAMINGWOOD DRIVE, LORDSWOOD, KENT

The Chairman sought the agreement of the Committee to the withdrawal of the report of the Head of Planning and Development relating to

application 18/500346 from the agenda. The Major Projects Manager explained that the Officers wished to assess the implications of the revised National Planning Policy Framework guidance in relation to ancient woodland.

A Member emphasised the need to report this application to the next meeting of the Committee to avoid the risk of an appeal against non-determination.

RESOLVED: That agreement be given to the withdrawal of the report of the Head of Planning and Development relating to application 18/500346 from the agenda to enable the Officers to assess the implications of the revised National Planning Policy Framework guidance in relation to ancient woodland.

87. 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 matters to be considered at the meeting.

88. DISCLOSURES BY MEMBERS AND OFFICERS

The Chairman (Councillor English) said that, with regard to the report of the Head of Planning and Development relating to application 18/502144 (Plot 9, Eclipse Park, Sittingbourne Road, Maidstone, Kent) he was a Director of One Maidstone. However, he had not participated in the Company's discussions on the proposed development, he had not pre-determined the application, and intended to speak and vote when it was considered.

Councillor Boughton said that, with regard to the report of the Head of Planning and Development relating to application 18/502748 (15 Monkdown, Downswood, Maidstone, Kent), his mother owned a property, where he stayed, opposite the proposal site. He would make representations, and then leave the room when the application was discussed.

Councillor Harwood stated that, with regard to the reports of the Head of Planning and Development relating to applications 18/502144 (Plot 9, Eclipse Park, Sittingbourne Road, Maidstone, Kent) and 18/500346 (Lordswood Urban Extension, Gleamingwood Drive, Lordswood, Kent), he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions on the applications, and intended to speak and vote when they were considered.

Councillor Munford stated that, with regard to the report of the Head of Planning and Development relating to application 18/502683 (Lyewood Farm, Green Lane, Boughton Monchelsea, Maidstone, Kent), he was the Chairman of Boughton Monchelsea Parish Council, but he had not participated in the Parish Council's Planning Committee's discussions

regarding the proposed development. The Parish Council would not receive any contributions in relation to the proposed development. Further, he was no longer a Trustee of the Boughton Monchelsea Amenity Trust to which land would be transferred as part of the application for the benefit of the community. In the circumstances, he intended to speak and vote when the application was discussed.

Councillor Wilby disclosed an Other Significant Interest in the report of the Head of Planning and Development relating to application 17/503237 (J B Garage Doors, Straw Mill Hill, Tovil, Maidstone, Kent) by virtue of being a Trustee of the Hayle Place Nature Reserve which would benefit from S106 funding if the application was approved.

89. EXEMPT ITEMS

RESOLVED: That the report of the Head of Planning and Development relating to the Enforcement Tracker be taken in private as proposed.

90. MINUTES OF THE MEETING HELD ON 26 JULY 2018

RESOLVED: That the Minutes of the meeting held on 26 July 2018 be approved as a correct record and signed.

91. PRESENTATION OF PETITIONS

There were no petitions.

92. REFERENCE TO THE DEMOCRACY COMMITTEE - CONSULTATION WITH THE REGULATORY COMMITTEES ON THE USE OF BUDGETARY UNDERSPENDS

It was proposed, seconded and:

RESOLVED: That the Democracy Committee be asked to consider the issue of the Regulatory Committees being consulted on the use of budgetary underspends.

Voting: 12 – For 0 – Against 0 – Abstentions

93. 18/502144 - ERECTION OF A CLASS A1 RETAIL STORE AND ASSOCIATED SERVICING, PARKING, LANDSCAPING AND ACCESS ARRANGEMENTS - PLOT 9, ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE, KENT

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

In presenting his report, the Principal Planning Officer advised the Committee that:

- To clarify the position regarding the sequential approach and Maidstone East, the Director of Regeneration and Place had confirmed that it would be 3/5 years before a developer could take forward a

scheme. With the planning process on top of this, the likelihood of a site being available for a retailer was at least 5/7 years away which did not fit with the needs of the applicant.

- In paragraph 7.04 of the report, reference was made to paragraph 24 of the National Planning Policy Framework (NPPF). This should refer to paragraph 86 of the amended NPPF.
- He was aware that a lobbying letter had been sent to Members that afternoon expressing concern about the recommendation set out in the report. The majority of the issues had been raised already and addressed in the report, but to clarify, the application was not contrary to Local Policy. Whilst the Local Plan did seek to direct such retail uses to the town centre, Policy DM16 allowed for out of town proposals where certain criteria are met, namely that there are no other sites available or suitable and the impact is acceptable, which was considered to be the case in this instance.
- Secondly, it was stated that the recent increase in floor space at the Next store had not been taken into account. This additional 402m² of floorspace was considered to have an unperceivable impact and so did not affect the recommendation.

The Head of Planning and Development advised the Committee that Maidstone East was the Council's primary retail allocation and re-affirmed the position that the Director of Regeneration and Place had confirmed that it would be 3/5 years before a developer could take forward a scheme and so the site was not currently available.

Mr Davy of One Maidstone (Town Centre Management body) and Capital and Regional (Operator of The Mall Shopping Centre), an objector, and Mr Berendji, for the applicant, addressed the meeting.

RESOLVED: That subject to:

- (a) The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to provide for the Heads of Terms set out in the report with a preference for the proposed contribution for public art provision in the town centre to be spent on the public art element of the Maidstone East development if this scheme comes forward; the inclusion of events held within the town centre within the Town Centre Projects; and flexibility to allow the £300k to go towards any new Town Centre Projects which arise to help mitigate the impact of the development on the town centre; AND
- (b) The conditions set out in the report,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle, amend as necessary and add as necessary heads of terms and conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 0 – Abstentions

94. 18/502683 - DEMOLITION OF THE EXISTING CHICKEN SHEDS AND ASSOCIATED STRUCTURES, THE ERECTION OF 85 RESIDENTIAL DWELLINGS, TOGETHER WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING AND DRAINAGE - LYEWOOD FARM, GREEN LANE, BOUGHTON MONCHELSEA, 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.

In presenting her report the Principal Planning Officer advised the Committee that:

- Delegated powers would be needed to refine conditions and update the plans list condition.
- KCC Highways had submitted a further representation confirming that the recommendations of the Road Safety Audit regarding the Green Lane site access had been met. The 30 mph speed limit on Green Lane would be extended further to the south east by way of a Traffic Regulation Order. The two options for the improvements to the footway at Green Lane would need a Road Safety Audit and more detailed investigation regarding land ownership. Both resulted in a 1.2 metre wide footway which was the minimum acceptable to improve facilities for pedestrians. The works would be secured through a S278 agreement with the County Council.
- The applicant had confirmed that further discussions with the bus operator had identified the scope to enhance the frequency of buses on the no.59 route during the period 10.00 a.m. to 4.00 p.m. This would enhance the accessibility of the site by providing better connectivity to/from Maidstone town centre. A Head of Terms would need to be included in the proposed S106 legal agreement to secure this.
- A renewables condition was proposed and an informative to cover decentralised renewable energy such as ground source heating, free standing photovoltaic panels or photovoltaic panels on garages.
- The developer had agreed to make a significant contribution to be used towards making medical facilities more accessible for future residents. This contribution would be comparable to an in lieu payment towards improvements to Linton Crossroads which were already fully funded. It would be paid to the Borough Council, not the Parish Council as stated in the urgent update report, and would be greater than the sum mentioned in the urgent update report.

- With regard to the contribution sought by Kent County Council for secondary education, there was capacity at the New Line Learning Academy.
- Representations had been received from the owners of Lyewood Farm Oast, the property to the west of the proposed development, seeking the relocation of Public Rights of Way and the provision of walling or fencing and gating to protect their privacy. The developer would deal with the relocation of the Public Rights of Way under a separate process direct with Kent County Council.

Dr Macrae Tod, an objector, Councillor Smith of Boughton Monchelsea Parish Council, and Mr Kelly, 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 provide for:
 - The Heads of Terms set out in the report, as amended by the urgent update report and by the Principal Planning Officer at the meeting, with priority being given to Boughton Monchelsea Primary School as the recipient of the contribution for primary education and then other primary schools on a geographical basis subject to compliance with the CIL Regulations; and
 - The additional Head of Terms referred to by the Principal Planning Officer at the meeting relating to enhancements to the frequency of bus services, but with priority being given, having regard to the overlap, to making the nearest medical facilities in Coxheath as accessible as possible for people living in the area; 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 informative set out in the urgent update report, and the additional condition and informative relating to renewables proposed by the Principal Planning Officer at the meeting with the addition of the following:
 - The inclusion of a permanently wet pond in whatever sustainable urban drainage method is adopted;
 - Enhanced landscaping around Lyewood Farm Oast in the interests of residential amenity;
 - A mechanism (condition or Head of Terms) to secure the dedication of the proposed footpath/cycleway to pass along Green Lane under S25 of the Highways Act 1980;

- A mechanism, if feasible, to ensure the dedication of the driveway to Lyewood Farm Oast as public highway land under S38 of the Highways Act 1980;
- The amendment of proposed condition 15 to specify the off-site highway improvements to be carried out under S278 of the Highways Act 1980; and
- An informative relating to the establishment of a development delivery group comprising Officers, the developer, the Chairman and Vice-Chairman of the Planning Committee, Councillor Harwood, the local Ward Member and representatives of the Parish Council to oversee the implementation of this development;

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle all conditions and the Heads of Terms of the S106 legal agreement in full in line with the matters resolved by the Planning Committee.

Voting: 12 – For 0 – Against 0 – Abstentions

95. 18/502860 - VARIATION OF CONDITIONS 5 (SURFACE MATERIALS), 7 (LANDSCAPING), 19 (FOUL AND SURFACE WATER DRAINAGE) AND 31 (APPROVED PLANS) OF APPLICATION 14/506738/OUT (OUTLINE APPLICATION FOR THE ERECTION OF 100 DWELLINGS) TO ALLOW FOR FLEXIBILITY ON OPEN SPACE AND LANDSCAPE DETAILS, INCLUDE ADDITIONAL ALTERATIONS TO THE LISTED WALL AT BARTY HOUSE, AND ALTER THE TIME FOR THE DELIVERY OF APPROVED SURFACE MATERIALS AND DRAINAGE - BARTY FARM, ROUNDWELL, BEARSTED, MAIDSTONE, KENT

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

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

The Principal Planning Officer advised the Committee that:

- Paragraph 7.10 of the report should refer to policy DM4 of the Maidstone Borough Local Plan 2017, not policy DM14; and
- A representation had been received from the Bearsted and Thurnham Society, but it did not raise any issues that had not been considered already.

Mr Rowe, an objector, Ms Allwood, for the applicant, and Councillor Cuming (Visiting Member) addressed the meeting. In making her representations, Ms Allwood also made reference to associated application 18/502850 for listed building consent for alterations to the boundary wall at the Barty House Nursing Home.

RESOLVED: That subject to:

- (a) The prior completion of a deed of variation to the legal agreement attached to permission 14/506738/OUT to provide for the Heads of Terms set out in the report except that the monies proposed to be allocated for play, amenity and wildlife improvements at the Bearsted Woodland Trust site off Ashford Road should be used for biodiversity improvements only; AND
- (b) The conditions set out in the report with the amendment of condition 7 (Landscaping) to require the provision of structural landscaping around the boundaries of the entire site to give enclosure; the amendment of condition 25 (Biodiversity Mitigation) to include a wet pond feature within one of the landscape buffers, possibly in the north-east corner of the site; and an informative advising the applicant that the landscape buffer to the south of the site should have a minimum depth of 5-10 metres,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle, add to or amend any necessary Heads of Terms of the deed of variation to the legal agreement attached to permission 14/506738/OUT and conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 11 – For 1 – Against 0 – Abstentions

96. 18/502850 - LISTED BUILDING CONSENT FOR ALTERATIONS TO BOUNDARY WALL, RELOCATION OF GAS CABINET AND PROVISION OF LANDSCAPING TO FACILITATE IMPROVED ACCESS - BARTY HOUSE NURSING HOME & LAND AT BARTY FARM, ROUNDWELL, BEARSTED, MAIDSTONE, KENT

All Members except Councillors Boughton and Parfitt-Reid stated that they had been lobbied.

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

The Principal Planning Officer advised the Committee that paragraphs 7.02 and 7.04 of the report should refer to policy DM4 of the Maidstone Borough Local Plan 2017, not policy DM14.

Mr Rowe, an objector, and Councillor Cuming (Visiting Member) addressed the meeting. Ms Allwood, agent for the applicant, had already addressed the meeting on this and associated application 18/502860/OUT.

RESOLVED: That Listed Building Consent be granted subject to the conditions set out in the report.

Voting: 11 – For 0 – Against 1 – Abstention

FURTHER RESOLVED: That the Joint Transportation Board be requested to investigate concerns which have been raised about highway and pedestrian safety in Roundwell, Bearsted; specifically, the need for a reduction in traffic speeds to 30 mph, the limited forward visibility of vehicles travelling along the road and the danger to pedestrians having to cross Roundwell to the southern side as there is no footpath on the northern side.

Voting: 12 – For 0 – Against 0 – Abstentions

97. 18/501158 - PROVISION OF NEW FARM ACCESS TO KNOXBRIDGE FARM FROM THE A229, INCLUDING LANDSCAPING, CROSSING OVER STREAM AND BARRIER (RE-SUBMISSION OF 16/508630/FULL) - KNOXBRIDGE FARM, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

All Members except Councillors Cox and Parfitt-Reid stated that they had been lobbied.

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

The Major Projects Manager drew the Committee's attention to a further representation which had been received from a local resident in support of the new access road as it would result in an improvement in highway safety.

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

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to grant permission subject to conditions and informatives to be finalised by the Head of Planning and Development acting under delegated powers. In making this decision, Members felt that the proposed development would support the rural economy pursuant to policy DM37 of the Maidstone Borough Local Plan 2017 and improve highway safety, and that these benefits would outweigh the identified harm to the character and appearance of the countryside in this locality which would be mitigated significantly by the proposed landscape and biodiversity enhancements.

RESOLVED: That permission be granted subject to conditions and informatives to be agreed and finalised by the Head of Planning and Development acting under delegated powers; the conditions/informatives to include but not be limited to:

Conditions

The requirement for a Landscape and Ecological Management Plan; the tree and hedgerow planting to incorporate native species;

The requirement for any trees or plants which, within a period of 10 years from the completion of the development, die, are removed or become seriously damaged or diseased, to be replaced in the next planting season with others of similar size and species;

The requirement for a detailed ecological mitigation strategy; and

The requirement for visibility splays to be provided prior to commencement of use and maintained thereafter.

Informatives

An informative advising the applicant that the woodland shaw planting should include native species such as wild service, hazel, lime, oak, hornbeam and hawthorn and that chestnut fencing should be used to protect the areas of new planting.

An informative advising the applicant that the Council may consider serving a Tree Preservation Order to protect the woodland shaws after the 10 year tree or plant replacement period expires.

Voting: 12 – For 0 – Against 0 - Abstentions

98. 18/502327 - DEMOLITION OF EXISTING CAFE BUILDING AND ERECTION OF NEW MOTE PARK CENTRE WITH ASSOCIATED TERRACES, BIN STORAGE AREA AND CAR PARKING - MOTE PARK MAIDSTONE, WILLOW WAY, MAIDSTONE, KENT

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

Mr Tricker addressed the meeting on behalf of the applicant.

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, with the amendment of condition 17 to provide for two additional bat boxes within the proposed development and an informative suggesting that the applicant look at the potential for some outside seating shaded by trees, possibly in the form of an orchard with apple trees native to Kent (the Head of Planning and Development be given delegated powers to finalise the precise wording of the amended condition and the additional informative and to amend any other conditions as a consequence).

Voting: 10 – For 2 – Against 0 – Abstentions

99. 18/502656 - ERECTION OF STORAGE, MESS AND WELFARE FACILITIES FOR PARK MAINTENANCE TEAM - MOTE PARK MAIDSTONE, WILLOW WAY, MAIDSTONE, KENT

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

Mr Tricker addressed the meeting on behalf of the applicant.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - The amendment of the date referred to in condition 7 to read 04/07/18;
 - The amendment of condition 5 to require the submission of a landscaping scheme comprising at least two trees to replace the one which will be lost to the development and native shrub planting on the bund to break up and soften the outline of the development;
 - An additional condition (Renewables) requiring the incorporation of photovoltaic panels and rainwater harvesting and grey water recycling measures within the development; and
 - An additional condition (Biodiversity Enhancements) requiring the incorporation of bird or bat boxes within the eaves of the building.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and to amend any other conditions as a consequence.

Voting: 7 – For 2 – Against 3 – Abstentions

FURTHER RESOLVED: That the Heritage Culture and Leisure Committee be asked to consider the provision of a footway from the Leisure Centre car park to the sports pitches to the rear of the Centre.

100. 18/500346 - ERECTION OF 115 DWELLINGS TOGETHER WITH ASSOCIATED INFRASTRUCTURE, OPEN SPACE, LANDSCAPING AND ACCESS WORKS - LORDSWOOD URBAN EXTENSION, GLEAMINGWOOD DRIVE, LORDSWOOD, KENT

See Minute 86 above.

101. ADJOURNMENT OF MEETING

At 10.15 p.m., following consideration of the report of the Head of Planning and Development relating to application 18/502656, the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on Thursday 23 August 2018 when the remaining items on the agenda will be discussed.

102. DURATION OF MEETING

6.00 p.m. to 10.15 p.m.