

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2018

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

Also Present: Councillors Garten, J Sams, T Sams and Webb

123. APOLOGIES FOR ABSENCE

There were no apologies for absence.

124. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

125. NOTIFICATION OF VISITING MEMBERS

Councillor Garten indicated his wish to speak on the report of the Head of Planning and Development relating to application 18/501312 (Swanton Farm, Bicknor Road, Bicknor, Kent).

Councillors J and T Sams indicated their wish to speak on the report of the Head of Planning and Development relating to application 17/500357 (Land North of Old Ashford Road, Lenham, Kent).

Councillor Webb indicated his wish to speak on the report of the Head of Planning and Development relating to application 18/501181 (Land South of Redwall Lane, Linton, Kent) on behalf of Hunton and Linton Parish Councils which were unable to send representatives to the meeting on this occasion.

126. ITEM WITHDRAWN FROM THE AGENDA

18/501928 - CONVERSION OF EXISTING COMMERCIAL/RESIDENTIAL BUILDING TOGETHER WITH SINGLE STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSIONS WITH A TERRACE ABOVE, TO PROVIDE 7 NO. RESIDENTIAL APARTMENTS - HOLMAN HOUSE, STATION ROAD, STAPLEHURST, 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 18/501928 from the agenda to enable the views of neighbours and Staplehurst Parish Council to be sought on amendments which had

been made to the application due in part to concerns raised as a result of the consultation process.

RESOLVED: That agreement be given to the withdrawal of the report of the Head of Planning and Development relating to application 18/501928 from the agenda.

127. 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.

128. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 18/500160 (3 Tonbridge Road, Maidstone, Kent), Councillor Boughton said that since he had pre-determined the application, he would leave the meeting when it was discussed

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 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 application, and intended to speak and vote when it was considered.

129. EXEMPT ITEMS

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

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

RESOLVED: That the Minutes of the meeting held on 16 August 2018 adjourned to 23 August 2018 be approved as a correct record and signed.

131. PRESENTATION OF PETITIONS

There were no petitions.

132. DEFERRED ITEM

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

The Development Manager said that he had nothing further to report in respect of this application at present.

133. 17/500357 - FULL APPLICATION FOR THE ERECTION OF 48 DWELLINGS AND ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND OPEN SPACE AND OUTLINE APPLICATION FOR THE ERECTION OF 102 DWELLINGS (ACCESS, LAYOUT AND LANDSCAPING SOUGHT) - LAND NORTH OF OLD ASHFORD ROAD, LENHAM, KENT

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

Mr Newman, an objector, Councillor Walmsley of Lenham Parish Council, Mr Showler, for the applicant, and Councillors T and J Sams addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

- Look at moving the children's play area to the centre of the site;
- Look at reducing the number of access points along the Old Ashford Road in order to achieve the policy criteria for a strong southern landscape boundary;
- Look at the surface water drainage scheme and attenuation and whether it will address the existing ground water issues at the site; and
- Look at whether further renewable energy measures can be provided on the outline element of the scheme.

Voting: 12 – For 0 – Against 0 – Abstentions

134. 18/501181 - PROPOSAL: S73 APPLICATION: VARIATION OF CONDITIONS 10, 16 AND 17 OF APPLICATION 16/508659/FULL (DEMOLITION OF EXISTING DWELLING AND ERECTION OF B8 WAREHOUSE BUILDING WITH ANCILLARY OFFICES, DOCK LEVELLERS, ACCESS, PARKING AND LANDSCAPING INCLUDING THE CREATION OF NEW WOODLAND AND ATTENUATION POND) TO AMEND CONDITION 10 TO REFER TO 'A MAXIMUM OF 32 ONE-WAY HGV MOVEMENTS (EQUIVALENT TO 16 HGVS ENTERING AND LEAVING THE SITE) ARE PERMITTED BETWEEN HOURS OF 2300HRS AND 0700HR'; CONDITION 16 TO REFER TO THE NOISE MITIGATION PLAN REF: 403.06466.00004.001 VERSION 5; CONDITION 17 TO REFER TO THE NOISE MITIGATION PLAN REF: 403.06466.00004.001 VERSION 5 AND A RATING LEVEL MAINTAINED NO GREATER THAN 3DB ABOVE THE EXISTING MEASURED AMBIENT NOISE LEVEL LA90, T DURING THE DAY TIME AND NIGHT TIME PERIODS - LAND SOUTH OF REDWALL LANE, LINTON, 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 introducing the report, the Principal Planning Officer advised the Committee that the agent for the applicant and the intended occupant had provided data logs from the years 2016 and 2017 and the months so far during 2018 showing night-time HGVs visiting the site between the hours

of 11.00 p.m. to 7.00 a.m. It was their contention that the proposed variation of condition 10 was necessary due to the growth in the business, and that the seasonal restriction sought by Members would not meet the reasonableness or necessity tests set out in the NPPF for conditions. The Officers remained of the view that the proposed variation of condition was reasonable based on the functional needs of the business and issues beyond their control in terms of managing the HGVs that need to visit the site throughout the year.

The Principal Planning Officer advised the Committee that since the publication of the urgent update report on 4 September 2018, two more objections had been received generally repeating some points raised in the Committee report and mentioned in the urgent update report and suggesting that the applicant should provide triple glazing, low noise tarmac to roads and repair any damage caused by the vibration of HGVs on buildings that they pass by. In effect, it was argued that the social impact of the proposed variation of conditions needs to be mitigated.

Mr Allen addressed the meeting on behalf of the applicant. Councillor Webb (Visiting Member) also addressed the meeting on behalf of Hunton and Linton Parish Councils which were unable to send representatives on this occasion.

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

Voting: 7 – For 4 – Against 1 – Abstention

Councillor Parfitt-Reid requested that her dissent be recorded.

135. 18/501312 - PROVISION OF A CONTROLLED ATMOSPHERE STORE, CONCRETE HARDSTANDING, IRRIGATION LAGOON AND ASSOCIATED ENGINEERING OPERATIONS (INCLUDING LAND RAISING/EARTHWORKS) AND THE UPGRADING OF AN EXISTING TRACK AND ACCESS - SWANTON FARM, BICKNOR ROAD, BICKNOR, KENT

All Members except 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.

The Principal Planning Officer advised the Committee that since the publication of the urgent update report on 4 September 2018:

- Bicknor Parish Meeting had made further representations reiterating the highway problems being experienced at the moment with HGVs at harvest time; expressing support for passing bays; and reiterating their preference for the building to be moved further away from the hamlet.
- The agent for the applicant had also provided further information (a) clarifying that the orchards to the south would be on wire supports

three metres high and that the trees would grow to a height of up to four metres to provide landscape screening to complement the existing landscape screening and (b) indicating that the applicant would be willing to consider further woodland type screening as part of the landscape condition if required.

Mr Wainman, an objector, Mr Moore, on behalf of Bicknor Parish Meeting, Mr Ogden, for the applicant, and Councillor Garten (Visiting Member) addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

- Seek the submission of a detailed structural landscaping scheme comprising a significant area of woodland and wetland wrapping around the building to include the Bicknor Road frontage;
- Seek further details of how views from the south east could be improved as a result of the landscaping proposed; and
- Seek details of the energy efficiency of the building and how renewable energy measures could be incorporated into the scheme.

Voting: 12 – For 0 – Against 0 – Abstentions

136. 18/500346 - ERECTION OF 115 DWELLINGS TOGETHER WITH ASSOCIATED INFRASTRUCTURE, OPEN SPACE, LANDSCAPING AND ACCESS WORKS - LORDSWOOD URBAN EXTENSION, GLEAMINGWOOD DRIVE, LORDSWOOD, 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 urgent update report on 4 September 2018:

- A letter had been received from the Woodland Trust expressing support for the Officers' recommendation that the application be refused and saying that it was now critical to ensure that the new National Planning Policy Framework with the new high bar in relation to ancient woodland is interpreted correctly; and
- Representations had been received from Helen Whately, local Member of Parliament, supporting the views of Boxley Parish Council on the application, and expressing concern that no highway congestion issues had been raised in the proposed reasons for refusal.

Councillor Davies of Boxley Parish Council and Mr Moger, for the applicant, addressed the meeting.

The Chairman advised the Committee that Councillors B and W Hinder (Ward Members) were unable to attend the meeting, but had written to

him expressing their support for the Officers' recommendation that the application be refused.

RESOLVED: That permission be refused for the reasons set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

137. 18/502732 - ERECTION OF A NEW BUILDING COMPRISING OF 4 NO. APARTMENTS WITH ASSOCIATED AMENITY SPACE AND BINS AND CYCLE STORAGE - 1 MARSHAM STREET, MAIDSTONE, KENT

The Chairman and Councillors Bartlett, Harwood, Kimmance, Munford, Round and Wilby stated that they had been lobbied.

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

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

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, the Committee considered that the proposal would result in the overdevelopment of the site and have a harmful impact on the character and appearance of the Holy Trinity Conservation Area and the setting of the nearby listed buildings; the precise wording of the reason for refusal to be finalised by the Head of Planning and Development acting under delegated powers.

RESOLVED: That permission be refused as it is considered that the proposal will result in the overdevelopment of the site and have a harmful impact on the character and appearance of the Holy Trinity Conservation Area and the setting of the nearby listed buildings; the precise wording of the reason for refusal to be finalised by the Head of Planning and Development acting under delegated powers.

Voting: 12 – For 0 – Against 0 – Abstentions

138. 18/500160 - DEMOLITION OF EXISTING OFFICE BUILDING AND ERECTION OF 43 NO. APARTMENTS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS - 3 TONBRIDGE ROAD, MAIDSTONE, KENT

Having stated that he had pre-determined this application, Councillor Boughton left the meeting when it was discussed.

All Members except Councillor Spooner 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 subject to:

- (a) The expiry of the press and site notices and no issues being raised which have not already been assessed;
- (b) 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; and
- (c) The conditions and informatives set out in the report,

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: 9 – For 2 – Against 0 - Abstentions

139. 18/501928 - CONVERSION OF EXISTING COMMERCIAL/RESIDENTIAL BUILDING TOGETHER WITH SINGLE STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSIONS WITH A TERRACE ABOVE, TO PROVIDE 7 NO. RESIDENTIAL APARTMENTS - HOLMAN HOUSE, STATION ROAD, STAPLEHURST, KENT

See Minute 126 above.

140. 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.

RESOLVED: That the report be noted.

141. DURATION OF MEETING

6.00 p.m. to 9.50 p.m.