

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE REMOTE MEETING HELD ON 23 JULY 2020**

**Present:** Councillor English (Chairman) and Councillors Adkinson, Brindle, Chappell-Tay, Eves, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Spooner, Vizzard and Wilby

308. APOLOGIES FOR ABSENCE

There were no apologies for absence.

309. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

310. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

311. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

312. URGENT ITEMS

The Chairman said that, in his opinion, the updates to be included in the Officer presentations should be taken as urgent items as they contained further information relating to the applications to be considered at the meeting.

313. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 20/501750/FULL (Land Rear of 13 Manor Close, Bearsted, Maidstone. Kent), Councillor Spooner said that he was a Member of Bearsted Parish Council. However, he had not participated in the Parish Council's discussions about the proposed development and intended to speak and vote when the application was considered.

314. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

Item 13.	20/501029/FULL & 20/501030/LBC – Len House, Mill Street, Maidstone, Kent	Councillors Brindle, Chappell-Tay, English, Eves, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Vizzard and Wilby
Item 14.	19/504403/FULL – Land at Teiseside Nurseries, Lees Road, Laddingford, Maidstone, Kent	Councillors Adkinson, Brindle, Chappell-Tay, English, Eves, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Spooner, Vizzard and Wilby
Item 15.	20/501750/FULL – Land Rear of 13 Manor Close, Bearsted, Maidstone, Kent	Councillors Adkinson, Brindle, Chappell-Tay, English, Eves, Kimmance, Munford, Parfitt-Reid, Perry, Spooner, Vizzard and Wilby
Item 16.	20/502286/FULL – Lockmeadow Leisure Complex, Barker Road, Maidstone, Kent	Councillors Chappell-Tay, English, Eves, Kimmance, Parfitt-Reid, Perry, Vizzard and Wilby

315. EXEMPT ITEMS

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

316. MINUTES OF THE MEETING HELD ON 25 JUNE 2020 ADJOURNED TO 2 JULY 2020

**RESOLVED:** That the Minutes of the meeting held on 25 June 2020 adjourned to 2 July 2020 be approved as a correct record and signed.

317. APPOINTMENT OF CONSERVATIVE GROUP POLITICAL GROUP SPOKESPERSON

**RESOLVED:** That Councillor Perry be appointed as the Spokesperson for the Conservative Group for the remainder of the Municipal Year.

318. PRESENTATION OF PETITIONS

There were no petitions.

319. 20/501029/FULL & 20/501030/LBC - FORMER ROOTES SITE, LEN HOUSE, MILL STREET/PALACE AVENUE, MAIDSTONE, KENT

20/501029/FULL - RESTORATION OF LEN HOUSE AND ASSOCIATED NEW BUILD WORKS TO PROVIDE A MIXED-USE DEVELOPMENT COMPRISING: (I) RETENTION WITH ALTERATIONS AND CHANGE OF USE OF LEN HOUSE TO PROVIDE 3,612 SQM (GIA) FLEXIBLE COMMERCIAL FLOORSPACE (A1/A2/A3/A4/A5/B1A/D1/D2) AT GROUND FLOOR, 18 NO. RESIDENTIAL APARTMENTS (C3) AT FIRST FLOOR LEVEL, TOGETHER WITH ANCILLARY

CAR PARKING. (II) ERECTION OF PART REAR FIRST FLOOR AND TWO STOREY ROOF EXTENSION TO PROVIDE 62 NO. NEW RESIDENTIAL APARTMENTS, WITH ROOFTOP AMENITY SPACE. (III) CONSTRUCTION OF TWO NEW BUILDINGS OF UP TO 5-STOREYS TO PROVIDE 79 NO. RESIDENTIAL APARTMENTS (C3) WITH AMENITY SPACE. (IV) PROVISION OF ASSOCIATED CAR PARKING, OPEN SPACE, EARTHWORKS INCLUDING DEMOLITION OF HARDSTANDING AND STRUCTURES, AND NEW BOARDWALK TO NORTH SIDE, AND RE-UTILISATION OF EXISTING VEHICULAR ACCESS POINTS FROM MILL STREET AND PALACE AVENUE

20/501030/LBC - LISTED BUILDING CONSENT FOR RESTORATION OF LEN HOUSE AND ASSOCIATED NEW BUILD WORKS TO PROVIDE A MIXED-USE DEVELOPMENT COMPRISING: (I) RETENTION WITH ALTERATIONS AND CHANGE OF USE OF LEN HOUSE TO PROVIDE 3,612 SQM (GIA) FLEXIBLE COMMERCIAL FLOORSPACE (A1/A2/A3/A4/A5/B1A/D1/D2) AT GROUND FLOOR, 18 NO. RESIDENTIAL APARTMENTS (C3) AT FIRST FLOOR LEVEL, TOGETHER WITH ANCILLARY CAR PARKING. (II) ERECTION OF PART REAR FIRST FLOOR AND TWO STOREY ROOF EXTENSION TO PROVIDE 62 NO. NEW RESIDENTIAL APARTMENTS, WITH ROOFTOP AMENITY SPACE. (III) NEW BOARDWALK TO NORTH SIDE

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

In presenting the applications, the Major Projects Manager advised the Committee that:

- With regard to application 20/501029/FULL, he wished to add two standard conditions (Time Limit and List of Approved Plans).
- He was seeking delegated powers to amend conditions 6 and 26 which referred to the uses that will be permitted in the commercial space to reflect changes to the Use Classes Order announced by the Government. This would also necessitate changes to the descriptions of applications 20/501029/FULL and 20/501030/LBC.
- With regard to the relationship of the development to the surrounding food and drink and entertainment venues, there was a planning principle known as the "Agent of Change" where, as established in the NPPF, the Planning Authority had to consider when introducing residential uses to commercial neighbours the potential to adequately mitigate the impact of those commercial uses in terms of potential noise and activity.
- The neighbouring operators had raised a number of concerns regarding the potential for objections from new residents within the development itself about noise and the impact that might have on their operating licences, opening hours and viability of their businesses.

- The Officers considered these uses to make an important contribution to the town centre economy and did not wish to see an adverse impact on their future trading.
- Members had asked for clarification in terms of when the noise surveys had been carried out because most of the businesses had been in lockdown for much of the first half of the year.
- Noise surveys were carried out in December 2019 in the two weeks running up to Christmas. Whilst that had been a busy time for these establishments, a number of operators had emphasised that their open terraces were not necessarily open at that time of year but it was known that others were.
- The Officers considered that having regard to the noise modelling that had been submitted to date, it would be possible to remodel the impact of the non-open uses using the data available from those that were open or alternatively as part of submissions pursuant to the condition, the Council could ask for further surveys to be carried out as part of the mitigation scheme because the venues were now open.
- The Officers were recommending a pre-commencement condition that required a mitigation scheme which had to have regard to the late night entertainment venues and the condition would have to be discharged prior to works commencing. The condition required that the works are completed before the units are occupied and that the sound attenuation is retained in perpetuity.

The Chairman read out a statement which had been submitted by Mr Wilson on behalf of Amelia Estates Ltd and Fusion Dining, the operators of The Brenchley/Harry's Bar and Madisons respectively, who objected to application 20/501029/FULL.

In the absence of a representative of a residents' association/amenity group, the Chairman also read out a statement which had been submitted by Mr Baker on behalf of local residents who objected to application 20/501029/FULL.

Mr Brett-Chaponnel addressed the Committee by video link on behalf of the applicant.

### **Application 20/501029/FULL**

**RESOLVED:** That subject to:

- A. The applicant entering into a S106 unilateral undertaking in such terms as the Head of Legal Partnership may advise to secure (i) the transfer of the section of the culverted River Len to the Council in order for it to progress a daylighting scheme for the River and (ii) a contribution of £80,000 towards the cost of the implementation of the scheme; AND

- B. The conditions set out in the report, as amended/added to by the Major Projects Manager in his presentation, with:

The amendment of original condition 27 (Boardwalk) to reflect Members' concerns regarding the balustrade (design and materials including the floating element), lighting, ecological impact and uses;

An additional condition requiring the submission of details of how matters such as litter and disturbance in relation to the Mill Pond will be managed;

The amendment of original condition 29 (Lighting Strategy) to include reference to the "daylighted" section of the River Len;

The amendment of original condition 15 (EV Charging) to set the minimum percentage of electric vehicle charging points at a high level;

The amendment of original condition 6 (Commercial Uses) to reflect the type of food and drink uses that the Council would not consider appropriate;

The amendment of original conditions 18 and 19 (Landscape Planting Schemes) to clarify that the landscape schemes shall comprise native species; and

The amendment of original condition 21 (Ecological Enhancements) to reflect Members' concerns regarding the need for additional aquatic planting,

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 in line with the matters set out in the recommendation and as resolved by the Planning Committee and to finalise the wording of the amended and additional conditions in consultation with Councillors English and Harwood and amend any other conditions as a consequence.

Voting:        13 – For        0 – Against        0 – Abstentions

### **Application 20/501030/LBC**

#### **RESOLVED:**

1. That Listed Building Consent be granted subject to the conditions set out in the report with the amendment of condition 8 (Historic Archive) to clarify that English Heritage is now known as Historic England and to require a photographic record to be kept of the works during the restoration process.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended condition.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor Chappell-Tay did not participate in the voting on this item due to connectivity issues.

320. 20/501750/FULL - ERECTION OF DETACHED DWELLING - LAND REAR OF 13 MANOR CLOSE, BEARSTED, MAIDSTONE, KENT

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

The Chairman read out a statement which had been submitted by Mr Pagett (on behalf of objectors). Mr Street (agent for the applicant) addressed the meeting by video link.

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 single width driveway squeezed into the proposed development and extending tightly along a significant proportion of the boundaries with the adjoining properties, together with the proposed parking and turning area for the new dwelling, do not respect the privacy and amenity of the rear gardens of the adjacent properties and will create unacceptable levels of noise and disturbance and loss of privacy severely detrimental to their residential amenities contrary to Local Plan policies DM1(iv), DM9 1(iii) and DM11(ii, iii and iv) and may lead to issues of pedestrian safety when accessing or servicing the new dwelling contrary to Local Plan policies DM1(ix) and DM11; whilst additional tandem development will lead to a substantial and harmful change in the nature and character of the surrounding area, contrary to Local Plan policies DM1(ii) and DM11(i).

**RESOLVED:** That permission be refused for the following reason:

The single width driveway squeezed into the proposed development and extending tightly along a significant proportion of the boundaries with the adjoining properties, together with the proposed parking and turning area for the new dwelling, do not respect the privacy and amenity of the rear gardens of the adjacent properties and will create unacceptable levels of noise and disturbance and loss of privacy severely detrimental to their residential amenities contrary to Local Plan policies DM1(iv), DM9 1(iii) and DM11(ii, iii and iv) and may lead to issues of pedestrian safety when accessing or servicing the new dwelling contrary to Local Plan policies DM1(ix) and DM11; whilst additional tandem development will lead to a substantial and harmful change in the nature and character of the surrounding area, contrary to Local Plan policies DM1(ii) and DM11(i).

Voting: 13 – For 0 – Against 0 – Abstentions

321. 19/504403/FULL - PART RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM HORTICULTURE/NURSERY TO LEISURE/RECREATION FOR STATIONING OF MOBILE SHEPHERDS' HUTS AS SHORT STAY TOURIST

ACCOMMODATION AND ANCILLARY WORKS - LAND AT TEISESIDE  
NURSERIES, LEES ROAD, LADDINGFORD, MAIDSTONE, KENT

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

In presenting the application, the Development Manager advised the Committee that he wished to amend the first line of recommended condition 1 (Dimensions, Design and Colour of the Shepherds' Huts) to read:

No more than 3 *and only* Shepherds' Huts within the dimensions, design and colour as set out...

Councillor Brown of Yalding Parish Council addressed the Committee by video link.

The Chairman read out a statement on behalf of Mr and Mrs Edmonds, the applicants.

**RESOLVED:**

1. That permission be granted subject to the conditions and informatives set out in the report, as amended by the Development Manager in his presentation at the meeting, with the following additional changes:

The amendment of the first sentence of condition 2 (Holiday Occupancy) to read:

*The Shepherds' Huts shall be occupied for bona fide holiday purposes only between the months of 1 April to 30 September in any year and no such accommodation shall be occupied as a person's sole or main place of residence.*

The deletion of the following words from condition 3 (Cessation of Use):

*and the land shall be restored to its condition before the development took place;*

The amendment of condition 6 (Biodiversity Enhancements) to require the provision of Bug Hotels within the site;

The amendment of condition 8 (Landscaping) to require as section f) details of a contiguous landscaped edge along the entire western edge of the application site;

The amendment of the first sentence of the third bullet point of condition 10 (Flood Risk Mitigation) to read:

*Occupation of the Shepherds' Huts for tourism related purposes shall only occur during the months 1 April to 30 September in any year.*

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended conditions and to amend any other conditions as a consequence.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor Wilby left the meeting during consideration of this application (8.20 p.m.).

322. 20/502286/FULL - EXTERNAL ALTERATIONS TO THE EXISTING LOCKMEADOW LEISURE CENTRE, INCLUDING REMOVAL OF GATED CAR PARK ENTRANCE, CLADDING OF EXISTING CIRCULAR COLUMNS IN PPC ALUMINIUM RECTANGULAR SECTIONS, RE-PAINTING OF EXISTING GUTTERING AND HIGH LEVEL FASCIAS, REPLACEMENT OF LOW LEVEL RAILINGS WITH FLAT BAR SECTIONS, AND REMOVAL OF EXISTING SOUTHERN CATTLE MARKET STRUCTURE AND CAR PARK RAILINGS - LOCKMEADOW LEISURE COMPLEX, BARKER ROAD, MAIDSTONE, KENT

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

**RESOLVED:**

1. That permission be granted subject to the conditions and informative set out in the report with additional informatives (a) advising the applicant that the ability to have a secure gating mechanism at the entrance to the car park should be retained and (b) encouraging the applicant to pursue a strategy for the installation of electric vehicle charging points at the site.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional informatives.

Voting: 12 – For 0 – Against 0 – Abstentions

**FURTHER RESOLVED:** That a reference be sent to the Biodiversity and Climate Change Working Group asking it to ensure that the renovation of the Lockmeadow entertainment complex is exemplar in terms of environmental sustainability with consideration being given to not just the installation of electric vehicle charging points but also additional native tree planting along the riverside and potentially the retro-fitting of the building with, for example, an air source heat pump.

323. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of an appeal decision received since the last meeting.



The Development Manager took the opportunity to update the Committee on a High Court judgement following a Judicial Review of its decision to grant planning permission for the change of use of land at Oakhurst, Stilebridge Lane, Marden for the stationing of 18 holiday caravans with associated works, including hardstanding and a bin store.

It was noted that:

- The Judge had concluded that the decision must be quashed because the Committee had erred in law by failing to consider the design of the proposed holiday caravans, following the advice in the Officer's report. The Judge also confirmed that design matters could not be left for consideration under the caravan licensing regime, as there were no powers within this legislation for design to be considered. Despite the application being for change of use, the design of the units should have been given due consideration.
- A copy of the judgement would be circulated to all Members and Substitute Members of the Committee. The application would be reported back to the Committee for redetermination in due course.

**RESOLVED:** That the report be noted.

324. DURATION OF MEETING

6.00 p.m. to 8.55 p.m.