

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 1 OCTOBER 2015

Present: Councillor English (Chairman) and
Councillors Ash, Butler, Chittenden, Cox, Harper,
Harwood, Munford, Paine, Paterson, Perry, Round and
Mrs Stockell

Also Present: Councillor Sargeant

144. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Clark and Hemsley.

145. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Hemsley
Councillor Chittenden for Councillor Clark

146. NOTIFICATION OF VISITING MEMBERS

Councillor Sargeant attended the meeting as an observer.

147. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor Harper be elected as Vice-Chairman of the Committee for the remainder of the Municipal Year 2015/16.

148. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

149. URGENT ITEMS

The Chairman stated that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item as it contained further information relating to the applications and other matters to be considered at the meeting.

150. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 15/501342, Councillor Round said that he lived 100

yards from the application site, and would speak but not vote when the proposed development was discussed.

Councillor Ash stated that he knew Mr Norton who had registered to speak on application 15/501342 on behalf of the applicant. Councillor Ash said that he had been lobbied by Mr Norton, and he had listened, but he had not commented. He had not pre-determined the application, and intended to speak and vote when the proposed development was discussed.

151. EXEMPT ITEMS

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

152. MINUTES OF THE MEETING HELD ON 10 SEPTEMBER 2015

RESOLVED: That the Minutes of the meeting held on 10 September 2015 be approved as a correct record and signed.

153. APPOINTMENT OF CONSERVATIVE GROUP POLITICAL GROUP SPOKESPERSON

RESOLVED: That Councillor Ash be appointed as the Conservative Group Political Group Spokesperson for the remainder of the Municipal Year 2015/16.

154. PRESENTATION OF PETITIONS

There were no petitions.

155. DEFERRED ITEMS

1. 13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT

The Development Manager advised Members that he hoped to be in a position to report this application back to the Committee very soon.

2. 14/503960 - OUTLINE APPLICATION FOR 13 NO. DWELLING HOUSES WITH ASSOCIATED AMENITY SPACE, SHARED ACCESS ROAD AND NEW FOOTWAY WITH ACCESS, APPEARANCE, LAYOUT AND SCALE TO BE CONSIDERED AT THIS STAGE WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND EAST OF THATCH BARN ROAD AND SOUTH OF LENHAM ROAD, HEADCORN, KENT

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

3. 14/503957 - APPLICATION FOR PERMANENT CHANGE OF USE TO A FREE SCHOOL (CLASS D1) - GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT

In response to concerns expressed by Members about the lack of progress being made in relation to this application, the Development Manager advised the Committee that he would be meeting with the applicants the following week. He needed a final decision from the Local Education Authority and the Free School in terms of certain principles, but he hoped to be in a position to report the application back to the Committee on 22 October 2015 or 12 November 2015 for determination.

4. 14/506419 – ERECTION OF 35 RESIDENTIAL DWELLINGS, TOGETHER WITH ASSOCIATED HIGHWAY WORKS AND LANDSCAPING PROVISION – BELL FARM, NORTH STREET, BARMING, KENT

The Development Manager advised the Committee that a meeting had been held with the applicants and they had indicated that they were not prepared to undertake the changes suggested by Members. The application would be reported back to the Committee on 22 October 2015 for determination. A technical note had been received from the applicant's consultant engineer regarding some of the issues, for example, SUDS, and details would be incorporated in the report to Committee.

RESOLVED: That the report be noted.

156. 13/2008 - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED, APART FROM MEANS OF ACCESS, FOR A MIXED USE DEVELOPMENT FOR 2.04 HA. (5.04 ACRES) RESIDENTIAL DEVELOPMENT INCLUDING 30% AFFORDABLE HOUSING AND 0.6 HA (1.5 ACRES) OPEN SPACE/COMMUNITY FACILITIES - LINDEN FARM, STOCKETT LANE, EAST FARLEIGH, MAIDSTONE, KENT

All Members except Councillors Butler and Paterson stated that they had been lobbied.

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

Councillor Hughes of Coxheath Parish Council (against) and Mr Dixon, for the applicant, addressed the meeting.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- The provision of 30% affordable housing units;

- 0.6ha of on-site open space for the provision of outdoor sports facilities to be maintained in accordance with a long term management plan;
- A contribution for primary education of £119,067.60 towards the enhancement of Coxheath Primary School;
- A contribution for secondary education of £119,067.60 towards the expansion of Cornwallis School phase 2; and
- A contribution of £43,804.80 to be invested in the Stockett Lane and Orchard Surgeries in Coxheath,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional conditions set out in the urgent update report with the amendment of the ecological enhancements condition set out in the urgent update report and an additional condition and additional informatives as follows:

Ecological Enhancements Condition (amended)

Further details shall be submitted of ecological enhancement measures to provide net gains for biodiversity and the proposed development shall make provision for such measures including planting of appropriate native, local provenance species, management of hedgerows and trees for the benefit of wildlife, creation of ponds populated with native, local provenance plants, creation of hibernacula and log piles (using cordwood from the site), bird and bat boxes at suitable locations on the site and bat bricks and swift bricks incorporated in new buildings.

Reason: To protect and enhance biodiversity.

Additional Condition

No occupation of the development hereby permitted shall take place until a footpath to the west side of Stockett Lane, in front of the existing hedge, from the access point to the site to link up with the existing footpath, has been provided in full.

Reason: In the interests of pedestrian safety.

Additional Informatives

A considerate Construction Management Plan should be put in place and strictly followed.

Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to

contact the Environmental Health Manager regarding noise control requirements.

Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site outside the hours of 0800 hours and 1900 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

Voting: 8 – For 4 – Against 1 – Abstention

157. 15/501342 - OUTLINE APPLICATION FOR THE ERECTION OF 28 DWELLINGS INCLUDING AMENITY SPACE AND NATURE CONSERVATION MITIGATION CORRIDORS, APPROVAL FOR ACCESS, APPEARANCE, LAYOUT AND SCALE BEING SOUGHT WITH LANDSCAPE RESERVED FOR FUTURE CONSIDERATION. INCLUDING DEVELOPMENT AFFECTING A PUBLIC RIGHT OF WAY - LAND NORTH OF GRIGG LANE, HEADCORN, KENT

All Members except Councillors Butler, Chittenden, Cox and Paterson 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 the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- The provision of 40% affordable residential units within the application site, comprising eight affordable rent units and four shared ownership units;
- A contribution of £4,000 per applicable house (x22) = £88,000 towards the first phase of permanently expanding Headcorn Primary School;
- A Primary Land acquisition contribution of £891.69 per applicable house (x22) = £19,617.18, towards Headcorn Primary School site

expansion to accommodate the extension of the School accommodation;

- A contribution of £1,344.44 to be used to address the demand from the development towards additional book stock and services at local libraries serving the development to be supplied to Headcorn Library; and
- A contribution of £30,413.60 (£1,086.20 per dwelling) towards the improvement of open space in the vicinity of the application site,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions set out in the report and the additional conditions set out in the urgent update report.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor Round did not participate in the voting on this application.

158. 15/501877 - DEVELOPMENT OF A BLOCK OF 9 STABLES IN ONE BUILDING TOGETHER WITH SURFACING WITH ROAD STONE OF AN ESTABLISHED ACCESS TRACK, CREATION OF 9 PARKING SPACES AND ANCILLARY WORKS - STILL ACRES TOURING AND CAMPING PARK, LONGEND LANE, MARDEN, KENT

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

Mr Bolton addressed the meeting on behalf of the applicant.

RESOLVED: That subject to the applicant giving an undertaking in the form of a S106 legal agreement, in such terms as the Head of Legal Partnership may advise, not to erect the small field shelters and stables permitted under ref. MA/13/0316 dated 20/8/13 in addition to the block of 9 stables hereby permitted in order to prevent a proliferation of structures on the land and to safeguard the visual amenities of the area, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report and the following additional condition:

Prior to the first use of the building hereby permitted, a bat tube shall be installed in the eaves, the details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity.

Voting: 13 – For 0 – Against 0 – Abstentions

159. 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:

1. That the report be noted.
2. That with regard to the appeal against the Committee's decision to refuse application 14/0539 (Eastwells, Kenward Road, Yalding), the Head of Planning and Development be requested to report back to the meeting of the Committee scheduled to be held on 12 November 2015 explaining the reasons for the decision not to contest the landscape issues at the appeal hearing.

160. S106 CONTRIBUTIONS AUGUST 2015

The Committee considered the report and the urgent update report of the Head of Planning and Development setting out details of S106 agreements in respect of which the Council was holding money on behalf of infrastructure providers as at August 2015. Members drew the Officers' attention to a number of inaccuracies in the report. They also emphasised the need to establish a procedure for drawing down and spending the contributions for public open space and recreation (and maintenance).

RESOLVED:

1. That the Head of Planning and Development be requested to:

Review all S106 legal agreements on the database and the applications to which they relate and then update/correct the schedule of contributions held by the Council on behalf of infrastructure providers (this exercise to be undertaken as part of the transfer of information to the new system for reporting on S106 agreements); and

Send the revised schedule to the Political Group Spokespersons to enable them to check the information with Members of their respective Political Groups and report back to the Officers with any issues and concerns.
2. That the Political Group Spokespersons be requested to consider the arrangements for drawing down and spending the contributions allocated for public open space and recreation (and maintenance) when the schedule is finalised, including the organisation of meetings with Ward Members and the appropriate Officers.
3. That the quarterly reports on S106 contributions be suspended until the exercise set out in paragraph 1 above has been completed.

161. CHAIRMAN'S ANNOUNCEMENTS

The Chairman raised the issue of active frontages particularly in rural and rural edge areas. During the ensuing discussion, reference was made to the urbanising effect of active frontages in these areas and also to the highway safety issues.

It was suggested that the issue be referred to the Strategic Planning, Sustainability and Transport Committee for consideration as to what if any policy initiatives are required.

RESOLVED: That the issue of active frontages particularly in rural and rural edge areas be referred to the Strategic Planning, Sustainability and Transport Committee for consideration as to what if any policy initiatives are required.

Voting: 13 – For 0 – Against 0 - Abstentions

162. DURATION OF MEETING

6.00 p.m. to 8.15 p.m.