

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 28 APRIL 2016

Present: **Councillor English (Chairman) and Councillors Ash, Clark, Cox, Harper, Harwood, Hemsley, Munford, Paterson, Perry, Mrs Stockell and Thick**

Also Present: **Councillors Cuming, Ells and J Sams**

364. RECORDING OF MEETING

Mr Mark Rowe, a resident of Bearsted, indicated that he would be recording the meeting.

365. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Paine and Round.

366. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Thick was substituting for Councillor Round.

367. NOTIFICATION OF VISITING MEMBERS

Councillor Cuming indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 14/506738 and 15/504667.

Councillor J Sams indicated her wish to speak on the reports of the Head of Planning and Development relating to applications 14/505125 and 15/510628.

Councillor Ells attended the meeting as an observer.

368. ITEMS WITHDRAWN FROM THE AGENDA

It was noted that due to the number of items on the agenda, the Chairman, in consultation with the Development Manager, had agreed that the following application be rolled over to the next meeting of the Committee scheduled to be held on 2 June 2016:

15/509275 - Outline application with access matters reserved for proposed residential development following demolition of existing buildings with replacement storage building - Land south west to The Gables, Marden Road, Staplehurst, Kent.

Later, during the meeting, following consideration of applications 11/0511 and 11/0512 relating to Wierton Place, Wierton Road, Boughton Monchelsea, Maidstone, Kent, the Chairman announced that due to the limited time available, the following application would be rolled over to the next meeting of the Committee scheduled to be held on 2 June 2016:

15/508298 - Outline application with all matters reserved for the construction of 5no. dwellings with associated parking, access and landscaping works on the land to the south of Shangri-La, Horseshoes Lane, Langley, Maidstone, Kent.

369. 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.

370. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Ash stated that he was a Member of Bearsted Parish Council, but he had not participated in the Parish Council's discussions relating to applications 14/506738 and 15/504667, and intended to speak and vote when they were considered.

371. EXEMPT ITEMS

RESOLVED: That the exempt Appendices to the reports of the Head of Planning and Development relating to applications 11/0511, 11/0512 and 15/505441 be considered in public, but the information contained therein should remain private.

372. MINUTES OF THE MEETING HELD ON 7 APRIL 2016

RESOLVED: That the Minutes of the meeting held on 7 April 2016 be approved as a correct record and signed.

373. PRESENTATION OF PETITIONS

There were no petitions.

374. DEFERRED ITEMS

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

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

14/0668 – RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL INVOLVING THE STATIONING OF ONE MOBILE HOME AND THE LAYING OF HARD SURFACING - OAKLANDS, GRAVELLY BOTTOM ROAD, KINGSWOOD, MAIDSTONE, KENT

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

15/505411 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 108 DWELLINGS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION EXCEPT FOR MEANS OF ACCESS (FROM STRAW MILL HILL) TO BE DETERMINED AT THIS STAGE - TOVIL QUARRY SITE, STRAW MILL HILL, TOVIL, KENT

See Minute 375 below.

14/505125 – PROPOSED NEW DETACHED BUILDING TO ACCOMMODATE THREE AIR CONDITION UNITS - LENHAM IRONMONGERS LTD, 8 FAVERSHAM ROAD, LENHAM, KENT

See Minute 380 below.

375. 15/505441 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 108 DWELLINGS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION EXCEPT FOR THE MEANS OF ACCESS (FROM STRAW MILL HILL) TO BE DETERMINED AT THIS STAGE - TOVIL QUARRY SITE, STRAW MILL HILL, TOVIL, KENT

The Committee considered the report of the Head of Planning and Development, having regard also to the information contained in the exempt Appendix to the report. The Development Manager advised the Committee that he wished to amend the third line of the first paragraph of condition 1 by the insertion of a full stop after the word "Landscaping" and to amend the first line of condition 6 to read "No part of the development shall be occupied until details of the proposed **external** lighting".

RESOLVED: That outline permission be granted subject to the conditions and informatives set out in the report as amended by the Development Manager orally at the meeting.

Voting: 11 – For 1 – Against 0 - Abstentions

376. 15/510461 - MINOR MATERIAL AMENDMENT TO APPLICATION 14/503167/FULL FOR RESIDENTIAL DEVELOPMENT FOR 36 UNITS AND RE-ALIGNMENT OF CRIPPLE STREET - WITH AMENDMENT TO PROPOSED PLANS - LAND AT CRIPPLE STREET, CRIPPLE STREET, MAIDSTONE, KENT

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 Deed of Variation and Supplemental Deed linking this application to the previously agreed and signed S106 agreement in order to secure the agreed contributions/obligations, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report as amended by the urgent update report.

Voting: 11 – For 1 – Against 0 – Abstentions

377. 15/509907 - OUTLINE APPLICATION FOR THE ERECTION OF 8 DWELLINGS (ACCESS AND LAYOUT BEING SOUGHT) - LAND SOUTH OF SUNNY BRAE, HUBBARDS LANE, BOUGHTON MONCHELSEA, KENT

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

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

Voting: 11 – For 0 – Against 1 – Abstention

378. 15/504667 - LISTED BUILDING CONSENT FOR ALTERATIONS TO BOUNDARY WALL TO FACILITATE IMPROVED ACCESS - BARTY HOUSE NURSING HOME, ROUNDWELL, BEARSTED, 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.

Mr Spooner of the Bearsted and Thurnham Society (an objector), Mrs Scott, for the applicant, and Councillor Cuming (Visiting Member) addressed the meeting on this application and associated application 14/506738.

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 proposed development would cause harm to the setting of the Grade II listed Barty Nursing Home and to the fabric of the curtilage wall. Notwithstanding the lack of a 5 year housing land supply, it was considered that the benefits of the development were not sufficient to overcome the harm identified.

RESOLVED: That permission be refused for the following reason:

The proposed development would cause harm to the setting of the Grade II listed Barty Nursing Home and to the fabric of the curtilage wall. Notwithstanding the lack of a 5 year housing land supply, it is considered that the benefits of the development are not sufficient to overcome the harm identified.

Voting: 6 – For 4 – Against 2 - Abstentions

379. 14/506738 - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 100 DWELLINGS - RESERVED MATTERS FOR WHICH APPROVAL IS BEING SOUGHT: ACCESS, INCLUDING ACCESS WIDENING COMPRISING RELOCATION OF WALL FORMING PART OF OUTER CURTILAGE OF BARTY NURSING HOME (GRADE II LISTED) - LAND AT BARTY FARM, ROUNDWELL, BEARSTED, 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.

Mr Spooner of the Bearsted and Thurnham Society (an objector), Mrs Scott, for the applicant, and Councillor Cuming (Visiting Member) addressed the meeting on this application and associated listed building application 15/504667.

Councillor Stark of Thurnham Parish Council addressed the meeting objecting to this application.

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 residential units within the application site, 60% rental and 40% shared ownership;

A healthcare contribution of £808.20 per dwelling to be invested in Bearsted Medical Practice which is located within one mile of the proposed development;

A primary education contribution of £2,360.96 per applicable dwelling towards the South Borough Primary School permanent expansion to 2FE;

A secondary education contribution of £2,359.80 per applicable dwelling towards the second phase of expansion of Maplesden Noakes Secondary School;

A contribution of £31.75 per dwelling for community learning to be used to address the demand from the development for the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development; the identified project in this instance being the supply of new IT equipment to St Faiths Adult Education Centre in Maidstone;

A contribution of £31.78 per dwelling to be used to address the demand from the development for youth services locally; the identified project in this instance being the provision of new furniture for InFoZoNe Youth Centre;

A contribution of £127.09 per dwelling to be used to address the demand from the development for additional book stock and services at local libraries serving the development; the identified project in this instance being the supply of additional book stock and moveable shelving to Bearsted Library;

A contribution of £53.88 per dwelling to be used to address the demand from the development for the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access; the project in this instance being enhancements to the Dorothy Goodman Centre (Age UK) at Madginford;

A contribution of up to £15,000 for improvements at Bearsted railway station to promote sustainable access, the amount to be finalised by the Head of Planning and Development acting under delegated powers;

A contribution towards the upgrading of PRow KH127 to Church Lane, the amount to be finalised by the Head of Planning and Development acting under delegated powers following discussions with KCC PRow and the applicant;

A contribution towards the extension of the Arriva bus service into the development site, the amount to be finalised by the Head of Planning and Development acting under delegated powers following discussions with Arriva and the applicant; and

The inclusion of a LEMP together with the provision and on-going management on land north of the application site within the ownership of the applicant,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions set out in the report, as amended by the urgent update reports, and the additional conditions and informatives set out in the urgent update reports with the amendment of condition 7 as follows:

- (a) Prior to any dwelling hereby permitted being constructed to slab level, a landscape scheme which provides 1.05 hectares of useable open space within the site and designed in accordance with the principles of the Council's adopted landscape character guidance, shall be submitted to and approved in writing by the Local Planning Authority.
- (b) The scheme shall show all new and existing trees, hedgerows and landscaping and indicate (in respect of the existing) whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall provide landscape buffer zones of no less area than shown in the illustrative site layout on drawing no. 2527-21 and specifically address the need to provide:

- Reinforced and new tree belt along the southern boundary of the site.
- New hedgerow and tree planting along the northern (M20 motorway) boundary.
- Tree and hedge planting throughout the site.
- Area of semi-natural open space along the southern boundary.
- Swales and balancing ponds.
- Reinforced tree and hedgerow planting along the eastern and western boundaries.
- Naturalistic boundary along Water Lane.
- Area of useable open space within the site.

(c) The approved scheme shall be fully implemented prior to occupation of the 50th dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

Voting: 7 – For 5 – Against 0 - Abstentions

Councillor Thick left the meeting after consideration of this application.

380. 14/505125 - PROPOSED NEW DETACHED BUILDING TO ACCOMMODATE REFRIGERATION CONDENSER UNIT - LENHAM IRONMONGERS LTD, 8 FAVERSHAM ROAD, LENHAM, KENT

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

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

Mr King, an objector, Councillor Cockett of Lenham Parish Council (against), Mr Homes, for the applicant, and Councillor J Sams (Visiting Member) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with amended/additional conditions requiring that the noise level from the plant and equipment shall at no stage during the period from commencement of operation of the plant and equipment to the date of the written approval of the acoustic assessment report pursuant to condition four exceed 30dB; this being to protect the residential amenity of neighbouring occupiers during the initial three month period.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended/additional conditions in consultation with Ward Members.

Voting: 11 – For 0 – Against 0 – Abstentions

381. 11/0511 - CHANGE OF USE OF EXISTING NIGHTCLUB AND APARTMENTS TO 1 DWELLING AND 6 APARTMENTS, INCLUDING EXTENSIONS; CONVERSION OF THE EXISTING BALL ROOM TO 2 DWELLINGS, INCLUDING EXTENSIONS; DEMOLITION OF EXISTING GARAGE BLOCK AND ERECTION OF 4 TERRACED PROPERTIES; CONVERSION OF EXISTING GLASSHOUSES TO 4 DWELLINGS, INCLUDING EXTENSIONS; AND THE ERECTION OF 5 DETACHED DWELLINGS TO THE NORTH AND SOUTH OF THE ACCESS TRACK, TOGETHER WITH ASSOCIATED ACCESS AND LANDSCAPE WORKS - WIERTON PLACE, WIERTON ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

All Members except Councillors Perry and Mrs Stockell stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development, having regard also to the information contained in the exempt Appendix to the report.

Mr Prebble, for objectors, Councillor Gershon of Boughton Monchelsea Parish Council (against) and Mr Hollaway, for the applicant, addressed the meeting on this application and related listed building application 11/0512.

RESOLVED:

1. 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:
 - 1) The development is to be dealt with in phases and the Owner agrees that occupation of the respective dwellings can only take place once the works on that phase have been completed in accordance with the planning permission and the works carried out in accordance with the schedules of works set out in the Valuation Report and Appraisal for Enabling Development (dated 25.06.2014) in respect of the greenhouse/glasshouses and the main House to the satisfaction of the Council.
 - 2) Phase 1 must be completed before any occupation of the new dwellings.
 - 3) Phase 3 must be completed before any occupation of any dwellings included in Phases 4 or 5.

- 4) For the avoidance of doubt all Phases can be developed contemporaneously but occupation of the respective dwellings may only occur in accordance with the above.
- 5) The Phases are as follows:

Phase 1

Demolition of out buildings currently used for industrial works and construction of the new greenhouse homes to the north of the greenhouse. Restoration of the greenhouse and garden wall. No occupation of units 10-13 inclusive until such time as the repair works have been completed.

Phase 2

Demolition of the garage and bungalow, and replacement with new-build terraced block consisting of four houses. No occupation of units 16-19 inclusive until such time as the works in Phase 1 have been completed.

Phase 3

Restoration and repair of the main House and adjoining additions. Units 3-9 inclusive. No occupation of the House and adjoining additions until these repair works have been completed.

For clarification until the works on Phase 3 are completed none of these obligations will prevent the occupation of the existing main House and flats in the extension to the House.

Phase 4

Conversion of the ballroom to two houses. Units 1-2 inclusive. No occupation until Phase 1 and Phase 3 works have been completed.

Phase 5

The enabling development of five houses Units 20-24 inclusive. No occupation until Phases 1, 2, 3 and 4 have been completed.

- 6) The Second Schedule shall set out a full method statement for the repair and restoration for the glasshouses.
- 7) The Third Schedule shall set out a full method statement for the repair and restoration of the main House.
- 8) A management plan should be set out to ensure the long term maintenance and repair of the communal areas of the listed buildings and gardens at Wierton Place.

- 9) The applicant shall enter into a Bond to ensure that the above repair and restoration works to all the listed buildings on the site are delivered.

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report as amended by the urgent update report.

2. That the details to be submitted pursuant to condition 12 (landscaping) must be reported to the Planning Committee for consideration with particular reference to the layout and species list.

Voting: 9 – For 2 – Against 0 – Abstentions

Councillor Munford requested that his dissent be recorded.

382. 11/0512 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS AND EXTENSIONS TO FACILITATE THE CHANGE OF USE OF EXISTING NIGHTCLUB AND APARTMENTS TO 1 DWELLING AND 6 APARTMENTS, INCLUDING EXTENSIONS AND INTERNAL WORKS; CONVERSION, EXTENSION AND DEMOLITION OF THE EXISTING BALL ROOM TO 2 DWELLINGS; DEMOLITION OF EXISTING GARAGE BLOCK AND ERECTION OF 4 TERRACED PROPERTIES, INCLUDING GLAZED LINK TO ICE HOUSE; CONVERSION AND EXTENSION OF EXISTING GLASSHOUSES TO 4 DWELLINGS - WIERTON PLACE, WIERTON ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

All Members except Councillors Perry and Mrs Stockell stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development, having regard also to the information contained in the exempt Appendix to the report.

Mr Prebble, for objectors, Councillor Gershon of Boughton Monchelsea Parish Council (against) and Mr Hollaway, for the applicant, addressed the meeting on this application and related application 11/0511.

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:

- 1) The development is to be dealt with in phases and the Owner agrees that occupation of the respective dwellings can only take place once the works on that phase have been completed in accordance with the planning permission and the works carried out in accordance with the schedules of works set out in the Valuation Report and Appraisal for Enabling Development (dated 25.06.2014) in respect of the greenhouse/glasshouses and the main House to the satisfaction of the Council.

- 2) Phase 1 must be completed before any occupation of the new dwellings.
- 3) Phase 3 must be completed before any occupation of any dwellings included in Phases 4 or 5.
- 4) For the avoidance of doubt all Phases can be developed contemporaneously but occupation of the respective dwellings may only occur in accordance with the above.
- 5) The Phases are as follows:

Phase 1

Demolition of out buildings currently used for industrial works and construction of the new greenhouse homes to the north of the greenhouse. Restoration of the greenhouse and garden wall. No occupation of units 10-13 inclusive until such time as the repair works have been completed.

Phase 2

Demolition of the garage and bungalow, and replacement with new-build terraced block consisting of four houses. No occupation of units 16-19 inclusive until such time as the works in Phase 1 have been completed.

Phase 3

Restoration and repair of the main House and adjoining additions. Units 3-9 inclusive. No occupation of the House and adjoining additions until these repair works have been completed.

For clarification until the works on Phase 3 are completed none of these obligations will prevent the occupation of the existing main House and flats in the extension to the House.

Phase 4

Conversion of the ballroom to two houses. Units 1-2 inclusive. No occupation until Phase 1 and Phase 3 works have been completed.

Phase 5

The enabling development of five houses Units 20-24 inclusive. No occupation until Phases 1, 2, 3 and 4 have been completed.

- 6) The Second Schedule shall set out a full method statement for the repair and restoration for the glasshouses.
- 7) The Third Schedule shall set out a full method statement for the repair and restoration of the main House.

- 8) A management plan should be set out to ensure the long term maintenance and repair of the communal areas of the listed buildings and gardens at Wierton Place.
- 9) The applicant shall enter into a Bond to ensure that the above repair and restoration works to all the listed buildings on the site are delivered.

the Head of Planning and Development be given delegated powers to grant listed building consent subject to the conditions and informative set out in the report as amended by the urgent update report.

Voting: 9 – For 2 – Against 0 – Abstentions

Councillor Munford requested that his dissent be recorded.

383. 15/510628 - VARIATION OF CONDITION (06) OF PLANNING PERMISSION 14/0095 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION. FULL APPLICATION FOR A CHANGE OF USE AND CONVERSION OF OAST HOUSE TO A SINGLE DWELLING WITH GARAGING. (THE RESERVED MATTERS SUBMITTED PURSUANT TO CONDITION 1 SHALL SHOW NO MORE THAN 96 DWELLINGS AT THE SITE) - LAND AT CHURCH ROAD, HARRIETSHAM, KENT

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

Mr Chiva, an objector, Councillor Dean of Harrietsham Parish Council (against), Mr Woodhead, for the applicant, and Councillor J Sams (Visiting Member) addressed the meeting.

RESOLVED: That subject to the prior completion of a 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;

A contribution of £590.24 per applicable flat and £2,360.96 per applicable house towards the Phase 2 expansion of Harrietsham Primary School;

A contribution of £48.02 per household to be used towards the additional book stock required to mitigate the impact of the additional borrowers generated from this development;

A contribution of £8.49 per household to be used towards the provision of youth services supplied to Swadelands Youth Centre;

A contribution of £238.26 per dwelling to be used for the repair, renewal, replacement and improvement of outdoor sports facilities and equipped areas at Booth Field and Glebe Field;

A contribution of £360 per person towards the extension, refurbishment and/or upgrade of the Glebe Medical Centre (branch to Len Valley Practice) and Len Valley Practice; and

A contribution of £3,500 per residential unit towards highway improvement works to the A20 at Harrietsham,

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

Voting: 6 – For 4 – Against 1 - Abstention

384. LONG MEETING

Prior to 10.30 p.m., during consideration of the report of the Head of Planning and Development relating to application 15/510628, the Committee:

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

385. APPEAL DECISIONS

RESOLVED: That consideration of the report of the Head of Planning and Development relating to recent appeal decisions be deferred until the next meeting of the Committee scheduled to be held on 2 June 2016.

386. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that Councillors Ash and Paterson would not be seeking re-election on 5 May 2016. On behalf of the Committee, the Chairman then thanked Councillors Ash and Paterson for their services to the Council and the community over many years.

387. DURATION OF MEETING

6.00 p.m. to 10.50 p.m.