

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 17 NOVEMBER 2016

Present: Councillor English (in the Chair) and Councillors Boughton, Clark, Cox, Mrs Gooch, Harwood, Hastie, Hemsley, Powell, Prendergast and Mrs Stockell

Also Present: Councillor Pickett

211. **CHAIRMAN FOR THE MEETING**

In the absence of the Chairman (Councillor Perry), the Vice-Chairman (Councillor English) took the Chair for the meeting.

212. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from the Chairman (Councillor Perry) and Councillors Munford and Round.

213. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Mrs Gooch was substituting for Councillor Munford.

214. **NOTIFICATION OF VISITING MEMBERS**

Councillor Pickett indicated his wish to speak on the report of the Head of Planning and Development relating to application 16/506224.

215. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

216. **URGENT ITEMS**

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development and the letter dated 17 November 2016 from Gallagher Properties Ltd. regarding application 16/503863 and the content of the proposed S106 legal agreement relating to mitigation at the Mid-Kent Shopping Centre in Allington, should be taken as urgent items as they contained further information in respect of applications to be considered at the meeting.

217. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions regarding

application 16/503863, and intended to speak and vote when it was considered.

218. EXEMPT ITEMS

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

219. MINUTES OF THE MEETING HELD ON 27 OCTOBER ADJOURNED TO 3 NOVEMBER 2016

RESOLVED: That the Minutes of the meeting held on 27 October adjourned to 3 November 2016 be approved as a correct record and signed.

220. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 27 OCTOBER ADJOURNED TO 3 NOVEMBER 2016

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 Major Developments Officer advised Members that this application involved two sign boards at the school site. It appeared from correspondence between the Case Officer and the interim Chairman of the School Governors that the more contentious of the two signs should now have been temporarily removed pending possible relocation to an alternative site. The Case Officer had not as yet been to the site to check whether the sign had been removed. It was anticipated that if an alternative location for the sign was found the deferred advertisement consent application would be amended as appropriate and then, after re-consultation with the Parish Council and local residents etc., the application would be reported back to the Committee.

RESOLVED: That the position be noted.

221. PRESENTATION OF PETITIONS

It was noted that a petition might be referred to by an objector in relation to application 16/505311.

222. 16/503863 - CONSTRUCTION OF A CLASS A1 RETAIL FOODSTORE AND ASSOCIATED SERVICING, PARKING, LANDSCAPING AND ACCESS ARRANGEMENTS - PLOT 9, ECLIPSE PARK, SITTINGBOURNE ROAD, 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 together with the letter which had been received earlier during the day from Gallagher Properties Ltd.

regarding the content of the proposed S106 legal agreement relating to mitigation at the Mid-Kent Shopping Centre in Allington.

Mrs Davidson addressed the meeting on behalf of the applicant.

During the discussion on the application, it became apparent that the urgent update report circulated at the meeting was not the correct version which was published on-line and referred to by the Major Developments Officer in his presentation. However, as soon as the error came to light at the meeting, it was remedied by the Major Developments Officer.

RESOLVED:

1. 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:
 - A financial contribution of £60,000 to assess the opportunities for improving town centre public transport links to the site;
 - The provision of a Travel Plan, to include the costs associated with the monitoring thereof; and
 - The mitigation of any adverse impact that may occur on the Mid-Kent Shopping Centre in Allington should the existing Waitrose store at the Mid-Kent Shopping Centre close (the Head of Planning and Development be given delegated powers to finalise the details),

the Head of Planning and Development be given delegated powers to grant permission subject to (a) referral of the application to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 and (b) the conditions set out in the report with the amendment of conditions 5 (Landscaping) and 22 (Bus Stop Provision) and an additional condition 23 (Materials to be Used for the "Prow" Feature) as per the published urgent update as follows:

Condition 5 (amended)

The development shall not be constructed above damp proof course level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development (and long term management of the landscaping). The development shall be carried out in accordance with the approved landscaping scheme unless the Local Planning Authority gives its prior written consent to any proposed variation.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:

- a) High quality detailed and structural landscaping;
- b) Retention and enhancement of boundary vegetation unless otherwise specified (excluding the openings required for access points);
- c) Means of enclosure including the positions, design, materials and type of boundary treatment to be erected;
- d) Proposed finished levels and contours;
- e) Car parking layouts;
- f) Other vehicle and pedestrian access and circulation areas;
- g) Hard surfacing materials;
- h) Written planting specifications;
- i) Schedules of plants (noting species, plant sizes and proposed numbers/densities in all cases);
- j) Minor artefacts and structures - including street furniture, refuse or other storage units, signs, lighting etc. including their long term management and maintenance;
- k) Implementation programme setting out timing for completion of the various parts of the hard and soft landscaping works; and
- l) Tree trench detail.

The works shall be carried out strictly in accordance with the approved details prior to first occupation of the building.

Reason: To ensure a satisfactory external appearance and setting for the development.

Condition 22 (amended)

Details of bus stop provision and associated public transport improvements shall be submitted to and approved in writing by the Local Planning Authority and shall include westbound and eastbound bus stops, including passenger waiting areas and realtime information systems, on Bearsted Road, and provision for a bus stop within Eclipse Park. The resulting approved bus stop provision shall be implemented in accordance with those approved details prior to first occupation of the building.

Reason: In the interest of sustainable transport.

Additional Condition 23

Materials proposed to be used for the 'prow' feature shall be submitted to and approved in writing by the Local Planning Authority. The resulting development shall be implemented in accordance with those approved details prior to first occupation of the building.

Reason: To ensure a satisfactory external appearance.

2. That the Head of Planning and Development be given delegated powers to explore, as part of condition 5 (Landscaping), whether the TPO trees which are proposed to be removed can be transplanted.
3. That a "development monitoring committee" be established prior to the submission of the first application to discharge conditions pursuant to the decision notice to be responsible for the review of all aspects of the conditions associated with the development, with such members to include an Officer of the Borough Council, Councillors Greer, Cox, Harwood, Hemsley, and Hastie (representing Boxley, East and North Wards), a representative of Boxley Parish Council and a representative of the developers.

Voting: 10 – For 1 – Against 0 – Abstentions

223. 12/0768 - ERECTION OF A PLATFORM AND CHANGE OF USE OF LAND FOR THE SITING OF A RESIDENTIAL MOBILE HOME FOR BOAT YARD MANAGER'S ACCOMMODATION - TWYFORD BOAT YARD, HAMPSTEAD LANE, YALDING, MAIDSTONE, KENT

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

Councillor Brown of Yalding Parish Council (against) addressed the meeting.

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, by virtue of its unsustainable location, its position within the functional flood plain and the inaccessible island nature of the site during a flood event, would result in harm to the countryside and unacceptable risk to life. The harm acknowledged was not outweighed by the health and safety benefits of the proposal or the needs of the manager to live on site. The proposal therefore failed to accord with Paragraphs 55, 100 and 103 of the National Planning Policy Framework 2012 and Paragraphs 039 and 040 of National Planning Policy Guidance: Flood Risk and Coastal Change.

RESOLVED: That permission be refused for the following reason:

The proposed development, by virtue of its unsustainable location, its position within the functional flood plain and the inaccessible island nature of the site during a flood event, would result in harm to the countryside and unacceptable risk to life. The harm acknowledged is not outweighed by the health and safety benefits of the proposal or the needs of the manager to live on site. The proposal therefore fails to accord with Paragraphs 55, 100 and 103 of the National Planning Policy Framework 2012 and Paragraphs 039 and 040 of National Planning Policy Guidance: Flood Risk and Coastal Change.

Voting: 10 – For 0 – Against 1 – Abstention

224. 16/505311 - CHANGE OF USE FROM A C3 (4 BEDROOM HOUSE) TO SUI GENERIS FOR MULTIPLE OCCUPANCY OF 8 BEDROOMS, CONVERSION OF LOFT WITH THE INSERTION OF ROOFLIGHTS AND SIDE DORMER WINDOW, CONVERSION OF GARAGE TO BEDROOM WITH ALTERATIONS AND PROVISION OF ADDITIONAL PARKING - 47 FREEMAN WAY, MAIDSTONE, KENT

Councillor Powell stated that he had been lobbied.

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

Mr Duffy, for objectors, and Mr Ryan, the applicant, addressed the meeting.

RESOLVED: That consideration of this application be deferred for one cycle to enable the Officers to provide clarification on various concerns raised during the course of the discussion, including:

- Highways impact and usability of parking layout;
- Southern Water impact;
- Residential amenity of neighbours;
- Terms of the House in Multiple Occupation (HMO) licence and how the licence fits in with any planning permission;
- Site boundary;
- Disputed facts in reports in relation to Permitted Development position;
- Future residential amenity of occupiers of the HMO; and
- Status of Policy H22 of the adopted Local Plan 2000.

Voting: 11 – For 0 – Against 0 - Abstentions

225. 16/506224 - DEMOLITION OF EXISTING BUILDING WITH ERECTION OF A REPLACEMENT THREE STOREY APARTMENT BUILDING CONTAINING 8 SELF CONTAINED FLATS TOGETHER WITH ASSOCIATED LANDSCAPING AND ACCESS - 80A LONDON ROAD, MAIDSTONE, KENT

The Chairman stated that he had been lobbied.

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

Mr Hawkins, for the applicant, and Councillor Pickett (Visiting Member) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with the amendment of condition 12 (Landscaping) and additional informatives as follows:

Condition 12 (amended)

Prior to first occupation of any of the dwellings hereby approved details of landscaping (including long term management) shall be provided along the whole length of the north west site boundary and that with Sweet Briar Court, for the two landscaped areas abutting the access onto London Road and the areas of proposed ground cover planting. The details for the landscaped area abutting London Road shall include the provision of small leaf Lime trees. The approved landscaping scheme shall be carried out in the first available planting season following completion of the development. Any part of the approved landscaping scheme becoming dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.

Additional Informatives

The applicant is advised to consider the re-use of traditional vernacular materials from the demolished house in the new development to assist in assimilating the development into the streetscape and in the interests of sustainable re-use of quality materials.

The applicant is requested to consider incorporating the name "Christmas Lodge" into the future name of the development in the interests of continuity.

Voting: 11 – For 0 – Against 0 – Abstentions

226. 16/503665 - TWO STOREY SIDE AND REAR EXTENSION - 85 MURRAIN DRIVE, DOWNSWOOD, KENT

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

Councillor Greenhead of Downswood Parish Council (against) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report and the following additional condition:

Prior to the development reaching damp proof course, details of the type and location of swift bricks for incorporation into the external walls of the extension hereby permitted shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and retained at all times thereafter.

Reason: In the interests of enhancing biodiversity within the site.

Voting: 11 – For 0 – Against 0 – Abstentions

227. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

228. DURATION OF MEETING

6.30 p.m. to 9.15 p.m.