

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 31 OCTOBER 2013**

**Present:** Councillor Lusty (Chairman) and  
Councillors Ash, Chittenden, Cox, Garland, Harwood,  
Hogg, McLoughlin, Moriarty, Nelson-Gracie, Paine,  
Paterson, Mrs Robertson and J A Wilson

#### 169. APOLOGIES FOR ABSENCE

It was noted that:

- Apologies for absence had been received from Councillor Collins.
- Councillor Hogg had indicated that he would be late in arriving at the meeting.

#### 170. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Garland for Councillor Collins  
Councillor McLoughlin for Councillor Hogg until his arrival

#### 171. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

#### 172. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

#### 173. 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 to be considered at the meeting and an application considered at the last meeting.

#### 174. 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 MA/13/1163, and intended to speak and vote when it was considered.

175. EXEMPT ITEMS

**RESOLVED:** That the exempt Appendix to the urgent update report of the Head of Planning and Development relating to application MA/13/1163 be considered in public, but the information contained therein should remain private.

176. MINUTES OF THE MEETING HELD ON 10 OCTOBER 2013

**RESOLVED:** That the Minutes of the meeting held on 10 October 2013 be approved as a correct record and signed.

177. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 10 OCTOBER 2013

MINUTE 163 - MA/13/0941 - REDEVELOP REDUNDANT SITE FOR A HOUSING ASSOCIATION SUPPORTED AFFORDABLE RESIDENTIAL DEVELOPMENT SCHEME THAT COMPRISES 37 FLATS, ASSOCIATED CAR PARKING AND CYCLE STORAGE - 22 TONBRIDGE ROAD, MAIDSTONE, KENT

The Committee considered the urgent update report of the Head of Planning and Development recommending that since the Council was in the process of selling the application site and was unable to enter into a S106 legal agreement with itself, the resolution contained in Minute 163 relating to application MA/13/0941 should be amended to refer to the completion of an appropriate legal agreement obliging the purchaser to enter into a S106 agreement upon completion of the sale.

**RESOLVED:**

1. That the resolution contained in Minute 163 of the meeting held on 10 October 2013 relating to application MA/13/0941 be rescinded.
2. That subject to the prior completion of an appropriate legal agreement so as to secure the execution of a S106 legal agreement upon completion of the sale to ensure:
  - The provision of 100% affordable local needs housing (12 shared ownership and 25 rented) in accordance with the adopted Development Plan Document on Affordable Housing and subject to the Housing Association nominations process;
  - A contribution of £58,275 for Maidstone Borough Council's Parks and Leisure towards the upgrade, improvement and renewal of amenity space and play equipment within a radius of one mile of the development site; and
  - A contribution of £5,973.90 for Kent County Council to cover the additional demands placed upon community facilities, libraries and adult social services facilities within a radius of

2.5 miles of the application site as a result of this development,

the Head of Planning and Development be given delegated powers to approve application MA/13/0941 subject to the conditions and informatives set out in the report to the meeting held on 10 October 2013, as amended by the urgent update report to that meeting, and the additional condition set out in that urgent update report.

178. PRESENTATION OF PETITIONS

There were no petitions.

179. DEFERRED ITEM

MA/12/1910 - SIGN 3.2 METRES WIDE BY 3 METRES HIGH, TO BE NO MORE THAN 1.5 METRES ABOVE GROUND LEVEL AND SIGN ILLUMINATION NOT EXCEEDING 100CD/SQR METRE - PILGRIMS RETREAT, HOGBARN LANE, HARRIETSHAM, MAIDSTONE, KENT

See Minute 186 below.

180. MA/13/1163 - OUTLINE APPLICATION FOR THE DEVELOPMENT OF A MEDICAL CAMPUS COMPRISING UP TO 98,000SQM OF ADDITIONAL FLOOR SPACE (INCLUDING ADDITIONAL HOSPITAL FACILITIES, CLINICS, CONSULTATION ROOMS AND A REHABILITATION CENTRE (CLASSES C2/D1); EDUCATION AND TRAINING FACILITIES WITH RESIDENTIAL ACCOMMODATION (CLASS C2/D1); KEY WORKER ACCOMMODATION FOR NURSES AND DOCTORS (CLASS C3); PATHOLOGY LABORATORIES (CLASS B1); BUSINESS USES (CLASS B1); ANCILLARY RETAIL SERVICES (CLASS A1, A2, A3)); AND UP TO 116 CLASS C2 NEURO-REHABILITATION ACCOMMODATION UNITS; INTERNAL ROADS AND CAR PARKS, INCLUDING CAR PARK FOR RESIDENTS OF GIDDS POND COTTAGES; HARD AND SOFT LANDSCAPING INCLUDING CREATION OF NEW WOODLAND AREA WITH ACCESS FOR CONSIDERATION AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND SOUTH OF KENT INSTITUTE OF MEDICINE AND SURGERY, NEWNHAM PARK, 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.

Mr Dickmann addressed the meeting on behalf of the applicant.

**RESOLVED:** That subject to:

- A. The final details of highway mitigation and trigger points being agreed and secured by the most appropriate method through either a legal agreement or by way of a condition in conjunction with the Kent

Highway Services and the Highways Agency and the withdrawal/expiry of the Holding Direction;

**AND**

- B. The completion of further negotiations with the applicant to secure the satisfactory phasing of development to ensure the delivery of the most beneficial aspects of the proposals and this phasing being included as a clause in the legal agreement;

**AND**

- C. The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the following:
- The provision of a minimum level of medical facilities and services (including research and training) on the site for a period of five years and to ensure that insofar as the NHS may require to 'purchase' services, the applicants commit to make such provision available to the NHS to a level of at least 25%;
  - The occupation of the neuro-rehabilitation village to be restricted to those signed up to at least a minimum level care package;
  - The limitation of any residential (C3) units to those key workers directly employed in the medical services on the site;
  - A site-wide Framework Travel Plan including the minimising of car parking, together with a Travel Plan Monitoring Fee of £10,000;
  - The provision of an extension to the Sittingbourne Road Park and Ride bus service to serve the site, at a trigger point to be agreed with the Local Planning and Highway Authorities. As a minimum, the service should provide a 10-12 minute peak time and 15 minute off-peak frequency between the site and Maidstone Town Centre until 6 p.m. and an hourly frequency between 6 p.m. and 10 p.m. on Mondays to Saturdays. A minimum 30 minute frequency service should operate on Sundays;
  - The implementation, maintenance, management and monitoring of the proposed landscape and ecology mitigation and enhancement works through the Landscape and Ecology Management Plan;
  - A contribution of £20,000 for future parking controls to be implemented on the highway, should parking over spill become evident;

- Primary school contributions for the residential (C3) elements – new school build costs at £1,000 per applicable flat and £4,000 per applicable house ('applicable' means all dwellings except 1 bed of less than 56sqm GIA, and sheltered accommodation);
- Primary school contributions for the residential (C3) elements – land cost contribution of £675.41 per 'applicable' flat and £2,701.63 per 'applicable' house;
- Secondary school contributions for the residential (C3) elements – £589.95 per applicable flat and £2,359.80 per applicable house;
- Library contributions for the residential (C3) elements – £73.67 per household;
- Adult Education contributions for the residential (C3) elements – £30.70 per household;
- Youth contributions for the residential (C3) elements – £8.44 per household;
- Social Services contributions for the residential (C3) elements – £47.44 per household;
- The establishment and funding of a Monitoring Committee to review all aspects of the development; and
- The implementation of training programmes during the construction process to secure a local workforce,

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 informative set out in the urgent update report.

Voting:        7 – For        4 – Against        2 – Abstentions

Note:

Councillors Chittenden, Cox, Harwood and Paterson requested that their dissent be recorded.

Councillor Hogg entered the meeting after consideration of this application (7.10 p.m.), and Councillor McLoughlin took a seat in the public gallery.

181. MA/13/0028 - ERECTION OF ONE PAIR OF SEMI-DETACHED DWELLINGS WITH ACCESS - ALBION INN, CHURCH STREET, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

All Members except Councillors Paine 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.

Mr Coates, an objector, and Mr Gosling, for the applicant, addressed the meeting.

**RESOLVED:** That subject to further negotiations regarding the materials and architectural details, including window headers, eaves, fenestration, eaves and chimneys, and the incorporation of swift bricks and bat boxes, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report amended as appropriate following the negotiations.

Voting:        12 – For        0 – Against        1 – Abstention

182. MA/13/1435 - APPLICATION TO VARY CONDITION 4 OF MA/96/1132 TO ALLOW AN EXPANSION OF THE AREA USED FOR SITING STATIC CARAVANS AND OPERATIONAL DEVELOPMENT TO ALTER LAND LEVELS (PARTLY RETROSPECTIVE AND RE-SUBMISSION OF MA/13/0724) - PILGRIMS RETREAT, HOGBARN LANE, HARRIETSHAM, MAIDSTONE, KENT

All Members except Councillor J A Wilson stated that they had been lobbied.

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

Councillor Taylor of Harrietsham Parish Council (against) and Mr Southerton, for the applicant, addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informative set out in the report as amended by the urgent update report.

Voting:        12 – For        0 – Against        1 – Abstention

183. MA/13/1405 - CONVERSION OF REAR PART OF GARAGE AND ERECTION OF A FIRST FLOOR SIDE EXTENSION - 8 PEVEREL DRIVE, THURNHAM, MAIDSTONE, KENT

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

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

Voting:        13 – For        0 – Against        0 – Abstentions

184. MA/12/1466 - CHANGE OF USE OF EXISTING OUTBUILDING/SHED TO ANNEX ANCILLARY TO EXISTING HOUSE - BYDEWS FARM COTTAGE, FARLEIGH HILL, TOVIL, MAIDSTONE, KENT

All Members stated that they had been lobbied.

Councillor Hogg stated that since he had pre-determined this application, he would speak but not vote when it was discussed.

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

**RESOLVED:** That subject to the receipt of corrected plans, the Head of Planning and Development be given delegated powers to grant permission with the following informatives:

Please note that the use of the outbuilding remains as ancillary accommodation to the main dwelling house (Bydews Farm Cottage), and the building should only be used in that capacity. Any other use, including as an independent dwelling house, will require the benefit of planning permission.

The applicant is reminded of the need for compliance with Building Regulations.

The applicant is advised that appropriate approved connections are required to ensure adequate discharge of foul and surface water drainage.

Voting:        8 – For        3 – Against        1 – Abstention

Note: Having stated that he had pre-determined this application, Councillor Hogg did not participate in the voting.

185. MA/13/0397 - DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND REMOVAL OF EXISTING HARDSTANDING AREAS AND ERECTION OF DETACHED REPLACEMENT DWELLING WITH SEPARATE GARAGE BUILDING/WORKSHOP AND STAFF FLAT - THE WHITE COTTAGE, FLINT LANE, LENHAM, 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.

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

Voting:        13 – For        0 – Against        0 – Abstentions

186. MA/12/1910 - SIGN 3.2 METRES WIDE BY 3 METRES HIGH, TO BE NO MORE THAN 1.5 METRES ABOVE GROUND LEVEL AND SIGN

ILLUMINATION NOT EXCEEDING 100CD/SQR METRE - PILGRIMS  
RETREAT, HOGBARN LANE, HARRIETSHAM, MAIDSTONE, KENT

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

**RESOLVED:** That express consent be granted subject to the conditions set out in the report.

Voting:        13 – For        0 – Against        0 – Abstentions

187. MA/13/0432 - CHANGE OF USE OF GROUND FLOOR TO A MIXED USE OF  
A RESTAURANT AND TAKEAWAY, AND INSTALLATION OF EXTRACT FLUE -  
4 COLMAN PARADE, KING STREET, MAIDSTONE, KENT

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

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

Voting:        13 – For        0 – Against        0 – Abstentions

188. 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.

189. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:

- He wished to draw the Committee's attention to forthcoming training sessions.
- A meeting of the Chairman and the Political Group Spokespersons of the Planning Committee would be held on 28 November 2013. Attendees had been asked to submit items for inclusion on the agenda by 15 November 2013.
- He had asked that arrangements be made for a site visit to assist Members in their consideration of applications for the construction of solar farms.

190. DURATION OF MEETING

6.00 p.m. to 8.30 p.m.