MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 24 JULY 2014

Present: **Councillor English (Chairman) and Councillors Ash, Chittenden, Collins, Cox, Edwards-Daem, Mrs Gooch, Greer, Harwood, Hogg, Paine, Paterson and Mrs Stockell**

Also Present: **Councillors D Mortimer, Munford and Willis**

53. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Moriarty, Mrs Robertson and J A Wilson.

54. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Chittenden for Councillor Mrs Robertson
Councillor Mrs Gooch for Councillor Moriarty
Councillor Mrs Stockell for Councillor J A Wilson

55. NOTIFICATION OF VISITING MEMBERS

Councillors D Mortimer and Munford indicated their wish to speak on the report of the Head of Planning and Development relating to application MA/13/2197.

It was noted that Councillor Willis had indicated his wish to speak on the report of the Head of Planning and Development relating to application MA/13/1702.

56. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

57. URGENT ITEM

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.

58. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Paine stated that he was an executive member and trustee of the Kent County Association of Young Farmers' Clubs which used the working farm unit at the New Line Learning Academy site, but he had not participated in any discussions relating to application MA/13/2197, and intended to speak and vote when it was considered.

59. EXEMPT ITEMS

RESOLVED: That the exempt Appendix to the report of the Head of Planning and Development relating to application MA/14/0723 be considered in public, but the information contained therein should remain private.

60. MINUTES OF THE MEETING HELD ON 3 JULY 2014

RESOLVED: That the Minutes of the meeting held on 3 July 2014 be approved as a correct record and signed subject to the amendment of the second paragraph of Minute 42 to read:

Mrs Bates of the New Allington Action Group (against), Mr Wilkes on behalf of the St Andrews Road Residents' Association (against), Councillor **Whear** of Barming Parish Council (against) and Councillors Daley, Willis and Mrs Gooch (Visiting Members) (against) addressed the meeting.

61. PRESENTATION OF PETITIONS

It was noted that a petition objecting to the proposed development would be referred to in relation to application MA/13/2197.

62. DEFERRED ITEMS

MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE

The representative of the Head of Planning and Development reported that a meeting had been held with the applicants with a view to finding a way forward. Further information and amended details were now awaited.

MA/12/2255 – OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 53 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION – NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT

The representative of the Head of Planning and Development advised the Committee that it had not been possible to report the application back to this meeting due to the Case Officer being on holiday. The application

would be reported back to the meeting of the Committee scheduled to be held on 14 August 2014.

63. MA/13/2197 - ERECTION OF 220 (NO.) RESIDENTIAL DWELLINGS TOGETHER WITH ACCESS, PARKING, LANDSCAPING, AND ANCILLARY WORKS ON LAND AT BOUGHTON LANE, AND PROVISION OF NEW PLAYING FIELDS FOR NEW LINE LEARNING ACADEMY - LAND AT BOUGHTON LANE, MAIDSTONE, KENT

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

Mr Kinnill, an objector, Mr Carter, on behalf of the North Loose Residents' Association (against), Councillor Ellis of Boughton Monchelsea Parish Council (in support), Mrs Luscombe, for the applicant, Councillor D Mortimer (Visiting Member) (against) and Councillor Munford (Visiting Member) (in support) 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 development by virtue of the proposed access road which would bisect a designated ancient woodland and the footways within the buffer zones adjoining the ancient woodland would erode the setting of the said woodland as a landscape feature and result in the loss and deterioration of ancient woodland, where the need for and benefits of the development does not outweigh the loss contrary to advice contained within paragraph 118 of the NPPF 2012. Members also felt that the provision of 30% affordable housing did not comply with Maidstone Borough Council's Affordable Housing DPD 2006.

RESOLVED: That permission be refused for the following reasons:

1. The development by virtue of the proposed access road which would bisect a designated ancient woodland and the footways within the buffer zones adjoining the ancient woodland would erode the setting of the said woodland as a landscape feature and result in the loss and deterioration of ancient woodland, where the need for and benefits of the development does not outweigh the loss contrary to advice contained within paragraph 118 of the NPPF 2012.

2. The provision of 30% affordable housing does not comply with Maidstone Borough Council's Affordable Housing DPD 2006.

Voting: 8 – For 5 – Against 0 – Abstentions

Note: Councillors Collins, Mrs Gooch and Paine requested that their dissent be recorded.

64. MA/13/1702 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (APPROX. 250) WITH ACCESS. ALL OTHER MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) RESERVED FOR FUTURE CONSIDERATION - LAND WEST OF HERMITAGE LANE, MAIDSTONE, KENT

All Members except Councillors Ash and Edwards-Daem stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development. The representative of the Head of Planning and Development advised the Committee that he wished to amend proposed condition 9 by the deletion of the words "with managed public access" and to add a further informative to ensure that the reserved matters details do not include public access or footpaths within the ancient woodland buffer zone.

Mr Hicken, for the applicant, and Councillor Willis (Visiting Member) addressed the meeting. Mr Hicken advised the Committee that the applicant was agreeable to the buffer between the proposed development and the ancient woodland being a minimum 30 metres in depth.

RESOLVED:

1. That the Head of Planning and Development be given delegated powers to explore whether it would be appropriate for a S106 contribution to be sought for cycle lane provision.

2 That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following (amended to include a contribution for cycle lane provision if appropriate):

The provision of 40% affordable residential units within the application site;

A contribution of £4,000 per 'applicable' house and £1,000 per 'applicable flat' on the assumption that land will be transferred to Kent County Council for a nominal sum for the provision of a primary school on land to the east of Hermitage Lane. Should this not be the case, to secure an additional £2,701.63 per 'applicable' house and £675 per 'applicable' flat ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA, and sheltered accommodation) towards the provision of a new primary school in west Maidstone;

A contribution of £140.89 per dwelling to be used to address the demand from the development towards additional book stock and services at Maidstone Library;

A contribution of £47.44 per dwelling to be used to address the demand from the development towards the provision of adult social care facilities within 3 miles of the application site;

A contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult

education centres and through outreach community learning facilities within 3 miles of the application site;

A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services within 2 miles of the application site;

A contribution of £842.40 per open market dwelling towards extensions and works to Barming Surgery, Blackthorn Medical Centre, Aylesford Medical Practice and Allington Park Surgery;

A contribution of £1,737 per dwelling towards offsite highway improvement works to the A26/Fountain Lane and the A20/Coldharbour Lane junctions;

A contribution of £86 per dwelling for white lining and minor improvements to the M20 junction 5;

A contribution of £40,000 towards the provision and maintenance of open space at the old Oakwood Cemetery;

A contribution of £20,000 towards the improvement and maintenance of existing local sports facilities and pitches;

A contribution of £110,000 towards the improvement and maintenance of local equipped play areas at Barming Heath and Gatland Lane; and

The provision of a minimum of 25 on site standard allotment plots,

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 with the amendment of condition 9 and additional informatives as follows:

Condition 9 (amended)

No development shall take place until an ecological design strategy (EDS) addressing the mitigation for impacts to the ancient woodland and ecological enhancements of the site, including the provision of a minimum 30m undeveloped ancient woodland buffer and the retention of the hedgerow on the south west boundary of the site, has been submitted to, and approved in writing by, the Local Planning Authority. The EDS shall include the following:

Purpose and conservation objectives for the proposed works;
Review of site potential and constraints;
Detailed design(s) and/or working method(s) to achieve stated objectives;
Extent and location/area of proposed works on appropriate scale maps and plans;
Type and source of materials to be used e.g. native species of local provenance;

Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
Persons responsible for implementing the works;
Details of initial aftercare and long-term maintenance; and
Details for monitoring and remedial measures.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

Additional Informatives

The applicant is advised to ensure that parking space is provided within the site for all vehicles associated with the construction of the development including operatives and delivery vehicles and that no parking should take place on Hermitage Lane.

The reserved matters detail should not include public access or footpaths within the ancient woodland buffer zone.

Voting: 11 – For 0 – Against 2 – Abstentions

65. MA/14/0214 - ERECTION OF A TWO STOREY REAR EXTENSION - HIGH FARM, WEST STREET, LENHAM, MAIDSTONE, KENT

The Chairman and Councillors Chittenden, Collins, Harwood and Hogg stated that they had been lobbied.

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

Mr Willis, an objector, Councillor Gillett of Lenham Parish Council (against) and Mr Hubbard, the applicant, addressed the meeting on this and related application MA/14/0215.

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

The Conservation Officer will maintain a watching brief once work has commenced to ensure the quality of construction is maintained.

Voting: 12 – For 0 – Against 1 – Abstention

66. MA/14/0215 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR THE ERECTION OF A TWO STOREY REAR EXTENSION - HIGH FARM, WEST STREET, LENHAM, MAIDSTONE, KENT

The Chairman and Councillors Chittenden, Collins, Harwood and Hogg stated that they had been lobbied.

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

Mr Willis, an objector, Councillor Gillett of Lenham Parish Council (against) and Mr Hubbard, the applicant, had already addressed the meeting on this and related application MA/14/0214.

RESOLVED: That listed building consent be granted subject to the conditions set out in the report, as amended by the urgent update report, and the following informative:

The Conservation Officer will maintain a watching brief once work has commenced to ensure the quality of construction is maintained.

Voting: 12 – For 0 – Against 1 – Abstention

67. MA/14/0723 - TWO STOREY EXTENSION AND LOBBY TO EXISTING OAST HOUSE WITH ALTERATIONS TO SINGLE STOREY OUTBUILDINGS TO FORM EDUCATION/ACTIVITY ROOM, HOME OFFICE STORAGE AND GARAGES AND DEMOLITION OF EXISTING GARAGES - BRIDGEHURST OAST, HOWLAND ROAD, MARDEN, TONBRIDGE, 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 and informative set out in the report.

Voting: 12 – For 0 – Against 1 – Abstention

68. MA/14/0823 - AN APPLICATION FOR A SINGLE STOREY REAR ADDITION - 67 HOCKERS LANE, DETLING, 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

69. 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.

70. UPDATE ON MATTERS REFERRED TO CABINET MEMBERS

It was noted that there was nothing to report at present.

71. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that he was sorry to announce that the organisers of the Planning Summer School had taken the decision to end the annual residential event which had been particularly useful for Members and Officers over the years.

72. DURATION OF MEETING

6.00 p.m. to 9.10 p.m.