

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 28 SEPTEMBER 2017
ADJOURNED TO 5 OCTOBER 2017

Present: **Councillor English (Chairman) and Councillors Boughton, M Burton, Clark, Cox, Harwood, Munford, Powell, Prendergast, Round, Spooner, Mrs Stockell and Vizzard**

5 October
2017

Also Present: **Councillors Mrs Hinder, Springett and Willis**

214. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Hemsley.

215. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor M Burton was substituting for Councillor Hemsley.

216. NOTIFICATION OF VISITING MEMBERS

Councillors Mrs Hinder and Willis indicated their wish to speak on the report of the Head of Planning and Development relating to application 17/501471 (Land at Valley Park School, New Cut Road, Maidstone, Kent).

It was noted that Councillor Springett had indicated her wish to speak on the report of the Head of Planning and Development relating to application 17/501471 (Land at Valley Park School, New Cut Road, Maidstone, Kent).

217. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

218. 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 matters to be considered at the meeting.

219. DISCLOSURES BY MEMBERS AND OFFICERS

The Chairman (Councillor English) disclosed an Other Significant Interest in the report of the Head of Planning and Development relating to application 17/503704 (Jubilee Square, High Street, Maidstone, Kent) by

virtue of being a Director of One Maidstone, a major user of the Square. The Chairman said that he would leave the meeting whilst the application was discussed, and the Vice-Chairman would take the Chair.

220. EXEMPT ITEMS

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

221. 17/503283 - CHANGE OF USE TO ALLOW THE SITING OF A MOBILE BURGER VAN ON CAR WASH/CAR SALES FORECOURT - HARRISON CAR SALES, STATION APPROACH, HEADCORN, ASHFORD, KENT

Councillors Prendergast and Round stated that they had been lobbied.

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

Mr Norton, an objector, and Mr Smith, for the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission by five votes to four with three abstentions. In making this decision, Members felt that the proposed development would cause adverse impacts on highway and pedestrian safety and cause harm to the residential amenities of the surrounding area.

RESOLVED: That permission be refused for the following reasons:

1. The proposed development will cause adverse impacts on highway safety by virtue of potential vehicle parking along Station Approach and will result in obstructions and impacts which would compromise pedestrian safety contrary to Policy DM1(ix) of the emerging Maidstone Local Plan.
2. The proposed development by virtue of its use would cause harm to the residential amenities of the surrounding area by virtue of noise, odour and disturbance as a result of comings and goings and vehicle movements which would be contrary to Policy DM1(iv) of the emerging Maidstone Local Plan and Paragraph 17 of the National Planning Policy Framework.

FURTHER RESOLVED: That the following informative be attached to the decision:

If the applicant were minded to resubmit the application, then Members may consider a shorter temporary planning permission more appropriate in the circumstances to monitor the impacts arising from the development.

Voting: 11 – For 0 – Against 1 – Abstention

Note: Councillor Powell entered the meeting after this application had been introduced by the Principal Planning Officer (6.10 p.m.), and did not participate in the discussion or the voting.

222. 17/503704 - USE OF LAND TO ALLOW A MARKET ON JUBILEE SQUARE UP TO 120 DAYS PER YEAR - JUBILEE SQUARE, HIGH STREET, MAIDSTONE, KENT

Having disclosed an Other Significant Interest, the Chairman (Councillor English) left the meeting whilst this application was discussed. The Vice-Chairman (Councillor Round) took the Chair.

Councillor Boughton stated that he had been lobbied.

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

Mr Altuntop, an objector, addressed the meeting.

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

Voting: 9 – For 1 – Against 2 – Abstentions

Councillor Boughton requested that his dissent be recorded.

223. 17/501471 - ERECTION OF A THREE STOREY SECONDARY SCHOOL WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING - LAND AT VALLEY PARK SCHOOL, NEW CUT 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.

Mr Rodgers, an objector, Councillor Hinder of Boxley Parish Council and Councillors Mrs Hinder, Springett and Willis (Visiting Members) addressed the meeting.

During the discussion on this application, Members expressed concern that the applicant had not been prepared to engage in further negotiations regarding the proposed development and had submitted an appeal against non-determination of the application on the day before the meeting when a decision was to be made.

RESOLVED:

1. That the Planning Inspectorate be informed that if the applicant had not lodged an appeal against non-determination, the Council would have granted planning permission subject to the completion of a S106 legal agreement and the imposition of conditions.

2. That the S106 legal agreement would have provided the following:
 - A Travel Plan, including a monitoring fee and contingency funding, to provide, should the objectives of the Travel Plan not be met, appropriate mitigation measures to be used on sustainable transport scheme(s) benefitting the local area and relevant to the proposed development; and
 - The establishment of a “monitoring group” comprising Planning Officers, the Political Group Spokespersons of the Planning Committee and representatives of KCC Highways and the bus company, the remit of the group being to monitor/allocate the use of the contingency funding should the need arise.
3. That the conditions that would have been imposed be as set out in the report of the Head of Planning and Development with the amendment of condition 27 as follows:

The use or occupation of the development hereby permitted shall not commence until the following highways works have been fully implemented:

Works required for the proposed roundabout and pedestrian crossing, including, and if appropriate, a shared footway/cycleway to the north on New Cut Road;
Parking restrictions in Grove Green;
Reduction in the speed limit on New Cut Road from 40 mph to 30 mph; and
The upgrade of the New Cut Road/Ashford Road junction.

Reason: In the interests of highway safety.

4. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement to be submitted to the Planning Inspectorate as part of the appeal process, including the details of the Travel Plan, the monitoring fee, the contingency contribution and appropriate mitigation measures.
5. That the former Repton Landscape as set out in the Red Book for the locality be referenced within the appeal papers, which could be within either the Statement of Common Ground or the Statement of Case, to substantiate the Council’s reasons for the imposition of conditions.

Voting: 8 – For 4 – Against 1 – Abstention

Councillor Harwood requested that his dissent be recorded.

Councillor Mrs Stockell left the meeting after consideration of this application (9.30 p.m.).

224. 17/504144 - REMOVAL OF CONDITION 14 (SCHEME OF MITIGATION TO ADDRESS POOR AIR QUALITY SHALL BE PROVIDED) OF PLANNING PERMISSION 15/510179 (ALL MATTERS RESERVED) FOR REDEVELOPMENT WITH UP TO 65 DWELLINGS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS, CAR AND CYCLE PARKING, STREET AND EXTERNAL LIGHTING, MAIN SERVICES, BIN STORES AND OTHER ANCILLARY DEVELOPMENT - 5 TONBRIDGE ROAD, MAIDSTONE, KENT

Councillor Boughton stated that he 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 legal agreement in such terms as the Head of Legal Services may advise linking this application to the S106 agreement attached to application 15/510179 (a Deed of Variation), 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, and the additional informative set out in the urgent update report.

Voting: 8 – For 2 – Against 2 – Abstentions

225. APPEAL DECISIONS

The Committee considered the report and the urgent update 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.

226. S106 DELIVERY REPORT

The Committee considered a schedule setting out details of S106 contributions held by the Council on behalf of infrastructure providers and the progress of schemes funded by S106 contributions, including spend by dates. It was noted that the Council was holding just over £2m of S106 contributions for public open space and recreation projects. It was also holding healthcare contributions of £1.138m on behalf of NHS England until the monies were requested for release.

During the discussion, concerns were expressed about the age of some of the applications listed in the schedule and the delays in delivering the green infrastructure considered by Members and Officers to be required to allow developments to take place. Members were mindful that the S106 contributions held by the Council would continue to increase as housing developments came on stream, and felt that there was a need to expedite delivery of projects funded by S106 contributions/CIL going forward. It was suggested that, since previously, it had been recommended that as part of the review of the Planning Service alternative arrangements be made to ensure that projects funded by S106 contributions/CIL are

implemented, this should be followed up through the Strategic Planning, Sustainability and Transportation Committee.

In response to questions, the Development Manager undertook to discuss with the Regeneration and Economic Development Manager whether any unspent S106 contributions held by the Council might be used to assist in reducing the shortfall in funding that has arisen for the delivery of the public realm improvements and open space provision associated with the re-development of Maidstone East Railway Station and the demolition and re-development of the Victoria Public House.

RESOLVED:

1. That the information set out in the schedule be noted.
2. **To RECOMMEND to the Strategic Planning, Sustainability and Transportation Committee:** That, as part of the review of the Planning Service, alternative arrangements be made to ensure that projects funded by S106 contributions/CIL are implemented.

227. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

228. DURATION OF MEETING

6.00 p.m. to 10.10.p.m.