

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**MINUTES OF THE MEETING HELD ON THURSDAY 2 FEBRUARY  
2017**

**Present:**            **Councillor Perry (Chairman), and  
Councillors Boughton, Brice, Clark, Cox, English,  
Harwood, Hastie, Hemsley, Munford, Perry, Powell,  
Prendergast and Round**

**Also Present:**    **Councillors Harvey and D Mortimer**

276. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Stockell.

277. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Brice was in attendance as a substitute for Councillor Stockell.

278. NOTIFICATION OF VISITING MEMBERS

Councillor Mortimer indicated he wished to speak on Item 18. 16/506707  
57-59 Church Street, Tovil, Kent.

Councillor Harvey stated that she wished to speak on Item 16. 16/505127  
- 51 London Road, Maidstone, Kent.

Councillor English notified the Committee of Councillor Pickett's request  
that his written statement be read out to the Committee in his absence as  
a result of illness. The Committee agreed that the statement be read out.

279. ITEMS WITHDRAWN FROM THE AGENDA

There were no items withdrawn from the agenda.

280. DATE OF ADJOURNED MEETING - 9 FEBRUARY 2017

The Chairman confirmed the date of the adjourned meeting was 9  
February 2017.

281. ANY BUSINESS THE CHAIRMAN REGARDS AS URGENT INCLUDING THE  
URGENT UPDATE REPORT AS IT RELATES TO MATTERS TO BE  
CONSIDERED AT THE MEETING

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 that related to applications that were considered at the meeting.

282. 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 on items 17. 16/506229 – 15 Greensands, Boxley, Kent, and did not vote.

Councillor Hastie stated that she was the President of Ringlestone Residents Association, but left the room during the Residents Association's discussions on item 20. 16/507471 – Land Adj Royal Engineers Road, Maidstone, Kent.

283. DISCLOSURES OF LOBBYING

All members stated they had been lobbied on item 20. 16/507471 -Land Adj Royal Engineers Road, Maidstone, Kent and item 19. 16/507292 – Newnham Park, Bearsted Road, Weavering, Kent.

All members, except Councillors Hemsley, Hastie and Harwood, had been lobbied on item 18. 16/506707 – 57-59 Church Street, Tovil, Kent.

All members, except Councillors Brice and Clark, had been lobbied on item 16. 16/505127 – 51 London Road, Maidstone, Kent.

284. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION.

**RESOLVED:** That the exempt Appendix to item 20. 16/507471 Land Adj Royal Engineers Road, Maidstone, Kent be taken in private as it contains commercially sensitive information.

285. MINUTES OF THE MEETING HELD ON 12 JANUARY 2017

**RESOLVED:** That the minutes of the meeting held on 12 January 2017 be approved as a correct record of the meeting and signed.

286. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

287. DEFERRED ITEMS

Planning application reference 16/505311 - 47 Freeman Way Maidstone Kent had been deferred as the application had been transferred to a new case officer, and the case officer had requested further information from the applicant before bringing a report to the committee.

288. 16/507471 - LAND ADJ ROYAL ENGINEERS ROAD, MAIDSTONE, KENT

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

Mr Owen, for objectors, Ms Buckland of the Ringlestone Area Community Association, Mr Burbante for the Applicant and Councillor Willis (visiting member) addressed the committee.

Councillor Willis (visiting member) arrived at 6.25 p.m., during consideration of this item.

**RESOLVED:** That

1) Subject to the prior completion of a Section 106 deed to secure the following:

- A contribution of £9,515 (£30 per dwelling x 310) for Community Learning - to contribute to the enhancement of St Faiths Adult Education Centre, St Faith's Street, Maidstone
- A contribution of £80,272 (£590 per 2 bedroom dwelling x 136) for Primary Education, towards the enhancement of North Borough Primary School
- A contribution of £173,114 (£1272 per 2 bedroom dwelling x 136) for Secondary Education, towards phase 1 of the new Free School of Science and Technology, Valley Park, Maidstone opening September 2018
- A contribution of £2,630 (£8 per dwelling x 310) for Youth Services, towards youth equipment for the new attendees at the Infozone Youth Centre, Maidstone
- A contribution of £14,884 for Libraries (£48 per dwelling x 310), towards Kent History & Library Centre additional book stock
- A contribution of £17,322 for Social Services (£55 per dwelling x 310), towards Changing Place Facility in Sessions House, Maidstone
- A contribution of £185,616 for Healthcare, to be invested in the Brewer Street Surgery; And

The Head of Planning and Development be given delegated powers to ensure the addition of the following Heads of Terms to the Section 106 deed:

- To re-allocate s106 £17,322 towards a Changing Place Facility in Sessions House, Maidstone to a local community facility

- Details of the following submitted to and approved in writing by the Local Planning Authority prior to installation. These works shall be carried out in accordance with the approved details before the first occupation of the building:
  - a) Cycle storage and powered two wheeler (motorbikes) facilities
  - b) Car parking arrangements, including visitor parking and parking space allocation. Such arrangements to allow no permanent allocation of car parking space to any individual dwelling
  - c) The provision of car club car parking spaces
  - d) The provision of shared cycle provision
  - e) The provision of electric vehicle charging points
- The establishment of Delivery/monitoring group to include local councillors and officers to be established and funded
- Check whether North Borough 'Junior' or St Pauls 'Infant' School is the appropriate recipient for the primary education S106 contribution
- Details of external materials and future maintenance of building and materials

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

- 2) Conditions 2 and 15 be removed, as they will now be sufficiently covered within the Section 106 Deed

Voting: 7 - For      5 - Against    1 - Abstain

289. 16/507292 - NEWNHAM PARK, BEARSTED ROAD, WEAVERING, KENT

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

Mr Buckwell addressed the committee on behalf of the applicant.

**RESOLVED:** That

- 1) Delegated authority be given to the Head of Planning and Development to grant planning permission subject to the conditions contains in the report and the urgent update (which amended conditions 1 & 22) and the prior completion of a section 106 deed to provide 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%. This is to promote medical facilities, this being the reason for the draft allocation.

- The occupation of the neuro-rehabilitation village to be restricted to those signed up to at least a minimum level care package.
- A financial contribution of £166,490 to extend the no. 19 bus service into the site at 30 minute frequencies, and provision of 3 additional bus services covering early morning and evenings with appropriate triggers. In the event that this service is not available at the trigger point, an alternative bus service or bespoke facility running between the site and the town centre.
- Trigger points for the start of the Section 278 process for all off-site highway mitigation at 578 one way trips in AM and PM peak hours combined. (Specific trip measurement details to be agreed by officers).
- Trigger points for completion of the off-site highway mitigation works (excluding Junction 7 of the M20), which includes all the pedestrian and cycle improvements, at 676 one way trips in AM and PM peak hours combined or 70% occupation of the development (whichever is the sooner). (Specific trip measurement details to be agreed by officers).
- A financial contribution of £44,700 towards mitigation works at Junction 5 of the M2 motorway.
- A site-wide Framework Travel Plan, together with a Travel Plan Monitoring Fee of £10,000 for 10 years.
- A financial contribution of £20,000 for future parking controls to be implemented on the highway, should parking over spill become evident (Grove Green & Vinters Park Estates).
- The implementation, maintenance, management and monitoring of the proposed landscape and ecology mitigation and enhancement works through the Landscape and Ecology Management Plan.
- The establishment of a Monitoring Committee to review all aspects of the Development with payment of an annual fee of £1,000 towards the cost of Monitoring Committee meetings.
- The limitation of any residential (C3) units to those key workers directly employed in the medical services on the site.

- Library contributions for the residential (C3) elements of £16,805.54.
  - Reasonable endeavours to employ local contractors and sub-contractors and local people during the construction works in consultation with the Council.
  - Creation of the nature reserve and its implementation, maintenance, and management.
- 2) Delegated authority be given to the Head of Planning and Development, in negotiation with the Head of Mid Kent Legal Services, to ensure that the Section 106 obligations of the extant permission, which are to be carried forward into this planning permission, are fully compliant with the Community Infrastructure Levy Regulations 2010 and to make any minor amendments as necessary; and
- 3) The Reserved Matters Application be brought back to this committee for its consideration and determination.

Voting: For - 9 Against - 3 Abstain -1

290. 16/506707 - 57-59 CHURCH STREET, TOVIL, KENT

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

Councillor Smith, of Tovil Parish Council and Cllr D Mortimer spoke in objection to the application. Mr Jell addressed the committee on behalf of the applicant.

**RESOLVED:** That:

- 1) Permission be refused for the following reasons:

The development by reason of its design, scale and site coverage, including cramped parking arrangements and a lack of landscaping, would result in an incongruous and cramped form of development that would be harmful to the character and appearance of the streetscene of Church Street contrary to advice within the NPPF and draft policy DM1 of the Maidstone Local Plan (2011-2031).

The development by reason of its height, expanse and proximity would have an overbearing and oppressive impact on the rear outlook of nos. 4 and 6 Albert Reed Gardens and would therefore be harmful to the living conditions of these properties contrary to advice within the NPPF and draft policy DM1 of the Maidstone Local Plan (2011-2031).

In the absence of an appropriate legal mechanism to secure necessary contributions towards local libraries, primary education, healthcare, and public open space, the impact of the development would be detrimental to existing social infrastructure and therefore contrary to policy CF1 Maidstone Borough-Wide Local Plan 2000, and Council's Open Space DPD (2006).

- 2) The Head of Planning and Development be granted delegated powers to negotiate suitable Section 106 planning obligations if an appeal is lodged with the Secretary of State for Communities and Local Government against the decision of the Borough Council to refuse the application.

Voting:        13-For        0-Against        0-Abstain

291. ADJOURNMENT OF MEETING

**RESOLVED:** That the following items be adjourned until 6.00pm on 9 February 2017:

- 15/504300 – Land North of 61 Knaves Acre, Headcorn, Kent
- 16/505113 – The Chances, Lughorse Lane, Hunton, Kent
- 16/505965 – The Chances, Lughorse Lane, Hunton, Kent
- 16/506229 – 15 Greensands, Boxley, Kent

292. 16/505127 - 51 LONDON ROAD, MAIDSTONE, KENT

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

Mr Moss addressed the committee on behalf of objectors. Councillor Harvey (visiting member) spoke in objection to the application, and Councillor English read a statement on behalf of Councillor Picket also in objection to the application. Mr Ernest spoke on behalf of the applicant.

**RESOLVED:** That

- 1) The application be refused for the following reasons:

The proposed development by reason of its design, bulk and massing fails to promote or reinforce local distinctiveness as set out in Para. 64 of the NPPF and that the site is a high profile location on the approach to Maidstone Town Centre and as a result fails to achieve good design contrary to paragraph 60 of the National Planning Policy Framework 2012 and policy ENV21 of the Local Plan 2000.

The proposal, by reason of its siting, height, depth, scale and design, would represent a visually intrusive, overbearing and unneighbourly form of development and would result in an unreasonable loss of outlook and privacy to adjoining residential

properties, contrary to the National Planning Policy Framework 2012.

In the absence of an appropriate legal mechanism to secure **40%** affordable housing and necessary contributions towards primary education, local libraries, parks and open space and health care within the local area, the impact of the development would be detrimental to existing social infrastructure and therefore contrary to policy CF1 of the Maidstone Borough-Wide Local Plan (2000), Affordable Housing DPD (2006), Open Space DPD (2006) and central government planning policy as set out in the National Planning Policy Framework 2012.

- 2) The Head of Planning and Development be granted delegated powers to negotiate suitable Section 106 planning obligations if an appeal is lodged with the Secretary of State for Communities and Local Government against the decision of the Borough Council to refuse the application.

Voting: For - 13 Against - 0 Abstain - 0

293. LONG MEETING

During consideration of 16/505127, the committee's deliberations approached the 10.30pm cut off for meetings.

**RESOLVED:** That the meeting should continue until 11.00 p.m.

294. DURATION OF MEETING

6:05 p.m. to 10:47 p.m.