

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 2 SEPTEMBER 2010

Present: **Councillor Lusty (Chairman) and
Councillors Burton, Butler, Chittenden, English,
Harwood, Hinder, Nelson-Gracie, Paine, Paterson,
Mrs Robertson, Ross and Mrs Wilson**

Also Present: **Councillors Beerling, Horne, Sams,
Mrs Smith and J E Wilson**

117. APOLOGIES FOR ABSENCE

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

118. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor Burton for Councillor Thick
Councillor Butler for Councillor Ash

119. NOTIFICATION OF VISITING MEMBERS

Councillors Beerling and Mrs Smith indicated their wish to speak on the reports of the Head of Development Management relating to applications MA/10/1231, MA/10/1232 and MA/10/1233.

Councillor Horne indicated his wish to speak on the report of the Head of Development Management relating to application MA/09/2072.

Councillor Sams indicated his wish to speak on the report of the Head of Development Management relating to application MA/10/0832.

Councillor J Wilson indicated his wish to speak on the report of the Head of Development Management relating to application MA/10/0649.

120. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

121. URGENT ITEMS

Update Report

The Chairman stated that, in his opinion, the update report of the Head of Development Management should be taken as an urgent item because it contained further information relating to the applications to be considered at the meeting.

122. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor English disclosed a personal interest in the report of the Head of Development Management relating to application MA/10/0649. He stated that he was a Member of Tovil Parish Council, but he had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

Councillor Paine stated that although he had participated in pre-application discussions, he had not pre-determined applications MA/10/1231, MA/10/1232 and MA/10/1233, and intended to speak and vote when they were considered.

123. EXEMPT ITEMS

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

124. MINUTES

RESOLVED: That the Minutes of the meeting held on 12 August 2010 be approved as a correct record and signed.

125. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 12 AUGUST 2010

MINUTE 105 - MA/09/1563 - PLANNING APPLICATION FOR ERECTION OF 12 SELF CONTAINED FLATS FOR SOCIAL RENT AND 9 MARKET HOUSES AND 14 HOUSES FOR SOCIAL RENT INCLUDING ACCESS AND ASSOCIATED WORKS - PARK AND RIDE, COOMBE QUARRY, ARMSTRONG ROAD, MAIDSTONE

The Head of Development Management advised the Committee that at the last meeting, it had been agreed that subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to ensure that a minimum of 74% of the development, as shown on plan number 0831/SK102, is retained as affordable housing, he be given delegated powers to approve the above application subject to the conditions and informatives set out in his report.

Since the Council was in the process of selling the application site and was unable to enter into a Section 106 legal agreement with itself, it was necessary to change the condition to be satisfied prior to exercising the delegation in order to require the applicant to amend the contract to purchase the application site from the Council so as to secure the execution of the Section 106 legal agreement upon completion of the purchase.

RESOLVED:

1. That the decision set out in Minute 105 of the meeting held on 12 August 2010 be rescinded.
2. That subject to the applicant amending the contract to purchase the application site from the Council so as to secure the execution of a Section 106 legal agreement upon completion of the purchase to ensure that a minimum of 74% of the development, as shown on plan number 0831/SK102, is retained as affordable housing in perpetuity, the Head of Development Management be given delegated powers to approve application MA/09/1563 subject to the conditions and informatives set out in the report to the meeting held on 12 August 2010.

Voting: 13 – For 0 – Against 0 – Abstentions

126. PRESENTATION OF PETITIONS

There were no petitions.

127. DEFERRED ITEMS

- (1) MA/08/1766 - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE TO CARAVAN SITE TO PROVIDE GYPSY ACCOMMODATION WITH 4 PLOTS, INCLUDING 4 MOBILE HOMES AND 6 TOURING CARAVANS AND ASSOCIATED WORKS (INCLUDING HARDSTANDING, FENCING, UTILITY BUILDINGS AND CESSPOOL) AND KEEPING OF HORSES - FIELD KNOWN AS WHEATGRATTEN, LENHAM FORSTAL ROAD, LENHAM

The Head of Development Management advised Members that he was not yet in a position to report this application back to Committee.

- (2) MA/09/2043 - ERECTION OF A REPLACEMENT DWELLING WITH DOUBLE GARAGE AND CREATION OF A NEW DRIVEWAY (RE-SUBMISSION OF MA/09/1298) - STUBBLE HILL COTTAGE, SANDWAY ROAD, HARRIETSHAM, MAIDSTONE

The Head of Development Management advised Members that more ecological information was required in respect of this application.

- (3) MA/09/2004 - PLANNING PERMISSION FOR CHANGE OF USE OF LAND TO HOLIDAY CARAVAN SITE FOR UP TO 10 NO. STATIC CARAVANS INCLUDING ACCESS, HARDSTANDING, CESSPOOL, RECEPTION BUILDING, BOUNDARY TREATMENT AND SECURITY BARRIER - CHERRY-TREE CARAVAN SITE, CHURCH HILL, BOUGHTON MONCHELSEA, MAIDSTONE

See Minute 133 below

- (4) MA/10/0832 - ERECTION OF CONSERVATORY - 1 WICKHAM PLACE, LENHAM, MAIDSTONE

See Minute 137 below

128. MA/10/1231 - OUTLINE APPLICATION FOR THE ERECTION OF A RESIDENTIAL CARE HOME (USE CLASS C2), PARKING AND RELOCATION OF ACCESS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - 13 TONBRIDGE ROAD, MAIDSTONE

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

Mr Goulette, for the applicant, and Councillors Beerling and Mrs Smith addressed the meeting on this application and applications MA/10/1232 and MA/10/1233.

RESOLVED:

1. That subject to any purchaser of the application site from the Council being contractually obliged to enter into a S106 legal agreement to secure a contribution for the Primary Care Trust of £360 per bedroom proposed, the Head of Development Management 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, with the amendment of condition 10 and additional informatives as follows:-

Condition 10 (amended)

A scheme of landscaping using indigenous species as required under Condition 1 above shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. The development shall also include:-

- i) The provision of a minimum of three street trees along the Tonbridge Road frontage (to be of a suitable species) and the provision of usable garden area;
- ii) The provision of an area of low planting of at least 5metres in depth along the Tonbridge Road frontage;
- iii) The provision of a landscaped buffer along the western boundary of the application site, which shall be at least 2metres in depth, and should include trees as well as low planting; and
- iv) The provision of a landscaped buffer along the rear (southern) boundary of the application site, which shall be at least 2metres in depth, and should include trees as well as low planting.

Details of the measures for their protection in the course of development, together with a programme for the scheme's implementation and long term management shall also be submitted. The scheme shall be designed using the principles established in the

Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: No such details have been submitted and in the interests of visual amenity in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and PPS1.

Additional Informatives

No vehicles may arrive, depart, be loaded or unloaded within the general site and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays (and at no time on Sundays, Bank or Public Holidays).

It is advised that the landscaping scheme pursuant to condition 10 should if possible include species capable of air borne particulate removal.

2. A 'Task and Finish' Group comprising the Chairman, Councillor English, Councillor Harwood and Ward Members should be set up to assist the Technical Services Section in the production of a marketing brochure to be given to prospective purchasers.

Voting: 13 – For 0 – Against 0 – Abstentions

129. MA/10/1232 - OUTLINE APPLICATION FOR THE ERECTION OF UP TO 23 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - 13 TONBRIDGE ROAD, MAIDSTONE

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

Mr Goulette, for the applicant, and Councillors Beerling and Mrs Smith had already addressed the meeting.

RESOLVED:

1. That subject to any purchaser of the application site from the Council being contractually obliged to enter into a Section 106 legal agreement to secure the following:-
 1. The provision of a minimum of 40% of the residential units permitted for affordable housing;
 2. A contribution of £14,130 for the Primary Care Trust towards improvements to the surgeries identified in the report;
 3. A contribution of £19,698.50 for the Kent County Council for improvements to the book stock at the new library, improvements to adult education facilities to be located at the new library and the provision of a new youth facility a quarter of a mile from the application site; and

4. A contribution of £1,575 per unit to improve the play facilities at the Cornwallis Recreation Ground,

the Head of Development Management 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, with the deletion of informative 16, the amendment of condition 14 and additional informatives as follows:

Condition 14 (amended)

The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

Additional Informatives

No vehicles may arrive, depart, be loaded or unloaded within the general site and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays (and at no time on Sundays, Bank or Public Holidays).

It is recommended that within the Design and Access statement, consideration should be given to the 'Strategic Housing Market Assessment' and the 'Town Centre Study'.

2. A 'Task and Finish Group' comprising the Chairman, Councillor English, Councillor Harwood and Ward Members should be set up to assist the Technical Services Section in the production of a marketing brochure to be given to prospective purchasers.

Voting: 13 – For 0 – Against 0 – Abstentions

130. MA/10/1233 - OUTLINE APPLICATION FOR THE ERECTION OF A STORAGE WAREHOUSE WITH ANCILLARY OFFICE (USE CLASS B1/B8) WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - 13 TONBRIDGE ROAD, MAIDSTONE

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

Mr Goulette, for the applicant, and Councillors Beerling and Mrs Smith had already addressed the meeting.

RESOLVED: That consideration of this application be deferred to enable the Officers to strengthen proposed conditions with regard to the design parameters to ensure a high quality development.

Voting: 13 – For 0 – Against 0 – Abstentions

131. MA/10/1230 - OUTLINE APPLICATION FOR THE ERECTION OF A MEDICAL CENTRE (USE CLASS D1) AND 4 NO. DWELLINGS AND PARKING WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - 26 TONBRIDGE ROAD, MAIDSTONE

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

Mr Goulette addressed the meeting on behalf of the applicant.

RESOLVED:

1. That subject to the expiry of the consultation period on the recently completed ownership certificates and to no new significant planning issues being raised, the Head of Development Management 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, with the following additional informative:-

No vehicles may arrive, depart, be loaded or unloaded within the general site and plant and machinery shall not be operated, that would generate noise beyond the boundary of the site, except between 0800 hours and 1800 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays (and at no time on Sundays, Bank or Public Holidays).

2. A 'Task and Finish Group' comprising the Chairman, Councillor English, Councillor Harwood and Ward Members should be set up to assist the Technical Services Section in the production of a marketing brochure to be given to prospective purchasers.

Voting: 10 – For 1 – Against 2 – Abstentions

132. MA/09/2072 - CHANGE OF USE AND ALTERATION OF WAREHOUSE TO A CHURCH AND MEETING HALL - FORMER POUNDSTOP WAREHOUSE, CRISMILL LANE, THURNHAM

All Members except Councillor Paine stated that they had been lobbied.

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

Mr Jameson, an objector, Councillor Sandford of Thurnham Parish Council (against), Mr Waller, for the applicant, and Councillor Horne addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report and the additional informative set out in the urgent update report.

Voting: 9 – For 0 – Against 4 – Abstentions

133. MA/09/2004 - PLANNING PERMISSION FOR CHANGE OF USE OF LAND TO HOLIDAY CARAVAN SITE FOR UP TO 10 NO. STATIC CARAVANS INCLUDING ACCESS, HARDSTANDING, CESSPOOL, RECEPTION BUILDING, BOUNDARY TREATMENT AND SECURITY BARRIER - CHERRY-TREE CARAVAN SITE, CHURCH HILL, BOUGHTON MONCHELSEA, MAIDSTONE,

All Members except Councillors Burton, Butler, Nelson-Gracie, Paine and Ross stated that they had been lobbied.

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

Councillor Williams of Boughton Monchelsea Parish Council (against) and Mr Perrin, for the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with the amendment of condition 6 as follows:-

The site shall not be occupied until stock-proof fencing has been erected, together with the planting of a hawthorn hedge on the inside of the said fence, between the development and the adjacent woodland to the north and west. The precise siting of this is to be agreed with the Local Planning Authority. No works shall take place within the area outside the fence perimeter without the consent of the Local Planning Authority. The approved fencing shall remain in the agreed position for the duration of the approved use.

Reason: To ensure that important archaeological remains are not adversely affected by construction works, to ensure protection of the woodland and to ensure minimal risk of disturbance to wildlife and in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and PPS9.

Voting: 13 – For 0 – Against 0 – Abstentions

134. MA/10/0649 - PLANNING APPLICATION FOR THE ERECTION OF 3-4 STOREY DEVELOPMENT TO INCLUDE 11 NO. DWELLINGS (3 STUDIO FLATS, 3 X 1-BED FLATS AND 5 X 3-BED TERRACED DWELLINGS) AND ASSOCIATED WORKS INCLUDING ACCESS AND PARKING - THE ROSE, 1 FARLEIGH HILL, TOVIL, MAIDSTONE

All Members except Councillor Burton stated that they had been lobbied.

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

Councillor Charlton of Tovil Parish Council (against), Mr Coomber, for the applicant, and Councillor J Wilson addressed the meeting.

RESOLVED: That consideration of this application be deferred for further negotiations to seek amendments to the layout to secure more parking if possible for public safety reasons.

Voting: 7 – For 2 – Against 4 – Abstentions

135. MA/10/0651 - ERECTION OF GRAIN STORE WITH CONTINUOUS FLOW GRAIN DRYER – COURT LODGE FARM, COURT LODGE ROAD, HARRIETSHAM, MAIDSTONE

The Committee considered the report of the Head of Development Management.

Mr Holland, an objector, and Councillor Sams of Harrietsham Parish Council (against) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with the amendment of condition 5 as follows:-

Notwithstanding the details submitted before development commences a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This should include an island of landscaping to enhance bio-diversity and to soften the visual impact of the approved building and trees as shown on drawing no. WM/328/500 that shall consist of trees of not less than Nursery Standard size (8-10cm girth, 2.75-3m height), conforming to the specifications of BS 3936 Part I "Nursery Stock", that shall be planted during the tree planting season (October to February) following substantial completion of the building hereby permitted, and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity and in accordance with policies ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

2. That the details to be submitted pursuant to condition 5 must be agreed in consultation with Councillor Harwood, Ward Members and the Parish Council.

Voting: 13 – For 0 – Against 0 – Abstentions

136. LONG MEETING

Prior to 10.30 p.m., during consideration of application MA/10/0651, the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

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

137. MA/10/0832 - ERECTION OF CONSERVATORY - 1 WICKHAM PLACE, LENHAM, MAIDSTONE

All Members stated that they had been lobbied.

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

Mr Ruffell, an objector, Councillor Osborn of Lenham Parish Council (against) and Councillor Sams addressed the meeting.

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

Voting: 10 – For 2 – Against 1 – Abstention

138. APPEAL DECISIONS

The Committee considered the report of the Head of Development Management setting out details of an appeal decision received since the last meeting. It was noted that the Inspector had allowed with conditions the appeal against the decision to refuse application MA/09/0848 (Proposal for a replacement dwelling, the demolition and removal of existing farm building and a tidy up of the site – Appsmoor Farm, South Street Road, Stockbury), but partial costs had been awarded to the Council. In response to questions, the Head of Development Management confirmed that he would write to the Planning Inspectorate Quality Assurance Unit expressing concern about this decision.

RESOLVED: That the position be noted.

139. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:-

- A Members' training session on probity in planning would be held at 6.30 p.m. on Wednesday 15 September 2010.
- He wished to draw the Committee's attention to plans announced by the Communities and Local Government Secretary to amend planning rules relating to gypsy and traveller sites. For example, Councils would be able to decide for themselves how many pitches were necessary in their area according to local need and historic demand.

Members reiterated their expressed wish to see the development of a policy on local needs gypsy sites.

140. UPDATE ON MATTERS REFERRED TO THE LEADER OF THE COUNCIL/CABINET MEMBERS

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

141. DURATION OF MEETING

6.00 p.m. to 10.45 p.m.