

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 22 JULY 2010**

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

**Also Present:** Councillor Horne

67. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Ash, Harwood and Thick.

68. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Butler was substituting for Councillor Ash.

69. NOTIFICATION OF VISITING MEMBERS

Councillor Horne indicated his wish to speak on the reports of the Head of Development Management relating to applications MA/10/0253 and MA/10/0612.

70. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

71. 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 matters to be considered at the meeting.

72. DISCLOSURES BY MEMBERS AND OFFICERS

During the discussion on the report of the Head of Development Management relating to application MA/10/0283, Councillors English and Mrs Wilson disclosed personal interests in the application and in application MA/10/0284 by virtue of being members of the Len Valley Nature Reserve Management Committee. They stated that they did not believe their interests to be prejudicial and that they intended to speak and vote on both applications.

73. EXEMPT ITEMS

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

74. MINUTES

RESOLVED: That the Minutes of the meeting held on 1 July 2010 be approved as a correct record and signed.

75. PRESENTATION OF PETITIONS

There were no petitions.

76. 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 the Committee that the information requested in respect of this application had been received and consulted upon. He anticipated that the application would be reported back to the Committee in the near future.

- (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 the Committee that the ecological reports and a landscaping plan had been received and consulted upon. He anticipated that the application would be reported back to the Committee in the near future.

- (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

The Head of Development Management advised the Committee that he had nothing further to report in respect of this application at this stage.

77. MA/10/0612 - ERECTION OF EIGHT LOCAL NEEDS AFFORDABLE HOUSING UNITS WITH ASSOCIATED ACCESS AND CAR PARKING - LAND EAST OF SOUTH STREET ROAD, STOCKBURY

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 Cullen, an objector, Councillor Porter of Stockbury Parish Council (in support), Mrs Thompson, for the applicant, and Councillor Horne, on behalf of Councillor Mrs Parvin (Ward Member), addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report.

Voting: 10 – For 0 – Against 0 – Abstentions

78. MA/10/0283 - PROPOSED OFFICE DEVELOPMENT, INSTALLATION OF NEW RIVER CROSSING, ASSOCIATED CAR PARKING AND LANDSCAPING/RIVER CORRIDOR ENHANCEMENT - PAUL SANDBY COURT, TURKEY MILL BUSINESS PARK, ASHFORD ROAD, 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 Hawkins addressed the meeting on behalf of the applicant.

RESOLVED:

1. That subject to negotiations with the developer to seek to remove or relocate the four existing car parking spaces near to the river as identified by Councillor Mrs Wilson AND an examination of the requirement for additional landscaping along the boundary with Mote Park to screen views from the Park, the Head of Development Management be given delegated powers to grant permission subject to the conditions and informatives set out in the report and the additional informative set out in the urgent update report with the amendment of conditions 2, 3 and 7 and informative 3 and an additional condition as follows:-

Condition 2 (amended)

The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building, car parking areas and footways, which shall include the materials set out in the Design and Access Statement and the Landscape Strategy (drawing number 030 rev E), hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development pursuant to the advice in PPS1.

### Condition 3 (amended)

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping derived from the Landscape Strategy (drawing number 030 rev E), using indigenous species, and which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The details submitted shall include the restoration of a wild flower meadow.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the scheme pursuant to policies ENV6 and ENV35 of the Maidstone Borough-Wide Local Plan 2000.

### Condition 7 (amended)

Notwithstanding the details shown on Landscape Strategy drawing number 030 rev E received 06/07/2010, Landscape Appraisal rev D and the Biodiversity Enhancement Statement received 14/05/2010, the development shall not be commenced until a more detailed landscape and biodiversity management plan in conjunction with the details submitted pursuant to condition 3 above, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas adjacent to the river and River Len Local Nature Reserve and within the site, has been submitted to and approved in writing by the Local Planning Authority. The landscape and biodiversity management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:-

- (i) The detailed extent and type of new planting (with planting to be of native species of local provenance)
- (ii) The extent of non-native tree removal
- (iii) Details of maintenance regimes
- (iv) Details of any new habitat created on site
- (v) Details of biodiversity enhancement measures such as bird and bat boxes
- (vi) Details of the location and extent within the site of a proportion of the cord wood arising from felled trees
- (vii) The use of predominantly hawthorn for the tree and shrub boundary screening to the western boundary of the day nursery
- (viii) An arboricultural method statement if excavation works are to be undertaken within the root protection areas of any retained trees stating the methods that will be used to avoid unnecessary damage to the trees. The method statement

should identify whether any remedial works to the trees will have to be carried out prior to commencement of the works, how the existing surface will be removed and, if any roots are encountered, how they will be severed so that the trees will not be harmed in any way. Any works to the trees must be carried out by a suitably qualified arboriculturalist

- (ix) An arboricultural method statement for any trees that are to be transplanted stating how they will be removed from their current location and relocated

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site pursuant to the advice in PPS9.

Informative 3 (amended)

No burning should be carried out on site during works.

Additional Condition

Written details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority and no further external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the scheme pursuant to policies ENV6, ENV35 and ENV49 of the Maidstone Borough-Wide Local Plan 2000.

2. That the details to be submitted pursuant to conditions 6 and 7 must be agreed in consultation with Ward Members, adjacent Ward Members and representatives of the Len Valley Nature Reserve Management Committee.
3. That a Development Implementation Group comprising representatives of the applicant, the Local Planning Authority and the Len Valley Nature Reserve Management Committee together with Ward Members and adjacent Ward Members should be established to ensure the satisfactory implementation of the permission.

Voting:      10 – For      0 – Against      0 – Abstentions

79. MA/10/0284 - ERECTION OF DAY NURSERY WITH ASSOCIATED EXTERNAL PLAY AREAS, CAR PARKING AND LANDSCAPING - LAND ADJACENT TOLHURST COURT, TURKEY MILL, ASHFORD ROAD, 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 Hawkins addressed the meeting on behalf of the applicant.

RESOLVED:

1. 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 with the amendment of condition 6 and additional conditions and informative as follows:-

Condition 6 (amended)

Notwithstanding the details shown on Landscape Strategy drawing number 030 rev E received 06/07/2010, Landscape Appraisal rev D and the Biodiversity Enhancement Statement received 14/05/2010, the development shall not be commenced until a more detailed landscape and biodiversity management plan in conjunction with the details submitted pursuant to condition 3 above, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas adjacent to the river and River Len Local Nature Reserve and within the site, has been submitted to and approved in writing by the Local Planning Authority. The landscape and biodiversity management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:-

- (i) The detailed extent and type of new planting (with planting to be of native species of local provenance)
- (ii) The extent of non-native tree removal
- (iii) Details of maintenance regimes
- (iv) Details of any new habitat created on site
- (v) Details of biodiversity enhancement measures such as bird and bat boxes
- (vi) Details of the location and extent within the site of a proportion of the cord wood arising from felled trees
- (vii) The use of predominantly hawthorn for the tree and shrub boundary screening to the western boundary of the day nursery
- (viii) An arboricultural method statement if excavation works are to be undertaken within the root protection areas of any retained trees stating the methods that will be used to avoid unnecessary damage to the trees. The method statement should identify whether any remedial works to the trees will have to be carried out prior to commencement of the works, how the existing surface will be removed and, if any roots are encountered, how they will be severed so that the trees will not be harmed in any way. Any works to the trees must be carried out by a suitably qualified arboriculturalist
- (ix) An arboricultural method statement for any trees that are to be transplanted stating how they will be removed from their current location and relocated

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site pursuant to the advice in PPS9.

Additional Conditions

Written details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority and no further external lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the scheme pursuant to policies ENV6, ENV35 and ENV49 of the Maidstone Borough-Wide Local Plan 2000.

No development shall take place until written details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development in accordance with PPS1 Delivering Sustainable Development.

Additional Informative

No burning should be carried out on site during works.

2. That the details to be submitted pursuant to condition 6 must be agreed in consultation with Ward Members, adjacent Ward Members and representatives of the Len Valley Nature Reserve Management Committee.
3. That a Development Implementation Group comprising representatives of the applicant, the Local Planning Authority and the Len Valley Nature Reserve Management Committee together with Ward Members and adjacent Ward Members should be established to ensure the satisfactory implementation of the permission.

Voting:      10 – For      0 – Against      0 – Abstentions

80. MA/10/0231 - APPLICATION FOR THE RESERVED MATTERS OF OUTLINE PERMISSION MA/07/1724 (OUTLINE APPLICATION FOR THE ERECTION OF ONE DWELLING WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION) BEING ACCESS, APPEARANCE, LANDSCAPING AND SCALE - BLUE TOPS, WALNUT TREE LANE, LOOSE, MAIDSTONE

All Members except Councillors Butler and Paterson stated that they had been lobbied.

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

Mr Nessling, an objector, and Mr Jones, the applicant, addressed the meeting.

RESOLVED: That subject to any new/materially different representations received as a result of outstanding statutory advertisements, the Head of Development Management be given delegated powers to grant permission subject to the conditions and informatives set out in the report and the following additional condition:-

The Norway Spruce to be retained, as shown on drawing number H-582 12e received 20 April 2010, must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of the protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.

Reason: To safeguard the existing tree to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and PPS1 Delivering Sustainable Development.

Voting:        9 – For        0 – Against        1 – Abstention

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

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 Mr Wilkins, for the applicant, addressed the meeting.

RESOLVED: That consideration of this application be deferred for clearer plans and details of what is proposed.

Voting:        8 – For        1 – Against        1 – Abstention

82. MA/10/0253 - PLANNING APPLICATION FOR AMENDMENT TO MA/08/0804 (ERECTION OF 1 THREE BEDROOM BUNGALOW) BEING INCORPORATION OF ADDITIONAL LIVING ACCOMMODATION WITHIN THE



ROOF, ALTERATIONS TO FENESTRATION AND ERECTION OF DETACHED GARAGE - THE RETREAT, WARE STREET, WEAVERING, MAIDSTONE

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

Mr Moon, an objector, Mr Fowler, for the applicant, and Councillor Horne addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report and the following additional condition:-

The first floor window in the gable to the south east elevation shall be obscured glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To safeguard the residential amenity of the occupiers of neighbouring properties in accordance with PPS1 Delivering Sustainable Development.

2. That the Officers should check periodically that the landscaping conditions attached to the planning consent are being complied with.

Voting:        6 – For        0 – Against        4 – Abstentions

Note: Councillors Hinder and Butler requested that their dissent from this decision be recorded.

83. MA/10/0531 - PLANNING APPLICATION TO REMOVE CONDITION 1 (THE USE HEREBY PERMITTED SHALL BE DISCONTINUED AND THE LAND/ BUILDING SHALL REVERT TO ITS FORMER USE AND CONDITION ON OR BEFORE 30 NOVEMBER 2010 IN ACCORDANCE WITH AN APPROVED SCHEME OF WORK SUBMITTED TO THE LOCAL PLANNING AUTHORITY PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT) OF MA/05/1882 - UNIT 3, PARKWOOD INDUSTRIAL ESTATE, CUXTON ROAD, PARKWOOD, MAIDSTONE

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

RESOLVED: That subject to the expiry of the site notice and advertisement publicising the application as a Departure from the Development Plan and the receipt of no representations raising new issues, the Head of Development Management be given delegated powers to grant permission subject to the condition set out in the report.

Voting:        10 – For        0 – Against        0 – Abstentions

84. MA/10/0424 - REMOVAL OF CONDITION 2 OF PLANNING PERMISSION MA/85/1604 TO ALLOW USE OF GARAGES FOR PURPOSES INCIDENTAL TO THE ENJOYMENT OF THE MAIN DWELLING-HOUSE OTHER THAN SOLELY THE PARKING OF VEHICLES - CHURCH HOUSE, MARLEY ROAD, HARRIETSHAM, MAIDSTONE

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

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

Voting: 10 – For 0 – Against 0 – Abstentions

85. MA/09/1434 - CONVERSION AND EXTENSION OF EXISTING GARAGE INTO ANCILLARY ACCOMMODATION - PRIMROSE COTTAGE, FAIRBOURNE LANE, HARRIETSHAM, MAIDSTONE

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

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

Voting: 10 – For 0 – Against 0 – Abstentions

86. APPEAL DECISIONS

The Committee considered the report and the urgent update report of the Head of Development Management setting out details of appeal decisions received since the last meeting. The Head of Development Management drew the Committee's attention to the Inspector's decision to allow the appeal against refusal of application MA/09/2311 to vary condition 4 of MA/05/2034 to allow the stationing of 4 no. mobile homes and 4 no. touring caravans on land adjacent to Norham Farm, Lenham Heath Road, Lenham Heath. It was suggested that if Members wished to discuss the implications of the decision, they should ask the Head of Development Management to include an item on the agenda for the next meeting.

RESOLVED: That the report be noted.

87. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:-

- The tour of planning sites had been arranged to take place on 30 September 2010.
- A Members' workshop on landscape/ecological issues had been arranged to take place at 6.30 p.m. on 4 August 2010. He would recommend all Members to attend.

88. UPDATE ON MATTERS REFERRED TO THE CABINET MEMBERS FOR ENVIRONMENT/REGENERATION

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

Arising from its consideration of application MA/10/0253, the Committee:-

RESOLVED: That the Cabinet Member for Regeneration be requested to liaise with the Shadow Cabinet Member regarding the submission of a motion to the next appropriate Local Government Association Conference calling upon the Government to reconsider the facility for retrospective planning applications.

89. DURATION OF MEETING

6.00 p.m. to 9.15 p.m.