

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 25 NOVEMBER 2010**

**Present:** Councillor Lusty (Chairman) and Councillors Ash, Barned, English, Harwood, Hinder, Nelson-Gracie, Paine, Paterson, Robertson, Mrs Robertson, J.A. Wilson and Mrs Wilson

**Also Present:** Councillors Mrs Gooch, B Mortimer and Parr

210. APOLOGIES FOR ABSENCE

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

211. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Robertson was substituting for Councillor Chittenden.

212. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Gooch indicated her wish to speak on the report of the Head of Development Management relating to application MA/10/1384.

Councillors B Mortimer and Parr indicated their wish to speak on the report of the Head of Development Management relating to application MA/10/0992.

213. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

214. 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.

215. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Ash disclosed a personal interest in the report of the Head of Development Management relating to application MA/10/1753 by virtue of

being the Cabinet Member for Leisure and Culture with responsibility for matters relating to the Maidstone Museum.

Councillor English disclosed a personal interest in the report of the Head of Development Management relating to application MA/10/0202. 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.

Councillors Harwood and Hinder disclosed personal interests in the report of the Head of Development Management relating to application MA/10/1674. They stated that they were Members of Boxley Parish Council, but they had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

Councillor Paterson disclosed a prejudicial interest in the report of the Head of Development Management relating to application MA/10/0594 by virtue of being a Trustee of the Kent Music School, the applicant.

Councillor Robertson disclosed a personal interest in the report of the Head of Development Management relating to application MA/10/1384. He stated that since he was a Member of the County Council's Planning Applications Committee which would determine the application to extend Hermitage Quarry, he would not participate when the Borough Council as a neighbouring authority formulated its views on the proposal.

216. EXEMPT ITEMS

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

217. MINUTES

RESOLVED: That the Minutes of the meeting held on 4 November 2010 be approved as a correct record and signed.

218. PRESENTATION OF PETITIONS

There were no petitions.

219. DEFERRED ITEMS

- (1) 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

See Minute 223 below.

- (2) MA/10/1322 – SINGLE STOREY SIDE INFILL EXTENSION WITH BAY WINDOW TO REPLACE CAR PORT, SINGLE STOREY REAR EXTENSION, TWO STOREY REAR EXTENSION WITH

ACCOMMODATION IN ROOF, ADDITION OF TWO NO. DORMERS AND RAISING OF MAIN RIDGE HEIGHT – 110 LOOSE ROAD, MAIDSTONE

The Head of Development Management advised Members that amended plans and a landscaping scheme had been received and put out to consultation. The consultation period was ongoing and he hoped to be in a position to report the application back to the next meeting of the Committee.

220. MA/10/1674 – CONSTRUCTION OF NEW DWELLING WITH ASSOCIATED AMENITY SPACE, ACCESS AND PARKING - PLOT 2, LAND REAR OF BURNLEA AND WOODSIDE, GROVE GREEN LANE, WEAVERING, KENT

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 Barker, an objector, Councillor Pepper of Boxley Parish Council (against) and Mr Hicks, the applicant, addressed the meeting.

RESOLVED: That subject to the expiry of the re-consultation period and the receipt of no representations raising new issues, the Head of Development Management 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 conditions set out in the urgent update report with the amended reason for approval set out in the urgent update report.

Voting: 12 – For 1 – Against 0 – Abstentions

221. MA/10/0992 - DEMOLITION OF LONDIS STORE AND "BIRD IN HAND" PUBLIC HOUSE AND ERECTION OF TWO BUILDINGS ACCOMMODATING APPROXIMATELY 325 SQM A1 RETAIL FLOOR SPACE, WITH BASEMENT STORAGE AREA, 110 SQM A4 PUBLIC HOUSE FLOOR SPACE AND 10 FLATS WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING - LAND AT LONDIS STORE & BIRD IN HAND P.H., HEATH ROAD, COXHEATH, 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.

Councillor Hughes of Coxheath Parish Council (against), Miss Drake, for the applicant, and Councillors B Mortimer and Parr (both in support) addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a legal agreement in such terms as the Head of Legal Services may advise to secure the following:-
  1. A contribution of £576.32 for Kent County Council for the improvement of the existing library stock in the locality;
  2. A contribution of £557.81 for Kent County Council towards the provision of youth and community workers within the locality;
  3. A contribution of £15,750 for Maidstone Borough Council Parks and Open Space Department for improvements to the open space within Stockett Lane; and
  4. A contribution of £6,552 for the Primary Care Trust towards improvements to the facilities at the existing surgery in Stockett Lane

the Head of Development Management be given delegated powers to grant permission subject to the conditions and informatives set out in the report, the additional informatives set out in the urgent update report and the following additional conditions and informatives:-

Additional Conditions

No development, including demolition of existing structures, shall commence until a programme of building recording and analysis (the "Programme") has been submitted to and approved in writing by the Local Planning Authority. The Programme shall include a written scheme of investigation. The resulting report shall be submitted to the Local Planning Authority, the Historic Environment Record held by Kent County Council and the Maidstone Museum before first occupation of the development hereby permitted.

Reason: To prevent the unrecorded loss of a non-designated heritage asset, in accordance with policy BE6 of the South East Plan 2009 and central government planning policy and guidance in PPS5 Planning and the Historic Environment.

The development shall not commence until details of hard landscape works 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 buildings or land.

Reason: To ensure a satisfactory appearance to the development pursuant to the central government planning policy and guidance in PPS1 Delivering Sustainable Development.

### Additional Informatives

The hard landscaping scheme to be submitted and approved under condition 17 above should include permeable surfaces in order to avoid concentrations of water and to increase run off.

Where possible, deliveries to the store and public house should take place from the service area to the rear of the site using smaller delivery vehicles.

2. That the details to be submitted pursuant to conditions 2 (materials), 6 (soft landscaping) and 17 (hard landscaping) are to be agreed in consultation with Ward Members and the Parish Council.
3. That the Head of Development Management should explore the possibility of increasing the expanse of the green roof and incorporating renewable energy systems.

Voting:        9 – For        2 – Against        2 – Abstentions

222. MA/10/0594 - AN OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ACCESS TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - KENT MUSIC SCHOOL, ASTLEY HOUSE, HASTINGS ROAD, MAIDSTONE

Having disclosed a prejudicial interest, Councillor Paterson left the meeting whilst this application was discussed.

All other Members stated that they had been lobbied.

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

Mrs Hennessy, an objector, and Mr Bolton, for the applicant, addressed the meeting.

### RESOLVED:

That subject to the prior completion of a legal agreement in such terms as the Head of Legal Services may advise to secure the following:-

1. A minimum of 40% affordable housing on site;
2. A requirement for the applicant to relocate within a 15km radius of the application site, within the Borough of Maidstone, prior to the demolition of the existing building;
3. A contribution of £1,440 for Kent County Council for additional book stock for the local library;

4. A contribution of £7,968.75 for Kent County Council towards the cost of the additional youth and community workers required as a result of the development;
5. A contribution of £379.65 for Kent County Council towards the cost of the additional demands placed upon adult social services as a result of the development;
6. A contribution for the Primary Care Trust of £120 per occupant per dwelling for a period of five years for improvements to the existing healthcare facilities at the King Street surgery; and
7. A contribution of £1,575 per dwelling for Maidstone Borough Council Parks and Open Space Department primarily for improvements to the play area within Mote Park with the balance being spent on improvements to the Len Valley Nature Reserve

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, and the additional condition and informative set out in the urgent update report with the amendment of condition 8 and the informative set out in the urgent update report and an additional condition as follows:-

Condition 8 (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:-

- The provision of a hedge along the Hastings Road frontage;
- The provision of a landscaped buffer along the southern boundary of the application site, which shall be at least 2metres in depth and should include a hedge and trees as well as low planting;
- The provision of a high quality landscaping scheme, which should include provision of suitable tree planting, along the eastern boundary of the site adjacent to the rear gardens of properties on Greenside; and
- The retention of the trees shown within the arboricultural report (unless otherwise agreed in writing).

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.

Informative (Amended)

Due to the central location of the application site, any proposal will be required to be of a high quality of design that respects the existing street scene. Prior to the submission of reserved matters or full application for this site, the applicants, or their successors in title, should enter into pre-application discussions with Ward Members and Council Officers.

Additional Condition

No development, including demolition of existing structures, shall commence until a programme of building recording and analysis (the "Programme") has been submitted to and approved in writing by the Local Planning Authority. The Programme shall include a written scheme of investigation. The resulting report shall be submitted to the Local Planning Authority, the Historic Environment Record held by Kent County Council and the Maidstone Museum before first occupation of the development hereby permitted.

Reason: To prevent the unrecorded loss of a non-designated heritage asset, in accordance with policy BE6 of the South East Plan 2009 and central government planning policy and guidance in PPS5 Planning and the Historic Environment.

Voting:        11 – For        0 – Against        1 – Abstention

223. MA/09/2043 - ERECTION OF A REPLACEMENT DWELLING WITH DOUBLE GARAGE AND CREATION OF A NEW DRIVEWAY - STUBBLE HILL COTTAGE, SANDWAY 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 conditions and informatives set out in the report and the additional condition and informative set out in the urgent update report with the amended reason for approval set out in the urgent update report.

Voting:        13 – For        0 – Against        0 – Abstentions

224. MA/10/0504 - PLANNING APPLICATION FOR THE CHANGE OF USE OF LAND TO RESIDENTIAL USE FOR STATIONING OF 1 NO. MOBILE HOME AND 1 NO. TOURING VAN AND FOR ERECTION OF UTILITY BLOCK AND ASSOCIATED WORKS INCLUDING SURFACE AREA TREATMENT, CESSPIT AND BOUNDARY TREATMENT - GREEN TOPS, SYMONDS LANE, YALDING, MAIDSTONE

Councillor Nelson-Gracie stated that he had been lobbied.

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

Mr Jones addressed the meeting on behalf of the applicant.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report and the additional condition set out in the urgent update report with the amendment of condition 2 and an additional condition as follows:-

Condition 2 (amended)

Within three months of the date of this permission details of a scheme to restore the land to its condition before the development took place (or as otherwise agreed in writing by the Local Planning Authority) at the end of the period for which planning permission is granted for the use by those named in condition 1 above and a timetable for its implementation have been submitted to and approved in writing by the Local Planning Authority. The details should include a scheme of landscaping, using indigenous species, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with 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 restoration works shall be carried out in accordance with the approved details and within any such timescale as specified.

Reason: To secure appropriate restoration of the site in the interests of protecting the character and appearance of the countryside in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan 2000 and CC1, CC6, and C4 of the South East Plan 2009, and central government planning policy and guidance in PPS1 Delivering Sustainable Development and PPS7 Sustainable Development in Rural Areas.

Additional Condition

Within one month of the date of this permission, details of the generator to be used and its position within the site shall be submitted to the Local Planning Authority. The use of any generator not in accordance with the approved details shall not occur without the prior written permission of the Local Planning Authority.

Reason: To ensure the character of the open countryside and to prevent harm to the residential amenity of nearby occupiers in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan 2000 and CC1, CC6, NRM10 and C4 of the South East Plan 2009, and central government planning policy and guidance in PPS1 Delivering Sustainable Development, PPS7 Sustainable Development in Rural Areas and PPG24 Planning and Noise.



2. That the reason for approval should be amended to include reference to the South East Plan.

Voting: 12 – For 0 – Against 1 – Abstention

225. MA/10/0202 - PLANNING APPLICATION FOR ERECTION OF 14 DWELLINGS - SHARP HOUSE, TOVIL GREEN, TOVIL, 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.

Councillor D Mortimer of Tovil Parish Council (against) addressed the meeting.

RESOLVED: That consideration of this application be deferred to enable the Officers to:-

- Give further consideration to the rationale for the contributions proposed to be secured through the Section 106 agreement; and
- Negotiate amendments to the layout of the proposed development to achieve an acceptable standard of car parking provision for each residential unit and improvements to the design and materials.

Voting: 13 – For 0 – Against 0 – Abstentions

226. MA/10/1384 - A CONSULTATION WITH MAIDSTONE BOROUGH COUNCIL BY KENT COUNTY COUNCIL FOR PROPOSED WESTERLY EXTENSION TO HERMITAGE QUARRY - HERMITAGE QUARRY, HERMITAGE LANE, MAIDSTONE

Councillors Barned, English and Paine stated that they had been lobbied.

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

Councillor Budgen of Barming Parish Council (against), Mr Hare, for the applicant, and Councillor Mrs Gooch (against) addressed the meeting.

RESOLVED:

1. That objections be raised to this application for the reasons set out in the report, as amended by the urgent update report, with the amendment of the second reason and an additional reason and informative as follows:-

Reason 2 (amended)

The proposal would fail to protect ancient woodland from damaging development and land uses and would therefore be contrary to policy

NRM7 of the South East Plan 2009. Therefore, on arboricultural grounds the application for a proposed westerly extension to Hermitage Quarry should be resisted unless the County is satisfied that the application fulfils the criteria set out within PPS9 for granting planning consent within ancient woodland and complies with Natural England's Ancient Woodland Standing Advice.

Additional Reason

Oaken Wood is a core site within the Kent Biodiversity Action Plan and Greensand Heaths and Commons Biodiversity Opportunity Area, and the proposal would be contrary to the aims of planning policies NRM5 and NRM7 of the South East Plan 2009 and PPS9 Biodiversity and Geological Conservation.

Informative

Maidstone Borough Council does not accept the contents of the Natural England letter dated 16 November 2010 and is seeking clarification and justification for the proposed reclassification of the ancient woodland by Natural England.

2. That Natural England should be asked to clarify and justify the proposed reclassification of the ancient woodland.
3. That the Borough Council should be represented by an appropriate Officer at the meeting of the County Council's Planning Applications Committee, if procedures allow, when the application is considered.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor Robertson did not participate in the discussion or voting on this application.

FURTHER RESOLVED: That the County Council be informed that the voting on this matter was unanimous.

227. MA/10/1753 - LISTED BUILDING CONSENT FOR THE REMOVAL AND SAFE STORAGE OF 4 NO. LEADED WINDOWS TO MAIDSTONE MUSEUM'S BENTLIF WING TO ALLOW INSTALLATION OF NEW CONCEALED DUCTWORK SERVICING THE EAST WING - MBC MUSEUM, ST FAITHS STREET, MAIDSTONE

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

RESOLVED: That this application be referred to the Secretary of State for determination with a recommendation that listed building consent be granted subject to the conditions set out in the report with the amended reason for approval set out in the urgent update report.

Voting: 11 – For 0 – Against 1 – Abstention

Note: Councillor English was not present during consideration of this application and Councillor Ash abstained from the voting.

228. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that a Members' training session on water resources and drainage issues would be held at 6.30 p.m. on Wednesday 1 December 2010.

229. 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/10/0202, the Committee:-

RESOLVED: That arrangements be made for a Members' workshop to discuss transportation issues, including an update on the adoption of the Council's own car parking standards and what constitutes an adequate bus service for planning purposes.

230. DURATION OF MEETING

6.00 p.m. to 9.45 p.m.