

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 13 OCTOBER 2011

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

Also Present: **Councillors Beerling and Mrs Blackmore**

158. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Newton and Paine.

159. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor Black for Councillor Paine
Councillor Mrs Gooch for Councillor Newton

160. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Blackmore indicated her wish to speak on the report of the Head of Development Management relating to application MA/10/2159.

It was noted that Councillor Beerling had indicated his wish to speak on the report of the Head of Development Management relating to application MA/11/1078.

161. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

162. 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.

163. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Ash disclosed a personal interest in the report of the Head of Development Management relating to application MA/11/0679. He stated that he knew Mr Norton, who had registered to speak on behalf of the applicant, as he was a former Chairman of the Bearsted branch of the Faversham and Mid-Kent Conservative Association. Although he had not discussed the application with Mr Norton, he would leave the meeting when it was considered to avoid any suggestion of bias.

Councillor Mrs Gooch stated that since she had pre-determined application MA/11/1078, she would not participate in the discussion or voting on the proposed development.

Councillor Hinder disclosed a personal interest in the report of the Head of Development Management relating to application MA/11/1002. He stated that he was a Member of Bredhurst 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 Nelson-Gracie disclosed a personal interest in the report of the Head of Development Management relating to application MA/10/2159. He stated that he was a Member of Nettlestead 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 Paterson stated that since it might appear that she had pre-determined application MA/11/0485, she would speak but not vote when it was discussed.

164. EXEMPT ITEMS

RESOLVED: That the exempt Appendix to the urgent update report of the Head of Development Management be considered in public if required, but the information contained therein should remain private.

165. MINUTES OF THE MEETING HELD ON 22 SEPTEMBER 2011

RESOLVED: That the Minutes of the meeting held on 22 September 2011 be approved as a correct record and signed.

166. PRESENTATION OF PETITIONS

There were no petitions.

167. DEFERRED ITEMS

MA/10/1627 - ERECTION OF A NEW DWELLING - LAND OFF BEECHEN BANK, BOXLEY ROAD, WALDERSLADE

The Head of Development Management advised Members that he expected to be in a position to report this application back to a meeting of the Committee within two months.

168. MA/10/1336 - VARIATION OF ENFORCEMENT APPEAL REFERENCE ENF/8968 CONDITIONS 1 AND 2 TO ALLOW THE USE OF THE SITE FOR THE SITING OF A MOBILE HOME AND A TOURING CARAVAN ON A PERMANENT BASIS FOR AN EXTENDED GYPSY FAMILY - THE CHANCES, LUGHORSE LANE, HUNTON

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

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

Mrs Aucamp, an objector, Councillor Sawtell of Hunton Parish Council (against) and Mrs Smith, the applicant, addressed the meeting.

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

Voting: 11 – For 0 – Against 2 – Abstentions

FURTHER RESOLVED: That the Officers should give careful consideration to the extent of the information relating to applicants' personal circumstances which is included in Part I of the agenda.

169. MA/10/1546 - VARIATION OF CONDITIONS 1 AND 2 OF PLANNING PERMISSION MA/04/2108 (RESIDENTIAL STATIONING OF TWO MOBILE HOMES AND ONE TOURING CARAVAN FOR A GYPSY FAMILY) TO ALLOW USE BY ANY GYPSY TRAVELLER FAMILY ON A PERMANENT BASIS - PLUM TREE FARM, PARK ROAD, MARDEN, TONBRIDGE

The Chairman stated that he had been lobbied.

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

Councillor Adam of the Marden Society Footpaths Group and Marden Parish Council (against) and Mr Brazil, the applicant, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report.
2. That the Head of Development Management be requested to write to Kent County Council Public Rights of Way requesting early resolution of the obstruction issues relating to Public Right of Way KM275.

Voting: 12 – For 1 – Against 0 – Abstentions

Note: Councillor Nelson-Gracie requested that his dissent be recorded.

170. MA/10/2159 - ERECTION OF RESIDENTIAL DEVELOPMENT WITH BOTH OUTLINE AND FULL DETAILS COMPRISING: OUTLINE UP TO 19 NO. RESIDENTIAL DWELLINGS INCLUDING MEANS OF ACCESS WITH ALL OTHER MATTERS RESERVED, THE PROVISION OF A DEVELOPMENT PLATFORM, OPEN SPACE AND LANDSCAPING ON SITE 1. FULL DETAILS FOR ENGINEERING OPERATION INCLUDING TEMPORARY ACCESS ON SITE 1A - FORMER SYNGENTA WORKS, HAMPSTEAD LANE, YALDING

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 Bird, an objector, Mr Darby, for the applicant, and Councillor Mrs Blackmore (against) addressed the meeting.

RESOLVED: That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:-

That in the event that the construction of the dwellings has not commenced on site 1 within 24 months from the date of the agreement, the applicants undertake to provide an updated viability assessment to be independently assessed by the District Valuer (or equivalent body) to enable reconsideration to be given to the potential for S106 contributions to be made in relation to the development and secure appropriate contributions accordingly together with the costs of the independent assessment,

the Head of Development Management be given delegated powers to grant permission subject to the conditions and informatives set out in the report with the amendment of the second informative in relation to the development proposed on site 1 as follows:-

The details of reserved matters of appearance and layout should provide for a high quality design led approach, using design cues drawn from the local vernacular. In preparing the details, you are strongly urged to introduce ridge heights which are less than the indicated maximum parameter, due to the prominent location of the site.

Voting: 12 – For 1 – Against 0 – Abstentions

Note: Councillor Nelson-Gracie requested that his dissent be recorded.

171. MA/11/0485 - CHANGE OF USE FROM RESIDENTIAL TO A HOUSE OF MULTIPLE OCCUPATION - 23 RANDALL STREET, MAIDSTONE

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

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

RESOLVED: That permission be granted.

Voting: 9 – For 3 – Against 0 – Abstentions

Note: Having stated that she had pre-determined this application, Councillor Paterson did not participate in the voting.

172. MA/11/0679 - ERECTION OF THREE DWELLINGS COMPRISING ONE DETACHED DWELLING WITH INTEGRAL GARAGE AND TWO SEMI DETACHED DWELLINGS WITH ACCESS TO TONBRIDGE ROAD VIA ACCESS PERMITTED UNDER MA/08/2323 - LAND R/O 125 TONBRIDGE ROAD, MAIDSTONE

Having stated that he knew Mr Norton, who had registered to speak on behalf of the applicant, Councillor Ash left the meeting whilst this application was discussed.

The Chairman and Councillors Black and Hinder stated that they had been lobbied.

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

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

RESOLVED: That this application be deferred for the submission of a fully detailed landscaping scheme to enable full consideration of the scheme and layout.

Voting: 10 – For 0 – Against 2 – Abstentions

173. MA/11/1002 - REDEVELOPMENT OF EXISTING COMMERCIAL SITE TO PROVIDE 9 UNITS FOR B1 LIGHT INDUSTRIAL USE - PURPLEHILL WORKS, WHITE HILL ROAD, DETLING, BREDHURST

The Chairman and Councillor Hinder stated that they had been lobbied.

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

Councillor Evernden of Detling Parish Council (against) and Mr Collins, for the applicant, addressed the meeting.

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

Voting: 13 – For 0 – Against 0 – Abstentions

174. MA/11/1078 - PLANNING APPLICATION FOR THE ERECTION OF A THREE STOREY MEDICAL CENTRE AND 10 DWELLINGS TOGETHER WITH ASSOCIATED LANDSCAPING AND ACCESS - 13 TONBRIDGE 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 Scannell, for an objector, Mr Gould, for the applicant, and Councillor Beerling (in support) addressed the meeting.

RESOLVED:

1. 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:-
 - A contribution of £11,088 for the Primary Care Trust to be spent at the new surgery within the application site;
 - A contribution of £2,348 for Kent County Council for improvements to the book stock at the new library and adult education at the new library;
 - A contribution of £748.50 for Kent County Council towards adult social services that will be provided within the urban area of Maidstone; and
 - A contribution of £15,750 for Maidstone Borough Council Parks and Open Space to be used on projects within a 2km radius of the application site,

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, the additional condition set out in the urgent update report and the deletion of the reason for approval set out on page 156 of the agenda (the reason for approval to be as set out on pages 148-149 of the agenda).

2. That the contribution to be sought for Maidstone Borough Council Parks and Open Space should be spent on projects to be agreed in consultation with the Ward Members.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Having stated that she had pre-determined this application, Councillor Mrs Gooch did not participate in the discussion or voting.

175. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that following a visit by a group of Members and Officers from Swale Borough Council to a recent meeting of the Planning

Committee, he had received an email from their Cabinet Member complimenting Members and Officers on the way in which the meeting was conducted. Swale had also enquired about the possibility of joint training sessions.

176. UPDATE ON MATTERS REFERRED TO THE LEADER OF THE COUNCIL AND CABINET MEMBERS FOR ENVIRONMENT/ECONOMIC DEVELOPMENT AND TRANSPORT

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

177. DURATION OF MEETING

6.00 p.m. to 9.55 p.m.