

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 30 JUNE 2011

Present: Councillor Lusty (Chairman) and Councillors Ash, Chittenden, Collins, Cox, English, Harwood, Hinder, Nelson-Gracie, Newton, Paine, Mrs Robertson and J.A. Wilson

Also Present: Councillors Verrall and de Wiggondene

51. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Garland and Paterson.

52. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were noted:-

Councillor Chittenden for Councillor Paterson
Councillor Hinder for Councillor Garland

53. **NOTIFICATION OF VISITING MEMBERS**

Councillor Verrall indicated his wish to speak on the reports of the Head of Development Management relating to applications MA/11/0154 and MA/11/0201.

It was noted that Councillor de Wiggondene had indicated his wish to speak on the report of the Head of Development Management relating to application MA/10/1878.

54. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

55. **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.

56. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors Harwood and Hinder disclosed personal interests in the report of the Head of Development Management relating to application MA/10/1824. 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 Paine disclosed a personal interest in the report of the Head of Development Management relating to application MA/10/1824 by virtue of being a non-executive member of the Medway River Users' Association.

Councillor Mrs Robertson stated that since she had pre-determined application MA/10/1741, she would speak but not vote when it was discussed.

57. EXEMPT ITEMS

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

58. MINUTES OF THE MEETING HELD ON 9 JUNE 2011

The Chairman reminded the Committee that an amended version of the Minutes had been circulated following publication of the agenda.

RESOLVED: That the amended version of the Minutes of the meeting held on 9 June 2011 be approved as a correct record and signed.

59. PRESENTATION OF PETITIONS

There were no petitions.

60. DEFERRED ITEMS

- (1) MA/10/1878 - ERECTION OF 1 NO. BUNGALOW (PLOT 2) WITH DETACHED GARAGE, ACCESS AND ASSOCIATED WORKS (RE-SUBMISSION OF APPLICATION MA/10/1149) - LAND ADJACENT TO THE RETREAT, WARE STREET, WEAVERING, MAIDSTONE

See Minute 64 below.

- (2) MA/10/1627 - ERECTION OF A NEW DWELLING - LAND OFF BEECHEN BANK, BOXLEY ROAD, WALDESLADE

The Head of Development Management advised the Committee that negotiations were taking place in respect of this application.

- (3) MA/10/2189 - ERECTION OF 5 NO. DWELLINGS WITH GARAGING, PARKING PROVISION, NEW DRIVEWAY - AMENDED DESIGN TO THAT APPROVED UNDER REFERENCE MA/09/0760 - LITTLE ORCHARD, CHURCH LANE, BEARSTED, MAIDSTONE

The Head of Development Management advised the Committee that negotiations were taking place in respect of this application.

61. MA/10/1555 - USE OF LAND FOR THE STATIONING OF TWO MOBILE HOMES AND TWO TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION AND THE KEEPING OF HORSES PLUS ERECTION OF STABLES, TWO UTILITY/DAY ROOMS, HARDSTANDING AND SEPTIC TANK - STILEBRIDGE PADDOCK, STILEBRIDGE LANE, LINTON, KENT

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

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

Councillor Munford left the meeting after he had spoken.

RESOLVED: That permission be granted subject to the conditions and informative set out in the report, the additional condition set out in the urgent update report and the following additional conditions and informative:-

Additional Conditions

Within 3 months of the date of this decision details of 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 measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management plan shall be submitted for approval in writing by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall pay particular attention to landscaping around the entrance to the site, retaining all hedging and the filling of any gaps within existing hedging.

Reason: No such details have been submitted and to ensure an appropriate setting to the site in the interests of visual amenity in accordance with policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000, policies CC1 and C4 of the South East Plan 2009 and PPS7.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the next planting and seeding season (October 2011 – March 2012); and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure an appropriate setting to the site in the interests of visual amenity in accordance with policies ENV6 and ENV28 of the

Maidstone Borough-Wide Local Plan 2000, policies CC1 and C4 of the South East Plan 2009 and PPS7.

Additional Informative

The applicant should contact Maidstone Borough Council Landscape Officers in advance of submitting and implementing any landscaping scheme and work closely with them to ensure an effective delivery of the scheme.

Voting: 9 – For 1 – Against 3 – Abstentions

62. MA/10/1741 - AMENDED SCHEME TO PLANNING PERMISSION ON MA/09/0508 (SINGLE STOREY EXTENSION WITH CONVERTED ROOF SPACE TO SOUTH ELEVATION) HAVING REVISED SCALE AND ALTERATIONS TO FENESTRATION - 7 HAZELWOOD DRIVE, 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 Gomersall addressed the meeting on behalf of objectors.

Contrary to the recommendation of the Head of Development Management, the Committee agreed to refuse permission. In making this decision, Members felt that the cumulative effect of the changes to the extension from that approved under application reference MA/09/0508, in terms of the height, depth and mass was so overwhelming to the occupiers of numbers 48 and 50 Roseleigh Avenue such that the development would result in unacceptable harm to the amenity of the occupiers of these properties. This was contrary to policy H18 of the Maidstone Borough-Wide Local Plan 2000, advice within the Council's adopted Supplementary Planning Guidance 'Residential Extensions' 2009 and PPS1.

RESOLVED: That permission be refused for the following reason:-

The cumulative effect of the changes to the extension from that approved under application reference MA/09/0508, in terms of the height, depth and mass is so overwhelming to the occupiers of numbers 48 and 50 Roseleigh Avenue such that the development would result in unacceptable harm to the amenity of the occupiers of these properties. This is contrary to policy H18 of the Maidstone Borough-Wide Local Plan 2000, advice within the Council's adopted Supplementary Planning Guidance 'Residential Extensions' 2009 and PPS1.

Voting: 7 – For 4 – Against 2 – Abstentions

Note: The Chairman requested that his dissent be recorded.

63. MA/10/1824 - USE OF RIVER BANK TO MOOR RESIDENTIAL BARGES - RIVERSIDE COTTAGE, SANDLING, MAIDSTONE

The Committee considered the 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 following additional condition and informative:-

Additional Condition

Within 3 months of the date of this decision details of a long term landscape management and maintenance plan to restore where necessary and maintain a semi-natural river bank at the site shall be submitted for approval in writing by the Local Planning Authority. The approved details shall thereafter be maintained to the satisfaction of the Local Planning Authority.

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

Additional Informative

Any vessels moored at the site should only be residential vessels.

Voting: 12 – For 0 – Against 1 – Abstention

64. MA/10/1878 - ERECTION OF 1 NO. BUNGALOW (PLOT 2) WITH DETACHED GARAGE, ACCESS AND ASSOCIATED WORKS (RE-SUBMISSION OF APPLICATION MA/10/1149) - LAND ADJACENT TO THE RETREAT, WARE STREET, WEAVERING, MAIDSTONE

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

Mrs Scott, an objector, Mr Fowler, for the applicant, and Councillor de Wiggondene addressed the meeting.

RESOLVED:

1. That subject to the negotiation of minor alterations to the siting of the garage in order to increase landscaping around the perimeter of the site, the Head of Development Management be given delegated powers to grant permission subject to the conditions and informative set out in the report, the additional condition and informative set out in the urgent update report and any additional or amended conditions as necessary.
2. That details of the additional landscaping should be agreed in consultation with the Ward Member and the Parish Council.

Voting: 13 – For 0 – Against 0 – Abstentions

65. MA/11/0154 - RETROSPECTIVE PLANNING PERMISSION FOR THE CHANGE OF USE OF LAND FROM AGRICULTURE TO RESIDENTIAL GARDEN - 7 ROUNDEL WAY, MARDEN, TONBRIDGE

The Chairman and Councillors English and Nelson-Gracie stated that they had been lobbied.

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

Councillor Verrall addressed the meeting in support of the application.

RESOLVED: That permission be refused for the reasons set out in the report with the amendment of reason for refusal no. 1 as follows:-

The change of use of land to domestic garden due to its size and intrusion into the adjoining agricultural field results in harm to the character and appearance and biodiversity interests of the countryside hereabouts contrary to policies ENV28 and H31 of the Maidstone Borough-Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009, PPS7 and PPS9.

Voting: 11 – For 1 – Against 1 – Abstention

66. MA/11/0201 - RETROSPECTIVE PLANNING PERMISSION FOR THE CHANGE OF USE OF LAND FROM AGRICULTURAL LAND TO RESIDENTIAL GARDEN - 5 ROUNDEL WAY, MARDEN, TONBRIDGE

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

Councillor Verrall addressed the meeting in support of the application.

RESOLVED: That permission be refused for the reason set out in the report amended as follows:-

The change of use of land to domestic garden due to its size and intrusion into the adjoining agricultural field results in harm to the character and appearance and biodiversity interests of the countryside hereabouts contrary to policies ENV28 and H31 of the Maidstone Borough-Wide Local Plan 2000, policies CC6 and C4 of the South East Plan 2009, PPS7 and PPS9.

Voting: 10 – For 1 – Against 1 – Abstention

Note: Councillor English left the meeting during consideration of this application. He returned shortly afterwards, but did not participate further in the discussion or voting on the application.

67. MA/11/0752 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR WORKS TO THE LEAD GUTTER SERVING THE ROOF, INCLUDING REMOVAL OF REDUNDANT SV PIPE FROM FRONT ELEVATION AND REPLACEMENT WITH CAST IRON DOWNPIPE - TOWN HALL, MIDDLE ROW, MAIDSTONE

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

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

Voting: 13 – For 0 – Against 0 – Abstentions

68. APPEAL DECISIONS

The Committee considered the report of the Head of Development Management setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

69. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised the Committee that a meeting of the Chairman and Political Group Spokespersons had been arranged to take place on 11 July 2011. If Members wished to include items on the agenda for the meeting, they should forward them to the representative of the Head of Democratic Services by 4 July 2011. In response to this request, a number of issues were put forward for inclusion on the agenda.

70. 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 applications at the meeting, the Committee:-

RESOLVED:

1. That the Cabinet Member for Economic Development and Transport be requested to renew with vigour his representations to the Secretary of State for Communities and Local Government regarding the facility for retrospective applications.
2. That the Cabinet Member for Economic Development and Transport be requested to lobby the Environment Agency regarding the need for its advice on drainage issues at an early stage in the consideration of applications for development in sensitive rural areas.

71. DURATION OF MEETING – 6.00 P.M TO 9.10 P.M.