

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**MINUTES OF THE MEETING HELD ON 21 JULY 2011**

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

**Also Present:**        **Councillors Hogg and D Mortimer**

72.    APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Garland, Harwood and Mrs Robertson.

73.    NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor Chittenden for Councillor Mrs Robertson  
Councillor Hinder for Councillor Garland  
Councillor Mrs Wilson for Councillor Harwood

74.    NOTIFICATION OF VISITING MEMBERS

Councillors Hogg and D Mortimer indicated their wish to speak on the report of the Head of Development Management relating to application MA/10/1893.

75.    ITEMS WITHDRAWN FROM THE AGENDA

There were none.

76.    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.

77.    DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Ash disclosed a personal interest in the reports of the Head of Development Management relating to applications MA/10/2189 and MA/11/0994. He stated that he was a Member of Bearsted Parish Council,

but he had not participated in the Parish Council's discussions on the applications and intended to speak and vote when they were considered.

Councillor Chittenden stated that, with regard to the report of the Head of Development Management relating to application MA/10/2189, he had taken the opportunity to visit the site. The site was closed, but he was invited by a neighbour to look at the development from their property. Although he had listened to the points made, he had not responded in any way, and intended to speak and vote when the application was discussed.

During the discussion on application MA/10/1893, Councillor English disclosed a personal interest by virtue of being a Member of Tovil Parish Council. He stated that 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 disclosed a personal interest in the report of the Head of Development Management relating to application MA/10/1893 by virtue of being a non-executive member of the Medway River Users' Association and a prospective member of the East Farleigh Cruising Club.

78. EXEMPT ITEMS

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

79. MINUTES OF THE MEETING HELD ON 30 JUNE 2011

RESOLVED: That the Minutes of the meeting held on 30 June 2011 be approved as a correct record and signed.

80. PRESENTATION OF PETITIONS

There were no petitions.

81. DEFERRED ITEMS

(1) 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 continuing in respect of this application.

(2) 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

See Minute 85 below.

82. MA/10/1542 - CHANGE OF USE OF LAND TO PROVIDE TWO PLOTS FOR GYPSY TRAVELLERS, INCLUDING THE STATIONING OF TWO MOBILE HOMES, TWO TOURING CARAVANS, A STABLE BUILDING AND TWO UTILITY BLOCKS - PLOT 5, LAND AT LUGHORSE LANE, HUNTON

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

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

Ms Larman, on behalf of objectors, Councillor Heaton of Hunton Parish Council (against) and Mr Woods, for the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Development Management, the Committee agreed to refuse permission notwithstanding the advice of the Head of Development Management that he believed the reason to justify refusal would not be sustainable at appeal.

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

The proposed development would represent, because of the area in which it is located, incongruous development within open countryside, which is designated as part of the Greensand Ridge Special Landscape Area, causing unacceptable harm to its character and appearance. To permit the development would be contrary to policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, policies CC1, CC6 and C4 of the South East Plan 2009 and the advice in PPS4, PPS7 and Circular 1/2006.

Voting:        13 – For        0 – Against        0 – Abstentions

DECISION DEFERRED UNTIL THE NEXT MEETING pursuant to paragraph 26.3 (a) of the Council Procedure Rules set out in Part 4 of the Constitution.

Note: Councillor J A Wilson left the meeting after consideration of this application. He returned after consideration of application MA/10/2062.

83. MA/10/2062 - CONVERSION OF BARN TO DWELLING HOUSE - BOY COURT FARM HOUSE, BOY COURT LANE, ULCOMBE

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

Councillor Beale of Ulcombe Parish Council (in support) and Mr Easton, the applicant, addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report as amended by the urgent update report.

Voting:        12 – For        0 – Against        0 – Abstentions

Note: Councillor J A Wilson was not present during consideration of this application.

84. MA/10/1893 - APPLICATION FOR PERMISSION TO LOWER AND REINFORCE A RIVER BANK MOORING - LAND BETWEEN MILLERS WHARF AND WHARF ROAD, TOVIL

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

Mr Cooper, for the applicant, and Councillors Hogg (in support) and D Mortimer (against) addressed the meeting.

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

It is recommended that preventative measures are taken at the end of each day of construction to stop vehicles gaining access to the river at the end of Wharf Road, including the replacement of existing barriers to access.

The applicant is reminded that separate consent is needed from the Environment Agency prior to the commencement of any works within 8m of the top of the riverbank.

Prior to the commencement of any development a 'construction and access method statement' should be submitted to Network Rail, the Environment Agency and Kent Highway Services.

Voting:        12 – For        0 – Against        0 – Abstentions

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.

85. 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

Councillor Ash stated that he had been lobbied.

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

Mrs Appelgren-Bishop, an objector, and Councillor Mrs Marshall MBE of Bearsted Parish Council (against) addressed the meeting.

RESOLVED:

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

The applicant should be aware of the Planning Committee's concern about the safety and integrity of the retaining wall and the bank of land to the southern boundary of the site, adjacent to Mount Lodge.

2. That the Head of Development Management be requested to write to the Health & Safety Executive and the applicant to express the Committee's concern about the safety and integrity of the retaining wall and the bank of land to the southern boundary of the site, adjacent to Mount Lodge.

Voting: 10 – For 0 – Against 3 – Abstentions

86. MA/11/0908 - INTRODUCTION OF A PLANT ROOM AND ASSOCIATED EQUIPMENT AND STAIRCASES TO THE ROOF - HAZLITT ARTS CENTRE, ROSE YARD, MAIDSTONE

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

Ms Parks, for the applicant, addressed the meeting on this application and related application MA/11/0912.

RESOLVED: That subject to the receipt of no representations raising new issues as a result of outstanding consultation, the Head of Development Management be given delegated powers to refer this application to the Secretary of State for determination with the recommendation that permission be granted subject to the conditions and informative set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

87. MA/11/0912 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR THE INTRODUCTION OF A PLANT ROOM AND ASSOCIATED EQUIPMENT AND STAIRCASES TO THE ROOF AND INSTALLATION OF RADIATORS IN EXCHANGE AND REHEARSAL ROOMS (FORMERLY THE CORN EXCHANGE) - HAZLITT ARTS CENTRE, ROSE YARD, MAIDSTONE

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

Ms Parks had already addressed the meeting on behalf of the applicant.

RESOLVED: That subject to the receipt of no representations raising new issues as a result of outstanding consultation, the Head of Development Management be given delegated powers to refer this application 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

88. MA/11/0994 - ERECTION OF A SINGLE STOREY FRONT EXTENSION AND TWO STOREY SIDE AND REAR EXTENSION - 4 THE GROVE, BEARSTED, MAIDSTONE

All Members and Officers present, with the exception of the representative of the Head of Legal Services, stated that they knew the applicant as she was an employee of the Council.

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

RESOLVED: That subject to the expiry of the public consultation period and no new issues being raised, the Head of Development Management be given delegated powers to grant permission subject to the conditions set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

89. MA/11/0757 - ERECTION OF A SINGLE STOREY REAR EXTENSION - 151 HEATH ROAD, BARMING, 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: 13 – For 0 – Against 0 – Abstentions

90. APPEAL DECISIONS

The Committee considered the report of the Head of Development Management setting out details of appeal decisions received since the last meeting. The Head of Development Management advised the Committee that the decisions reflected the change in emphasis in favour of energy efficiency, the need to define a “sustainable location” and the absence of an affordable housing in the countryside policy.

RESOLVED: That the report be noted.

91. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that arrangements were being made for the River Tour to take place on 25 August 2011. The purpose of the tour was to view a sample of implemented and potential developments along the river bank.

92. UPDATE ON MATTERS REFERRED TO THE CABINET MEMBERS FOR ENVIRONMENT/ECONOMIC DEVELOPMENT AND TRANSPORT

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

93. DURATION OF MEETING

6.00 p.m. to 8.40 p.m.