

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 11 AUGUST 2011**

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

**Also Present:** Councillors FitzGerald, Mrs Gibson,  
B Mortimer, Naghi and Thick

#### 94. APOLOGIES FOR ABSENCE

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

#### 95. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor Chittenden for Councillor Paterson  
Councillor Hinder for Councillor Garland  
Councillor Vizzard for Councillor Mrs Robertson

#### 96. NOTIFICATION OF VISITING MEMBERS

Councillor FitzGerald indicated his wish to speak on the report of the Head of Development Management relating to application MA/11/0515.

Councillors Mrs Gibson and Thick indicated their wish to speak on the report of the Head of Development Management relating to application MA/10/2029.

Councillor B Mortimer indicated his wish to speak on the report of the Head of Development Management relating to application MA/10/1542.

Councillor Naghi indicated his wish to speak on the report of the Head of Development Management relating to application MA/11/1005.

#### 97. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

#### 98. URGENT ITEMS

The Chairman stated that, in his opinion, the following reports should be taken as urgent items:-

The report of the Head of Development Management relating to application MA/10/1542 in order to comply with Paragraph 26.3 of the Council Procedure Rules set out in Part 4 of the Constitution.

The report of the Head of Development Management setting out details of appeal decisions received since the last meeting as the information was not available when the agenda was despatched.

The update report of the Head of Development Management because it contained further information relating to the applications to be considered at the meeting.

99. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Ash disclosed a personal interest in the report of the Head of Development Management relating to application MA/11/0498. He stated that he was a Member of Bearsted 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/11/0322. 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.

Prior to consideration of the report of the Head of Development Management relating to application MA/11/1005, Councillor Naghi disclosed a prejudicial interest by virtue of being the agent for the applicant.

100. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed with the proviso that it might be necessary to receive legal advice in relation to application MA/10/1542 in private.

101. MINUTES OF THE MEETING HELD ON 21 JULY 2011

RESOLVED: That the Minutes of the meeting held on 21 July 2011 be approved as a correct record and signed.

102. PRESENTATION OF PETITIONS

There were no petitions.

103. DEFERRED ITEMS

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.

104. DRAFT NATIONAL PLANNING POLICY FRAMEWORK

The Head of Development Management advised the Committee that the Government had published a draft National Planning Policy Framework (NPPF) for consultation. The closing date for comments was 17 October 2011. The Cabinet, at its meeting held on 10 August 2011, had agreed that little weight be attached to the draft NPPF as a material consideration in both plan making and the determination of planning applications. In his opinion, the draft NPPF had no significant bearing on the applications to be considered at the meeting.

105. MA/10/2029 - ERECTION OF A PPS7 HOUSE WITH ANCILLARY ENERGY CENTRE BUILDING HOUSING AN AEROBIC DIGESTER, INCLUDING ACCESS, ECOLOGICAL ENHANCEMENTS AND LANDSCAPING INCLUDING NEW POND - LAND AT IVY FARM, HEADCORN ROAD, LIVERTON HILL, SANDWAY

All Members stated that they had been lobbied.

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

Mrs Pearce, an objector, Councillor Galton of Boughton Malherbe Parish Council (against), Councillor Godfrey of Lenham Parish Council (against), Mr Gough CBE, for the applicant, and Councillors Mrs Gibson and Thick (against) addressed the meeting.

RESOLVED:

1. That subject to:-

- A. The receipt of a suitable mitigation strategy to ensure that the development does not adversely impact upon the protected Great Crested Newts within the vicinity of the application site; and
- B. The negotiation of revisions to the scheme so that internal and external lighting and fenestration would be such as to minimise the adverse impact of lighting on the countryside,

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 condition set out in the urgent update report and any additional or amended conditions as necessary.

- 2. That the Head of Development Management be requested to liaise with the Landscape Officer with a view to formally protecting suitable trees and woodland immediately adjacent to and on the site once the approved landscaping has been implemented.

Voting:        9 – For        3 – Against        1 – Abstention

FURTHER RESOLVED: That an Implementation Panel comprising Officers, the Political Group Spokespersons (or their nominees) and representatives of the applicant and the Parish Council be set up to monitor all aspects of the construction and development.

Voting:        11 – For        0 – Against        2 – Abstentions

106. MA/11/1005 - REPLACEMENT OF TILES TO THE LOWER ROOF SLOPE OF THE SOUTH ELEVATION WITH SLATES - ST FAITHS CHURCH, ST FAITHS STREET, MAIDSTONE

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

Cllr Naghi addressed the meeting as agent for the applicant.

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

Voting:        13 – For        0 – Against        0 – Abstentions

107. 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 Chittenden stated that they had been lobbied.

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

The Head of Development Management informed the Committee that:-

- Counsel had been asked for advice on the legal and financial implications of the decision to refuse this application and the likelihood of success at appeal. Counsel's opinion was that it was unlikely that the Council would be successful in defending the decision at appeal.
- On the assumption of an appeal being made against the refusal of permission, followed by a costs application against the Council, and the Inspector making a costs award, it was very difficult at this stage to assess how much any costs award was likely to be. However, in his view, costs were unlikely to be significant or exceed £30,000 particularly if the Council could evidence the harm which would be caused to the countryside by the proposed development.

The representative of the Head of Legal Services confirmed that Counsel had advised that, in the event of a costs application, the Council had about a 50% chance of resisting the claim.

Councillor B Mortimer addressed the meeting.

RESOLVED: That the decision to refuse application MA/10/1542 for the reason set out below be confirmed:-

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

108. MA/11/0515 - VARIATION OF CONDITION 3 OF MA/09/2004 (CHANGE OF USE OF LAND TO HOLIDAY CARAVAN SITE FOR UP TO TEN STATIC CARAVANS, INCLUDING ACCESS, HARDSTANDING, CESSPOOL, RECEPTION BUILDING, BOUNDARY TREATMENT AND SECURITY BARRIER) TO REMOVE THE STAY LIMITATION OF ONE MONTH AND NO RETURN WITHIN 4 WEEKS - CHERRY-TREE PARK, CHURCH HILL, BOUGHTON MONCHELSEA, MAIDSTONE

All Members stated that they had been lobbied.

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

Ms Timmins, for the applicant, and Councillor FitzGerald (against) addressed the meeting.

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

Voting:        12 – For        1 – Against        0 – Abstentions

109. MA/11/0322 - ERECTION OF STORAGE BUILDING WITH OFFICES, PARKING AND ACCESS - NEWNHAM COURT SHOPPING VILLAGE, BEARSTED ROAD, WEAVERING

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

Mr Przyjemski addressed the meeting on behalf of the applicant.

RESOLVED: That subject to:-

- A. 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; and
- B. A fully detailed landscaping scheme, which includes semi-mature trees along the western boundary of the site, and full details of the photovoltaic cells being secured in consultation with Ward Members,

the Head of Development Management be given delegated powers to grant permission subject to the conditions set out in the report, as amended by the urgent update report, the additional conditions set out in the urgent update report, the following additional condition and any additional or amended conditions as necessary:-

No external lighting of the building shall take place without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character, appearance and amenity of the surrounding area in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

Voting:        7 – For        6 – Against        1 – Abstention

Chairman's casting vote for approval.

Councillors Chittenden and Harwood requested that their dissent be recorded.

110. MA/11/0498 - ERECTION OF FOUR DWELLINGS WITH CREATION OF AN ACCESS AND ASSOCIATED WORKS (AMENDMENT TO APPLICATION MA/09/1920) - TWO TREES, 25 THE LANDWAY, BEARSTED, MAIDSTONE

All Members stated that they had been lobbied.

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.

Voting:        9 – For        4 – Against        0 – Abstentions

111. MA/11/1014 - APPLICATION TO ALLOW AN INTERCHANGEABLE USE OF THE UNIT FOR USES FALLING WITHIN USE CLASSES A1, A2 AND A3 - 7 COLMAN PARADE, KING STREET, MAIDSTONE

The Committee considered the 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

112. 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.

113. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that arrangements would be made for Members to be briefed on the implications of the changes proposed in the draft National Planning Policy Framework following the training session scheduled to be held on 22 August 2011.

114. 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.

Arising from consideration of application MA/11/0322, it was:-

RESOLVED: That the Committee's concern regarding the erosion of the integrity of the Kent Downs AONB, Strategic Landscape Area and Strategic Gap due to unplanned, adhoc growth at Newnham Court (through planning appeals and Planning Inspectors overturning local plan policies etc.) and the absence of a Development Brief be referred to the Leader of the Council and the Cabinet Member for Economic Development and Transport for consideration.

115. DURATION OF MEETING

6.00 p.m. to 9.40 p.m.