

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 16 MAY 2013

Present: Councillor Lusty (Chairman) and Councillors Butler, Chittenden, Collins, Cox, Garland, Harwood, Hogg, Moriarty, Nelson-Gracie, Paine, Paterson and Mrs Wilson

Also Present: Councillors McLoughlin, D Mortimer, Munford and Thick

1. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Ash, Mrs Robertson and J A Wilson.

2. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were noted:-

Councillor Butler for Councillor J A Wilson
Councillor Garland for Councillor Ash
Councillor Mrs Wilson for Councillor Mrs Robertson

3. **NOTIFICATION OF VISITING MEMBERS**

Councillor McLoughlin indicated his wish to speak on the report of the Head of Planning relating to application MA/12/0602.

Councillor D Mortimer indicated his wish to speak on the report of the Head of Planning relating to application MA/12/0232.

Councillor Munford indicated his wish to speak on the report of the Head of Planning relating to application MA/12/1835.

Councillor Thick indicated his wish to speak on the report of the Head of Planning relating to application MA/12/1229.

4. **ELECTION OF CHAIRMAN**

RESOLVED: That Councillor Lusty be elected as Chairman of the Committee for the Municipal Year 2013/14.

5. **ELECTION OF VICE-CHAIRMAN**

RESOLVED: That Councillor Collins be elected as Vice-Chairman of the Committee for the Municipal Year 2013/14.

6. ITEMS WITHDRAWN FROM THE AGENDA

MA/12/1541 - ERECTION OF FOUR BLOCKS OF TWO AND THREE-STORY TERRACED HOUSES COMPRISING 12 TWO-BEDROOM AND 12 THREE-BEDROOM HOUSES FOR AFFORDABLE RENT WITH ASSOCIATED PRIVATE AMENITY SPACE AND CAR PARKING – LAND OFF TOVIL GREEN, TOVIL, MAIDSTONE

The Committee considered the urgent update report of the Head of Planning recommending that this application be withdrawn from the agenda to enable further consideration to be given to the Heads of Terms of the proposed S106 legal agreement, and, in particular, the percentage of affordable housing to be provided.

RESOLVED: That agreement be given to the withdrawal of application MA/12/1541 from the agenda to enable further consideration to be given to the Heads of Terms of the proposed S106 legal agreement.

7. URGENT ITEMS

Update Report

The Chairman stated that, in his opinion, the update report of the Head of Planning should be taken as an urgent item because it contained further information relating to the applications to be considered at the meeting.

8. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood stated that, with regard to the report of the Head of Planning relating to application MA/12/1691, members of his family lived in Windmill Hill, Ulcombe, and both the applicants and the objectors were known to him. However, he did not believe that he had an interest in the application, and intended to speak and vote when it was discussed.

Councillor Paine stated that, with regard to the report of the Head of Planning relating to application MA/12/0602, he was, until recently, a non-executive member of the Medway River Users' Association which had been consulted on the proposal. However, he had not renewed his membership, did not believe that he had an interest in the application, and intended to speak and vote when it was discussed

9. EXEMPT ITEMS

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

10. MINUTES OF THE MEETING HELD ON 25 APRIL 2013

RESOLVED: That the Minutes of the meeting held on 25 April 2013 be approved as a correct record and signed.

11. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

RESOLVED: That the following Members be appointed as Spokespersons for their respective Political Groups for the Municipal Year 2013/14:-

Councillor Nelson-Gracie – Conservative Group
Councillor Harwood – Liberal Democrat Group
Councillor Moriarty – Independent Group

12. PRESENTATION OF PETITIONS

There were no petitions.

13. MA/12/0232 - ERECTION OF A CLASS A1 RETAIL STORE, ASSOCIATED PARKING AND PETROL FILLING STATION; TRANSPORT INTERCHANGE COMPRISING BUS AND TAXI DROP-OFF/PICK UP FACILITIES, 39 SHORT STAY RAILWAY STATION CAR PARKING SPACES, AND COVERED WALKWAY TO EXISTING RAILWAY STATION BUILDING; AND 660-SPACE COMMUTER CAR PARK AND NATURE AREA - LAND AT STATION APPROACH AND GEORGE STREET, STAPLEHURST, KENT

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

Mr Staunton-Lambert, an objector, Councillor Perry of Staplehurst Parish Council (against), Mr Timothy, for the applicant, and Councillor D Mortimer, a Visiting Member (against), addressed the meeting.

RESOLVED: That permission be refused for the reason set out in the report.

Voting: 6 – For 5 – Against 2 – Abstentions

14. MA/12/1229 - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND FOR THE STATIONING OF A MOBILE HOME FOR RESIDENTIAL OCCUPATION BY A GYPSY FAMILY AND THE ERECTION OF A DAY ROOM AND INCLUDING THE PROPOSED CREATION OF A NEW ACCESS ONTO THE HIGHWAY - NEVEREND LODGE, NEVEREND FARM, PYE CORNER, ULCOMBE, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning.

Mr Deeprise, the applicant, and Councillor Thick, a Visiting Member, addressed the meeting.

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

If a shower/toilet is installed, the dayroom should be built under the supervision of Building Control.

The details pursuant to condition 6 should show the provision of chestnut spile fencing around the margins of the ponds to prevent access by horses.

Voting: 13 – For 0 – Against 0 – Abstentions

15. MA/12/1691 - ERECTION OF PART TWO STOREY PART SINGLE STOREY SIDE AND REAR EXTENSION AND FRONT PORCH - FORGE HOUSE, WINDMILL HILL, ULCOMBE, MAIDSTONE, KENT

All Members except Councillors Butler, Harwood and Moriarty stated that they had been lobbied.

The Committee considered the report of the Head of Planning.

Councillor Titchener of Ulcombe Parish Council (in support) and Mrs Turner, the applicant, addressed the meeting.

RESOLVED: That permission be refused for the reason and informative set out in the report.

Voting: 9 – For 1 – Against 3 – Abstentions

16. MA/12/2303 - CHANGE OF USE AND WORKS TO CONVERT THE EXISTING BUILDING TO 73 RESIDENTIAL UNITS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING - CONCORDE HOUSE, 10 LONDON ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the provision of a minimum of 40% affordable housing and the following contributions towards education provision, healthcare, open space and other community facilities:-

- A contribution of £114,975 for Maidstone Borough Council Parks and Open Space (being £1,575 per dwelling) towards the improvement of the open space provision within one mile of the application site;
- A contribution of £29,016 for the NHS Kent and Medway towards the improvement of the existing healthcare facilities within one mile of the application site;
- A contribution of £119,793.20 for Kent County Council towards the construction of a new primary school within two miles of the application site (this includes a contribution for land acquisition to

be returned if a site is transferred into the County Council's ownership at nil or nominal cost);

- A contribution of £34,217.10 for Kent County Council towards the extension of an existing secondary school within Maidstone;
- A contribution of £6,309.71 for Kent County Council towards the provision of book stock at Maidstone Library;
- A contribution of £2,095.74 for Kent County Council towards new/expanded facilities and services at Maidstone Adult Education Centre and outreach community learning facilities in Maidstone local to the development; and
- A contribution of £3,380.90 for Kent County Council towards the provision of adult social services in Maidstone - four identified projects being integrated dementia care, provision of linked care needs and assessment suite, changing place facility and assistive technology (telecare),

the Head of Planning 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.

Voting: 13 – For 0 – Against 0 - Abstentions

17. MA/12/0602 - APPLICATION FOR A NEW PLANNING PERMISSION TO REPLACE EXTANT PLANNING PERMISSION MA/07/2296 (CHANGE OF USE OF LAND AND ENGINEERING WORKS TO CREATE A 200 BERTH MARINA WITH ASSOCIATED SERVICE PONTOON, FOOTBRIDGE, MEANS OF ACCESS AND CAR PARKING) TO ALLOW A FURTHER THREE YEARS IN WHICH TO IMPLEMENT THE DEVELOPMENT - LITTLE VENICE COUNTRY PARK, HAMPSTEAD LANE, YALDING, MAIDSTONE

All Members except Councillors Butler, Chittenden, Harwood and Paterson stated that they had been lobbied.

Mr Chris Hawkins, Principal Planning Officer, stated that he knew Mr Elvidge, who had registered to speak on behalf of the applicant, through previous employment. However, he had not discussed the application with him.

The Committee considered the report and the urgent update report of the Head of Planning.

Councillor Brown of Yalding Parish Council (against), Mr Elvidge, for the applicant, and Councillor McLoughlin, a Visiting Member, addressed the meeting.

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

report, with the amendment of condition 4 and an additional informative as follows:-

Condition 4 (amended)

The area shown on the approved plan as vehicle loading, off-loading and turning space shall be paved and drained to the satisfaction of the Local Planning Authority before the use is commenced and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: In the interests of highway safety and in accordance with the guidance contained in the National Planning Policy Framework 2012.

Additional Informative

A register of occupancy (including length of stay) should be maintained and made available for inspection by the Local Planning Authority at their request.

Voting: 12 – For 0 – Against 1 – Abstention

18. MA/12/2106 - ERECTION OF 53 RESIDENTIAL DWELLINGS INCORPORATING ACCESS, FOUL WATER PUMPING STATION, DRAINAGE INFRASTRUCTURE, NATURE CONSERVATION AREA, OPEN SPACE AND LANDSCAPING - LAND TO THE SOUTH OF OLIVER ROAD, STAPLEHURST, KENT

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

Mrs Hubbard, for objectors, Councillor Perry of Staplehurst Parish Council (against) and Mr Anderson, for the applicant, addressed the meeting.

RESOLVED:

1. That subject to:-

A. The prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:-

- The provision of 40% affordable residential units within the application site;
- A contribution of £39,750 for Maidstone Borough Council Parks and Open Space towards the provision of allotments in Staplehurst, the provision of outdoor sports facilities in

Staplehurst and for improvements, maintenance and replacement of play equipment at the Surrenden Road play area;

- A contribution of £1,472 for Kent County Council towards books, staff and extended hours at Staplehurst Library;
- A contribution of £1,160 for Kent County Council towards new/expanded facilities and services for community learning covering the Staplehurst area, both in adult education centres and through outreach community learning facilities;
- A contribution of £819 for Kent County Council for adult social services to be spent on assistive technology and the enhancement of local community facilities to ensure full DDA access;
- A contribution of £37,296 for the Primary Care Trust towards the improvement of the existing healthcare facilities within the locality; and
- The proposed public space as open to the public in perpetuity and its long term management,

AND

- B. A review of condition 11 (Reptile Mitigation Strategy) to address Members' concerns that the proposed receptor site is not of a suitable standard to receive translocated animals and to give consideration to using the southern part of the application site as an alternative receptor site,

the Head of Planning 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, with the amendment of condition 11 if necessary and the following additional conditions:-

The proposed rooflights to the north elevation of plots 50/51 shall be installed such that they are a minimum of 1.7m above the finished floor level of the room in which they are installed at their lowest point.

Reason: To preserve residential amenity for neighbouring properties, in accordance with the National Planning Policy Framework 2012.

The development shall be constructed such that equipment is integrated into the dwellings so as to enable a broadband service to be provided to future occupiers of the dwellings hereby permitted.

Reason: To facilitate high quality communication for the local community, in accordance with the National Planning Policy Framework 2012.

2. That Councillors Chittenden, Harwood, Hogg and D Mortimer are to be involved in the discussions regarding condition 11.

Voting: 12 – For 0 – Against 1 – Abstention

19. MA/12/1835 - RETENTION OF BREEDING PENS, BIRD RUNS, REARING UNIT, AVIARY AND FEED STORE; TEMPORARY STATIONING OF A MOBILE HOME AND TOURING CARAVAN (OFFICE); AND THE SITING OF NEW BROODING AND REARING SHEDS - PLOT 4, LAND WEST OF CHURCH HILL, BOUGHTON MONCHELSEA, KENT

The Committee considered the report and the urgent update report of the Head of Planning.

Councillor Munford addressed the meeting on behalf of Boughton Monchelsea Parish Council and as a Visiting Member (against).

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

Voting: 12 – For 1 – Against 0 – Abstentions

20. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

21. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that he wished to draw Members' attention to the following training sessions:-

Members' Briefing and Workshop – Town Centre - 20 May 2013 at 6.30 p.m. at the Town Hall.

Planning Training Part I – 5 June 2013 at 6.30 p.m. at the Town Hall.

22. DURATION OF MEETING

6.00 p.m. to 10.20 p.m.