

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 4 FEBRUARY 2010

Present: Councillor Lusty (Chairman) and
Councillors Ash, Chittenden, English, Greer, Harwood,
Mrs Marshall, Moriarty, Nelson-Gracie, Paine,
Paterson, Thick and J.A. Wilson

Also Present: Councillors Mrs Gooch, Horne,
Mortimer and Naghi

290. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Mrs Robertson.

291. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Chittenden was substituting for Councillor Mrs Robertson.

292. NOTIFICATION OF VISITING MEMBERS

Councillors Mrs Gooch and Mortimer indicated their wish to speak on the report of the Development Control Manager relating to application MA/09/1061.

Councillor Horne indicated his wish to speak on the report of the Development Control Manager relating to application MA/09/1599.

Councillor Naghi indicated his wish to speak on the report of the Development Control Manager relating to application MA/09/1906.

293. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

294. URGENT ITEMS

Update Report

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

295. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Chittenden stated that since he had pre-determined applications MA/09/1569 and MA/09/1906, he would speak but not vote when they were discussed.

Councillor Harwood disclosed a personal interest in the report of the Development Control Manager relating to application MA/09/1569. He stated that he was a Member of Boxley 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 J A Wilson disclosed a prejudicial interest in the exempt report of the Development Control Manager relating to development at Hallam House and Pear Trees, North Street, Headcorn. He stated that he was a Local Authority Director of the Maidstone Housing Trust which had an interest in the development.

296. EXEMPT ITEMS

RESOLVED: That the supplementary exempt report of the Development Control Manager relating to development at Hallam House and Pear Trees, North Street, Headcorn should be taken in private as proposed.

297. MINUTES OF THE MEETING HELD ON 21 JANUARY 2010

RESOLVED: That the Minutes of the meeting held on 21 January 2010 be approved as a correct record and signed.

298. DEFERRED ITEMS

MA/09/1061 - Construction of temporary Spanish polythene tunnels - Marshalls Farm, Hunt Street, West Farleigh, Maidstone

See Minute 300 below.

MA/08/2439 - Change of use of land to employment purposes and erection of mixed use building to provide storage and workshops (Class B2/B8) and associated works including access and parking - Unit 15, Wheelbarrow Industrial Estate, Pattenden Lane, Marden

The Development Control Manager advised Members that he was still awaiting amended plans in respect of this application.

299. TREE PRESERVATION ORDER NO.21 OF 2009 - TREES ON LAND AT COURT LODGE, LOWER ROAD, WEST FARLEIGH

The Committee considered the report of the Assistant Director of Development and Community Strategy concerning Tree Preservation Order No. 21 of 2009 which was made under Section 201 of the Town and Country Planning Act 1990 to protect an avenue of Sweet Chestnut trees at Court Lodge, Lower Road, West Farleigh. It was noted that one

objection to the Order had been received within the statutory 28 day period from its making.

RESOLVED: That Tree Preservation Order No. 21 of 2009 be confirmed without modification.

Voting: 13 – For 0 – Against 0 – Abstentions

300. MA/09/1061 - CONSTRUCTION OF TEMPORARY SPANISH POLYTHENE TUNNELS - MARSHALLS FARM, HUNT STREET, WEST FARLEIGH, MAIDSTONE

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

The Committee considered the report and the urgent update report of the Development Control Manager.

Mr Taylor, an objector, Councillor Levett of Teston Parish Council (against), Mr Pascall, the applicant, and Councillors Mrs Gooch and Mortimer (both against) addressed the meeting.

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

Additional Conditions

Within one month of the date of this permission hereby granted details showing the location and width of retained field margins shall be submitted to and approved by the Local Planning Authority and maintained thereafter.

Reason: In the interests of the ecology of the area. This is in accordance with policy NRM5 of the South East Plan 2009.

The retained field margins approved pursuant to condition 4 shall only be cut once a year in October to November.

Reason: In the interests of the ecology of the area. This is in accordance with policy NRM5 of the South East Plan 2009.

Additional Informative

For the avoidance of doubt the following documents were approved as part of the application and must be strictly adhered to:-

Application form, supporting information and elevational drawings received on 22/6/2009; supporting information (including rotation table) received on 27/11/2009; and supporting information, location plan and block plan received on 21/12/2009.

Voting: 10 – For 2 – Against 1 – Abstention

301. MA/09/1673 - ERECTION OF 4 NO. THREE BEDROOM DETACHED HOUSES
- LAND EAST AND WEST OF FAIRBOURNE LANE, HARRIETSHAM

The Committee considered the report of the Development Control Manager.

Mrs Beaton, an objector, Councillor Sams of Harrietsham Parish Council (against) and Mr West, for the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with the amendment of conditions 4 and 5 and an additional informative as follows:-

Condition 4 (amended)

Notwithstanding the submitted details, the development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a reduced area of hardstanding and a scheme of landscaping, including a double staggered hedgerow on the southern side of the southern boundary fence, western boundary adjacent to 'Tara' and eastern boundary adjacent to 'Malinton' and 'Notnilam', 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. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: No such details have been submitted in accordance with policies ENV6 and H27 of the Maidstone Borough-Wide Local Plan 2000 and BE1 of the South East Plan 2009.

Condition 5 (amended)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten 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 a satisfactory setting and external appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan 2000 and BE1 of the South East Plan 2009.

Additional Informative

The landscaping scheme to be submitted should accord with the adopted Landscape Character Assessment for the area. This document can be viewed on the Council's website.

Voting: 13 – For 0 – Against 0 – Abstentions

302. MA/09/1569 - PROPOSED NEW PLANT ROOM BUILDING WITH ANCILLARY USE TO THE EXISTING DATA CENTRE TOGETHER WITH NEW ENERGY COMPOUND AND PERMANENT ERECTION OF ACOUSTIC FENCING AROUND CHILLER COMPOUND - PEGASUS PLACE, LODGE ROAD, BOXLEY, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Development Control Manager.

Mr Lowder, an objector, and Mr Meakins, for the applicant, addressed the meeting.

RESOLVED:

1. That subject to the expiry of the consultation period on the additional details and the receipt of no representations raising new issues not previously addressed, the Development Control Manager be given delegated powers to grant permission subject to the conditions set out in the report and the additional condition set out in the urgent update report with the amendment of conditions 2 and 3 as follows:-

Condition 2 (amended)

Notwithstanding the details indicated on the submitted drawings written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The submitted materials shall be of a colour and texture that reflects the location of the site within an Area of Local Landscape Importance. The development shall thereafter be constructed using the subsequently approved materials.

Reason: To ensure a satisfactory appearance to the development pursuant to policies BE1 and CC6 of the South East Plan 2009 and policy ENV35 of the Maidstone Borough-Wide Local Plan 2000.

Condition 3 (amended)

The development shall not commence until there has been submitted to and approved in writing by the Local Planning

Authority a scheme of landscaping which is sympathetic to the location of the site within the Area of Local Landscape Importance, using indigenous species, and 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 the development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the site pursuant to policies ENV6 and ENV35 of the Maidstone Borough-Wide Local Plan 2000.

2. That the details to be submitted pursuant to conditions 2 (materials) and 3 (landscaping) must be agreed in consultation with the Boxley and East Ward Members.

Voting: 7 – For 5 – Against 0 – Abstentions

Councillors English, Harwood and Paterson requested that their dissent be recorded.

Note: Having pre-determined this application, Councillor Chittenden did not participate in the voting.

303. MA/09/0961 - CONSTRUCTION OF A REPLACEMENT DWELLING WITH NEW ACCESS INCLUDING CHANGE OF USE OF LAND TO RESIDENTIAL - SUNNYSIDE FARM, MAIDSTONE ROAD, MARDEN, TONBRIDGE

The Committee considered the report and the urgent update report of the Development Control Manager.

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

Voting: 13 – For 0 – Against 0 – Abstentions

304. MA/09/1906 - RETROSPECTIVE APPLICATION FOR DETACHED TIMBER SUMMER HOUSE WITH DECKING AND ERECTION OF TRELIS FENCING ALONG PART OF WESTERN BOUNDARY - HEATH VIEW, FARADAY ROAD, PENENDEN HEATH, MAIDSTONE

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

The Committee considered the report and the urgent update report of the Development Control Manager.

Mr West, for objectors, Mr Holt, the applicant, and Councillor Naghi addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report with the amendment of condition 1, an additional condition to be numbered as condition 2 and the amendment of original condition 2 (to be renumbered as condition 3) as follows:-

Condition 1 (amended)

Within two months, details of the colour of the external finish (stain) of the building and details of the dark stain of the trellis shall be submitted to and approved in writing by the Local Planning Authority. The new colour scheme shall be implemented in full within two months of the decision date and shall thereafter be maintained.

Reason: In the interest of visual amenity. This is in accordance with policy H18 of the Maidstone Borough-Wide Local Plan 2000 and policies CC6 and BE1 of the South East Plan 2009.

Additional Condition (to be numbered as Condition 2)

Notwithstanding the details submitted on drawing no. CB2345.00 received 08/01/10, within two months of the date of this decision a scheme of landscaping including the provision of a beech or hornbeam hedgerow inside the line of fencing along the western boundary to the apex with the southern boundary, and with a return alongside the existing entrance, shall be submitted for approval in writing by the Local Planning Authority. The submitted details shall indicate that the hedgerow is to be maintained to the minimum height of the top of the trellis fencing and shall also show the planting of trees within the line of the required hedgerow.

Reason: To ensure a satisfactory setting and external appearance to the development. This is in accordance with policy H18 of the Maidstone Borough-Wide Local Plan 2000 and policies CC6 and BE1 of the South East Plan 2009.

Original Condition 2 (amended and renumbered as Condition 3)

All planting comprised in the approved landscaping scheme submitted pursuant to condition 2 shall be carried out in the first planting or seeding seasons following the approval of the details, and any planting which within a period of ten years from the completion of the development, dies, is removed or becomes 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 a satisfactory setting and external appearance to the development. This is in accordance with policy H18 of the Maidstone Borough-Wide Local Plan 2000 and policies CC6 and BE1 of the South East Plan 2009.

2. That the details to be submitted pursuant to condition 2 (landscaping) must be agreed in consultation with the Ward Members.

Voting: 8 – For 3 – Against 1 – Abstention

Note: Having pre-determined this application, Councillor Chittenden did not participate in the voting.

305. MA/09/2013 - ERECTION OF A TWO STOREY REAR EXTENSION AND A CHIMNEY - CONIFER FARM, EMMET HILL LANE, LADDINGFORD, MAIDSTONE

The Committee considered the report of the Development Control Manager.

It was noted that Yalding Parish Council had withdrawn its objection to this application.

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

Voting: 11 – For 0 – Against 2 – Abstentions

306. MA/09/1629 - CHANGE OF USE OF BARN FROM AGRICULTURAL TO B2 USE GENERAL INDUSTRIAL FOR HORSE BOX AND VEHICLE REPAIRS - THE BARN, MOUNT FARM, GREENWAY FORSTAL, HARRIETSHAM

The Committee considered the report and the urgent update report of the Development Control Manager.

Councillor Sams of Harrietsham Parish Council (against) addressed the meeting.

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

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor English left the meeting during consideration of this application. He returned following consideration of application MA/09/1599.

307. MA/09/1599 - PROVISION OF VEHICLE PARKING TO THE FRONT OF THE DWELLING - PLOT 2, VALHALLA, WARE STREET, WEAVERING, MAIDSTONE

The Committee considered the report of the Development Control Manager.

Ms Looney, for the applicant, and Councillor Horne addressed the meeting.

RESOLVED:

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

It has been brought to our attention that the public footpath way-marking sign has been removed. This should therefore be replaced in consultation with the Kent County Council Public Rights of Way Office at Kings Hill, West Malling.

2. That the Officers be requested to write to the Kent County Council Public Rights of Way Office regarding the removal of the public footpath signage.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor English was not present during consideration of this application.

308. MA/09/1774 - DEMOLITION OF EXISTING CONSERVATORY AND ERECTION OF BRICK, OAK AND TILE GARDEN ROOM - SWAN OAST, STAPLEHURST ROAD, MARDEN, TONBRIDGE

The Committee considered the report and the urgent update report of the Development Control Manager.

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

Voting: 13 – For 0 – Against 0 – Abstentions

309. MA/09/2291 - ERECTION OF A THREE BEDROOM DETACHED HOUSE - 75 HEATH ROAD, MAIDSTONE

The Committee considered the report and the urgent update report of the Development Control Manager.

RESOLVED: That permission be granted subject to the conditions set out in the report with the amendment of conditions 6 and 8 as follows:-

Condition 6 (amended)

No development shall take place until details of the landscaping scheme for the site including the species, their sizes and locations, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the provision of a low front boundary wall and hedge.

Reason: No such details have been submitted and to ensure a satisfactory setting and external appearance to the development in accordance with policies SP3 and CC6 of the South East Plan 2009, PPS1 and PPS3.

Condition 8 (amended)

The dwelling shall achieve at least a Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development in accordance with policies SP3, CC1, CC4, H5 of the South East Plan 2009, PPS1 and PPS3.

Voting: 13 – For 0 – Against 0 – Abstentions

310. APPEAL DECISIONS

The Committee considered the report of the Development Control Manager setting out details of appeal decisions that had been received since the last meeting.

RESOLVED: That the report be noted.

311. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:-

- He was disappointed that a Member who had requested that an application be determined by the Committee had not attended the meeting to explain the issues he had raised or given his apologies for non-attendance.
- Arrangements were being made for a briefing by the LDF Team on parking standards and polytunnels. All Members would be invited.
- He had received an email expressing concern about Members' behaviour at meetings of the Planning Committee.

312. UPDATE ON MATTERS REFERRED TO THE CABINET MEMBERS FOR ENVIRONMENT/REGENERATION

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

313. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test:-

Exempt Report of the Development Control Manager - MA/09/1047 and MA/07/1846 - Land at Hallam House and Pear Trees, North Street, Headcorn.

**Head of Schedule
12A and Brief Description**
3 - Financial/Business Affairs
5 - Legal Professional
Privilege/Legal Proceedings

314. MA/09/1047 AND MA/07/1846 - LAND AT HALLAM HOUSE AND PEAR TREES, NORTH STREET, HEADCORN

Having disclosed a prejudicial interest, Councillor J A Wilson left the meeting whilst this matter was discussed.

The Committee considered the exempt report of the Development Control Manager seeking its views as to whether the Council should enter into a Deed of Variation to the Section 106 Agreement dated 14 April 2009 relating to application MA/07/1846 for the erection of a 17 apartment Category II sheltered housing development at Hallam House and Pear Trees, North Street, Headcorn to dispense with the requirement to make a contribution towards the off-site provision of affordable housing in the light of new evidence regarding the viability of the scheme if the payment were to be made and legal advice regarding an appeal against non-determination of application MA/09/1047 for an identical scale, layout and design of development.

RESOLVED:

1. That the Head of Legal Services be authorised to enter into a Deed of Variation to the Section 106 Agreement dated 14 April 2009 relating to application MA/07/1846 for the development of land at Hallam House and Pear Trees, North Street, Headcorn to dispense with the requirement for a contribution towards the off-site provision of affordable housing due to the fact that it has been demonstrated that the development is no longer viable if the payment were to be made.
2. That the Deed of Variation is to be completed prior to 12 February 2010.

Voting: 8 – For 0 – Against 4 – Abstentions

Note: Councillor Thick requested that his dissent be recorded.

315. DURATION OF MEETING

6.00 p.m. to 10.10 p.m.