

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 25 FEBRUARY 2010

Present: Councillor Lusty (Chairman) and
Councillors Ash, Butler, English, Greer, Harwood,
Mrs Marshall, Moriarty, Paine, Paterson, Mrs Ring and
Mrs Robertson

Also Present: Councillors Beerling and Yates

316. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors J A Wilson and Nelson-Gracie.

317. NOTIFICATION OF SUBSTITUTE MEMBERS

The following substitutions were noted:-

Councillor Butler for Councillor J A Wilson.
Councillor Mrs Ring for Councillor Nelson-Gracie

318. NOTIFICATION OF VISITING MEMBERS

Councillor Beerling indicated that he wished to speak in respect of the report of the Development Control Manager relating to application MA/08/2323.

Councillor Yates indicated his wish to speak in respect of the report of the Development Control Manager relating to application MA/09/2251.

319. ITEMS WITHDRAWN FROM THE AGENDA

MA/09/1883 - Chareda, Pickering Street, Loose, Maidstone

The Committee considered the urgent update report of the Development Control Manager that recommended that this application be withdrawn from the agenda to allow further consideration of the impact of the development on trees adjacent to the site that are considered to have a potential amenity value.

RESOLVED: That agreement be given to the withdrawal of application MA/09/1883 from the agenda.

320. 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.

321. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Ash indicated that he had a prejudicial interest in the report of the Development Control Manager relating to application MA/08/2323. He stated that he knew the applicant.

Councillor English stated that he had a personal interest in application MA/08/1733. He stated that he was a Member of the Tovil Parish Council but had not taken part in the debate by the Parish Council on this application and therefore intended to speak and to vote when it was considered.

Councillor Mrs Marshall disclosed a personal interest in the report of the Development Control Manager on application MA/08/2323. She stated that she knew the applicant but she intended to speak on the item but not to vote when the application was discussed.

Councillor Paine stated that he had predetermined on application MA/08/2323 and that he would speak on the application but not vote.

322. EXEMPT ITEMS

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

323. MINUTES OF THE MEETING HELD ON 4 FEBRUARY 2010

RESOLVED: That the Minutes of the meeting held on 4 February 2010 be approved as a correct record and signed.

324. MATTERS ARISING FROM THE MINUTES

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

The Development Control Manager reported that he had received further correspondence from local residents concerning the decision made by the Committee. He had discussed the matter with his colleagues both in the Legal department and in Democratic Services and the view of all the Officers was that the decision accurately reflected that which had been agreed by the Members. He felt that the issues being raised by the residents were additional to those which had previously been stated. In particular it related to a fence which had not formed part of the application.

RESOLVED: That the Development Control Manager write to the Applicant asking him to take into account the concerns expressed by local residents regarding the fence which was of concern to the residents and which had not formed part of the application.

325. DEFERRED ITEMS

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 reported that revised plans had been received which were currently the subject of re-consultation and that the matter would be brought to a future meeting.

326. TREE PRESERVATION ORDER NO. 20 OF 2009 - TREES ON LAND AT RINGERS, UPPER STREET, LEEDS, MAIDSTONE

The Committee considered the report of the Assistant Director of Development and Community Strategy concerning Tree Preservation Order No. 20 of 2009 which was made under Section 201 of the Town and Country Planning Act 1990 to protect one Silver Birch tree. 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. 20 of 2009 be confirmed without modification.

Voting: 12 – For 0 – Against 0 – Abstentions

327. MA/08/2323 - DEMOLITION OF EXISTING BUILDING AND ERECTION OF 1 NO. DETACHED DWELLING AND 12 NO. TWO-STOREY TERRACED DWELLINGS IN FOUR BLOCKS AND ASSOCIATED WORKS INCLUDING ACCESS AND PARKING - LAND AT 113 AND 115 AND 123 TONBRIDGE ROAD, MAIDSTONE

Having disclosed a prejudicial interest Councillor Ash left the meeting whilst the matter was discussed.

All Members of the Committee stated that they had been lobbied.

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

Mr Wadey, an objector, Mr Norton, for the applicant, and Councillor Beerling addressed the meeting.

RESOLVED:

1. That subject to no objections being raised by Natural England to the Ecological Report and to the prior completion of a legal agreement in such terms as the Head of Legal Services may advise to secure the following:
 1. A contribution of £11,916 to the NHS West Kent Primary Care Trust to be the subject of discussion between the Council and the Trust to identify and specify where the contribution would be spent;
 2. A contribution of £18,900 to Maidstone Borough Council Parks and Open Space, which will be spent within a two mile radius of the site and be the subject of discussion with the Council's Development Control Team to identify and specify where the contribution would be spent; and
 3. A contribution of £29,220 for Kent County Council Communities Facilities within the locality of the application site

the Development Control Manager be given delegated powers to grant permission subject to the conditions and informatives as set out in the report and in the urgent update report and with the amendment of conditions 7 and 11 as follows:-

Condition 7 (amended)

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees, hedgerows and boundary planted areas on the land, and details of any to be retained, together with measures for their protection in the course of development in conjunction with the details required pursuant to condition 8, and a programme for the approved scheme's implementation to include the planting of the southern boundary landscaping in the first planting season following commencement of the development and the scheme's long term management for a period of 10 years. The landscaping scheme shall include:-

1. Planting of hedgerows to the site boundaries,
2. The provision of enhanced landscaping along the narrowed section of the site access road.

The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The submitted details shall include inter-alia full consideration of the protection of potential slow worm habitats in and around the marginal boundary areas during construction. The approved protection measures shall be implemented before any equipment, machinery or materials are brought onto the site and

shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: No such details have been submitted and in the interests of the visual amenities of the locality, the safeguarding of existing trees, hedgerows, boundary planted areas and potential slow worm habitats to be retained in accordance with policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and PPS1 and PPS9, and the interests of the residential amenity in accordance with policies CC1 and CC6 of the South East Plan 2009 and PPS1.

Condition 11 (amended)

No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority:

- i) Details of the roof overhangs.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the soldier arches.
- iv) Façade elevational and sectional details of the building(s)

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with PPS1.

2. That the details to be submitted pursuant to Conditions 2 (Materials), 7 (Landscaping Scheme) and 11 (Large Scale Architectural Details) must be agreed in consultation with the local Ward Members.

Voting: 9 – For 0 – Against 0 – Abstentions

(2 Members had indicated they would not vote on this application and 1 Member had left the meeting)

328. MA/09/1514 - OUTLINE APPLICATION FOR THE ERECTION OF 64 BED RESIDENTIAL CARE HOME WITH 7 CLOSE CARE BUNGALOWS, DAY CENTRE WITH 6 CLOSE CARE APARTMENTS, CONVERSION OF LEDIAN OAST TO PROVIDE TWO DWELLINGS AND ERECTION OF 12 DWELLINGS WITH ACCESS AND GARAGING - LEDIAN FARM, UPPER STREET, LEEDS, MAIDSTONE

All Members of the Committee with the exception of Councillor Butler indicated that they had been lobbied.

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

Councillor Fort of Leeds Parish Council and Mr Blythin, for the applicant, addressed the meeting.

RESOLVED: That subject to the prior completion of a Section 106 Legal Agreement or receipt of a completed Section 106 Unilateral Undertaking in such terms as the Head of Legal Services may advise to secure:

1. Contributions towards the provision of Library, Adult Education, Youth and Community and Adult Social Services facilities;
2. A Contribution towards the provision of Primary Health Care facilities; and
3. A contribution towards the provision of off-site Public Open Space

the Development Control Manager be given delegated powers to grant permission subject to the conditions and informatives as set out in the report and the urgent update report with the amendment of condition 5 and the addition of conditions and informatives as follows:-

Condition 5 amended by the addition of the following:

- vii) The scheme shall show areas of meadow and rough grass to enhance habitat mix.

Additional Condition 26

The development shall not commence until details have been submitted to and approved in writing by the Local Planning Authority, of provision to be made for bat roosts within the site and building(s), together with details of the timing of the provision of works. As approved the facilities shall be provided prior to the commencement of use and maintained thereafter;

Reason: In order not to disturb or deter the nesting or roosting of bats, a species protected by the Wildlife and Countryside Act 1981, the advice in PPS9 and policy NRM5 of the South East Plan 2009.

Amended Informative on Urgent Update Report

The provision of 'swift bricks' on the external faces of the buildings should be employed in the interest of nature conservation and biodiversity enhancement.

Additional Informatives

The Parks and Open Space contribution should firstly be spent within Leeds Parish and within no greater than a 2 mile radius of the site.

A development panel comprising representatives from Council officers, Ward Members and the applicant/developer should be established to take forward the development.

Voting: 12 – For 0 – Against 0 – Abstentions

329. MA/08/1733 - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF FOURTEEN ZERO CARBON HOUSES WITH ACCESS, LAYOUT, SCALE AND APPEARANCE TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND AT FOREST HILL, TOVIL, MAIDSTONE

Councillor English was not present during the debate on this item.

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

RESOLVED: That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure a contribution of £22,050 towards public open space provision and the contribution of £11,880 to the NHS West Kent Primary Care Trust towards health care, the Development Control Manager be given delegated power to grant permission subject to the conditions and informatives as set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

330. MA/09/1831 - CHANGE OF USE OF UNIT 7 TO RETAIL FOR THE SALE OF HORSE, PET AND AGRICULTURAL FEEDS AND SUNDRIES TO INCLUDE REPLACEMENT OF EXISTING LOADING DOOR WITH GLASS DOOR AND SECURITY SHUTTER - UNIT 7, BARRADALE FARM, MAIDSTONE ROAD, HEADCORN

Councillor English stated that he had been lobbied.

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

Councillor Dungey, Headcorn Parish Council, and Mrs Gray, for the applicant, addressed the meeting.

RESOLVED: That, subject to expiry of the site notice and advert publicising the application as a departure from the Development Plan and the receipt of no representations raising new issues, the Development Control Manager be given delegated powers to grant permission subject to the conditions set out in the report amended by the urgent update report.

Voting: 12 – For 0 – Against 0 – Abstentions

331. MA/09/1883 - DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 2 NO. NEW DWELLINGS - CHAREDA, PICKERING STREET, LOOSE, MAIDSTONE

The Development Control Manager withdrew this item.

332. MA/09/1891 - CHANGE OF USE FROM GRAZING TO RESIDENTIAL FOR GYPSY FAMILY AND STATIONING OF TWO MOBILE HOMES, ONE TOURING CARAVAN, HARDSTANDING AND ASSOCIATED WORKS - PETSFIELD, EASTWOOD ROAD, BOUGHTON MALHERBE, MAIDSTONE

The Chairman stated that he had been lobbied.

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

Mr. Gorton of Boughton Malherbe Parish Council addressed the meeting.

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

Condition 4 (amended)

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping including a double staggered hawthorn hedgerow along the southern boundary of the site, a landscape buffer strip of rough grass beside the southern boundary hedgerow 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 10 year management plan. 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, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000), policy C4 of the South East Plan (2009) and guidance contained in PPS9.

Additional Informatives

The hardstanding as shown on the plan should not be extended without the written approval of the Local Planning Authority.

Buildings within the application site but not forming part of this application will require an application for planning permission.

Voting: 12 – For 0 – Against 0 – Abstentions

333. MA/09/1685 - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND FOR THE STATIONING OF 1 NO. MOBILE HOME AND 1 NO. TOURING CARAVAN FOR RESIDENTIAL PURPOSES, STABLE BLOCK AND UTILITY BUILDING WITH ASSOCIATED WORKS I.E. HARD STANDING AND CESS POOL - FAIRWAY, CHURCH HILL, BOUGHTON MONCHELSEA, MAIDSTONE

Councillor Moriarty was not present during the consideration of this application.

All Members of the Committee stated that they had been lobbied.

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

Mrs Evans an objector, Councillor Munford of Boughton Monchelsea Parish Council and Mr Lee, the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report with the amendment of condition 3 and additional conditions as follows:-

Condition 3 (amended)

Within 3 months of the date of this permission a scheme of landscaping shall be submitted to and approved by the Local Planning Authority.

1. Hedging on the southern and northern site boundaries protected by an inner fence
2. Hedging and tree planting between the hardstanding and paddock protected by an inner fence
3. Increased landscaping in the northeast corner achieved by moving the mobile home westwards

The scheme shall use indigenous species and 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. This in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policy C4 of the South East Plan 2009.

Additional Condition 5

No external lighting shall be erected on the site at any time unless previously agreed in writing by the Local Planning Authority;

Reason: To safeguard the character and appearance of the area and to prevent light pollution in accordance with policies ENV49 of the Maidstone Borough-Wide Local Plan (2000) and policy C4 of the South East Plan (2009).

Additional Condition 6

If the use hereby permitted ceases all caravans, structure, equipment and materials brought onto the land for the purposes hereby permitted, including the hardstanding and utility room shall be removed;

Reason: To safeguard the character and appearance of the countryside in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan (2000) and C4 of the South East Plan (2009).

Additional Condition 7

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the next planting and seeding season between 1 October 2010 and 31 March 2011. 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 a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000 and policies NRM5 and NRM7 of the South East Plan 2009.

Voting: 10 – For 1 – Against 0 – Abstentions

334. MA/09/2251 - DEMOLITION OF EXISTING SINGLE STOREY SIDE EXTENSION AND DETACHED GARAGE AND ERECTION OF A NEW CHALET STYLE DWELLING - LAND ADJACENT TO 43A PARK WAY, MAIDSTONE

The Committee considered the report of the Development Control Manager.

Mr Hedley, the applicant, and Councillor Yates addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with the amended condition 2 as follows:-

Condition 2 (amended)

The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The submitted details show light coloured render above cill level and brickwork below cill level;

Reason: To ensure a satisfactory appearance to the development in accordance with policy BE1 of the South East Plan (2009).

Voting: 8 – For 2 – Against 2 – Abstentions

335. MA/09/1830 - INSTALLATION OF 20M HIGH LATTICE TOWER SUPPORTING THREE ANTENNAS, TWO DISH ANTENNAS AND RADIO EQUIPMENT HOUSING ANCILLARY DEVELOPMENT - RUMWOOD GREEN FARM, SUTTON ROAD, LANGLEY, 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 and informatives set out in the report and the urgent update report.

Voting: 12 – For 0 – Against 0 – Abstentions

336. MA/09/1943 - APPLICATION TO RECONSTRUCT AN EXISTING TIMBER FRAMED BARN ON THE ORIGINAL FOOTPRINT TO BE USED AS A HABITABLE DWELLING - LADDS COURT BARN, CHART HILL ROAD, CHART SUTTON, MAIDSTONE

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

RESOLVED: That, subject to any new representations received as a result of outstanding statutory advertisements, the Development Control Manager 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: 12 – For 0 – Against 0 – Abstentions

337. MA/10/0070 - PLANNING APPLICATION FOR ERECTION OF CCTV COLUMN WITH CAMERA EQUIPMENT (6M IN HEIGHT) ON SOUTH SIDE OF ST FAITHS STREET, OPPOSITE STATION ROAD, TO REPLACE EXISTING CAMERA ON NORTH SIDE OF ST FAITHS STREET - CCTV COLUMN, ST FAITHS STREET, MAIDSTONE

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

Voting: 11 – For 0 – Against 1 – Abstention

338. APPEAL DECISIONS

The Committee considered the report of the Development Control Manager setting out details of appeal decisions that he had received since the last meeting. He gave an update in respect of the details on some of the decisions.

RESOLVED:

1. That the report be noted.
2. That the Committee be given a little more detail in respect of appeals which had been allowed.

339. RESULTS OF CONSULTATION ON THE PLANNING ENFORCEMENT POLICY STATEMENT INCLUDING PRACTICE STANDARDS

The Committee considered the report of the Development Control Manager setting out the results of the consultation on the draft enforcement policy.

RESOLVED: That, the consultation responses and Officer comments on those responses be noted and that the amended policy document be sent to the Cabinet Member for Regeneration for adoption.

340. DURATION OF MEETING

6.00 p.m. to 9.15 p.m.