

MAIDSTONE BOROUGH COUNCIL

Heritage, Culture and Leisure Committee

MINUTES OF THE MEETING HELD ON TUESDAY 4 OCTOBER 2016

Present: Councillor Pickett (Chairman), and
Councillors Ells, Harvey, Mrs Hinder, Lewins, Naghi,
Pickett and Revell

Also Present: Councillors Newton and Perry

56. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Fort and Wilson.

57. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Harvey was substituting for Councillor Wilson.

58. **URGENT ITEMS**

There were no urgent items.

59. **NOTIFICATION OF VISITING MEMBERS**

Councillor Newton was in attendance and indicated a wish to speak on item 13 – Disposal of Land North of Gore Court Road.

Councillor Perry was in attendance and indicated a wish to speak on item 14 – Land at Surrenden Field, Staplehurst.

60. **ELECTION OF VICE-CHAIRMAN**

RESOLVED: That Councillor Ells be elected Vice-Chairman of the committee for the remainder of the Municipal Year 2016-17.

61. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

62. **DISCLOSURES OF LOBBYING**

There were no disclosures of lobbying.

63. **MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2016**

RESOLVED: That the minutes of the meeting held on 6 September 2016 be approved as a correct record and signed.

64. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

65. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

66. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION

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

67. HERITAGE, CULTURE AND LEISURE COMMITTEE WORK PROGRAMME 2016 - 17

Review of MCL Festivals and Events 2016 - A Member inquired whether the Committee would be making decisions regarding the future of specific events as part of this item. It was explained that it was currently too early to confirm what the recommendations of the report would be.

RESOLVED: That the Heritage, Culture and Leisure Committee Work Programme 2016-17 be noted.

68. REPORT OF THE HEAD OF COMMERCIAL AND ECONOMIC DEVELOPMENT - DISPOSAL OF LAND NORTH OF GORE COURT ROAD

The Parks and Leisure Manager introduced the report setting out the request from Bellway Homes to purchase an area of open space on the eastern side of Senacre Recreation Ground, in order to widen Gore Court Road and facilitate a housing development. The committee viewed a presentation depicting the area in question.

Councillor Newton addressed the committee as a Visiting Member.

The Development Control Manager advised the committee that:

- Hedgerow regulations referred to protected hedgerows such as those on agricultural land. The arbicultural officer had been consulted and was of the view that the hedges on the land for consideration did not fall within the definition.
- Declaring the land surplus would instigate notice of a statutory six week review. Officers could confirm the exact status of the hedgerows during this time.
- Alternative ways to widen Gore Court Road had been considered but would involve the loss of protected ancient woodland and TPO trees. Loss of ancient woodland (which has a high protection in the NPPF) would take priority over the loss of hedgerows.

- The widening of Gore Court Road had been included in the regulation 18 stage of the Local Plan allocations.

During discussion Members raised the following points:

- The hedgerow was well-established. Loss of the hedgerow would impact on the view and could open the field up to development.
- The land for consideration was used by members of the public for activities such as dog walking.
- Gore Court Road could currently accommodate two adjacent vehicles and so widening was not required.
- Disposal of the land could set a precedent for the sale of publically owned countryside land for development.

It was moved and seconded:

1. That the open space strip of land with a total area of 414 square metres to the west of Gore Court Road, outlined in red on Appendix A to the report of the Head of Commercial and Economic Development be declared surplus to requirements.
2. That the placing of a Public Notice pursuant of Section 123 of the Local Government Act 1972 be authorised.

For – 2 Against – 4 Abstain – 1

The motion was lost.

It was moved, seconded and:

RESOLVED: That the open space strip of land with a total area of 414 square metres to the west of Gore Court Road, outlined in red on Appendix A to the report of the Head of Commercial and Economic Development, not be declared surplus to requirement, and that no further action be taken.

For – 6 Against – 0 Abstain – 1

69. REPORT OF THE HEAD OF COMMERCIAL AND ECONOMIC DEVELOPMENT - LAND AT SURRENDEN FIELD, STAPLEHURST

The Parks and Leisure Manager presented the report detailing a request from Staplehurst Parish Council (PC) for a longer tenure on the land at Surrenden Field. It was noted that Staplehurst PC would be willing to take on the maintenance for Nicholson Walk if the freehold for both this and land at Surrenden Field was transferred to them.

The committee was told that legal advice had confirmed that the land at Surrenden Field was protected by a restrictive covenant, and a transfer of

the freehold to Staplehurst PC could include a positive obligation to continue to comply with the covenant. Nicholson Walk was protected by the Physical Training and Recreation Act 1937.

Councillor Perry addressed the meeting as a Visiting Member and left the meeting at 7.17 p.m.

The Head of Commercial and Economic Development explained that a long leasehold such as the report's suggested term of 125 years was consistent with previous decisions made within the asset management plan.

During discussion the committee heard that:

The decision before the committee was to declare the land surplus to the Council's requirements. Policy and Resources Committee would then be asked to decide whether to dispose of the land and the form any disposal would take. The land could not be disposed of unless it was declared surplus.

A Member proposed the recommendations as per the report with an additional strong recommendation to Policy and Resources Committee that a condition be placed on the disposal of the land to ensure that, if the land was placed on the market in the future, ownership of that land would revert back to Maidstone Borough Council. At the proposers agreement this was amended to include a recommendation to Policy and Resources Committee that the freehold for the land be transferred to Staplehurst PC.

The proposal was seconded.

RESOLVED:

1. That the land known as Surrenden Field, outlined in red on Appendix 1 to the report of the Head of Commercial and Economic Development, be declared surplus to requirement.
2. That the placing of a Public Notice pursuant to Section 123 of the local Government Act 1972 be authorised.
3. That the Policy and Resources Committee be strongly recommended to grant the freehold of the land to Staplehurst Parish Council with the condition that, if the land is placed onto the market in the future, ownership of the land would revert to Maidstone Borough Council.

For – 7

Against – 0

Abstain – 0

70. **DURATION OF MEETING**

6.31 p.m. to 7.34 p.m.