

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**MINUTES OF THE MEETING HELD ON 10 JUNE 2010**

**Present:**                **Councillor Lusty (Chairman) and  
Councillors Butler, English, Garland, Harwood,  
Hinder, Nelson-Gracie, Paine, Paterson, Mrs Smith,  
Thick, Vizzard and Mrs Wilson**

**Also Present:**        **Councillors Horne and Sellar**

24.    APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Ash, Chittenden, Mrs Robertson and Ross.

25.    NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor Butler for Councillor Ross  
Councillor Garland for Councillor Ash  
Councillor Mrs Smith for Councillor Mrs Robertson  
Councillor Vizzard for Councillor Chittenden

26.    NOTIFICATION OF VISITING MEMBERS

Councillor Horne indicated his wish to speak on the report of the Development Control Manager relating to application MA/10/0140.

Councillor Sellar indicated his wish to speak on the report of the Development Control Manager relating to application MA/09/1784.

27.    ITEMS WITHDRAWN FROM THE AGENDA

There were none.

28.    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 the applications to be considered at the meeting.

Reference from the Cabinet Member for Environment – Parking in Staplehurst

The Chairman stated that, in his opinion, the reference from the Cabinet Member for Environment relating to parking in Staplehurst should be taken as an urgent item in view of the length of time until the next meeting.

29. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors Harwood and Hinder disclosed personal interests in the report of the Development Control Manager relating to application MA/09/1784. 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.

30. EXEMPT ITEMS

RESOLVED: That the item on Part II of the agenda be taken in public but the information contained therein should remain private.

31. MINUTES OF THE MEETING HELD ON 20 MAY 2010

RESOLVED: That the Minutes of the meeting held on 20 May 2010 be approved as a correct record and signed.

32. PRESENTATION OF PETITIONS

It was noted that a petition would be presented objecting to application MA/10/0140.

See Minute 36 below.

33. DEFERRED ITEMS

- (1) MA/08/1766 - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE TO CARAVAN SITE TO PROVIDE GYPSY ACCOMMODATION WITH 4 PLOTS, INCLUDING 4 MOBILE HOMES AND 6 TOURING CARAVANS AND ASSOCIATED WORKS (INCLUDING HARDSTANDING, FENCING, UTILITY BUILDINGS AND CESS POOL) AND KEEPING OF HORSES - FIELD KNOWN AS WHEATGRATTEN, LENHAM FORSTAL ROAD, LENHAM

The Development Control Manager advised the Committee that he was still awaiting the survey information requested in respect of this application.

- (2) MA/09/1784 - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A NEW HOTEL WITH ACCESS TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE

See Minute 34 below

- (3) MA/09/2043 - ERECTION OF A REPLACEMENT DWELLING WITH DOUBLE GARAGE AND CREATION OF A NEW DRIVEWAY (RE-SUBMISSION OF MA/09/1298) - STUBBLE HILL COTTAGE, SANDWAY ROAD, HARRIETSHAM, MAIDSTONE

The Development Control Manager advised the Committee that he was still awaiting the survey information requested in respect of this application.

34. MA/09/1784 - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A NEW HOTEL WITH ACCESS TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE

All Members started that they had been lobbied.

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

Mr Blythin, for the applicant, and Councillor Sellar addressed the meeting.

RESOLVED: That subject to the referral of the application to the Government Office for the South East and the subsequent expiry of the formal referral period and the receipt of no Direction preventing the grant of planning permission, the Development Control Manager be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional condition set out in the urgent update report with the amendment of condition 11 (formerly numbered 10) and an additional informative as follows:-

Condition 11 (formerly 10) (amended)

The details submitted pursuant to condition 1, in conjunction with the details submitted pursuant to condition 10 above, shall show:-

- (i) A building with a maximum height of 15m above the adjacent M20 motorway embankment and 12.5m to the highest part of the accommodation levels above the motorway embankment as indicated on drawing no. DHA/6806/03/A.
- (ii) A building with a maximum height of 21.8m above proposed external ground levels with the accommodation levels being no higher than 18.6m above proposed external ground levels as indicated on drawing no. DHA/6806/03/A.
- (iii) A building orientated as shown on drawing nos. DHA/0686/02revA and 279/PL/200A.

- (iv) A building with accommodation levels being no greater than 16m in width as shown on drawing nos. DHA/0686/02revA and 279/PL/200A and comprising no more than 150 bedrooms.
- (v) The proposed building not breaching the crest of the scarp slope of the North Downs Ridge, when viewed from the central reservation of the A249 Bearsted Road just east of the Chiltern Hundreds PH roundabout at a height of approximately 1.78m as shown on the location plan and photographic image appended to the decision notice.

Reason: To ensure a satisfactory visual impact to the development and to reduce the visual impact on the Kent Downs AONB pursuant to policies CC6 and C3 of the South East Plan 2009 and to accord with the parameters set out in the application.

Additional Informative

You are advised that any timber cladding used externally on the building should be of a high quality and be pre-treated to avoid fading.

Voting: 10 – For 3 – Against 0 – Abstentions

Note: Councillors Harwood and Paterson requested that their dissent from this decision be recorded.

35. MA/09/2260 - AN APPLICATION TO VARY CONDITION 8 OF MA/09/1535 TO READ:- THE 17 AFFORDABLE HOUSING UNITS SHALL ACHIEVE LEVEL 3 OF THE CODE FOR SUSTAINABLE HOMES. NO AFFORDABLE DWELLING SHALL BE OCCUPIED UNTIL A DESIGN STAGE CERTIFICATE HAS BEEN ISSUED FOR IT CERTIFYING THAT THE APPROPRIATE CODE LEVEL 3 HAS BEEN ACHIEVED. THE REMAINING "OPEN MARKET" DWELLINGS SHALL ACHIEVE LEVEL 2 OF THE CODE FOR SUSTAINABLE HOMES AND NO "OPEN MARKET" DWELLING SHALL BE OCCUPIED UNTIL A DESIGN STAGE CERTIFICATE HAS BEEN ISSUED FOR IT CERTIFYING THAT THE APPROPRIATE CODE LEVEL 2 HAS BEEN ACHIEVED – FORMER LEONARD GOULD WORKS, PICKERING STREET, MAIDSTONE

All Members stated that they had been lobbied.

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

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

Voting: 11 – For 0 – Against 2 – Abstentions

36. MA/10/0140 - ERECTION OF A TWO STOREY REAR EXTENSION TO EXISTING OFFICE BUILDING INCLUDING RECONFIGURED SITE LAYOUT, PARKING AND LANDSCAPING - CORBIN BUSINESS PARK, CARING LANE, BEARSTED

All Members stated that they had been lobbied.

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

Ms Duncan presented a petition objecting to the application.

Councillor Waite of Thurnham Parish Council (against), Mr Smith, for the applicants, and Councillor Horne (against) addressed the meeting.

RESOLVED: That subject to any new representations received as a result of outstanding statutory advertisements AND to the prior completion of a Section 106 Legal Agreement in such terms as the Head of Legal Services may advise to ensure that the vocational training opportunities to be provided at the site are utilised by those studying at Maidstone schools and Kent based universities, 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, and the additional conditions set out in the urgent update report with the amendment of conditions 3, 7 and 9 and an additional condition and informatives as follows:-

Condition 3 (amended)

Notwithstanding drawing no. 1670/01 RevA received on 4 May 2010 the development shall not commence until an amended landscaping scheme has been submitted to and approved in writing by the Local Planning Authority reflecting the reduced car parking provision required under condition 12 and showing the extent, profile and planting of the proposed bund adjacent to Caring Lane.

Reason: In the interests of visual amenity and biodiversity in accordance with PPS9 and policy ENV34 of the Maidstone Borough-Wide Local Plan 2000.

Condition 7 (amended)

The building hereby permitted shall only be used for the use of digital media purposes.

Reason: The use hereby permitted would not normally be allowed and permission has been granted because of the exceptional need for this type of employment.

Condition 9 (amended)

The development shall not commence until details of the proposed means of foul and surface water drainage, which shall include SUDS incorporating significant elements of natural filtration, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent harm and pollution to the environment in accordance with PPS23 and in the interests of biodiversity pursuant to policy NRM5 of the South East Plan 2009 and advice in PPS9.

Additional Condition

The building hereby permitted shall achieve a minimum BREEAM for Offices rating of 'Very Good'. The building shall not be occupied until a final certificate has been issued for it certifying that a minimum BREEAM for Offices rating of 'Very Good' has been achieved.

Reason: To ensure a sustainable and energy efficient form of development pursuant to policy CC4 of the South East Plan 2009.

Additional Informatives

No further development will be permitted in front of the existing building on the site.

Suitable natural features required by condition 9 could include the use of swales and gullies.

Voting:        7 – For        4 – Against        2 – Abstentions

Note:        Councillor Harwood requested that his dissent from this decision be recorded.

37. MA/09/1217 - CONSTRUCTION OF NEW ROOF INCLUDING 3 DORMERS TO REAR AND 1 DORMER TO FRONT AND INSERTION OF A FIRST FLOOR WINDOW TO REAR ELEVATION - 45 BRAUNSTONE DRIVE, ALLINGTON, MAIDSTONE

The Committee considered the 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

38. MA/10/0669 - ERECTION OF A DORMER TO THE WEST ELEVATION AND ADDITION OF A WINDOW TO THE EAST ELEVATION - OAK HOUSE, COUCHMAN GREEN LANE, STAPLEHURST, TONBRIDGE

The Committee considered the 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

39. 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.

40. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that he wished to thank the Development Control Manager and his Team for facilitating an extremely interesting planning training session earlier during the week. The Head of Legal Services advised the Committee that further training would include probity in planning.

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

The Committee considered the response of the Cabinet Member for Environment to its request that he undertake a review of the parking arrangements in the Winch's Garth/Market Street area of Staplehurst in consultation with Ward Members and the Parish Council. It was noted that the parking problems in these roads had been the subject of considerable discussion with Ward Members, the Parish Council and Kent Highways in the past. The conclusion reached was still relevant today in that the only way to ease the current problems would be to provide off-street parking. Although a scheme had been drawn up to utilise land in the front gardens of Winch's Garth, Golding Homes had decided not to proceed with the extra parking due to limited funding. In the circumstances, the Cabinet Member had decided not to undertake a review, but he had forwarded details of the Committee's request and his response to Golding Homes in order that it might consider reviewing its original decision.

RESOLVED: That the position be noted.

42. DURATION OF MEETING

6.00 p.m. to 8.10 p.m.