

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 9 JUNE 2011**

**Present:**                **Councillor Lusty (Chairman) and  
Councillors Ash, Collins, Cox, English, Greer,  
Harwood, Newton, Paine, Paterson, Mrs Robertson  
and J.A. Wilson**

**Also Present:**        **Councillors Hinder, B Mortimer and  
Springett**

21.    APOLOGIES FOR ABSENCE

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

22.    NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Greer was substituting for Councillor Nelson-Gracie.

23.    NOTIFICATION OF VISITING MEMBERS

Councillor Hinder indicated his wish to speak on the report of the Head of Development Management relating to application MA/10/1627.

Councillor B Mortimer indicated his wish to speak on the report of the Head of Development Management relating to application MA/10/1633.

It was noted that Councillor Springett had indicated her wish to speak on the report of the Head of Development Management relating to application MA/11/0385.

24.    ITEMS WITHDRAWN FROM THE AGENDA

There were none.

25.    URGENT ITEMS

Update Report

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

26. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Ash disclosed a personal interest in the reports of the Head of Development Management relating to applications MA/10/2189 and MA/11/0385. He stated that he was a Member of Bearsted Parish Council, but he had not participated in the Parish Council's discussions on the applications and intended to speak and vote when they were considered.

Councillor Greer stated that as Cabinet Member with responsibility for regeneration, he had promoted the High Street redevelopment project and had pre-determined application MA/11/0606. He would leave the meeting when the application was discussed.

Councillor Harwood disclosed a personal interest in the reports of the Head of Development Management relating to applications MA/10/1627, MA/10/2065 and MA/11/0407. He stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions on the applications and intended to speak and vote when they were considered.

Councillor Newton disclosed a prejudicial interest in the reports of the Head of Development Management relating to applications MA/11/0195 and MA/11/0196 by virtue of being a stonemason whose company maintained the war memorial on the Council's behalf. He had pre-determined the applications and would make representations as an objector before leaving the meeting when they were discussed.

Councillor J A Wilson disclosed a personal interest in the report of the Head of Development Management relating to application MA/11/0382. He stated that he was a Member of East Farleigh 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.

27. EXEMPT ITEMS

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

28. MINUTES OF THE MEETING HELD ON 19 MAY 2011

RESOLVED: That the Minutes of the meeting held on 19 May 2011 be approved as a correct record and signed.

29. PRESENTATION OF PETITIONS

It was noted that a petition might be referred to in relation to application MA/10/1633.

30. DEFERRED ITEMS

- (1) MA/10/2065 – DEMOLITION OF EXISTING BUILDING AND SHED AND ERECTION OF TWO NEW STORAGE BUILDINGS – HILLVIEW, OLD LIDSING ROAD, LIDSING, GILLINGHAM

See Minute 41 below

- (2) MA/10/1878 – ERECTION OF 1 NO. BUNGALOW (PLOT 2) WITH DETACHED GARAGE, ACCESS AND ASSOCIATED WORKS (RE-SUBMISSION OF APPLICATION MA/10/1149) – LAND ADJACENT TO THE RETREAT, WARE STREET, WEAVERING, MAIDSTONE

The Head of Development Management advised the Committee that this application was still subject to an ecological survey and assessment.

31. MA/10/1633 - CHANGE OF USE OF LAND FOR THE STATIONING OF TWO CARAVANS (ONE STATIC AND ONE TOURING) FOR RESIDENTIAL OCCUPATION BY A GYPSY FAMILY WITH ASSOCIATED HARDSTANDING - LAND ADJ AMSBURY COTTAGE, AMSBURY ROAD, COXHEATH, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Development Management.

Mr Court, for objectors, Councillor Hughes of Coxheath Parish Council (against) and Councillor B Mortimer (against) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report and the additional conditions set out in the urgent update report with the amendment of conditions 3, 7 and 10 and an additional condition and informatives as follows:-

Condition 3 (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 building(s) 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 pursuant to policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

Condition 7 (amended)

Notwithstanding the details shown on drawing no. 729a received 03/05/2011, the development shall not commence until details showing a reduced bellmouth width of no greater than 4m at the site access to Amsbury Road and the reduction in the front boundary hedging to no less than 2m in height have been submitted to and approved by the Local

Planning Authority. The development shall be carried out in accordance with the subsequently approved details and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development pursuant to policies CC1 and CC6 of the South East Plan 2009.

Condition 10 (amended)

Notwithstanding the details shown on drawing no.729a received 03/05/2011, the development shall not be commenced until a revised scheme of landscaping has been submitted showing in addition to the details already indicated on drawing no.729a, a minimum 7m depth of landscaping behind the retained hedgerow to the Amsbury Road frontage of the site. The submitted scheme shall use indigenous species and shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and include measures for the long term management of the landscaping within the site.

Reason: To ensure a satisfactory appearance to the development in accordance with policies CC1 and CC6 of the South East Plan 2009.

Additional Condition

Condition 12

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 2 Class A to that Order shall be carried out without the permission of the Local Planning Authority.

Reason: To safeguard the character, appearance and functioning of the surrounding area pursuant to the advice in PPS1.

Additional Informatives

To clarify, condition 6 of this permission prohibits the storage of any materials including those associated with the business of the applicant's son.

The applicant is advised to work closely with the Council's Landscaping Officers to ensure the satisfactory discharge of the condition in relation to landscaping.

Voting:        8 – For        4 – Against        0 – Abstentions

32. MA/10/1627 - ERECTION OF A NEW DWELLING - LAND OFF BEECHEN BANK, BOXLEY ROAD, WALDERSLADE

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Development Management.

Mr Crane, an objector, Councillor Spain of Boxley Parish Council (against), Mr Woodhead, for the applicant, and Cllr Hinder, on behalf of Councillor Mrs Hinder (against), addressed the meeting.

RESOLVED: That consideration of this application be deferred for one cycle for:-

- A fuller analysis of the impact upon the semi natural ancient woodland as a whole.
- An examination of the ecological interest of the site.
- The design of the dwelling to incorporate features which take inspiration from the woodland setting.

Voting: 11 – For 0 – Against 0 – Abstentions

33. MA/10/1221 - REMOVAL OF CONDITION 1 (TO ALLOW PERMANENT OCCUPATION) AND THE VARIATION OF CONDITION 3 (TO ALLOW NO MORE THAN 4 CARAVANS, AS DEFINED IN THE CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 AND THE CARAVAN SITES ACT 1968 (OF WHICH NO MORE THAN 2 SHALL BE A STATIC CARAVAN OR MOBILE HOME) SHALL BE STATIONED ON THE SITE AT ANY TIME) OF PERMISSION MA/08/1919 - BLUE BELL FARM, GEORGE STREET, STAPLEHURST, TONBRIDGE

The Chairman stated that he had been lobbied.

The Committee considered the report and the urgent update report of the Head of Development Management.

Councillor Butcher addressed the Committee on behalf of Staplehurst Parish Council which objected to the site being made permanent.

RESOLVED: That permission be granted subject to the conditions set out in the report with the amendment of conditions 1 and 4 as follows:-

Condition 1 (amended)

The use hereby permitted shall be for a limited period of 4 years till 9 June 2015. At the end of this period, or when the site ceases to be occupied by gypsies or travellers as defined in paragraph 15 of ODPM Circular 01/2006, whichever shall first occur, the use hereby permitted shall cease and all caravans, hardstandings, structures, materials and

equipment brought on to the land in connection with the use, including any wash rooms, waste recycling enclosures and stables, shall be removed in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: The scale of the development is considered to cause visual harm to the character and appearance of the area. In addition, due to the proximity of this site to the approved development on the adjoining site 'The Paddocks', the cumulative visual impact of the two sites would be unacceptable. This is contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policies CC6 and C4 of the South East Plan 2009. This identified harm is considered to be outweighed by the need for accommodation for gypsies and travellers and there is a reasonable expectation that sites will become available through the production of a Gypsy & Traveller Development Plan Document by the end of the period specified. This is in accordance with advice contained within ODPM Circular 01/2006.

Condition 4 (amended)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the next planting season (October 2011 to March 2012) and any trees or plants which within the life of this permission from the completion of the planting 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 EN6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000 and C4 of the South East Plan 2009.

Voting:        7 – For        4 – Against        0 – Abstentions

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

34. MA/10/1222 - REMOVAL OF CONDITION 1 (TO ALLOW PERMANENT OCCUPATION) AND THE VARIATION OF CONDITION 3 (TO ALLOW NO MORE THAN 4 CARAVANS, AS DEFINED IN THE CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 AND THE CARAVAN SITES ACT 1968 (OF WHICH NO MORE THAN 2 SHALL BE A STATIC CARAVAN OR MOBILE HOME) SHALL BE STATIONED ON THE SITE AT ANY TIME) OF PERMISSION MA/08/1920 - THE PADDOCKS, GEORGE STREET, STAPLEHURST, TONBRIDGE

The Chairman stated that he had been lobbied.

The Committee considered the report and the urgent update report of the Head of Development Management.

Councillor Butcher addressed the Committee on behalf of Staplehurst Parish Council which objected to the site being made permanent.

RESOLVED: That permission be granted subject to the conditions set out in the report with the amendment of conditions 1 and 4 as follows:-

Condition 1 (amended)

The use hereby permitted shall be for a limited period of 4 years till 9 June 2015. At the end of this period, or when the site ceases to be occupied by gypsies or travellers as defined in paragraph 15 of ODPM Circular 01/2006, whichever shall first occur, the use hereby permitted shall cease and all caravans, hardstandings, structures, materials and equipment brought on to the land in connection with the use, including any wash rooms, waste recycling enclosures and stables, shall be removed in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: The scale of the development is considered to cause visual harm to the character and appearance of the area. In addition, due to the proximity of this site to the approved development on the adjoining site Blue Bell Farm, the cumulative visual impact of the two sites would be unacceptable. This is contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policies CC6 and C4 of the South East Plan 2009. This identified harm is considered to be outweighed by the need for accommodation for gypsies and travellers and there is a reasonable expectation that sites will become available through the production of a Gypsy & Traveller Development Plan Document by the end of the period specified. This is in accordance with advice contained within ODPM Circular 01/2006.

Condition 4 (amended)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the next planting season (October 2011 to March 2012) and any trees or plants which within the life of this permission from the completion of the planting 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 EN6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000 and C4 of the South East Plan 2009.

Voting:        11 – For        1 – Against        0 – Abstentions

35. MA/10/2189 - ERECTION OF 5 NO. DWELLINGS WITH GARAGING, PARKING PROVISION, NEW DRIVEWAY - AMENDED DESIGN TO THAT APPROVED UNDER REFERENCE MA/09/0760 - LITTLE ORCHARD, CHURCH LANE, BEARSTED, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report of the Head of Development Management.

Mrs Bingham, an objector, and Councillor Mrs Marshall MBE of Bearsted Parish Council (against) addressed the meeting.

RESOLVED:

1. That consideration of this application be deferred for one cycle to enable negotiations seeking:-
  - A reduction in the level of hardstanding on the site.
  - A detailed landscaping scheme to be submitted incorporating additional landscaping within the site.
2. That Ward Members and the Parish Council should be consulted on the amended details.

Voting: 12 – For 0 – Against 0 – Abstentions

36. MA/11/0385 - ERECTION OF SINGLE STOREY REAR EXTENSION, PLUS LOFT CONVERSION WITH RAISED RIDGE HEIGHT, REAR DORMER, BALCONY AND VELUX ROOF LIGHTS AND ERECTION OF FRONT PORCH - 22 OTTERIDGE ROAD, BEARSTED, MAIDSTONE

The Committee considered the report of the Head of Development Management.

Mr Beach, an objector, Councillor Mrs Marshall MBE of Bearsted Parish Council (against) and Councillor Springett (against) addressed the meeting.

Councillor Springett stated that she knew Mr Beach, the objector, but as an acquaintance rather than a friend.

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

Voting: 7 – For 4 – Against 1 – Abstention

37. MA/10/1971 - CHANGE OF USE OF BOTH BUILDINGS FROM CLASS B1 USE TO CLASS D1 WITH ANCILLARY OFFICE USE - BRISHING COURT BARN, BRISHING LANE, BOUGHTON MONCHELSEA, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Development Management.



Mr Blundell, for objectors, and Councillor Smith of Boughton Monchelsea Parish Council (against) addressed the meeting.

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

Voting: 6 – For 3 – Against 3 – Abstentions

38. MA/11/0243 - RETROSPECTIVE APPLICATION FOR THE ERECTION OF A TWO STOREY DWELLING HOUSE - 67 HIGH STREET, HEADCORN

The Committee considered the report of the Head of Development Management.

Mr Bingham, an objector, addressed the meeting.

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

Voting: 12 – For 0 – Against 0 – Abstentions

39. MA/11/0195 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR INSTALLATION OF LOW PROFILE SKATE STOP DEVICES TO STEPS AT BASE OF BRENCHLEY GARDENS WAR MEMORIAL - BRENCHLEY GARDENS, STATION ROAD, MAIDSTONE

Councillor English stated that he had been lobbied.

The Committee considered the report of the Head of Development Management.

Having disclosed a prejudicial interest, Councillor Newton addressed the Committee objecting to this application and application MA/11/0196. He then left the meeting whilst the applications were discussed.

Contrary to the recommendation of the Head of Development Management, the Committee agreed that subject to the receipt of no representations raising new issues as a result of outstanding consultation, the Head of Development Management be given delegated powers to refer the application to the Secretary of State for determination with the recommendation that listed building consent be refused.

In making this decision, the Committee considered that the proposed skate stops would, by virtue of the method of fixing to the memorial, adversely affect the fabric and historic appearance of the memorial contrary to policy BE6 of the South East Plan 2009 and the guidance contained within PPS5.

RESOLVED: That subject to the receipt of no representations raising new issues as a result of outstanding consultation, the Head of Development Management be given delegated powers to refer this application to the

Secretary of State for determination with the recommendation that listed building consent be refused for the following reason and informative:-

Reason

The proposed skate stops would, by virtue of the method of fixing to the memorial, adversely affect the fabric and historic appearance of the memorial contrary to policy BE6 of the South East Plan 2009 and the guidance contained within PPS5.

Informative

The applicant is advised to seek a more in keeping solution such as cobbled stones around the base of the monument.

Voting:        11 – For        0 – Against        0 – Abstentions

40. MA/11/0196 - INSTALLATION OF LOW PROFILE SKATE STOP DEVICES TO STEPS AT BASE OF BRENCHLEY GARDENS WAR MEMORIAL - BRENCHLEY GARDENS, STATION ROAD, MAIDSTONE

The Chairman and Councillor English stated that they had been lobbied.

The Committee considered the report of the Head of Development Management.

Councillor Newton had already addressed the Committee objecting to this application and application MA/11/0195.

Contrary to the recommendation of the Head of Development Management, the Committee agreed that subject to the receipt of no representations raising new issues as a result of outstanding consultation, the Head of Development Management be given delegated powers to refuse this application. In making this decision, the Committee considered that the proposed skate stops would, by virtue of their modern design, result in an incongruous feature which would cause harm to the character and appearance of Brenchley Gardens and the historic appearance of the memorial contrary to policy BE6 of the South East Plan 2009 and the guidance contained within PPS5.

RESOLVED: That subject to the receipt of no representations raising new issues as a result of outstanding consultation, the Head of Development Management be given delegated powers to refuse permission for the following reason and informative:-

Reason

The proposed skate stops would, by virtue of their modern design, result in an incongruous feature which would cause harm to the character and appearance of Brenchley Gardens and the historic appearance of the memorial contrary to policy BE6 of the South East Plan 2009 and the guidance contained within PPS5.

## Informative

The applicant is advised to seek a more in keeping solution such as cobbled stones around the base of the monument.

Voting: 11 – For 0 – Against 0 – Abstentions

41. MA/10/2065 - DEMOLITION OF EXISTING BUILDING AND SHED AND ERECTION OF TWO NEW STORAGE BUILDINGS - HILLVIEW, OLD LIDSING ROAD, LIDSING, GILLINGHAM

The Committee considered the report and the urgent update report of the Head of Development Management.

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

Voting: 12 – For 0 – Against 0 – Abstentions

42. MA/11/0407 - ERECTION OF SINGLE STOREY SIDE EXTENSION AND STORM PORCH TO FRONT ELEVATION AND INSERTION OF FRONT DORMER WINDOW TO EXISTING DETACHED GARAGE - BURNSALL, WEAVERING STREET, WEAVERING, MAIDSTONE

The Committee considered the report and the urgent update report of the Head of Development Management.

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

Voting: 12 – For 0 – Against 0 – Abstentions

43. MA/11/0147 - ERECTION OF A TWO STOREY REAR EXTENSION WITH JULIET BALCONY AND ERECTION OF A SINGLE STOREY FRONT EXTENSION (RE-SUBMISSION OF MA/10/2151) - 3 CORNWALLIS COTTAGES, HEATH ROAD, LINTON, MAIDSTONE

The Committee considered the report and the urgent update report of the Head of Development Management.

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

Voting: 12 – For 0 – Against 0 – Abstentions

44. MA/11/0382 - ERECTION OF A SINGLE STOREY BUILDING TO PROVIDE ADDITIONAL LIVING ACCOMMODATION ANCILLARY TO ROCKWELL HOUSE - ROCKWELL HOUSE, NEW CUT, EAST FARLEIGH, MAIDSTONE

The Committee considered the report and the urgent update report of the Head of Development Management.

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

Voting: 12 – For 0 – Against 0 – Abstentions

45. MA/11/0606 - TEMPORARY CHANGE OF USE FROM A2 USE (FINANCIAL AND PROFESSIONAL) TO B1 USE (BUSINESS) - 40 KING STREET, MAIDSTONE

Having stated that he had pre-determined this application, Councillor Greer left the meeting when it was discussed.

The Committee considered the report of the Head of Development Management.

RESOLVED: That subject to the expiry of the public consultation period and no new issues being raised, the Head of Development Management be given delegated powers to grant permission subject to the condition set out in the report.

Voting: 6 – For 1 – Against 4 – Abstentions

46. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

47. TRAINING FOR PLANNING COMMITTEE

The Committee considered the report of the Head of Democratic Services regarding the minimum level and type of training required to be a Member/Substitute Member of the Planning Committee. It was noted that the Head of Development Management had drawn up a training programme designed to ensure that new Committee Members and Substitute Members had the necessary knowledge and understanding to undertake the role effectively and would be prepared to meet with any Member on a one to one basis if they were unable to attend the scheduled training sessions.

RESOLVED:

1. That the training programme which has been developed for this year be adopted as the minimum level of training required for new Members/Substitute Members of the Planning Committee and that failure to attend the sessions or one to one training with the Head of Development Management by the end of September 2011 will result in the Member ceasing to be a Member/Substitute Member of the Planning Committee until the training has been completed (sessions will be repeated if necessary).

2. That the training sessions should be open to Parish Councillors and new non-Planning Committee Members.
3. That a progress report should be submitted to the next meeting of the Chairman and Political Group Spokespersons.

48. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members to exercise caution in responding to lobbying material.

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

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

50. DURATION OF MEETING

6.00 p.m. to 10.25 p.m.