

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON
12 MARCH 2009

PRESENT: Councillor Lusty (Chairman) and Councillors Ash, Chittenden, English, Garland, Mrs Marshall, Moriarty, Nelson-Gracie, Paine, Mrs Robertson, Thick and J A Wilson.

ALSO PRESENT: Councillor Horne.

APOLOGIES: Councillors Paterson and Mrs Stockell.

189. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor Chittenden for Councillor Paterson
Councillor Garland for Councillor Mrs Stockell

190. NOTIFICATION OF VISITING MEMBERS

Councillor Horne indicated his wish to speak on the report of the Development Control Manager relating to application MA/08/2426.

191. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

192. URGENT ITEM

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.

193. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Development Control Manager relating to application MA/09/0059, Councillors Ash and Garland stated that since the proposal required the lease of Council owned land and they had been involved in the negotiations, they would not speak or vote when the application was discussed.

With regard to the report of the Development Control Manager relating to application MA/07/2624, Councillor Chittenden stated that since he had

pre-determined the application, he would speak but not vote when it was discussed.

With regard to the report of the Development Control Manager relating to application MA/08/2292, Councillor English stated that since he had been involved in the discussions on the proposed development, he would not speak or vote when the application was discussed.

194. EXEMPT ITEMS

RESOLVED: That the item on Part II of the agenda and the exempt update report of the Development Control Manager be taken in private as proposed.

195. MINUTES

RESOLVED: That the Minutes of the meeting held on 19 February 2009 be approved as a correct record and signed.

196. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 19 FEBRUARY 2009

Minute 184 - B(6) - MA/08/2159 - Conversion of redundant granary and piggery to Class B1 use - The Granary, Moat Farm, Collier Street, Tonbridge

The Development Control Manager reminded the Committee that, at the last meeting, the above application had been approved subject to the conditions set out in his report. Unfortunately, two of the conditions were inappropriate and should not have been included. Following discussions with the applicant, these conditions had been omitted from the decision notice but a landscaping condition and a landscaping implementation condition had been included.

RESOLVED: That the position be noted.

Minute 185 - Planning Committee – Webcasting

The Chairman advised the Committee that due to technical problems, the public proceedings of the meeting that evening would not be webcast.

197. REPORT OF THE DEVELOPMENT CONTROL MANAGER - DEFERRED ITEMS

(1) MA/07/2624 – Removal of existing dwelling and the construction of six, four bedroom houses with garages and amenity space (re-submission of MA/07/1633) – 48 Lancet Lane, Maidstone

See Minute 199 (13) below.

(2) MA/08/0333 – To increase the number of permitted caravan pitches from 10 to 20, involving revised access road and layout – The Finches, Chartway Street, Kingswood, Maidstone

The Development Control Manager advised the Committee that the ecological survey had been received and put out to consultation. Negotiations were continuing regarding an improved landscaping scheme.

198. REPORT OF THE ASSISTANT DIRECTOR OF DEVELOPMENT AND COMMUNITY STRATEGY – TA/0002/09 - NOTIFICATION OF INTENTION TO CARRY OUT VARIOUS TREE WORKS ON LAND BETWEEN KIRKDALE TO GREAT IVY MILL, LOOSE VALLEY, LOOSE

The Committee considered a report by the Assistant Director of Development and Community Strategy concerning the notification given pursuant to Section 211 of the Town and Country Planning Act 1990 of the intention to carry out various works to trees located in the Loose Conservation Area. It was noted that the Local Planning Authority could not grant or refuse consent, but could make a Tree Preservation Order to protect the trees if justified in the interests of amenity. In this case, having carried out an amenity evaluation assessment, the Landscape Officer was of the view that the trees were not of sufficient merit to justify protection by a Tree Preservation Order.

Mr Hitchcock, an objector, and Mr Hood, for the applicant, addressed the meeting.

RESOLVED: That no objection be raised to the proposed works to trees located within the Loose Conservation Area with the informatives set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

199. REPORTS OF THE DEVELOPMENT CONTROL MANAGER – DEVELOPMENT CONTROL

NOTE: The applications are Minuted in the order that they were discussed. The item numbers relate to the agenda for the meeting.

(20) MA/09/0117 - An application for advertisement consent for the installation of 1 no. non-illuminated banner sign to be located upon a lamp post in the High Street - The Hazlitt Arts Centre, High Street, Maidstone

Ms Hare, for the applicant, addressed the meeting.

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

Voting: 12 – For 0 – Against 0 – Abstentions

(13) MA/07/2624 - Removal of existing dwelling and the construction of six, four bedroom houses with garages and amenity space (re-submission of MA/07/1633) - 48 Lancet Lane, Maidstone

All Members stated that they had been lobbied.

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

Mrs Simpkins of the North Loose Residents' Association (against) and Mr Robson, an objector, addressed the meeting.

RESOLVED:

- (i) That subject to the expiry of the consultation period and no new issues being raised, 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 condition set out in the urgent update report, with the amendment of informatives 1 and 4 and an additional informative as follows:-

Informative 1 (amended)

There shall be no burning on site.

Informative 4 (amended)

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition and construction work.

Additional Informative

You are advised that measures to provide for wheel cleaning, dust laying and road sweeping equipment for the duration of the construction period should be provided on the site.

- (ii) That the Ward Members and the North Loose Residents' Association should be consulted prior to the discharge of conditions 7 (landscaping) and 13 (reptile habitat area).

Voting: 8 – For 2 – Against 2 – Abstentions

- (18) MA/09/0059 – To site a permanently moored floating restaurant (A3 use) with permanent living accommodation for security purposes to include seating area on the quayside - River Medway, Rear of Archbishops' Palace, Undercliff, Maidstone

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

Mr Bailey, the applicant, addressed the meeting.

RESOLVED:

- (i) That permission be granted 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; and

- (ii) That the Ward Members should be consulted prior to the discharge of condition 8 (noise).

Voting: 10 - For 0 - Against 2 - Abstentions

- (15) MA/08/2426 - Creation of vehicle crossover and provision of hard standing - Plot 1, Valhalla, Ware Street, Thurnham, Maidstone

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

Mr Simons, an objector, Councillor Waite of Thurnham Parish Council (against) and Councillor Horne addressed the meeting.

Contrary to the recommendation of the Development Control Manager, the Committee agreed to refuse permission. In making this decision, Members felt that the development would result in an over provision of parking for the dwelling which would lead to an unsustainable development that would promote increased dependency on the private car contrary to policies QL1 and SP1 of the Kent and Medway Structure Plan 2006, the provisions of Planning Policy Statement 1 – Delivering Sustainable Development and Planning Policy Guidance 13 - Transport.

RESOLVED: That permission be refused for the following reason:-

The development would result in an over provision of parking for the dwelling which would lead to an unsustainable development that would promote increased dependency on the private car contrary to policies QL1 and SP1 of the Kent and Medway Structure Plan 2006, the provisions of Planning Policy Statement 1 – Delivering Sustainable Development and Planning Policy Guidance 13 - Transport.

Voting: 11 – For 0 – Against 1 – Abstention

- (16) MA/08/2478 – An application to remove condition 4 of MA/08/0480 (Erection of a pair of one bedroom houses) by variation of residential curtilage and construction of hardstanding to form revised access and parking arrangements - Land rear of 57-60 Honeywood Road, Lenham, Maidstone

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

Voting: 10 – For 0 – Against 1 – Abstention

NOTE: Councillor Moriarty was not present during consideration of this application.

- (17) MA/08/2479 - Change of use and conversion of building to tourist accommodation - The Beast House, West Street, Hunton, Maidstone

The Chairman stated that he had been lobbied.

Mrs Frances, an objector, addressed the meeting.

RESOLVED:

- (i) That permission be granted subject to the conditions and informative set out in the report with the following additional informatives:-
2. External lighting should be kept to a minimum.
 3. Signs relating to the tourist accommodation should be kept to a minimum size and are likely to require an application for advertisement consent. You are advised to contact the Local Planning Authority prior to the installation of any advertisements.
- (ii) That the Landscape Officer be requested to investigate the condition of the trees within and adjacent to the site with a view to making a Tree Preservation Order.

Voting: 10- For 1 - Against 1 - Abstention

- (19) MA/09/0102 - Application for approval of reserved matters following outline approval of MA/07/1463 (Outline application for the erection of a permanent agricultural dwelling) with matters of layout, scale, appearance and access to be considered - Water Lane Farmhouse, Water Lane, Harrietsham, Maidstone

All Members stated that they had been lobbied.

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

Mr Deme, the applicant, addressed the meeting.

RESOLVED:

- (i) That permission be refused for the reason and informative set out in the report; and
- (ii) That the Case Officer be requested to contact the applicant with a view to negotiating an amended scheme.

Voting: 7- For 3 - Against 2 - Abstentions

(21) MA/09/0176 - Erection of replacement outbuilding (re-submission of MA/08/2118) - Kilnwood, Headcorn Road, Lenham, Maidstone

Councillor Davison of Lenham Parish Council (against) addressed the meeting.

RESOLVED:

- (i) That subject to clarification as to the discrepancy between the block plan and the site location plan and whether a change of use of the land to residential is required, the Development Control Manager be given delegated powers to grant conditional permission; and
- (ii) That the Cabinet Member for Regeneration be requested to undertake a review of the information and plans included in the Development Control Manager's report to the Planning Committee taking into account Members' expressed wish to see block plans and site location plans.

Voting: 12 – For 0 – Against 0 – Abstentions

(14) MA/08/2292 - Reinstatement of railings and brick piers, provision of new curved steps with handrails, laying of new paths around bandstand and upgrade public conveniences to include improved access - Brenchley Gardens, Station Road, Maidstone

Mr Taylor, for the applicant, addressed the meeting.

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

Voting: 11 – For 0 – Against 0 – Abstentions

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

200. REPORT OF THE DEVELOPMENT CONTROL MANAGER – APPEAL DECISIONS

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

RESOLVED: That the report be noted.

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

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

202. CHAIRMAN'S ANNOUNCEMENTS

The Chairman updated Members on the arrangements for the Kent International Gateway planning application meeting.

203. 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 reason specified having applied the Public Interest Test.

**Head of Schedule
12A and Brief
Description**

Exempt Report of the Development Control Manager and Exempt Update Report of the Development Control Manager – MA/07/0458 – Section 106 Agreement – Maidstone Studios, Vinters Park, New Cut Road, Maidstone

3 – Financial/Business Affairs

204. MA/07/0458 (DEMOLITION OF EXISTING BUILDING AND STRUCTURES, ERECTION OF 142 DWELLINGS AND ASSOCIATED LANDSCAPING, FORMATION OF NEW CAR PARK TO SERVICE MAIDSTONE STUDIOS, FORMATION OF NEW EMERGENCY ACCESS AND ASSOCIATED WORKS (RE-SUBMISSION OF MA/06/1549)) – SECTION 106 AGREEMENT - MAIDSTONE STUDIOS, VINTERS PARK, NEW CUT ROAD, MAIDSTONE

The Committee considered the exempt report and the exempt update report of the Development Control Manager setting out further information in connection with the proposed amendment of the draft Section 106 Agreement in respect of application MA/07/0458. It was noted that:-

- The Planning Committee, at its meeting held on 30 August 2007, gave delegated powers to the Principal Planning Officer (now the Development Control Manager) to grant permission for a residential development within the grounds of the TV Studios subject to, inter alia, the prior completion of a Section 106 Agreement.
- The draft Agreement had been changed to limit the use of the retained studio land as a "media village" for a period of five years from the date of the Agreement to achieve the agreement of the banks to this clause.
- The key outstanding issue in respect of the Section 106 Agreement related to the timing of £720,000 being spent on "qualifying expenditure" by the TV Studios (or not). In August 2007, £720,000 (index linked) was to be paid to the Council on the signing of the Agreement which would be released to the developer if it demonstrated that this sum (or any part thereof) had been spent on "qualifying expenditure". Any balance remaining at the fifth

anniversary of the Agreement could be used by the Council for affordable housing or open space. It was now proposed that no residential unit in Block B (22 units) should be occupied unless the £720,000 had been spent on "qualifying expenditure" commencing from August 2007. If all of the £720,000 was not spent within this time period, i.e. August 2007 to the first occupation of Block B, then the balance would be paid to the Council.

- It was considered that the prohibition on occupying Block B until the money had been paid provided adequate safeguard for the Council.
- In terms of the verification of the £720,000 in "qualifying expenditure", this would be checked on the second and then every subsequent anniversary of the Section 106 Agreement by the Council's Accountancy Section.
- Confirmation had been received that the terms of the proposed land deal were less favourable than previously.

RESOLVED:

- (i) That agreement be given in principle to the revised terms of the proposed Section 106 Agreement in respect of application MA/07/0458; specifically, with regard to "qualifying expenditure" and reference to the five year restriction on not using the land otherwise than as a "media village";
- (ii) That the Head of Legal Services be authorised to enter into a Section 106 Agreement on this basis; and
- (iii) That the Officers be congratulated on the satisfactory outcome of the negotiations.

Voting: 12- For 0 - Against 0 - Abstentions

205. DURATION OF MEETING

6.00 p.m. to 9.45 p.m.