

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 7 JUNE 2012

Present: Councillor Lusty (Chairman) and Councillors Ash, Collins, Cox, English, Garland, Harwood, Hogg, Newton, Paterson, Mrs Robertson, Thick and J A Wilson

Also Present: Councillors Mrs Blackmore, McLoughlin and Nelson-Gracie

22. APOLOGIES FOR ABSENCE

There were no apologies for absence.

23. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

24. NOTIFICATION OF VISITING MEMBERS

Councillors Mrs Blackmore, McLoughlin and Nelson-Gracie indicated their wish to speak on the report of the Head of Planning relating to application MA/11/1948.

25. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

26. URGENT ITEMS

Update Report

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

27. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood disclosed a personal interest in the report of the Head of Planning relating to application MA/10/2185. He stated that he was a Member of Boxley 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.

With regard to the report of the Head of Planning relating to Tree Preservation Order No.20 of 2011, Councillor Hogg stated that since he

had already made up his mind that the Order should be confirmed without modification, he would speak but not vote when the matter was discussed.

With regard to the report of the Head of Planning relating to application MA/11/1352, Mrs Deanne Cunningham (Team Leader, Heritage, Landscape and Design) stated that she had indirect dealings with Aspen Tree Services (the applicant) as a local contractor, but she had no involvement in the application.

28. EXEMPT ITEMS

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

29. MINUTES OF THE MEETING HELD ON 17 MAY 2012

RESOLVED: That the Minutes of the meeting held on 17 May 2012 be approved as a correct record and signed.

30. PRESENTATION OF PETITIONS

There were no petitions.

31. DEFERRED ITEMS

MA/10/0157 - CHANGE OF USE OF LAND TO MIXED USE FOR RESIDENTIAL WITH THE STATIONING OF 1 STATIC CARAVAN AND 1 TOURING CARAVAN, UTILITY BUILDING, LAYING OF HARD SURFACING, CESS POOL AND ERECTION OF CLOSE BOARDED FENCING AND CHANGE OF USE OF LAND FOR THE KEEPING OF HORSES WITH FIELD SHELTER - LAND EAST OF MAPLEHURST LANE, FRITTENDEN ROAD, STAPLEHURST, TONBRIDGE

The representative of the Head of Planning advised the Committee that the Case Officer had met with Ward Members and representatives of the Parish Council and the applicant to discuss revisions to the scheme. He was now awaiting the submission of amended plans which, when received, would be put out to re-consultation.

32. TREE PRESERVATION ORDER NO.20 OF 2011 - TREE AT 591 LOOSE ROAD, MAIDSTONE

The Committee considered the report of the Head of Planning concerning Tree Preservation Order No.20 of 2011 which was made under Section 201 of the Town and Country Planning Act 1990 to protect one Horse Chestnut tree growing in the northwest corner of the front garden of 591 Loose Road, Maidstone. It was noted that one objection to the Order had been received, within the statutory 28 day period from its making, from the neighbour at 589 Loose Road. A representation in support of the Order had been received on 29 May 2012 from the owner of the tree. The tree was originally protected on the grounds that it was under threat due to previous root damage and potential felling. However, since the owner

of the tree was strongly opposed to its felling despite pressure from his neighbour, it was no longer considered expedient for the Council to continue to protect the tree as the owner ultimately had control over works to the parts of the tree within his property, and this included control of felling.

Mr Lizzi, the objector to the Order, addressed the meeting.

Contrary to the recommendation of the Head of Planning that Tree Preservation Order No.20 of 2011 be allowed to lapse, the Committee agreed that it should be confirmed without modification. In making this decision, Members were mindful that works to the tree could be carried out under the Tree Preservation Order if there were any issues of public safety. It was also considered that a change in ownership at some future date could result in renewed pressure to fell the tree and this would have a detrimental impact on the street scene and air quality.

RESOLVED: That Tree Preservation Order No.20 of 2011 be confirmed without modification.

Voting: 10 – For 2 – Against 1 – Abstention

Note: Having stated that he had pre-determined this matter, Councillor Hogg abstained from the voting.

33. MA/11/1948 - PART RETROSPECTIVE PLANNING APPLICATION FOR THE RETENTION OF TWO LAKES KNOWN AS BRIDGES AND PUMA AND WORKS TO CREATE 3 ADDITIONAL LAKES ALL FOR RECREATIONAL FISHING, ERECTION OF CLUBHOUSE BUILDING AND ASSOCIATED WORKS AND LANDSCAPING - MONKS LAKES, STAPLEHURST ROAD, MARDEN, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

Mr Edwards of the Hertsfield Residents' Association (against), Mrs Bahcheli, for the applicant, and Councillors Mrs Blackmore, McLoughlin and Nelson-Gracie addressed the meeting.

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 the full implementation of the approved scheme in accordance with an agreed timetable of works, including a detailed phasing and implementation plan, the Head of Planning be given delegated powers to grant permission subject to, as appropriate, the conditions and informatives set out in the report, as amended by the urgent update report, and the additional condition and informative set out in the urgent update report.

Voting: 11 – For 1 – Against 1 – Abstention

34. MA/10/2185 - CHANGE OF USE OF EXISTING BUILDINGS FROM AGRICULTURAL/EQUESTRIAN USE TO EDUCATIONAL AND LEISURE USE (COUNTY HEADQUARTERS FOR KENT SCOUTS) WITH RETENTION OF EXISTING RESIDENTIAL USE OF WHITE COTTAGE FOR ON-SITE MANAGER, TOGETHER WITH ASSOCIATED OPERATIONAL DEVELOPMENT INCLUDING EXTENSIONS AND ALTERATIONS TO THE EXISTING BUILDINGS, ERECTION OF NEW BUILDING TO HOUSE CLIMBING WALL AND FORMATION OF CAR PARKING AREAS - WHITE COTTAGE, GRANGE LANE, BOXLEY, MAIDSTONE

The Committee considered the report and the urgent update report of the Head of Planning.

RESOLVED: 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.

Voting: 13 – For 0 – Against 0 – Abstentions

35. MA/11/1823 - CHANGE OF USE OF LAND TO A HOLIDAY CARAVAN SITE WITH THE STATIONING OF 3 STATIC HOLIDAY LET CARAVANS - ROUND OAK FARM, HENIKER LANE, SUTTON VALENCE, MAIDSTONE

Councillors English and Thick stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning.

Councillor Ireland of East Sutton Parish Council (against), Councillor Armstrong of Sutton Valence Parish Council (against) and Mr Tamsett, for the applicant, addressed the meeting.

RESOLVED: That subject to the expiry of the site notice and advertisement publicising the application as a Departure from the Development Plan and the receipt of no representations raising new issues material to the decision, the Head of Planning be given delegated powers to grant permission subject to the conditions and informative set out in the report, as amended by the urgent update report, and the additional informative set out in the urgent update report, with the amendment of condition 2 and an additional condition as follows:-

Condition 2 (amended)

All accommodation units permitted at the site shall be occupied for holiday purposes only. No such accommodation shall be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners/occupiers of individual accommodation units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency, which would be contrary to National and Local Plan Policy discouraging the proliferation of new dwellings in the countryside and in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF 2012.

Additional Condition

There shall be no external amplified sound on the site between the hours of 2200 hours and 0700 hours.

Reason: In the interests of protecting the amenities of nearby residential property, in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF 2012.

Voting: 13 – For 0 – Against 0 – Abstentions

36. MA/12/0436 - AMENDMENTS TO PREVIOUSLY APPROVED DEVELOPMENT UNDER MA/11/1242 (CONVERSION OF EXISTING DOUBLE GARAGE INTO ADDITIONAL LIVING ACCOMMODATION WITH FIRST FLOOR EXTENSION OVER) BEING ALTERATIONS TO FENESTRATION DETAIL AND EXTERNAL MATERIALS TO BE USED - LINSTONE, EAST STREET, HUNTON, MAIDSTONE

The Committee considered the report and the urgent update report of the Head of Planning.

Mr Somersgill, an objector, and Mrs Reid, the applicant, addressed the meeting.

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

Voting: 10 – For 0 – Against 2 – Abstentions

Note: Having left the Council Chamber, Councillor Hogg returned during consideration of this application. He took a seat in the public gallery and did not participate in the discussion or voting.

37. MA/11/1352 - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF EXISTING FARM YARD AND BUILDINGS TO BE USED FOR STORAGE AND MAINTENANCE OF AGRICULTURAL VEHICLES AND MACHINERY IN CONNECTION WITH A FORESTRY BUSINESS - WIERTON HALL FARM, EAST HALL HILL, BOUGHTON MONCHELSEA, MAIDSTONE

The Committee considered the report and the urgent update report of the Head of Planning.

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

Voting: 13 – For 0 – Against 0 – Abstentions

38. APPEAL DECISIONS

The Committee considered the report and the urgent update report of the Head of Planning setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

39. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:-

He wished to draw Members' attention to the following training sessions:-

New Member Planning Induction Part I – The Development Plan/Supplementary Planning Documents and Government Policy – 14 June 2012 at 6.30 p.m. at the Town Hall (Open to all Members and mandatory for all new Members and Substitute Members of the Committee).

Member/Parish Training – National Planning Policy Framework – 18 June 2012 at 6.30 p.m. at the Town Hall.

It was suggested that the general planning training should also be offered to Parish Councils and that the session scheduled to be held on 18 June 2012 should be rearranged due to the short notice.

The representative of the Head of Legal Services had circulated a simplified guide to the disclosure of personal/prejudicial interests. A training session on probity in planning would be arranged in due course.

40. UPDATE ON MATTERS REFERRED TO THE LEADER OF THE COUNCIL AND CABINET MEMBERS FOR ECONOMIC AND COMMERCIAL DEVELOPMENT AND PLANNING, TRANSPORT AND DEVELOPMENT

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

41. DURATION OF MEETING

6.00 p.m. to 8.15 p.m.