

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 11 JUNE 2009

Present: Councillor Lusty (Chairman) and
Councillors Ash, Butler, English, Greer, Harwood,
Mrs Marshall, Moriarty, Nelson-Gracie, Paine,
Paterson, Mrs Robertson and J.A. Wilson

Also Present: Councillor Verrall

19. APOLOGIES FOR ABSENCE

There were no apologies for absence.

20. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Butler was substituting for Councillor Thick.

21. NOTIFICATION OF VISITING MEMBERS

Councillor Verrall indicated his wish to speak on the report of the Development Control Manager relating to application MA/08/0163.

22. ITEMS WITHDRAWN FROM THE AGENDA

MA/09/0510 - Erection of a detached agricultural dwelling - Far Acre Farm, Goudhurst Road, Marden, Tonbridge

The Committee considered the urgent update report of the Development Control Manager recommending that this application be withdrawn from the agenda in order for further clarification of the additional financial information supplied.

RESOLVED: That agreement be given to the withdrawal of application MA/09/0510 from the agenda.

23. URGENT ITEMS

Update Reports

The Chairman stated that, in his opinion, the update reports of the Development Control Manager and the Assistant Director of Development and Community Strategy should be taken as urgent items because they contained further information relating to the matters to be considered at the meeting.

24. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors Ash and Mrs Marshall disclosed personal interests in the reports of the Development Control Manager relating to applications MA/09/0536 and MA/09/0571. They stated that they were Members of Bearsted Parish Council, but they had not participated in the Parish Council's discussions on the applications and intended to speak and vote when they were considered. Later, during the discussion on application MA/09/0571, Councillor Mrs Marshall, having realised that she could see the application site from her house, stated that, since it might be perceived that she had an interest in the proposed development, she would abstain from the voting.

Councillor Harwood disclosed a personal interest in the report of the Development Control Manager relating to application MA/09/0674. 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.

Councillor Paine stated that, with regard to the report of the Development Control Manager relating to application MA/09/0227, he was friends with the occupiers of a neighbouring property. However, he did not consider that this amounted to a personal or prejudicial interest and intended to speak and vote when the application was discussed.

Councillor Paterson stated that, with regard to the report of the Assistant Director of Development and Community Strategy relating to Tree Preservation Order No.2 of 2009, she knew one of the neighbours. However, she had not discussed the merits of the Tree Preservation Order with him and intended to speak and vote when the matter was discussed.

With regard to the report of the Development Control Manager relating to application MA/09/0579, all Members present stated that they knew Councillor J A Wilson who had registered to speak as an objector to the proposed development. However, they had not discussed the application with him and intended to speak and vote when it was considered.

Councillor J A Wilson disclosed a prejudicial interest in the report of the Development Control Manager relating to application MA/09/0579. He stated that he objected to the application. He would speak as an objector and then he would withdraw from the meeting whilst the application was considered.

25. EXEMPT ITEMS

RESOLVED: That, following the withdrawal of application MA/09/0510 from the agenda, in respect of which there was an exempt Appendix, the remaining items on the agenda be taken in public as proposed.

26. MINUTES OF THE MEETING HELD ON 21 MAY 2009

RESOLVED: That the Minutes of the meeting held on 21 May 2009 be approved as a correct record and signed.

27. REPORT OF THE DEVELOPMENT CONTROL MANAGER - DEFERRED ITEMS

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

See Minute 29 below

28. MA/08/0163 - DEVELOPMENT OF EXISTING SITE INCLUDING EXTENSION TO STORE, CREATION OF NEW COMMERCIAL SPACE, CREATION OF NEW RESEARCH AND DEVELOPMENT SPACE AND CREATION OF NEW ACCESS - CONGELOW FARM, BENOVER ROAD, YALDING

All Members stated that they had been lobbied.

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

Mr Cuomo, an objector, Councillor Brown of Yalding Parish Council (against), Mr Ibbotson, for the applicant, and Councillor Verrall (in support) addressed the meeting.

RESOLVED:

1. 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 conditions set out in the urgent update report, with the amendment of conditions 3 and 10 and additional conditions and informative as follows:-

Condition 3 (amended)

The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping including the creation of a semi-natural landscape strip along the Benover Road frontage incorporating a double staggered hedgerow and rough grass with a land management scheme to enhance wildlife habitats. The scheme, which shall use indigenous species, shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, including detailed tree protection plans, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development in accordance with policies ENV6 of the Maidstone Borough-Wide Local Plan 2000 and QL1 of the Kent and Medway Structure Plan 2006.

Condition 10 (amended)

No vehicle may arrive, depart, be loaded or unloaded within the general site except between the hours of 0700 to 1800 Mondays to Fridays and 0800 to 1300 hours on Saturdays (and at no time on Sundays or Bank Holidays). When within the site no vehicle shall be stationary with its engine or refrigerator running.

Reason: In the interest of preventing noise nuisance from the unloading, loading and manoeuvring of vehicles and the running of engines or refrigerators of vehicles to adjoining occupiers in accordance with policy QL1 of the Kent and Medway Structure Plan 2006.

Additional Conditions

15. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version) and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

Provide information about the design, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

Include a timetable for its implementation; and

Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the additional surface water run off from buildings and areas of hardstanding is adequately dealt with in accordance with policy NR10 of the Kent and Medway Structure Plan 2006 and guidance in PPS25.

16. No development shall commence until details of any external lighting are submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details. No further external lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: To safeguard visual amenity in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan 2000 and QL1 of the Kent and Medway Structure Plan 2006.

Additional Informative

The proposed materials should be of high quality that would also be long-lasting and durable.

2. That the Ward Members and Councillor Harwood should be consulted prior to the discharge of condition 3 (landscaping).

Voting: 11 - For 1 - Against 1 - Abstention

29. 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

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

Councillor Hoy of Broomfield and Kingswood Parish Council (against) addressed the meeting.

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

Voting: 13 - For 0 - Against 0 - Abstentions

30. MA/09/0227 - EXTENSION TO COLD STORE BUILDING APPROVED UNDER MA/07/0456 TO PROVIDE FRUIT PACKAGING AND DISTRIBUTION BUILDING - LESTED FARM, PLOUGH WENTS ROAD, CHART SUTTON, MAIDSTONE

The Committee considered the report of the Development Control Manager.

Councillor Mrs Rollinson of Chart Sutton Parish Council (against) addressed the meeting.

RESOLVED:

1. That subject to the receipt of a satisfactory business plan demonstrating the requirement for a packing facility on site through

a financial justification and the level of home grown and Kent grown produce to be packed/distributed, the Development Control Manager be given delegated powers to grant permission subject to the conditions set out in the report; and

2. That the Ward Member should be consulted on the business plan when it is submitted.

Voting: 12 - For 0 - Against 1 - Abstention

31. MA/08/1921 - ERECTION OF A SIX STOREY HOTEL (CLASS C1) AND A SINGLE STOREY RETAIL BUILDING, WITH ASSOCIATED LANDSCAPING, RIVERSIDE WALKWAY IMPROVEMENTS AND CAR PARKING - SUBMISSION OF DETAILS RECEIVED ON 22 SEPTEMBER 2008 PURSUANT TO MA/07/1325 BEING DETAILS OF CONDITION 9 - DETAILS OF THE FACILITIES FOR THE STORAGE OF REFUSE, CONDITION 11 - DETAILS OF LANDSCAPING AND CONDITION 16 - DETAILS OF A GREEN TRAVEL PLAN - ST. PETERS WHARF AND LAND ADJOINING, ST. PETERS STREET, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report of the Development Control Manager.

Mr Dennis addressed the meeting on behalf of the applicant.

RESOLVED: That conditions 9 (refuse storage), 11 (landscaping) and 16 (travel plan) of planning permission MA/07/1325 be discharged with the informative set out in the report and the following additional informative:-

Extra trees of a suitable type and size should be planted in the southern area of the site to fill the gap in planting adjacent to the road.

Voting: 13 - For 0 - Against 0 - Abstentions

32. MA/09/0536 - RE-ROUTING OF EXISTING VEHICULAR ACCESS TO DWELLING -124 ASHFORD ROAD, BEARSTED, MAIDSTONE

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

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

Voting: 13 - For 0 - Against 0 - Abstentions

33. MA/09/0571 - TO WIDEN THE FRONT AND REAR DORMER WINDOWS AND EXTEND THE EXISTING HIP ROOF TO A 3/4 GABLE (RE-SUBMISSION OF MA/08/2427) - 3 EGREMONT ROAD, BEARSTED, MAIDSTONE

The Committee considered the report of the Development Control Manager.

Councillor Ethridge of Bearsted Parish Council (against) 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 proposed development would, by virtue of its bulk, form and design, result in an incongruous and dominant feature that would destroy the symmetry of the pair of semi-detached bungalows and visually dominate the street scene detrimental to its character and appearance. For these reasons it was considered that the proposal would be contrary to policies H18 of the Maidstone Borough-Wide Local Plan 2000 and QL1 of the Kent and Medway Structure Plan 2006.

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

The proposed development would, by virtue of its bulk, form and design, result in an incongruous and dominant feature that would destroy the symmetry of the pair of semi-detached bungalows and visually dominate the street scene detrimental to its character and appearance. For these reasons it is considered that the proposal would be contrary to policies H18 of the Maidstone Borough-Wide Local Plan 2000 and QL1 of the Kent and Medway Structure Plan 2006.

Voting: 8 - For 4 - Against 1 - Abstention

Note: Councillor Harwood left the meeting after consideration of this application.

34. MA/09/0553 - CHANGE OF USE TO CARAVAN SITE FOR THE STATIONING OF TWO CARAVANS AND TWO PORTACABINS FOR GENERAL STORAGE WITH ASSOCIATED LANDSCAPING, SEPTIC TANK, FENCING AND KEEPING OF HORSES - THE OLD WOODYARD, HEADCORN ROAD, SANDWAY, MAIDSTONE

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

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

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

Voting: 10 - For 0 - Against 2 - Abstentions

35. MA/09/0674 - RETROSPECTIVE APPLICATION FOR THE ERECTION OF A DETACHED DOUBLE GARAGE AND ALTERATION TO POSITION OF ROOF LIGHTS (AMENDMENT TO PLANNING PERMISSION MA/06/2046) - LAND AT GLENSIDE, BOXLEY ROAD, WALDELSLADE, CHATHAM

All Members stated that they had been lobbied.

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

Mrs Nicholls, an objector, and Councillor Davies of Boxley Parish Council (against) addressed the meeting.

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

Within three months of the date of the permission the rooflights hereby permitted shall be fitted with obscure glazing and maintained thereafter.

Reason: To secure adequate privacy of the occupiers and neighbouring occupiers in accordance with policy QL1 of the Kent and Medway Structure Plan 2006.

Voting: 7 - For 2 - Against 3 - Abstentions

36. MA/09/0579 - ERECTION OF A DETACHED TIMBER FRAMED CAR PORT - HOPLANDS, LOWER ROAD, EAST FARLEIGH, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report of the Development Control Manager.

Councillor English stated that when he was a Political Group Spokesperson, he too had asked that this application be reported to the Committee for consideration. However, he had not pre-determined the application, and intended to speak and vote.

Councillor J A Wilson, an objector, Councillor Charlton of East Farleigh Parish Council (against) and Mr Gorman, the applicant, addressed the meeting.

Councillor J A Wilson withdrew from the meeting after he had made his representations.

RESOLVED: That permission be granted subject to the conditions and informative set out in the report and the following additional informative provided that, in the opinion of the Conservation Officer, it is appropriate in aesthetic terms:-

The applicant should investigate the use of natural slate for the roof with a view to lowering the pitch of the roof.

Voting: 9 - For 0 - Against 2 - Abstentions

37. REPORT OF THE ASSISTANT DIRECTOR OF DEVELOPMENT AND COMMUNITY STRATEGY - TPO NO. 4 OF 2009 - TREES AT THE OAKS, BROOMFIELD ROAD, KINGSWOOD

The Committee considered the report and the urgent update report of the Assistant Director of Development and Community Strategy concerning Tree Preservation Order No.4 of 2009 which was made under Section 201 of the Town and Country Planning Act 1990 to protect two English Oak trees growing within the rear garden of The Oaks, Broomfield Road, Kingswood. It was noted that two objections to the Order had been received within the statutory 28 day period from the making of the Order and a third letter of objection had been received out of time.

Councillor Hoy of Broomfield and Kingswood Parish Council and Mrs Newton addressed the meeting objecting to the Order.

RESOLVED: That Tree Preservation Order No.4 of 2009 be confirmed without modification.

Voting: 12 - For 0 - Against 0 - Abstentions

38. REPORT OF THE ASSISTANT DIRECTOR OF DEVELOPMENT AND COMMUNITY STRATEGY - TPO NO. 2 OF 2009 - TREE ON LAND AT 30 DOWNS ROAD, MAIDSTONE

The Committee considered the report of the Assistant Director of Development and Community Strategy concerning Tree Preservation Order No.2 of 2009 which was made under Section 201 of the Town and Country Planning Act 1990 to protect one Copper Beech tree located in the front garden of 30 Downs Road, Maidstone. It was noted that one objection to the Order had been received within the statutory 28 day period from the making of the Order. A letter in support of the Order had also been received.

RESOLVED: That Tree Preservation Order No.2 of 2009 be confirmed without modification.

Voting: 11 - For 0 - Against 1 - Abstention

39. REPORT OF THE DEVELOPMENT CONTROL MANAGER - 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. UPDATE ON MATTERS REFERRED TO THE CABINET MEMBERS FOR CORPORATE SERVICES/ENVIRONMENT/LEISURE AND CULTURE/REGENERATION

It was noted that a reference setting out the response of the Cabinet Members for Corporate Services and Leisure and Culture to the Committee's request that consideration be given to setting aside some of the proceeds arising from the sale of the former bowling green at Longshaw Road, Parkwood, Maidstone towards the cost of upgrading Heather House would be included on the agenda for the next meeting.

41. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:-

- On behalf of the Committee and other Officers present, he wished to present a bouquet of flowers to the Democratic Services Officer who would be celebrating her birthday the following week.
- He was pressing for an evening training session for Members as a matter of priority. He had also been lobbied by a number of outside organisations, other than Parish Councils, that were interested in a training session on planning matters. If Members were aware of other organisations that might be interested, they should inform the Democratic Services Officer. Parish Councils were also keen to receive further training on matters such as pre-application discussions.
- He had asked that arrangements be made for a meeting of the Chairman and Political Group Spokespersons in the near future.

42. DURATION OF MEETING

6.00 p.m. to 9.50 p.m.