

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 6 JUNE 2013

Present: Councillor Lusty (Chairman) and Councillors Ash, Collins, Cox, Garland, Harwood, Hogg, Moriarty, Nelson-Gracie, Paine, Paterson, Mrs Robertson, J A Wilson and Mrs Wilson

Also Present: Councillors Mrs Blackmore, Daley, D Mortimer, Naghi and Thick

23. APOLOGIES FOR ABSENCE

It was noted that:-

- Apologies for absence had been received from Councillor Chittenden.
- Councillors Hogg and Nelson-Gracie had indicated that they would be late in arriving at the meeting.

24. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor Garland for Councillor Nelson-Gracie until his arrival
Councillor Mrs Wilson for Councillor Chittenden

25. NOTIFICATION OF VISITING MEMBERS

Councillor Daley indicated his wish to speak on the report of the Head of Planning relating to application MA/13/0098.

Councillor D Mortimer indicated his wish to speak on the report of the Head of Planning relating to application MA/12/1541.

Councillor Naghi indicated his wish to speak on the report of the Head of Planning relating to application MA/12/2314.

Councillor Thick indicated his wish to speak on the report of the Head of Planning relating to application MA/10/1522.

It was noted that Councillor Mrs Blackmore had indicated her wish to speak on the report of the Head of Planning relating to application MA/13/0358.

26. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

27. URGENT ITEMS

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 applications to be considered at the meeting and an application considered at the last meeting.

28. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions regarding application MA/12/2314, and intended to speak and vote when it was considered.

29. EXEMPT ITEMS

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

30. MINUTES OF THE MEETING HELD ON 16 MAY 2013

RESOLVED: That the Minutes of the meeting held on 16 May 2013 be approved as a correct record and signed.

31. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 16 MAY 2013

MINUTE 18 - MA/12/2106 - ERECTION OF 53 RESIDENTIAL DWELLINGS INCORPORATING ACCESS, FOUL WATER PUMPING STATION, DRAINAGE INFRASTRUCTURE, NATURE CONSERVATION AREA, OPEN SPACE AND LANDSCAPING - LAND TO THE SOUTH OF OLIVER ROAD, STAPLEHURST, KENT

The representative of the Head of Planning reminded the Committee that, at the last meeting, delegated powers had been given to grant permission for the erection of 53 dwellings on land south of Oliver Road, Staplehurst subject to, inter alia, a review of condition 11 (Reptile Mitigation Strategy) to address Members' concerns that the proposed receptor site is not of a suitable standard to receive translocated animals and to give consideration to using the southern part of the application site as an alternative receptor site. The review was to be undertaken in consultation with Councillor Harwood and the South Ward Members.

The representative of the Head of Planning then updated the Committee on the action which had been taken since the last meeting. She explained that:-

- A site meeting had taken place at Hayle Place (the proposed receptor site for reptiles) on 24 May 2013 with Councillors Collins

(substitute for Councillor Hogg), D Mortimer, Mrs Wilson (substitute for Councillor Chittenden) and Harwood, a representative of the applicant, the applicant's ecologist, an Officer from KCC Ecology and the Case Officer. The purpose of the meeting was to look at the site, to enable the applicant's ecologist to explain and demonstrate the suitability of the site, and to provide an opportunity for Councillors to ask questions and raise any concerns.

- Separately, the applicant had investigated the potential for the southern field and woodland areas at Oliver Road to accommodate the reptiles, and a report had been submitted.
- Following the meeting and receipt of the report, Councillors had been consulted for their views, as had KCC Ecology. Councillors had not objected to the process of the review of condition 11 that had been carried out, and now that the consultation period had expired, the Officers would consider all representations made and proceed to a delegated decision as agreed by the Committee.

RESOLVED: That the position be noted.

32. APPOINTMENT OF POLITICAL GROUP SPOKESPERSON - CONSERVATIVE GROUP

RESOLVED: That Councillor Ash be appointed as the Spokesperson for the Conservative Group for the Municipal Year 2013/14 in place of Councillor Nelson-Gracie.

33. PRESENTATION OF PETITIONS

There were no petitions.

34. MA/12/2314 - ERECTION OF CLASS A1 RETAIL DEVELOPMENT (WITH ANCILLARY CAFE) AND ASSOCIATED SERVICING, CAR PARKING, LANDSCAPING AND ACCESS ARRANGEMENTS - PLOT 4, ECLIPSE PARK, SITTINGBOURNE ROAD, 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 Wilson, for objectors, Mr Allsop, for the applicants, and Councillor Naghi addressed the meeting.

Contrary to the recommendation of the Head of Planning, the Committee was minded to agree that subject to the Heads of Terms of a Section 106 legal agreement (to be negotiated with the applicants in consultation with the Council's retail consultants, a representative of Maidstone Town Centre Management and the Political Group Spokespersons) to secure contributions for public realm improvements to mitigate the impact of the development on Maidstone Town Centre and contributions to mitigate the

impact of the development on the local community, if appropriate, being reported to the Planning Committee for approval, permission be granted subject to conditions and informatives to be drafted by the Officers and agreed by the Committee.

In making this decision, Members felt that whilst the proposed development would have an impact on the vitality and viability of Maidstone Town Centre, and more so if considered cumulatively with the proposed development at Newnham Court, the economic benefits of the scheme in terms of job creation and inward investment outweighed this impact. The impact on the Town Centre could be offset through the negotiation of an appropriate Section 106 legal agreement. Members also considered that the sequential test as set out at paragraph 25 of the National Planning Policy Framework 2012 and policy R2 of the Maidstone Borough-Wide Local Plan 2000 had been met. The design and size of the proposed building was considered to be acceptable as was the introduction of retail development on the application site which is allocated for Class B2 (general industrial) uses in the Maidstone Borough-Wide Local Plan 2000.

RESOLVED:

1. That subject to the Heads of Terms of a Section 106 legal agreement (to be negotiated with the applicants in consultation with the Council's retail consultants, a representative of Maidstone Town Centre Management and the Political Group Spokespersons) to secure contributions for public realm improvements to mitigate the impact of the development on Maidstone Town Centre and contributions to mitigate the impact of the development on the local community, if appropriate, being reported to the Planning Committee for approval, permission be granted subject to conditions and informatives to be drafted by the Officers and agreed by the Committee.
2. That the application be referred to the Secretary of State for consideration under the Town and Country Planning (Consultation) (England) Direction 2009.

Voting: 7 – For 6 – Against 0 – Abstentions

Note: Chairman's casting vote for approval.

Councillors Harwood and Paterson requested that their dissent be recorded.

Councillors Hogg and Nelson-Gracie entered the meeting after consideration of this application. Councillor Garland left the meeting.

35. MA/12/1541 - ERECTION OF FOUR BLOCKS OF TWO AND THREE-STOREY TERRACED HOUSES COMPRISING 12 TWO-BEDROOM AND 12 THREE-BEDROOM HOUSES FOR AFFORDABLE RENT WITH ASSOCIATED PRIVATE

AMENITY SPACE AND CAR PARKING - LAND OFF TOVIL GREEN, TOVIL, MAIDSTONE

All Members except Councillors Ash, Nelson-Gracie and Mrs Robertson stated that they had been lobbied.

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

Mrs Maybank, an objector, Councillor Bush of Tovil Parish Council (against), Ms Newton, for the applicant, and Councillor D Mortimer addressed the meeting.

RESOLVED: That consideration of this application be deferred for further negotiations to seek to achieve Level 4 of the Code for Sustainable Homes.

Voting: 11 – For 1 – Against 0 – Abstentions

Note: Councillor Mrs Wilson left the meeting during consideration of this application, but returned prior to consideration of application MA/13/0098.

36. MA/13/0098 - TWO STOREY SIDE AND REAR AND SINGLE STOREY REAR EXTENSIONS - 10 HAZEL AVENUE, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report of the Head of Planning.

Miss Upton, an objector, Miss Palmer, the applicant, and Councillor Daley addressed the meeting.

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

Voting: 5 – For 3 – Against 5 – Abstentions

37. MA/13/0358 - OUTLINE APPLICATION FOR THE PROVISION OF NEW SPORTS CLUB GROUND (TO INCLUDE CRICKET PITCHES, ARTIFICIAL MULTI-PURPOSE/HOCKEY PITCHES, TENNIS COURTS, CRICKET NETS, FLOODLIGHTS, CLUBHOUSE AND CAR PARKING) INCLUDING CHANGE OF USE FROM AGRICULTURE, WITH ACCESS TO BE DETERMINED AND ALL OTHER MATTERS RESERVED FOR SUBSEQUENT APPROVAL - LAND OFF MAIDSTONE ROAD, MARDEN

All Members stated that they had been lobbied.

The Committee considered the report of the Head of Planning.

Mr McCarthy, for objectors, Councillor Mannington of Marden Parish Council (against), Mr Baxter, for the applicant, and Councillor Mrs Blackmore addressed the meeting.

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

Voting: 9 – For 3 – Against 1 – Abstention

38. MA/11/1481 - DEMOLITION OF EXISTING GARAGE BLOCKS AND THE ERECTION OF SIX TWO-BEDROOM ELDERLY PERSONS BUNGALOWS WITH ASSOCIATED PARKING AND PRIVATE AMENITY SPACE, TOGETHER WITH THE ALTERATION/IMPROVEMENT OF THE EXISTING VEHICULAR ACCESS FROM BELL LANE - LAND SOUTH OF 1 BELL LANE, STAPLEHURST

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

Councillor Perry of Staplehurst Parish Council (against) addressed the meeting.

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

Voting: 10 – For 1 – Against 2 – Abstentions

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

39. MA/12/1797 - A RETROSPECTIVE APPLICATION FOR THE EXTENSION OF GARDEN LAND AT THE STY, HUNTON ROAD, MARDEN - THE STY, HUNTON ROAD, MARDEN, TONBRIDGE

The Committee considered the report of the Head of Planning.

Councillor Mannington of Marden Parish Council (against) addressed the meeting.

RESOLVED: That permission be granted with the informative set out in the report.

Voting: 10 – For 1 – Against 1 - Abstention

40. MA/10/1522 - RETROSPECTIVE PLANNING APPLICATION FOR THE CHANGE OF USE OF LAND FROM AGRICULTURE TO MIXED USE FOR AGRICULTURE, KEEPING OF HORSES, THE STATIONING OF TWO MOBILE HOMES FOR RESIDENTIAL USE AND STORAGE OF ONE TOURING CARAVAN WITH OPERATIONAL DEVELOPMENT BEING HARD STANDING, PATHS, DECKING, FENCING, ENTRANCE GATES, CESS TANKS, SHEDS, GREENHOUSE AND HORSE SHELTERS - OAK TREE FARM, LENHAM ROAD, HEADCORN, ASHFORD

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

Councillor Pyman of Headcorn Parish Council (against) and Councillor Thick addressed the meeting.

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

Voting: 6 – For 4 – Against 2 – Abstentions

41. MA/13/0772 - DEMOLITION OF EXISTING MULTI STOREY CAR PARK, GROUND FLOOR SHOP UNIT AND PUBLIC TOILETS AND PROVISION OF SURFACE LEVEL CAR PARK WITH 64 SPACES, SPACES FOR BIKES AND ADDITIONAL LANDSCAPING (RE-SUBMISSION OF MA/13/0060) - APCOA PARKING, KING STREET MULTI STOREY, CHURCH STREET, MAIDSTONE

The Committee considered the report of the Head of Planning.

RESOLVED: That subject to the expiry of the consultation period and the receipt of no representations raising new material planning issues, the Head of Planning be given delegated powers to grant permission subject to the conditions and informatives set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

42. TREE PRESERVATION ORDER NO.1 OF 2013 - TREES ON LAND AT LENHAM SQUARE, LENHAM

The Committee considered the report of the Director of Change, Planning and the Environment concerning Tree Preservation Order No.1 of 2013 which was made under Regulation 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 to protect eight Lime trees on land at Lenham Square, Lenham. It was noted that one objection to the Order had been received, within the statutory 28 day period from its making, from the owner of properties which front onto the row of Lime trees.

RESOLVED: That Tree Preservation Order No.1 of 2013 be confirmed without modification.

Voting: 12 – For 0 – Against 0 – Abstentions

43. TREE PRESERVATION ORDER NO.11 OF 2012 - TREE AT 26 SITTINGBOURNE ROAD, MAIDSTONE

The Committee considered the report of the Director of Change, Planning and the Environment concerning Tree Preservation Order No.11 of 2012 which was made under Regulation 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 to protect one Pine tree at 26 Sittingbourne 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 owners/occupiers of 24 Sittingbourne Road.

RESOLVED: That Tree Preservation Order No.11 of 2012 be confirmed without modification.

Voting: 12 – For 0 – Against 0 – Abstentions

44. TREE PRESERVATION ORDER NO.10 OF 2012 - TREES ON LAND NORTH OF THE PINES, CARING LANE, THURNHAM

The Committee considered the report of the Director of Change, Planning and the Environment concerning Tree Preservation Order No.10 of 2012 which was made under Regulation 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 to protect trees (18 Oak, 3 Pine and 1 Hazel) on land north of The Pines, Caring Lane, Thurnham. It was noted that one objection to the Order had been received, within the statutory 28 day period from its making, from solicitors acting on behalf of the new owner of the site.

RESOLVED: That Tree Preservation Order No.10 of 2012 be confirmed without modification.

Voting: 12 – For 0 – Against 0 – Abstentions

45. MA/13/0255 - VARIATION OF CONDITION 04 OF PLANNING PERMISSION REFERENCE MA/03/1087 GRANTED ON APPEAL (BEING FOR THE CHANGE OF USE OF LAND TO RESIDENTIAL FOR THREE MOBILE HOMES FOR A GYPSY FAMILY) TO ALLOW FOR THE STATIONING OF A FURTHER TWO MOBILE HOMES FOR FAMILY MEMBERS - MULBERRY FARM, EAST STREET, HUNTON, 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.

Voting: 12 – For 0 – Against 0 – Abstentions

46. MA/13/0506 - ERECTION OF A FREESTANDING CANOPY - GIDDYHORN LANE PAVILION, GIDDYHORN LANE, MAIDSTONE

The Committee considered the report of the Head of Planning.

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

Voting: 12 – For 0 – Against 0 – Abstentions

47. MA/13/0344 - RELOCATION OF CANON AND PLINTH TOGETHER WITH THE INSTALLATION OF ILLUMINATE LIGHTING AND THE PLANTING OF 8 NEW TREES - LOWER HIGH STREET, MAIDSTONE

The Committee considered the report of the Head of Planning.

RESOLVED: That permission be granted subject to the conditions set out in the report with the following informative:-

The proposed seating should be angled to enable water to drain away.

Voting: 12 – For 0 – Against 0 – Abstentions

48. MA/13/0345 - LISTED BUILDING CONSENT IS SOUGHT FOR THE RELOCATION OF CANON AND PLINTH TOGETHER WITH THE INSTALLATION OF ILLUMINATE LIGHTING - LOWER HIGH STREET, MAIDSTONE

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

RESOLVED: That this application be referred to the Secretary of State for determination with the recommendation that listed building consent be granted subject to the conditions set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

49. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that Laura Gregory, Planning Officer, would be leaving the Council to take up a new position with Ashford Borough Council. On behalf of the Committee he wished to congratulate her on her appointment and to thank her for her services to the Council.

50. DURATION OF MEETING

6.00 p.m. to 10.25 p.m.