

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**MINUTES OF THE MEETING HELD ON 24 SEPTEMBER 2009**

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

**Also Present:** Councillors Chittenden, Naghi and  
Robertson

148. APOLOGIES FOR ABSENCE

There were no apologies for absence.

149. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

150. NOTIFICATION OF VISITING MEMBERS

Councillors Chittenden and Naghi indicated their wish to speak on the report of the Development Control Manager relating to application MA/09/1236.

Councillor Robertson indicated his wish to speak on the report of the Development Control Manager relating to application MA/09/1488.

151. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

152. 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 matters to be considered at the meeting.

153. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood disclosed a personal interest in the report of the Development Control Manager relating to application MA/09/0298. 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 Mrs Robertson stated that she would speak but not vote when the report of the Development Control Manager relating to application MA/09/1488 was discussed. She explained that her impartiality had been fettered by virtue of the fact that she lived in the same household as someone who was going to speak against the application.

154. EXEMPT ITEMS

RESOLVED: That the item on Part II of the agenda be considered in public but the information contained therein should remain private.

155. MINUTES OF THE MEETING HELD ON 3 SEPTEMBER 2009

RESOLVED: That the Minutes of the meeting held on 3 September 2009 be approved as a correct record and signed.

156. MINUTES OF THE MEETING HELD ON 10 SEPTEMBER 2009

RESOLVED: That the Minutes of the meeting held on 10 September 2009 be approved as a correct record and signed.

157. MA/08/2423 - ERECTION OF 18 AFFORDABLE HOUSES (COMPRISING 1 FOUR-BED HOUSE, 3 THREE-BED HOUSES, 8 TWO-BED HOUSES AND 6 ONE-BED FLATS) AND ASSOCIATED EXTERNAL WORK INCLUDING A NEW ACCESS ROAD - LAND ADJACENT 28 ASHFORD DRIVE, KINGSWOOD

All Members stated that they had been lobbied.

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

Mr Carter, an objector, Councillor Hoy of Broomfield and Kingswood Parish Council (in support) and Mr Jones, for the applicant, addressed the meeting.

RESOLVED: That subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure:-

- (i) The provision of 100% affordable housing with:  
4 x 1-bed flats, 4 x 2-bed houses, 1 x 3-bed house and 1 x 4-bed house for social rent; and  
2 x 1-bed flats, 4 x 2-bed houses and 2 x 3-bed houses for New-Build Homebuy;
- (ii) The development's compliance with the 'Rural Re-Purchase Scheme';
- (iii) The occupation of the development by persons meeting local connections criteria; and

- (iv) A long-term management plan for the woodland to the west of (but lying outside the site boundary) and the trees and woodland on the northern and eastern boundaries within the site as indicated on drawing no. 05.110.30.revB and as recommended in the Tree Survey and Landscape Strategy (prepared by Lloyd Bore)

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 conditions set out in the urgent update report.

Voting: 7 – For 6 – Against 0 – Abstentions

Councillor Harwood requested that his dissent be recorded.

158. MA/09/1144 - APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL UNDER MA/06/0389 (OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH MEANS OF ACCESS TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) BEING SITING, DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING FOR THE ERECTION OF 44 RESIDENTIAL DWELLINGS - THREEWAYS DEPOT, SHERWAY CLOSE, HEADCORN

All Members stated that they had been lobbied.

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

Councillor Thomas of Headcorn Parish Council (against) and Mr Mitchell, for the applicant, 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, the additional informative set out in the urgent update report and the following additional informative:-

The provision of 'swift bricks' on the external faces of the buildings should be employed in the interest of nature conservation and biodiversity enhancement.

2. That the Development Control Manager be requested to liaise with the appointed Housing Association regarding the need to make the affordable housing units available for local people.

Voting: 12 – For 0 – Against 1 – Abstention

159. MA/09/1488 - RETROSPECTIVE APPLICATION FOR THE ERECTION OF A DETACHED DWELLING (RE-SUBMISSION OF PLANNING APPROVAL MA/08/0158) - 4A ALLINGTON WAY, MAIDSTONE

All Members stated that they had been lobbied.

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

Mr Severn, an objector, Mr Warrington, the applicant, and Councillor Robertson addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informative set out in the report with the amendment of condition 2 as follows:-

Notwithstanding the materials detailed within the application documents and prior to the commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development in accordance with policies H5 and BE1 of the South East Plan 2009.

Voting: 11 – For 1 – Against 1 – Abstention

160. TA/0063/09 - APPLICATION TO CARRY OUT VARIOUS TREE WORKS WITHIN WOODLAND SOUTH OF 3 KINGSBROOM COURT, BROOMFIELD ROAD, KINGSWOOD

The Committee considered the report and the urgent update report of the Assistant Director of Development and Community Strategy.

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

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

Voting: 13 – For 0 – Against 0 – Abstentions

161. MA/09/0711 - CHANGE OF USE OF PART OF FORMER CLAYGATE DISTRIBUTION WAREHOUSE FROM B8 (STORAGE AND DISTRIBUTION) TO ALLOW USE AS A1 RETAIL - CLAYGATE DISTRIBUTION LTD, PATTENDEN LANE, MARDEN

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

Mr Streek addressed the meeting on behalf of the applicant.

RESOLVED: That subject to the expiry of the advertisement of the application as a departure from the development plan and the receipt of no representations raising new issues, the Development Control Manager be given delegated powers to grant permission subject to the conditions set out in the report and the additional condition set out in the urgent update report.

Voting: 12 – For 0 – Against 1 – Abstention

162. MA/09/1236 - OUTLINE APPLICATION FOR THE ERECTION OF SIX 3 BED TERRACE DWELLINGS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - 33-37 FOLEY STREET, MAIDSTONE

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

Mr Pain, for the applicant, and Councillors Naghi and Chittenden addressed the meeting.

RESOLVED: That outline permission be granted subject to the conditions set out in the report and the informatives set out in the urgent update report with the amendment of conditions 2 and 4 and an additional informative as follows:-

Condition 2 (amended)

The details submitted pursuant to Condition 01 shall show inter alia a building or buildings whose height shall not exceed 8 metres from normal ground level to ridge level as ascertained by external measurement and the details shall have strong regard to and respect the grain, pattern, form and distinctive Victorian character and vernacular of the streetscape.

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure the setting of the nearby Listed Building is protected in accordance with PPG15.

Condition 4 (amended)

The dwellings shall achieve at least Level 2 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that at least a Code Level 2 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development in accordance with policy CC4 of the South East Plan 2009, Kent Design 2005 and PPS1.

### Additional Informative

The applicant should investigate the removal of the parking restrictions outside the site in order to provide additional parking bays with any detailed application.

Voting: 12 – For 0 – Against 1 – Abstention

163. MA/09/1358 - PLANNING APPLICATION FOR CREATION OF OFF ROAD PARKING BAY AT ROAD LEVEL OVER STORAGE LEVEL WITH ASSOCIATED WORKS INCLUDING RAGSTONE WALL TO ONE SIDE OF PARKING BAY AND TIMBER PICKET FENCING TO REMAINING TWO SIDES, DUSTBIN ENCLOSURE, STAIRCASE AND FRONT BOUNDARY TREATMENT AND REPLACEMENT FRONT DOOR TO MAIN DWELLING - BROOKLYN, BRIDGE STREET, LOOSE

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

Mr Hood, an objector, and Councillor Andrew of Loose Parish Council (against) addressed the meeting.

**RESOLVED:** That subject to the expiry of the newspaper advertisement and the receipt of no representations raising new issues, the Development Control Manager be given delegated powers to grant permission subject to the conditions and informative set out in the report, the additional condition set out in the urgent update report and the following additional conditions and informative:-

### Additional Conditions

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, 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 and setting to the development in accordance with policy H18 of the Maidstone Borough-Wide Local Plan 2000 and policy BE6 of the South East Plan 2009.

7. 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 five 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 in accordance with policy H18 of the Maidstone Borough-Wide Local Plan 2000 and policy BE6 of the South East Plan 2009.

Additional Informative

The applicant is advised to seek advice from the Council's Building Control Department to ensure the development meets appropriate standards on structural stability.

Voting:        9 – For        4 – Against        0 – Abstentions

164. MA/09/1175 - APPLICATION FOR THE REMOVAL OF CONDITION 1 OF PLANNING PERMISSION MA/07/1635 (REMOVAL OF CONDITION 4 OF MA/01/1942 (USE OF THE SITE AS A GAME FARM AND STATIONING OF A MOBILE HOME) BEING THE RESTRICTION ON USE OF OPEN FIELDS ON LAND ADJOINING KNOWLE HILL FOR THE REARING OF GAME BIRDS) - KNOWLE GAME FARM, KNOWLE HILL, ULCOMBE

All Members except Councillors Ash, Mrs Marshall and Paterson stated that they had been lobbied.

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

Councillor Beale of Ulcombe 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, the Committee felt that the proliferation of additional brooder huts, associated runs, pens and equipment would result in a more intensive and harmful form of development detrimental to the character and appearance of the countryside and Special Landscape Area contrary to policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

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

The proliferation of additional brooder huts, associated runs, pens and equipment would result in a more intensive and harmful form of development detrimental to the character and appearance of the countryside and Special Landscape Area contrary to policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.

Voting:        13 – For        0 – Against        0 – Abstentions

165. MA/09/0298 - CHANGE OF USE OF SITE FROM VEHICLE RECOVERY DEPOT TO CLASS B8 STORAGE AND DISTRIBUTION USE WITH OCCUPATION OF THE DWELLING "HILLVIEW" BY A MEMBER OF STAFF - LAND AND BUILDING SOUTH OF HILLVIEW, OLD LIDSING ROAD, LIDSING, BOXLEY

The Committee considered the report of the Development Control Manager.

Councillor Mrs Brooks of Boxley Parish Council (against) addressed the meeting.

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

Voting: 13 – For 0 – Against 0 – Abstentions

166. MA/09/1415 - ERECTION OF A DETACHED SINGLE STOREY SWIMMING POOL BUILDING (RE-SUBMISSION OF MA/09/0420) - THE STABLES, FROST ORCHARD, YELSTED ROAD, YELSTED

The Committee considered the report of the Development Control Manager.

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

Voting: 13 – For 0 – Against 0 – Abstentions

167. MA/09/1388 - VARIATION OF PLANNING PERMISSION MA/08/1681 (CHANGE OF USE FROM 2 NO. FORMER DWELLINGS TO CREATE NEW (RELOCATED) CREMATORIUM ADMIN AREA WITH PORCH EXTENSIONS, ALTERATIONS TO FENESTRATION AND INTERNAL LAYOUT. DEMOLITION OF DOUBLE GARAGE AND PROVISION OF NEW CAR PARK) TO DELETE THE CAR PARKING AREA, FOOTPATHS AND ONE PORCH FROM THE PERMISSION AND FORMATION OF NEW ACCESS PATH WITH HANDRAILS - 1 AND 2 THE COTTAGES, VINTERS PARK CREMATORIUM, BEARSTED ROAD, WEAVERING

The Committee considered the report of the Development Control Manager.

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

Voting: 12 – For 0 – Against 0 – Abstentions

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



168. 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:

1. That the report be noted.
2. That the Officers be thanked for their work in connection with the appeals (both dismissed) against the decisions taken under delegated powers to refuse applications MA/08/0824 and MA/08/2001.

169. DRAFT PLANNING ENFORCEMENT POLICY

The Committee considered the report of the Development Control Manager setting out a draft Planning Enforcement Policy, the primary purpose of which was to foster improved communication between the Local Planning Authority and its customers in relation to enforcement by making the enforcement process more transparent. The Development Control Manager explained that the Enforcement Policy would not be a Supplementary Planning Document or a Development Plan Document, but a practice note drawing upon PPG18 - Enforcing Planning Control. Enforcement action was a serious matter. Often, there were direct and indirect financial consequences and sometimes significant human rights issues. Therefore, before serving an Enforcement Notice, the Council had to be satisfied that there was clear and significant planning harm. Reasonableness was one of the key tests when considering enforcement action and it was also important to be reasonable in terms of the period for compliance with an Enforcement Notice. Prioritisation of cases was based on a matrix system.

RESOLVED:

1. That subject to reference being made to the protocol on sharing confidential information with Parish Councils, the draft Planning Enforcement Policy be approved for consultation purposes.
2. That the Upper Medway Internal Drainage Board should be included in the list of consultees.

Note: Councillor Thick left the meeting during consideration of this report.

170. S106 OAKWOOD - UPDATE

The Committee considered the report and the urgent update report of the Development Control Manager summarising the results to date of the action taken to resolve the outstanding issues in respect of the Section 106 Agreement relating to the residential development adjoining and

conversion of the former Oakwood Hospital site. It was noted that a further update report would be submitted at the end of the year.

RESOLVED: That the report be noted.

171. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that the meeting of the Planning Committee that had been arranged to take place at 6.00 p.m. on Thursday 1 October 2009 to consider conditions and Heads of Terms for the Section 106 Agreement in relation to the KIG planning application had been cancelled. The report would be submitted to the next ordinary meeting of the Committee scheduled to be held on Thursday 15 October 2009.

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

It was noted that there was nothing to report at present. In response to questions/comments by Members, the Cabinet Member for Regeneration undertook to:-

- Follow up the reference to the Cabinet Member for Environment regarding the Brooks Place/Queen Anne Road car park. The Committee had asked the Cabinet Member to review the operation of the public car parking spaces that would remain following the implementation of planning permission MA/08/1451 taking into account the concerns expressed by Members about incidents of anti-social behaviour in the car park.
- Follow up Members' request for a discussion on the adoption of Kent Highways Parking Standards.
- Consider the inclusion of reference to the Rural Re-Purchase Scheme in the Affordable Housing Development Plan Document.

173. DURATION OF MEETING

6.05 p.m. to 10.00 p.m.