

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 12 JANUARY 2012

Present: Councillor Lusty (Chairman) and
Councillors Ash, Collins, Cox, English, Harwood,
Hinder, Nelson-Gracie, Newton, Paine, Paterson,
Mrs Robertson and J.A. Wilson

236. APOLOGIES FOR ABSENCE

There were no apologies for absence.

237. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

238. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

239. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

240. 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 because it contained further information relating to applications to be considered at the meeting.

241. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Ash disclosed a personal interest in the report of the Head of Planning relating to application MA/11/0679. He stated that he knew Mr Norton, who had registered to speak on behalf of the applicant, as he was a former Chairman of the Bearsted branch of the Faversham and Mid-Kent Conservative Association. He would leave the meeting when the application was discussed.

With regard to the report of the Head of Planning relating to application MA/11/0679, Councillor Hinder stated that he knew Mr Norton, who had registered to speak on behalf of the applicant, through the Faversham and Mid-Kent Conservative Association. He had not discussed the application with Mr Norton, and intended to speak and vote when it was considered.

Councillor Paine stated that both he and Councillor Ash were Members of the Local Development Document Task and Finish Panel which had looked at the petition calling upon the Council to help protect the open countryside around Wierton, Chart Sutton, Boughton Monchelsea and the Greensand Way. This petition was referred to in the report of the Head of Planning relating to application MA/11/0744 and was the subject of the reference from the Council. The Panel had avoided discussing specific planning applications and focussed instead on the spatial planning issues raised.

Councillor English stated that he was a Member of the Local Development Document Task and Finish Panel and the Member responsible for the petition calling upon the Council to help protect the open countryside around Wierton, Chart Sutton, Boughton Monchelsea and the Greensand Way being referred to the Panel. He had not pre-determined the applications referred to in the petition and supporting documents, and intended to speak and vote when they were discussed.

With regard to the report of the Head of Planning relating to application MA/11/0679, Councillor Paine stated that he was working with local residents on spatial planning issues and had assisted them in their discussions on the proposed development. However, since he had prefaced his involvement by making it clear that he should not pre-determine or express an opinion in advance of the Planning Committee meeting, he intended to speak and vote when the application was discussed.

242. EXEMPT ITEMS

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

243. MINUTES OF THE MEETING HELD ON 15 DECEMBER 2011

RESOLVED: That the Minutes of the meeting held on 15 December 2011 be approved as a correct record and signed.

244. PRESENTATION OF PETITIONS

There were no petitions.

245. DEFERRED ITEMS

MA/11/0679 - ERECTION OF THREE DWELLINGS COMPRISING ONE DETACHED DWELLING WITH INTEGRAL GARAGE AND TWO SEMI-DETACHED DWELLINGS WITH ACCESS TO TONBRIDGE ROAD VIA ACCESS PERMITTED UNDER MA/08/2323 - LAND R/O 125 TONBRIDGE ROAD, MAIDSTONE

See Minute 247 below.

246. MA/11/0744 - THE CHANGE OF USE OF THE SITE TO A RESIDENTIAL CARAVAN SITE FOR 4 GYPSY FAMILIES INVOLVING THE SITING OF 4 MOBILE HOMES, 4 TOURING CARAVANS, THE ERECTION OF 4 BRICK-BUILT AMENITY BLOCKS WITH ASSOCIATED PARKING AREAS - THE ORCHARDS, OFF SNOWEY TRACK, PARK LANE, BOUGHTON MONCHELSEA, MAIDSTONE

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

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

Mr Prebble, for objectors, and Councillor Williams of Boughton Monchelsea Parish Council (against) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report, as amended by the urgent update report, with the amendment of condition 10 and the addition of an informative as follows:-

Condition 10 (amended)

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the planting and seeding season of October 2012 - March 2013; and any trees or plants which, within a period of ten 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 an appropriate setting to the site in the interests of visual amenity in accordance with policies ENV6 and ENV28 of the Maidstone Borough-Wide Local Plan 2000, policies CC1 and C4 of the South East Plan 2009 and PPS7.

Additional Informative

The applicant should contact Maidstone Borough Council Landscape Officers in advance of submitting and implementing any approved landscaping scheme and work closely with them to ensure an effective delivery of the scheme.

2. That the Ward Member and the Parish Council should be consulted on the details to be submitted pursuant to condition 9 (landscaping).

Voting: 7 – For 0 – Against 6 – Abstentions

247. MA/11/0679 - ERECTION OF THREE DWELLINGS COMPRISING ONE DETACHED DWELLING WITH INTEGRAL GARAGE AND TWO SEMI-DETACHED DWELLINGS WITH ACCESS TO TONBRIDGE ROAD VIA ACCESS PERMITTED UNDER MA/08/2323 - LAND R/O 125 TONBRIDGE ROAD, MAIDSTONE

All Members except Councillors Collins, Hinder, Nelson-Gracie, Mrs Robertson and J A Wilson stated that they had been lobbied.

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

Ms Gladstone, for objectors, and Mr Norton, for the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning, the Committee agreed to refuse permission notwithstanding advice from the Head of Planning that he believed the reason to justify refusal would not be sustainable at appeal.

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

Due to the interconnected and interdependent relationship of the application site with the adjoining 'All Angels Close', the sites should be considered together as a single site and the proposals together as a single development. Therefore contributions towards open space, healthcare, community facilities and, in particular, affordable housing provision are considered to be necessary. In the absence of such contributions, the proposals are contrary to policy CF1 of the Maidstone Borough-Wide Local Plan 2000, the Council's Affordable Housing DPD 2006 and Open Space DPD 2006.

Voting: 9 – For 2 – Against 1 – Abstention

FINAL DECISION DEFERRED pursuant to Section 26.3 of the Council Procedure Rules set out in Part 4 of the Constitution.

Note: Councillor Ash left the meeting whilst this application was discussed.

248. MA/11/0701 - CHANGE OF USE OF FIRST AND SECOND FLOORS TO FORM TWO SELF CONTAINED FLATS - 11 GABRIELS HILL, 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 informative 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 the additional condition as follows:-

Prior to the occupation of the residential units hereby permitted, the acoustic attenuation measures set out in the Noise Assessment by Peter Moore dated 9 February 2007 received 16 May 2011 and drawing numbers 2015/13A and 2015/15A and Design and Access Statement and Heritage Statement dated October 2011 received 2 November 2011 shall be fully carried out and maintained thereafter.

Reason: To ensure that the residential amenity of the future occupiers of the residential units is maintained in respect of noise in accordance with policies CC1, CC6 and BE1 of the South East Plan 2009 and central government planning policy and guidance in PPS1 Delivering Sustainable Development and PPG24 Planning and Noise.

Voting: 13 – For 0 – Against 0 – Abstentions

249. MA/11/0702 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR WORKS TO FACILITATE THE CHANGE OF USE OF FIRST AND SECOND FLOORS TO FORM TWO SELF CONTAINED FLATS - 11 GABRIELS HILL, MAIDSTONE

The Committee considered the report of the Head of Planning.

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

Voting: 13 – For 0 – Against 0 – Abstentions

250. MA/11/1983 - CHANGE OF USE OF FIRST FLOOR OF RAGLAN HOUSE TO A DANCE ACADEMY STUDIO (USE CLASS D2) AND CHANGE OF USE OF EXISTING DANCE ACADEMY STUDIO IN UNIT B11 OF THE POWERHUB BUILDING TO EMPLOYMENT USE (USE CLASSES B1 OR B2 OR B8) - RAGLAN HOUSE AND POWERHUB, ST PETERS STREET, 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

251. REFERENCE FROM COUNCIL - PETITION CALLING UPON THE COUNCIL TO HELP PROTECT THE OPEN COUNTRYSIDE AROUND WIERTON, CHART SUTTON, BOUGHTON MONCHELSEA AND THE GREENSAND WAY

The Committee received a reference from the Council asking that it consider the above petition in so far as it concerned planning enforcement.

The petition related to the protection of the countryside and the character of the areas around Wierton, Chart Sutton, Boughton Monchelsea and the Greensand Way. Specifically, the fourth point of the petition called upon

the Council to co-ordinate with Kent County Council and other agencies to act swiftly to enforce established planning policies in dealing with all unlawful developments.

To assist Members in their discussion, the Head of Planning submitted details of the Council's approach to enforcement; the number of enforcement/other formal notices served during the period 1 April to 31 December 2011; the liaison with other sections within the Council (e.g. Environmental Enforcement), Kent County Council (e.g. Highways and Planning) and other bodies such as the Environment Agency when the need arose; and the work being undertaken to reduce the backlog of enforcement cases. It was noted that the Council undertook its planning enforcement function in accordance with an established policy and had sought to address unauthorised development in the area identified by the petitioners through the issue of six enforcement notices. Co-operation with other agencies was an important part of all investigations when the need arose and this would continue to be the case.

Councillor Harwood stated that he was a Member of the Local Development Document Task and Finish Panel which had looked at this petition. However, he had left the meeting when the petition was discussed as it referred to specific planning applications.

The Committee then discussed the policy implications of the petition in so far as it related to the protection of the Greensand Ridge, which was not the subject of any landscape designation in the Local Plan. It was suggested that the Leader of the Council be requested to consider the development of policies to protect the Greensand Ridge through the LDF process and to make representations to the Government seeking an expansion of the scope within the National Planning Policy Framework for local landscape designations.

RESOLVED:

1. That the petition and the response of the Head of Planning to the issues raised in relation to enforcement be noted.
2. That the Leader of the Council be requested to consider the development of policies to protect the Greensand Ridge through the LDF process and to make representations to the Government seeking an expansion of the scope within the National Planning Policy Framework for local landscape designations.

252. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

253. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:-

- He wished to congratulate Mr Rob Jarman on his appointment as Head of Planning with responsibility for overseeing the work that was previously covered under Development Management, Spatial Planning and Heritage, Landscape and Design.
- The meeting of the Committee scheduled to be held at 6.00 p.m. on 19 July 2012 would coincide with the evening celebrations being arranged as part of the Olympic Torch relay. Subject to Members' agreement, it was proposed that the meeting be re-arranged to take place at 6.00 p.m. on Thursday 26 July 2012.

The Committee indicated its agreement to this change in arrangements.

254. UPDATE ON MATTERS REFERRED TO THE LEADER OF THE COUNCIL AND CABINET MEMBERS FOR ENVIRONMENT/ECONOMIC DEVELOPMENT AND TRANSPORT

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

255. DURATION OF MEETING

6.00 p.m. to 7.50 p.m.