

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 10 JANUARY 2013**

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

**Also Present:** Councillors Chittenden, Mrs Grigg and Yates

227. APOLOGIES FOR ABSENCE

There were no apologies for absence.

228. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

229. NOTIFICATION OF VISITING MEMBERS

Councillor Chittenden indicated his wish to speak on the reports of the Head of Planning relating to applications MA/11/0478 and MA/12/0980.

Councillor Mrs Grigg indicated her wish to speak on the report of the Head of Planning relating to application MA/11/2169.

Councillor Yates indicated his wish to speak on the report of the Head of Planning relating to application MA/11/0478.

230. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

231. URGENT ITEMS

Urgent 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.

232. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Paterson declared a Disclosable Pecuniary Interest in the reports of the Head of Planning relating to applications MA/11/1944 (Sainsbury's Supermarkets) and MA/12/0232 (Tesco Stores Ltd). She

stated that her husband had shares in one of the companies, the value of which exceeded the limit specified in the Code of Conduct for Members.

233. EXEMPT ITEMS

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

234. MINUTES OF THE MEETING HELD ON 13 DECEMBER 2012

RESOLVED: That the Minutes of the meeting held on 13 December 2012 be approved as a correct record and signed.

235. PRESENTATION OF PETITIONS

There were no petitions.

236. DEFERRED ITEMS

MA/12/0324 - RETROSPECTIVE APPLICATION FOR HARD LANDSCAPING WORKS TO REAR GARDEN (RE-SUBMISSION OF MA/11/1872) - RHENCULLEN, BRIDGE STREET, LOOSE, MAIDSTONE

See Minute 245 below.

MA/12/0760 - CONTINUED USE OF LAND AS A RESIDENTIAL GYPSY SITE WITHOUT COMPLYING WITH PREVIOUSLY IMPOSED CONDITIONS RELATING TO RESTRICTED OCCUPANCY TO MR J BIGNALL SNR AND HIS IMMEDIATE FAMILY, AND INCLUDING THE STATIONING OF A MOBILE HOME; THE RETENTION OF HARDSURFACING AND BOUNDARY FENCING AND PROPOSED BOUNDARY FENCING; THE RETENTION OF A DAY ROOM WITH CONSERVATORY ADDITION; A SEPARATE STOREROOM BUILDING; AND THE RETENTION OF A NEW ACCESS CREATED ONTO THE LENHAM ROAD - LAND AT THE MEADOWS, LENHAM ROAD, HEADCORN, KENT

See Minute 244 below.

237. MA/11/1944 - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE TO PROVIDE NEW (USE CLASS A1) FOOD STORE WITH ASSOCIATED CAR PARKING, LANDSCAPING AND ACCESS - GMS & D K HOLDINGS SITE AT STATION APPROACH, STAPLEHURST, MAIDSTONE

Having declared a Disclosable Pecuniary Interest, Councillor Paterson left the meeting whilst this application was discussed.

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

Mr Pashley, an objector, Councillor Butcher of Staplehurst Parish Council (in support) and Mr Pepler for Sainsbury's and Mr Salter for D K Holdings, the applicants, 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 following:-

- The construction of the factory building for D K Holdings as permitted under MA/11/1943 prior to the occupation of the supermarket;
- A contribution of £50,000 for the enhancement of the village centre of Staplehurst;
- The provision of a community bus that would serve the locality (including nearby villages) for a minimum of five years; and
- A contribution towards the County Council's costs in monitoring compliance with the Travel Plan (£5,000).

the Head of Planning be give 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:        12 – For        0 – Against        0 – Abstentions

238. MA/12/0232 - ERECTION OF A CLASS A1 RETAIL STORE, ASSOCIATED PARKING AND PETROL FILLING STATION; TRANSPORT INTERCHANGE COMPRISING BUS AND TAXI DROP-OFF/PICK UP FACILITIES, 39 SHORT STAY RAILWAY STATION CAR PARKING SPACES AND COVERED WALKWAY TO EXISTING RAILWAY STATION BUILDING; AND 660-SPACE COMMUTER CAR PARK AND NATURE AREA - LAND AT STATION APPROACH AND GEORGE STREET, STAPLEHURST

Having declared a Disclosable Pecuniary Interest, Councillor Paterson left the meeting whilst this application was discussed.

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

Councillor Butcher of Staplehurst Parish Council (against) and Mr Timothy, for the applicant, addressed the meeting.

RESOLVED: That consideration of this application be deferred to enable the Officers to, with regard to the area to the north of the railway line:-

- (a) Seek to improve the layout of the proposed car park and natural area;
- b) Seek to mitigate the damage to the countryside (including light pollution); and
- (c) Re-examine the results of the ecological surveys.

Voting:        7 – For        2 – Against        3 – Abstentions

239. MA/11/0478 - APPLICATION TO DISCHARGE CONDITIONS RELATING TO MA/03/1147/02 (APPROVAL OF RESERVED MATTERS OF SITING, MEANS OF ACCESS, DESIGN, EXTERNAL APPEARANCE AND LANDSCAPING PURSUANT TO CONDITIONS 1, 2 AND 3 OF OUTLINE PERMISSION MA/03/1147 FOR A REPLACEMENT COMMUNITY CENTRE, JUNIOR FOOTBALL PITCH, 83 DWELLINGS ASSOCIATED PARKING, ACCESS ROAD AND LANDSCAPING, RE-SUBMISSION OF MA/03/1147/01) BEING SUBMISSION OF DETAILS RECEIVED ON 24 MARCH 2011 AND 8 MARCH 2012 PURSUANT TO CONDITIONS 11 - SLAB LEVELS, 14 - FLOODLIGHTING AND 16 - PERIMETER FENCING TO THE SPORTS PITCH - YMCA, MELROSE CLOSE, 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 Spearink, an objector, Mrs Day of the North Loose Residents' Association (against) and Councillors Yates and Chittenden addressed the meeting.

RESOLVED:

1. That consideration of this application be deferred to enable:-
  - (a) Further negotiations to take place with both the YMCA and local residents to seek to achieve a scheme of lighting that reduces the impact of the lighting on nearby housing; and
  - (b) The impact of the lighting on wildlife to be re-examined.
2. That the Ward Members and Councillor Harwood are to be involved in the negotiations.

Voting: 12 – For 1 – Against 0 – Abstentions

240. MA/12/1769 - PARTIAL DEMOLITION, ALTERATIONS, EXTENSIONS AND CHANGE OF USE OF BUILDING TO A MIXED USE OF A3 USE, A2 USE AND A SELF-CONTAINED RESIDENTIAL APARTMENT - 31 EARL STREET, MAIDSTONE

All Members stated that they had been lobbied.

The Committee considered the report of the Head of Planning.

Mr Briscow, for the applicant, addressed the meeting on this application and application MA/12/1770.

RESOLVED: That permission be refused for the reasons set out in the report.

Voting: 7 – For 2 – Against 4 – Abstentions

241. MA/12/1770 - LISTED BUILDING CONSENT FOR PARTIAL DEMOLITION, ALTERATIONS AND EXTENSIONS (BEING WORKS INVOLVED IN THE CHANGE OF USE OF BUILDING TO A MIXED USE OF A3 USE, A2 USE AND A SELF-CONTAINED RESIDENTIAL APARTMENT) - 31 EARL STREET, 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 Briscow, for the applicant, had already addressed the meeting on this application and application MA/12/1769.

RESOLVED: That listed building consent be refused for the reasons set out in the report.

Voting: 10 – For 0 – Against 3 – Abstentions

242. MA/11/2169 - ERECTION OF FOURTEEN DWELLINGS WITH LANDSCAPING AND CAR PARKING AND REFURBISHMENT OF EXISTING TWO STOREY BLOCK 'AMIES HOUSE' INCLUDING NEW CLADDING AND ENTRANCE PORCH - GEORGE MARSHAM HOUSE, HOLMESDALE CLOSE, LOOSE, MAIDSTONE

All Members except Councillor Harwood stated that they had been lobbied.

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

Councillor Andrew of Loose Parish Council (against), Mr Mandy, for the applicant, and Councillor Mrs Grigg addressed the meeting.

RESOLVED:

1. 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 provision of two units of affordable housing in lieu of other contributions, the Head of Planning be given delegated powers to grant permission subject to the conditions and informatives set out in the report.
2. That the Officers in consultation with Councillor Harwood should seek to negotiate the inclusion of solar panels on the two affordable dwellings.

Voting: 12 – For 0 – Against 0 – Abstentions

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

243. MA/12/1299 - SINGLE STOREY SIDE EXTENSION AND ALTERATIONS TO EXISTING DWELLING - KEEPERS COTTAGE, RUMSTEAD LANE, STOCKBURY

The Committee considered the 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

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

244. MA/12/0760 - CONTINUED USE OF LAND AS A RESIDENTIAL GYPSY SITE WITHOUT COMPLYING WITH PREVIOUSLY IMPOSED CONDITIONS RELATING TO RESTRICTED OCCUPANCY TO MR J BIGNALL SNR AND HIS IMMEDIATE FAMILY, AND INCLUDING THE STATIONING OF A MOBILE HOME; THE RETENTION OF HARDSURFACING AND BOUNDARY FENCING AND PROPOSED BOUNDARY FENCING; THE RETENTION OF A DAY ROOM WITH CONSERVATORY ADDITION; A SEPARATE STOREROOM BUILDING; AND THE RETENTION OF A NEW ACCESS CREATED ONTO THE LENHAM ROAD - LAND AT THE MEADOWS, LENHAM ROAD, HEADCORN, MAIDSTONE

All Members stated that they had been lobbied.

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.

Voting: 12 – For 0 – Against 0 – Abstentions

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

245. MA/12/0324 - PART RETROSPECTIVE APPLICATION FOR HARD LANDSCAPING WORKS TO REAR GARDEN (RE-SUBMISSION OF MA/11/1872) - RHENCULLEN, BRIDGE STREET, LOOSE, MAIDSTONE

All Members stated that they had been lobbied.

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

Mrs Kenny of the Loose Amenities Association (against), Councillor Andrew of Loose Parish Council (against) and Mr Clements, the applicant, 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: 11 – For 2 – Against 0 – Abstentions

246. MA/12/0980 - THE DEVELOPMENT OF 27 HOUSES TOGETHER WITH RAISING OF LAND LEVELS, NEW ACCESS AND ACCESS ROAD, PARKING, CAR BARN AND ASSOCIATED LANDSCAPING AND FOOTPATH LINKS - LAND WEST OF BURIAL GROUND LANE, TOVIL, 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 Burns, an objector, Ms Lidington, for the applicant, and Councillor Chittenden 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 following:-

- A contribution of £34,386.36 towards the delivery of off-site affordable housing; and
- A contribution of £42,525 towards the cost of general play area improvements at Woodbridge Drive.

the Head of Planning be given delegated powers to grant permission subject to the conditions and informatives set out in the urgent update report.

Voting: 11 – For 2 – Against 0 – Abstentions

247. LONG MEETING

Prior to 10.30 p.m., during consideration of application MA/12/0980, the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

RESOLVED: That the meeting should continue until 11.00 p.m. if necessary.

248. 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.

249. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that he was considering resigning from the Planning Committee. He did not wish to explain his reasons, but he was in discussion with the Leader of the Council.

250. DURATION OF MEETING

6.00 p.m. to 10.50 p.m.