

# ADJOURNED PLANNING COMMITTEE MEETING

Date: Thursday 1 July 2021  
Time: 6.00 p.m.  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Brindle, Coates, Cox, English, Eves, Harwood, Holmes, Kimmance, Munford, Parfitt-Reid, Perry (Vice-Chairman), Spooner (Chairman) and Young

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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## **AGENDA**

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 21/502008/FULL - Lockmeadow Leisure Complex, Barker Road, Maidstone, Kent 1 - 6
10. 21/500105/FULL - Pancake Old Apple Store, Boyton Court Road, Sutton Valence, Kent 7 - 18
11. 21/502845/FULL - Weald Cottage, Maidstone Road, Staplehurst, Tonbridge, Kent 19 - 27
12. 20/505891/TPOA - Woodland off Foxglove Rise and The Mallows, Maidstone, Kent 28 - 33

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**Issued on Friday 25 June 2021**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

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**PLEASE NOTE**

**The order in which items are taken at the meeting may be subject to change.**

**The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.**

**For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>**

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20 m  
100 ft

21/502008/FULL Lockmeadow Leisure Complex, Barker Road, Maidstone, Kent

Scale: 1:1250

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## REPORT SUMMARY

<b>REFERENCE NO -</b> 21/502008/FULL		
<b>APPLICATION PROPOSAL</b> To extend existing terrace and proposed new doors on the South East side of Lockmeadow complex.		
<b>ADDRESS</b> Lockmeadow Leisure Complex Barker Road Maidstone Kent		
<b>RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  1. The development causes no harm and permission is therefore recommended subject to conditions.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The applicant is Maidstone Borough Council.		
<b>WARD</b> Fant	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Alexa Kersting-Woods <b>AGENT</b> FL.Architects Ltd
<b>DECISION DUE DATE</b> 16/06/21	<b>PUBLICITY EXPIRY DATE</b> 14/06/21	<b>OFFICER SITE VISIT DATE</b> 06/05/21

### Relevant Planning History

96/0537 – Full application for new market buildings, surface and semi basement car park for 670 cars, a multi-screen cinema, bowls centre, night club, restaurants, unit for bingo only or health and fitness and children’s play centre, market square, town square and town park – Approved

16/505628/FULL - Installation of a new facade to the existing leisure complex (replacement of existing), the enclosure of an existing terrace to create 180sqm of new floorspace and the installation of one internally illuminated fascia sign - Approved

20/502286/FULL - External alterations to the existing Lockmeadow Leisure Centre, including removal of gated car park entrance, cladding of existing circular columns in PPC aluminium rectangular sections, repainting of existing guttering and high level fascias, replacement of low level railings with flat bar sections, and removal of existing southern cattle market structure and car park railings – Approved

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is the Lockmeadow entertainment complex located within the defined town centre boundary. The Lockmeadow development was approved and implemented under planning application reference MA/96/0537.

- 1.02 The site is located in close proximity to Maidstone West Railway Station in an area with a varied mix of uses, including light industrial, retail, civic, commercial and residential. The southern and eastern boundaries of the site are adjacent to the River Medway and the River Medway Towpath.
- 1.03 The site and main pedestrian entrance to the complex face to the north onto Barker Street. The existing terrace is located adjacent to main car park to the south of the building.

## **2.0 PROPOSAL**

- 2.01 Maidstone Borough Council has taken on the leasehold for Lockmeadow and is seeking to improve the appearance of the building and facilities to make the complex a key destination for leisure activities in the town centre.
- 2.02 The existing terrace was permitted under application reference: 11/1841 is currently used for an outdoor dining area for the existing restaurant at the rear of the Lockmeadow complex. This application seeks to extend this existing terrace from its current 96m<sup>2</sup> to 278m<sup>2</sup> to provide additional seating area for restaurants and pubs within Lockmeadow. The materials would match the existing decking and would have 3 access points, one directly from Lockmeadow, one from the car park and one directly from the restaurant.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017: SP4, DM1, DM29  
National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

## **4.0 LOCAL REPRESENTATIONS**

### **Local Residents:**

- 4.01 No comments received.

## **5.0 CONSULTATIONS**

- 5.01 MBC Environmental Health – No objection
- 5.02 Kent County Council Highways – No comment
- 5.03 KCC Flood Risk – No comment
- 5.04 Environment Agency – No comment

## **6.0 APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- Principle of Development
  - Visual Impact
  - Local Amenity

- Flood Risk
- Other Matters

### **Principle of Development**

- 6.02 Policy SP4 of the Local Plan sets out the vision for the town centre and seeks to provide a variety of well-integrated attractions for all ages including leisure, tourism, cultural facilities and improved access for all. In addition, policy DM29 outlines that proposals for leisure in the town centre will be permitted subject to the proposal not impacting on local amenity and that the proposal retains an 'active frontage'.
- 6.03 The principle of the proposal to enhance the leisure complex is acceptable and in accordance with Local Plan policies SP4 and DM29 subject to the discussion of the material considerations below, namely visual impact and local amenity.

### **Visual Impact**

- 6.04 Local Plan policy DM1 (principles of good design) states that proposals should provide a high quality design which responds to areas of heritage, townscape and landscape value or which uplift an area of poor environmental quality.
- 6.05 In terms of materials, the decking would match the existing with white render elevations, metal balustrade and a wooden decking surface.
- 6.06 It is considered that the extension to the rear decking area would be sympathetic to the existing building with its matching materials and would not cause harm to the visual amenity of the site or surrounding area. The proposal is therefore in accordance with policy DM1 of the Local Plan.

### **Local Amenity**

- 6.07 Local Plan policy DM1 (principles of good design) criterion iv. requires proposals to respect the amenities of occupiers of neighbouring properties. In addition, policy DM29 (Leisure and community uses in the town centre) criterion i. states that proposals will be permitted where they will not have a significant impact on local amenity.
- 6.08 The closest residential properties are located to the south east and south west of the site and these are the most likely to be impacted as a result of the proposal due to the potential for an increase in activity and noise. However, these properties are located 130m away beyond the existing market hall, car parking and on the opposite side of the River Medway. In addition the site is located within the town centre boundary where it is not unreasonable to expect outdoor seating areas for leisure sites such as this. It is not considered that the proposal would give rise to such a level of noise and disturbance to result in a loss of amenity for any residential property. The proposal would not cause overlooking to any neighbouring property due to the separation distances.
- 6.09 It is noted that the existing terrace under condition 4 restricts the hours of use beyond 23:00 Monday to Sunday and condition 5 which states that no amplified

music can be played on the terrace area. The applicant has agreed that these conditions will be carried over for the new terrace area. The proposal is therefore in accordance with polices DM1 and DM29 of the Local Plan.

### **Flood Risk**

- 6.10 The site is located within Flood Zone 3 and the application is supported by a Flood Risk Assessment (FRA). KCC Drainage has no comment on the application, and the Environment Agency also has no comment but refer to their 'Standing Advice'.
- 6.11 The application is classed as minor non-residential development as the extension has a proposed footprint extension of less than 250m<sup>2</sup>. The submitted FRA considers that due to the raised level of the terrace it would be located above ground level by 1.8m which is the same level as 1:100+35% climate change event. As such the terrace is considered to be minor development and an extension to an existing terrace that will be above the modelled flood level for the 1:100 year level event and would have a negligible impact to flood risk elsewhere. The proposal is in accordance with policy DM1 of the Local Plan which states that proposals should avoid inappropriate development within areas at risk from flooding, or to mitigate any potential impacts.

### **Other Matters**

- 6.12 No trees would be lost due to the nature of the proposal, scale and siting and there are considered to be no ecological issues as the site is located on hardstanding.
- 6.13 The application site is not listed, and it is not within a Conservation Area. The All Saints Conservation Area is located to the east of the River Medway 80m to the east of the application site. Due to the nature of the application to extend an existing decking area and the distance, it is not considered that the proposal would result in harm to the setting of the Conservation Area.
- 6.14 Measures to provide biodiversity net gain were included under condition 5 of application reference 20/502286/FULL and these details were subsequently discharged under application reference 20/504623/SUB. Due to the active nature of the extended terrace it is not considered to be an appropriate structure on which to create new habitat and therefore it is not considered necessary to require further additional ecological enhancements as part of this minor application.

### **PUBLIC SECTOR EQUALITY DUTY**

- 6.15 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

## **7.0 RECOMMENDATION**

GRANT planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 316(GA)001 Rev A – Site Location and Block Plans  
Drawing No. 316(GA)021 Rev 2 – Proposed Ground Floor Plan  
Drawing No. 316(GA)027 Rev 1 – Proposed Elevation  
Drawing No. 316(GA)028 Rev 2 – Proposed Elevation  
Design and Access Statement – Received 12/04/2021

Reason: To clarify which plans have been approved.

3. The materials to be used in the development hereby approved shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

4. The terrace hereby permitted shall not be used outside the hours of 09:00 to 23:00 on any day.

Reason: To safeguard the enjoyment of their properties by residential occupiers.

5. No musical equipment and/or electrically amplified sound shall be so installed, maintained and operated on the terracing hereby permitted so as to prevent the transmission of noise and/or vibration to any adjacent premises;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.



<b>REFERENCE NO</b> – 21/500105/FULL		
<b>APPLICATION PROPOSAL</b> Part retrospective, change of use from agricultural to residential garden, erection of 3-bay carport, erection of ragstone retaining wall and creation of a temporary access.		
<b>ADDRESS</b> Pancake Old Apple Store, Boyton Court Road, Sutton Valence, ME17 3BY		
<b>RECOMMENDATION</b> Grant planning permission subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>• The visual impact of the loss of agricultural land to domestic garden is not significant due to its modest size and the provision of boundary landscape</li> <li>• The proposed carport is modest in scale and in keeping with the host dwelling and surrounding development</li> <li>• The proposed access is acceptable on temporary basis</li> <li>• PROW KH506 runs along the western boundary outside of the application site and would not be affected</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Sutton Valence Parish Council has requested that the planning application is considered by the Planning Committee if officers are minded to approve for the reasons set out in paragraph 5.01		
<b>WARD</b> Sutton Valence and Langley	<b>PARISH COUNCIL</b> Sutton Valence	<b>APPLICANT</b> Mr Gary Pankhurst  <b>AGENT</b> Mr Gregory Bunce, Prime Folio
<b>TARGET DECISION DATE</b> 2/7/2021 (EOT)		<b>PUBLICITY EXPIRY DATE</b> 18/3/2021

**Relevant Planning History:**

*Extensive, most relevant:*

Application site:

20/501356/PNQCLA: Prior notification for the change of use of agricultural building and land within its curtilage to 1no. dwellinghouses and associated operation development. For its prior approval to - Transport and Highways impacts of the development. - Contamination risks on the site. - Flooding risks on the site. - Noise impacts of the development. - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed Design and external appearance impacts on the building – PRIOR APPROVAL GRANTED

03/0445: Change of use and conversion of (i) Oast to 1No. dwelling, (ii) Barn to 1No. dwelling (iii) Barn to 1No. unit of tourist accommodation, all involving demolition of agricultural buildings, erection of garaging and associated boundary treatments (Resubmission of MA/02/1707)- APPROVED

Adjoining land at College Farmhouse:

14/500838/FULL: Retrospective application for the change of use of agricultural land to residential use, erection of decking, pergola, retaining wall, balustrade and fence – APPROVED

Opposite land at Pancake Barn:

19/500953/FULL: Erection of replacement residential barn and attached cottage, following fire damage.

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The application site relates to agricultural land adjacent to a converted detached dwelling, namely Pancake Old Apple Store, and part curtilage of the host dwelling. The site is located within an area of open countryside and falls within a Landscape of Local Value (Greensand Ridge) as defined on the Maidstone Borough Local Plan 2017.
- 1.02 Prior Approval was granted to the host building under ref: 20/501356/PNQCLA allowing the change of use of the agricultural building and land within its curtilage to a single dwellinghouse. The host building is single storey with an attic serving as a 5-bedroom dwellinghouse.
- 1.03 The application site is irregularly shaped bounding the north and east side of the host dwelling with an area of 1,058 sqm (0.26 acres). The topography of the site slopes downward from north to south, abutting an area of orchard to the east. This is a part retrospective application and the site is currently paved with hardstanding for the proposed access. Work has started on the erection of the boundary ragstone retaining wall and the construction of the proposed carport.
- 1.04 The application building forms part of a small group of former farm buildings that have previously been converted to residential use within a large plot for private amenity purposes and the erection of detached garages. The adjoining neighbour to the north (College Farm), which is situated on elevated ground had permission granted (14/500838/FULL) for the change of use of agricultural land to residential use to extend private amenity space.
- 1.05 Running along the east (front of the dwellinghouse) is a track serving an isolated group of dwellings that leads southward from the junction with Boyton Court Road. A public right of way (PROW KH506) is located to the front of the building and runs from north to south along the access track.
- 1.06 The application site is designated Grade II agricultural land mainly consisting of orchard located to the north and east and surrounding the curtilage of the host building. A Grade II listed building, namely Pancake Barn, is situated some 40m to the south-west of the application site and opposite the host dwelling.

### **2. PROPOSAL**

- 2.01 The current, part retrospective, planning application is for the change of use from agricultural land to residential garden, erection of a 3-bay carport, erection of 1.8m tall retaining wall and the creation of temporary access.
- 2.02 Construction work to implement prior approval ref: 20/501356/PNQCLA has commenced. A number of amendments to the approved plans are now proposed including acquiring additional agricultural land to form part of residential garden and erection of a 3-bay carport. A full planning application is required for these works.
- 2.03 The approved and proposed site plans are shown on the next page (**Fig 1**). The current proposal, a revised scheme received on 13 May 2021, in comparison to the previous approved scheme includes:
- Erection of a detached 3-bay carport to the north of the host dwelling
  - Change of use of 762sqm (about 0.19acres) agricultural land to residential garden
  - Erection of a retaining wall of varying height with a maximum of 1.8m tall along the western boundary
  - Creation of a temporary hardstanding access during the construction period

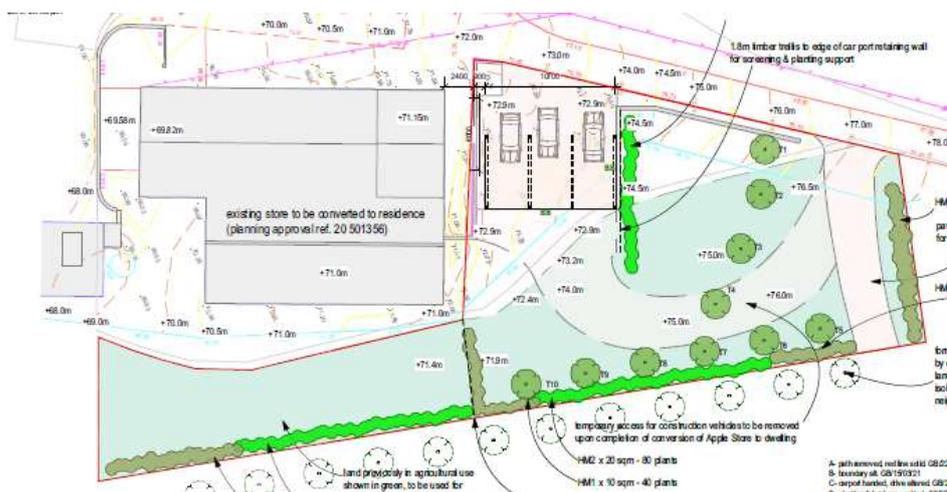
- 2.04 The proposed carport is a 3-bay front open frame side gabled roof structure with a maximum length of approximately 10.7m, a maximum width of approximately 5.6m, a ridge height of approximately 4m and an eaves height of approximately 2.4m. The carport would be constructed with a slate roof and black timber weatherboarding.
- 2.05 The application includes a landscape scheme with the planting of boundary hedge and 10nos. of trees.

**Fig 1: Comparison of site plans for 20/501356/PNQCCLA and current application**

Approved site plan  
20/501356/PNQCCLA



Currently proposed revised site plan received on 13 May 2021



- 2.06 The original scheme first submitted to be considered in this application includes a 3-bay garage with attic storage above and a maximum ridge height of approximately 5.4m; the proposed access was permanent serving the garage with the front faces east towards the orchard. The final revised scheme received on 13 May 2021 was submitted to seek to address the concerns raised by the parish council.

### **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan 2017:  
SS1: Maidstone borough spatial strategy  
SP17: Countryside  
SP18: Historic Environment  
DM1: Principles of good design  
DM2: Sustainable design  
DM3: Natural environment  
DM4: Development affecting designated and non-designated heritage assets  
DM23: Parking Standards  
DM30: Design principles in the countryside  
DM33: Change of use of agricultural land to domestic garden land

National Planning Policy Framework (NPPF):  
Section 2- Achieving sustainable development  
Section 12- Achieving well-designed places  
Section 15- Conserving and enhancing the natural environment

Supplementary Planning Documents:  
Maidstone Landscape Character Assessment (2012-amended 2013)  
Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 3 representations received from local residents supporting the proposal based on the following (summarised) reasons:
- The area is being significantly improved with new roads with all buildings being kept to a beautiful standard
  - The new access can reduce traffic to the public footpath also improving the health and safety of all pedestrian
  - All properties around this development have at least 2 garages and parking for a minimum of 4 cars
  - The proposed triple garage is proportionate to the use of the 6-bedroom dwellinghouse
  - The bridal path has been re-layed and paid for by all of the owners, making visits here a pleasure
  - All the gardens that belong to the homes surrounding this development area larger than the application being requested
  - This development would brought improvement to what was a dilapidated old store
- 4.02 1 representation received from local resident raising objection to the proposal based on the following (summarised) reasons:
- No need for additional parking or driveway
  - Two storey garage is big enough to be converted into a residence later
  - The proposed block plan has incorrectly marked the boundaries including their land
  - Concur with objection reasons of the Parish Council
  - The site is widely visible given it's elevated position and there is a public footpath through the site, which contradicts to the submitted Heritage statement which states the previously listed barn is in a very private location, with very limited view of it from any public realm.

## **5. CONSULTATIONS**

### **5.01 Sutton Valence Parish Council (Summarised)**

Objection: recommend that the application be REFUSED and referred to MBC Planning Committee were the Planning Officer minded to approve the application for the reasons listed below.

- The issue of the PROW KH506 has not been addressed and concerned this pathway is being tarmacked.
- This area is becoming more and more developed contrary to policy SP17 para.6
- The garage is very large compared to the size of the house
- This continual development will affect the distinctive character of both the Greensand Ridge and Low Weald

### **5.02 MBC Landscape Officer**

- Raise no objection to the proposal and the proposed soft landscaping scheme subject to conditions requesting implementation details and additional native planting to the front of the walls.

### **5.03 KCC PRoW officer**

- Raise no objection to the proposal on comments dated 18 May 2021 and states PROW KH506 footpath runs along the eastern boundary of the site and acts as the main track to the site but should not affect the application.

## **6. APPRAISAL**

### **Main Issues**

#### **6.01 The key issues for consideration relate to:**

- Principle of the change of use
- Visual amenity
- Heritage
- Residential amenity
- Highways and parking considerations

### **Principle of the change of use**

6.02 The application seeks part retrospective planning permission for the change of use of a strip of agricultural land (part of an orchard) adjoining the eastern boundary of the residential property at Pancake Old Apple Store to provide an extension to the existing garden curtilage to the property.

6.03 The strip of agricultural land that is the subject of the application measures approximately 70m in length and 12m in width, which gives an area of about 762sqm (0.19 acres).

6.04 Policy DM33 of the Local Plan states that planning permission will be granted for the change of use of agricultural land to domestic garden if there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land.

6.05 Government guidance in the National Planning Policy Framework states (para. 170) states that local planning authorities should recognise the intrinsic character and beauty of the countryside and take into account the economic and other benefits of the best and most versatile agricultural land.

6.06 It is highlighted that the application site is on land with a downward slope which potentially increases its visual prominence. After considering this topography it is concluded that the impact on the wider landscape will be minimal for the following reasons:

- the relatively small area (0.19 acres) involved,
- The location of the site close to an existing building and

- the benefit gained by the provision of a landscape scheme which will blend in with the adjoining orchard and is in keeping with the long range views from the south.
- 6.07 The site is designated as grade 2 agricultural land, which is the best and most versatile land. Regarding loss of land having agricultural potential, given the small area of land affected it is not considered that this represents a sustainable objection to the use of the land for domestic garden purposes.
- 6.08 Turning to the impact of similar development that has taken place in this area. It must be noted that a similar change of use of land has taken place at College Farm (which adjoins the northern boundary of the current application site) from agriculture to residential use, including the erection of decking, pergola, retaining wall, balustrade and fence. These works were granted retrospective planning permission on the 10.11.2014 under planning application 14/500838/FULL.
- 6.09 Whilst there has been significant change in Central Government Guidance, the adoption of Maidstone Borough Local Plan 2017 and on-site circumstances with the converted residential development in the area since the consideration of 14/500838/FULL, the key material consideration for the change of use applications are similar.
- 6.10 With that case (14/500838/FULL) it was argued that given the small area of land affected (0.07ha) it was not considered that loss of land having agricultural potential represented a sustainable objection to the use of the land for garden purposes. The size of the current host dwelling is substantially larger than College Farm, and given the similarities between the nature and area of agricultural/residential land concerned, the same arguments can be applied to the current retrospective application.

**Visual amenity**

- 6.11 The application site is located within a Landscape of Local Value. Policy SP17 states that development proposals within landscapes of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape. In addition, policy DM30 sets out that any development proposals should maintain or where possible enhance, local distinctiveness including landscape features.
- 6.12 The Maidstone Landscape Capacity Study which formed the evidential base for the current Local Plan sets out that the proposed site is within The Sutton Valence Greensand Ridge character area. This area has a high overall landscape sensitivity, and in particular is of high visual sensitivity due to its ridgeline location and is therefore considered sensitive to change.
- 6.13 The Pancake Old Apple Store and the area of land subject of the current retrospective application is elevated sloping downward in relation to the land to the south which potentially increases its prominence.
- 6.14 The proposed carport and access are visible from the public footpath (KH506) which runs along the western boundary of the property. The triple carport, on the revised scheme, is a opened front framed structure (without an attic) and this is considered to be sympathetic to the host dwelling. The car port would be positioned inline with the front building line of the host building and constructed with matching black weatherboarding and slate roof. The car port is considered in keeping with the area and would not result any significant visual harm in the immediate locality including from public vantage points.
- 6.15 A Landscape Scheme along with a planting schedule was submitted on 13 May 2021. The MBC Landscape Officer considers the scheme to be generally acceptable.

As there are no implementation details submitted it is therefore recommended that a landscape condition is attached to any permission and for this to also secure native planting to the front of the retaining walls to soften the scheme.

- 6.16 The proposed retrospective temporary hardstanding access is considered to be acceptable on a temporary basis. This hardstanding area would revert back to residential garden land once the conversion of the dwellinghouse and carport is completed. A condition is recommended to ensure the access is allowed only on temporary basis and to safeguard the visual amenity of the countryside and area designated as a Landscape of Local Value.
- 6.17 The ragstone retaining wall along the western boundary between the existing field access and the proposed carport is considered to be acceptable to level the elevated land.
- 6.18 Overall, it is acknowledged that the proposed carport would be a new building in the countryside and visible within the landscape, however, the building of a reasonable size for its purpose. The building is sited in line with the host dwelling and is in keeping with the other similar garages in the area. The proposed area changed to residential garden is relatively small. The proposed landscape features are considered adequate to ensure the visual impact of the development is minimised. The minimal visual harm has to be balanced against the benefits and the aims of sustainable development to secure well-designed accommodation. The visual harm of the proposed development is considered to be outweighed by the well designed accommodation.

#### **Heritage**

- 6.19 A decision maker is required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest.
- 6.20 The NPPF (February 2019) requires the impact on the significance of a designated heritage asset to be considered in terms of either "substantial harm" or "less than substantial harm" as described within NPPF paragraphs 195 to 196. National Planning Practice Guidance (NPPG) makes it clear that substantial harm is a high test, and recent case law describes substantial harm in terms of an effect that would vitiate or drain away much of the significance of a heritage asset.
- 6.21 Where it is considered that a proposal will lead to "...less than substantial harm to the significance of a designated heritage asset...", NPPF paragraph 196 states that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.22 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.23 A Grade II listed building, namely Pancake Barn, is situated some 40m to the south-west of the application site and opposite the host dwelling. The listed barn was converted to residential use in 2003 and then destroyed by fire in 2018. Planning permission (19/500953/FULL) was granted in 2019 to erect a replacement residential barn and an attached cottage following the fire damage on a like-for-like basis and the building is mainly black weatherboard cladding and a slate roof.

- 6.24 The proposal would be visible from the listed building and its setting along the shared access track. The proposed development would not have a harmful impact on the setting or significant of the listed building as the proposed carport would be sympathetic to the host dwelling and constructed with matching materials to the groups of building, and the modest scale of the ragstone retaining wall.
- 6.25 It is concluded that the proposal will lead to less than substantial harm to the significant of this designated heritage asset and the public benefits of the proposal outweigh any negative impact. The proposal would conserve the setting of the Listed Building.

#### **Residential amenity**

- 6.26 Policy DM1 of the adopted Local Plan advises that proposals will be permitted where they "respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.27 In this case the nearest neighbouring residential property is College Farm, with their garden land abutting the northern boundary of the application site. The proposed carport would sit some 50m away from the neighbour's main house. This separation is considered sufficient to prevent any unneighbourly impacts. The change of use to residential land alongside residential land is considered to be compatible use. Furthermore, the view of a carport and loss of agricultural land to residential garden land with landscape provision is not out of keeping to the character of the countryside. I do not consider the proposal would result in any significant impact on outlook, or loss of privacy to neighbouring properties.

#### **Highways and parking**

- 6.28 As previously approved, the host dwelling would provide two integrated parking spaces towards the northern corner of the building. The proposed triple carport providing three parking spaces located immediate adjacent to the north of the host dwelling fronting the access track is not considered to result in any significant impact upon highway safety and adequate parking spaces are provided for the development.
- 6.29 The proposed temporary access would be in use during the conversion of the building and the current proposed development which is considered acceptable as it would avoid blockage and congestion to the access track and PROW.

### **7. CONCLUSION**

- 7.01 For the reasons set out above the proposed development is acceptable in its visual impact and will not result in material harm to the rural and special landscape character of the area. The proposal will not result in any material loss of productive agricultural land while respecting the character and setting of the existing building and listed heritage.

### **8. RECOMMENDATION**

- GRANT planning permission subject to the following conditions:
- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Location Plan, No. 18-11-21D received on 13 May 2021  
Existing Site Layout, No. 18-11-22D received on 15 June 2021  
Proposed Plans and Elevations, No. 18-11-24B received on 30 Mar 2021  
Proposed Site Layout, No. 18-11-23E received on 15 June 2021  
Reason: To clarify which plans have been approved.
- (3) The materials to be used in the development hereby approved shall be as indicated on the approved plans.  
Reason: To ensure a satisfactory appearance to the development.
- (4) The temporary access hereby permitted shall be removed and the land upon which it is sited restored to its former condition prior to the first occupation of the dwelling permitted under application 20/501356/PNQCLA with the restoration carried out in accordance with an approved scheme of work that has previously been submitted to and approved in writing by the local planning authority.  
Reason: To enable the local planning authority to review the special circumstances under which this permission is granted.
- (5) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one method integrated into the building structure by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the dwelling and all features shall be maintained thereafter.  
Reason: To enhance the ecology and biodiversity on the site in the future and providing a net biodiversity gain .
- (6) A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas, shall be submitted to and approved in writing by the local planning authority prior to the first use of the approved building. Landscape and ecological management shall be carried out in accordance with the approved plan.  
Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- (7) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.  
Reason: In the interests of amenity
- (8) The development hereby approved shall not commence above ground level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use all native species as appropriate, no sycamores and no plastic guards, and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, and include a plant

24 June 2021

specification, implementation details, a maintenance schedule and a [5] year management plan. [The landscape scheme shall specifically detail the provision of soft landscaping to the front of the ragstone retention wall].

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- (9) The approved landscaping scheme shall be in place at the end of the first planting and seeding season (October to February) following first use of the building hereby approved. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first use of the building, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

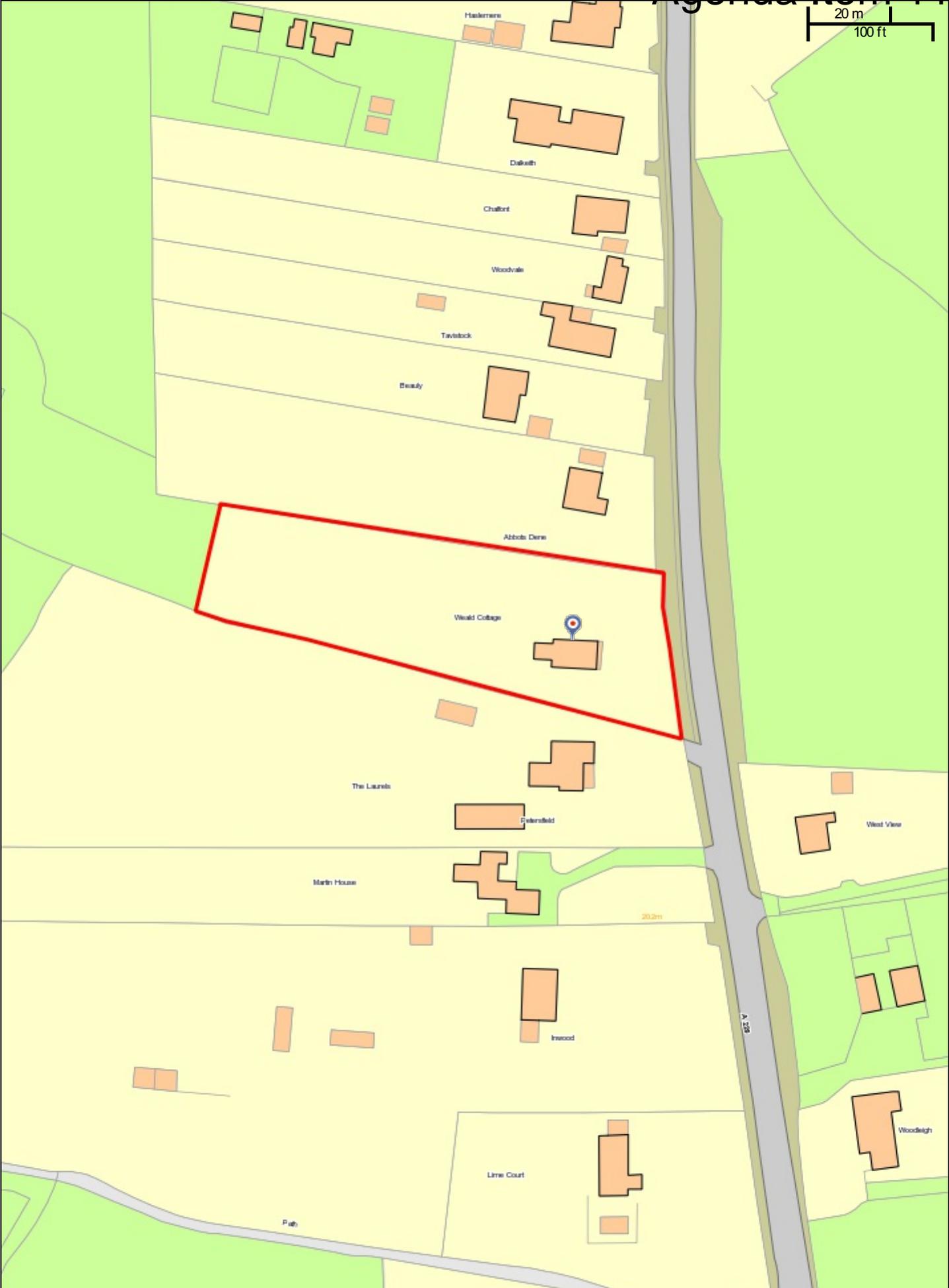
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

Reason: In the interest of amenity.

Case Officer: Michelle kwok

**Urgent Update for Item 2: 21/500105/FULL- Pancake Old Apple Store**

- Sutton Valence Parish Council has withdrawn their call in request via email on 17 June 2021 following correspondence from the Applicant.
- On email from the Applicant to the Parish Council dated 10 June 2021, the Applicant clarified the following (summarized) matters:
  - The PROW immediately adjoining the application site is a private road and have been paved for many years serving this group of development.
  - The proposal does not interfere the PROW.
  - The height of the carport has been significantly reduced omitting the storage above



21/502845/FULL Weald Cottage, Maidstone Road, Staplehurst, Tonbridge, Kent TN12 0RE

Scale: 1:1250

Printed on: 9/6/2021 at 15:54 PM by JoannaW



## REPORT SUMMARY

<b>REFERENCE NO - 21/502845/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of a detached garage with office above (Resubmission of 21/501603/FULL).		
<b>ADDRESS</b> Weald Cottage Maidstone Road Staplehurst Tonbridge Kent TN12 0RE		
<b>RECOMMENDATION : Refuse for reason set out in Section 8.0</b>		
<b>SUMMARY OF REASONS FOR REFUSAL</b>  Taking all of the below into account, it is concluded that the proposal does not comply with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and that there are no overriding material considerations to justify approval that outweigh the harm identified above, such that the proposed garage with office above would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings		
<b>REASON FOR REFERRAL TO COMMITTEE</b>  The application has been called in by Councillor Perry on the grounds that there are no objections and it is a local business, which should be supported.		
<b>WARD</b> Staplehurst	<b>PARISH/TOWN COUNCIL</b> Staplehurst	<b>APPLICANT</b> Mr C Birkby <b>AGENT</b> Richardson Architectural Designs
<b>DECISION DUE DATE</b> 16/07/21	<b>PUBLICITY EXPIRY DATE</b> 30/06/21	<b>OFFICER SITE VISIT DATE</b> 9/6/21
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>  <b>21/501603/FULL</b> - Erection of a detached garage with office above and external staircase. – REFUSED  Reason for refusal : By reason of its excessive footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32, and the central government planning policy contained in The National Planning Policy Framework (February 2019).  <b>MA/07/0554</b> – Detached garage – REFUSED Reason for refusal: The proposed building, by virtue of its scale, cannot be considered to be modest and would be visually incongruous in the countryside and overwhelm Weald Cottage causing unacceptable harm to its character and appearance, contrary to policies ENV28 and H33 of the Maidstone Borough-Wide Local Plan 2000 and policies EN1, QL1 and HP5 of the Kent and Medway Structure Plan 2006.”		

**MA/06/1591** - Demolition of garage, outbuildings and pool store and erection of new garage, store and pool house – REFUSED

Reason for refusal: The proposed additional garage, by virtue of its positioning in front of the existing property would result in a development that would be incongruous in a consistent pattern of development in the countryside and would be detrimental to the setting of Weald Cottage. The proposal is therefore contrary to policy H33 of the Maidstone Borough Wide Local Plan 2000 and policy QL1 of the Kent and Medway Structure Plan 2006.

**MA/01/0048** – Two-storey side extension and two front dormers - APPROVED

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

1.01 This application relates to a domestic property within a ribbon of residential development on the west side of the A229, Maidstone Road, on the northern approach to Staplehurst. For planning purposes it is classed as countryside. It is also identified as having the potential for discovery of archaeological remains.

### **2.0 PROPOSAL**

2.01 Planning permission is sought for the erection of a detached outbuilding with four enclosed parking bays on the ground floor, an external staircase, and a home office on the first floor. It would be positioned in the north-east corner of the site, backing onto the boundary with Abbottsdene to the north and just inside the front boundary hedge. This means that it would be forward of the front building line of Weald Cottage and at right-angles to it.

2.02 The building would have a footprint of approximately 12m x 5.6m, would stand 2.9m to the underside of the eaves and 5.7m to the ridge of the gabled roof. The front roof slope would feature four roof lights, plus there would be a large, three-light window in the gable-end facing the road and a glazed door at the other end leading onto the external staircase. Proposed materials are white hardieplank cladding and a tiled roof, both, it is stated, to match the existing house.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: SP17, DM1, DM3, DM23, DM30, DM32  
Staplehurst Neighbourhood Plan (2016): Policy PW2  
Supplementary Planning Documents: Maidstone Local Development Framework,  
Residential Extensions Supplementary Planning Document (adopted May 2009)

### **4.0 LOCAL REPRESENTATIONS**

A site notice was put up at the site on 9<sup>th</sup> June 2021, the consultation period is due to expire on 30<sup>th</sup> June 2021. Adjoining neighbours have been consulted with the consultation period expiring on 22<sup>nd</sup> June 2021. Both these dates expire after the publication of this report and the site notice expires after the Committee date. However it is not considered that this prejudices the Committee in their decision making and a consultation period for a very similar scheme expired on 13<sup>th</sup> May 2021, and as such those comments are included below for information :

- The occupier of Abbotsdene (to the north) wrote in support of the application, stating that the garage would have no detrimental effect on that property.

Any updates on representation received will be given to Members in the urgent updates or at the meeting.

## **5.0 CONSULTATIONS**

### **5.01 Staplehurst Parish Council**

Following consultation with Councillors, the Clerk, under delegated powers, recommends the application be REFUSED on the following grounds; the development would be contrary to policies SP17, DM1, DM30, and DM32 of the Maidstone Local Plan. It is also contrary to paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32 in the section on Garages and Outbuildings in the Residential Extensions Supplementary Planning Document. It is also disappointing to note that the applicant has already removed much of the hedge and trees shielding the site from the road, resulting in the development site being obtrusive from the road and impacting on the street scene.

- 5.02 KCC Archaeology : No comments received (it should be noted no comments were received on the recently refused application)

## **6.0 APPRAISAL**

### **6.01 The key issues for consideration relate to:**

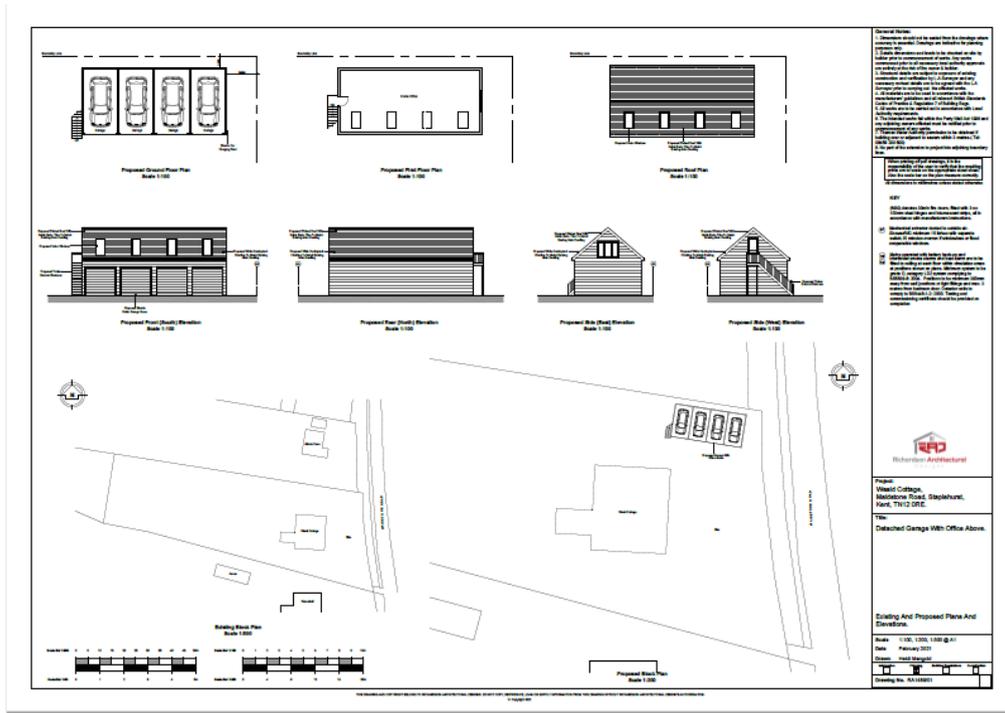
- Impact on visual amenity

### **Background**

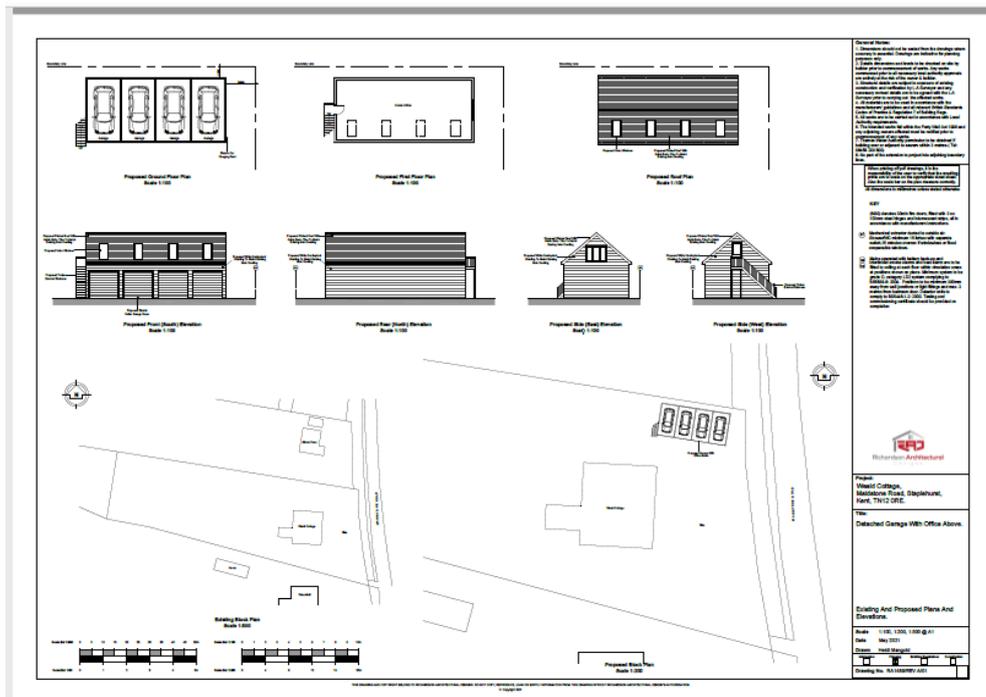
- 6.02 This application follows a very recent decision for essentially the same development under application reference 21/501603/FULL (refused 21<sup>st</sup> May 2021). This application was refused for the following reason :

*By reason of its excessive footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32, and the central government planning policy contained in The National Planning Policy Framework (February 2019).*

6.03 The refused plans were as follows :



6.05 When compared to the now proposed plans (shown below) the differences are negligible. The agent in a supporting e-mail submitted in response to the Parish Council comments sets out that *'Yet this scheme is slightly smaller'*, however when measured the plans appear to be essentially the same dimensions.



**Visual Impact**

- 6.06 Local Plan Policy SP17, which deals with development in the countryside, states that *“Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area”*.
- 6.07 Policy DM30 sets out design principles in the rural area and states that proposals which would create high-quality design and meet the following criteria will be permitted: *“where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located...”*
- 6.08 With specific regard to the construction of new outbuildings to residential properties in the countryside, Policy DM32 states that *“proposals for the construction of new or replacement outbuildings (e.g. garages) should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside.”*
- 6.09 In addition, the Council’s adopted residential extensions SPD sets out the following advice in relation to garages and outbuildings:
- “Garages and other outbuildings should not impact detrimentally on the space surrounding buildings. They must be smaller in scale and clearly ancillary to the property.”* (paragraph 5.28)
- “Their scale should not exceed what might reasonably be expected for the function of the building. Garages and outbuildings for domestic purposes do not normally need to exceed a single storey in height or have excessive volume.”* (paragraph 5.29)
- “There should be no adverse impact on the character or openness of the countryside.”* (paragraph 5.30)
- “The impact of a garage or other outbuilding would be greater if located in a prominent location where it would be highly visible...”* (paragraph 5.31)
- “Garages and outbuildings should not compete with the main house and consequently should be sympathetically positioned away from the front of the house...”* (paragraph 5.32)
- “In order to appear ancillary to the property, fit well with the street scene and prevent a detrimental impact on neighbouring properties... garages and outbuildings should not generally be located in front of the building line of domestic properties.”* (paragraph 4.46)
- 6.10 In this instance, the proposed building would not only be located forward of the front building line of the host dwelling and neighbouring structures, but would also have an overly-large footprint (approximately 67m<sup>2</sup> plus the external staircase) and be of excessive height and bulk, especially due to the high eaves level (approximately 2.9m to the underside) and the gable-ended roof design. It would effectively be a two-storey structure, which is contrary to paragraph 5.29 of the Council’s adopted residential extensions SPD (adopted May 2009).
- 6.11 Moreover, at four parking-bays wide with an additional large home office across the whole of the upper floor (internal floor area of approximately 60m<sup>2</sup>), lit by a large

gable-end window, the glazed door and four roof lights, I also consider the building would be excessive for what might be reasonably expected for its function as a domestic outbuilding incidental to the use of the main house, which would also be contrary to the adopted residential extensions guidelines.

- 6.12 Furthermore, as a result of its excessive height and bulk in combination with its dominant position forward of the front building line of the dwelling and at right angles to it, I do not consider that the proposed building would appear subordinate to the host dwelling. Indeed, at 5.7m high, it would be practically the same height as the host dwelling, and in some views may even appear taller than it due to the perspective and its more prominent position.
- 6.13 Even though there is no fixed building line along Maidstone Road, outbuildings in front of the front building line of the dwellings are not a feature of the pattern of development here. The proposed building would disrupt that pattern and appear out of keeping. In view of its excessive scale, the building would appear obtrusive and the harm would be even more apparent.
- 6.14 Although there is a hedge on the front boundary, that is deciduous, so would allow views through for approximately six months of the year, plus it is sparse in some places and its retention cannot be guaranteed in perpetuity in any case, thus the impact of a building of such excessive scale in the proposed position would not be adequately or acceptably mitigated in public views. Moreover, the adopted residential extensions SPD specifically states that *“Attempting to conceal what would otherwise be harmful development within the countryside would not accord with Government objectives. In any event, the planting... could not reasonably be secured in perpetuity”* (paragraph 5.13).
- 6.15 A building of such excessive footprint, height and bulk, is unjustified and would cause visual harm to the rural surroundings and the pattern of ribbon development along Maidstone Road. Two previous applications for garages have been refused on this site – one, a two-bay garage set forward of the front building line of the dwelling, refused because it would have been *“incongruous in a consistent pattern of development in the countryside and would be detrimental to the setting of Weald Cottage”* (MA/06/1591); and the other, a three-bay garage with home office on the upper floor (of commensurate height with the current proposal, but not as long), positioned behind the rear building line of the dwelling, refused because *“its scale, cannot be considered to be modest and [it] would be visually incongruous in the countryside and overwhelm Weald Cottage causing unacceptable harm to its character and appearance”* (MA/07/0554). The current application takes no account of this planning history, but rather combines the grounds of objection of both of those previous proposals into one – excessive scale and harmfully dominant position, out of keeping with the surrounding pattern of development. As such, the proposal would be contrary to the adopted Local Plan policies, central government planning policy, and the guidance set out in the Council’s adopted residential extensions SPD, in that it would fail to respect the host dwelling and would cause unacceptable harm to the character and appearance of the countryside. For this reason planning permission should be refused.

### **Other Matters**

- 6.16 It is not considered that the proposal would result in a significant loss of light to any neighbouring residential occupiers, nor would it cause them a harmful loss of privacy or outlook, due to the distances involved.

6.17 The proposal would provide covered parking provision. No change is proposed to the access onto the A229.

6.18 In the absence of specialist advice to the contrary, and given the fairly limited (in terms of archaeological excavation) groundworks involved, I do not consider any archaeological mitigation measures to be justified in this instance.

6.19 In my judgement, no important trees would be lost. The Parish Council refer to some removal of vegetation. This would appear to have taken place at the access point into the site. The agent sets out in additional supporting comments to the Parish Council that :

*The applicant has simply increased the width of their driveway by removing 600mm of hedge and a tree that was obstructing access and visibility.*

*The driveway was becoming increasingly dangerous as visibility was so poor when leaving the site on to Maidstone Road that they had no choice but to remove a small section of hedge and the tree. Access was also an issue for deliveries which has seen delivery vans stopping on Maidstone Road as they could not access the site due to the limited width driveway opening which again was causing potential danger/obstruction on this busy main road.*

*It is also to be noted that the small amount of hedge and tree that was removed is on the complete opposite site of the site, approximately 32metres away, to the proposed location of the garage therefore to comment that the development would be obtrusive from the road and impacting on the street scene is simply not the case as the hedges have not been altered or removed where the garage is proposed to be located, therefore the natural screening / shielding remains completely as existing and unchanged.*

6.20 In terms of the hedge removal this would appear to be minimal, comments regarding the existing planting acting as screening are addressed in more detail above (paragraph 6.14)

6.21 Policy DM1 of the local plan sets out at point viii that proposals should ‘*protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.*’ Due to the nature and relative scale of the proposal and the existing residential use of the site, it is not considered appropriate/necessary to require any ecological surveys. However, the NPPF encourages the enhancement of biodiversity in the interests of sustainable development and consequently, had the development been found acceptable in all other respects, it would have been appropriate to attach a condition requesting that some form of on-site enhancement be provided either on the new outbuilding or within the curtilage.

6.22 The comment from Councillor Perry makes reference to local economic issues, but does not explain what these are. However, the application property is a domestic dwelling and the application is a householder application, so does not involve a change of use, plus there is nothing within the application to indicate that this building is in any way required for a business purpose. I noted a B&B sign outside during my site visit, but as stated, the application does not attempt to justify the development on that basis. The agent has set out in supporting statement in response to the Parish Council comments that the office space is ‘*to allow the applicant to work from and run his business from home.*’, but again this justification is limited and does not provide any further detail, nor any justification for the siting or size of the garage/office space.

6.23 Moreover, I do not consider that it is unacceptable in principle for the property to be provided with either a new garage or a home office, but these need to be achieved in a way that is not visually harmful. The plot is large and could easily accommodate structures of more appropriate design and scale in a less harmful location. As such, I am not persuaded that this application is the sole means of providing garaging and a home office for Weald Cottage, and am certainly not convinced that this solution is the least harmful.

## **7.0 CONCLUSION**

7.01 Taking all of the above into account, I conclude that the proposal does not comply with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and that there are no overriding material considerations to justify approval that outweigh the harm identified above. Nor does this re-submission take into account the very recent decision on the site and does not overcome those previous concerns. I therefore recommend refusal for the reasons set out below.

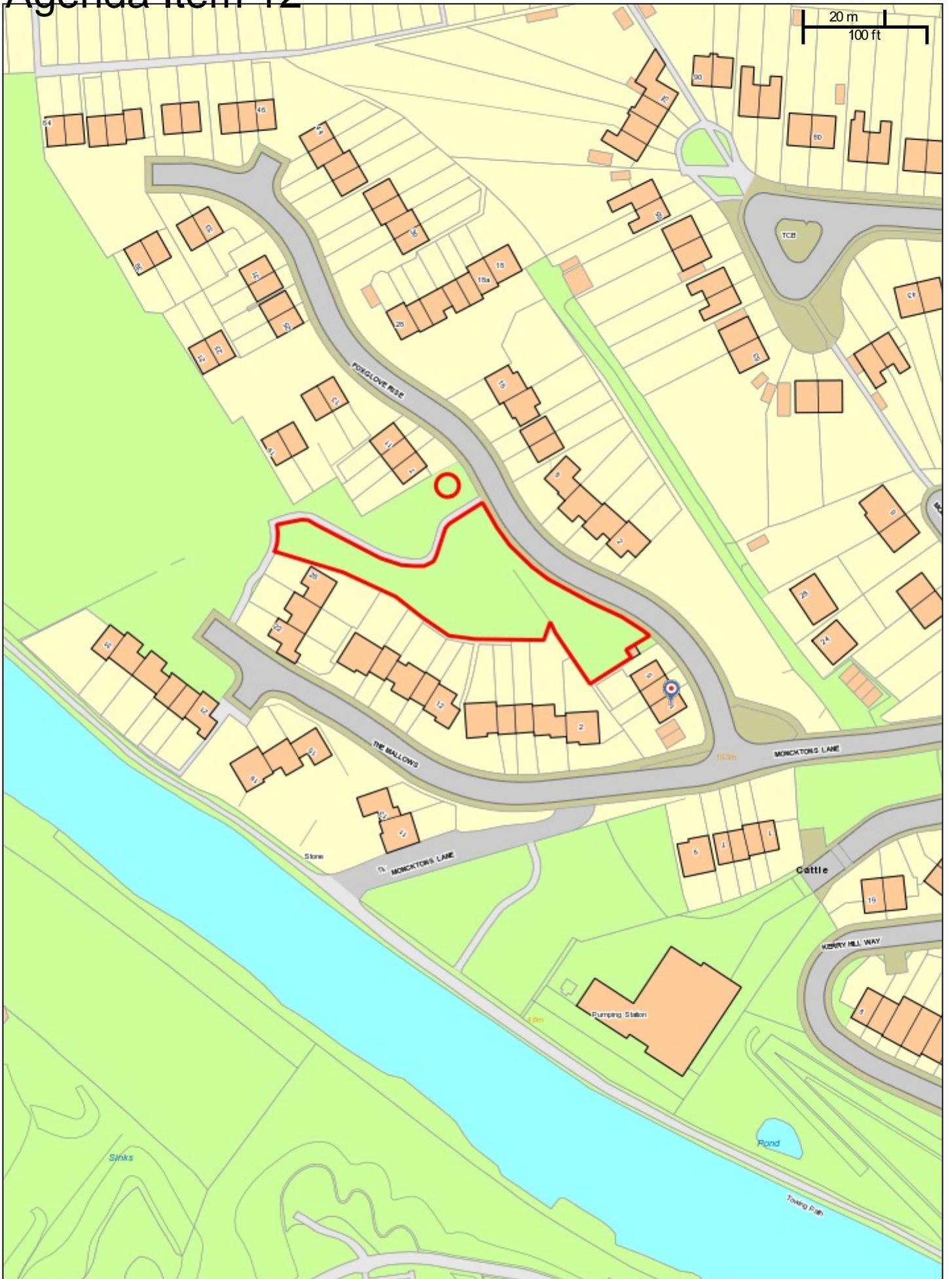
**8.0 RECOMMENDATION – REFUSE** for the following reasons following the expiry of the consultation period on 30<sup>th</sup> June 2021:

By reason of its excessive footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32, and the central government planning policy contained in The National Planning Policy Framework (February 2019).

Case Officer: Rachael Elliott

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

# Agenda Item 12



20/505891/TPOA Woodland off Foxglove Rise and The Mallows, Maidstone, Kent

Scale: 1:1250

Printed on: 10/6/2021 at 9:26 AM by JoannaW

## REPORT SUMMARY

<b>REFERENCE NO - 20/505891/TPOA</b>			
<b>APPLICATION PROPOSAL</b> Tree Preservation Order application: G1 = 8 Sycamore and 4 Hazel, G2 = 4 Sycamore, G3 = 4 Sycamore, T11 = Individual Pine - Crown lift all trees to 3m for maintenance purposes and to allow pedestrians to pass underneath.			
<b>ADDRESS</b> Woodland Off Foxglove Rise And The Mallows Maidstone Kent			
<b>RECOMMENDATION</b> Permit subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed works are considered appropriate arboricultural management.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.			
<b>WARD</b> North	<b>PARISH/TOWN COUNCIL</b> Unparished	<b>APPLICANT</b> Mr Andrew Jesson <b>AGENT</b> Caroline Everest	
<b>DECISION DUE DATE</b> 24/06/21	<b>PUBLICITY EXPIRY DATE</b> 25/05/21	<b>OFFICER SITE VISIT DATE</b> 10/06/21	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/505165/TPO	TPO application to fell 8x Sycamores	PER	22/11/2018
Permitted due to failure risk, subject to replacement planting			
17/505405/TPO	1no. Sycamore - to remove lower branches allowing 5m clearance above ground level.	PER	11/12/2017
TA/0030/10	Coppice 1 Hazel Tree	PER	19/05/2010
TA/0058/09	Crown lift one Sycamore tree to 3.5 metres over properties 2-4 the Mallows and fell both stems on one Sycamore tree as their crowns are interlinked	PER	11/06/2009

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The trees subject to this application are growing on amenity land situated to the west of Foxglove Rise and North of The Mallows.

## **2.0 PROPOSAL**

- 2.01 The proposed works are to crown lift all trees subject to Groups G1, G2 and G3 and individual tree T11 Pine to 3m above ground level. This involves the removal of lower branches up to the specified height, either back to the main stem(s) or by shortening of branch tips. There are no remaining trees in group G1 that can be crown lifted and T11 Pine does not have any lower branches below a height of 3m. The proposal therefore only applies to Groups G2 and G3.

## **3.0 PLANNING CONSTRAINTS**

- 3.01 Tree Preservation Order No.4 of 1989 G2 consisting of 4 Sycamore, G3 consisting of 4 Sycamore

## **4.0 POLICY AND OTHER CONSIDERATIONS**

- 4.01 Government Policy:  
National Planning Policy Framework (2019)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

- 4.02 Local Policy:  
Maidstone Borough Local Plan October 2017 - Policy DM 3

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

- 4.03 Compensation:  
A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed. Not applicable if approved.

## **5.0 LOCAL REPRESENTATIONS**

- 5.01 A site notice was displayed on 18/05/2021 and expired on 08/06/2021
- 5.02 3 representations were received from 3 neighbouring properties in The Mallows raising the following issues (summarised):
- Reduction of habitat and food source for wildlife. - The green space has become a haven for wildlife, especially recently, following the loss of so many ash trees by the River Medway towpath and the loss of habitat as a result of the massive housing development at Springfield.
  - Request that maintenance be restricted to verge clearance and crown lifting of trees to a maximum of 3m over the public footpath only.
  - The mature trees here are an important landscape feature and any loss of such trees will spoil the visual appearance of the area.

- Loss of a fence that has fallen down and has not been repaired or replaced. Request that this fence is reinstated as soon as possible, especially if you are intending to remove the shrubbery.
- Loss of privacy - work already carried out on two lime trees at the back of my property has already lost my privacy as the back of my property can be looked in to from foxglove rise by both pedestrians walking and houses opposite. If the council must lift these trees, can they not cut just the front of the tree and not the whole circumference of the trunk, that way we will have a least a little privacy left.
- Loss of tall plants was a form of security. Recent trimming of greenery next to the footpath that runs from Foxglove Rise to The Mallows has exposed all properties in the Mallows from No:2 to No:10 and allowed access to the back fences of our properties. You can now see into the back windows of all these gardens from this walkway.
- The trees and nature are lovely but maintain them they are way too tall and need regular maintenance, so they don't impact on our properties particularly Number 2 and 4 this end they are way too close to our houses.

## **6.0 CONSULTATIONS**

6.01 No responses received

## **7.0 BACKGROUND PAPERS AND PLANS**

7.01 Location plan submitted. Various correspondence between agent and case officer/validation team to clarify proposal.

## **8.0 APPRAISAL**

### **General appraisal of trees in G2 and G3**

8.01 Contribution to public visual amenity:  
Good – clearly visible to the public

Condition:  
Good – no significant defects noted

Useful life expectancy:  
Very Long - with an estimated remaining life expectancy of at least 40 Years

### **Visual Impact**

8.02 The proposed crown lifting of the trees to 3m above ground level will have some visual impact but will not appear excessive in relation to the height of the trees.

### **Residential Amenity**

8.03 The representations cite loss of privacy and security as a result of the proposed works, but this also includes other works to trees and vegetation not subject to the Tree Preservation Order. However, TPOs serve to protect public, not private amenity and it is unreasonable to expect vegetation on adjoining land to provide security or privacy.

### **Tree condition**

- 8.04 The trees in G2 and G3 are mature Sycamore of up to 22 metres in height with varying stem diameters of around 60cm. They form a prominent group of good overall form. No significant defects were noted during inspection and the trees appear to be in good condition for their age and size. More stems are present than listed in the TPO, with some possibly being multi-stemmed.

### **Impact of proposed works on tree health**

- 8.05 The proposed works will not result in the removal of any significant limbs with maximum pruning wound size not exceeding 100mm. The extent of crown lifting proposed will not exceed recommended limits. It is therefore considered that the works are in accordance with the recommendations of British Standard 3998. As such they are considered to be acceptable arboricultural management.

### **Loss of wildlife habitat**

- 8.06 The proposed removal of lower branches from the trees could result in some loss of wildlife habitat, but it is not considered that this is significant in relation to the size of the trees and the amount of habitat that would remain. There is no evidence to suggest that protected species might be disturbed as a result of the proposed works.

## **9.0 CONCLUSION**

- 9.01 The proposed works will not have a significant detrimental impact on the long-term health of the trees or their contribution to public amenity and are therefore considered acceptable arboricultural management.

## **10.0 RECOMMENDATION – GRANT** Subject to the following conditions:

### CONDITIONS to include

- (1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

### INFORMATIVES

- (1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

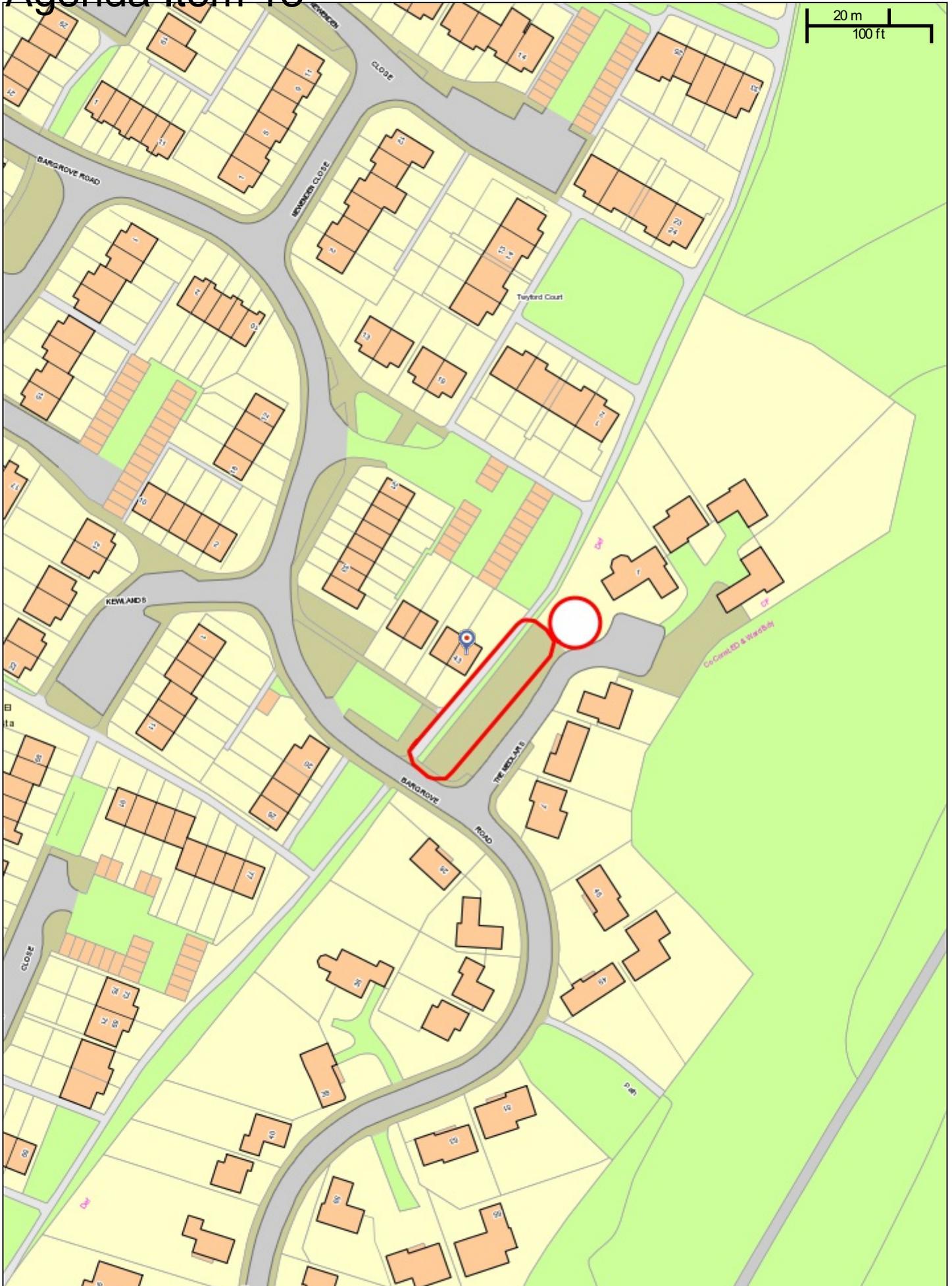
- (2) The Council's decision does not override the need to obtain the tree owner's consent for works beyond your boundary.

Case Officer: Nick Gallavin

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

# Agenda Item 13



20 m  
100 ft

## REPORT SUMMARY

<b>REFERENCE NO - 21/500489/TPOA</b>			
<b>APPLICATION PROPOSAL</b> TPO Application for 6 x trees (consisting of mixed Acer, Crataegus and Quercus- as shown on tree location plan)- crown lift all to 2.8m and thin by 15%.			
<b>ADDRESS</b> 43 Bargrove Road Maidstone Kent ME14 5RT			
<b>RECOMMENDATION</b> Permit subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed works are considered appropriate arboricultural management.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.			
<b>WARD</b> East	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Maidstone Borough Council <b>AGENT</b> Qualitree Services	
<b>DECISION DUE DATE</b> 30/04/21	<b>PUBLICITY EXPIRY DATE</b> 29/03/21	<b>OFFICER SITE VISIT DATE</b> 31/12/20	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
19/505893/TPOA	Remove one Acer; Reduce all crowns of group of trees (consisting of mixed Acer, Crataegus, and Quercus) from property (lateral branches only, from 6.5m to 4m) , crown lift all to 2.8m and thin crowns by 15%, and sever all Ivy.	Withdrawn by applicant	09/02/2021
<i>Summarise Reasons</i> Withdrawn for revised proposal to be submitted			

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The trees subject to this application are growing on amenity land situated to the east of 43 Bargrove Road and West of The Medlars. Public bridleway KB36 runs alongside the trees on their west side.

### 2.0 PROPOSAL

- 2.01 The proposed works are to crown lift the trees to a height of 2.8 metres above ground level. This involves the removal of lower branches up to the specified height, either back to the main stem(s) or by shortening of branch tips. The proposed works also include crown thinning by 15%. This involves the removal of the specified proportion

of crown volume by the selective removal of branches to reduce crown density without reducing the overall crown dimensions.

### **3.0 PLANNING CONSTRAINTS**

3.01 Tree Preservation Order No.1 of 1954 Area A1

### **4.0 POLICY AND OTHER CONSIDERATIONS**

4.01 Government Policy:  
National Planning Policy Framework (2019)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

4.02 Local Policy:  
Maidstone Borough Local Plan October 2017 - Policy DM 3

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

4.03 Compensation:  
A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed. Not applicable if approved.

### **5.0 LOCAL REPRESENTATIONS**

5.01 A site notice was displayed on 18/05/2021 and expired on 08/06/2021

5.02 3 representations were received from 3 neighbouring properties in The Medlars raising the following issues (summarised):

- Understand the need to trim/crown lift over the bridleway but object to the extent of the work proposed.
- Loss of Privacy
- Visual appearance
- Natural barrier between The Medlars and the bridleway will be lost
- Detrimental effect on wildlife habitat.
- Will create gaps between the trees, which will allow people to take a short cut from the bridleway/footway into The Medlars and vice versa.
- Dogs, off their leads, are more likely to get onto the grass amenity area adjacent to the trees and defecate there, causing a health hazard.
- A crown lift to 2.8m would destroy the screen which provides privacy and some security.

### **6.0 CONSULTATIONS**

6.01 No responses received

## **7.0 BACKGROUND PAPERS AND PLANS**

7.01 Location plan submitted.

## **8.0 APPRAISAL**

### **General appraisal of tree group**

8.01 Contribution to public visual amenity:  
Good – clearly visible to the public

Condition:  
Good – no significant defects noted

Useful life expectancy:  
Very Long - with an estimated remaining life expectancy of at least 40 Years

### **Visual Impact**

8.02 The proposed works will have limited visual impact. Crown lifting the trees from the current clearance of about 2m over the bridleway to 2.8m will have limited impact on public amenity value and will not appear excessive in relation to the height of the trees. Crown thinning by 15% will have negligible impact as the overall crown size will remain unchanged.

### **Residential Amenity**

8.03 The representations cite loss of privacy, loss of undergrowth creating gaps for access by people and dogs to the green alongside The Medlars as potential problems resulting from the proposed works. The TPO can only control works proposed to the mature trees present (only trees present at the time the TPO was made in 1954 are subject to the Order). It does not control works to other trees, shrubs or other plants present. TPOs serve to protect public, not private amenity and it is unreasonable to expect vegetation on adjoining land to provide security or privacy. It is not considered that the works to the trees will have a significant impact in such matters. The concerns raised in this respect should be dealt with by communication between the residents concerned and the Parks team, who have been made aware of the issues raised so that these matters can be discussed prior to works commencing.

### **Tree Condition**

8.04 The trees are a linear group including Sycamore, Hawthorn, Beech and Oak reaching up to 18m in height with radial crown spread of up to 6m. They appear to be in reasonable health for their age, but understorey growth and ivy cover hindered a full inspection.

### **Impact of proposed works on tree health**

8.05 The proposed works will not result in the removal of any significant limbs with maximum pruning wound size not exceeding 100mm. The extent of crown thinning proposed will not exceed recommended limits. It is therefore considered that the works are in accordance with the recommendations of British Standard 3998. As such they are considered to be acceptable arboricultural management.

### **Impact of proposed works on wildlife habitat**

- 8.06 It is not considered that the proposed works will have a significant impact on wildlife habitat. The concerns raised about the potential removal of undergrowth and ivy (which are not controlled by the TPO) are more likely to be detrimental to wildlife habitat. There is no evidence to suggest that protected species might be disturbed as a result of the proposed works.

### **9.0 CONCLUSION**

- 9.01 The proposed works will not have a significant detrimental impact on the long-term health of the trees or their contribution to public amenity and are therefore considered acceptable arboricultural management.

### **10.0 RECOMMENDATION – GRANT** Subject to the following conditions:

CONDITIONS to include

- (1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

### **INFORMATIVES**

- (1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

- (2) The Council's decision does not override the need to obtain the tree owner's consent for works beyond your boundary.

Case Officer: Nick Gallavin

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

**Urgent Update: Planning Committee 24 June 2021**

**Item 23 Pages 113 - 117**

**43 Bargrove Road**

**APPLICATION: 21/500489/TPOA**

The reduction of all crowns of trees from the property was included on the application form but omitted from the proposal description in error. The applicant has verbally confirmed that the proposal includes the cutting back of growth to create a clearance of 2 metres from the house at 43 Bargrove Road.

Officer comment

The proposal to cut back from the property is minor works and such action is generally considered appropriate arboricultural management to prevent direct damage to buildings. It is therefore recommended that the proposal description is amended to include this additional operation.

**The recommendation remains unchanged**

# Agenda Item 14

**Planning Committee**

**24<sup>th</sup> June 2021**

## **Planning Committee Training**

<b>Final Decision-Maker</b>	Planning Committee
<b>Lead Head of Service</b>	Angela Woodhouse, Head of Policy & Communications
<b>Lead Officer and Report Author</b>	Rob Jarman, Head of Planning and Development James Bailey – Development Manager
<b>Classification</b>	Public
<b>Wards affected</b>	All

### **Executive Summary**

This report outlines Planning Committee Members' and Substitute Members' responsibilities to ensure they comply with the Council's Constitution by ensuring their knowledge and understanding of current local and national planning policies and legislation remains up to date, while serving on or supporting the Committee.

The report also strongly recommends attendance at a programme of optional training for Planning Committee Members and Substitute Members to facilitate their planning knowledge while serving on or supporting the Committee.

### **Purpose of Report**

To agree the training requirements for Planning Committee Members and Substitute Members and to make a referral to Policy and Resources Committee to notify them of the training programme agreed by Planning so that the Committee can complete their training in the event the Planning Referrals process is invoked.

### **This report makes the following recommendations to this Committee:**

- 1. That new Planning Committee Members and new Substitute Members** complete Planning Training by the end of September 2021, covering the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Grounds of Refusal of Planning Applications, Section 106 Agreements/CIL and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) in order to fulfil the requirements in the Constitution.
- 2. That existing experienced Planning Committee Members and Substitute Members** complete training covering Enforcement and the duty under Section 38(6) of the Planning and Compulsory Act 2004 together with training on the Development Plan to fulfil the requirements in the Constitution by February 2022.

3. **That Planning Committee Members and Substitute Members** are strongly recommended to complete the following optional training sessions by February 2022:
  - Between 2-3 specialised/best practice subject area sessions covering those topics set out in Appendix 1.
4. **That Parish Councils be invited to all training events**
5. **That training sessions be delivered virtually**
6. **That a referral be made to Policy and Resources Committee to notify them of the training programme agreed by Planning so that the Committee can complete their training in the event the Planning Referrals process is invoked**

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Planning Committee	24 <sup>th</sup> June 2021

# Planning Committee Training

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Embracing Growth and Enabling Infrastructure</i></li> <li>• <i>Safe, Clean and Green</i></li> <li>• <i>Homes and Communities</i></li> <li>• <i>A Thriving Place</i></li> </ul> <p><i>Accepting the recommendations will materially improve the Council's ability to achieve corporate priorities. We set out the reasons other choices will be less effective in section 2.</i></p>	Rob Jarman James Bailey Austin Mackie
<b>Cross Cutting Objectives</b>	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Heritage is Respected</i></li> <li>• <i>Health Inequalities are Addressed and Reduced</i></li> <li>• <i>Deprivation is reduced and Social Mobility is Improved</i></li> <li>• <i>Biodiversity and Environmental Sustainability is respected</i></li> </ul> <p><i>The report recommendation(s) supports the achievement(s) of the cross-cutting objectives by ensuring Members are kept up to date on existing and proposed legislative changes and best practise.</i></p>	Rob Jarman James Bailey Austin Mackie
<b>Risk Management</b>	<p><i>Already covered in the risk section</i></p>	Rob Jarman
<b>Financial</b>	<ul style="list-style-type: none"> <li>• <i>The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.</i></li> </ul>	Rob Jarman
<b>Staffing</b>	<ul style="list-style-type: none"> <li>• <i>We will deliver the recommendations with our current staffing. We will liaise with the</i></li> </ul>	Rob Jarman

	<i>Policy and Communications team to establish whether a bespoke on-line training package can be delivered.</i>	
<b>Legal</b>	<ul style="list-style-type: none"> <li>• <i>Accepting the recommendations will fulfil the Council's duties under the Constitution. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of the Constitution.</i></li> </ul>	Legal Team
<b>Privacy and Data Protection</b>	<ul style="list-style-type: none"> <li>• <i>Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.</i></li> </ul>	Policy and Information Team
<b>Equalities</b>	<ul style="list-style-type: none"> <li>• <i>The recommendations do not propose a change in service therefore will not require an equalities impact assessment</i></li> </ul>	Policy & Information Manager
<b>Public Health</b>	<ul style="list-style-type: none"> <li>• <i>We recognise that the recommendations will not negatively impact on population health or that of individuals.</i></li> </ul>	Public Health Officer
<b>Crime and Disorder</b>	<i>The recommendation will not have a negative impact on Crime and Disorder.</i>	Rob Jarman

## **2. INTRODUCTION AND BACKGROUND**

2.1 The Council's Constitution sets out the responsibilities of Planning Committee Members and Substitute Members.

2.2 The Council's Constitution, Part 4.4 (Local Code of Conduct for Councillors and Officers dealing with planning matters), Section 1.c states, under **"THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS"**:

*"The Council has agreed that no Councillor will be able to serve on this Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to this Committee as specified by the Committee. This training must be completed to an agreed programme set by the Committee annually with a due date for completion. New members must receive training, but the programme may include no training provision for experienced members*

*unless there have been relevant changes to legislation, policies, or guidance.*

*If a Councillor has not completed the specified training by the due date, the Councillor will cease to a member/substitute member of this committee until the training has bene completed. The Head of Policy, Communications and Governance will keep a record of the training requirements of this Committee and of Councillors compliance with the requirements.*

2.3 Further, Part 4.4 Section 20 states under “**TRAINING**”:

*Training requirements for Planning Committee Members and Substitute Members are set out in 1 (c) of this code.*

*All Councillors should receive basic training on planning issues.*

2.4 Previous reports to Planning Committee confirmed that investigations had been carried out into an electronic version of fresher training which would allow members to self-serve from a selection of topic-based subjects. Unfortunately, there were no market options available at the time and this would have required a bespoke suite of training packages to be developed and implemented. This option was not pursued any further due to resource and cost implications.

2.5 However, matters have changed significantly since these previous reports were presented to Planning Committee with a greater use of agile and mobile training, especially during the Covid crisis. It is therefore considered reasonable to investigate these options again to ascertain if there is a package that can be developed, or tailor made to suit the needs of Councillors.

2.6 This option will be investigated further to see if a package can be developed for use in the next financial year.

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### **3. AVAILABLE OPTIONS**

#### *3.1 Option 1*

Planning committee members and substitute members should attend as follows:

- **That new Planning Committee Members and new Substitute Members** complete Planning Training by the end of September 2021, covering the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Grounds of Refusal of Planning Applications, Section 106 Agreements/CIL and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) in order to fulfil the requirements in the Constitution.

- **That existing experienced Planning Committee Members and Substitute Members** complete refresher training covering Enforcement and the duty under Section 38(6) of the Planning and Compulsory Act 2004 together with training on the Development Plan to fulfil the requirements in the Constitution.
- **That Planning Committee Members and Substitute Members** are strongly recommended to complete the following optional training sessions:
  - Between 2-3 specialised/best practice subject area sessions covering those topics set out in Appendix 1.
- **That Parish Councils be invited to all training events**
- **That training sessions be delivery virtually**

### 3.2 *Option 2*

The same as bullet points 1 and 3 above but with a change to bullet point 2 in so far as experienced planning committee and substitute members are not required to attend refresher training covering Enforcement and the duty under Section 38(6) of the Planning and Compulsory Act 2004 together with training on the Development Plan.

### 3.3 *Option 3*

The same as bullet points 1 and 3 above but with a change to bullet point 2 in so far as experienced planning committee and substitute members select refresher training of their choice.

### 3.4 *Option 4*

Members of the Planning Committee and Substitute Members, including both experienced and new members do not attend training events.

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## **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1 is the preferred option as it provides for the training needs of new committee members and substitutes on key areas which are essential for new members to make informed and accurate decisions on planning applications and complies with the requirements of the Constitution.
- 4.2 This option also provides for refresher training for experienced members on topic areas which are key to the decision-making process and take in account previous training requirements. This also complies with the requirements of the Constitution.
- 4.3 This option also caters for additional training, which is voluntary but advisory, that members attend at least 2 subject area sessions. This will help expand the knowledge base of members and provide updates on new

areas of legislation and best practise. This would meet the requirements of the Constitution.

- 4.4 This option also builds upon experiences gained over the last year during Covid where the only options available for training were via virtual means. Experience has shown that attendance increased with a greater number of attendees able to participate. The intention would be to record the training sessions (subject to agreement) and make these available for viewing later. This would potentially facilitate an even greater uptake of training as members could review these sessions at a later date and enable a form of self-assessment for training to be undertaken.
- 4.5 Options 2 and 3 are not favoured because the refresher training has been selected based on past training.
- 4.6 Option 4 is not favoured as it fails to meet the basic requirements of the Constitution and leaves the Council open to challenge.
- 

## **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
- 

## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 A draft schedule of training topics is included as Appendix 1. We would like to extend invites to Parish Council Members and therefore a format of virtual events using Teams is the preferred option as this enables unlimited numbers to attend and is more suited to informal training. Members would then be invited to the virtual events.
- 

## **7. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- *Appendix 1: Draft Training Programme*

Appendix 1 - Draft Training Programme 2021/22

Date/Time	Title	Location
Mon - TBC 18:00	Induction Training for New Members and Substitute Member. This will be held over two sessions and cover Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Grounds of Refusal, S106 Agreements/CIL and Legal Training including pre-determination and judicial Reviews.	Virtual
Mon - TBC 18:00	Second session on New Member and Substitute Member training	Virtual
Mon - TBC 18:00	Enforcement	Virtual
Mon - TBC 18:00	Section 38(6) and the Development Plan	Virtual
Mon - TBC 18:00	Permitted Development and Prior Notifications	Virtual
Mon - TBC 18:00	Countryside Policy	Virtual
Mon - TBC 18:00	Design	Virtual
Mon - TBC 18:00	Ecology	Virtual
Mon - TBC 18:00	Trees and Heritage	Virtual
Mon - TBC 18.00	Building Regulations - an introduction and changes to be brought about by the Building Safety Bill	Virtual

**Planning Committee Training**

<b>Final Decision-Maker</b>	Planning Committee
<b>Lead Head of Service</b>	Angela Woodhouse, Head of Policy & Communications
<b>Lead Officer and Report Author</b>	Rob Jarman, Head of Planning and Development James Bailey – Development Manager
<b>Classification</b>	Public
<b>Wards affected</b>	All
<b>Update to Report</b>	This report updates the recommendations set out in the original version and highlights the changes in red for ease of clarity.

**Executive Summary**

This report outlines Planning Committee Members' and Substitute Members' responsibilities to ensure they comply with the Council's Constitution by ensuring their knowledge and understanding of current local and national planning policies and legislation remains up to date, while serving on or supporting the Committee.

The report also strongly recommends attendance at a programme of optional training for Planning Committee Members and Substitute Members to facilitate their planning knowledge while serving on or supporting the Committee.

**Purpose of Report**

To agree the training requirements for Planning Committee Members and Substitute Members and to make a referral to Policy and Resources Committee to notify them of the training programme agreed by Planning so that that Committee can complete their training in the event the Planning Referrals process is invoked.

**This report makes the following recommendations to this Committee:**

1. That this Committee approve the Training Programme in Appendix 1.
2. **That the following Members:**
  - 2.1. **new Planning Committee Members**
  - 2.2. **new Substitute Members and**
  - 2.3. **those Planning Committee Members and Substitute Members returning to the Committee after a break**

must complete the Induction Training and Enforcement Training as outlined in Appendix 1 by the end of September 2021, failing which such Member shall be disqualified from participation in Planning Committee until this training has been completed.

3. **That all other Planning Committee Members and Substitute Members** must complete training covering Enforcement and the duty under Section 38(6) of the Planning and Compulsory Act 2004 together with refresher training on the Development Plan as outlined in Appendix 1 by the end of January 2022, failing which such Member shall be disqualified from participation in Planning Committee until this training has been completed.
4. **That it is strongly recommended that all Planning Committee Members and Substitute Members** complete at least 2 specialised/best practice subject area sessions (other than those in recommendations 2 and 3) covering those other topics set out in Appendix 1.
5. **That Parish Councils be invited to all training events.**
6. **That training sessions be delivered virtually.**
7. **That a referral be made to Policy and Resources Committee ("P&R")**
  - 7.1. to notify them of the training programme in Appendix 1 and
  - 7.2. Unless Members have already undergone Induction training under recommendation 2 or are an existing Member as contemplated by recommendation 3, that all Members (including Substitute Members) of P&R must undergo Induction Training as outlined in Appendix 1 by the end of September 2021 if they are to sit as Members (or Substitute Members) of the Planning Referrals body should P&R be required to sit in that capacity. If P&R are required to meet prior to Members having completed that training, such training will need to be completed prior to the meeting of the Planning Referrals body. A failure to complete this training will disqualify that Members participation in the Planning Referral body until this training has been completed.

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Planning Committee	24 <sup>th</sup> June 2021

# Planning Committee Training

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Embracing Growth and Enabling Infrastructure</i></li> <li>• <i>Safe, Clean and Green</i></li> <li>• <i>Homes and Communities</i></li> <li>• <i>A Thriving Place</i></li> </ul> <p><i>Accepting the recommendations will materially improve the Council's ability to achieve corporate priorities. We set out the reasons other choices will be less effective in section 2.</i></p>	Rob Jarman James Bailey Austin Mackie
<b>Cross Cutting Objectives</b>	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Heritage is Respected</i></li> <li>• <i>Health Inequalities are Addressed and Reduced</i></li> <li>• <i>Deprivation is reduced and Social Mobility is Improved</i></li> <li>• <i>Biodiversity and Environmental Sustainability is respected</i></li> </ul> <p><i>The report recommendation(s) supports the achievement(s) of the cross-cutting objectives by ensuring Members are kept up to date on existing and proposed legislative changes and best practise.</i></p>	Rob Jarman James Bailey Austin Mackie
<b>Risk Management</b>	<p><i>Already covered in the risk section</i></p>	Rob Jarman
<b>Financial</b>	<ul style="list-style-type: none"> <li>• <i>The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.</i></li> </ul>	Rob Jarman

<b>Staffing</b>	<ul style="list-style-type: none"> <li><i>We will deliver the recommendations with our current staffing. We will liaise with the Policy and Communications team to establish whether a bespoke on-line training package can be delivered.</i></li> </ul>	Rob Jarman
<b>Legal</b>	<ul style="list-style-type: none"> <li><i>Accepting the recommendations will fulfil the Council's duties under the Constitution. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of the Constitution.</i></li> </ul>	Legal Team
<b>Privacy and Data Protection</b>	<ul style="list-style-type: none"> <li><i>Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.</i></li> </ul>	Policy and Information Team
<b>Equalities</b>	<ul style="list-style-type: none"> <li><i>The recommendations do not propose a change in service therefore will not require an equalities impact assessment</i></li> </ul>	Policy & Information Manager
<b>Public Health</b>	<ul style="list-style-type: none"> <li><i>We recognise that the recommendations will not negatively impact on population health or that of individuals.</i></li> </ul>	Public Health Officer
<b>Crime and Disorder</b>	<i>The recommendation will not have a negative impact on Crime and Disorder.</i>	Rob Jarman

## **2. INTRODUCTION AND BACKGROUND**

2.1 The Council's Constitution sets out the responsibilities of Planning Committee Members and Substitute Members.

2.2 The Council's Constitution, Part 4.4 (Local Code of Conduct for Councillors and Officers dealing with planning matters), Section 1.c states, under "**THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS**":

*"The Council has agreed that no Councillor will be able to serve on this Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to this Committee as specified by the Committee. This training must be completed to an agreed programme set by the Committee annually with a*

*due date for completion. New members must receive training, but the programme may include no training provision for experienced members unless there have been relevant changes to legislation, policies, or guidance.*

*If a Councillor has not completed the specified training by the due date, the Councillor will cease to a member/substitute member of this committee until the training has bene completed. The Head of Policy, Communications and Governance will keep a record of the training requirements of this Committee and of Councillors compliance with the requirements.*

2.3 Further, Part 4.4 Section 20 states under “**TRAINING**”:

*Training requirements for Planning Committee Members and Substitute Members are set out in 1 (c) of this code.*

*All Councillors should receive basic training on planning issues.*

2.4 Previous reports to Planning Committee confirmed that investigations had been carried out into an electronic version of fresher training which would allow members to self-serve from a selection of topic-based subjects. Unfortunately, there were no market options available at the time and this would have required a bespoke suite of training packages to be developed and implemented. This option was not pursued any further due to resource and cost implications.

2.5 However, matters have changed significantly since these previous reports were presented to Planning Committee with a greater use of agile and mobile training, especially during the Covid crisis. It is therefore considered reasonable to investigate these options again to ascertain if there is a package that can be developed, or tailor made to suit the needs of Councillors.

2.6 This option will be investigated further to see if a package can be developed for use in the next financial year.

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### **3. AVAILABLE OPTIONS**

3.1 *Option 1*

- **That the following Members:**

**New Planning Committee Members  
New Substitute Members and  
Those Planning Committee Members and Substitute Members  
returning to the Committee after a break**

complete the Induction Training and Enforcement Training as outlined in Appendix 1 by the end of September 2021, failing which such Member shall

be disqualified from participation in Planning Committee until this training has been completed.

- **That all other Planning Committee Members and Substitute Members** must complete training covering Enforcement and the duty under Section 38(6) of the Planning and Compulsory Act 2004 together with refresher training on the Development Plan as outlined in Appendix 1 by the end of January 2022, failing which such Member shall be disqualified from participation in Planning Committee until this training has been completed.
- **That it is strongly recommended that all Planning Committee Members and Substitute Members** complete at least 2 specialised/best practice subject area sessions (other than those in recommendations 1 and 2) covering those other topics set out in Appendix 1.
- **That Parish Councils be invited to all training events**
- **That training sessions be delivery virtually**

### 3.2 *Option 2*

The same as bullet points 1 and 3 above but with a change to bullet point 2 in so far as **all other** planning committee and substitute members are not required to attend refresher training covering Enforcement and the duty under Section 38(6) of the Planning and Compulsory Act 2004 together with training on the Development Plan.

### 3.3 *Option 3*

The same as bullet points 1 and 3 above but with a change to bullet point 2 in so far as **all other** planning committee and substitute members select refresher training of their choice.

### 3.4 *Option 4*

Members of the Planning Committee and Substitute Members, including both new members and **all other members** do not attend training events.

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## 4. **PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1 is the preferred option as it provides for the training needs of new committee members and substitutes on key areas which are essential for new members to make informed and accurate decisions on planning applications and complies with the requirements of the Constitution.
- 4.2 This option also provides for refresher training for **all other** members on topic areas which are key to the decision-making process and take in account previous training requirements. This also complies with the requirements of the Constitution.

- 4.3 This option also caters for additional training, which is voluntary but advisory, that members attend at least 2 subject area sessions. This will help expand the knowledge base of members and provide updates on new areas of legislation and best practise. This would meet the requirements of the Constitution.
- 4.4 This option also builds upon experiences gained over the last year during Covid where the only options available for training were via virtual means. Experience has shown that attendance increased with a greater number of attendees able to participate. The intention would be to record the training sessions (subject to agreement) and make these available for viewing later. This would potentially facilitate an even greater uptake of training as members could review these sessions at a later date and enable a form of self-assessment for training to be undertaken.
- 4.5 Options 2 and 3 are not favoured because the refresher training has been selected based on past training.
- 4.6 Option 4 is not favoured as it fails to meet the basic requirements of the Constitution and leaves the Council open to challenge.
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## **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
- 

## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 A draft schedule of training topics is included as Appendix 1. We would like to extend invites to Parish Council Members and therefore a format of virtual events using Teams is the preferred option as this enables unlimited numbers to attend and is more suited to informal training. Members would then be invited to the virtual events.
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## **7. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- *Appendix 1: Draft Training Programme*

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 24<sup>th</sup> June 2021**

### **APPEAL DECISIONS:**

- 1. 20/505107/FULL** Demolition of conservatory, raising of eaves and ridge height of existing dwelling to create first floor, insertion of rooflights to north-east elevation, alterations to rear solar panels, new roofs to front projecting bay windows, alterations to fenestration to front porch and all elevations and internal re-configuration.

**APPEAL:** DISMISSED

Thornhills  
Northdown Close  
Maidstone  
Kent  
ME14 2ER

(Delegated)

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- 2. 20/501510/FULL** Erection of an earth bund.

**APPEAL:** DISMISSED

Woodlands  
Stockbury Valley  
Stockbury  
Sittingbourne  
Kent  
ME9 7QN

(Delegated)

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- 3. 20/501927/FULL** Construction of a single storey log cabin for use as occasional holiday let, with associated oil tank and sewage treatment plant (Part Retrospective) (Resubmission of 19/502550/FULL)

**APPEAL:** DISMISSED

**COSTS:** ALLOWED

Newlay Farm  
Scragged Oak Road  
Detling  
Maidstone  
Kent  
ME14 3HN

(Delegated)

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- 4. 20/501750/FULL** Erection of detached dwelling. (Resubmission of 19/505511/FULL)

**APPEAL:** ALLOWED

Land Rear Of 13 Manor Close  
Bearsted  
Maidstone  
Kent  
ME14 4BY

(Committee)

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- 5. 20/503150/FULL** Demolition of all existing kennels and cattery buildings and erection of 4no. dwellings with associated landscaping.

**APPEAL:** DISMISSED

**APPELLANT COSTS:** REFUSED

**LPA COSTS:** REFUSED

Stilebridge Kennels  
Stilebridge Lane  
Linton  
Maidstone  
Kent  
ME17 4DE

(Delegated)

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- 6. 20/501800/OUT** Outline application for the erection of three detached dwellings (Access and Layout being sought) as shown on drawings: 01A; 02A; and 03A.

**APPEAL:** DISMISSED

Land Rear Of Redic House  
Warmlake Road  
Sutton Valence  
Kent  
ME17 3LP

(Delegated)

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- 7. 20/502111/FULL** Demolition of existing buildings and the erection of a single detached dwelling with associated garden store, parking, access and landscaping works.

**APPEAL:** DISMISSED

Land North Of  
Pleasant Valley Lane  
East Farleigh  
Maidstone  
Kent  
ME15 0BB

(Delegated)

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- 8. 20/501296/FULL** Erection of a detached dwelling and associated parking, access and turning.

**APPEAL:** DISMISSED

The Former Mulberry Tree  
Hermitage Lane  
Boughton Monchelsea  
Maidstone  
Kent  
ME17 4DA

(Delegated)

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- 9. 20/501090/FULL** Change of use from Class A4 (drinking establishment) to Class C3 (residential) and erection of two storey rear extension.
- APPEAL:** ALLOWED
- COSTS:** DISMISSED
- Clothworkers Arms  
Lower Road  
Sutton Valence  
Maidstone  
Kent  
ME17 3BL
- (Committee)
- 
- 10. 20/502836/FULL** Demolition of existing barn, removal of existing yard area, and erection of 2no. dwellings (revised scheme to 19/504561/FULL).
- APPEAL:** DISMISSED
- Aydhurst Farm Oast  
Marden Road  
Staplehurst  
Tonbridge  
Kent  
TN12 0PD
- (Delegated)
- 
- 11. 20/502032/FULL** Demolition of existing site structures (barn, stables, mobile home, shed) and erection of 3 dwellings with accompanying parking and landscaping (resubmission of 19/506110/FULL).
- APPEAL:** DISMISSED
- Lower Bell Riding School  
Back Lane  
Boughton Monchelsea  
Maidstone  
Kent  
ME17 4JR
- (Committee)

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**12. 20/503158/FULL**

Demolition of existing buildings and erection of a detached three bedroom bungalow with associated access, parking, amenity and landscaping.

**APPEAL: ALLOWED**

Chapel Nursery  
Pleasant Valley Lane  
East Farleigh  
Maidstone  
Kent  
ME15 0BB

(Delegated)