

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 20 APRIL 2023

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, McKenna, Munford, Perry, Trzebinski, D Wilkinson and Young
Visiting Members:	Councillors Coates, Harper and J Sams

257. APOLOGIES FOR ABSENCE

There were no apologies for absence.

258. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

259. NOTIFICATION OF VISITING MEMBERS

Councillors Coates and Harper indicated their wish to speak on the reports of the Head of Development Management relating to the following applications:

22/505206/FULL - 14 Charles Street, Maidstone, Kent

22/505414/FULL - 2 Charlton Street, Maidstone, Kent

22/503535/FULL - 101 Milton Street, Maidstone, Kent

Councillor Harper also indicated his wish to speak on the report of the Head of Development Management relating to application 22/505747/FULL - Springwood Road Nurses Accommodation, Springwood Road, Barming, Kent.

Councillor J Sams indicated her wish to speak on the report of the Head of Development Management relating to application 20/504976/FULL - Little Dene, Lenham Heath Road, Lenham Heath, Kent.

260. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

261. URGENT ITEMS

The Chairman said that he intended to take the update reports of the Head of Development Management and the verbal updates in the Officer presentations as urgent items as they contained further information relating to the applications to be considered at the meeting.

262. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

263. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

12.	22/502529/TPOA - Holtye Cottage, Headcorn Road, Staplehurst, Kent	Councillor Perry
13.	23/500230/FULL - Land at Forsham House, Forsham Lane, Sutton Valence, Kent	Councillors Brindle, Cox, English, Harwood, McKenna, Munford, Perry, Spooner, Trzebinski, D Wilkinson and Young
14.	20/504976/FULL - Little Dene, Lenham Heath Road, Lenham Heath, Kent	Councillors Brindle, Cox, English, Harwood, McKenna, Munford, Perry, D Wilkinson and Young
15.	23/500195/FULL - 1 Skye Close, Maidstone, Kent	No Lobbying
16.	23/500381/FULL - Land Adjacent to The Hawthorns, Pye Corner, Ulcombe, Kent	Councillor Trzebinski
17.	22/505206/FULL - 14 Charles Street, Maidstone, Kent	Councillors English and D Wilkinson
18.	22/505414/FULL - 2 Charlton Street, Maidstone, Kent	Councillors English and D Wilkinson
19.	22/503535/FULL - 101 Milton Street, Maidstone, Kent	Councillors English and D Wilkinson
20.	22/505747/FULL - Springwood Road Nurses Accommodation, Springwood Road, Barming, Kent	Councillors English, Harwood, McKenna, Perry and D Wilkinson

264. EXEMPT ITEMS

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

265. MINUTES OF THE MEETING HELD ON 23 MARCH 2023

RESOLVED: That the Minutes of the meeting held on 23 March 2023 be approved as a correct record and signed.

266. PRESENTATION OF PETITIONS

There were no petitions.

267. 23/500230/FULL - ERECTION OF A CARE VILLAGE COMPRISING OF A 87 NO. BED CARE HOME AND 12 ASSISTED LIVING APARTMENTS WITH DOCTORS' CONSULTING ROOM, CAR PARKING, LANDSCAPING AND ASSOCIATED

DEVELOPMENT - LAND AT FORSHAM HOUSE, FORSHAM LANE, SUTTON VALENCE, KENT

The Committee considered the report of the Head of Development Management.

In introducing the application, the Principal Planning Officer advised the Committee that KCC Drainage had responded to the extra information submitted on surface water. They were still not entirely satisfied with the methodology used in the calculations and, therefore, if Members were minded to accept the Officer recommendation to refuse the application, she would suggest a further reason that there was inadequate information regarding surface water drainage at this time.

The Democratic Services Officer read out a statement on behalf of Dr Mangar and Dr Cranston of Sutton Valence Group Practice objecting to the application.

Councillor Flint of Sutton Valence Parish Council and Mr Singh, the applicant, addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report and the additional reason suggested by the Principal Planning Officer that there is inadequate information regarding surface water drainage at this time.

Voting: 12 – For 0 – Against 0 – Abstentions

268. 20/504976/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 6 NO. DWELLINGS WITH ASSOCIATED PARKING, HARDSTANDING, LANDSCAPING AND AREA OF ECOLOGICAL ENHANCEMENT, INFRASTRUCTURE AND EARTHWORKS. ENHANCEMENT OF AN EXISTING ACCESS AND PROVISION OF A NEW ACCESS FROM LENHAM HEATH ROAD - LITTLE DENE, LENHAM HEATH ROAD, LENHAM HEATH, KENT

The Committee considered the report and the urgent update report of the Head of Development Management.

Councillor Walmsley of Lenham Parish Council, Mr Wilford, for the applicant, and Councillor J Sams (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Development Management, the Committee agreed to refuse permission for the following summarised reasons:

Visual Harm: Notwithstanding that this is a part brownfield site, the volume of what is proposed compared with the modest structures associated with the existing cattery use together with the associated domestic paraphernalia and lighting etc. would result in harm to the character, appearance and openness of the countryside. The harm would be exacerbated by the topography and the views from the adjacent Public Right of Way.

Unsustainable Development: The proposal would result in a more intensive form of development in an unsustainable location. With the site being a significant distance from basic services and facilities, future occupants would be reliant on car use.

Ecological Impact/Appropriate Mitigation: The application fails to comprehensively demonstrate the ecological impact of the intensification of the residential use of the site and appropriate mitigation, referencing the adjacent local wildlife site, dark skies and biodiversity net gain.

Nutrient Neutrality: The application fails to demonstrate appropriate mitigation of harm to the internationally designated Stodmarsh sites due to increased phosphate and nitrate pollution resulting from the introduction of additional dwellings.

RESOLVED: That permission be refused, and the Head of Development Management be given delegated powers to finalise the reasons for refusal, to include the key issues cited above, and to incorporate the relevant policies.

Voting: 12 – For 0 – Against 0 - Abstentions

269. 23/500381/FULL - CHANGE OF USE OF THE LAND FOR THE STATIONING OF ONE STATIC MOBILE, ONE TOURING CARAVAN AND ONE DAY ROOM FOR GYPSY / TRAVELLER OCCUPATION. ASSOCIATED HARD AND SOFT LANDSCAPING (PART RETROSPECTIVE) - LAND ADJACENT TO THE HAWTHORNS, PYE CORNER, ULCOMBE, KENT

The Committee considered the report and the urgent update report of the Head of Development Management.

In introducing the application, the Development Team Leader advised the Committee that the reference to condition 9 in conditions 9 and 12 should be corrected to refer to condition 8.

The representative of the Head of Legal Partnership read out a statement on behalf of Ulcombe Parish Council which was unable to be represented at the meeting.

Mr McKay, agent for the applicant, addressed the meeting.

RESOLVED:

1. That subject to no new material planning considerations being raised from the applicant landowner notification, the Head of Development Management be given delegated powers to grant permission subject to the conditions set out in the report, as amended by the Development Team Leader during his introduction of the application, and an additional condition requiring the provision of some form of renewable energy within the dayroom if technically feasible.
2. That the Head of Development Management be given delegated powers to be able to add, settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 1 – Abstention

Note: Councillor Kimmance joined the meeting prior to consideration of this application (7.15 p.m.). He said that he had no disclosures of interest or of lobbying.

270. 23/500195/FULL - DEMOLITION OF EXISTING GARAGE AND OPEN SIDED SHED. ERECTION OF A DETACHED RESIDENTIAL ANNEXE ANCILLARY TO THE MAIN DWELLING - 1 SKYE CLOSE, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Development Management.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with delegated powers given to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 13 – For 0 – Against 0 – Abstentions

271. 22/505747/FULL - SECTION 73 - APPLICATION FOR VARIATION OF CONDITIONS 4 (TO REMOVE THE REQUIREMENT FOR SOLAR PV PANELS) AND 9 (TO REDUCE THE NUMBER OF ELECTRIC VEHICLE CHARGING POINTS FROM TEN TO FOUR) PURSUANT TO 22/501405/FULL FOR CHANGE OF USE FROM 4 BLOCKS OF RESIDENTIAL NURSES ACCOMMODATION TO 3 NO. BLOCKS COMPRISING OF 18 X 5 BED HMO UNITS AND 1 NO. BLOCK COMPRISING OF 8 X 3 BEDROOM RESIDENTIAL UNITS - SPRINGWOOD ROAD NURSES ACCOMMODATION, SPRINGWOOD ROAD, BARMING, KENT

The Committee considered the report of the Head of Development Management.

Ms Tilley, agent for the applicant, and Councillor Harper (Visiting Member) addressed the meeting.

Notwithstanding the proposal submitted by the applicant, Members accepted the recommendation of the Head of Development Management relating to the deletion of condition 9 (Electric Vehicle Charging Points) as the thresholds for when electric vehicle charging points are required and the quantity required are now covered under Building Regulations.

However, contrary to the recommendation of the Head of Development Management, the Committee agreed to refuse the application for variation of condition 4 (Energy Efficiency Measures). In making this decision, the Committee considered that, in the absence of condition 4, the proposal would fail to reduce reliance on unsustainable energy sources and the applicant has failed to demonstrate that solar panels and cavity wall insulation are not feasible or viable contrary to Policy DM1 (vii) of the Maidstone Borough Local Plan 2017 and Paragraphs 134, 152 and 157 of the NPPF.

RESOLVED:

1. That the recommendation of the Head of Development Management relating to the deletion of condition 9 (Electric Vehicle Charging Points) be accepted as the thresholds for when electric vehicle charging points are required and the quantity required are now covered under Building Regulations.

2. That the application for variation of condition 4 (Energy Efficiency Measures) be refused for the following reason:

In the absence of condition 4, the proposal would fail to reduce reliance on unsustainable energy sources and the applicant has failed to demonstrate that solar panels and cavity wall insulation are not feasible or viable contrary to Policy DM1 (vii) of the Maidstone Borough Local Plan 2017 and Paragraphs 134, 152 and 157 of the NPPF.

3. That the removal of condition 9 (Electric Vehicle Charging Points) attached to the planning permission dated 28 October 2022 be approved with permission granted subject to the conditions set out in the report with the amendment of condition 4 as follows:

Energy Efficiency: Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place. Unless it can be adequately demonstrated in writing that they are not physically capable of being provided, the development should additionally, include the installation of solar PV panels (to provide at least 10% of total annual energy requirements of the development) and cavity wall insulation both provided prior to first occupation of the approved development. All features shall be maintained thereafter for the lifetime of the development.

Reason: To ensure an energy efficient form of development.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor English did not participate in the voting on this application as he had not been present for all of the discussion.

272. 22/505206/FULL - CHANGE OF USE FROM CLASS C4 6-BEDROOM HMO TO SUI-GENERIS 8-BEDROOM HMO TO INCLUDE ERECTION OF A SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH A REAR DORMER AND 1 NO. FRONT ROOFLIGHT (RE-SUBMISSION OF 22/503713/FULL) - 14 CHARLES STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

The Democratic Services Officer read out a statement on behalf of Mr Musindo, an objector.

Councillors Harper and Coates (Visiting Members) addressed the meeting.

Contrary to the recommendation of the Head of Development Management, the Committee agreed to refuse permission. In making this decision, the Committee considered that the increase in bedrooms would result in a significant exacerbation of inadequate parking and environmental deterioration creating cumulative harm to neighbourhood amenity contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the NPPF.

RESOLVED: That permission be refused as the increase in bedrooms would result in a significant exacerbation of inadequate parking and environmental

deterioration creating cumulative harm to neighbourhood amenity contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the NPPF.

Voting: 13 – For 0 – Against 0 – Abstentions

273. 22/505414/FULL - ERECTION OF AN ATTACHED TWO-BEDROOM DWELLING - 2 CHARLTON STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

The Democratic Services Officer read out a statement on behalf of Mr Garrett and Mr Adams who objected to the application but were unable to be present at the meeting.

Mr Court, agent for the applicant, and Councillors Harper and Coates (Visiting Members) addressed the meeting.

RESOLVED:

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

The addition of a renewables condition;
The amendment of condition 5 (Biodiversity Enhancements) to require integral niches for wildlife (swift bricks etc.); and
The amendment of condition 8 (Landscaping) to specify that the landscaping scheme shall include a privet hedge along the front wall to maintain a domestic curtilage.

2. That delegated powers be given to the Head of Development Management to be able to add, settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor English did not participate in the voting on this application as he had not been present for all of the discussion.

274. 22/503535/FULL - CONVERSION OF EXISTING FOUR STOREY DWELLING INTO 3 NO. SELF-CONTAINED FLATS, INCORPORATING A SINGLE STOREY GROUND FLOOR PITCHED ROOF SIDE EXTENSION AND SINGLE STOREY LOWER GROUND FLOOR FLAT ROOF REAR EXTENSION, AND NEW PEDESTRIAN ACCESS WITHIN BOUNDARY WALL - 101 MILTON STREET, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Development Management.

In introducing the application, the Senior Planning Officer advised the Committee that a further representation had been received during the meeting requesting that the rear yard area be considered for parking. However, it was not clear whether an adequate turning area could be provided in this area and the reason for the maximum standards was to reduce the negative impact of off-street parking and maintain some amenity areas.

Mr Barry, an objector, addressed the meeting.

The Democratic Services Officer read out a statement on behalf of Mrs Townsend who also objected to the application and whose representations were read out in the Residents' Association speaker slot at the discretion of the Chairman.

Mr Olayinka, the applicant, and Councillors Harper and Coates (Visiting Members) addressed the meeting.

RESOLVED:

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

The addition of a condition requiring the provision of three car parking spaces on the site, to be retained in perpetuity; and
Irrespective of the details submitted, the strengthening of condition 8 (Landscaping) to secure the provision of a soft landscaped element to the boundaries of the site, planted with a domestic hedge type curtilage.

2. That the Head of Development Management be given delegated powers to be able to add, settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 9 – For 3 – Against 0 – Abstentions

Note: Councillor Munford was not present for all of the discussion or the voting on this application.

275. LONG MEETING

Prior to 10.30 p.m., following determination of application 22/503535/FULL (101 Milton Street, Maidstone, Kent), the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

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

276. 22/502529/TPOA - TPO APPLICATION TO REDUCE ONE OAK (T2) TO 9.0M IN HEIGHT AND REDUCE LATERAL BRANCH SYSTEM BY 1.0M TO 1.5M BALANCING THE CROWN. REMOVE RE-GROWTH TRIENNIALLY; REMOVE ONE OAK T3 (FELL) TO NEAR GROUND LEVEL. OWNER TO PHYSICALLY REMOVE ANY REGROWTH (NO CHEMICAL TREATMENT DUE TO TRANSLOCATION RISK) - HOLTYE COTTAGE, HEADCORN ROAD, STAPLEHURST, KENT

The Committee considered the report of the Head of Development Management.

The representative of the Head of Legal Partnership reminded the Committee that authorities should bear in mind that they may be liable to pay compensation for loss or damage as a result of refusing consent or granting consent subject to conditions. However, if the authority believes that some loss or damage is foreseeable, it should not grant consent automatically. It should take this factor into account alongside other key considerations, such as the amenity value of the

tree and the justification for the proposed works, before reaching its final decision. This was relevant to the decision-making process.

Contrary to the recommendation of the Head of Development Management, the Committee agreed to refuse permission. Having also previously debated this item (on 23 March 2023) in making this decision, Members considered the reasons for the works and were of the view that notwithstanding the compensation that might be payable, given the condition of the trees, their amenity value (both visually and in the wider context of biodiversity, etc), their landscape contribution to the character of the area and wider character of Staplehurst, and relationship with the landscape of the area, the CAVAT value as well as the wider benefits offered by the retention of the trees, the proposed works to the trees and the associated harm caused as a result were so significant that refusal of the application was warranted. The Committee had regard to the fact that the Council had declared a Biodiversity and Climate Change Emergency.

RESOLVED: That permission be refused for the following reason:

Having considered the reasons for the works and having regard to and having weighed the potential issue of compensation against other key considerations, in particular, the condition of the trees (Oak T2 and Oak T3); their life expectancy; the loss of their contribution to public visual amenity on the local environment is significant; the loss of their contribution to, and relationship with, the landscape and the wider character of Staplehurst; the Capital Asset Value for Amenity Trees (CAVAT value) of Oak T3; and the loss of the wider benefits offered by the retention of the trees (including their intrinsic character and beauty and their contribution to biodiversity and climate change), the benefits of retaining the trees in their current form outweighed the resultant harm arising from the proposed works such that a refusal of the application is warranted.

Voting: 13 – For 0 – Against 0 – Abstentions

277. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

278. DURATION OF MEETING

6.00 p.m. to 10.35 p.m.