

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 19 JANUARY 2023

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Brindle, Cooper, Cox, English, Harwood, Holmes, Kimmance, Munford, Perry, Trzebinski, D Wilkinson and Young
Visiting Members:	Councillor Mrs Gooch

182. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor McKenna.

183. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Cooper was substituting for Councillor McKenna.

184. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Gooch indicated her wish to speak on the report of the Head of Development Management relating to 5003/2022/TPO (The Village Green, Church Street, Teston, Kent).

185. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

186. URGENT ITEMS

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

187. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Munford said that, with regard to the report of the Head of Development Management relating to application 22/500119/FULL (Cliff House, Cliff Hill, Boughton Monchelsea, Maidstone, Kent), he was the Chairman of Boughton Monchelsea Parish Council. However, he had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

188. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

17.	22/500119/FULL – Cliff House, Cliff Hill, Boughton Monchelsea, Kent	Councillors Cox, English, Harwood, Holmes, Kimmance, Munford and D Wilkinson
19.	5003/2022/TPO – The Village Green, Church Street, Teston, Kent	Councillors Cox, English, Harwood, Holmes, Kimmance, Munford, Spooner and D Wilkinson

See Minute 193 below

189. EXEMPT ITEMS

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

190. MINUTES OF THE MEETING HELD ON 15 DECEMBER 2022

RESOLVED: That the Minutes of the meeting held on 15 December 2022 be approved as a correct record and signed.

191. PRESENTATION OF PETITIONS

There were no petitions.

192. DEFERRED ITEM

22/502738/FULL - ERECTION OF A TWO STOREY SIDE AND REAR EXTENSION WITH DETACHED GARAGE (RE-SUBMISSION OF 21/504328/FULL) - UPPER LITTLE BOY COURT, BOY COURT LANE, HEADCORN, ASHFORD, KENT

The Development Management Team Leader advised the Committee that amended plans had now been received and put out to re-consultation. It was hoped to report the application back to the next meeting of the Committee.

193. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - RECOMMENDED ACTIONS APPLICABLE TO THE PLANNING COMMITTEE ARISING FROM THE REVIEW INTO THE 'COUNCIL'S PERFORMANCE AGAINST THE WASTE AND RECYCLING STRATEGY 2018-2023'.

Councillor English, the Chairman of the Overview and Scrutiny Committee, introduced the report providing an outline of the Committee's review of the Council's performance against the Waste and Recycling Strategy 2018-2023 and the recommended actions arising from the review applicable to the Planning Committee. It was noted that the recommended actions related to Member training to ensure that waste collection and waste collection facilities are appropriately considered and the development of policy and application of conditions relating to waste collection facilities from commercial establishments that might generate high levels of waste.

The Committee supported the actions arising from the review insofar as they related to its remit.

RESOLVED: That the recommended actions applicable to the Planning Committee arising from the Overview and Scrutiny Committee's review of the Council's performance against the Waste and Recycling Strategy 2018-2023 be agreed.

Note: Councillor Trzebinski entered the meeting during consideration of this item (6.15 p.m.). He said that he had no disclosures of interest and that he had been lobbied on agenda items 17 and 19.

194. 5003/2022/TPO - T1 - SILVER BIRCH ON THE SOUTHERN BOUNDARY OF THE GREEN TO THE REAR OF THE PROPERTY KNOWN AS SYLVANER - THE VILLAGE GREEN, CHURCH STREET, TESTON, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management concerning provisional Tree Preservation Order (TPO) No. 5003/2022/TPO which was made to protect a Silver Birch tree on the southern boundary of the Village Green, Teston to the rear of the property known as Sylvaner. It was noted that:

- The Order was made in response to a Conservation Area notification to fell the tree and grind out the stump.
- The proposal and the amenity value of the tree had been assessed and the tree was found to merit the protection of a TPO based on its amenity contribution to the local landscape. The proposal was viewed as inappropriate arboricultural management, and it was considered expedient to make the tree the subject of a TPO.
- An objection had been received to the making of the Order from Teston Parish Council, the owner of the tree. The Officers considered that the reasons provided to support the objection were not based on arboricultural grounds and were not sufficient to outweigh the loss of a healthy mature tree.

Councillor Coulling of Teston Parish Council and Councillor Mrs Gooch (Visiting Member) addressed the meeting.

RESOLVED: That Tree Preservation Order No. 5003/2022/TPO be confirmed without modification.

Voting: 9 – For 3 – Against 1 – Abstention

195. 5004/2022/TPO - T1 - MULTI-STEMMED COMMON ASH ON THE SOUTH WEST BOUNDARY TO THE REAR OF THE PROPERTY KNOWN AS ST. CROSS, LINTON HILL, LINTON, MAIDSTONE, KENT - ST CROSS, LINTON HILL, LINTON, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management concerning provisional Tree Preservation Order (TPO) No. 5004/2022/TPO which was made to protect a multi-stemmed Ash tree on the southwest boundary to the rear of the property known as St Cross, Linton Hill, Linton Maidstone, Kent. It was noted that:

- The Order was made in response to a Conservation Area notification to remove the tree.

- The proposal and the amenity value of the tree had been assessed and the tree was found to merit the protection of a TPO based on its amenity contribution to the local landscape as well as within the wider context of the large number of Ash trees currently being lost to Ash dieback. The proposal was viewed as inappropriate arboricultural management, and it was considered expedient to make the tree the subject of a TPO.
- An objection had been received to the making of the Order from the landowner. The Officers considered that the reasons provided to support the objection were not based on arboricultural grounds and were not sufficient to outweigh the loss of a healthy mature tree.

The Democratic Services Officer read out a statement on behalf of Mr Cole, the landowner.

RESOLVED: That Tree Preservation Order No. 5004/2022/TPO be confirmed without modification.

Voting: 13 – For 0 – Against 0 - Abstentions

196. 22/500119/FULL - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE TO GARDEN LAND AND THE ERECTION OF 1NO. OUTBUILDING TO HOUSE HOME GYM WITH ASSOCIATED DECKING, PATIO AND HOT TUB AREA - CLIFF HOUSE, CLIFF HILL, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

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

In introducing the application, the Development Management Team Leader advised the Committee that if Members were minded to grant permission, she wished to amend recommended condition 2 (i) (b) (Site Development Scheme – Landscaping) to require details of additional planting to reinforce any gaps.

The Democratic Services Officer read out a statement on behalf of Boughton Monchelsea Parish Council which was unable to be represented at the meeting.

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

1. The proposed change of use of agricultural land to residential garden would result in harm to the open countryside and the erosion of its undeveloped rural character. It would also result in the loss of best and most versatile (Grade 2) agricultural land. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM33 of the Maidstone Borough Local Plan 2017, the Central Government Planning Policy set out in the National Planning Policy Framework 2021 and Policy PWP5 of the Boughton Monchelsea Neighbourhood Plan.
2. The proposed outbuilding would be of excessive scale, particularly in terms of its length and width such that it would compete with, rather than respect, the host dwelling and its proposed position would spread the built development across the site eroding the openness of the countryside. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30

and DM32 of the Maidstone Borough Local Plan 2017, the design guidance set out in the Council's adopted Residential Extensions SPD, the Central Government Planning Policy set out in the National Planning Policy Framework 2021 and Policies RH7 and PWP5 of the Boughton Monchelsea Neighbourhood Plan.

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

Voting: 11 – For 1 – Against 0 - Abstentions

Note: Councillor Cooper left the meeting during consideration of this application (7.30 p.m.).

197. 22/501932/TPOA - NOTIFICATION OF WORKS TO TPOS (T1 LIME) - LIFT TO 1M ABOVE BREAK & THIN CROWN BY 15% AND (T2 PINE) - FELL - THE TRINITY FOYER, 20 CHURCH STREET, MAIDSTONE, KENT

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

RESOLVED:

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

The amendment of condition 2 (Replacement Tree) to require that the replacement tree shall be a native species more suitable for the location; suitable species to include Beech (*Fagus sylvatica*) and Large or Small-Leaved Lime (*Tilia platyphyllos* or *Tilia cordata*); and

The amendment of the third informative to advise that all cordwood from the trunks of the trees should be retained on the site margins to replace what has been lost through natural decomposition.

2. That the Head of Development Management be given delegated powers to finalise the wording of the amended condition and informative.

Voting: 12 – For 0 – Against 0 – Abstentions

198. 22/505681/FULL - ALTERATIONS TO ROOF OF THE EXISTING SIDE/REAR EXTENSION - 44 HEATH ROAD, MAIDSTONE, KENT

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

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with an additional condition (Biodiversity Enhancements) to require a bat or bird box or bat tube.

2. That the Head of Development Management be given delegated powers 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

199. 22/504023/LBC - LISTED BUILDING CONSENT FOR INSTALLATION OF A COMMUNICATION CABLE THROUGH THE SPIRE VENTS - MAIDSTONE CEMETERY CHAPEL, SUTTON ROAD, MAIDSTONE, KENT

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

RESOLVED: That permission be granted subject to the conditions 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: 12 – For 0 – Against 0 – Abstentions

200. APPEAL DECISIONS

The Committee considered the report of the Head of Development Management setting out details of appeal decisions received since the last meeting. It was noted that the appeal against the decision to refuse application 21/504879/FULL (2 Loddington Lane Cottages, Loddington Lane, Boughton Monchelsea, Maidstone, Kent) was allowed, not dismissed as set out in the report.

The Head of Development Management wished to emphasise the importance of materiality of previous appeal decisions and consistency in decision making.

RESOLVED: That the report be noted.

Note: Councillor Kimmance left the meeting during consideration of this item (8.20 p.m.).

201. DURATION OF MEETING

6.00 p.m. to 8.20 p.m.