

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 27 FEBRUARY 2020
ADJOURNED TO 5 MARCH 2020

Present: Councillor English (Chairman) and
27 Councillors Adkinson, Brindle, Chappell-Tay, Eves,
February Harwood, Kimmance, Munford, Parfitt-Reid, Perry,
2020 Vizzard, Wilby and Young

Also Councillors Garten, J Sams, T Sams, Springett and
Present: Webb

203. APOLOGIES FOR ABSENCE

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

204. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Young was substituting for Councillor Spooner.

205. NOTIFICATION OF VISITING MEMBERS

Councillor Garten indicated his wish to speak on the report of the Head of Planning and Development relating to application 19/505680/FULL (Eastfield Barn, Broad Street Hill, Hucking, Kent).

Councillors J and T Sams indicated their wish to speak on the report of the Development Manager relating to Pilgrims Retreat, Hogbarn Lane, Harrietsham, Kent.

Councillor Springett indicated her wish to speak on the report of the Head of Planning and Development relating to application 19/506376/FULL (29 The Landway, Bearsted, Maidstone, Kent).

Councillor Webb indicated his wish to speak on the report of the Head of Planning and Development relating to application 19/500200/FULL (Little Paddocks, Stilebridge Lane, Linton, Kent).

206. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

207. URGENT ITEMS

The Chairman said that, in his opinion, the update reports of the Head of Planning and Development and any updates to be included in the Officer presentations should be taken as urgent items as they contained further information relating to the matters to be considered at the meeting.

208. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 19/505949/FULL (Land to the Back of Cherry Orchard, Court Lodge Farm, The Street, Boxley, Kent), Councillor Brindle stated that she was a Member of Boxley Parish Council which had requested that the application be reported to the Committee. She had pre-determined the application and would not participate in the discussion and voting when it was considered.

With regard to the report of the Head of Planning and Development relating to application 19/505949/FULL (Land to the Back of Cherry Orchard, Court Lodge Farm, The Street, Boxley, Kent), Councillor Harwood stated that he was a Member of Boxley 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.

With regard to the report of the Head of Planning and Development relating to application 19/505435/FULL (Buttercups Sanctuary for Goats, Wierton Road, Boughton Monchelsea, Maidstone, Kent), Councillor Munford said that 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.

209. EXEMPT ITEMS

RESOLVED: That the public be excluded from the meeting in the event of Members wishing to discuss the information contained in the exempt Appendix to the report of the Development Manager relating to Pilgrims Retreat because of the likely disclosure of exempt information pursuant to paragraphs 5 and 6 (a) and (b) of Part I of Schedule 12A to the Local Government Act 1972, having applied the public interest test.

210. MINUTES OF THE MEETING HELD ON 23 JANUARY 2020

RESOLVED: That the Minutes of the meeting held on 23 January 2020 be approved as a correct record and signed.

211. PRESENTATION OF PETITIONS

There were no petitions.

212. DEFERRED ITEMS

19/501600/OUT - OUTLINE APPLICATION FOR UP TO 440 RESIDENTIAL DWELLINGS, WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, LANDSCAPING AND OPEN SPACE (ACCESS BEING SOUGHT WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) – LAND WEST OF CHURCH ROAD, OTHAM, KENT

19/503584/FULL - CREATION OF ALTERNATIVE ACCESS ACROSS EXISTING DRAINAGE DITCH WITH IMPROVED DRAINAGE - KINGSBROOKE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

The Development Manager said that he had nothing further to report in respect of these applications at present.

213. AUTHORITY TO SERVE ENFORCEMENT NOTICES AT PILGRIMS RETREAT, HOGBARN LANE, HARRIETSHAM, KENT

All Members stated that they had been lobbied.

The Development Manager presented his report outlining the enforcement options available to the Council following the refusal of retrospective (in part) application 19/502469/FULL for a material change of use of land at Pilgrims Retreat, Hogbarn Lane, Harrietsham from a mixed use of holiday units (180 static caravans) and residential (18 static caravans) to a residential park home site (for full time residential occupation) comprising the stationing of 248 static caravans, including engineering works to create terracing, hardstanding, retaining walls, and the extension of the site along the south-eastern boundary.

It was noted that the current unlawful use of the land was contrary to National and Local Plan policies and the recommended enforcement action sought to restore the site and its landscape back to the lawful use. It was considered that the action recommended was proportionate taking into account the residents' Human and Equality Rights and would maintain the integrity of the decision making process. The residents' welfare, health and personal circumstances would be considered if the notices were served and took effect before any decisions were taken for further action for non-compliance with the notice.

Before presenting his report, the Development Manager drew the Committee's attention to a letter which had been received from an elderly resident at the site who wished to express concerns about the situation which had arisen.

Mr Rudd, for the site owners, Mr Green, for the site residents, and Councillors T and J Sams (Visiting Members) addressed the meeting.

Before making their representations, Councillors T and J Sams said that they lived next to the site. They did not believe that they had Other Significant Interests, but, for transparency, they would speak and then leave the meeting.

In response to questions by Members, the Development Manager confirmed that a hybrid approach combining more than one option could be adopted.

The Committee agreed to proceed with a hybrid approach combining more than one option in order to seek to regularise use of the site and mitigate the impact on the Area of Outstanding Natural Beauty in a pragmatic way, but within a specific timeframe having regard to the continuing uncertainties for the residents.

RESOLVED:

1. That delegated authority be given to the Head of Planning and Development in consultation with a Steering Group comprising the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee (to include Councillor Chappell-Tay as the Spokesperson for the Conservative Group) and the two Ward Members to establish terms of reference and a negotiating position and to engage with the applicant regarding the submission of an alternative planning application within the terms set out in consultation with the Steering Group within a maximum timeframe of nine months.
2. That if the application is not submitted within the terms set out in consultation with the Steering Group and within this timeframe, or if negotiations fail, then the Head of Planning and Development be given delegated authority to proceed with Option 1 as set out in the report which is to serve two Enforcement Notices (with separate red line boundaries) at Pilgrims Retreat, Hogbarn Lane, Harrietsham, Kent with the aim of achieving the following:
 - Reduction in the number of caravans on site to 198 - Compliance time 24 months.
 - Removal of all caravans, materials, rubbish etc. from the site as a result of the above – Compliance time 30 months.
 - Cease the permanent residential use of 180 of the 198 caravans that remain on site - Compliance time 48 months.
 - Restore the southern part of the site to accord with the layout plan as approved under 13/1435 (attached at Appendix B to the report) and remove all walls, domestic paraphernalia, retaining walls, hard surfacing and internal roadways etc. outside the developed areas defined on the plan - Compliance time 48 months.
 - Restore the site in accordance with a specified landscape strategy – 48 months.

Voting: 13 – For 0 – Against 0 – Abstentions

214. 19/505435/FULL - RETROSPECTIVE APPLICATION FOR THE CONTINUED USE OF LAND AS A GOAT SANCTUARY AND ASSOCIATED OPERATIONAL DEVELOPMENT, INCLUDING STABLE BUILDINGS, TEA ROOM, SHEDS AND

CAR PARK - BUTTERCUPS SANCTUARY FOR GOATS, WIERTON ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

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

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

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional informative set out in the urgent update report.

Voting: 13 – For 0 – Against 0 – Abstentions

215. 19/505680/FULL - CHANGE OF USE OF LAND AND CONVERSION OF EXISTING BARN TO EQUINE CLINIC AND ASSOCIATED DEVELOPMENT INCLUDING ERECTION OF STABLE BLOCK, TROT-UP, MANEGE, PADDOCK AREAS AND ASSOCIATED PARKING AREAS, HARDSTANDING AND FENCING - EASTFIELD BARN, BROAD STREET HILL, HUCKING, KENT

All Members except Councillors Harwood and Vizzard stated that they had been lobbied.

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

Ms Howells, an objector, Ms Snalune, the applicant, and Councillor Garten (Visiting Member) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report and the additional condition set out in the urgent update report with:
 - (a) The amendment of condition 4 (Landscaping) to require the submission of a revised landscaping scheme to provide a contiguous mitigation area for wildlife and achieve a net gain in biodiversity;
 - (b) An additional condition requiring the main building to meet BREEAM standards; and
 - (c) An additional condition requiring the submission of details of a decentralised renewable energy scheme.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 3 - Abstentions

216. 19/503532/OUT - OUTLINE APPLICATION WITH ACCESS MATTERS SOUGHT FOR DEMOLITION OF TWO EXISTING BUILDINGS AND ERECTION OF FOUR RESIDENTIAL DWELLINGS (MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE ARE RESERVED FOR FUTURE CONSIDERATIONS) - 3-5 KINGS ROAD, HEADCORN, ASHFORD, KENT

The Committee considered the report of the Head of Planning and Development.

In presenting the application, the Principal Planning Officer drew the Committee's attention to proposed condition 7 which required that prior to the development commencing a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse shall be submitted to and approved in writing by the Local Planning Authority. The Principal Planning Officer advised the Committee that he wished to remove the 8 metre specification to allow discussion with the Environment Agency as to whether the full 8 metres was actually necessary or not.

Mr Garvey addressed the meeting on behalf of the applicant.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members considered that the proposed development by reason of its cramped form of development poorly related to the site constitutes over development of the site contrary to Policy DM1 of the Maidstone Borough Local Plan 2017.

RESOLVED: That permission be refused for the following reason:

The proposed development by reason of its cramped form of development poorly related to the site constitutes over development of the site contrary to Policy DM1 of the Maidstone Borough Local Plan 2017.

Voting: 7 – For 4 – Against 2 – Abstentions

217. 19/500200/FULL - RETROSPECTIVE APPLICATION FOR A CHANGE OF USE OF LAND TO BE USED AS A GYPSY/TRAVELLER CARAVAN SITE CONSISTING OF ONE PITCH - LITTLE PADDOCKS, STILEBRIDGE LANE, LINTON, KENT

The Chairman and Councillors Adkinson, Chappell-Tay, Harwood, Kimmance, Munford, Vizzard and Wilby stated that they had been lobbied.

The Committee considered the report of the Head of Planning and Development.

Councillor Webb (Visiting Member) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - (a) The strengthening of condition 2 to specify that only touring caravans (not static caravans) are being permitted due to the size of the site and limited space available for landscaping etc.; and
 - (b) The strengthening of condition 5 (Landscaping) to make clear that if the landscaping and planting proposals are not implemented in accordance with the approved details within the specified time period, the permission will fall away.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended conditions and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 3 – Abstentions

218. 19/506376/FULL - RETROSPECTIVE APPLICATION FOR ADDITIONAL OBSCURE GLAZING TO PREVIOUSLY APPROVED APPLICATION 19/504830/FULL - 29 THE LANDWAY, BEARSTED, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

Councillor Hannington of Bearsted Parish Council and Councillor Springett (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members considered that the proposed window enlargements and design amendments to the south-west and north-west elevations had resulted in poor design by failing to reflect the hierarchy of windows creating a cluttered elevation overly dominated by glazing, and the louvred designs put forward would not overcome this contrary to the National Planning Policy Framework 2019, Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the guidance contained within the Council's Residential Extensions Supplementary Planning Document.

RESOLVED: That permission be refused for the following reason:

The proposed window enlargements and design amendments to the south-west and north-west elevations have resulted in poor design by failing to reflect the hierarchy of windows creating a cluttered elevation overly dominated by glazing, and the louvred designs put forward would not overcome this contrary to the National Planning Policy Framework 2019, Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the guidance contained within the Council's Residential Extensions Supplementary Planning Document.

Voting: 12 – For 0 – Against 1 – Abstention

219. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

Note: Councillor Wilby left the room during consideration of this report but returned shortly afterwards (9.45 p.m.).

220. 19/504348/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 12 DETACHED, TWO STOREY DWELLINGS TO BE DEVELOPED AS SELF-BUILD OR CUSTOM-BUILT HOMES BY INDIVIDUAL OWNERS. CREATION OF ACCESS ROADS, ASSOCIATED PARKING AND TURNING AREAS AND THE CREATION OF A FOOTPATH LINK TO MAIDSTONE ROAD; ALONG WITH LANDSCAPING AND ECOLOGICAL ENHANCEMENT WORKS - LAND AT ROSEMEAD NURSERY, MAIDSTONE ROAD, HEADCORN, KENT

All Members except Councillors Brindle, Eves, Parfitt-Reid, Perry and Young stated that they had been lobbied.

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

RESOLVED: That subject to:

(a) The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report; AND

(b) The conditions and informatives set out in the report,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 1 – Abstention

221. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Planning and Development relating to application 19/504348/FULL (Land at Rosemead Nursery, Maidstone Road, Headcorn, Kent), the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on Thursday 5 March 2020 when the remaining items on the agenda will be discussed.

222. DURATION OF MEETING

6.00 p.m. to 9.50 p.m.