

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 28 SEPTEMBER 2017
ADJOURNED TO 5 OCTOBER 2017

Present: **Councillor Round (in the Chair) and Councillors Boughton, M Burton, Clark, Cox, Harwood, Munford, Powell, Prendergast, Spooner and Vizzard**

Also Present: **Councillors Mrs Hinder and Perry**

192. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from the Chairman (Councillor English) and Councillors Hemsley and Mrs Stockell.

193. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor M Burton was substituting for Councillor Hemsley.

194. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Hinder indicated her wish to speak on the report of the Head of Planning and Development relating to application 17/500471 (Land North of Street Farm Cottages, Forge Lane, Boxley, Kent).

Councillor Perry indicated his wish to speak on the report of the Head of Planning and Development relating to application 15/505508 (Land East of The Paddocks, George Street, Staplehurst, Kent).

195. ITEMS WITHDRAWN FROM THE AGENDA

The Chairman announced that, due to the number of items on the agenda, the reports of the Head of Planning and Development relating to the following applications had been rolled over to the adjourned meeting of the Committee scheduled to be held on 5 October 2017:

17/503283 – Harrison Car Sales, Station Approach, Headcorn, Kent
17/503704 – Jubilee Square, High Street, Maidstone, Kent
17/501471 – Land at Valley Park School, New Cut Road, Maidstone, Kent

The reports of the Head of Planning and Development relating to appeal decisions and S106 contributions secured and held as at August 2017 would also be rolled over to the adjourned meeting of the Committee.

196. URGENT ITEMS

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained further information relating to applications to be considered at the meeting.

197. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the reports of the Head of Planning and Development relating to applications 17/500117 (Unit 33 Adjacent Lordswood Industrial Estate, Gleamingwood, Drive, Lordswood, Kent), 17/500471 (Land North of Street Farm Cottages, Forge Lane, Boxley, Kent) and 17/501471 (Land at Valley Park School, New Cut Road, Maidstone, Kent), Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions on the applications, and intended to speak and vote when they were considered.

Prior to consideration of the report of the Head of Planning and Development relating to application 17/502967 (Lake House, Church Road, Harrietsham, Kent), Councillor Powell stated that he was a Member of Harrietsham Parish Council. However, he had not participated in the Parish Council's discussion on the application, and intended to speak and vote when it was considered.

198. EXEMPT ITEMS

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

199. MINUTES OF THE MEETING HELD ON 7 SEPTEMBER 2017 ADJOURNED TO 14 SEPTEMBER 2017

RESOLVED: That the Minutes of the meeting held on 7 September 2017 adjourned to 14 September 2017 be approved as a correct record and signed.

200. PRESENTATION OF PETITIONS

There were no petitions.

201. DEFERRED ITEMS

17/502118 - ERECTION OF DWELLING HOUSE AND ENGINEERING OPERATIONS TO CREATE OFF ROAD PARKING - MOUNT LODGE, CHURCH LANE, BEARSTED, MAIDSTONE, KENT

The Development Manager advised the Committee that he had nothing further to report in respect of this application at present.

17/502072 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 210 DWELLINGS TOGETHER WITH ACCESS OFF FORSTAL

LANE, 1.85 HECTARES OF OPEN SPACE AND ASSOCIATED INFRASTRUCTURE (ACCESS BEING SOUGHT) - LAND SOUTH OF FORSTAL LANE, COXHEATH, KENT

The Development Manager advised the Committee that the applicant was arranging meetings with both the landowner, who owned the ransom strip, and Kent Highway Services regarding alternative access arrangements. He hoped to be in a position to report the application back to the Committee in October 2017.

16/506349 - VARIATION OF CONDITION APPLICATION IN RELATION TO INSTALLATION OF 6 NO. FLOODLIGHTING COLUMNS REF. MA/09/1616 (ALLOWED ON APPEAL) WITH AMENDMENT TO CONDITION 3) THE FLOODLIGHTING SHALL NOT BE USED BETWEEN 1ST MAY AND 31ST AUGUST IN ANY CALENDAR YEAR; AND CONDITION 4) THE FLOODLIGHTING SHALL NOT BE USED OUTSIDE THE HOURS OF 15:00-22:30 ON TUESDAYS, WEDNESDAYS AND THURSDAYS, 15:00-21:30 ON SATURDAYS AND NOT AT ALL ON ANY OTHER DAY OF THE WEEK - BEARSTED FOOTBALL CLUB, HONEY LANE, OTHAM, KENT

There was no update in respect of this application.

202. 17/500117 - EXTENSION TO THE EXISTING FACTORY - UNIT 33 ADJACENT LORDSWOOD INDUSTRIAL ESTATE, GLEAMINGWOOD DRIVE, LORDSWOOD, KENT

All Members stated that they had been lobbied.

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

Councillor Clarke of Boxley Parish Council and Mr Booth, for the applicant, 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 felt that the development would cause an unacceptable and unjustified loss of ancient woodland, which would have adverse effects upon an irreplaceable habitat and the ecological importance of the site. This would be contrary to policy DM3 of the final draft Maidstone Local Plan (2011 – 2031) and paragraph 118 of the National Planning Policy Framework. The benefits of the development were not considered to outweigh this significant harm.

RESOLVED: That permission be refused for the following reason:

The development would cause an unacceptable and unjustified loss of ancient woodland, which would have adverse effects upon an irreplaceable habitat and the ecological importance of the site. This would be contrary to policy DM3 of the final draft Maidstone Local Plan (2011 – 2031) and paragraph 118 of the National Planning Policy Framework. The benefits of the development are not considered to outweigh this significant harm.

Voting: 8 – For 1 – Against 2 – Abstentions

203. 17/500471 - ERECTION OF 2 NO. DWELLINGS WITH ASSOCIATED LANDSCAPING AND CAR PARKING - LAND NORTH OF STREET FARM COTTAGES, FORGE LANE, BOXLEY, KENT

All Members stated that they had been lobbied.

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

Mr Wilmott, for objectors, Councillor Clarke of Boxley Parish Council and Councillor Mrs Hinder (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 felt that the development would cause an unacceptable impact upon the landscape character of the Kent Downs Area of Outstanding Natural Beauty and the village by reasons of the loss of openness and change in character through the introduction of built form, domestic paraphernalia and lighting, both by day and night. The development would particularly impact adversely upon the views from the west of the village and from the northern scarp slope of the Pilgrim's Way. The development was therefore contrary to policies ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, policy SP17 of the final draft Maidstone Local Plan (2011 – 2031) and the aims of the National Planning Policy Framework. In addition, the proposal would constitute an unsustainable form of development, being located where future occupiers would be reliant upon unsustainable modes of transport contrary to the aims of the National Planning Policy Framework.

RESOLVED: That permission be refused for the following reasons:

1. The development would cause an unacceptable impact upon the landscape character of the Kent Downs Area of Outstanding Natural Beauty and the village by reasons of the loss of openness and change in character through the introduction of built form, domestic paraphernalia and lighting, both by day and night. The development would particularly impact adversely upon the views from the west of the village and from the northern scarp slope of the Pilgrim's Way. The development is therefore contrary to policies ENV28, ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan 2000, policy SP17 of the final draft Maidstone Local Plan (2011 – 2031) and the aims of the National Planning Policy Framework.
2. The proposal would constitute an unsustainable form of development, being located where future occupiers would be reliant upon unsustainable modes of transport contrary to the aims of the National Planning Policy Framework.

Voting: 11 – For 0 – Against 0 - Abstentions

204. 15/505508 - CHANGE OF USE OF THE LAND TO THE EAST OF THE PADDOCKS TO RESIDENTIAL INCLUDING SITING OF 2 MOBILE HOMES, 2 TOURING CARAVANS AND DAY ROOMS/WASHROOMS FOR ACCOMMODATION OF GYPSY FAMILIES (AMENDED DESCRIPTION) - LAND EAST OF THE PADDOCKS, GEORGE STREET, STAPLEHURST, KENT

All Members except Councillors Boughton and Spooner stated that they had been lobbied.

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

Councillor Burnham of Staplehurst Parish Council and Councillor Perry (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 felt that the proposal, by virtue of the significant harm to the rural character of this Low Weald country lane, arising from the encroachment and creation of the new access point, hardstanding areas and domestic paraphernalia into an important landscape space between allocated and residential sites (both settled and Gypsy and Traveller), would erode the rural character of the locality, contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policies DM15 and SP17 of the final draft Maidstone Local Plan (2011 – 2031) and policy PW2 of the Staplehurst Neighbourhood Plan. In addition, the lack of up to date information in respect of protected species, and in particular great crested newts, meant there was insufficient evidence to ensure that there would be no harm caused to protected species and this would be contrary to policies DM3 and DM15 of the final draft Maidstone Local Plan (2011 – 2031), Natural England Standing Advice, Circular 06/2005 and paragraph 118 of the National Planning Policy Framework.

RESOLVED: That permission be refused for the following reasons:

1. The proposal, by virtue of the significant harm to the rural character of this Low Weald country lane, arising from the encroachment and creation of the new access point, hardstanding areas and domestic paraphernalia into an important landscape space between allocated and residential sites (both settled and Gypsy and Traveller), would erode the rural character of the locality, contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and policies DM15 and SP17 of the final draft Maidstone Local Plan (2011 – 2031) and policy PW2 of the Staplehurst Neighbourhood Plan.
2. The lack of up to date information in respect of protected species, and in particular great crested newts, means there is insufficient evidence to ensure that there will be no harm caused to protected species and this would be contrary to policies DM3 and DM15 of the final draft Maidstone Local Plan (2011 – 2031), Natural England Standing Advice, Circular 06/2005 and paragraph 118 of the National Planning Policy Framework.

Voting: 11 – For 0 – Against 0 – Abstentions

205. 16/505932 - CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 2 GYPSY FAMILIES EACH WITH 2 CARAVANS OF WHICH NO MORE THAN ONE WOULD BE A STATIC MOBILE HOME, TOGETHER WITH ERECTION OF TWO AMENITY BUILDINGS, LAYING OF HARDSTANDING AND FORMATION OF NEW ACCESS - LAND REAR OF CHART VIEW, OFF CHART HILL ROAD, CHART SUTTON, KENT

All Members except Councillors Boughton and Spooner 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 consideration of this application be deferred until the expiry of the further public consultation set out in the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

206. 17/504144 - REMOVAL OF CONDITION 14 (SCHEME OF MITIGATION TO ADDRESS POOR AIR QUALITY SHALL BE PROVIDED) OF PLANNING PERMISSION 15/510179 (ALL MATTERS RESERVED) FOR REDEVELOPMENT WITH UP TO 65 DWELLINGS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS, CAR AND CYCLE PARKING, STREET AND EXTERNAL LIGHTING, MAIN SERVICES, BIN STORES AND OTHER ANCILLARY DEVELOPMENT - 5 TONBRIDGE ROAD, MAIDSTONE, KENT

The Chairman and Councillors Boughton and Powell stated that they had been lobbied.

RESOLVED: That this application be rolled over to the adjourned meeting of the Committee scheduled to be held on 5 October 2017 to enable an Environmental Health Officer to be in attendance.

207. 17/502930 - CHANGE OF USE FROM CLASS A1 RETAIL TO USE OF PREMISES AS A TANNING SALON - 28A HIGH STREET, HEADCORN, ASHFORD, KENT

The Chairman and Councillors Boughton, Clark, Harwood, Powell, Prendergast and Spooner stated that they had been lobbied.

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

Mr Kahn, an objector, and Councillor Pyman of Headcorn Parish Council addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report and an additional informative as follows:

The applicant is advised to contact the Building Control Officers with regard to sound insulation and fireproofing within the building, and if these are required, to liaise with the Conservation Officer regarding the requirements of Listed Building Consent.

Voting: 11 – For 0 – Against 0 – Abstentions

208. 17/502967 - ERECTION OF A 4 BEDROOM DWELLINGHOUSE WITH ASSOCIATED DETACHED DOUBLE GARAGE IN REAR GARDEN, AND ERECTION OF A DETACHED DOUBLE GARAGE TO SERVE THE EXISTING PROPERTY - LAKE HOUSE, CHURCH ROAD, HARRIETSHAM, KENT

The Chairman and Councillors Powell and Prendergast stated that they had been lobbied.

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

Councillor Stanley of Harrietsham Parish Council addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report with the amendment of condition 7 (biodiversity) and additional landscaping conditions as follows:

Condition 7 (amended)

No development shall take place (including ground works and vegetation clearance) until details of how the development will protect and enhance biodiversity are submitted to and approved by the Local Planning Authority. These shall include but not be limited to the following: protective measures for reptiles and breeding birds, bird/bat nesting boxes integral to the structure of the building and within the site, retention of cordwood from trees felled within the landscape scheme, plus wildlife friendly drainage measures. The approved measures shall be installed prior to occupation and retained thereafter.

Reason: To enhance and protect biodiversity.

Additional Landscaping Conditions

The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the Local Planning Authority. The scheme shall 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. The submitted scheme shall also include the long term retention of existing boundary vegetation, additional native planting to maximise biodiversity value,

a planting specification, a programme of implementation and a five year management plan.

Reason: To ensure a satisfactory setting and external appearance to the development.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building hereby permitted or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and external appearance to the development.

2. That the detailed landscaping scheme is to be approved in consultation with Ward Members, representatives of the Parish Council and the Political Group Spokespersons of the Planning Committee.

Voting: 6 – For 4 – Against 1 – Abstention

209. 17/502032 - ERECTION OF FRONT PORCH - 56 VALLEY DRIVE, LOOSE, MAIDSTONE, KENT

There were no disclosures of lobbying.

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 set out in the report as amended by the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

210. 17/502264 - NEW DOUBLE GARAGE - 56 VALLEY DRIVE, LOOSE, MAIDSTONE, KENT

There were no disclosures of lobbying.

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 set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

211. 17/503428 - TWO STOREY SIDE AND REAR EXTENSION - 26 WALDRON DRIVE, LOOSE, MAIDSTONE, KENT

There were no disclosures of lobbying.

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 set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

212. ADJOURNMENT OF MEETING

At 9.26 p.m., the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on Thursday 5 October 2017 when the remaining items on the agenda will be discussed.

213. DURATION OF MEETING

6.00 p.m. to 9.26 p.m.