

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 19 OCTOBER 2017**

**Present:** Councillor English (Chairman) and Councillors Barned, Boughton, Butler, Cox, Harwood, Munford, Round, Spooner and Vizzard

**Also Present:** Councillors McLoughlin and Springett

#### 229. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Clark, Powell, Prendergast and Mrs Stockell.

#### 230. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Barned for Councillor Powell  
Councillor Butler for Councillor Prendergast

#### 231. NOTIFICATION OF VISITING MEMBERS

Councillor McLoughlin indicated his wish to speak on the report of the Head of Planning and Development relating to application 17/503487 (Wickham Field, Pattenden Lane, Marden, Kent).

Councillor Springett indicated her wish to speak on the report of the Head of Planning and Development relating to application 17/503319 (8 Shirley Way, Bearsted, Kent).

It was noted that Councillor Brice had indicated her wish to speak on the reports of the Head of Planning and Development relating to applications 15/501537 and 17/504081 (Maplehurst Lane, Frittenden Road, Staplehurst, Kent), but would be late in arriving at the meeting. In the event, Councillor Brice did not arrive in time to address the Committee on these applications.

#### 232. ITEMS WITHDRAWN FROM THE AGENDA

17/502714 - CHANGE OF USE OF LAND TO CREATE TWO ADDITIONAL PLOTS ADJACENT TO AN EXISTING GYPSY SITE, FOR THE ACCOMMODATION OF TWO GYPSY TRAVELLER FAMILIES. EACH PLOT TO CONTAIN ONE STATIC CARAVAN, ONE TOURING CARAVAN, A SEPTIC TANK, PARKING FOR TWO VEHICLES AND ASSOCIATED HARDSTANDING - CARAVAN 2, HAWTHORN FARM, PYE CORNER, ULCOMBE, KENT

**RESOLVED:** That this application be withdrawn from the agenda to enable the Officers to address the Gypsy and Traveller status of the future occupiers of the site in a revised report.

233. 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/appeal decisions to be considered at the meeting.

234. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 17/503285 (Crispin Cottage, 163 Heath Road, Coxheath, Maidstone, Kent), the Chairman said that all Members present knew Councillor Brian Mortimer who owned part of the application site.

235. EXEMPT ITEMS

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

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

**RESOLVED:** That the Minutes of the meeting held on 28 September 2017 adjourned to 5 October 2017 be approved as a correct record and signed.

237. PRESENTATION OF PETITIONS

There were no petitions.

238. DEFERRED ITEMS

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

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

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 1 MAY AND 31 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

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

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

239. 17/504081 - REMOVAL OF CONDITION 1 REQUIRING SITE VACATION AFTER 3 YEARS AND CONDITION 2 SEEKING REMOVAL OF NAMED OCCUPIER APPENDING TO PLANNING PERMISSION 15/501528 (CHANGE OF USE OF LAND FOR THE STATIONING OF A MOBILE HOME, UTILITY ROOM, STABLE BLOCK AND TOURING CARAVAN FOR GYPSY FAMILY (PART RETROSPECTIVE)) - MAPLEHURST LANE, FRITTENDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

All Members stated that they had been lobbied.

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

Councillor Sharp of Staplehurst Parish Council addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report.

Voting:        7 – For        1 – Against        1 – Abstention

Note: Councillor Boughton entered the meeting whilst this application was being introduced by the Development Manager (6.10 p.m.), and did not participate in the discussion or the voting.

240. 15/501537 - CHANGE OF USE OF LAND FOR THE PERMANENT STATIONING OF A MOBILE HOME, UTILITY ROOM, STABLE BLOCK AND TOURING CARAVAN FOR GYPSY FAMILY (PART RETROSPECTIVE) - MAPLEHURST LANE, FRITTENDEN ROAD, STAPLEHURST, KENT

All Members stated that they had been lobbied.

The Committee considered the report of the Head of Planning and Development. In introducing the report, the Development Manager took the opportunity to apologise to the applicant for the drafting error which occurred when the application was first reported to the Committee.

Councillor Burnham of Staplehurst Parish Council addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report.

Voting: 8 – For 2 – Against 0 – Abstentions

241. 17/501477 - USE OF LAND FOR THE SITING OF 1 NO. MOBILE HOME, PARKING FOR 1 NO. TOURING CARAVAN AND ERECTION OF AN AMENITY BUILDING FOR A MEMBER OF THE TRAVELLING COMMUNITY - LAND AT PYE CORNER, ULCOMBE, 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 Kent, for objectors, Councillor Titchener of Ulcombe Parish Council, and Mr Gilham, for the applicant, addressed the meeting.

In response to a statement signed by seven local residents confirming that they recalled the applicant saying at a meeting of the Ulcombe Parish Council in April 2017 that she and her husband wanted to settle and live permanently in Ulcombe, and that she did not have a traveller lifestyle, the Principal Planning Officer advised the Committee that a person could permanently live on a Gypsy and Traveller site and have a settled base and still pursue a nomadic habit of life. The applicant had submitted a Statutory Declaration that she did have a traveller lifestyle as confirmed by her husband at the meeting. The Officers were content from the evidence submitted under the planning application regarding the applicant's gypsy status.

**RESOLVED:** That consideration of this application be deferred to negotiate an amended layout to relocate the mobile home towards the eastern part of the site to reduce the visual impact and impact on neighbouring residential amenity.

Voting: 6 – For 3 – Against 1 – Abstention

242. 17/503285 - ERECTION OF FOUR DWELLINGS WITH PARKING PROVISION AND HIGHWAYS ACCESS - CRISPIN COTTAGE, 163 HEATH ROAD, COXHEATH, MAIDSTONE, KENT

The Chairman and Councillors Boughton, Cox, Munford and Round stated that they had been lobbied.

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

Mr Street addressed the meeting on behalf of the applicant.

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report, with the amendment of condition 10 as follows:

Following first occupation of any of the houses hereby permitted details of the size, design and siting of four integral bird bricks and two bat boxes to be incorporated into the fabric of the houses shall be submitted for prior approval in writing by the Local Planning Authority. The bird bricks and bat boxes shall be installed within 3 months of approval and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

Voting: 9 – For 1 – Against 0 – Abstentions

Note: Councillor B Mortimer, who owned part of the application site and was sitting in the public gallery, left the meeting whilst this proposed development was discussed.

243. 17/503487 - CONSTRUCTION OF 2 BEDROOM, SELF-BUILD, DETACHED BUNGALOW - WICKHAM FIELD, PATTENDEN LANE, MARDEN, KENT

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

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

Councillor Mannington of Marden Parish Council, Ms Tindale, for the applicant, and Councillor McLoughlin (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to grant permission subject to conditions to be finalised by the Head of Planning and Development acting under delegated powers.

In making this decision, Members felt that, subject to appropriate landscape mitigation, the proposed development would not cause significant harm to the character of the open countryside in this location.

**RESOLVED:** That permission be granted subject to conditions to be finalised by the Head of Planning and Development acting under delegated powers; these conditions to cover, inter alia, materials, renewables, integral niches for wildlife and landscaping (with an emphasis on landscaping, appropriate to the area, to the front).

Voting: 10 – For 0 – Against 0 – Abstentions

244. 17/500917 - PROPOSED ERECTION OF INFILL DETACHED CHALET STYLE DWELLING WITH GARAGING, PARKING PROVISION AND HIGHWAY ACCESS - MEADOWCROFT, MAIDSTONE ROAD, HEADCORN, KENT

All Members stated that they had been lobbied.

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

Councillor Dungey of Headcorn Parish Council and Mr Street, for the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to grant permission subject to conditions to be finalised by the Head of Planning and Development acting under delegated powers.

In making this decision, Members felt that, subject to appropriate landscape mitigation, the proposed development would not cause significant harm to the character of the countryside in this location.

**RESOLVED:** That permission be granted subject to conditions to be finalised by the Head of Planning and Development acting under delegated powers; these conditions to cover, inter alia, materials, renewables, integral niches for wildlife, landscaping and the incorporation of cordwood into the landscaping scheme.

Voting:        9 – For        0 – Against        1 – Abstention

245. 17/503319 - PROPOSED 2 STOREY SIDE AND REAR EXTENSION WITH SINGLE STOREY SIDE ELEMENT, ENCLOSED FRONT PORCH AND ROOF EXTENSION. MINOR INTERNAL CHANGES - 8 SHIRLEY WAY, BEARSTED, KENT

All Members stated that they had been lobbied.

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

Mr Hann, for objectors, 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 felt that the proposed development by virtue of its height, scale, mass and overbearing impact would result in an unacceptable impact on the residential amenity of the adjacent properties either side, specifically on the conservatories and rear elevation windows, contrary to policies DM1 (iv) and DM9 of the Final Draft Maidstone Local Plan and the Residential Extensions SPD 2009.

**RESOLVED:** That permission be refused for the following reason:

The proposed development by virtue of its height, scale, mass and overbearing impact would result in an unacceptable impact on the residential amenity of the adjacent properties either side, specifically on the conservatories and rear elevation windows, contrary to policies DM1

(iv) and DM9 of the Final Draft Maidstone Local Plan and the Residential Extensions SPD 2009.

Voting:        6 – For        3 – Against        1 – Abstention

246. APPEAL DECISIONS

The Committee considered the report and the urgent update report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting. It was noted that the appeal against the Committee's decision to refuse application 16/505005 (Permanent stationing of two additional mobile homes for the applicant's dependants – Little Boarden Farm, Boarden Lane, Hawkenbury, Kent) had been allowed with conditions by the Planning Inspectorate. In addition, a full costs award had been made against the Council.

During the ensuing discussion, reference was made to the provision of Gypsy and Traveller sites, the needs of the local Gypsy and Traveller population and the implications of speculative applications for both the settled and Gypsy and Traveller communities. It was suggested that this should be addressed as soon as work commences on the Review of the Local Plan (subject to adoption by the Council on 25 October 2017); through duty to co-operate discussions with other Boroughs; and possibly through the Council's property portfolio.

The Development Manager undertook to circulate the appeal decisions in respect of applications 16/506707 (57-59 Church Street, Tovil) and 16/503947 (3 Hockers Lane, Detling) (both allowed with conditions) to all Members of the Committee for information.

**RESOLVED:** That the report be noted.

247. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that a report on Member training would be submitted to the Committee in November 2017.

248. DURATION OF MEETING

6.00 p.m. to 9.45 p.m.