

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 21 OCTOBER 2021

Present: Councillor Spooner (Chairman) and
Councillors Brindle, Cox, English, Eves, Harwood,
Holmes, Kimmance, McKay, Munford, Perry,
Trzebinski and Young

Also Present: Councillor Garten

127. RECORDING OF PROCEEDINGS

Councillor McKay reserved his right to record the proceedings.

128. APOLOGIES FOR ABSENCE

There were no apologies for absence.

129. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

130. NOTIFICATION OF VISITING MEMBERS

Councillor Garten had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/504233/FULL (Bimbury Lodge, Bimbury Lane, Stockbury, Maidstone, Kent), and attended the meeting remotely.

131. ITEMS WITHDRAWN FROM THE AGENDA

21/503615/FULL - THE CONSTRUCTION OF A SURFACE WATER ATTENUATION AND SETTLING LAGOON WITH ASSOCIATED DRAINAGE INFRASTRUCTURE AND LANDSCAPING - VINTERS PARK CREMATORIUM, BEARSTED ROAD, WEAVERING, MAIDSTONE, KENT

The Development Manager sought the Committee's agreement to the withdrawal of application 21/503615/FULL from the agenda.

The Development Manager explained that after the report was concluded, it had come to light that there were some consultation issues that had not been undertaken as part of the application and it seemed that there was some miscommunication between relevant departments within the Borough Council. There were also some issues regarding ecology matters that had not been properly considered as part of the application. In view of these issues and to allow further investigation and consultation,

including investigation of possible alternative sites, it was recommended that the application be withdrawn from the agenda.

RESOLVED: That agreement be given to the withdrawal of application 21/503615/FULL from the agenda.

132. URGENT ITEMS

The Chairman said that he intended to take 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.

133. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 21/503982/FULL (Newnham Court Shopping Village, Bearsted Road, Weaving, Kent), Councillor Brindle said that she had attended the site on a fact-finding visit at which time the applicant had discussed the application. She had made it very clear to the applicant on a number of occasions during her conversation with him that as a Member of the Borough Council's Planning Committee, she could not be seen as being pre-determined and as such she could not give him advice. Having made that statement, she was coming to the meeting with an open mind and intended to take part in the debate and to vote.

134. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

Item 13.	21/503982/FULL - Newnham Court Shopping Village, Bearsted Road, Weaving, Kent	Councillors Brindle, English, Eves, Holmes, McKay, Munford, Spooner and Young
Item 14.	21/504233/FULL - Bimbury Lodge, Bimbury Lane, Stockbury, Maidstone, Kent	Councillors Brindle, English, Eves, Harwood, Holmes, Perry, Spooner and Young
Item 15.	21/503615/FULL - Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, Kent	Councillor Harwood WITHDRAWN FROM THE AGENDA
Item 16.	21/503673/TPOA - 18 Peter Pease Close, Kingswood, Maidstone, Kent	Councillor Harwood
Item 17.	21/504210/FULL - 3 The Bungalows, Church Street, Teston, Maidstone, Kent	Councillors Brindle, Holmes, Munford, Spooner and Young
Item 18.	21/502623/FULL - Land Adjacent to Bridge House, Couchman Green Lane, Staplehurst, Tonbridge, Kent	Councillors English, Eves and Perry

See Minute 139 below

135. EXEMPT ITEMS

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

136. MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2021

RESOLVED: That the Minutes of the meeting held on 23 September 2021 be approved as a correct record and signed.

137. PRESENTATION OF PETITIONS

There were no petitions.

138. DEFERRED ITEMS

20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL) - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT

20/505611/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITION 18 - FOUL AND SURFACE WATER SEWERAGE DISPOSAL SUBJECT TO 14/502010/OUT - DICKENS GATE, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

The Development Manager said that he had nothing further to report in respect of these applications at present. However, he had asked the Case Officer to bring application 20/504386/FULL back to the Committee as soon as possible as it had been deferred since December 2020.

139. 21/502623/FULL - RETROSPECTIVE APPLICATION FOR THE RETENTION OF A STORAGE UNIT AND SUMMER HOUSE TOGETHER WITH MINOR EXTENSION OF THE ACCESS TRACK IN CONNECTION WITH THE USE OF LAND AS A HOBBY FARM AT LAND ASSOCIATED WITH BRIDGE HOUSE, COUCHMAN GREEN LANE (RE-SUBMISSION OF 20/502913/FULL) - LAND ADJACENT TO BRIDGE HOUSE, COUCHMAN GREEN LANE, STAPLEHURST, TONBRIDGE, KENT

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

In introducing the application, the Major Projects Manager advised the Committee that he wished to:

- Amend condition 2 (External Facing Materials – Storage Container Building) to require the external facing materials to be implemented within the set timeframe in accordance with the approved details (rather than reference to an acceptable degree);

- Amalgamate conditions 3 (Landscape Scheme) and 4 (Landscaping Implementation) into a single condition and to include a penalty clause to the effect that if the landscaping works are not completed within the first planting season following their approval, then the storage container and the summer house shall be removed from the site;
- Add another condition preventing the erection of any other buildings or structures that would otherwise be permitted development; effectively removing permitted development rights for any structures other than those which exist already; and
- Amend the reference to policy DM34 in section 3.0 of the report to read policy DM36.

Councillor Perry read out a statement on behalf of Councillor Bowden of Staplehurst Parish Council who was unable to address the Committee remotely due to connectivity issues.

Mr Robinson addressed the meeting in person on behalf of the applicant.

RESOLVED:

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

The amendment of condition 2 (External Facing Materials – Storage Container Building) to require the external facing materials to be implemented within the set timeframe in accordance with the approved details (rather than reference to an acceptable degree);

The amalgamation of conditions 3 (Landscape Scheme) and 4 (Landscaping Implementation) into a single condition and to include a penalty clause to the effect that if the landscaping works are not completed within the first planting season following their approval, then the storage container and the summer house shall be removed from the site;

An additional condition preventing the erection of any other buildings or structures that would otherwise be permitted development; effectively removing permitted development rights for any structures other than those which exist already; and

An additional condition to cover boundary treatments and internal fencing to protect landscape margins particularly along the boundary with the Public Right of Way.

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 2 – Against 0 – Abstentions

Note: Councillor Kimmance joined the meeting after consideration of this application (6.58 p.m.). He said that he had no disclosures of interest and that he had been lobbied on agenda items 14 (21/504233/FULL - Bimbury Lodge, Bimbury Lane, Stockbury, Maidstone, Kent), 16 (21/503673/TPOA - 18 Peter Pease Close, Kingswood, Maidstone, Kent) and 17 (21/504210/FULL - 3 The Bungalows, Church Street, Teston, Maidstone, Kent).

140. 21/504233/FULL - CHANGE OF USE OF LAND TO BIJOU GLAMPING RETREAT, CONSISTING OF 4(NO) CANVAS BELL TENTS, 1(NO) SHEPHERD HUT, ERECTION OF 1(NO) TOILET/SHOWER BLOCK AND ASSOCIATED PARKING. CONVERSION OF STABLE BLOCK, INTO BAR, 3(NO) SLEEPING PODS, KITCHEN AND DINING AREA/TEA ROOM - BIMBURY LODGE, BIMBURY LANE, STOCKBURY, MAIDSTONE, KENT

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

Mr Cathcart, an objector, Councillor Moody of Stockbury Parish Council, and Councillor Garten (Visiting Member) addressed the meeting remotely.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, the Committee considered that the proposed development would be contrary to policy for the following summarised reasons:

The proposal would represent an over intensive tourism use of the site with insufficient parking provision on the site and would result in a development that would bring in disturbance and break the tranquillity of the area causing harm to the Kent Downs AONB and its functioning. Given the narrow plot size, it would not be possible to appropriately mitigate this harm and it would not be possible to screen or buffer the development with appropriate landscaping or provide net biodiversity gain as required by the National Planning Policy Framework (2021).

Given the intensity of the use proposed, the proximity of neighbouring properties and the size of the plot, the proposals would have a detrimental impact on the amenity of neighbouring occupiers through the coming and going of holiday makers and through on-site activities which cannot be mitigated given the size of the plot.

The Development Manager requested that delegated powers be given to the Head of Planning and Development to finalise the reasons for refusal based on the key issues cited above.

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

Voting: 13 – For 0 – Against 0 - Abstentions

141. 21/504210/FULL - DEMOLITION OF CONSERVATORY AND ERECTION OF SINGLE STOREY REAR/SIDE EXTENSION - 3 THE BUNGALOWS, CHURCH STREET, TESTON, MAIDSTONE, KENT

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

Councillor Coulling of Teston Parish Council read out a statement on behalf of Mr Edmonds, an objector, in person.

Councillor Coulling then addressed the meeting on behalf of Teston Parish Council.

Mr Older addressed the meeting remotely on behalf of his brother, the applicant.

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

Voting: 13 – For 0 – Against 0 – Abstentions

142. 21/503982/FULL - RETROSPECTIVE APPLICATION FOR RETENTION OF THE EXISTING CONCRETE SLAB HARDSTANDING AREA - NEWNHAM COURT SHOPPING VILLAGE, BEARSTED ROAD, WEAVERING, KENT

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

In introducing the application, the Development Manager advised the Committee that he wished to amend condition 1(i)(b) (Management Plan) to read "Measures to provide a ~~net biodiversity gain~~ ecological enhancement, including bat and bird boxes". This was principally on the basis that it was considered that it would not be possible to achieve a biodiversity net gain on the site given that the proposal related to operational works i.e., the retention of the hardstanding that had been put down.

Mr Cook, an objector, addressed the meeting in person.

RESOLVED:

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

The amendment of condition 1(i) (Management Plan) to require that the Management Plan shall include an acoustic survey to demonstrate whether an acoustic barrier is required to protect the amenity of the occupants of Newnham Court. If the survey demonstrates that an acoustic barrier is required, then details of the barrier including its height and extent shall be submitted to and agreed by the Local Planning Authority;

The amendment of condition 1(i)(b) (Management Plan) to read “Measures to provide a net biodiversity gain ecological enhancement, including bat and bird boxes”; and

The amendment of condition 1(i) (Management Plan) to require that the Management Plan shall include details of bunding around the perimeter of the entire site with landscaping in accordance with the Landscape Character Guidelines to mitigate landscape and amenity harm and help provide biodiversity gain.

2. That the Head of Planning and Development be given delegated powers to finalise the wording and the timing of amended condition 1 and to amend any other conditions as a consequence.

Voting: 9 – For 2 – Against 2 – Abstentions

143. 21/503673/TPOA - TPO APPLICATION FOR 1 X (T1) SEMI- MATURE OAK TREE - FELL TO GROUND LEVEL - 18 PETER PEASE CLOSE, KINGSWOOD, MAIDSTONE, KENT

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

Mrs King addressed the meeting in person in support of the application.

Mrs King explained that the applicant was unable to attend the meeting due to work commitments.

RESOLVED:

1. That permission be refused for the reasons set out in the report with an informative inviting the applicant to discuss further the management of the tree with the Borough Council with a view to an application being submitted for tree works that could be looked more favourably upon.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the informative.

Voting: 13 – For 0 – Against 0 – Abstentions.

144. 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 Harwood left the meeting after consideration of this report (9.27 p.m.).

145. ENFORCEMENT TRACKER

The Development Manager presented the enforcement tracker report which provided the current status of enforcement cases where formal notices had been served.

In presenting the report, the Development Manager:

Referred to a recent successful injunction at Water Lane that could be added to the tracker;
Advised the Committee that appeal decisions were awaited in relation to breaches of planning control at plots off Unicomes Lane following the Planning Inspector's site visit in January 2021; and
Corrected the tracker in so far as Lested Farm, Plough Wents Road is in Chart Sutton Ward and not Bearsted Ward.

In response to questions, the Development Manager:

Undertook to amend the tracker to show that an appeal decision was awaited in relation to breaches of planning control at the Barge Riverside Restaurant;
Undertook to provide an update for Councillor Perry on the position regarding breaches of planning control at Monks Lakes, Staplehurst Road, Marden; and
Advised the Committee that the tracker only logged cases where formal enforcement notices had been served.

RESOLVED: That the enforcement tracker, as amended, be noted.

146. DURATION OF MEETING

6.00 p.m. to 9.35 p.m.