

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**MINUTES OF THE MEETING HELD ON 21 MARCH 2024 ADJOURNED  
TO 25 MARCH 2024**

**Present 25 March 2024:**

<b>Committee Members:</b>	<b>Councillor Spooner (Chairman) and Councillors Cox, Mrs Gooch, Harwood, Jeffery, Kimmance, Perry and Russell</b>
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283. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors English, Riordan and D Wilkinson.

284. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

285. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

286. ITEMS WITHDRAWN FROM THE AGENDA

There were no items withdrawn from the agenda.

287. URGENT ITEMS

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

288. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Perry stated that since he had taken part in the Cabinet's decision-making regarding the Heather House and Pavilion Building sites, he would withdraw from the meeting when applications 23/505231/NMAMD and 23/505593/NMAMD were discussed.

Councillor Russell stated that since the Mote Park kiosk formed part of her Cabinet portfolio, she would address the Committee and then withdraw from the meeting when application 23/504640/FULL was discussed.

Councillor Russell also stated that since the schemes were within the scope of her Cabinet portfolio, she would withdraw from the meeting when applications 23/505231/NMAMD and 23/505593/NMAMD were discussed.

289. DISCLOSURES OF LOBBYING

Councillor Harwood stated that he had been lobbied on item 10 (23/505669/TPOA – 20 The Trinity Foyer, First Floor Flat 1, Church Street, Maidstone, Kent).

290. EXEMPT ITEMS

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

291. 23/504640/FULL - CHANGE OF USE OF EXISTING KIOSK AND WC BUILDING TO STORAGE AND CHANGING ROOMS. ERECTION OF SINGLE STOREY SIDE EXTENSION, INCLUDING REPLACEMENT OF FLAT ROOF WITH A NEW PITCHED ROOF AND ASSOCIATED LANDSCAPING WORKS - MOTE PARK KIOSK, WILLOW WAY, MAIDSTONE, KENT

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

Having stated that the building which was the subject of the application formed part of her Cabinet portfolio, Councillor Russell addressed the Committee and then withdrew from the meeting.

**RESOLVED:**

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

An additional condition requiring the installation of a solar PV panel on the roof of the building.

The amendment of conditions 5 and 7 (Replacement Tree) to require the provision of two replacement trees (1 x Common Alder and 1 x Dutch Elm Disease Resistant Elm) one just to the north of the building and one to the southeast.

2. That the Head of Development Management be given delegated powers to be able to add, settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting:        7 – For        0 – Against        0 – Abstentions

292. 23/505669/TPOA - TPO APPLICATION TO: HOLLY (T4) INSTALL A 3 WAY COBRA SYSTEM, ASH (T9) SEVER IVY AND DEADWOOD, CHERRY (T12) REDUCE LARGE LIMB OVER FOOTPATH BY 1M AND DEADWOOD AND REMOVAL OF TWO ASH (T13 AND T15) - 20 THE TRINITY FOYER, FIRST FLOOR, FLAT 1, CHURCH STREET, MAIDSTONE, KENT

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

**RESOLVED:**

1. That permission be granted for works to the Holly (T4), the Ash (T9) and the Cherry (T12) subject to the conditions and informatives set out in the report with the exception of informative no.4.

2. That permission to remove the two Ash trees (T13 and T15) be refused, but they should be kept under review, with an informative advising the applicant that consideration be given to pollarding the trees to prolong their life.

Voting: 7 – For 1 – Against 0 - Abstentions

293. 5012/2023/TPO - MATURE THUJA TREE LOCATED ALONG THE NORTHERN BOUNDARY OF ST MARY'S CHURCH - ST MARY'S CHURCH, OLD ASHFORD ROAD, LENHAM, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management concerning Tree Preservation Order No.5012/2023/TPO which was made on 12 October 2023 on a provisional basis following the submission of a six-week notification to fell a Thuja tree growing within the grounds of St Mary's Church, Lenham. It was noted that:

- The main reasons given in the application for the removal of the Thuja were due to signs of disease, root rotting and its size so close to the road and adjacent property, Forge House. An inspection by the Council's arboriculturist found that the Thuja did not display any signs of disease or decay to justify its removal so, in accordance with the regulations, it was considered expedient to make the tree the subject of a Tree Preservation Order to prevent its removal.
- An objection had been received from Lenham Parish Council to the making of the Order. The points raised in the objection by the Parish Council were not considered sufficient reasons to not confirm the TPO or to raise sufficient doubt to question its validity. The Thuja tree was considered to have significant amenity value so its loss would erode the mature and verdant landscape of the area by a marked degree and give rise to significant harm to its character and appearance. It was, therefore, considered expedient to confirm the TPO to secure its long-term retention/protection.

**RESOLVED:** That Tree Preservation Order No.5012/2023/TPO be confirmed without modification as per the Order attached as Appendix A to the report.

Voting: 8 – For 0 – Against 0 – Abstentions

294. (A) 23/505231/NMAMD & (B) 23/505593/NMAMD - HEATHER HOUSE, BICKNOR ROAD, MAIDSTONE, KENT

- (A) Non-material amendment to Condition 30 (drainage) of 22/500222/FULL : Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood Recreation Ground and change of use of part of site to Parkwood Recreation Ground. Demolition of the Pavilion Building and erection of 11no. dwellings on the site of the Pavilion and partly on adjacent Parkwood Recreation Ground. Both with associated parking, vehicular and pedestrian access and landscaping.
- (B) Non-Material Amendment: canopy projection reduction to community centre, internal road alignment to the residential site and elevational and layout changes to the residential plots - 22/500222/FULL : Demolition of Heather House Community Centre and construction of a New Community Centre to include changing rooms and storage related to the Sports use of Parkwood

Recreation Ground and change of use of part of site to Parkwood Recreation Ground.

Having stated that he had taken part in the Cabinet's decision-making regarding the Heather House and Pavilion Building sites, Councillor Perry withdrew from the meeting when these applications were discussed.

Having stated that these schemes were in the scope of her Cabinet portfolio, Councillor Russell withdrew from the meeting when they were discussed.

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

**RESOLVED:**

1. That the Non-Material Amendment under ref. 23/505231/NMAMD be granted.
2. That the Non-Material Amendment under ref. 23/505593/NMAMD be granted.

Voting:      6 – For      0 – Against      0 – Abstentions

295. APPEAL DECISIONS

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

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

296. DISCUSSION ITEM ON RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

At the start of the discussion on this item, the Head of Development Management provided context focusing on countryside policy changes and inconsistency in Planning Inspector assessment of harm which was likely to be compounded by updated Local Plan wording lowering the bar of harm to "significant". Reference was made to Planning Inspectors finding no harm or rarely finding significant harm and the increased use of Landscape and Visual Impact Assessments (LVIAs) to measure harm to the landscape.

It was suggested that the way forward was to commission a new Maidstone Landscape Character Assessment (LCA). The current LCA was twelve years old and did not identify the intrinsic value of the countryside for openness or value the morphology of settlements. Whilst it did identify key features of local landscape character areas, it did not specify whether these were positive or negative influences, which enabled negative characteristics to be identified and replicated by developers as being in-keeping with existing character.

During the discussion, reference was made to the need to engage with Members (Planning Committee), Parish Councils and local farmers in the development of the new document. It was suggested that a complete re-assessment should be undertaken, resources should be allocated to it and a date should be set for the document to be reviewed.

The Committee agreed that the Cabinet Member for Planning, Infrastructure and Economic Development be requested to investigate in conjunction with the Planning Committee as practitioners the development of a Supplementary Planning Document to replace the 2012 Maidstone Landscape Character Assessment as a result of the recent Local Plan Review.

**RESOLVED:** That the Cabinet Member for Planning, Infrastructure and Economic Development be requested to investigate in conjunction with the Planning Committee as practitioners the development of a Supplementary Planning Document to replace the 2012 Maidstone Landscape Character Assessment as a result of the recent Local Plan Review.

Voting:      8 – For      0 – Against      0 – Abstentions

297. DURATION OF MEETING

6.00 p.m. to 7.50 p.m.