

# PLANNING COMMITTEE MEETING

Date: Thursday 21 July 2022  
Time: 6.00 p.m.  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, McKenna, Munford (Vice-Chairman), Perry, Spooner (Chairman), Trzebinski, D Wilkinson and Young

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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## AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 28 July 2022
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 23 June 2022 1 - 8
11. Presentation of Petitions (if any)
12. Any Questions on Notice from Local Residents
13. Any Questions on Notice from Members
14. Deferred Items 9 - 10

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**Issued on Wednesday 13 July 2022**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

15.	22/502968/FULL - Mote Park Maidstone, Willow Way, Maidstone, Kent	11 - 17
16.	22/500732/FULL - Weald Cottage, Maidstone Road, Staplehurst, Kent	18 - 26
17.	Appeal Decisions	27 - 30
18.	Enforcement Tracker	31 - 35
19.	S106 Update Spend by Dates	36 - 37
20.	Planning Committee Training	38 - 45

#### **PLEASE NOTE**

**The order in which items are taken at the meeting may be subject to change.**

**The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.**

**For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>**

#### **PUBLIC SPEAKING AND ALTERNATIVE FORMATS**

**In order to ask a question at this meeting in person or by remote means, please call 01622 602899 or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Tuesday 19 July 2022). You will need to provide the full text in writing.**

**In order to speak at the meeting in person or by remote means, please call 01622 602899 or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 4 p.m. on Wednesday 20 July 2022. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.**

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## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 23 JUNE 2022**

**Present:** Councillor Spooner (Chairman) and Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, McKenna, Munford, Parfitt-Reid, Perry, Trzebinski and D Wilkinson

**Also Present:** Councillors Round and Springett

24. **APOLOGIES FOR ABSENCE**

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

25. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Parfitt-Reid was substituting for Councillor Young.

26. **NOTIFICATION OF VISITING MEMBERS**

Councillor Round indicated his wish to speak on the report of the Head of Planning and Development relating to application 22/501606/FULL (Ringles Gate, Grigg Lane, Headcorn, Ashford, Kent).

Councillor Springett indicated her wish to speak on the report of the Head of Planning and Development relating to application 22/500345/FULL (8 Nethermount, Bearsted, Maidstone, Kent).

27. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

28. **URGENT ITEMS**

The Chairman said that he intended to take the update report of the Head of Planning and Development and 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.

29. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Brindle said that, with regard to the report of the Head of Planning and Development relating to application 22/502289/REM (Kent Medical Campus, Newnham Way, Maidstone, Kent), she was a Member of

Boxley Parish Council. However, she had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

Councillor Perry said that, with regard to the report of the Head of Planning and Development relating to application 21/506207/FULL (Staplehurst Service Station, High Street, Staplehurst, Kent), he was a Member of Staplehurst 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.

Councillor Spooner said that, with regard to the report of the Head of Planning and Development relating to application 22/500345/FULL (8 Nethermount, Bearsted, Maidstone, Kent), he was a Member of Bearsted 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.

30. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

16.	21/503457/FULL – Fox Pitt Farm Commercial Estate, Shingle Barn Lane, West Farleigh, Maidstone, Kent	No lobbying
17.	22/501983/FULL – 98 Sandling Road, Maidstone, Kent	No lobbying
18.	22/502289/REM – Kent Medical Campus, Newnham Way, Maidstone, Kent	Councillors Harwood and Kimmance
19.	22/500345/FULL – 8 Nethermount, Bearsted, Maidstone, Kent	Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, McKenna, Munford, Parfitt-Reid, Perry, Trzebinski and D Wilkinson
20.	22/501606/FULL – Ringles Gate, Grigg Lane, Headcorn, Ashford, Kent	Councillors English, Harwood and Kimmance
21.	21/506207/FULL – Staplehurst Service Station, High Street, Staplehurst, Kent	Councillors Brindle, English, Harwood, Holmes, Kimmance, McKenna, Munford, Parfitt-Reid, Perry, Spooner, Trzebinski and D Wilkinson

31. EXEMPT ITEMS

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

32. MINUTES OF THE MEETING HELD ON 26 MAY 2022

**RESOLVED:** That the Minutes of the meeting held on 26 May 2022 be approved as a correct record and signed.

33. PRESENTATION OF PETITIONS

There were no petitions.

34. ANY QUESTIONS ON NOTICE FROM LOCAL RESIDENTS

There were no questions from local residents.

35. ANY QUESTIONS ON NOTICE FROM MEMBERS

There were no questions from Members.

36. DEFERRED ITEMS

21/503150/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3 NO. HOUSES WITH ASSOCIATED AMENITY SPACE, LANDSCAPING AND ACCESS - THE OLD FORGE, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT

21/506664/FULL - DEMOLITION AND REBUILDING OF THE EXISTING BARN TO PROVIDE A 3 BEDROOM DWELLING INCLUDING REAR PAVILIONS LINKED BY GLASS LINK. RE-ROUTING AND ALTERATION OF EXISTING ROAD ACCESS TO ALLOW SEPARATE ACCESS TO HOUSE AND BARN AND ASSOCIATED LANDSCAPING - ROSEHILL, VANITY LANE, LINTON, MAIDSTONE, KENT

The Major Projects Manager advised the Committee that both Case Officers had received and were assessing information from the applicants.

37. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS TO DISCHARGE CONDITION 3 OF PLANNING PERMISSION 21/503615/FULL (VINTERS PARK CREMATORIUM, BEARSTED ROAD, WEAVERING, MAIDSTONE, KENT)

**RESOLVED:** That the following Members be appointed as Spokespersons for their respective Political Groups for the purposes of discharging condition 3 of planning permission 21/503615/FULL (The construction of surface water attenuation and settling lagoons with associated drainage, infrastructure and landscaping – Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, Kent):

Councillor Brindle – Conservative Group  
Councillor Harwood – Liberal Democrat Group  
Councillor Munford – Independent Group  
Councillor D Wilkinson – Labour Group

38. 21/506207/FULL - REDEVELOPMENT OF THE FORMER STAPLEHURST SERVICE STATION FOR RETIREMENT LIVING ACCOMMODATION FOR OLDER PEOPLE (SIXTY YEARS OF AGE AND/OR PARTNER OVER FIFTY FIVE YEARS OF AGE) COMPRISING 27 RETIREMENT APARTMENTS AND 2 RETIREMENT COTTAGES INCLUDING COMMUNAL FACILITIES, ACCESS, CAR PARKING AND LANDSCAPING - STAPLEHURST SERVICE STATION, HIGH STREET, STAPLEHURST, KENT

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

In introducing the application, the Principal Planning Officer advised the Committee that an additional representation had been received the previous day. It did not raise any new material issues or any issues that had not already been considered in the report.

Mr Wiseman, an objector, Councillor Buller of Staplehurst Parish Council, and Ms Jackson, 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, the Committee considered that:

The main apartment building is out of scale with the predominant footprint, height, and mass of buildings within the street scene and local area and it protrudes beyond the established building line with a lack of space to provide sufficient landscaping/tree planting. It therefore fails to respond positively to, or be sympathetic to, local character, and would be an incongruous building harmful to the street scene and local area contrary to policy DM1 of the Maidstone Local Plan and policy H1 of the Staplehurst Neighbourhood Plan and paragraph 130(c) of the NPPF.

In the absence of a legal agreement to secure the necessary off-site affordable housing contribution the development would be contrary to policy SP20 of the Maidstone Local Plan.

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

1. The main apartment building is out of scale with the predominant footprint, height, and mass of buildings within the street scene and local area and it protrudes beyond the established building line with a lack of space to provide sufficient landscaping/tree planting. It therefore fails to respond positively to, or be sympathetic to, local character, and would be an incongruous building harmful to the street scene and local area contrary to policy DM1 of the Maidstone Local Plan and policy H1 of the Staplehurst Neighbourhood Plan and paragraph 130(c) of the NPPF.
2. In the absence of a legal agreement to secure the necessary off-site affordable housing contribution the development would be contrary to policy SP20 of the Maidstone Local Plan.

Voting: 13 – For 0 – Against 0 – Abstentions

39. 22/501606/FULL - ERECTION OF A REPLACEMENT DWELLING (RE-SUBMISSION OF 21/504862/FULL) - RINGLES GATE, GRIGG LANE, HEADCORN, ASHFORD, KENT

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

In the absence of a representative of the Parish Council, Mr Dowle, a supporter of the application, addressed the meeting with the Chairman's discretion.

Mr Hodson, the applicant, and Councillor Round (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 in consultation with Ward Members, the Chairman of the Committee and Councillors Brindle, Harwood, Munford and D Wilkinson.

In making this decision, Members considered that despite the policy considerations, in this particular case, due to the scale and massing of immediately adjacent development, the proposal would not have a harmful impact on the character and appearance of the countryside in this location. There would also be benefits in terms of energy efficiency, renewables and good design to which Members had afforded weight.

**RESOLVED:** That permission be granted subject to conditions to be finalised by the Head of Planning and Development in consultation with Ward Members, the Chairman of the Committee and Councillors Brindle, Harwood, Munford and D Wilkinson; the conditions to cover standard matters plus, inter alia:

The quality of the detailing (brickwork, doors, rainwater goods etc.).  
Materials (to ensure they are appropriate).

Renewables (air source heat pump and/or solar PV given the remote location and sustainability being a reason for the overturn).

Niches for wildlife (swift bricks in the eaves and bat tubes or bat bricks).  
External lighting (to reduce harm to the open countryside and protected species).

The long-term protection of the front boundary hedgerow and the implementation of a new native landscaping scheme.

The car parking area (materials and drainage).

A sustainable drainage approach (given the intensification of development).

Voting: 11 – For 1 – Against 1 – Abstention

40. 21/503457/FULL - DEMOLITION OF 3 NO. EXISTING SINGLE STOREY COMMERCIAL UNITS/STRUCTURES AND REPLACEMENT WITH A TWO-STOREY COMMERCIAL BUILDING COMPRISING OF 10 UNITS, PROVISION OF A NEW INTERNAL ROAD LAYOUT INCLUDING ADDITIONAL ENTRANCE FROM THE PRIVATE ACCESS ROAD SERVING THE DEVELOPMENT, REVISIONS TO ON-SITE VEHICLE PARKING, CONSTRUCTION OF A DETACHED REFUSE BIN STORE, AND ASSOCIATED LANDSCAPING - FOX PITT FARM COMMERCIAL ESTATE, SHINGLE BARN LANE, WEST FARLEIGH, MAIDSTONE, KENT

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

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

Voting: 12 – For 0 – Against 1 – Abstention

41. 22/500345/FULL - RETROSPECTIVE APPLICATION FOR THE REPLACEMENT AND RECONFIGURATION OF PATIO TO THE REAR OF THE HOUSE WITH PROPOSED PRIVACY SCREEN; THE ERECTION OF A GAZEBO WITH SURROUNDING DECKING; THE ERECTION OF AN ORANGERY; AND THE PART CONVERSION OF THE INTEGRAL GARAGE TO A UTILITY ROOM AND WC - 8 NETHERMOUNT, BEARSTED, MAIDSTONE, KENT

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

The Officers explained that most elements of the application were retrospective although the proposed mitigation screening had not been installed.

Councillor Springett (Visiting Member) read out a statement on behalf of Mr and Mrs Eaton who objected to the application.

Mr Bax, for the applicant, and Councillor Springett (Visiting Member) addressed the meeting.

Members raised no objection to most elements of the application, namely the garage conversion, gazebo and orangery, but did not support the extended decking area. It was considered that without adequate screening, the extended decking area, by virtue of its rearward projection and height, results in a loss of privacy to No.9 Nethermount. The proposed privacy screen by virtue of its height in relation to the neighbouring site, position on the boundary and incongruous materials would be overbearing resulting in a loss of amenity contrary to Policy DM1 of the adopted Maidstone Borough Local Plan 2017.

**RESOLVED:** That permission be refused and that the Head of Planning and Development be given delegated powers to finalise the reason for refusal to include the key issues cited above and to add an informative

advising the applicant that the other elements of the application would be acceptable if submitted separately.

Voting: 13 – For 0 – Against 0 – Abstentions

42. 22/502289/REM - RESERVED MATTERS OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF TEMPORARY CAR PARK (BEING ALTERNATIVE TO THOSE APPROVED UNDER 20/502037/REM) PURSUANT TO OUTLINE APPLICATION 16/507292/OUT AS VARIED BY 18/506609/OUT (APPLICATION TO VARY CONDITIONS 3, 4, AND 5 OF PLANNING PERMISSION 16/507292/OUT (OUTLINE APPLICATION WITH ACCESS SOUGHT FOR DEVELOPMENT OF MEDICAL CAMPUS) TO ALLOW FOR THE RELOCATION OF THE NATURE RESERVE) - KENT MEDICAL CAMPUS, NEWNHAM WAY, MAIDSTONE, KENT

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

**RESOLVED:**

1. That the reserved matters be approved subject to the conditions and informative set out in the report with an additional informative advising the applicant to investigate the opportunity to provide EV charging points adjacent to the main building.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional informative.
3. That the Officers be requested to liaise with the landowner to accelerate delivery of the landscaping pursuant to the outline planning permission.

Voting: 10 – For 1 – Against 2 – Abstentions

43. 22/501983/FULL - EXTENSION TO THE TIME FOR A TEMPORARY USE BY A FURTHER 3 YEARS. USE COMPRISES OFFICES, STORAGE AND RETAIL WAREHOUSE, AND PUBLIC CAR PARKING - 98 SANDLING ROAD, MAIDSTONE, KENT

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

**RESOLVED:**

1. That permission be granted subject to the condition and informative set out in the report with an additional condition to secure ecological measures appropriate to the site's character and future.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional condition.

Voting: 13 – For 0 – Against 0 – Abstentions

44. 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 and that the Officers be congratulated on their success at appeal.

45. DURATION OF MEETING

6.00 p.m. to 9.25 p.m.

## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

**21 JULY 2022**

#### **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

#### **DEFERRED ITEMS**

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

<b>APPLICATION</b>	<b>DATE DEFERRED</b>
<p><u>21/503150/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3 NO. HOUSES WITH ASSOCIATED AMENITY SPACE, LANDSCAPING AND ACCESS - THE OLD FORGE, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT</u></p> <p>Deferred for further negotiations to secure:</p> <ul style="list-style-type: none"> <li>• A fully worked up ecological and sustainable landscaping scheme to include investigation of how the southern parcel of land in the ownership of the applicant can be safeguarded as an ecological area such as a wood pasture, base-line ecological survey work, and details of the boundary treatments in respect of the property at the site frontage with a 10-year replacement period;</li> <li>• Good quality vernacular materials and detailing;</li> <li>• Energy efficient measures such as heat source pumps; and</li> <li>• A wet SUDS solution for ecological gain.</li> </ul>	24 March 2022
<p><u>21/506664/FULL - DEMOLITION AND REBUILDING OF THE EXISTING BARN TO PROVIDE A 3 BEDROOM DWELLING INCLUDING REAR PAVILIONS LINKED BY GLASS LINK. RE-ROUTING AND ALTERATION OF EXISTING ROAD ACCESS TO ALLOW SEPARATE ACCESS TO HOUSE AND BARN AND ASSOCIATED LANDSCAPING - ROSEHILL, VANITY LANE, LINTON, MAIDSTONE, KENT</u></p> <p>Deferred for further negotiations to bring forward an exemplar scheme with a design as close to the original building as possible, making as much use of the existing building materials as possible; this to</p>	21 April 2022

<p>include a re-examination of the design (in particular the glass link); the incorporation of renewable energy generation measures; and above standard ecological measures such as boundary treatments (gaps under fences) and timber piles etc. in addition to those referenced in the report.</p>	
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22/502968/FULL - Mote Park Maidstone, Willow Way, Maidstone,

Kent Scale: 1:2500

Printed on: 10/12/2019 at 11:34 AM by JoannaW

<b>REFERENCE NO - 22/502968/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Section 73 – Part retrospective application for Minor Material Amendments to approved plans condition 20 (being amendment to accommodate the required design changes to incorporate the security requirements within the gables (retrospective); additional wind catcher; new cycle store; changes to surfacing (retrospective); and minor changes to elevations/fenestration (retrospective)) pursuant to 19/505310/FULL (Demolition of existing cafe building and erection of New Mote Park Centre with associated terraces, bin storage and car parking and the erection of storage, mess and welfare building for park maintenance team).			
<b>ADDRESS</b> – Mote Park, Willow Way, Maidstone			
<b>RECOMMENDATION – APPROVE WITH CONDITIONS</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
<ul style="list-style-type: none"> <li>The proposed changes are considered to be acceptable and still result in buildings of high quality as per the original conclusion under application 19/505310/FULL, and the external changes would not harm the historic park in accordance with policies DM1 and DM4 of the Local Plan.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
<ul style="list-style-type: none"> <li>The applicant is Maidstone Borough Council.</li> </ul>			
<b>WARD</b> Shepway North	<b>PARISH COUNCIL</b> N/A	<b>APPLICANT</b> Maidstone Borough Council <b>AGENT</b> GDM Architects	
<b>CASE OFFICER:</b> Richard Timms	<b>VALIDATION DATE:</b> 17/06/22	<b>DECISION DUE DATE:</b> 16/09/22	
<b>ADVERTISED AS A DEPARTURE: NO</b>			
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
19/505310	Demolition of existing cafe building and erection of New Mote Park Centre with associated terraces, bin storage and car parking and the erection of storage, mess and welfare building for park maintenance team.	APPROVED	20.12.19

## 1.0 DESCRIPTION OF SITE

1.01 The application relates to the new Mote Park visitors centre buildings which are under construction and nearing completion. The buildings are in the northwest corner of the park to the east of the main entrance and car park, and north of the children’s play areas and ‘adventure zone’.

## **2.0 PROPOSAL**

2.01 The application seeks changes to the approved plans for the visitors centre summarised as follows (partly retrospective as indicated), which will be discussed in more detail in the assessment below:

- Changes to the outside gables of both buildings to incorporate external roller shutters (retrospective) and installation of external roller shutters on all but the high-level windows.
- Changes to elevations/fenestration (retrospective).
- One additional wind catcher.
- A new cycle store.
- Changes to surfacing (retrospective).

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP18, SP19, DM1, DM2, DM3, DM4, DM8, DM21, DM23,
- Kent Waste and Minerals Plan (amended 2020)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Local Plan Review (Regulation 19)

## **4.0 LOCAL REPRESENTATIONS**

4.01 **Local Residents:** No representations received.

## **5.0 CONSULTATIONS**

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)*

5.01 **Historic England:** Do not wish to offer any comments.

5.02 **The Gardens Trust:** Do not wish to comment.

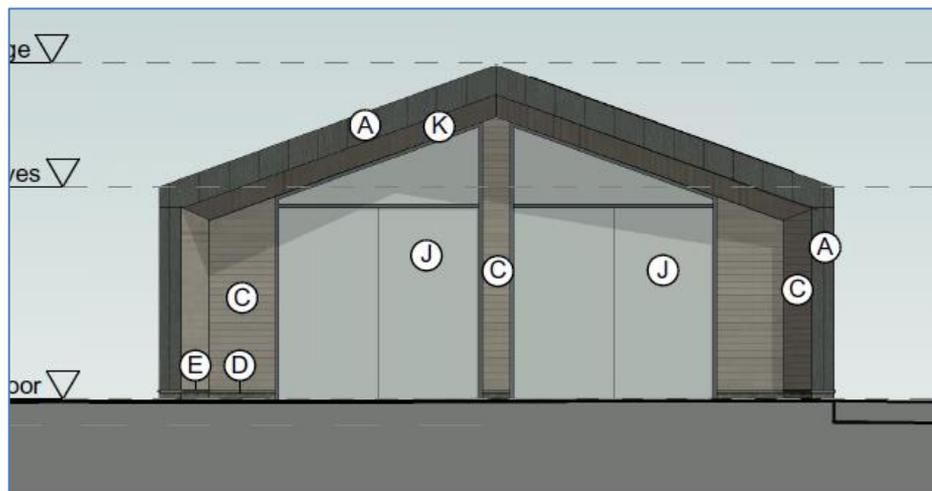
## **6.0 APPRAISAL**

6.01 Planning permission has already been granted for the visitors centre and this application proposes to make some amendments to its appearance and within its curtilage through amending the plans approved under condition 20. In line with section 73 of the Town and Country Planning Act 1990, the local planning authority can only consider the consequences of the proposed changes to the condition and cannot re-visit the principle of the development or any other matters relating to the permission. Each change will be assessed below.

Proposed Changes to the Visitors Centre - Roller shutters within gables and windows; changes to elevations and fenestration; and additional wind catcher.

6.02 The approved visitors centre is made up of two separate buildings, the western one providing flexible meeting space and toilets, and the eastern one a café. The outside gables of both buildings would change with the glazed sections broken above the doors to provide space for the roller shutters as shown below.

Approved



Proposed



6.03 Importantly the roller shutters will be housed within the external window reveal behind the timber cladding and so would not protrude or be visible when not in use. For the windows on the sides of both buildings, the shutters will be within the eaves so would also be hidden when not in use. The appearance of the gables and the buildings is still considered to be acceptable, and the changes do not compromise the overall appearance or quality of the building in accordance with policy DM1 of the Local Plan.

6.04 External roller shutters by their nature are not attractive features. However, they would be used when the buildings are closed, which in the main would be during night-time hours (between dusk and 9am), and so on balance this

is not considered to be unacceptable or unduly harmful to the historic park. They would be a dark grey metal to match the roof material which is appropriate.

6.05 The other changes to the buildings are relatively minor with the windows set down slightly more from the eaves, top hanging windows in places, some additional doors, a slightly larger brick plinth, a flat zinc panel over the top of the sliding doors to hide the electric door gear, and an additional wind catcher to the two already approved. These changes are considered to be acceptable and do not compromise the overall appearance or quality of the buildings in accordance with policy DM1 of the Local Plan.

Proposed Changes within the Curtilage – New cycle store, and changes to surfacing

6.06 Covered cycle parking is proposed to the northwest of the building and being a relatively small structure close to the main car park it would not result in harm to the character or appearance of the historic park in accordance with policy DM4 of the Local Plan. The changes to surfacing involve the use of tarmac in the turning head for the refuse store which is acceptable as it adjoins an existing tarmac road.

## **7.0 CONCLUSION**

7.01 The proposed changes are considered to be acceptable and still result in buildings of high quality as per the original conclusion under application 19/505310/FULL, and the external changes would not harm the historic park in accordance with policies DM1 and DM4 of the Local Plan. As any approval will create a new planning permission all relevant conditions and approvals will be attached.

## **8.0 RECOMMENDATION**

**GRANT PLANNING PERMISSION** subject to the following conditions:

Conditions:

1. The visitor's centre and maintenance building shall be carried out in accordance with the Arboricultural Method Statement approved under application 21/502199/SUB.

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

2. The visitor's centre development shall be carried out in accordance with the ragstone details approved under application 21/505632/SUB.

Reason: To ensure a high quality appearance to the development.

3. The visitor's centre development shall be carried out in accordance with the landscaping scheme approved under application 22/501904/SUB.

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

4. The visitor's centre development shall be carried out in accordance with the Public Art Delivery Plan approved under application 21/505434/SUB unless otherwise agreed in writing with the local planning authority.

Reason: To comply with the Council's public art guidance.

5. The approved details of the cycle parking in connection with the visitor's centre shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: In the interests of promoting sustainable travel.

6. The visitor's centre buildings shall achieve a Very Good BREEAM 2018 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that a Very Good BREEAM 2018 rating has been achieved within 6 months of the first occupation of the development.

Reason: To ensure a sustainable and energy efficient form of development.

7. The materials to be used in the construction of the external surfaces of the visitor's centre building shall be as shown on drawing no. WD201 Rev C9.

Reason: To ensure a satisfactory appearance to the development.

8. The maintenance building development shall be carried out in accordance with the fencing details approved under application 21/503187/SUB and retained thereafter.

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

9. The maintenance building development shall be carried out in accordance with the replacement disabled parking details approved under application 21/503406/SUB and they shall be provided prior to the occupation of the maintenance building.

Reason: To ensure replacement disabled parking bays.

10. The maintenance building development shall be carried out in accordance with the landscaping scheme approved under application 21/503405/SUB.

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

11. The visitor's centre and maintenance building shall be carried out in accordance with the lighting details approved under application 21/504762/SUB.

Reason: To ensure a high quality appearance to the development.

12. The visitor's centre and maintenance building shall be carried in accordance with the bat boxes approved under application 21/503407/SUB and maintained thereafter.

Reason: In the interests of biodiversity enhancement.

13. All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

14. No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land apart from within the compound area for the maintenance building.

Reason: To safeguard the character and appearance of the surrounding area.

15. The roller shutters shall be finished in a 'RAL7021 Matt' colour.

Reason: For clarity and to ensure a satisfactory appearance to the buildings.

16. The developments hereby permitted shall be carried out in accordance with the following approved plans:

Visitors Centre (Application 22/502968/FULL):

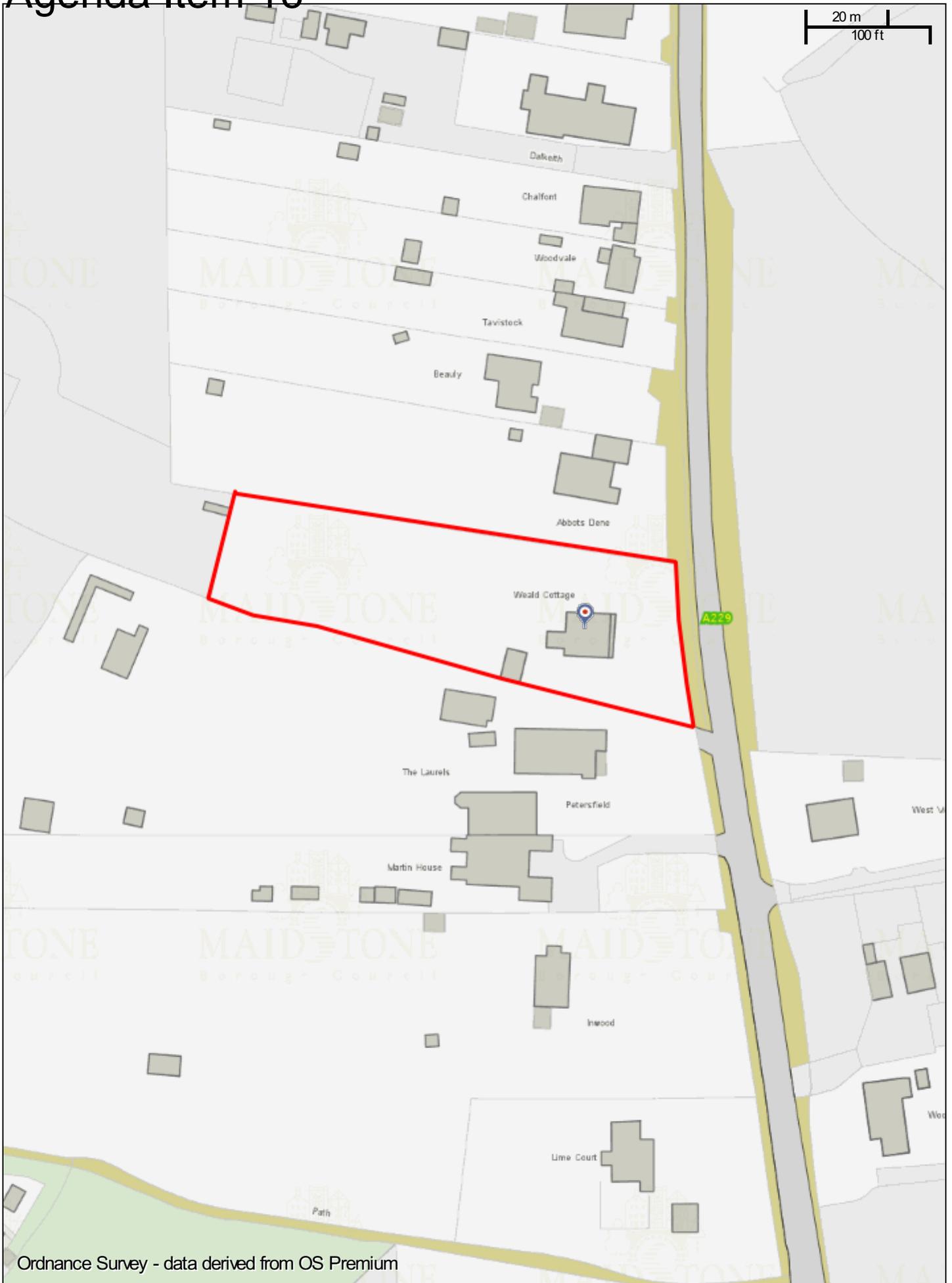
Drawing nos. 4203 WD102 Rev C14; 4203 WD103 Rev C13; 4203 WD104 Rev C2; 4203 WD105 Rev C4; 4203 WD201 Rev C9; 4203 WD202 Rev C9; 4203 WD008 Rev C10; 4203 P203 Rev P1; 4203 WD445 Rev C2; 4203 WD446 Rev C4; and 4203 WD448 Rev C3.

Maintenance Building (Application 19/505310/FULL):

Drawing nos. 02203 1107 P03; 02203 1110 P01; 02203 1111 P02; 02203 2050 P02; 02203 3050 P02; and 02203 3051 P02.

Reason: For clarity and to ensure the development is undertaken satisfactorily.

# Agenda Item 16



Ordnance Survey - data derived from OS Premium

**REPORT SUMMARY**

<b>REFERENCE NO:</b> - 22/500732/FULL		
<b>APPLICATION PROPOSAL:</b> Demolition of existing dwelling and garages, and erection of replacement two storey dwelling and detached double garage and store.		
<b>ADDRESS:</b> Weald Cottage, Maidstone Road, Staplehurst, TN12 0RE		
<b>RECOMMENDATION:</b> REFUSE PLANNING PERMISSION for the reasons given below:		
<b>SUMMARY OF REASONS FOR REFUSAL:</b> The garage by reason of its large footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, would be visually obtrusive and fail to respect the character and appearance of the area. The garage would be an incongruous feature at odds with the general pattern of local development. The proposal would be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, Policy PW2 of the Staplehurst Neighbourhood Plan and the National Planning Policy Framework.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Call in from Cllr Perry. If Officers are minded to refuse planning permission Cllr Perry believes that <i>"...because of its location and its position in respect of other developments in this area the Planning Committee should have the opportunity to review the Application"</i> .		
<b>WARD:</b> Staplehurst	<b>PARISH:</b> Staplehurst	<b>COUNCIL:</b> Staplehurst
<b>APPLICANT/AGENT:</b> Mr C Birkby / C.B.Wright & Associates Ltd		
<b>CASE OFFICER:</b> Tony Ryan	<b>VALIDATION DATE:</b> 08/03/2022	<b>DECISION DUE DATE:</b> 05/08/2022
<b>ADVERTISED AS A DEPARTURE:</b> No		

**Relevant planning history**

**21/502845/FULL** Erection of a detached garage with office above (Resubmission of 21/501603/FULL). REFUSED (Committee) for the following reasons:

"By reason of its excessive footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32, and the central government planning policy contained in The National Planning Policy Framework (February 2019)".

**21/501603/FULL** - Erection of a detached garage with office above and external staircase. – REFUSED (delegated) for the following reasons:

"By reason of its excessive footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM32 of the

Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 5.28, 5.29, 5.30, 5.31 and 5.32, and the central government planning policy contained in The National Planning Policy Framework (February 2019)".

**MA/07/0554** – Detached garage – REFUSED (delegated) for the following reasons: The proposed building, by virtue of its scale, cannot be considered to be modest and would be visually incongruous in the countryside and overwhelm Weald Cottage causing unacceptable harm to its character and appearance, contrary to policies ENV28 and H33 of the Maidstone Borough-Wide Local Plan 2000 and policies EN1, QL1 and HP5 of the Kent and Medway Structure Plan 2006.

**Fig 1: Existing and proposed - front elevation and site layout**

- Existing



- Proposed



## 1.0 DESCRIPTION OF SITE

1.01 This application relates to a domestic property within a ribbon of residential development on the west side of the A229, Maidstone Road, on the northern approach to Staplehurst.

1.02 The site is located in the countryside outside any settlement boundary. The site has potential archaeological interest.

## **2.0 PROPOSAL**

- 2.01 Demolition of the existing dwelling and garages to the side of the existing property.
- 2.02 Construction of a replacement two storey dwelling and a new detached building providing garages and storage located forward of the dwelling and adjacent to the front boundary.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): Policies SS1, SP17, DM1, DM3, DM23, DM30, DM32
- Staplehurst Neighbourhood Plan (2016): Policy PW2
- The National Planning Policy Framework (NPPF): Section 12 – Achieving well-designed place
- Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

The Regulation 22 draft is a material consideration however weight is limited, as it will be the subject of a future examination in public.

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 One response has been received that states that a neighbour has no objections.

## **5.0 CONSULTATIONS**

### **Staplehurst Parish Council**

- 5.01 Objection and recommend refusal as proposal would be obtrusive and harmful to the character of the rural setting contrary to policies SP17, DM1, DM30 and DM32 of the MBC Local Plan and paragraphs 5.28,5.29. 5.30 and 5.31 of the residential extensions SPD, and the NPPF. for the following reasons:
- footprint, height and bulk (now larger than the previous refused application),
  - position forward of and angle to the building line of the main dwelling
  - close proximity to the front of the property and main road.

### **KCC Highways**

- 5.02 No objection subject to conditions requiring submission of a construction management plan, specification of electric vehicle chargers and standard infomatives about need for separate highway approvals.

### **MBC Landscape**

- 5.03 With unclear and missing information, the application fails to demonstrate that the long term health of the existing boundary treatment will be maintained.

## **6.0 APPRAISAL**

- 6.01 The key issues are:
- Visual impact
  - Residential amenity
  - Transport, highways, access and parking.

### **Visual impact**

- 6.02 Local Plan Policy SP17 states that development proposals in the countryside will only be permitted where:
- a) they accord with other LP policies and
  - b) they will not result in harm to the character and appearance of the area.

6.03 The current application is contrary to SP17 (b) as the site is located in the countryside and will result in harm to the character and appearance of the area.

6.04 In terms of SP17 (a) the other relevant Local Plan policies are DM30 and DM32. The development in respect of the proposed garage would be contrary to policy DM30.

6.05 Policy DM30 states that development that meets certain criteria will be permitted including where:

- **Siting, mass and scale maintain or where possible enhance local distinctiveness including landscape features.**

The proposed garage sited forward of the rebuilt property and the defined building line of nearby properties in Maidstone Road would fail to maintain and would not enhance local distinctiveness.

The garage due to its excessive size and location on the site would represent an awkward and incongruous feature in the street scene which would be detrimental to the character of the area.

- **There is no existing building suitable for conversion or reuse**

There is no evidence to demonstrate that the existing garages on the site cannot be reused or renovated. In any event, this matter would not outweigh the negative visual impact of the garages that has been identified in this report.

- **New buildings should be unobtrusively located and well screened.**

The garage building due to its size and location would represent an obtrusive feature in the Maidstone Road street scene.

The hedge on the front boundary is deciduous, so would allow views through for approximately six months of the year. The hedge is also sparse in some places and its retention cannot be guaranteed in perpetuity even through a landscaping condition. The garage would not be well screened.

The relocated garage is now closer to the front boundary than the earlier refusal and is now in the root protection area of trees on the front boundary. The comments from the Council's landscape officer suggest that the construction of the garage may actually harm the long term health of existing planting.

6.06 The development in respect of the proposed garage would be contrary to policy DM32. Policy DM32 states that development will be permitted where certain criteria are met including where:

- **The mass and volume of the replacement building is no more visually harmful than the original dwelling**

- **Replacement would be acceptable visually both individually and cumulatively.**

- 6.07 The existing smaller garages, in a similar way to the layout of neighbouring properties, are located behind the front elevation of the existing property.
- 6.08 The proposed location of the new garages is adjacent to the front property boundary and with a significant increase in volume the garages will be visually harmful.
- 6.09 Outbuildings located in front of the building line are contrary to the general pattern of local development. The proposed garage would disrupt this existing layout and appear out of keeping.
- 6.10 Policy PW2 of the Staplehurst Neighbourhood Plan states that development in the countryside will not be supported where unacceptable impact on visual setting and landscape features has been identified. The current proposal is contrary to policy PW2 for the reasons that have been outlined in this report.
- 6.11 There is no objection raised in relation to the bulk and massing of the replacement main dwelling. The replacement building is located in a similar location on the site and whilst there will be an increase in building height this will be mitigated by the reduced bulk at roof level.

#### **Committee decision June 2021**

- 6.12 The Committee refused planning permission in June 2021 for a replacement garage on the application site (21/502845/FULL). Permission was refused by the committee on the basis of the excessive footprint, height and bulk of the garage building. There has been no appeal submitted against this decision to refuse permission.
- 6.13 It was determined by the committee that, due to its position forward of and at right angles to the front building line of Weald Cottage, the proposed outbuilding would fail to respect the host dwelling, would be incongruous in the pattern of development along Maidstone Road, and would appear obtrusive and harmful to the character of the rural surroundings.
- 6.14 A comparison is provided on the next page in terms of building footprint, elevation and siting of the previously refused application for a garage (left hand side) and the current proposal (right hand side).
- 6.15 The building now proposed is larger in footprint than the previous refusal and has been moved closer to the front property boundary.
- 6.16 The harm arising from the garage has been outlined in this report and there is no known change in the policy background that would justify a different decision. The inclusion of a replacement dwelling as part of the proposal does not remove the harmful impact of a garage in this location

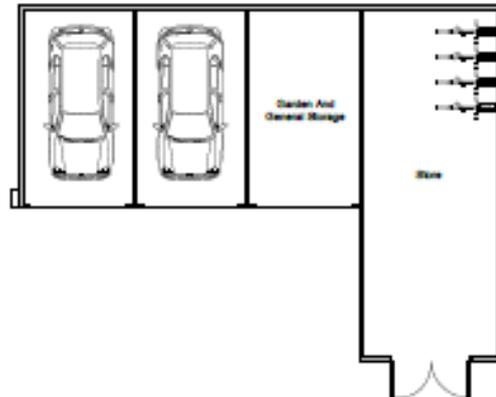
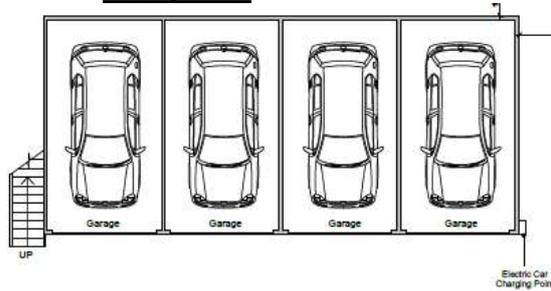
#### **Residential amenity – neighbours**

- 6.17 Policy DM1 states that proposals will be permitted where they “respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties”.

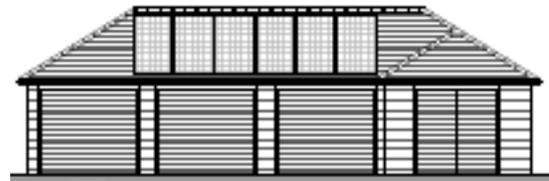
**Previously refused (21/502845/FULL)**

**Current application**

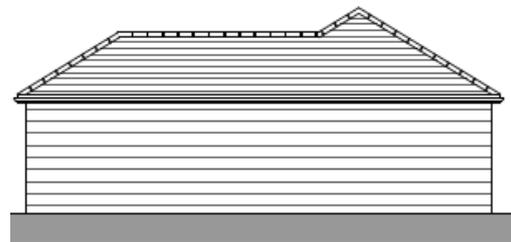
• **Footprint**



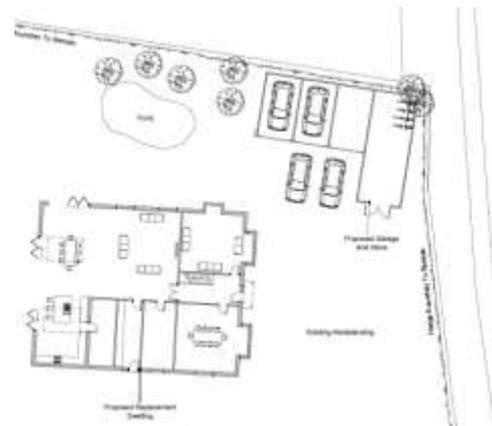
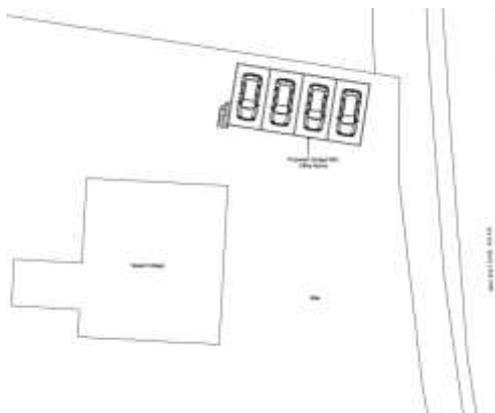
• **South elevation**



• **East (Maidstone Road) Elevation**



• **Siting**



6.18 The proposal involves the demolition of the existing dwelling and the construction of a replacement dwelling on the site. The replacement dwelling has a larger

footprint but is located in the same location in the centre of the site. There are no issues in relation to loss of outlook for neighbours for this reason.

- 6.19 Apart from a rooflight serving a toilet there are no windows in the replacement building above ground floor level to the side elevations. Notwithstanding the current situation there is adequate separation in respect of the windows to the front and rear elevations above ground floor level.

#### **Residential amenity – future occupiers**

- 6.20 Policy DM1 advises that proposals will be permitted where they "...provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise..., overlooking or visual intrusion...".
- 6.21 The standard of the proposed accommodation is acceptable with adequate natural light, sufficient internal space, privacy and external amenity space.

#### **Transport, highways, parking and access**

- 6.22 Adopted policies seek to ensure that new development does not harm highway safety and that there is adequate site access, servicing arrangements, off street car parking, cycle parking and electric vehicle charging.
- 6.23 In terms of access and highway safety, the existing site access is acceptable and there is no new access proposed. Although individual rooms are bigger in size the proposal retains the current number of 5 bedrooms.
- 6.24 There is no requirement for garages for new dwellings. With the tendency for garages to be used for other purposes, garages are not normally counted as part of off street parking provision. The submitted details include an electric vehicle charging point and cycle parking. No objections were received from KCC Highways.

#### **Other matters**

- 6.25 In the submitted objection, the Parish Council refer to the Council's adopted residential extensions Supplementary Planning Document.
- 6.26 This SPD is not relevant to the current proposal as the current application includes a replacement dwelling and is not an extension to a retained dwelling.

#### **PUBLIC SECTOR EQUALITY DUTY**

- 6.27 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

### **7.0 CONCLUSION**

- 7.01 The garage by reason of its large footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, would be visually obtrusive and fail to respect the character and appearance of the area. The garage would be an incongruous feature at odds with the general pattern of local development. The proposal would be contrary to Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, Policy PW2 of the Staplehurst Neighbourhood Plan and the National Planning Policy Framework.

## **8.0 RECOMMENDATION –**

### **REFUSE PLANNING PERMISSION for the following reasons:**

The garage by reason of its large footprint, height and bulk, and its position forward of and at right angles to the front building line of Weald Cottage, would be visually obtrusive and fail to respect the character and appearance of the area. The garage would be an incongruous feature at odds with the general pattern of local development. The proposal would be contrary to policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan 2017, policy PW2 of the Staplehurst Neighbourhood Plan and the National Planning Policy Framework.

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 21<sup>st</sup> July 2022**

### **APPEAL DECISIONS:**

- 1. 20/502064/FULL** Replacement of demolished stable building and barn (previously approved for 2no. holiday-lets under 19/501764/FULL) with a smaller building for use as a single holiday-let, and demolition of detached barn (previously approved for use as a single holiday-let under 18/503022/FULL)

**APPEAL:** DISMISSED

Birch Cottage  
Maidstone Road  
Staplehurst  
Kent  
TN12 0RG

(Delegated)

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- 2. 21/506154/FULL** Demolition of garage. Erection of single storey side and two storey front extensions. Creation of first floor, including alterations to roof with insertion of dormer windows and creation of rear Juliet balcony. External alterations including erection of replacement chimney.

**APPEAL:** DISMISSED

Cherry Lodge  
Priory Close  
East Farleigh  
Maidstone  
Kent  
ME15 0EY

(Delegated)

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- 3. 20/500334/CRVNP2** The material change of use of the Land for the storage of caravans and the reparation of the Land for residential purposes including operational development to facilitate that use involving the laying of hardsurfacing and the

erection of a building intended to be a dayroom.

**APPEAL: DISMISSED**

**Land at Benover Paddocks  
Benover Road  
Yalding  
Kent  
ME18 6AZ**

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- 4. 19/500469/CHANGE** The material change of use of the Land for a residential use including the stationing of caravans and associated operational works including the laying of hardsurfacing.

**APPEAL: DISMISSED**

Land South of Benover Road  
Yalding  
Kent  
ME18 6AZ

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- 5. 21/504186/FULL** Erection of a four bay garage with office above and repositioning of access and driveway (Resubmission of 21/500845/FULL).

**APPEAL: ALLOWED**

Island View  
The Street  
Wormshill  
Sittingbourne  
Kent  
ME9 0UB

(Delegated)

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- 6. 21/501967/FULL** Demolition of existing buildings within the site and construction of two residential dwellings with associated access, parking, drainage and landscaping.

**APPEAL: DISMISSED**

Land East Of Scragged Oak Road  
Scragged Oak Road  
Detling  
Maidstone  
Kent  
ME14 3HJ

(Delegated)

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**7. 21/504954/FULL**

Erection of 6 dwellinghouses with associated landscaping and access.

**APPEAL: DISMISSED**

Land At Linden Farm Barn  
Stockett Lane  
Coxheath  
Maidstone  
Kent  
ME17 4PS

(Delegated)

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**8. 21/503128/FULL**

Erection of detached two bedroom dwelling with associated access and parking off Farleigh Lane.

**APPEAL: ALLOWED**

Land Rear Of 579, 579A & 579B Tonbridge Road  
Maidstone  
Kent  
ME16 9DG

(Delegated)

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**9. 20/505935/FULL**

**Erection of 3(no) dwellings with associated car parking and landscaping**

**APPEAL: DISMISSED**

Land At Forest Hill  
Tovil  
Kent

(Delegated)

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## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

21<sup>ST</sup> JULY 2022

#### REPORT OF HEAD OF PLANNING AND DEVELOPMENT

Report prepared by Sue King

#### **1. FORMAL ENFORCEMENT ACTION TRACKER**

##### 1.1 Report content

1.1.1 The Enforcement tracker report is intended to be brought to Planning Committee each quarter. The report provides the current status of enforcement cases that have had formal notices served.

1.1.2 The report sets out the case reference, address and brief description of the breach. The notice type column indicates the type of formal action carried out and three key dates:

**Issue date** – Date Notice was served

**Effective date** – Date the Notice takes effect from

**Compliance date** – Date the Notice is due to be complied with. This may change according to an appeal being lodged, which if the appeal is dismissed and the Notice is upheld the Inspector will impose a new compliance period from the date of the decision. This is also held in abeyance if a planning decision is pending.

1.1.3 A legend is supplied which shows five levels of status, being:

**Blue** – Decision reached - case closed

**Red** – Assessment or preparation for the next step of formal action;

**Amber** - Awaiting planning application/appeal decisions

**Green** - Awaiting set compliance

**White** - Contentious cases that are being monitored i.e. sites with injunctions and Temporary Stop Notices.

1.1.4 Table showing QTR 1 cases received/closed/live cases for 2021 and 2022 comparison.

1.1.5 Chart showing QTR 1 formal notices for 2021 and 2022 comparison

1.1.6 Three formal notices have been served in QTR 1 2022/23

## FORMAL ENFORCEMENT ACTION TRACKER

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance status	Action
ENF/8320	SK	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Unauthorised development consisting of engineering, mining and building operations and unauthorised COU of land to recreational fishing lakes	EN	30.4.08	30.4.08	appeal in progress	
15/500852	JB	Yalding	The Three Sons, Hampstead Lane, Nettlestead, ME18 5HN	Unauthorised G & T development in Green Belt	EN	02.10.15	06.11.15	01.06.17	External Consultant
					INJ	24.04.19	24.7.19	Ongoing	Injunction remains on the land
15/500852	SK	Yalding	The Three Sons, Hampstead Lane, Nettlestead, ME18 5HN	The laying of hardstanding and the construction of fences and gates	EN	13.09.21	26.10.21	appeal in progress	
ENF/11798	SK	Marden	Monk Lakes, Staplehurst Road, Marden, Kent	Erection of new dwelling in the woodland	EN	19.05.16	23.06.16	23.01.17	External Consultant
16/500815	SK	Yalding	Green Tops Symonds Lane Yalding	PP expired - 10/0504 for occupation of the site for 3 years only. Further planning application at appeal	EN	27.04.17	01.06.17	appeal in progress	
15/500395	SK	Detling	Roseacre, Scragged Oak Road, Detling	Unauthorised change of use G&T site	EN	26.01.18	02.03.18	planning app in progress	
14/500560	PDV	Yalding	The Stables, Wagon Lane, Paddock wood, Tonbridge	Breach of personal occupancy condition	EN	03.07.18	07.08.18	07.11.18	
16/501199	SK	Headcorn	Land rear of The Meadows Lenham Road Headcorn	Expired temporary permission and expansion of G&T site	EN x 4	16.08.18	20.09.18	appeal in progress	5 day Inquiry 17th October 2022
18/500572	PDV	Ulcombe	Caravan 2 Hawthorn Farm, Pye Corner, Ulcombe	Unauthorised change of use G&T site	EN	11.10.18	15.11.18	15.5.19	
19/500346	SK	Fant Ward	Plot 12 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500347	SK	Fant Ward	Plot 13 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500350	SK	Fant Ward	Plot 15 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500351	SK	Fant Ward	Plot 16 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500352	SK	Fant Ward	Plot 17 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500354	SK	Fant Ward	Plot 19 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld

Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance status	Action
19/500356	SK	Fant Ward	Plot 20 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500357	SK	Fant Ward	Plot 21 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	1 month	
19/500361	SK	Fant Ward	Plot 24 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500366	SK	Fant Ward	Plot 26 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500367	SK	Fant Ward	Plot 27 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500369	SK	Fant Ward	Plot 28 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500370	SK	Fant Ward	Plot 29 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500371	SK	Fant Ward	Plot 30 Riverside Area Off Unicomes Lane Maidstone Kent	Unauthorised change of use to a leisure use including the erection of various structures and moorings.	EN	20.06.19	25.07.19	22.07.22	Notice upheld
19/500330	SK	Harrietsham	Chestfields, Marley Road, Harrietsham	Unauthorised change of use G&T site	EN	17.09.19	18.10.19	appeal in progress	
16/500477	SK	Boxley	Cosington Farm North, Bell Lane Boxley	Unauthorised building	EN	19.02.20	24.03.20	28.03.21	
19/500452	SK	Coxheath	S&B car & van hire, Forstal Farm, Forstal Lane, East Farleigh	Change of use of the land to car & van hire	EN	01.06.20	07.07.20	01.07.22	Notice upheld
19/500073	DAPR	Bearsted	Lested Farm, Plough Wents Road, Chart Sutton ME17 3SA	Breach of Conditions re an Anaerobic digester - Planning app submitted.	BCN	20.10.20	20.10.20	14.12.20	
19/500469	SK	East Farleigh	Land at Benover Paddocks, Benover Road, Yalding, Kent, ME18 6AZ	Unauthorised change of use G&T site	EN	06.12.20	11.12.20	14.12.22	Notice upheld
20/500334	SK	East Farleigh	Land at Benover Paddocks, Benover Road, Yalding, Kent, ME18 6AZ	Unauthorised change of use G&T site	EN	06.12.20	11.12.20	14.12.22	Notice upheld
18/500016	SK	Collier St	Land at Tanner Farm park, Goudhurst Rd, Marden	Multiuse building not in accordance	EN	24.02.21	24.01.22	24.09.22	Notice upheld
21/500040	SK	Collier St	Land at Tanner Farm park, Goudhurst Rd, Marden	unauthorised operational works in preparing land for development	TSN	24.02.21	24.02.21	24.03.21	Site being monitored
21/500443	SK	Detling & Thurnham	Land at Land South Of Sutton Road, Langley, Kent	Breach of condition re landscaping - Application submitted.	BCN	30.07.21	30.07.21	10.09.21	
19/500819	JB	Yalding	The Three Sons, Hampstead Lane, Nettlestead, ME18 5HN	The construction of two outbuildings	EN	13.09.21	26.10.21	Appeal in progress	

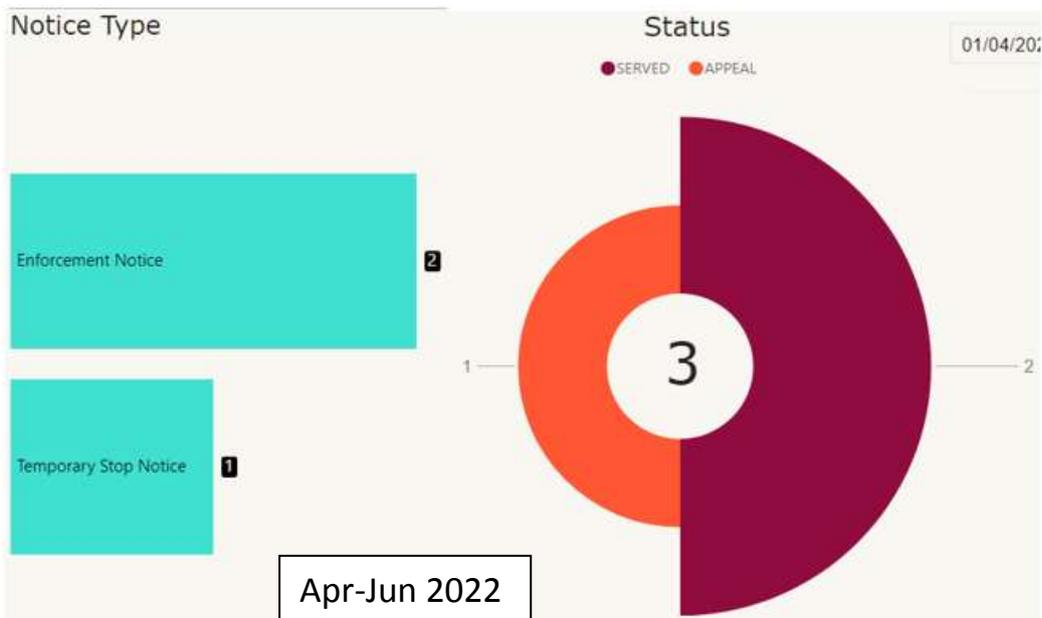
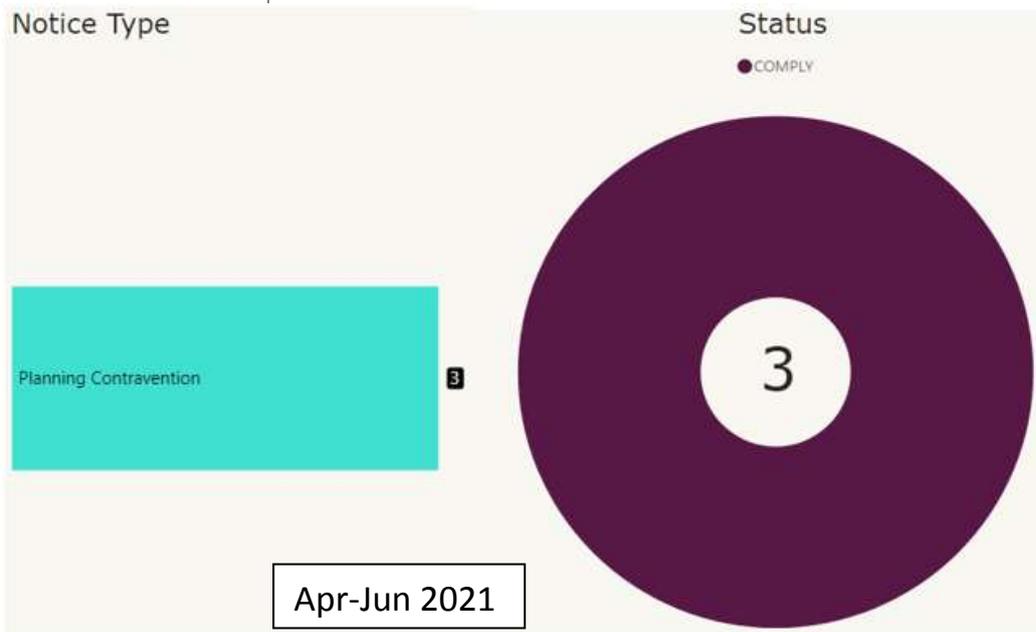
Case No	Officer	Parish/Ward	Address	Breach	Notice Type	Issue Date	Date Effective	Compliance status	Action
21/500869	SK	Ulcombe	Water Lane, Ulcombe, Maidstone	Removal of TPO trees and COU of land for G&T residential site.	TSN	06.11.21	06.11.21	06.11.21	Injunction breached - 2 month committal success, £5000 fine, LPA costs & further 6 mth suspended sentence for 18 mths. Further Formal action continuing
					INJ	08.11.21	08.11.21	08.11.21	
19/500944	DP	Harrietsham	Willow Banks, (Formerly Lake House) Church Road Harrietsham ME17 1AP	The development having commenced and progressed beyond slab levels the following conditions not complied with	BCN	17.01.22	17.01.22	14.02.22	Complied - Case closed
16/501147	SK	Collier St	Tanner Farm Caravan Park, Goudhurst Rd, Marden TN12 9ND	Breach of condition (v) of 87/1718 and condition 07. of 97/1450 - no permanently stationed caravans	EN	04.02.22	09.03.22	Appeal in progress	Inquiry date 11.10.22
18/500016	SK	Collier St	Tanner Farm Caravan Park, Goudhurst Rd, Marden TN12 9ND	Without planning permission, the change of use of land to a recreational use (Sui Generis)	EN	04.02.22	09.03.22	Appeal in progress	Inquiry date 11.10.22
20/500102	PDV	High Street	83 Postley Rd, Maidstone ME15 6TP	Without planning permission, the erection of a single storey rear extension to the existing dwelling	EN	11.05.22	15.06.22	Appeal in progress	
19/500277	PDV	Detling & Thurnham	Newlay Farm, Scragged Oak Road, Detling, Maidstone, ME14 3HN	Without planning permission, the change of use of land and erection of a single storey log cabin with associated oil tank, sewage treatment plant and gated access including stationing of touring caravan and trailer	EN	30.05.22	04.07.22	04.01.23	
20/500077	SK	Collier St	Tanner Farm Caravan Park, Goudhurst Rd, Marden TN12 9ND	Operational works on southern field - laying of track and water pipes.	TSN	10.06.22	10.06.22	10.06.22	Site being monitored

34

	Decision reached - case closed
	Awaiting compliance
	Awaiting planning application/appeal start dates/decisions/court hearings/- out of Enforcement control
	Next step of formal action being considered
XXXXXXXXXX	Cases that are being monitored i.e. sites with injunctions and BCNs

**Month**      **Cases Closed**      **Cases received**      **Live Cases**

Apr 2021	25	58	352
May 2021	31	58	379
June 2021	33	48	394
Apr 2022	45	36	365
May 2022	44	45	359
June 2022	42	44	368



# Agenda Item 19

## **PLANNING COMMITTEE MEETING 21 JULY 2022**

### **S106 Update Spend by Dates & Appendix**

#### **INTRODUCTION AND BACKGROUND**

The report sets out the position in June on all section 106 legal agreement monies with the expiry date for spending of May 2023. The appendix follows RAG (red/amber/green) status order of expiry dates.

The report is generated from the Councils Exacom electronic monitoring system. The information is shared with stakeholders and regular meetings are held in order to ensure that stakeholders use the s106 monies available to provide the specific infrastructure set out in the relevant s106 legal agreement.

S106 agreements accompany planning permissions and there are 3 legal tests :

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development

Therefore, s106 monies should be for a specific project which is set out in the legal agreement. Therefore, there is often little flexibility (unlike the Community Infrastructure Levy)

As mentioned above, there are regular meetings with stakeholders and once schemes have been agreed in principle, the relevant organisation needs to complete a pro forma to confirm details of the specification and timeline etc so there is a clear audit of what are public monies tied to specific planning permissions via s106 legal agreements.

In this report, 6 S106 contributions have been approved and transferred to the relevant bodies towards the process of delivering projects.

This report makes the following recommendations to the Committee: That the report be noted.

**Appendix 1 Updated S106 Spend By Date Report - June 2022**

**S106 Available Funds with Spend by dates up to May 2023**

App No	Address	Ward	Type	Definition	Received	Spent	Available	Spend-By Date	Project Status	UPDATE- JUNE 2022
12/1949	(Phase 1)Kent Cottage And Chance Holding, Grigg Lane, Headcorn, Kent, TN27 9TD	Headcorn	Healthcare	towards the provision of healthcare services and facilities within Headcorn Parish	21,769.96	21,769.96	0.00	31/05/2022	Project plan has been developed to convert loft space in the Griggs Lane, Headcorn surgery. Legal documents are being finalised. Project expected to start in April 22. Project expected to start in April 22; completion date tbc.	SPENT- NHS submitted a pro-forma application in April 2022 approved by MBC towards the first floor extension works at Headcorn Surgery. The proposal is to convert the "void" space within Headcorn Surgery loft to a GMS space; the additional space will support with accommodating the expanding primary care workforce under The Network Contract Directed Enhanced Services (DES).
13/0693	The Parsonage, Land East Of Goudhurst Road, Marden	Marden And Yalding	Cycle Parking	towards the provision of bicycle parking facilities at Marden Railway Station	20,716.24	20,716.24	0.00	30/06/2022	MBC are liaising with SE Railway & Network Rail for bicycle parking project at Marden Railway Station	SPENT - Southeastern Railway and Network Rail requested funds from S106 13/0693 to be allocated towards the delivery of a secure cycle hub at Marden Railway Station including; bike repair stand, pump, lighting and additional CCTV and 40 additional cycle spaces will be provided at the station. This fund will be allocated along with two other Marden S106 funds S106 13/1585 & S106 13/0115 towards cycle improvements at Marden Railway Station. Money was transferred Southeastern Railway and Network Rail in May following a pro-forma approved by MBC for the release of funds.
14/0828	(Saxon Place), Land South Of Ashford Road, Harrietsham	Harrietsham And Lenham	Open Space	towards the cost of improvements refurbishment and replacement of offsite outdoor sports facilities and children's and young people's equipped play areas at Glebe Fields and 'Open Space' shall be construed accordingly	108,124.02	0.00	108,124.02	09/08/2022	MBC are liaising with developer re. a modification to s106 for an alternative project. Modification to be submitted by 31st March 2022.	UNSPENT- Harrietsham Parish Council have advised they are not able to use the money towards the project identified in the s106 (Glebe Fields play area). MBC are therefore liaising with the developer and Parish Council re. an alternative project and submission of a modification to the s106 has been requested by 31st March 2022.
14/503755/	Land To The Rear Of Milton Street And Hartnup Street, Maidstone, Kent, ME16 8LL,	Fant	Healthcare	towards improvement of services and facilities in local doctors' surgeries at Blackthorne Surgery, College Practice, Lockmeadow Surgery, Bower Mount Surgery and The Vine Surgery payable in accordance with the provisions set out in Schedule 4	17,982.12	15,863.76	2,118.36	24/08/2022	The College Practice to install automatic entrance doors at the main surgery (50 – 52 College Road). The current door is not appropriate for the patients and staff, replacing the doors will improve physical access to the premises and ensure compliance with the Equality Act 2010.	PARTLY SPENT - Money transferred £15,863.76 to NHS following submitted a pro-forma application in May 2022 approved by MBC towards flooring replacement at The College Practice and automatic entrance door money transferred, remaining balance towards facilities to be identified by July 2022
13/1943	(Phase 2)Land Rear Of The Hardwicks And Elizabeth House,Grigg Lane,Headcorn,Kent,TN27 9TD,	Headcorn	Healthcare	provision of healthcare services and facilities at Surgery Grigg Lane Headcorn (or such other services or facilities as are within NHSCB (NHS England)'s statutory functions)	6,641.27	0.00	6,641.27	02/10/2022	Project plan has been developed to convert loft space in the Griggs Lane, Headcorn surgery. Legal documents are being finalised. Project expected to start in April 22.	UNSPENT- Money remaining to be requested by NHS towards the first floor extension works at Headcorn Surgery. The proposal is to convert the "void" space within Headcorn Surgery loft to a GMS space; the additional space will support with accommodating the expanding primary care workforce under the Network Contract Directed Enhanced Services (DES). NHS will request this money towards project by September 2022.
13/2008	Linden Farm, Stockett Lane, East Farleigh, Maidstone, Kent, ME15 0QD	Coxheath And Hunton	Healthcare	towards expansion and improved services provision at Stockett Lane and Orchard Surgeries, Coxheath.	45,783.83	0.00	45,783.83	08/01/2023	Funding will be pooled towards the new medical centre at Coxheath, expected completion date April 22.	UNSPENT - Coxheath Medical Centre project timeline has been delayed due to building industry labour shortages, therefore the money will be drawn down by October 2022.
10/0594	Kent Music School, Astley House, Hastings Road, Maidstone, Kent, ME15 7SG	High Street	Open Space	improvements to the play area currently sited within Mote Park Maidstone Kent and then any unexpended sums on improvements to the Len Valley Nature Reserve Maidstone Kent	39,554.79	37,425.00	2,129.79	09/01/2023	Mote Park & River Len Nature Reserve	SPEND ALLOCATED -Remaining balance has been allocated to install single post & rail safety fencing opposite Sunningdale Court Square Hill Road to form a low level safety barrier between the play area, footpath and river as approved pro-forma February 2022.
15/502916	British Queen, 7 - 8 Square Hill, Maidstone, Kent, ME15 7TJ,	High Street	Open Space	towards the enhancement, maintenance, and improvement of the River Len Nature Reserve which is local to the Development	23,602.82	19,419.21	4,183.61	25/01/2023	River Len Nature Reserve	SPEND ALLOCATED- Works for River Len Nature Reserve currently being costed prior to pro-forma being submitted for approval. Works programmed for completion by 31st December 2022
12/1749	Land Off, Marigold Way, Maidstone, Kent	Heath	Healthcare	towards improvements to existing and new healthcare services and facilities (including upgrading and improving the doctors surgeries which will serve the Development within a two mile radius of the Site)	26,516.24	0.00	26,516.24	04/02/2023	Project to be identified	UNSPENT - The CCG will continue to work within their Estates Strategy 2021 to understand the ambitions of existing GP practices to identify projects to support the expected growth in population and the requirements from a premises perspective.
12/0590	Land At Depot Site, George Street, Maidstone, Kent, ME15 6NX	High Street	Open Space	for the enhancement maintenance and repair and renewal of the Open Space in the following order of attention: firstly Collis Millennium Green secondly South Park and thirdly Mote Park	52,030.75	52,030.75	0.00	20/02/2023	Funds being spent firstly at Collis Millennium Green by the Collis Millennium Green Trust	SPENT - Balance of £14,550.23 was transferred to the Collis Millennium Green Trust towards youth zone play area facilities and surfacing at Collis MG
14/0095	Land At Bell Farm (Chantry Green), Church Road, Harrietsham, Kent	Harrietsham And Lenham	Healthcare	to be used for the extension refurbishment and/or upgrade of The Glebe Medical Centre (branch of Len Valley Practice) and The Len Valley Practice	51,690.52	0.00	51,690.52	22/03/2023	Len Valley practice - feasibility work recently completed to determine options for premises projects to expand capacity at main and/or branch surgeries. Projects to be determined as a result of the feasibility study.	UNSPENT - Project scoping exercise complete, the practice is working on business case to go through governance.
14/0475	Land Adjacent To 103, Eyhorne Street, Hollingbourne, Maidstone, Kent, ME17 1TX	North Downs	Healthcare	means the extension, refurbishment and or upgrade of Orchard Surgery Langley, Glebe Surgery Harrietsham and Yeomans Lane Surgery, Bearsted all of which are within a 2.5 radius of the Development	20,880.00	8,231.18	12,648.82	25/05/2023	Project plan has been developed to convert loft space in the Griggs Lane, Headcorn surgery. Legal documents are being finalised. Project expected to start in April 22. Project expected to start in April 22; completion date tbc.	UNSPENT- Money remaining to be requested by NHS towards the first floor extension works at Headcorn Surgery. The proposal is to convert the "void" space within Headcorn Surgery loft to a GMS space; the additional space will support with accommodating the expanding primary care workforce under The Network Contract Directed Enhanced Services (DES).

# Agenda Item 20

**Planning Committee**

**21 July 2022**

## Planning Committee Training

<b>Final Decision-Maker</b>	Planning Committee
<b>Lead Head of Service</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Rob Jarman, Head of Planning and Development
<b>Classification</b>	Public
<b>Wards affected</b>	All
<b>Recommendation</b>	Approval of proposed training programme for Planning Committee Members and Substitute Members

### Executive Summary

This report outlines a proposed training programme for Planning Committee Members and Substitute Members to ensure compliance with the Council's Constitution through knowledge and understanding of relevant local and national planning policies and legislation.

The report also strongly recommends attendance at a programme of optional training for Planning Committee Members and Substitute Members to facilitate their planning knowledge while serving on or supporting the Committee.

### Purpose of Report

To agree the training requirements for Planning Committee Members and Substitutes for this municipal year.

### This report makes the following recommendations to this Committee:

1. That the Training Programme set out in **Appendix 1** be approved.
2. That the following Members:
  - new Planning Committee Members
  - new Substitute Members (or Members who are likely to substitute at Planning Committee for the first time should the Council amend the Constitution) and
  - those Planning Committee Members and Substitute Members returning to the Committee after a break (or Members who are likely to substitute at Planning Committee after a break should the Council amend the Constitution)

must complete the Induction Training and Enforcement Training as outlined in **Appendix 1** by the end of September 2022, failing which such Members

shall be disqualified from participation at Planning Committee until this training has been completed.

3. That all other Planning Committee Members and Substitute Members (or all other Members with recent Planning experience who are likely to substitute at Planning Committee should the Council amend the Constitution) must complete refresher training covering the Duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 incorporated within training on the Development Plan as outlined in Appendix 1 by 1 November 2022, failing which such Members shall be disqualified from participation in Planning Committee until this training has been completed.
4. That it is strongly recommended that all Planning Committee Members and Substitute Members, including all those Members who are likely to substitute at Planning Committee should the Council amend the Constitution, complete at least 2 specialised/best practice subject area training sessions (other than those in recommendations 2 and 3) covering those other topics set out in Appendix 1.
5. That Parish Councils continue to be invited to all training events.
6. That training sessions be delivered virtually.

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Planning Committee	21 July 2022

# Planning Committee Training

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Accepting the recommendations will materially improve the Council’s ability to achieve corporate priorities. The reasons other choices would be less effective are set out in section 2.</p>	Head of Planning and Development
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation is reduced and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendations support the achievement of the cross-cutting objectives by ensuring Members are kept up to date on existing and proposed legislative changes and best practice.</p>	Head of Planning and Development
<b>Risk Management</b>	Covered in the risk section (5.1).	Head of Planning and Development
<b>Financial</b>	The proposals set out in the recommendations are all within budget.	Head of Planning and Development

<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Head of Planning and Development
<b>Legal</b>	Accepting the recommendations will fulfil the Council's duties under the Constitution.	Head of Planning and Development
<b>Privacy and Data Protection</b>	Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.	Head of Planning and Development
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Equalities & Communities Officer
<b>Public Health</b>	No specific implications	Head of Planning and Development
<b>Crime and Disorder</b>	No specific implications	Head of Planning and Development
<b>Biodiversity and Climate Change</b>	No specific implications	Head of Planning and Development

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Council's Constitution sets out the responsibilities of Planning Committee Members and Substitute Members.
- 2.2 Paragraphs 2.2.6 and 2.2.7 of the Local Code on Planning Matters (Part D3 of the Council's Constitution) state:

*"2.2.6. The Council has agreed that no Members will be able to serve on this Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to this Committee as specified by the Committee. This training must be completed to an agreed programme set by the Committee annually with a due date for completion. New Members must receive training, but the programme may include no training provision for experienced Members unless there have been relevant changes to legislation, policies, or guidance.*

*2.2.7. If a Member has not completed the specified training by the due date, the Member will cease to be a Member/Substitute Member of this Committee until the training has been completed. The Head of Policy, Communications and*

*Governance will keep a record of the training requirements of this Committee and of Members' compliance with the requirements."*

- 2.3 As there will be a public examination into the Regulation 22 draft of the Local Plan Review it is strongly recommended that experienced Councillors attend the training on the Development Plan.
  - 2.4 Previous reports to Planning Committee confirmed that investigations had been carried out into an electronic version of refresher training which would allow Members to self-serve from a selection of topic-based subjects. Unfortunately, there were no market options available at the time and this would have required a bespoke suite of training packages to be developed and implemented. This option was not pursued any further due to resource and cost implications. However, training sessions are recorded.
  - 2.5 The Council at its meeting on 20 July 2022 will be recommended to agree that the Constitution be amended so that there is no restriction on the number of Members of a Political Group who may act as Substitutes on each Committee.
- 

### **3. AVAILABLE OPTIONS**

#### **3.1 Option 1:**

- That the following Members:
  - new Planning Committee Members
  - new Substitute Members (or Members who are likely to substitute at Planning Committee for the first time should the Council amend the Constitution) and
  - those Planning Committee Members and Substitute Members returning to the Committee after a break (or Members who are likely to substitute at Planning Committee after a break should the Council amend the Constitution)

must complete the Induction Training and Enforcement Training as outlined in Appendix 1 by the end of September 2022, failing which such Members shall be disqualified from participation at Planning Committee until this training has been completed.

- That all other Planning Committee Members and Substitute Members (or all other Members with recent Planning experience who are likely to substitute at Planning Committee should the Council amend the Constitution) must complete refresher training covering the Duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 incorporated within training on the Development Plan as outlined in Appendix 1 by 1 November 2022, failing which such

Members shall be disqualified from participation in Planning Committee until this training has been completed.

- That it is strongly recommended that all Planning Committee Members and Substitute Members, including all those Members who are likely to substitute at Planning Committee should the Council amend the Constitution, complete at least 2 specialised/best practice subject area training sessions (other than those in recommendations 2 and 3) covering those other topics set out in Appendix 1.
- That Parish Councils continue to be invited to all training events.
- That training sessions be delivered virtually.

### 3.2 **Option 2**

The same as bullet points 1 and 3 above but with a change to bullet point 2 in so far as all other Planning Committee and Substitute Members (or all other Members with recent Planning experience who are likely to substitute at Planning Committee should the Council amend the Constitution) are not required to attend refresher training covering the Duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004 together with training on the Development Plan.

### 3.3 **Option 3**

The same as bullet points 1 and 3 above but with a change to bullet point 2 in so far as all other Planning Committee Members and Substitute Members (or all other Members with recent Planning experience who are likely to substitute at Planning Committee should the Council amend the Constitution) select refresher training of their choice.

### 3.4 **Option 4**

Members of the Planning Committee and Substitute Members (or all other Members who are likely to substitute at Planning Committee should the Council amend the Constitution), are not required to attend training events.

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## 4. **PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 **Option 1** is the preferred option as it provides for induction training on key knowledge areas which are essential to making considered decisions on planning applications and compliance with the Constitution and refresher training. It also caters for additional voluntary training with the recommendation that Members attend at least 2 specialised/best practice subject area training sessions. This will help expand the knowledge of Members.
- 4.2 This option also builds upon experiences gained over the last year during Covid where the only options available for training were via virtual means. Experience has shown that attendance increased with a greater number of

attendees able to participate. The intention would again be to record the training sessions (subject to agreement) and make these available for viewing later. This would also allow for the potential of assessment of understanding.

- 4.3 Options 2 and 3 are not favoured because the refresher training has been selected based on past training and the forthcoming public examination into the Regulation 22 draft of the Local Plan Review.
- 4.4 Option 4 is not favoured as it fails to meet the requirements of the Constitution.
- 

## **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
- 

## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 A draft schedule of training topics forms Appendix 1, and, if agreed, Councillors will be invited to attend these virtual training sessions via Microsoft Teams.
- 

## **7. REPORT APPENDICES**

- 7.1 The following document is to be published with this report and forms part of the report:
- **Appendix 1:** Draft Training Programme

<b>Date/Time</b>	<b>Title</b>	<b>Location</b>
Mon 5 September 2022 18:00	Induction Training for New Members and Substitute Members. This will be held over two sessions and cover the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Grounds of Refusal, S106 Agreements/CIL and Legal Training including Pre-determination and Judicial Reviews	Virtual
Mon 12 September 2022 18:00	Second Session on New Member and Substitute Member Training	Virtual
Mon 26 September 2022 18:00	Enforcement	Virtual
Mon 10 October 2022 18:00	Section 38(6) and the Development Plan and the Weight to be Given to Emerging Local Plan Policies	Virtual
Mon 24 October 2022 18:00	Building Regulations - An Introduction and Changes to be Brought About by the Building Safety Bill	Virtual
Mon 7 November 2022 18:00	Assessment of landscape sensitivity	Virtual
Mon 28 November 2022 18:00	Permitted development rights	Virtual
Mon 12 December 2022 18:00	Countryside Policy	Virtual
Mon 23 January 2023 18:00	Design and Sustainability	Virtual
Mon 13 February 2023 18:00	Ecology including Biodiversity Net Gain	Virtual
Mon 20 March 2023 18:00	Trees and Heritage	Virtual
September and October Dates to be Confirmed	Design Tours	