

# **MAIDSTONE BOROUGH COUNCIL**

## **PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON 23 MARCH 2023**

#### **Present:**

<b>Committee Members:</b>	<b>Councillor Spooner (Chairman) and Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, Munford, Perry, Round, Trzebinski, D Wilkinson and Young</b>
<b>Visiting Members:</b>	<b>Councillors Cannon, Forecast and Jeffery</b>

#### 237. APOLOGIES FOR ABSENCE

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

#### 238. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Round was substituting for Councillor McKenna.

#### 239. NOTIFICATION OF VISITING MEMBERS

Councillors Cannon, Forecast and Jeffery indicated their wish to speak on the report of the Head of Development Management relating to application 23/500212/FULL (2 Trapham Road, Maidstone, Kent).

#### 240. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

#### 241. URGENT ITEMS

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

#### 242. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

#### 243. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

15.	22/505747/FULL - Springwood Road Nurses Accommodation, Springwood Road, Barming, Kent	Councillor Holmes
16.	22/505903/FULL – The Homestead, Gravelly Bottom Road, Kingswood, Kent	Councillors English, Harwood and Perry
17.	23/500212/FULL – 2 Trapham Road, Maidstone, Kent	Councillors Brindle, Holmes and Perry
19.	22/502529/TPOA - Holtye Cottage, Headcorn Road, Staplehurst, Kent	Councillors Perry and Round

244. EXEMPT ITEMS

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

245. MINUTES OF THE MEETING HELD ON 16 FEBRUARY 2023

**RESOLVED:** That the Minutes of the meeting held on 16 February 2023 be approved as a correct record and signed.

246. MINUTES OF THE MEETING HELD ON 23 FEBRUARY 2023

**RESOLVED:** That the Minutes of the meeting held on 23 February 2023 be approved as a correct record and signed.

247. PRESENTATION OF PETITIONS

There were no petitions.

248. DEFERRED ITEMS

22/505206/FULL - CHANGE OF USE FROM CLASS C4 6 BEDROOM HMO TO SUI-GENERIS 8 BEDROOM HMO TO INCLUDE ERECTION OF A SINGLE STOREY REAR EXTENSION AND LOFT CONVERSION WITH A REAR DORMER AND 1 NO. FRONT ROOFLIGHT (RE-SUBMISSION OF 22/503713/FULL) - 14 CHARLES STREET, MAIDSTONE, KENT

22/505414/FULL - ERECTION OF AN ATTACHED TWO-BEDROOM DWELLING - 2 CHARLTON STREET, MAIDSTONE, KENT

22/503535/FULL - CONVERSION OF EXISTING FOUR STOREY DWELLING INTO 3 NO. SELF CONTAINED FLATS, INCORPORATING A SINGLE STOREY GROUND FLOOR PITCHED ROOF SIDE EXTENSION AND SINGLE STOREY LOWER GROUND FLOOR FLAT ROOF REAR EXTENSION, AND NEW PEDESTRIAN ACCESS WITHIN BOUNDARY WALL - 101 MILTON STREET, MAIDSTONE, KENT

The Head of Development Management said that:

- He hoped to be able to report these applications back to the next meeting of the Committee. However, KCC Highways would not be commenting as the applications were below their threshold.
- The meeting between the Chairman, Vice-Chairman and Lead Member for Planning and Infrastructure to discuss concerns about policies on HMOs and conversions in high density areas not being nuanced enough was scheduled but was yet to take place.

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

249. 22/505903/FULL - RENEWAL OF PLANNING PERMISSION 20/500416/FULL FOR DEMOLITION OF EXISTING FIRE DAMAGED BUILDING AND ERECTION OF REPLACEMENT COMMERCIAL/INDUSTRIAL BUILDING FOR CLASSES E (G-I, II AND III), B2 AND B8 USES - THE HOMESTEAD, GRAVELLY BOTTOM ROAD, KINGSWOOD, KENT

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

**RESOLVED:**

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

Voting: 13 – For 0 – Against 0 – Abstentions

250. 23/500212/FULL - CHANGE OF USE OF EXISTING DWELLINGHOUSE INTO 10 BEDROOM HMO INCLUDING INSTALLATION OF SOLAR PANELS, ELECTRIC VEHICLE CHARGING POINT AND ASSOCIATED PARKING - 2 TRAPHAM ROAD, MAIDSTONE, KENT

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

Mr Parsons, the applicant, and Councillors Jeffery, Cannon and Forecast (Visiting Members) addressed the meeting.

**RESOLVED:**

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

Voting: 6 – For 4 – Against 3 – Abstentions

**FURTHER RESOLVED TO RECOMMEND TO THE LEAD MEMBER FOR**

**PLANNING AND INFRASTRUCTURE:** That consideration be given to bringing forward housing mix policies within Development Plan Documents and other policy documents to ensure an appropriate housing mix throughout different areas of the Borough with relevant policies and standards to support them. This to include a more holistic approach to Houses in Multiple Occupation, not just addressing the issues around parking, residential amenity and bins.

251. 22/505347/FULL - DEMOLITION OF EXISTING REAR EXTENSION AND ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS WITH FIRST FLOOR BALCONY ABOVE (REVISION TO PLANNING APPLICATION REF: 22/501459/FULL) - 143 HOCKERS LANE, THURNHAM, KENT

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

**RESOLVED:** That permission be granted subject to the conditions and informatives set out in the report with delegated powers given to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor English was not present during determination of this application.

252. 22/505747/FULL - SECTION 73 - APPLICATION FOR VARIATION OF CONDITIONS 4 (TO REMOVE THE REQUIREMENT FOR SOLAR PV PANELS) AND 9 (TO REDUCE THE NUMBER OF ELECTRIC VEHICLE CHARGING POINTS FROM TEN TO FOUR) PURSUANT TO 22/501405/FULL FOR - CHANGE OF USE FROM 4 BLOCKS OF RESIDENTIAL NURSES ACCOMMODATION TO 3 NO. BLOCKS COMPRISING OF 18 X 5 BED HMO UNITS AND 1 NO. BLOCK COMPRISING OF 8 X 3 BEDROOM RESIDENTIAL UNITS - SPRINGWOOD ROAD NURSES ACCOMMODATION, SPRINGWOOD ROAD, BARMING, KENT

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

**RESOLVED:** That consideration of this application be deferred to seek further information regarding (a) the physical and financial viability of installing solar panels and cavity wall insulation and (b) the default position in respect of the provision of electric vehicle charging points as now required under the Building Regulations.

Voting: 13 – For 0 – Against 0 – Abstentions

253. 5013/2022/TPO - 1-39 QUEENSGATE, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management concerning provisional Tree Preservation Order No. 5013/2022/TPO which was made to protect trees at Queensgate, Maidstone. It was noted that:

- A TPO application was received for works to 10 no. Hornbeams located along the front boundary of Queensgate adjacent to the A20 (London Road) and the reduction of a small Cherry tree located in front of No. 12 Queensgate.

- The works had been applied for under TPO No.24 of 1972, an old “Area TPO” which only protected trees which were present at the time of its making. Very few of the trees now located on site were old enough to have been covered by this Order (including the trees subject to the application). In light of the amenity value of the trees which were assessed to be worthy of protection, the Council made provisional Tree Preservation Order No. 5013/2022/TPO.
- One objection was received during the statutory 28-day objection period. However, it related to the description of the situation of one of the trees, not to the making of the Order itself.

**RESOLVED:** That Tree Preservation Order No. 5013/2022/TPO be confirmed without modification.

Voting: 13 – For 0 – Against 0 – Abstentions

254. 22/502529/TPOA - TPO APPLICATION TO REDUCE ONE OAK TO 9.0M IN HEIGHT AND REDUCE LATERAL BRANCH SYSTEM BY 1.0M TO 1.5M BALANCING THE CROWN. REMOVE RE-GROWTH TRIENNIALLY; REMOVE ONE OAK (FELL) TO NEAR GROUND LEVEL. OWNER TO PHYSICALLY REMOVE ANY REGROWTH (NO CHEMICAL TREATMENT DUE TO TRANSLOCATION RISK) - HOLTYE COTTAGE, HEADCORN ROAD, STAPLEHURST, KENT

The Committee considered the report of the Head of Development Management concerning application 22/502529/TPOA. It was noted that:

- The two Oak trees subject to the application were growing within the rear garden of Holtye Cottage, a property situated to the north of Headcorn Road at the junction with Hurst Close. The applicant lived at No.2 Hurst Close which flanked the western boundary of Holtye Cottage.
- At the time of inspection, both Oak trees revealed no significant defects to suggest they were either unhealthy or unsafe. Both trees were of early mature size and clearly visible from surrounding public roads. It was considered that the proposed felling of one of the trees and reduction of the other would erode the mature and verdant landscape of the area by a marked degree and thus give rise to significant harm to its character and appearance.
- However, in light of the evidence submitted with the application, the proposed works were considered necessary arboricultural practice to help mitigate subsidence related damage to the property at 2 Hurst Close and were considered acceptable on arboricultural grounds.
- The owner of the trees at Holtye Cottage objected strongly to the proposal emphasising that they had never experienced subsidence issues despite being just as close to the trees as the applicant.
- A refusal of consent to carry out the works on the trees could potentially result in a claim for compensation for loss or damage arising within twelve months of the date of refusal. Based on information provided by the applicant, there could be a potential claim for costs of £66,000 should consent for the works be refused.

- As the applicant was not the owner of the trees, consent from the owner would be required before commencing any works permitted by the Council.

**RESOLVED:** That consideration of this application be deferred to (a) seek details of the CAVAT value of the two Oak trees which are the subject of the application (Capital Asset Value for Amenity Trees) and (b) consider a more appropriate replacement species such as Hornbeam.

Voting: 12 – For 0 – Against 1 – Abstention

255. APPEAL DECISIONS

The Committee considered the report of the Head of Development Management setting out details of appeal decisions received since the last meeting. During the discussion on the appeal decisions, Members emphasised the need to (a) update the Maidstone Landscape Character Assessment due to its age and lack of detail and (b) address the need for affordable Gypsy and Traveller accommodation.

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

256. DURATION OF MEETING

6.00 p.m. to 9.00 p.m.