

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 7 APRIL 2016

Present: Councillor English (Chairman), and
Councillors Ash, Chittenden, Cox, Harper, Harwood,
Hemsley, Munford, Paine, Paterson, Perry, Round and
Mrs Stockell

Also Present: Councillors Newton, J Sams, Sargeant and
Thick

338. **APOLOGIES FOR ABSENCE**

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

339. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Chittenden was substituting for Councillor Clark.

340. **NOTIFICATION OF VISITING MEMBERS**

Councillor Newton indicated his wish to speak on the report of the Head of Planning and Development relating to application 15/506840.

Councillor Mrs Sams indicated her wish to speak on the report of the Head of Planning and Development relating to application 14/505125.

Councillor Sargeant indicated that he was observing.

Councillor Thick indicated his wish to speak on the report of the Head of Planning and Development relating to applications 15/505493 and 15/506897.

341. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

342. **URGENT ITEMS**

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained further information relating to the applications to be considered at the meeting.

343. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions relating to application 16/500889, and intended to speak and vote when it was considered.

During consideration of the report of the Head of Planning and Development relating to application 16/5000014, Councillor Munford stated that the applicant was known to him but he was not declaring an interest and intended to speak and vote.

344. EXEMPT ITEMS

RESOLVED: That the exempt Appendix to the report of the Head of Planning and Development relating to application 15/505493 be considered in public, but the information contained therein should remain private.

345. MINUTES OF THE MEETING HELD ON 17 MARCH ADJOURNED TO 24 MARCH 2016

RESOLVED: That the Minutes of the meeting held on 17 March adjourned to 24 March 2016 be approved as a correct record and signed.

346. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

347. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - DEFERRED ITEMS

14/504109 – ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) – HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

The Development Manager advised Members that he had nothing further to report in respect of this application at present.

14/0668 – RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL INVOLVING THE STATIONING OF ONE MOBILE HOME AND THE LAYING OF HARD SURFACING – OAKLANDS, GRAVELLY BOTTOM ROAD, KINGSWOOD, MAIDSTONE, KENT

The Development Manager advised Members that he had nothing further to report in respect of this application at present.

15/505411 – OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 108 DWELLINGS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION EXCEPT FOR MEANS OF ACCESS (FROM STRAW MILL

HILL) TO BE DETERMINED AT THIS STAGE – TOVIL QUARRY SITE, STRAW HILL, TOVIL, KENT

The Development Manager advised that a site meeting between Ward Members, a Planning Officer and the applicant would take place on 11 April 2016.

348. 15/506897 - PART RETROSPECTIVE APPLICATION FOR THE ERECTION OF POLYTUNNELS, DRAINAGE WORKS AND LANDSCAPING - MORRY FARM, MORRY LANE, EAST SUTTON, KENT

Councillors Paine, Round and Mrs Stockell stated that they had been lobbied.

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

Mr Taylor, an objector, Mr Edmed, for the applicant and Councillor Thick (Visiting Member) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report, as amended by the urgent update report, and the following amended wording to Condition 8 and additional informatives:

Condition 8

The planting proposed in the Landscape and Visual Assessment (Ref JE/10933) and the Specification for Soft Landscape and Maintenance Works (dated August 2015) shall be adhered to. Details of the additional planting must be submitted within three months of this permission. This additional native planting proposed shall be in line with the principles of the Maidstone Landscape Guidelines and will include infill planting to any gaps to the existing hedgerow to the northern and southern boundaries of Field 1. It will also incorporate additional planting to the western boundary of Field 10, adjacent to the boundary with Walnut Tree Cottage (Grade II*).

The additional planting scheme shall also include a physical barrier to provide a 12 m buffer to the Ancient Woodland to the North Eastern boundary and a semi-natural landscaped buffer to the adjoining properties in Morry Lane.

All planting shall be carried out in the first planting season following this permission (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species,

unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for adequate protection of trees.

Additional Informatives

The landscaping details pursuant to condition 8 should include a semi natural area being fenced off, for example through the use of chestnut spile fencing to provide a 12m buffer to the North Eastern boundary and adjoining properties in Morry Lane.

The applicant is encouraged to work together with KCC Highways regarding the maintenance of the roads to prevent damage from run-off.

2. That the landscaping details must be agreed in consultation with Ward Members.

Voting: 9 – For 3 – Against 1 – Abstention

349. 14/505125 - PROPOSED NEW DETACHED BUILDING TO ACCOMMODATE THREE AIR CONDITION UNITS - LENHAM IRONMONGERS LTD, 8 FAVERSHAM ROAD, LENHAM, KENT

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

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

Mr King, an objector and Mr Homes, for the applicant and Councillor J Sams (Visiting Member) addressed the meeting.

RESOLVED: That consideration of the application be deferred to the next meeting to allow the Environmental Health Officer to be present at the Committee meeting and to seek clarification on the equipment to be installed in the building.

Voting: 13 – For 0 – Against 0 – Abstentions

350. 16/500014 - OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT OF ELEVEN DWELLINGS CONSIDERING ACCESS FROM HUBBARDS LANE WITH ALL OTHER MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) RESERVED FOR FUTURE CONSIDERATION - LAND WEST OF 73, HASTE HILL ROAD, BOUGHTON MONCHELSEA, KENT

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

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- A contribution of £48.02 per dwelling towards additional library book stock
- A contribution of £9,266.40 towards healthcare provision at Orchard Medical Centre – 146 Heath Road, Coxheath, ME17 4PL. Stockett Lane Surgery, 3 Stockett Lane, Coxheath, ME17 4PS. Mote Medical Practice, St Saviours Road, ME15 9FL or Boughton Lane Surgery, 1 Boughton Lane, Loose ME15 9QJ towards improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity
- A contribution of £1,575 per dwelling towards the improvement, maintenance and refurbishment of the play area and sports facilities at the King George V Playing Field, Walnut Tree Avenue, Loose, ME15 9RN

The Head of Planning and Development be given delegated powers to grant planning permission subject to the imposition of the conditions set out in the report.

Voting: 10 – for 0 – Against 3 - Abstentions

351. 16/500374 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 6 RESIDENTIAL DWELLINGS, TOGETHER WITH ASSOCIATED ACCESS, PARKING, DRAINAGE WORKS AND LANDSCAPING - THE FORSTAL, MOUNT CASTLE LANE, LENHAM HEATH, KENT

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

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

Voting: 11 – For 0 – Against 2 – Abstentions

352. 15/506245 - PERMANENT SITING OF MOBILE HOME AND ONE TOURING CARAVAN FOR RESIDENTIAL USE BY GYPSY FAMILY - THE CHANCES, LUGHORSE LANE, HUNTON, KENT

Councillors Ash, Cox, English, Harwood and Munford stated that they had been lobbied.

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

Mr Regan, an objector, and Councillor Heaton of Hunton Parish Council (against) addressed the meeting.

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

Voting: 8 – For 3 – Against 2 – Abstentions

353. 15/506338 - PERMANENT SITE OF ONE STATIC AND ONE TOURING CARAVAN AND TWO STORAGE SHEDS FOR RESIDENTIAL USE BY ROMANY GYPSIES - THE CHANCES, LUGHORSE LANE, HUNTON, KENT

Councillors Ash, Cox, English, Harwood and Munford stated that they had been lobbied.

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

Mr Regan, an objector, and Councillor Heaton of Hunton Parish Council (against) addressed the meeting.

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

Voting: 8 – For 3 – Against 2 – Abstentions

354. 15/510023 - CHANGE OF USE TO GARDEN LAND AND ERECTION OF OUTBUILDING INCIDENTAL TO DWELLING HOUSE - CALEDONIA, WORKHOUSE LANE, EAST FARLEIGH, KENT

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

Mr Wokes, for the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions as set out in the report and the addition of condition 5 as set out in the urgent update report.

Voting: 13 – For 0 – Against 0 – Abstentions

355. 15/506840 - TEMPORARY CHANGE OF USE OF LAND FOR THE STORAGE OF TOPSOIL PRIOR TO DISTRIBUTION (RESTROSPECTIVE) - LAND NORTH OF BICKNOR WOOD, GORE COURT ROAD, MAIDSTONE, KENT

Councillor Munford stated that he had been lobbied.

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

Mr Tickle, an objector, and Councillor Newton (Visiting Member) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report, and subject to further amendments to conditions 1, 3 and 8 and

an additional condition and informative as follows:-

Amended Conditions

Condition 1

The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. At the end of this period the use hereby permitted shall cease, the topsoil heaps, fencing and any other associated paraphernalia shall be removed from the land, and the land restored to its former condition before the development took place. Within 1 month of the date of this permission hereby granted details of a remediation plan to show how these works will be undertaken and including a timescale for the completion of the remediation, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved remediation plan.

Reason: To prevent inappropriate development in the countryside.

Condition 3

Within a period of one month of the date of this permission, or before any further soil is removed from the site or re-distributed within the site, whichever is the sooner, details of an access route within the site which provides for a 15 m buffer adjacent to the Ancient Woodland along which no vehicle shall have access and which provides for a physical barrier which prevents such access and shows an alternative lorry route to the soil storage area, shall be submitted to and approved in writing by, the local planning authority. The works shall be carried out in accordance with the approved details prior to any further soil being removed from the site or re-distributed within the site.

Reason: To protect the adjacent Ancient Woodland.

Condition 8

The development hereby permitted shall be carried out in accordance with plan reference SUTT/001 received 28/08/15 and the Materials Management Plan received 18/09/15.

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

Additional Condition (9)

Notwithstanding the submitted Construction Management Plan (CMP) and within 1 month of the date of the permission hereby granted, an amended CMP shall be submitted to and approved in writing by the local planning authority, to additionally include measures to secure traffic movements to and from the application site through the Imperial Park development site,

using either the temporary haul road or the completed site road, except for a small length between the application site and Imperial Park access points as shown on plan SUTT/001 received 28/08/15. The amended Construction Management Plan (CMP) shall also include a condition survey of the highway (Gore Court Road) prior to any further removal of soil from the site, and details of working hours. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and residential amenity.

Additional Informative

With regards to condition 9 above, the Council considers the hours of operation to be excessive and that in order to seek compliance with condition 9 the hours of work between Mondays to Fridays should be reduced and no work should be carried out on Saturdays. This needs to be reflected within the amended Construction Management Plan.

Voting: 12 - For 1 - Against 0 - Abstentions

356. 15/505493 - CHANGE OF USE OF LAND TO A RESIDENTIAL CARAVAN SITE FOR TWO GYPSY TRAVELLER FAMILIES CONTAINING TWO STATIC CARAVANS, TWO TOURING CARAVANS, PARKING FOR FOUR VEHICLES WITH ASSOCIATED HARDSTANDING AND WATER TREATMENT PLANT - LAND ADJOINING GREENGATES, LENHAM ROAD, HEADCORN, KENT

Councillor Round stated that he had been lobbied.

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

Mr Jones, 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 Members felt that the proposed development encroached into the open countryside, together with an urbanising effect through the introduction of a significant area of hardstanding and domestic paraphernalia which would result in substantial harm to the character and appearance of the countryside and special landscape area, which would be contrary to ENV28 and ENV34 of the Maidstone Borough Wide Local Plan 2000, which give priority to the landscape over other planning considerations.

With the absence of an ecological survey, which would demonstrate to the contrary, it had not been demonstrated that protected species would not be adversely impacted upon, contrary to paragraphs 109 and 118 of the National Planning Policy Framework.

RESOLVED: That permission be refused for the following reasons:

1. That the proposed development encroached into the open countryside, together with an urbanising effect through the introduction of a significant area of hardstanding and domestic paraphernalia which would result in substantial harm to the character and appearance of the countryside and special landscape area, which would be contrary to ENV28 and ENV34 of the Maidstone Borough Wide Local Plan 2000, which give priority to the landscape over other planning considerations.
2. That with the absence of an ecological survey, which would demonstrate to the contrary, it had not been demonstrated that protected species would not be adversely impacted upon, contrary to paragraphs 109 and 118 of the National Planning Policy Framework.

Voting: 10 – For 1 – Against 2 – Abstentions

357. 12/1544 - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 2 GYPSY FAMILIES WITH UP TO 4 CARAVANS OF WHICH NO MORE THAN 2 WOULD BE STATIC CARAVANS, INCLUDING THE LAYING OF HARD SURFACING AND THE ERECTION OF 2 AMENITY BUILDINGS - ORCHARD FARM NURSERY, CHARTWAY STREET, SUTTON VALENCE, MAIDSTONE, KENT

Councillors Ash, Perry, Round and Mrs Stockell stated that they had been lobbied.

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

Ms Gosden of Broomfield and Kingswood Parish Council addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report, and an additional condition as set out in the urgent update report.

Voting: 9 – For 4 – Against 0 – Abstentions

358. 15/501168 - CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR ONE GYPSY FAMILY WITH ONE MOBILE HOME, ONE TOURING CARAVAN, UTILITY BUILDING AND HARDSTANDING - ORCHARD FARM NURSERY, CHARTWAY STREET, SUTTON VALENCE, KENT

Councillors Ash, Perry, Round and Mrs Stockell stated that they had been lobbied.

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

Ms Gosden of Broomfield and Kingswood Parish Council addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report and the urgent update report, and with an amendment to Condition 5 as follows:

Condition 5

Prior to first occupation of the site details of landscaping scheme using indigenous species and including the retention and enhancement of the existing planting along the site boundaries shall be submitted for approval in writing by the local planning authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: To safeguard the character and appearance of the countryside, and in the interest of biodiversity.

Voting: 7 – For 4 Against 2 – Abstentions

359. 16/500889 - VARIATION OF CONDITION (02) OF PLANNING PERMISSION MA/13/1348 - DEMOLITION OF REDUNDANT CATTLE SHED AND OTHER STRUCTURES AND CONVERSION OF TRADITIONAL COURTYARD BUILDINGS TO PROVIDE 2 DWELLINGS WITH ACCESS, PARKING AND LANDSCAPING (TO ALLOW THE USE OF HAND-MADE CLAY TILES IN PLACE OF KENT PEG TILES) - STREET FARM, THE STREET, BOXLEY, KENT

Councillor Ash stated that he had been lobbied.

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

Councillor Hinder for Boxley Parish Council (against) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the roof tiles which had been used were out of character and harmful to the appearance of the buildings and were inappropriate in the context of the setting of the Listed Buildings and Conservation Area, contrary to paragraphs 58, 60, 61, 64, 131 and 137 of the National Planning Policy Framework.

RESOLVED: That permission be refused for the following reason:

That the roof tiles which had been used were out of character and harmful to the appearance of the buildings and were inappropriate in the context of the setting of the Listed Buildings and Conservation Area, contrary to paragraphs 58, 60, 61, 64, 131 and 137 of the National Planning Policy Framework.

Voting: 11 – For 2 – Against 0 – Abstentions

360. 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. The Development Manager stated that in regard to Land at Boughton Lane, Maidstone, he did not intend to discuss this matter at the meeting but once the Section 288 appeal had run its course, he would update Members further.

RESOLVED: That the report be noted.

361. CHAIRMAN'S ANNOUNCEMENTS

There were none.

362. MAINTENANCE OF CULVERTS ARISING FROM 15/506897

Arising out of the discussion on application 15/506897 relating to Morry Farm, the representative of KCC Highways was asked to facilitate a meeting with those Parish Councils where properties were affected by water run-off. KCC Highways were also asked to liaise and work with landowners on the maintenance of culverts.

363. DURATION OF MEETING

6 p.m. to 10.10 p.m.