

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**MINUTES OF THE MEETING HELD ON 16 AUGUST 2018**  
**ADJOURNED TO 23 AUGUST 2018**

**Present:** Councillor English (Chairman) and  
**23 August** Councillors Bartlett, Boughton, M Burton, Harwood,  
**2018** Kimmance, Munford, Perry, Spooner, Vizzard and  
Wilby

**Also** Councillors Garten and Newton  
**Present:**

103. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Adkinson, Parfitt-Reid and Round.

104. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor M Burton for Councillor Round  
Councillor Perry for Councillor Parfitt-Reid

105. NOTIFICATION OF VISITING MEMBERS

Councillor Garten indicated his wish to speak on the report of the Head of Planning and Development relating to application 18/502003 (The Oast House, Pilgrims Way, Hollingbourne, Kent).

Councillor Newton indicated his wish to speak on the report of the Head of Planning and Development relating to application 18/502748 (15 Monkdown, Downswood, Maidstone, Kent).

106. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

107. 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.

108. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Wilby reiterated that he had an Other Significant Interest in the report of the Head of Planning and Development relating to application 17/503237 (J B Garage Doors, Straw Mill Hill, Tovil, Maidstone, Kent) by virtue of being a Trustee of the Hayle Place Nature Reserve which would benefit from S106 funding if the application was approved. Councillor Wilby said that he would leave the room when the application was discussed.

Councillor Wilby also said that, with regard to the report of the Head of Planning and Development relating to application 18/502287 (Tovil Quarry Site, Straw Mill Hill, Tovil, Maidstone, Kent), he was a Member of Tovil Parish Council, but he had not participated in the Parish Council's discussions on the application, and intended to speak and vote when it was considered.

109. EXEMPT ITEMS

**RESOLVED:** That the report of the Head of Planning and Development relating to the Enforcement Tracker be taken in private as proposed.

110. 18/502287 - APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPLICATION 15/505441/OUT FOR A RESIDENTIAL DEVELOPMENT OF UP TO 108 DWELLINGS WITH ASSOCIATED VEHICULAR ACCESS FROM STRAW MILL HILL (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BEING SOUGHT) - TOVIL QUARRY SITE, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

The Chairman and Councillor Wilby stated that they had been lobbied.

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

**RESOLVED:** That the reserved matters be approved subject to the conditions set out in the report, as amended by the urgent update report, and the additional condition and informative set out in the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

111. 17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

All Members except Councillors M Burton, Munford and Spooner stated that they had been lobbied.

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

The Principal Planning Officer advised the Committee that since the preparation of the report, further information had come to light which confirmed that the buildings on the site were still in use which meant that the Vacant Building Credit in terms of affordable housing provision would not apply.

Councillor Buller of Staplehurst Parish Council and Mr Court, 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 proposal due to its residential design, scale, massing and location will have a harmful, incongruous and urbanising visual impact on the open countryside and the local landscape area, which cannot be adequately overcome by landscaping. As such the proposal is contrary to policies DM1 and SP17 of the Maidstone Borough Local Plan and policy PW2 of the Staplehurst Neighbourhood Plan. Members also felt that the proposal fails to result in any significant environmental improvement to this brownfield site and is not in a sustainable location, nor can it reasonably be made more accessible. The site due to its isolated location, lack of public transport provision and dependency upon the car, demonstrates that this proposal is an unsustainable form of development. As such the proposal is contrary to policy DM5 of the Maidstone Borough Local Plan.

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

1. The proposal due to its residential design, scale, massing and location will have a harmful, incongruous and urbanising visual impact on the open countryside and the local landscape area, which cannot be adequately overcome by landscaping. As such the proposal is contrary to policies DM1 and SP17 of the Maidstone Borough Local Plan and policy PW2 of the Staplehurst Neighbourhood Plan.
2. The proposal fails to result in any significant environmental improvement to this brownfield site and is not in a sustainable location, nor can it reasonably be made more accessible. The site due to its isolated location, lack of public transport provision and dependency upon the car, demonstrates that this proposal is an unsustainable form of development. As such the proposal is contrary to policy DM5 of the Maidstone Borough Local Plan.

Voting:      11 – For      0 – Against      0 - Abstentions

112. 17/503237 - OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING UP TO 18 UNITS AND PROVISION OF PARKING SPACES. ACCESS AND SCALE BEING SOUGHT, WITH REMAINING ISSUES TO BE DETERMINED AS RESERVED MATTERS - J B GARAGE DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

Having disclosed an Other Significant Interest, Councillor Wilby left the meeting when this application was discussed.

The Chairman said that apologies for non-attendance at the meeting had been received from Tovil Parish Council and also from Councillor Mortimer who had called-in the application for consideration by the Committee.

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

The Senior Planning Officer advised the Committee that she wished to amend recommended condition 22 and to add a condition as follows:

Condition 22 (Highway Works) (amended)

No dwellings hereby approved shall be occupied until such time as the highways works to extend the pedestrian links around the site entrance as shown on approved plan 2016-024v9-PropBlock received on 18.07.2018 have been secured and constructed in full ~~as part of a S278~~ under an agreement with KCC Highways.

Reason: In the interests of highway safety.

Additional Condition (Enhancement of Biodiversity)

The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tubes or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

**RESOLVED:** That subject to:

- (a) The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to provide for the Heads of Terms set out in the report; AND
- (b) The conditions and informatives set out in the report, as amended by the Senior Planning Officer at the meeting, and the additional condition proposed by the Senior Planning Officer at the meeting,

the Head of Planning and Development be given delegated powers to grant outline permission and to be able to settle or amend any necessary Heads of Terms and conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting:      10 – For      0 – Against      0 – Abstentions

113. 18/501471 - ERECTION OF A COVERED DRY STORE (RE-SUBMISSION OF 17/505103/FULL) - MID KENT ROOFING YARD, FORSTAL LANE, HARRIETSHAM, KENT

The Chairman and Councillors Bartlett, Boughton, M Burton, Kimmance, Munford, Perry, Spooner and Wilby stated that they had been lobbied.

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

Ms Wallace, an objector, and Councillor Powell, on behalf of Harrietsham Parish Council, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agree to refuse permission. In making this decision, Members felt that the proposal, due to its height, scale, prominence and permanence will have an adverse and detrimental visual impact upon the surrounding open countryside and foreground and setting of the nearby Area of Outstanding Natural Beauty. The proposal also fails to satisfactorily integrate into the local landscape. As such the proposal is contrary to policies DM1, DM30, DM37 and SP17 of the Maidstone Borough Local Plan.

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

The proposal, due to its height, scale, prominence and permanence will have an adverse and detrimental visual impact upon the surrounding open countryside and foreground and setting of the nearby Area of Outstanding Natural Beauty. The proposal also fails to satisfactorily integrate into the local landscape. As such the proposal is contrary to policies DM1, DM30, DM37 and SP17 of the Maidstone Borough Local Plan.

Voting:      10 – For      0 – Against      1 – Abstention

114. 18/503001 - PROPOSED INFILL EXTENSION TO EXISTING AUTOMOTIVE REPAIR FACILITY - BOXMEND INDUSTRIAL ESTATE, CAVALLINO BUILDING, BIRCHOLT ROAD, 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:      11 – For      0 – Against      0 – Abstentions

115. 18/502003 - CHANGE OF USE OF PART OF AN AREA OF EXISTING GARDEN TO ACCOMMODATE TWO SHEPHERD'S HUTS PROVIDING HOLIDAY LET ACCOMMODATION - THE OAST HOUSE , PILGRIMS WAY, HOLLINGBOURNE, KENT

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

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

Mr Findlay, an objector, Mr Court, for the applicant, and Councillor Garten (Visiting Member) addressed the meeting.

**RESOLVED:** That permission be granted subject to the conditions and informative set out in the report and the additional condition set out in the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

116. 18/502748 - DEMOLITION OF EXISTING OUTBUILDING AND CONSTRUCTION OF A TWO BEDROOM ATTACHED HOUSE - 15 MONKDOWN, DOWNSWOOD, MAIDSTONE, KENT

All Members except Councillors Perry and Vizzard stated that they had been lobbied.

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

Having stated that his mother owned a property, where he stayed, opposite the proposal site, Councillor Boughton exercised his right to make representations and then left the meeting when the application was discussed.

Councillor Newton (Visiting Member) addressed the meeting. It was noted that Councillor Fairhurst who was registered to speak on this application on behalf of Downswood Parish Council had been detained elsewhere.

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

Voting: 7 – For 3 – Against 0 – Abstentions

117. 18/501236 - VARIATION OF CONDITION 32 (RETAIL OPENING HOURS) OF PERMISSION 14/0828 - THE REDEVELOPMENT OF LAND SOUTH OF ASHFORD ROAD FOR RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 113/114 DWELLINGS, INTERNAL ACCESS ROAD, LANDSCAPED PUBLIC OPEN SPACE, A LAP, A CONVENIENCE STORE AND HIGHWAYS WORKS TO ASHFORD ROAD. CONDITION 32 TO READ "THE RETAIL USE HEREBY PERMITTED SHALL ONLY OPEN TO CUSTOMERS WITHIN THE FOLLOWING TIMES: 0700 TO 2200 MONDAY TO SUNDAY, INCLUDING PUBLIC AND BANK HOLIDAYS" - LAND SOUTH OF ASHFORD ROAD, HARRIETSHAM, MAIDSTONE, KENT

All Members except Councillor M Burton stated that they had been lobbied.

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

Councillor Dean of Harrietsham Parish Council addressed the meeting.

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

Voting: 8 – for 0 – Against 3 – Abstentions

118. APPEALS LIST

The Committee considered the report of the Head of Planning and Development setting out details of an appeal decision relating to case number ENF/17/500611 (Acers Place, Lenham Road), which had been received since the last meeting. The Major Projects Manager advised the Committee that the enforcement notice had been upheld, but the time period for compliance had been extended from three to twelve months from the decision date.

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

119. DEFERRED ITEMS

17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT

The Major Projects Manager said that the Officers were addressing the reasons for deferral, but were still awaiting a Certificate B from the applicant.

17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO. UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

See Minute 112 above.

17/504412 – DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

See Minute 111 above.

18/501158 - PROVISION OF NEW FARM ACCESS TO KNOXBRIDGE FARM FROM THE A229, INCLUDING LANDSCAPING, CROSSING OVER STREAM

AND BARRIER (RESUBMISSION OF 16/508630/FULL) - KNOXBRIDGE FARM, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

See Minute 97 above.

18/501181 - VARIATION OF CONDITIONS 10, 16 AND 17 OF APPLICATION 16/508659/FULL (DEMOLITION OF EXISTING DWELLING AND ERECTION OF B8 WAREHOUSE BUILDING WITH ANCILLARY OFFICES, DOCK LEVELLERS, ACCESS, PARKING AND LANDSCAPING INCLUDING THE CREATION OF NEW WOODLAND AND ATTENUATION POND) - LAND SOUTH OF REDWALL LANE, LINTON, KENT

The Major Projects Manager said that it was the intention to report this application to the next meeting of the Committee on 6 September 2018.

120. EXCLUSION OF THE PUBLIC FROM THE MEETING

**RESOLVED:** That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test:

**Head of Schedule 12A and Brief Description**

Enforcement Tracker

2 – Identity of an Individual  
6 (a) and (b) – Enforcement/Court Proceedings  
7 – Prevention, Investigation or Prosecution of Crime

121. ENFORCEMENT TRACKER

The Committee considered the updated report of the Head of Planning and Development setting out the Enforcement Tracker which provided the current status of enforcement cases that had had formal notices served. It was noted that it was the intention to continue to report the Tracker to the Committee on a quarterly basis, and it would be updated to reflect outcomes. In response to questions by Members, the Senior Planning Officer (Enforcement) explained that:

- Once an appeal had been lodged, it could be 2-3 months to a year before a start date was received;
- Failure to comply with an Enforcement Notice was an offence that could result in the prosecution of the recipient of the Notice. When someone was found guilty of failing to comply with an Enforcement Notice, the fine could be unlimited;
- The Council could use a section 215 notice to require an owner or occupier to deal with the poor state of a listed building, and these cases would also be included in the tracker; and



- If Members thought that a planning condition was not being complied with they should raise the issue with the Planning Enforcement Team for investigation as a breach of condition notice could be served in addition to, or instead of, an enforcement notice.

**RESOLVED:**

1. That the report be noted.
2. That the Planning Enforcement Team be thanked for their work in dealing with breaches of planning control.

122. DURATION OF MEETING

6.00 p.m. to 9.10 p.m.