

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 8 NOVEMBER 2018**

**Present:** Councillor English (Chairman) and  
Councillors Adkinson, Bartlett, Boughton, Harwood,  
Kimmance, Munford, Parfitt-Reid, Perry, Round,  
Vizzard and Wilby

**Also Present:** Councillors Daley and Lewins

178. APOLOGIES FOR ABSENCE

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

Councillor Kimmance entered the meeting at this stage (6.05 p.m.).

179. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

180. NOTIFICATION OF VISITING MEMBERS

Councillors Daley and Lewins indicated their wish to speak on the report of the Head of Planning and Development relating to application 18/501745 (Land to the East of Hermitage Lane, Maidstone, Kent).

181. ITEMS WITHDRAWN FROM THE AGENDA

17/504568 - DEMOLITION OF THE EXISTING COUNTY CENTRAL LIBRARY AND ASSOCIATED BUILDINGS AND ERECTION OF SIX-TO-SIXTEEN STOREY RESIDENTIAL DEVELOPMENT OF 162 NO. APARTMENTS AND 86 NO. CAR PARKING SPACES, INCLUDING 429SQM OF COMMUNAL FLOOR SPACE AT THE FORMER KCC SPRINGFIELD LIBRARY SITE, SANDLING ROAD, MAIDSTONE - KCC SPRINGFIELD LIBRARY HQ, SANDLING ROAD, MAIDSTONE

The Chairman sought the agreement of the Committee to the withdrawal of the report of the Head of Planning and Development relating to application 17/504568 from the agenda.

**RESOLVED:** That agreement be given to the withdrawal of the report of the Head of Planning and Development relating to application 17/504568 from the agenda.

182. 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.

183. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 18/504426 (Land Adjacent to Red Roof, Boxley Road, Walderslade, Chatham, Kent), he was a Member of Boxley 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.

184. EXEMPT ITEMS

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

185. MINUTES OF THE MEETING HELD ON 18 OCTOBER 2018

**RESOLVED:** That the Minutes of the meeting held on 18 October 2018 be approved as a correct record and signed.

186. PRESENTATION OF PETITIONS

There were no petitions.

187. DEFERRED ITEMS

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

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

18/501312 - PROVISION OF A CONTROLLED ATMOSPHERE STORE, CONCRETE HARDSTANDING, IRRIGATION LAGOON AND ASSOCIATED ENGINEERING OPERATIONS (INCLUDING LAND RAISING/EARTHWORKS) AND THE UPGRADING OF AN EXISTING TRACK AND ACCESS - SWANTON FARM, BICKNOR ROAD, BICKNOR, KENT

The Development Manager apologised that notwithstanding his update at the last meeting, he now understood that it was hoped to report this application to the next meeting of the Committee.

188. 18/501745 - APPROVAL OF RESERVED MATTERS FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR PHASE 4 COMPRISING 71 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE PURSUANT TO OUTLINE APPROVAL 13/1749 - LAND TO THE EAST OF HERMITAGE LANE, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Mrs Poletti of the New Allington Action Group, Mrs Bates, an objector, Mr Mendez, for the applicant, and Councillors Lewins and Daley (Visiting Members) addressed the meeting.

In presenting the report, the Senior Planning Officer advised the Committee that he was aware that the New Allington Action Group had lobbied Members on an alternative access option and a neighbour representation had also been received on that. However, he wished to reiterate that this access option would be through the widest section of ancient woodland and it was not before Members for a decision at this 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:

1. The loss or deterioration of ancient woodland which would result from this reserved matters application would be contrary to paragraph 175 (c) of the National Planning Policy Framework and no wholly exceptional reasons have been identified for that. The two proposed routes through the woodland would either lead to direct loss or deterioration of ancient woodland through damage to the integrity of the woodland block which would undermine its ecological function.
2. The disturbance caused at construction and operational stage would further disturb and damage the ancient woodland.

Prior to the vote being taken, the Development Manager, exercising powers delegated to him by the Head of Planning and Development, and having conferred with the representative of the Head of Legal Partnership, advised the Committee that the proposed reasons for refusal were not sustainable and could result in significant costs against the Council at appeal. He was therefore issuing a significant costs warning. The representative of the Head of Legal Partnership advised Members that, since a significant costs warning had been issued, if the Committee agreed to refuse permission for the reasons proposed, the decision would be deferred until its next meeting pursuant to paragraph 30.3 (a) of Part 3.1 of the Council's Constitution and paragraph 17 (a) of the Local Code of Conduct for Councillors and Officers Dealing with Planning Matters (Part 4.4 of the Constitution).

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

1. The loss or deterioration of ancient woodland which would result from this reserved matters application would be contrary to paragraph 175 (c) of the National Planning Policy Framework and no wholly exceptional reasons have been identified for that. The two proposed routes through the woodland would either lead to direct loss or deterioration of ancient woodland through damage to the integrity of the woodland block which would undermine its ecological function.
2. The disturbance caused at construction and operational stage would further disturb and damage the ancient woodland.

Voting:        7 – For        4 – Against        1 - Abstention

Councillors Bartlett, Boughton, Perry and Round requested that their dissent be recorded.

**DECISION DEFERRED UNTIL THE NEXT MEETING OF THE PLANNING COMMITTEE PURSUANT TO PARAGRAPH 30.3 (a) OF PART 3.1 OF THE COUNCIL'S CONSTITUTION AND PARAGRAPH 17 (a) OF THE LOCAL CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS (PART 4.4 OF THE CONSTITUTION).**

189. 18/502875 - RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR PHASE 3 OF THE OUTLINE APPROVAL COMPRISING 127 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE PURSUANT TO OUTLINE APPROVAL REF 13/1749 - LAND TO THE EAST OF HERMITAGE LANE, 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 and that the Head of Planning and Development be given delegated powers 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

190. 18/504426 - OUTLINE APPLICATION FOR A DETACHED DWELLING WITH ACCESS BEING SOUGHT. MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE ARE RESERVED FOR FURTHER CONSIDERATIONS - LAND ADJACENT TO RED ROOF, BOXLEY ROAD, WALDESLADE, CHATHAM, KENT

The Chairman and Councillor Round 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 permission be granted subject to the conditions and informatives set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

191. 18/504157 - ERECTION OF ANCILLARY DAYROOM BUILDING - PERFECT PLACE, FRITTENDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

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

Councillor Forward of Staplehurst Parish Council and Mr Taylor, for the applicant, addressed the meeting.

**RESOLVED:** That

1. Permission be granted subject to the conditions set out in the report and an informative to the effect that:

The applicant is advised that with regard to condition 1 above, the Council expects to see a structural landscape buffer on all the site boundaries designed in accordance with the Council's adopted Landscape Character Assessment which will help mitigate the impact of the Dayroom. The buffer shall comprise of tree and shrub planting including Hawthorn, Crab Apple and Wild Service. The Council requests that the applicant liaise with the Landscape Officer, who can be contacted on 01622 602721, in the designing of the buffer planting.

2. The Head of Planning and Development be given delegated powers to finalise the wording of the additional informative.

Voting: 11 – For 0 – Against 1 – Abstention

**FURTHER RESOLVED:** That the Strategic Planning, Sustainability and Transportation Committee be requested to consider the issue of the need for a defined policy on the treatment of dayrooms on Gypsy and Traveller sites and how this might be brought forward in the review of the Local Plan process and the Supplementary Planning Documents that relate to that process.

Voting: 12 – For 0 – Against 0 – Abstentions

192. 18/504716 - RETENTION OF EXISTING LOG CABIN AND ITS USE AS AN ANNEXE IN CONNECTION WITH THE RESIDENTIAL USE OF DWELLING PERMITTED UNDER PLANNING PERMISSION REF: 15/502939 - APPSMOOR FARM, SOUTH STREET ROAD, STOCKBURY, SITTINGBOURNE, KENT

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

Councillor Bingham of Stockbury Parish Council addressed the meeting.

**RESOLVED:** That

1. Permission be granted subject to the condition set out in the report with:
  - The addition of a sentence to condition 1 specifying that the property shall not be used as a separate self-contained dwelling.
  - An additional condition requiring the submission of a robust landscaping scheme comprising native hedgerow planting on the site boundary(ies) to help mitigate the impact of the log cabin (the species to be identified by the Landscape Officer).
  - A landscaping implementation condition, specifying, inter alia, that any seeding or turfing which fails to establish or any trees or plants which, within **ten** years from the date of planting, die or become 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.
2. The Head of Planning and Development be given delegated powers to define the curtilage of the property (red line or extended boundary) for the purpose of the landscaping scheme and to finalise the wording of the amended and additional conditions.
3. The Political Group Spokespersons of the Planning Committee be informed of the outcome of the discussions about where the boundary(ies) will be set.

Voting:      11 – For      1 – Against      0 – Abstentions

193. 17/504568 - DEMOLITION OF THE EXISTING COUNTY CENTRAL LIBRARY AND ASSOCIATED BUILDINGS, AND ERECTION OF SIX-TO-SIXTEEN STOREY RESIDENTIAL DEVELOPMENT OF 162 NO. APARTMENTS AND 86 NO. CAR PARKING SPACES INCLUDING 429SQM OF COMMUNAL FLOOR SPACE AT THE FORMER KCC SPRINGFIELD LIBRARY SITE, SANDLING ROAD, MAIDSTONE - KCC SPRINGFIELD LIBRARY HQ, SANDLING ROAD, MAIDSTONE

See Minute 181 above

194. 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.

195. DURATION OF MEETING

6.00 p.m. to 8.35 p.m.