

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 25 APRIL 2019
ADJOURNED TO 29 APRIL 2019

Present: **Councillor English (Chairman) and Councillors
25 April **Adkinson, Bartlett, Boughton, Clark, Harwood,
2019 **Kimmanca, Munford, Parfitt-Reid, Round, Spooner
 and Wilby******

Also **Councillors Cuming, Hinder, Mrs Hinder and J Sams**
Present:

328. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Perry and Vizzard.

329. NOTIFICATION OF SUBSTITUTE MEMBERS

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

330. NOTIFICATION OF VISITING MEMBERS

Councillors Cuming and Hinder indicated their wish to speak on the reports of the Head of Planning and Development relating to applications 18/506656/FULL (Popesfield, Bearsted Road, Weaving, Kent) and 18/506609/OUT (Newnham Park, Bearsted Road, Weaving, Kent).

Councillor Mrs Hinder indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/506656/FULL (Popesfield, Bearsted Road, Weaving, Kent).

Councillor J Sams indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/506223/FULL (Parkwood House, West Street, Harrietsham, Maidstone, Kent).

It was noted that Councillor Garten might wish to speak on the report of the Head of Planning and Development relating to application 19/500149/FULL (Cherry Tree Farm, West Wood Road, Stockbury, Kent). In the event, Councillor Garten did not attend the meeting.

331. ITEMS WITHDRAWN FROM THE AGENDA

It was noted that following advice from the Council's Monitoring Officer, it was the recommendation of the Head of Planning and Development that applications 18/506656/FULL (Popesfield, Bearsted Road, Weaving, Kent) and 18/506609/OUT (Newnham Park, Bearsted Road, Weaving,

Kent) should not be determined until after the local elections on 2 May 2019 due to their controversial nature.

The Chairman said that taking all matters into consideration, the difficulty in drawing a line as to what constituted "controversial" and based on case law, it was his view that the Committee should proceed to determine these applications at the meeting. All commentaries legal and otherwise stated that provided a decision maker takes into account only matters that are material that decision cannot be open to question. The Committee had been careful over the years to make its planning decisions based only on material planning considerations. In the unlikely event that it did not, the Council had procedures in place to deal with that.

Since no Members indicated that they considered that these applications should be withdrawn from the agenda, the Chairman said that the Committee would proceed to determine the applications at the meeting.

332. URGENT ITEMS

The Chairman said that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item because it contained further information relating to the applications to be considered at the meeting.

333. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the reports of the Head of Planning and Development relating to applications 18/506656/FULL (Popesfield, Bearsted Road, Weaving, Kent) and 18/506609/OUT (Newnham Park, Bearsted Road, Weaving, Kent), he was a Member of Boxley Parish Council. However, he had not participated in the Parish Council's discussions on the applications and from that perspective he intended to speak and vote when they were considered. Further, it had been noted by the Council's Legal Team that he had submitted multiple detailed critiques regarding these applications. He did this on almost every large planning application and it gave no inference of a closed mind or pre-determination so he intended to speak and vote.

With regard to the report of the Head of Planning and Development relating to application 18/506494/FULL (Stilebridge Paddock, Stilebridge Lane, Linton, Maidstone, Kent), Councillor Munford said that he was the Chairman of Boughton Monchelsea 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 on 12 March he had attended a meeting along with Borough Councillors Bob and Wendy Hinder to discuss application 18/506656/FULL (Popesfield, Bearsted Road, Weaving, Kent) with Kent County Council (KCC) Members and Officers, including the KCC Cabinet Member for Education. He had made it quite clear at the start of the meeting that as a member of the Borough Council's Planning Committee he had a duty of impartiality and would not comment on the

application. However, he did convey the known comments of his fellow Bearsted Ward Members who were unable to attend the meeting. He was disappointed, therefore, to see a report from Boxley Parish Council on its website and subsequently on other social media saying that he had agreed with the objections raised by the other Borough Councillors. That was not correct, and he could assure the Committee that he was attending the meeting with an open mind and had not pre-determined.

334. MINUTES OF THE MEETING HELD ON 4 APRIL 2019

RESOLVED: That the Minutes of the meeting held on 4 April 2019 be approved as a correct record and signed.

335. EXEMPT ITEMS

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

336. PRESENTATION OF PETITIONS

There were no petitions.

337. 18/506656/FULL - ERECTION OF A NEW TWO-STOREY PRIMARY SCHOOL AND SPECIAL EDUCATIONAL NEEDS SECONDARY SCHOOL WITH VEHICULAR AND PEDESTRIAN ACCESS VIA KENT MEDICAL CAMPUS, TOGETHER WITH ASSOCIATED CAR PARKING AND DROP OFF AREA, PEDESTRIAN ACCESS, DRAINAGE, AREAS FOR FORMAL AND INFORMAL OUTDOOR PLAY AND LANDSCAPING WORKS - POPESFIELD, BEARSTED ROAD, WEAVERING, 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.

In presenting his report, the Principal Planning Officer advised the Committee that:

- The description of the application set out at the beginning of the Committee report should be amended as it was drafted when vehicular and pedestrian access was going to be from Bearsted Road. The proposals had been amended in response to representations made on the application so that both vehicular and pedestrian access would be via the Kent Medical Campus.
- Since the agenda was published, Kent County Council which dealt with surface water drainage had reviewed the information submitted and confirmed that further details were not required. This meant that recommended condition 11 relating to surface water drainage should be deleted but a condition requiring its implementation and relating to the operation and management of the proposed sustainable drainage scheme should be added.

Mr Coward, an objector, Mrs Bowdery, on behalf of Boxley Parish Council, Councillor Hughes of Bearsted Parish Council, Mr Wallis, for the applicant, and Councillors Hinder and Mrs Hinder (Visiting Members) addressed the meeting. Councillor Cuming also addressed the meeting as a Visiting Member in his own right and on behalf of Councillor Springett (Bearsted Ward Member) and de Wiggondene-Sheppard (Detling and Thurnham Ward Member) who were unable to attend the meeting.

RESOLVED:

1. That subject to
 - (a) The prior completion of a legal agreement to provide for the Heads of Terms set out in the report; AND
 - (b) The conditions set out in the report, as amended by the Principal Planning Officer at the meeting, with:
 - The removal of original condition 19 (Off-site highway works) and the removal of part (c) of original condition 20 (Off-site upgrade works);
 - The amendment of the Biodiversity Enhancement and Landscape Management Plan to include a less intensive management regime for the woodland buffers and grassland areas in order to preserve wildlife and a semi-natural edge to this part of north Maidstone;
 - The addition of a condition removing permitted development rights and a condition stipulating that no temporary buildings shall be placed on the application site without the consent of the Local Planning Authority;

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle, add 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.

2. That the details to be submitted pursuant to original condition 21 (Car Park Management Plan) are to be agreed in consultation with the Boxley and Bearsted Ward Members, Boxley and Bearsted Parish Councils and the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee.

Voting: 7 – For 5 – Against 0 – Abstentions

338. 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 - NEWNHAM PARK, BEARSTED ROAD, WEAVERING, KENT

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

Mr Clark, an objector, Councillor Willmott of Boxley Parish Council, Councillor Hughes of Bearsted Parish Council and Mr Blythin, for the applicant, addressed the meeting. Councillor Hinder addressed the meeting in his own right as a Visiting Member and on behalf of Councillor Mrs Hinder (Boxley Ward Member). Councillor Cuming also addressed the meeting as a Visiting Member in his own right and on behalf of Councillor Springett (Bearsted Ward Member) and de Wiggondene-Sheppard (Detling and Thurnham Ward Member) who were unable to attend the meeting.

RESOLVED:

1. That subject to:

- (a) The prior completion of a variation to the previous legal agreement to secure the relocated nature reserve;
- (b) A mechanism to secure the retention of the "Hockers Wood Nature Reserve" as an area managed for ecological protection and enhancement in perpetuity with the intention of ensuring that no development occurs there and investigation of a mechanism for its designation as a Local Nature Reserve, including land ownership and any funding arrangements; AND
- (c) The conditions set out in the report with the amendment of condition 5 (Landscaping) to require a more appropriate, less intensive management regime for the Nature Reserve,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle, add 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.

2. That if the Head of Planning and Development is unable to secure a mechanism in consultation with the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee to secure the retention of the "Hockers Wood Nature Reserve" as an area managed for ecological protection and enhancement in perpetuity, the application must be reported back to the Committee.

Voting: 9 – For 1 – Against 2 - Abstentions

339. 18/506258/FULL - WORKS TO BE CARRIED OUT AT MOTE PARK LAKE RESERVOIR (TO SATISFY THE RESERVOIRS ACT 1975 "MATTERS IN THE INTERESTS OF SAFETY"): WORKS TO EXISTING CULVERT SLUICE GATES; CONSTRUCT AN AUXILIARY SPILLWAY CIRCA 58M WIDE; LOWER GROUND LEVEL ON WEST ABUTMENT TO ACCOMMODATE AUXILLIARY SPILLWAY; INCREASE GROUND LEVEL ON EAST ABUTMENT TO RESIST OVERTOPPING; CONSTRUCT WAVE WALL ALONG DAM CREST; DIVERT HV

(11KV) CABLE; MODIFY BRIDGE PARAPET; AND ENVIRONMENTAL MITIGATION - MOTE PARK MAIDSTONE, WILLOW WAY, MAIDSTONE, KENT

The Chairman and Councillors Harwood and Round stated that they had been lobbied.

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

In presenting her report, the Principal Planning Officer advised the Committee that:

- It had now come to light that the letter purporting to be an objection to the development from the Mote Park Fellowship was actually the personal opinion of one member. The Secretary of the Mote Park Fellowship had since written in clarifying that although disruption to the Park and its ecosystems should be avoided no formal objections were being raised at this stage by the Fellowship.
- An update had been received from the Corporate Property Team regarding the timetable for the scheme if approved. It was the aim to start the detailed design of the scheme in May 2019 in preparation for construction tendering in August 2019. Assuming all went to plan trees would be removed from September 2019 to February 2020 to avoid the bird nesting season and construction would commence in April 2020 with a view to completion by October 2020.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with:
 - (a) The amendment of condition 6 (Landscaping) to include significant replacement tree planting of appropriate species both within the site and elsewhere within the Park; screening of the retaining walls as far as practicable; wildflower meadow seeding where tree or shrub planting is not feasible; on-site retention of cordwood; and no net loss of trees overall; AND
 - (b) An additional informative reminding the applicant that from an ecological point of view there is a need to allow for migratory fish such as the European Eel and that there needs to be a precautionary approach during construction, for example in relation to River Snails.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended condition and additional informative as a consequence of the decisions set out in paragraphs 1 (a) and (b) above.

3. That the details to be submitted pursuant to condition 6 (Landscaping) are to be agreed in consultation with the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee.

Voting: 12 – For 0 – Against 0 – Abstentions

340. 18/505541/FULL - ERECTION OF A CHALET STYLE RESIDENTIAL PROPERTY WITH DETACHED GARAGE AND LANDSCAPING - LAND OPPOSITE ST ANNS, CHAPEL LANE, THURNHAM, KENT

There were no disclosures of lobbying.

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

In presenting the application, the Planning Officer advised the Committee that one further representation had been received after the consultation period had closed raising objection to the proposed development as it would lead to an increase in pollution.

Mr Street addressed the meeting on behalf of the applicant.

RESOLVED: That consideration of this application be deferred for one cycle to negotiate amendments to the scheme to mitigate its impact on the countryside, the wider rural character of the area and the historic setting; this to include:

- Incorporation of the pond and ditches into the scheme;
- Soft domestic boundaries;
- Incorporation of integrated niches for wildlife and renewable energy measures such as solar panels; and
- Exploration of a vernacular design taking cues from historic buildings along Chapel Lane (elevations and materials).

Voting: 12 – For 0 – Against 0 – Abstentions

341. 19/500558/FULL - PART DEMOLITION OF EXISTING DWELLING TOGETHER WITH ERECTION OF A PART SINGLE AND PART TWO STOREY FRONT, SIDE AND REAR EXTENSION - THE COTTAGE, HAMPSTEAD LANE, YALDING, KENT

There were no disclosures of lobbying.

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

The Committee was informed that Yalding Parish Council had now withdrawn its objection to this application.

RESOLVED: That subject to no new issues being raised in the current consultation process, the Head of Planning and Development be given

delegated powers to grant permission subject to the conditions and informative set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

342. 18/506494/FULL - ERECTION OF A DETACHED BUILDING TO BE USED AS A DAY ROOM WITH ANCILLARY FACILITIES (RE-SUBMISSION OF 18/504791/FULL) - STILEBRIDGE PADDOCK, STILEBRIDGE LANE, LINTON, MAIDSTONE, KENT

There were no disclosures of lobbying.

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

Councillor Cresswell of Linton Parish Council and Mr Simpkin, for the applicant, addressed the meeting.

RESOLVED: That subject to:

- (a) The prior completion of a legal agreement or unilateral undertaking to provide for the obligation on the applicant set out in the report; AND
- (b) The conditions set out in the report with an informative asking the applicant to provide additional planting along the eastern boundary of the site,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary terms of the legal agreement or unilateral undertaking and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee and to finalise the wording of the additional informative.

Voting: 10 – For 2 – Against 0 – Abstentions

343. 19/500149/FULL - PART RETROSPECTIVE APPLICATION FOR THE SITING OF 2 ADDITIONAL MOBILE HOMES FOR RESIDENTIAL USE BY A GYPSY & TRAVELLER FAMILY - CHERRY TREE FARM, WEST WOOD ROAD, STOCKBURY, KENT

There were no disclosures of lobbying.

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 0 – Abstentions

344. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of an appeal decision received since the last meeting. It was noted that the appeal against the decision taken under delegated powers to refuse application 17/502997 (Maplehurst Paddock, Frittenden Road, Staplehurst) had been allowed with conditions and costs had been awarded against the Council.

Members were disappointed that the Council had lost another appeal, and it was suggested that the decision reflected a change in the approach of the Planning Inspectorate to appeals, and that this change was being repeated across other Councils in Kent.

It was also suggested that whilst there was a Key Performance Indicator relating to the number of appeals received, it might be more appropriate to measure the Council's success at appeal.

RESOLVED: That the report be noted.

345. ADJOURNMENT OF MEETING

At 10.10 p.m., following consideration of the report of the Head of Planning and Development relating to appeal decisions, the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on Monday 29 April 2019 when the remaining items on the agenda will be discussed.

346. 18/506223/FULL - INSTALLATION OF SEWERAGE PACKAGE TREATMENT PLANT AND ASSOCIATED DRAINAGE FIELD, PIPEWORK AND EQUIPMENT - PARKWOOD HOUSE, WEST STREET, HARRIETSHAM, MAIDSTONE, KENT

Rolled over to the adjourned meeting of the Committee to be held on 29 April 2019.

347. 18/505561/FULL - REDEVELOPMENT OF THE SITE COMPRISING THE ERECTION OF 32 NEW DWELLINGS, WITH ASSOCIATED GARAGES, CAR BARNs AND PARKING SPACES, LANDSCAPING, TREE PLANTING AND ENHANCEMENTS TO EXISTING PONDS, INCLUDING AMENITY AREA FOR NATURE CONSERVATION AND NEW SHARED SURFACE ACCESS ROAD OFF CLAYGATE ROAD - BENTLETTS SCRAP YARD, CLAYGATE ROAD, YALDING, MAIDSTONE, KENT

Rolled over to the adjourned meeting of the Committee to be held on 29 April 2019.

348. 19/500399/FULL - PROPOSED STATIONING OF 4 NO. ADDITIONAL MOBILE HOMES FOR EXTENDED GYPSY & TRAVELLER FAMILY - MEADOW VIEW, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

Rolled over to the adjourned meeting of the Committee to be held on 29 April 2019.

349. DURATION OF MEETING

6.00 p.m. to 10.10 p.m.