

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 25 JULY 2019

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

Also Councillor Springett
Present:

42. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

43. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

44. **NOTIFICATION OF VISITING MEMBERS**

Councillor Springett indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/505541/FULL (Land opposite St Anns, Chapel Lane, Thurnham, Kent).

45. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

46. **URGENT ITEMS**

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

47. **DISCLOSURES BY MEMBERS AND OFFICERS**

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 19/501025/FULL (22 Goldstone Walk, Boxley, 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.

Councillor Round said that since he had pre-determined all six Gypsy and Traveller applications on the agenda relating to plots at Martins Gardens, he would leave the room when they were considered.

48. EXEMPT ITEMS

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

49. MINUTES OF THE MEETING HELD ON 27 JUNE 2019

RESOLVED: That the Minutes of the meeting held on 27 June 2019 be approved as a correct record and signed.

50. PRESENTATION OF PETITIONS

There were no petitions.

51. DEFERRED ITEMS

19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 20 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT

19/500705/FULL - VARIATION OF CONDITION 20 OF 14/502010/OUT (OUTLINE APPLICATION FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT FOR UP TO 250 DWELLINGS WITH ACCESS AND GARAGING WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) TO ALLOW SATURDAY WORKING HOURS START TIME TO BE CHANGED FROM 9:00 A.M. TO 8:00 A.M. (TOTAL WORKING HOURS 8:00 A.M. TO 13:00 P.M.) - HEN AND DUCKHURST FARM, MARDEN ROAD, STAPLEHURST, KENT

The Development Manager advised the Committee that he had nothing further to report in respect of these applications at present.

52. 19/502182/FULL - VARIATION OF CONDITION 1 OF 18/504343/FULL (MINOR MATERIAL AMENDMENT TO CONDITION 10 OF APPLICATION 14/503411/FULL (RESIDENTIAL DEVELOPMENT COMPRISING ERECTION OF 23 DWELLINGS)) TO ALLOW A GRADUAL OCCUPATION OF THE SCHEME, STARTING WITH 6 NO. SOCIAL RENTED PROPERTIES, PRIOR TO THE COMPLETION OF THE TRAFFIC ISLAND - THE PADDOCK, GROVE HOUSE, OLD ASHFORD ROAD, LENHAM, MAIDSTONE, KENT

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

The representative of Kent Highways advised the Committee that the provision of the traffic island involved physical works to the A20 carriageway. A road works embargo had been in force on the A20 due to the Brexit preparations being undertaken on the M20 by Highways

England. The embargo was lifted in April but had resulted in a backlog of highway works affecting the A20. As a result of the backlog the applicant had been unable to secure the road space to build the traffic island until the end of October. Kent County Council as the local highway authority acknowledged that these circumstances had compromised the ability of the applicant to achieve the timely provision of the traffic island. It was therefore reasonable to allow a limited number of dwellings (no more than six) to be occupied in advance of the traffic island being completed. Accordingly, no objection to the proposed variation of the condition had been raised.

The Chairman informed Members that Councillors J and T Sams who had called-in the application for consideration by the Committee were unable to attend the meeting due to a family bereavement.

Councillor Munford said that Councillors J and T Sams had asked him to inform the Committee that they strongly supported Lenham Parish Council's objections to the application and they would have reinforced these objections if they had been able to attend the meeting as they believed that no occupation should take place until the traffic island is completed on safety grounds.

RESOLVED: That subject to the prior completion of a Supplemental Deed to tie this planning permission into the Deed of Agreement pursuant to Section 106 dated 26 January 2017 and the Deed of Variation dated 27 February 2018 relating to the original planning permission reference 14/503411/FULL and the Supplemental Deed made pursuant to Section 106 relating to the new planning permission reference 18/504343/FULL dated 31 December 2018, 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: 13 – For 0 – Against 0 – Abstentions

53. 18/505541/FULL - ERECTION OF A CHALET STYLE RESIDENTIAL PROPERTY WITH DETACHED GARAGE AND LANDSCAPING - LAND OPPOSITE ST ANNS, CHAPEL LANE, THURNHAM, KENT

All Members except Councillors Adkinson, Eves and Munford 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 Case Officer advised the Committee that:

- The pond on the southern boundary of the site had been filled in with vegetation and did not appear to be functioning as a pond. It was considered that enhancing and safeguarding the stream along the western boundary would compensate for the loss of the pond.

- Delegated powers were sought to add a condition requiring the submission of details relating to the incorporation of integrated niches for wildlife in the structure of the dwelling itself.
- An email had been received that afternoon from a neighbour raising issues relating to the purchase of a parcel of land, the positioning of the driveway and disturbance by vehicle movements associated with the dwelling. However, the purchase of land was a matter between neighbours and not a material planning consideration. Furthermore, it was not considered that the vehicle movements associated with one additional dwelling would be so significantly detrimental that a refusal on that ground alone would be warranted.

Mr Street, for the applicant, and Councillor Springett (Visiting Member) addressed the meeting.

RESOLVED:

1. That subject to further negotiations with the applicant to secure a pre-commencement condition relating to the fencing off and securing of the biodiversity area prior to the commencement of works/development on site, which would include the prevention of the storage of any plant/materials/machinery within the fenced off biodiversity area, the Head of Planning and Development be given delegated powers to:
 - (a) grant permission subject to this and the other conditions set out in the report, the additional condition to secure the incorporation of integrated niches for wildlife in the structure of the dwelling itself, additional conditions relating to bats and lighting and ecological enhancements as suggested in the urgent update report and an informative relating to breeding birds as suggested in the urgent update report; and
 - (b) align and finalise the wording of the conditions and informative to ensure that they are workable and there is no duplication.
2. That the Ward Member and the adjoining Ward Members are to be kept informed of the progress of the discussions and changes/additions to conditions etc.

Voting: 9 – For 1 – Against 3 – Abstentions

Arising from the discussion on this application, and with the agreement of the Committee, the Chairman said that he would raise with the Vice-Chairman and the Political Group Spokespersons, the formulation of a reference to the Strategic Planning and Infrastructure Committee as to whether there is a need to address the effectiveness of Policy SP17 (Countryside) in the Local Plan Review.

54. 19/500200/FULL - RETROSPECTIVE APPLICATION FOR A CHANGE OF USE OF LAND TO BE USED AS A GYPSY/TRAVELLER CARAVAN SITE CONSISTING OF ONE PITCH - LITTLE PADDOCKS, STILEBRIDGE LANE, LINTON, KENT

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

Councillor Cresswell of Linton Parish Council addressed the meeting.

During the discussion, Members expressed concern over the lack of overall amenity space for existing/future occupants.

RESOLVED: That consideration of this application be deferred for further negotiations with the applicant to secure a revised site layout/landscaping plan showing parking/hardcore to the entrance of the site and extending inwards with an amenity area towards the rear part of the site which would be suitable for the needs of existing/future occupants.

Voting: 12 – For 0 – Against 1 – Abstention

55. 19/501025/FULL - ERECTION OF ONE DETACHED 3-BEDROOM HOUSE WITH GARAGE AND PARKING - 22 GOLDSTONE WALK, BOXLEY, CHATHAM, 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: 12 – For 0 – Against 0 – Abstentions

Note: Councillor Parfitt-Reid was not present when this application was discussed.

56. 18/506270/FULL - APPLICATION FOR ONE ADDITIONAL MOBILE HOME AND ONE ADDITIONAL TOURER. (RESUBMISSION OF 18/502176/FULL) (PART RETROSPECTIVE) - THE OAKLANDS, LENHAM ROAD, HEADCORN, KENT

Having stated that he had pre-determined this application, Councillor Round left the meeting when it was considered.

All Members except Councillors Eves, Spooner and Vizzard stated that they had been lobbied.

The Development Manager provided an overview to assist Members in their consideration of all six Gypsy and Traveller applications on the agenda relating to plots within Martins Gardens before introducing the report and the urgent update report of the Head of Planning and Development regarding application 18/506270/FULL (The Oaklands).

Councillor Kenward of Ulcombe Parish Council addressed the meeting on this and the other applications relating to Martins Gardens.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - (a) The amendment of condition 4 (i) to require the Site Delivery Scheme to include a timetable for implementation to deliver a phased approach to the rehabilitation of the landscape; this to include the relocation of boundaries and their demarcation with fencing to stop encroachment, the removal of hardstanding and the natural regeneration of the landscape; and
 - (b) An informative advising the applicant that the details to be submitted pursuant to conditions 4 (Site Development Scheme) and 5 (Maintenance of Landscaping) are to be reported back to the Committee for approval.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of condition 4 and the informative and to amend any other conditions as a consequence.

Voting: 6 – For 2 – Against 4 – Abstentions

57. 18/506271/FULL - SITING OF 1 MOBILE HOME, 1 TOURER AND 1 DAYROOM (PART RETROSPECTIVE) - 1A MARTINS GARDENS, LENHAM ROAD, HEADCORN, ASHFORD, KENT

Having stated that he had pre-determined this application, Councillor Round was not present when it was considered.

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

Councillor Kenward of Ulcombe Parish Council had already addressed the meeting on the applications relating to Martins Gardens.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - (a) The amendment of condition 4 (i) to require the Site Delivery Scheme to include a timetable for implementation to deliver a phased approach to the rehabilitation of the landscape; this to include the relocation of boundaries and their demarcation with fencing to stop encroachment, the removal of hardstanding and the natural regeneration of the landscape; and

- (b) An informative advising the applicant that the details to be submitted pursuant to conditions 4 (Site Development Scheme) and 5 (Maintenance of Landscaping) are to be reported back to the Committee for approval.
- 2. That the Head of Planning and Development be given delegated powers to finalise the wording of condition 4 and the informative and to amend any other conditions as a consequence.

Voting: 6 – For 3 – Against 3 – Abstentions

58. 18/506272/FULL - SITING OF 1 MOBILE HOME, 1 TOURER AND 1 UTILITY ROOM (PART RETROSPECTIVE) - 1B MARTINS GARDENS, LENHAM ROAD, HEADCORN, ASHFORD, KENT

Having stated that he had pre-determined this application, Councillor Round was not present when it was considered.

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

Councillor Kenward of Ulcombe Parish Council had already addressed the meeting on the applications relating to Martins Gardens.

RESOLVED:

- 1. That permission be granted subject to the conditions set out in the report with:
 - (a) The amendment of condition 4 (i) to require the Site Delivery Scheme to include a timetable for implementation to deliver a phased approach to the rehabilitation of the landscape; this to include the relocation of boundaries and their demarcation with fencing to stop encroachment, the removal of hardstanding and the natural regeneration of the landscape; and
 - (b) An informative advising the applicant that the details to be submitted pursuant to conditions 4 (Site Development Scheme) and 5 (Maintenance of Landscaping) are to be reported back to the Committee for approval.
- 2. That the Head of Planning and Development be given delegated powers to finalise the wording of condition 4 and the informative and to amend any other conditions as a consequence.

Voting: 6 – For 3 – Against 3 – Abstentions

59. 18/506273/FULL - APPLICATION FOR ONE ADDITIONAL MOBILE HOME AND ONE TOURER (PART RETROSPECTIVE) - 2 MARTINS GARDENS, LENHAM ROAD, HEADCORN, ASHFORD, KENT

Having stated that he had pre-determined this application, Councillor Round was not present when it was considered.

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

Councillor Kenward of Ulcombe Parish Council had already addressed the meeting on the applications relating to Martins Gardens.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - (a) The amendment of condition 4 (i) to require the Site Delivery Scheme to include a timetable for implementation to deliver a phased approach to the rehabilitation of the landscape; this to include the relocation of boundaries and their demarcation with fencing to stop encroachment, the removal of hardstanding and the natural regeneration of the landscape; and
 - (b) An informative advising the applicant that the details to be submitted pursuant to conditions 4 (Site Development Scheme) and 5 (Maintenance of Landscaping) are to be reported back to the Committee for approval.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of condition 4 and the informative and to amend any other conditions as a consequence.

Voting: 6 – For 3 – Against 3 – Abstentions

60. 18/506275/FULL - APPLICATION FOR ONE ADDITIONAL MOBILE HOME AND ONE TOURER (PART RETROSPECTIVE) - 3 MARTINS GARDENS, LENHAM ROAD, HEADCORN, ASHFORD, KENT

Having stated that he had pre-determined this application, Councillor Round was not present when it was considered.

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

Councillor Kenward of Ulcombe Parish Council had already addressed the meeting on the applications relating to Martins Gardens.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - (a) The amendment of condition 4 (i) to require the Site Delivery Scheme to include a timetable for implementation to deliver a phased approach to the rehabilitation of the landscape; this to include the relocation of boundaries and their demarcation with fencing to stop encroachment, the removal of hardstanding and the natural regeneration of the landscape; and
 - (b) An informative advising the applicant that the details to be submitted pursuant to conditions 4 (Site Development Scheme) and 5 (Maintenance of Landscaping) are to be reported back to the Committee for approval.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of condition 4 and the informative and to amend any other conditions as a consequence.

Voting: 6 – For 3 – Against 3 – Abstentions

61. 18/506276/FULL - APPLICATION FOR ONE ADDITIONAL MOBILE HOME AND ONE TOURER (PART RETROSPECTIVE) - 4 MARTINS GARDENS, LENHAM ROAD, HEADCORN, ASHFORD, KENT

Having stated that he had pre-determined this application, Councillor Round was not present when it was considered.

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

Councillor Kenward of Ulcombe Parish Council had already addressed the meeting on the applications relating to Martins Gardens.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - (a) The amendment of condition 4 (i) to require the Site Delivery Scheme to include a timetable for implementation to deliver a phased approach to the rehabilitation of the landscape; this to include the relocation of boundaries and their demarcation with fencing to stop encroachment, the removal of hardstanding and the natural regeneration of the landscape; and
 - (b) An informative advising the applicant that the details to be submitted pursuant to conditions 4 (Site Development Scheme) and 5 (Maintenance of Landscaping) are to be reported back to the Committee for approval.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of condition 4 and the informative and to amend any other conditions as a consequence.

Voting: 6 – For 3 – Against 3 – Abstentions

62. 19/500811/FULL - DEMOLITION OF EXISTING OFFICE BUILDING AND ERECTION OF A TWO-STOREY OFFICE BUILDING, A STORAGE BUILDING, CAR PARK, LANDSCAPING AND FENCING (REVISED SCHEME TO 17/506323/FULL) - THE SITE OF PREVIOUS MAPLE LEAF GARAGE, ASHFORD ROAD, HOLLINGBOURNE, KENT

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

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report, with:
 - (a) The amendment of condition 7 (Ecological Enhancements) to stipulate that the bird and bat boxes should be integral to the buildings and to require the incorporation of bee bricks for solitary bees;
 - (b) The amendment of condition 16 (External Lighting) to require that notwithstanding the details shown on drawing numbers P201, P202 and P203, no lighting shall be installed on the buildings and/or within the curtilage of the buildings until such time as details of a lighting scheme for the whole site which shall include details of luminance and the removal or adaptation of existing lighting to prevent light spillage have been submitted to and approved in writing by the Local Planning Authority; and
 - (c) An additional condition specifying that the buildings shall not be occupied until the solar panels shown on the approved plans have been installed and are operational and are retained as such.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and to amend any other conditions as a consequence.

Voting: 13 – For 0 – Against 0 – Abstentions

63. 19/502299/SUB - DETAILS TO DISCHARGE CONDITION 17 (ENERGY) SUBJECT TO 17/502072/OUT (210 DWELLINGS) AND 19/501763/SUB - DETAILS PURSUANT TO CONDITION 2 (MATERIALS) AND CONDITION 4 (RAGSTONE) FOR 18/505417/REM (RESERVED MATTERS FOR 210 DWELLINGS) - LAND SOUTH OF FORSTAL LANE, COXHEATH, KENT

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

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

Application 19/502299/SUB

Members were disappointed that notwithstanding concerns about climate change, the developer was only proposing to provide a four panel, 1kW array to be sited on the roof of the apartment block to serve the communal areas (lighting and sockets) only.

RESOLVED: That consideration of this application be deferred for further negotiations to secure the provision of renewable energy measures for every unit in the apartment block as well as the communal areas and that if this cannot be achieved, delegated powers be given to the Head of Planning and Development to refuse the application on the basis that a sufficiently energy efficient form of development would not be achieved and the development would therefore not comply with the outline planning permission.

Voting: 13 – For 0 – Against 0 – Abstentions

Application 19/501763/SUB

Members were concerned about the limited use of ragstone in the development and also about the suitability of the proposed mortar mix. It was suggested that a lime mortar mix would be more appropriate for use with ragstone.

RESOLVED: That consideration of this application be deferred for further negotiations to secure more ragstone within the development and a lime mortar mix for use with the ragstone.

Voting: 13 – For 0 – Against 0 – Abstentions

Arising from the discussion on these applications, and with the agreement of the Committee, the Chairman said that he would discuss with the Vice-Chairman and the Political Group Spokespersons, the need to ensure that conditions relating to biodiversity enhancements and renewables are incorporated into decisions taken under delegated powers.

64. ENFORCEMENT TRACKER

The Committee considered the Enforcement Tracker setting out details of the current status of enforcement cases that had passed the point of an enforcement notice being served. The Planning Enforcement Team Leader provided a snapshot of what had been achieved during the period 1 April 2019 to 30 June 2019. It was noted that:

- 187 enforcement cases had been received; 122 of these cases had been closed; formal action had been instigated in relation to 16 cases; planning applications had been received and were being considered in relation to 13 cases; 36 cases were at various stages of negotiation. These figures did not include older cases that had been closed.
- Currently the Team was carrying around 238 open cases.
- 2 injunctions, 3 temporary stop notices, 14 enforcement notices and 3 planning contravention notices had been served in the same period.

During the discussion, it was suggested that the opportunity should be taken to address breaches of planning control and associated anti-social behaviour through the Local Plan Review. It was also suggested that the Council should be more proactive in the making of Tree Preservation Orders and that Members should be more assertive in identifying areas such as this where additional resources are needed to maintain the level of activity required.

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.

65. APPEAL DECISIONS

RESOLVED: That consideration of the report of the Head of Planning and Development setting out details of recent appeal decisions be deferred until the next meeting of the Committee.

66. DURATION OF MEETING

6.00 p.m. to 10.26 p.m.