

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 22 AUGUST 2019

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

Also Present: Councillors McLoughlin, Webb and Young

67. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Eves and Kimmance.

68. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Brice for Councillor Eves
Councillor Cox for Councillor Kimmance

69. NOTIFICATION OF VISITING MEMBERS

Councillor McLoughlin indicated his wish to speak on the report of the Head of Planning and Development relating to application 19/503119/FULL (Great Fowle Hall Farmhouse, Darman Lane, Paddock Wood, Tonbridge, Kent).

Councillor Webb indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 19/500456/FULL (Corylus Cottage, 165 Heath Road, Coxheath, Maidstone, Kent) and 19/500469/FULL (Land Adjacent to Hazeldene, Dean Street, East Farleigh, Maidstone, Kent).

Councillor Young attended the meeting as an observer.

70. ITEMS WITHDRAWN FROM THE AGENDA

19/500305/FULL - CHANGE OF USE OF LAND FOR THE ERECTION OF 6 NO. ONE-BEDROOM TOURIST LODGES - RIVER WOOD, CHEGWORTH LANE, HARRIETSHAM, KENT

The Committee was asked to agree to the withdrawal of the report of the Head of Planning and Development relating to application 19/500305/FULL from the agenda. It was noted that the applicant's agent

had confirmed that the certificate of ownership (Certificate A) submitted with the application was incorrect as the applicant did not own all of the land within the application site boundary. As a result of this, the application was currently invalid.

RESOLVED: That agreement be given to the withdrawal of the report of the Head of Planning and Development relating to application 19/500305/FULL from the agenda as the application is currently invalid.

71. 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.

72. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 19/500705/FULL (Hen and Duckhurst Farm, Marden Road, Staplehurst, Kent), Councillor Brice said that due to the close proximity of her property to the site, she would make representations and then leave the room when the application was discussed.

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 18/505160/TPO (Land to the Rear of 90 Alkham Road, Maidstone, Kent), he was a Member of Boxley Parish Council. However, he had not participated in any Parish Council discussions regarding the proposed works and intended to speak and vote when the application was considered.

Councillor Perry said that, with regard to the report of the Head of Planning and Development relating to application 19/500705/FULL (Hen and Duckhurst Farm, Marden Road, Staplehurst, Kent), he was a Member of Staplehurst Parish Council. However, he had not participated in the Parish Council's Planning Committee's discussions regarding the proposed variation of condition and intended to speak and vote when it was considered. Councillor Perry also wished to make clear that he had not pre-determined this application.

73. EXEMPT ITEMS

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

74. MINUTES OF THE MEETING HELD ON 25 JULY 2019

RESOLVED: That the Minutes of the meeting held on 25 July 2019 be approved as a correct record and signed.

75. PRESENTATION OF PETITIONS

There were no petitions.

76. 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

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

The Major Projects Manager said that he had nothing further to report in respect of these applications at present.

77. 18/505160/TPO - TREE PRESERVATION ORDER APPLICATION TO MONOLITH ONE SNOW-DAMAGED CEDAR AT A HEIGHT OF 6 METRES - LAND TO THE REAR OF 90 ALKHAM ROAD, MAIDSTONE, 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: 13 – For 0 – Against 0 – Abstentions

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

Councillors Harwood, Munford, Round and Wilby stated that they had been lobbied.

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

Applications (A) 19/502299/SUB and (B) 19/501763/SUB

RESOLVED: That the submitted details be approved with the respective informatives set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

79. 17/504568/FULL - DEMOLITION OF THE REMAINING FORMER LIBRARY BUILDING, ERECTION OF A SIX-TO-SIXTEEN STOREY RESIDENTIAL

DEVELOPMENT OF 170 NO. APARTMENTS AND 85 NO. CAR PARKING SPACES AT THE FORMER KCC SPRINGFIELD LIBRARY SITE, SANDLING ROAD, MAIDSTONE - FORMER KCC SPRINGFIELD LIBRARY HQ, SANDLING ROAD, 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.

Mr Nellis addressed the meeting on behalf of the applicant.

RESOLVED: That consideration of this application be deferred to enable:

- The viability information to be published on the Council's website; and
- The Officers to provide details of the S106 funding currently available for community facilities in the area.

Voting: 7 – For 6 – Against 0 – Abstentions

80. 19/503119/FULL - CONVERSION OF REDUNDANT GARAGE TO ASSISTED LIVING ANNEX TO PROVIDE ANCILLARY RESIDENTIAL ACCOMMODATION - GREAT FOWLE HALL FARMHOUSE, DARMAN LANE, PADDOCK WOOD, TONBRIDGE, KENT

Councillor Brice stated that she had been lobbied.

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

Councillor Brown of Yalding Parish Council and Councillor McLoughlin (Visiting Member) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report with additional conditions requiring (a) the incorporation of integrated niches for wildlife in the structure of the annex and (b) the annex to be equipped with a system to receive Environment Agency flood alerts.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional conditions and to amend any other conditions as a consequence.

Voting: 13 – For 0 – Against 0 – Abstentions

81. 19/500456/FULL - DEMOLITION OF EXISTING SINGLE STOREY EXTENSION AND ERECTION OF A PART TWO STOREY AND PART SINGLE STOREY REAR EXTENSION, SINGLE STOREY SIDE EXTENSION AND WOODEN STRUCTURE FRAMEWORK TO THE FRONT AS A FEATURE (RE-

SUBMISSION TO 18/502887/FULL) - CORYLUS COTTAGE, 165 HEATH ROAD, COXHEATH, MAIDSTONE, KENT

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

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

Mrs Spalding, an objector, and Councillor Webb (Visiting Member) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informative set out in the report with an additional condition requiring the incorporation of integral niches for wildlife (bird and bat boxes etc. and bee bricks for solitary bees).
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional condition and to amend any other conditions as a consequence.

Voting: 9 – For 1 – Against 3 – Abstentions

82. 19/500469/FULL - ERECTION OF 2 NO. DETACHED FOUR BEDROOM DWELLINGS WITH ASSOCIATED GARAGING, PARKING AND TURNING. NEW SHARED ACCESS ON TO DEAN STREET WITH THE REMOVAL OF FRONTAGE FENCE AND HEDGE PLANTING - LAND ADJACENT TO HAZELDENE, DEAN STREET, EAST FARLEIGH, KENT

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

Councillor Hussain of East Farleigh Parish Council, for objectors, Councillor O'Callaghan of East Farleigh Parish Council, Ms Harvey, for the applicant, and Councillor Webb (Visiting Member) addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with:
 - (a) The amendment of condition 4 (Landscaping) to require a high quality, comprehensive, native species landscaping scheme which encloses the entire site with hedgerow boundaries and includes hedgerow trees interspersed in the hedgerow on the site frontage;
 - (b) The amendment of condition 13 (Biodiversity Enhancements) to require the incorporation of bee bricks for solitary bees; and

- (c) An additional condition requiring the incorporation of renewable energy measures such as solar PV panels to provide at least 10% of the development's energy needs from on-site renewable energy sources.
- 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.
- 3. That the details to be submitted pursuant to condition 4 (Landscaping) and the condition relating to renewable energy generation are to be reported back to the Committee for approval.

Voting: 7 – For 1 – Against 5 – Abstentions

83. 19/500705/FULL - VARIATION OF CONDITION 20 OF 14/502010/OUT 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 Chairman and Councillors Bartlett, Perry 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.

During the presentation on the application, the Major Projects Manager advised the Committee that the Chairman had requested and been provided with a note setting out the procedures that exist in relation to construction noise complaints. The note also suggested to the Chairman that clarity should be provided via the Council's website (and any other literature that may be produced to guide residents) as to what the procedures are so that residents are aware of the process. In addition, the published Environmental Code of Development Practice, which offers guidance on what are considered to be acceptable working practices, should also be readily accessible to the public and developers via the website.

Mr Bowden, an objector, and Councillor Buller of Staplehurst Parish Council addressed the meeting.

Due to the close proximity of her property to the site, Councillor Brice made representations in her capacity as Ward Member and then left the room when the application was discussed.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed that permission be refused and that condition 20 attached to the outline planning consent be retained in an un-amended form. In making this decision, Members felt that the condition restricting working hours of construction was intended to preserve the amenities of the occupiers of surrounding properties. This

did not just relate to noise nuisance, it related to wider amenity considerations.

The Committee's objection to the amendment or removal of condition 20 was on the grounds that sole reliance on the Environmental Protection regime would be ineffective other than in the case of excessive site noise which may equally occur during and outside the currently permitted hours of work. The site has already been the source of breaches and nuisance relating to noise and disturbance. Retention of the condition would provide certainty to local residents as to when their amenity would be protected. Excessive noise and other disturbances both during and outside of these hours could still be dealt with under, for example, the Environmental Protection Act 1990.

RESOLVED: That permission be refused and condition 20 attached to the outline planning consent reference 14/502010/OUT be retained for the following reason:

The extended hours of working above those already permitted would result in a loss of amenity to neighbouring residents due to extended activity and disturbance, contrary to Policy DM1 of the Maidstone Borough Local Plan 2017.

Voting: 12 – For 0 – Against 0 – Abstentions

Arising from consideration of this application, and in line with the note provided for the Chairman, it was

FURTHER RESOLVED:

1. That clarity be provided for residents who may be affected by noise at construction sites that the following process exists:

As a general point, developers are encouraged to openly engage with the local community in relation to the neighbourly operation of construction sites including early engagement, preferably in advance of works commencing.

Neighbours are encouraged to raise concerns with developers first in the hope that mutual resolution can be achieved. Where this is not possible or is ineffective, residents should contact the Council and the following process will be followed:

- Complaints relating to noise at construction sites should be made to the Council's Community Protection Team (CPT) (not the Planning Department);
- Residents are asked to complete a diary in order that the CPT can assess whether there is a need for further investigation;
- Relevant facts that should be recorded on the diary include the source and type of noise, its frequency and duration;

- Where necessary Officers of the CPT may attend the site unannounced to witness any breaches;
 - If there is judged to be a noise nuisance the CPT will advise the developer of the need to follow the British Standard 5228 "Noise and Vibration Control on Construction and Open Sites";
 - If, despite warnings, the nuisance persists, the Council will consider whether more formal action should be taken. Legal options include the Anti-Social Behaviour Crime and Policing Act 2014, Environmental Protection Act 1990 S79/80, and Control of Pollution Act 1974 S60; and
 - The CPT currently uses measures available through the Environmental Protection Act and Community Protection Notices. The Act allows for 'abatement notices' to be served which can require, for example, the abatement of the nuisance, or prohibiting or restricting its occurrence or recurrence, or requiring the works causing the nuisance to stop. The notice would also specify the time or times within which the requirements of the notice are to be complied with.
2. That the Council's website and/or other information sources should be updated to ensure that this information is easily accessible to the public.
 3. That the published 'Environmental Code of Development Practice', which offers guidance on what are considered to be acceptable working practices, should also be readily accessible to the public (and developers) via the website.
 4. That the Head of Planning and Development be requested to assess whether it would be appropriate to add informatives to relevant planning decisions advising developers of the 'Environmental Code of Development Practice'.

Voting: 12 – For 0 – Against 0 – Abstentions

84. 19/502796/FULL - CREATION OF FIRST FLOOR FRONT EXTENSION, ALTERATIONS TO REAR WINDOWS AND DOORS, INSERTION OF 2 NO. WINDOWS TO SIDE AT FIRST FLOOR AND INTERNAL ALTERATIONS - 55 BOXLEY CLOSE, 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: 13 – For 0 – Against 0 – Abstentions

85. 19/500305/FULL - CHANGE OF USE OF LAND FOR THE ERECTION OF 6 NO. ONE-BEDROOM TOURIST LODGES - RIVER WOOD, CHEGWORTH LANE, HARRIETSHAM, KENT

See Minute 70 above

86. APPEAL DECISIONS

The Committee considered the reports of the Head of Planning and Development setting out details of appeal decisions received recently. The Major Projects Manager advised the Committee that having reviewed the decisions, it was clear that Inspectors during the period had given support to the Local Plan policies and they had upheld the Council's view in all cases where the Council had expressed concern about the impact of the development on for example character and appearance. To summarise, it was a very positive set of appeal decisions.

RESOLVED: That the reports be noted.

Note: Councillor Bartlett left the meeting during consideration of the appeal decisions.

87. DURATION OF MEETING

6.00 p.m. to 9.45 p.m.