

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 23 JANUARY 2020**

**Present:** Councillor English (Chairman) and Councillors Adkinson, Brindle, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Spooner, Vizzard, Wilby and Young

**Also Present:** Councillors D Burton and McLoughlin

184. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Chappell-Tay and Eves.

185. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Young was substituting for Councillor Eves.

186. NOTIFICATION OF VISITING MEMBERS

Councillors D Burton and McLoughlin indicated their wish to speak on the report of the Head of Planning and Development relating to application 11/1948 (Monk Lakes, Staplehurst Road, Marden, Maidstone, Kent).

187. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

188. URGENT ITEMS

The Chairman said that, in his opinion, the update reports of the Head of Planning and Development and any 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.

189. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 11/1948 (Monk Lakes, Staplehurst Road, Marden, Maidstone, Kent), Councillor Spooner said that he had visited the site and, in doing so, he had spoken to some of the objectors and the applicant. He had made it quite clear that he was there to observe and listen and he had made no comments. He was quite confident that he had not pre-determined the application and intended to speak and vote when it was discussed.

Councillors Munford, Parfitt-Reid and Perry made the same disclosure as Councillor Spooner in relation to application 11/1948 (Monk Lakes, Staplehurst Road, Marden, Maidstone, Kent).

With regard to the report of the Head of Planning and Development relating to application 19/504497/FULL (The Wheelwrights, The Green, Boughton Monchelsea, 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.

190. EXEMPT ITEMS

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

191. MINUTES OF THE MEETING HELD ON 19 DECEMBER 2019

**RESOLVED:** That the Minutes of the meeting held on 19 December 2019 be approved as a correct record and signed.

192. PRESENTATION OF PETITIONS

There were no petitions.

193. DEFERRED ITEMS

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

19/501600/OUT - OUTLINE APPLICATION FOR UP TO 440 RESIDENTIAL DWELLINGS, WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, LANDSCAPING AND OPEN SPACE (ACCESS BEING SOUGHT WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) - LAND WEST OF CHURCH ROAD, OTHAM, KENT

19/503532/OUT - OUTLINE APPLICATION WITH ACCESS MATTERS SOUGHT FOR DEMOLITION OF TWO EXISTING BUILDINGS AND ERECTION OF FOUR RESIDENTIAL DWELLINGS (MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE ARE RESERVED FOR FUTURE CONSIDERATION) - 3-5 KINGS ROAD, HEADCORN, ASHFORD, KENT

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

194. 11/1948 - PART RETROSPECTIVE PLANNING APPLICATION FOR THE RETENTION OF TWO LAKES KNOWN AS BRIDGES AND PUMA AND WORKS TO CREATE 3 ADDITIONAL LAKES ALL FOR RECREATIONAL FISHING, ERECTION OF CLUBHOUSE BUILDING AND ASSOCIATED WORKS AND

LANDSCAPING - MONK LAKES, STAPLEHURST ROAD, MARDEN,  
MAIDSTONE, KENT

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

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

Ms Lord, a Planning Agent on behalf of a neighbouring resident, Councillor Mannington of Marden Parish Council, Mr Whitehouse, for the applicant, and Councillors McLoughlin and D Burton (Visiting Members) addressed the meeting.

The representative of the Head of Legal Partnership responded to some of the points raised in a further representation received from Ms Lord the previous day.

During the discussion on this application, it was proposed, seconded and:

**RESOLVED:** That the meeting be adjourned for 15 minutes to enable Members to formulate coherent reasons to substantiate a possible decision to refuse this application.

Voting:        8 – For        2 – Against        2 - Abstentions

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members had regard to the changes to the proposals since the Council's previous assessment in 2012 and, taking into account all considerations including the material consideration of the previous consent and changes to the application since then, considered that:

- (a) The overpowering height and proximity of the new formulation of the landscaping, particularly the western bund, causes less than substantial harm to the setting of the adjacent Grade II listed heritage asset which is not outweighed by an acceptable level of public benefits contrary to paragraph 196 of the NPPF;
- (b) Because of the configuration of the land, in particular the height, there is a loss of residential amenity to the neighbouring buildings to the west of the site contrary to Policy DM4 of the Maidstone Borough Local Plan 2017; and
- (c) The effect on the landscape is contrary to the guidance set out in the Landscape Character Assessment and, in light of the clear views from the footpath KM129, there is a clear harm in that the changed landscape can be clearly viewed from that footpath and other locations.

Prior to the vote being taken, the Principal Planning Officer, on behalf of the Head of Planning and Development, and having previously 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 being awarded against the Council at appeal. He was therefore issuing a significant costs warning on all three proposed reasons for refusal.

Members were informed 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 overpowering height and proximity of the new formulation of the landscaping, particularly the western bund, causes less than substantial harm to the setting of the adjacent Grade II listed heritage asset which is not outweighed by an acceptable level of public benefits contrary to paragraph 196 of the NPPF.
2. Because of the configuration of the land, in particular the height, there is a loss of residential amenity to the neighbouring buildings to the west of the site contrary to Policy DM4 of the Maidstone Borough Local Plan 2017.
3. The effect on the landscape is contrary to the guidance set out in the Landscape Character Assessment and, in light of the clear views from the footpath KM129, there is a clear harm in that the changed landscape can be clearly viewed from that footpath and other locations.

Voting:        8 – For        1 – Against        3 – Abstentions

The Head of Planning and Development confirmed the significant costs warning and deferral of the decision until the next meeting.

**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).**

195. 19/503912/FULL - DEVELOPMENT OF THE SITE WITH 302 DWELLINGS, PARKING, ACCESS, AMENITY SPACE, LANDSCAPING AND ASSOCIATED WORKS - LAND AT BICKNOR FARM, SUTTON ROAD, LANGLEY, MAIDSTONE, KENT

All Members except Councillors Brindle, Harwood, Perry and Young stated that they had been lobbied.

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

Councillor Hipkins of Otham Parish Council and Mr Anderson, for the applicant, addressed the meeting.

**RESOLVED:**

1. That subject to:
  - (a) The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report; AND
  - (b) The conditions set out in the report, as amended by the urgent update report, and the additional conditions set out in the urgent update report with the further amendment of amended condition 9 (Biodiversity Management and Enhancement) to include the incorporation of bee bricks and the provision of an on-site reptile receptor site in the south facing buffer to the ancient woodland,

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

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

Voting:      11 – For      1 – Against      0 – Abstentions

Arising from the discussion on this application, the Chairman undertook to liaise with the Vice-Chairman and Councillor Harwood regarding the inclusion of an item on the agenda for a future meeting of the Committee to consider general highway and pedestrian crossing safety issues associated with the existing roundabout adjacent to this site.

196. 19/504468/FULL - CREATION OF NEW ACCESS ONTO HAMPSTEAD LANE (B2162) FOR THE PURPOSE OF MAINTAINING RECREATIONAL LAND - ACCESS AT LITTLE VENICE COUNTRY PARK AND MARINA, HAMPSTEAD LANE, YALDING, KENT

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

Councillor Brown of Yalding Parish Council and Mr Bailey, for the applicant, addressed the meeting.

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

Voting: 11 – For 0 – Against 0 – Abstentions

Note: Councillor Harwood left the meeting during consideration of this application (8.45 p.m.).

197. 19/504225/FULL - ERECTION OF A REPLACEMENT BARN (REVISED SCHEME TO 19/502397/FULL) - LAND TO THE SOUTH OF THE GABLES, MARDEN ROAD, STAPLEHURST, KENT

The Chairman and Councillors Kimmance, Perry and Wilby stated that they had been lobbied.

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

Dr Bradbury, an objector, and Councillor Buller of Staplehurst Parish Council addressed the meeting.

During the discussion on this application, concern was expressed that the Staplehurst Neighbourhood Plan and, in particular, Policy PW2 had not been addressed in the assessment of the proposal. The Major Projects Manager acknowledged that there had been an omission in not listing the Neighbourhood Plan Policy in the Officers' report. He explained that the Policy considerations ran in parallel with the Local Plan Policies cited and relied upon in the report, and he did not think that the Officers would have come to a different recommendation if they had specifically referenced the Policy as the tests were the same.

**RESOLVED:**

1. That permission be granted subject to the conditions set out in the report with the amendment of condition 5 (Enhancement of Biodiversity) to refer to hedgehog (not hedgerow) corridors and to add bee bricks to the list of potential biodiversity enhancements.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended condition and to amend any other conditions as a consequence.

Voting: 5 – For 2 – Against 4 – Abstentions

198. 19/504497/FULL - DEMOLITION OF EXISTING COMMERCIAL BUILDING AND ERECTION OF 2 NO. SEMI DETACHED DWELLINGS WITH ASSOCIATED PARKING - THE WHEELWRIGHTS, THE GREEN, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Councillor Smith of Boughton Monchelsea Parish Council 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 had regard to the Conservation Area appraisal and the Cock Street, The Green and The Quarries Conservation Areas Boughton Monchelsea Management Plan 2017 and considered that the proposal by virtue of its scale, massing, width, forward projection, forecourt parking, appearance and lack of adequate landscaping would have a less than substantial adverse impact upon the character and appearance of The Green Conservation Area and the setting of the adjacent listed buildings and in the absence of an acceptable level of public benefit is contrary to paragraph 196 of the NPPF and Policies DM1, DM4 and SP18 of the Maidstone Borough Local Plan 2017.

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

The proposal by virtue of its scale, massing, width, forward projection, forecourt parking, appearance and lack of adequate landscaping would have an adverse impact upon the character and appearance of The Green Conservation Area and the setting of the adjacent listed buildings, contrary to paragraph 196 of the NPPF, Policies DM1, DM4 and SP18 of the Maidstone Borough Local Plan 2017, the Conservation Area appraisal and the Cock Street, The Green and The Quarries Conservation Areas Boughton Monchelsea Management Plan 2017.

Voting:        11 – For        0 – Against        0 – Abstentions

199. 19/505893/FULL - ERECTION OF 2 NO. DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND AMENITY SPACE - LAND TO THE REAR OF 1-3 HIGHLAND ROAD, MAIDSTONE, KENT

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

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

Mr Cheek, the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to grant permission subject to conditions to be agreed and finalised by the Head of Planning and Development acting under delegated powers. In making this decision, Members considered that the density of the development would not result in significant harm to the character and appearance of the area and that the proposals provided an acceptable level of amenity for future occupiers and would not affect the amenity of the existing neighbours.

**RESOLVED:** That permission be granted subject to conditions to be agreed and finalised by the Head of Planning and Development acting under delegated powers; the conditions to include but not be limited to biodiversity enhancements (swift bricks/bee bricks etc.) and the incorporation of obscured glazing if appropriate.

Voting: 9 – For 2 – Against 0 – Abstentions

200. 19/503584/FULL - CREATION OF ALTERNATIVE ACCESS ACROSS EXISTING DRAINAGE DITCH WITH IMPROVED DRAINAGE - KINGSBROOKE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

Councillor Perry stated that he had been lobbied.

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

Councillor Forward of Staplehurst Parish Council addressed the meeting.

**RESOLVED:** That consideration of this application be deferred for a report, including a plan, from the applicant to be assessed by the Landscape/Arboriculture Officers detailing the tree works required in connection with the proposed development, the number and species involved (both to be lost and replaced) and the timing of the works.

Voting: 11 – For 0 – Against 0 – Abstentions

Note: Councillor Parfitt-Reid left the meeting after consideration of this application (10.15 p.m.).

201. 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 and that the Officers be congratulated on their success at appeal.

202. DURATION OF MEETING

6.00 p.m. to 10.20 p.m.