

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 27 FEBRUARY 2020 **ADJOURNED TO 5 MARCH 2020**

Present: **Councillor English (Chairman) and**
5 March **Councillors Adkinson, Brindle, Chappell-Tay, Clark,**
2020 **Eves, Kimmance, Munford, Perry, Spooner and**
 Vizzard

Also **Councillor Webb**
Present:

223. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Harwood, Parfitt-Reid, Wilby and Young (who had agreed to substitute for Councillor Parfitt-Reid, but, in the event, was unable to attend). It was also noted that Councillor Eves would be late in arriving at the meeting.

224. NOTIFICATION OF SUBSTITUTE MEMBERS

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

225. NOTIFICATION OF VISITING MEMBERS

Councillor Webb indicated his wish to speak on the report of the Head of Planning and Development relating to application 19/505352/FULL (Land at Rankins Farm, Linton Hill, Linton, Kent).

226. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

227. 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.

228. DISCLOSURES BY MEMBERS AND OFFICERS

There were no further disclosures by Members or Officers.

229. EXEMPT ITEMS

RESOLVED: That the public be excluded from the meeting in the event of Members wishing to discuss the information contained in the exempt Appendix to the report of the Head of Planning and Development relating to application 11/1948/FULL (Monk Lakes, Staplehurst Road, Marden, Maidstone, Kent) because of the likely disclosure of exempt information pursuant to paragraph 5 of Part I of Schedule 12A to the Local Government Act 1972, having applied the public interest test.

230. 11/1948/FULL - 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 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, addressed the Committee on behalf of an objector.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission on heritage and privacy grounds.

In making this decision, and in relation to the heritage grounds, Members gave enhanced attention to the duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the need to have special regard to the desirability of preserving listed buildings or their settings as set out in *East Northamptonshire DC v Secretary of State for Communities and Local Government (Barnwell Manor)* [2014] EWCA Civ 137; Members took into account that the previous Committee report in 2012 referred to the heights of lakes as 4m and 5m and those now proposed are higher notably near to the listed barn; Members took into account that the proposed banks would rise closer to the western boundary near the listed building than the proposals in 2012; and Members took into account the general changes of the proposals from 2012.

In relation to the privacy grounds, Members took into account that the previous Committee report in 2012 referred to the heights of lakes as 4m and 5m and those now proposed are higher notably near to some of the properties to the west; Members took into account that the proposed banks would rise closer to the western boundary than the proposals in 2012; and Members took into account the general changes of the proposals from 2012.

Taking into account all considerations including the material consideration of the previous consent and changes outlined above, Members considered that:

1. The size, height and proximity of the raised lakes particularly the western bunding would cause less than substantial harm to the setting and significance of the Grade II listed Hertsfield Barn through loss of the open and level historic setting of the Barn which forms an important part of its significance and setting. This would be contrary to policies SP18 and DM4 of the Maidstone Local Plan and the NPPF and the less than substantial harm would not be outweighed by any public benefits from the development.
2. Due to the height and proximity of the raised lakes along the western boundary of the site, their use for fishing would result in an unacceptable loss of privacy and perceived overlooking from anglers at an elevated position to the houses and gardens of Hertsfield Barn, and numbers 3, 4, 5, and 6 Hertsfield Farm Cottages, resulting in harm to their amenity contrary to policy DM1 of the Local Plan.

RESOLVED: That permission be refused for the following reasons:

1. The size, height and proximity of the raised lakes particularly the western bunding would cause less than substantial harm to the setting and significance of the Grade II listed Hertsfield Barn through loss of the open and level historic setting of the Barn which forms an important part of its significance and setting. This would be contrary to policies SP18 and DM4 of the Maidstone Local Plan and the NPPF and the less than substantial harm would not be outweighed by any public benefits from the development.
2. Due to the height and proximity of the raised lakes along the western boundary of the site, their use for fishing would result in an unacceptable loss of privacy and perceived overlooking from anglers at an elevated position to the houses and gardens of Hertsfield Barn, and numbers 3, 4, 5, and 6 Hertsfield Farm Cottages, resulting in harm to their amenity contrary to policy DM1 of the Local Plan.

Voting: 10 – For 0 – Against 0 – Abstentions

231. 19/505518/FULL - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE FOR A 132-ROOM HOTEL (USE CLASS C1) INCLUDING ROOFTOP RESTAURANT AND BAR (USE CLASS A3/A4) AND ANCILLARY REFUSE AND RECYCLING STORAGE, CYCLE PARKING, SERVICING ARRANGEMENTS AND HARD AND SOFT LANDSCAPING - 12-14 WEEK STREET, MAIDSTONE, KENT

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

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: 10 – For 0 – Against 0 – Abstentions

232. 20/500163/FULL - ERECTION OF A DECK ABOVE (PART OF) THE EXISTING CAR PARK TO PROVIDE 211 ADDITIONAL PARKING SPACES, WITH ASSOCIATED LIGHTING AND OTHER ANCILLARY WORKS - MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST, MAIDSTONE HOSPITAL, HERMITAGE LANE, MAIDSTONE, KENT

The Chairman and Councillors Chappell-Tay, Clark, Kimmance and Vizzard stated that they had been lobbied.

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

During his presentation on the application, the Major Projects Manager drew the Committee's attention to the holding objection which had been raised by KCC Highways on the basis that the submitted transport assessment had not satisfactorily demonstrated that there would not be an adverse impact on the junctions connecting the Hospital site with Hermitage Lane. The Major Projects Manager explained that it was not anticipated that there would be an adverse impact as the Hospital already had a permission for 150 spaces which this application replaced so it was the Officers' recommendation that if the Committee was content with the principle of the scheme, then delegated powers be given to the Head of Planning and Development to grant permission subject to the applicant providing the information necessary for the Highway Authority to confirm either that there is no unacceptable impact on the junctions or there is a scheme of mitigation. If the information demonstrated that there would be harm which cannot be mitigated then the application would be reported back to the Committee for determination.

Ms Burman, an objector, addressed the meeting.

During the discussion on the application, the Major Projects Manager advised the Committee that he wished to amend proposed condition 3 so as not to require the submission of a construction site management plan prior to commencement but to require adherence to an approved construction site management plan. He also wished to amend drawing numbers referred to in proposed condition 9 (Plans) to reflect amendments to the scheme secured by the Ward Members.

During the debate, it was also suggested that the Ward Members and the Chairman and Vice-Chairman of the Planning Committee and Councillor Harwood should be involved in the evolution of the landscaping scheme and the development and monitoring of a new Travel Plan for the site.

RESOLVED:

1. That subject to:

- (a) The applicant providing the information necessary for the Highway Authority to confirm either that there is no unacceptable impact on the junctions connecting the Hospital site with Hermitage Lane or there is a scheme of mitigation;
AND
- (b) The conditions and informatives set out in the report with the amendment of condition 3 to require adherence to an approved construction site management plan and condition 9 (Plans) to reflect amendments to the scheme secured by the Ward Members,

the Head of Planning and Development be given delegated powers to grant permission and to be able to add or amend any necessary conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee to include the addition of any conditions required as a result of further highway mitigation measures being identified.

- 2. That the Ward Members and the Chairman and Vice-Chairman of the Planning Committee and Councillor Harwood should be involved in the evolution of the landscaping scheme and the development and monitoring of a new Travel Plan for the site.

Voting: 10 – For 0 – Against 0 – Abstentions

233. 19/504300/FULL - VARIATION OF CONDITION 6 OF 19/501536/FULL (ERECTION OF A SINGLE STOREY BUILDING TO PROVIDE STAFF ACCOMMODATION/HOLIDAY LET AND STAFF TRAINING ROOM) TO ALLOW NO TIME RESTRICTION ON STAFF ACCOMMODATION - WIERTON HALL FARM, EAST HALL HILL, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

The Chairman and Councillors Adkinson, Chappell-Tay, Clark, Kimmance, Munford and Vizzard stated that they had been lobbied.

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 with the further amendment of condition 6 to restrict single occupation of the building as tourist accommodation to no more than 28 days at any one time and for staff accommodation purposes wholly ancillary to the business for a period of up to 6 months with sufficient break provision between tenancies to prevent the establishment of a permanent residential presence in an area where it would not normally be permitted.
- 2. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to finalise

the wording of the amended condition and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Eves joined the meeting after consideration of this application (7.20 p.m.).

234. 19/505949/FULL - AMENDMENTS TO PLANNING APPLICATION 17/504038 (CHANGE OF USE OF LAND FOR KEEPING OF HORSES AND STABLE BLOCK) TO INCLUDE REPOSITIONING OF STABLE BUILDING AND WASTE PILE; LAYING OF TYPE 1 hardcore; AND SAND SCHOOL (SECTION 73A APPLICATION) - LAND TO BACK OF CHERRY ORCHARD, COURT LODGE FARM, THE STREET, BOXLEY, KENT

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

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

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

Mr Took, an objector, and Councillor Clarke of Boxley Parish Council addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with the strengthening of the enforcement provision conditions acknowledging that the application is a retrospective one and also to secure:
 - (a) The amendment of condition 2 (Landscaping) in order to strengthen the landscaping to the eastern boundary of the site around the area of the sand school; and
 - (b) An additional requirement to be possibly combined with condition 3 (Disposal of Run-off) specifying that within a period of two months of the decision notice being issued, details of an alternative surface treatment for the sand school shall be submitted to the Local Planning Authority for approval and the approved surfacing shall be used on site with the removal of the existing surface treatment.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and combined conditions and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 0 – Abstentions

235. 19/505352/FULL - ERECTION OF POLYTUNNELS WITH ASSOCIATED SOFT LANDSCAPING AND DRAINAGE WORKS, INCLUDING THE PROVISION OF SWALES - LAND AT RANKINS FARM, LINTON HILL, LINTON, KENT

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

Mr Ogden, for the applicant, and Councillor Webb (Visiting Member) addressed the meeting.

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

Voting: 10 – For 1 – Against 0 – Abstentions

236. 19/506070/REM - APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF 9 NO. DETACHED RESIDENTIAL DWELLINGS (LAYOUT, SCALE, LANDSCAPING AND APPEARANCE BEING SOUGHT, WITH ACCESS ALREADY APPROVED AS PART OF THE EARLIER OUTLINE APPROVAL) FOLLOWING 15/507493/OUT (ALLOWED ON APPEAL APP/U2235/W/16/3145575). (RE-SUBMISSION OF 19/504293/REM) - WIND CHIMES, CHARTWAY STREET, SUTTON VALENCE, MAIDSTONE, KENT

It was noted that all Members had been lobbied, but some Members may not have had an opportunity to read the email.

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

Councillor Poulter of Sutton Valence Parish Council and Mr Court, for the applicant, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with:
 - (a) An additional condition requiring the provision of electric vehicle charging points for each dwelling;
 - (b) The addition of the words “at all times” at the end of conditions 5 and 6; and
 - (c) The inclusion of bee bricks within the development with revisions to condition 3 (Materials) to accommodate this.
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: 11 – For 0 – Against 0 – Abstentions

237. 19/504613/NMAMD - NON-MATERIAL AMENDMENT: THE NECESSARY INCLUSION OF EXTERNAL STEPS TO PROVIDE AN EMERGENCY EXIT POINT FROM THE SEMI- BASEMENT CAR PARK OF BLOCK 1 (ORIGINAL APPLICATION REFERENCE: 17/504632/FULL) - LAND AT BRUNSWICK STREET, MAIDSTONE, KENT

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

RESOLVED: That the application be approved with the informatives set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

238. DURATION OF MEETING

6.00 p.m. to 8.50 p.m.