

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 30 MAY 2019

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

Also Present: Councillors Brindle, D Burton, J Sams and T Sams

6. APOLOGIES FOR ABSENCE

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

7. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Brice for Councillor Bartlett
Councillor M Burton for Councillor Perry

8. NOTIFICATION OF VISITING MEMBERS

Councillor Brindle indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/505455/REM (Land East of Gleamingwood Drive, Lordswood, Kent).

Councillor D Burton indicated his wish to speak on the report of the Head of Planning and Development relating to application 19/500271/FULL (Oakhurst, Stilebridge Lane, Marden, Tonbridge, Kent).

Councillors J and T Sams indicated their wish to speak on the report of the Head of Planning and Development relating to application 18/506657/FULL (Land West of Loder Close and Westwood Close, Ham Lane, Lenham, Kent).

9. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

10. 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 because they contained

further information relating to the applications to be considered at the meeting.

11. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 18/505455/REM, 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.

12. EXEMPT ITEMS

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

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

RESOLVED: That the Minutes of the meeting held on 25 April 2019 adjourned to 29 April 2019 be approved as a correct record and signed.

14. MINUTES OF THE MEETING HELD ON 21 MAY 2019

RESOLVED: That the Minutes of the meeting held on 21 May 2019 be approved as a correct record and signed.

15. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

RESOLVED: That the following Members be appointed as Spokespersons for their respective Political Groups for the Municipal Year 2019/20:

Councillor Adkinson	Labour
Councillor Harwood	Liberal Democrat
Councillor Munford	Independent
Councillor Spooner	Conservative

16. PRESENTATION OF PETITIONS

There were no petitions.

17. DEFERRED ITEMS

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

AND

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

The Major Projects Manager said that he had checked with the Case Officers and no responses had been received from either applicant on the grounds of deferral. Both applicants were being given time limits in which to respond, and, if they failed to do so, the Officers would report back with recommendations that reflected Members' comments when the applications were deferred.

18. 18/506657/FULL - RESIDENTIAL DEVELOPMENT OF 53 NO. TWO, THREE AND FOUR BEDROOM TRADITIONAL TWO STOREY HOUSES AND APARTMENTS INCLUSIVE OF 40% AFFORDABLE HOUSING INCLUDING PROVISION OF FOUL PUMPING STATION, OPEN SPACE WITH ECOLOGICAL POND, PLAY AREA AND LANDSCAPING WITH VEHICULAR/PEDESTRIAN ACCESS VIA LODER CLOSE OFF HAM LANE, LENHAM - LAND WEST OF LODER CLOSE AND WESTWOOD CLOSE, HAM LANE, LENHAM, 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 Jerrett, an objector, Mr Street, for the applicant, Councillor Walmsley of Lenham Parish Council and Councillors T and J Sams (Visiting Members) addressed the meeting.

The Chairman read out a letter from Mrs Shellina Prendergast, County Council Member for Maidstone Rural East, asking the Committee to consider how a S106 agreement could be entered into to secure funding for Lenham primary school provision if it was minded to grant permission.

During the discussion on the application, the Major Projects Manager advised the Committee that proposed condition 10 which required the submission of a Landscape and Ecological Management Plan should be modified to request measures to ensure that the open spaces including the play area are protected in perpetuity.

RESOLVED: That subject to:

- (a) The prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to provide for the Heads of Terms set out in the report; and
- (b) The conditions and informative set out in the report as amended by the Major Projects Manager at the meeting,

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.

Voting: 10 – For 0 – Against 3 – Abstentions

19. 18/505455/REM - APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT, AND SCALE, PURSUANT OF 15/503359/OUT - OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT (APPROX 89 DWELLINGS) PLUS OPEN SPACE, BIOMASS PLANT AND ACCESS ROAD (PLUS EMERGENCY ACCESS) - LAND EAST OF GLEAMINGWOOD DRIVE, LORDSWOOD, 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 the report, the Principal Planning Officer advised the Committee that:

- Since the publication of the urgent update report earlier in the week, the agent for the applicant had been in contact with some queries about the landscaping. It was agreed in principle that the non-native tree species would be replaced with more native species and it was recommended that the Officers be given delegated powers to have further discussions with the agent as to whether or not there could be some amendments to the species to make sure that they are as natural and as native as possible.
- Similarly, it was very important in terms of the buffer to the Ancient Woodland to create good separation and minimise its use for recreation purposes. The Officers should be given the opportunity to go back to the agent for the applicant to secure a commitment that when the biodiversity plan and the woodland management plan are submitted the actual buffer is an effective buffer and minimises activity and pedestrian and cycle use within that area so it does protect the Ancient Woodland as far as it can.
- The recommendation was to grant permission with the caveat that the Officers wish to discuss with the agent for the applicant in detail about the landscape species and how the buffer can be most effective in terms of protecting the Ancient Woodland.

Councillor Brindle addressed the meeting as a Boxley Ward Member and as a representative of Boxley Parish Council.

Mr Warner addressed the meeting on behalf of the applicant.

During the discussion, the Major Projects Manager confirmed that the reserved matters application was for a total of 89 units.

RESOLVED:

1. That subject to further discussions with the applicant to (i) ensure that the non-native tree planting is replaced by native local provenance planting and (ii) ensure that the 15m Ancient Woodland buffer zone is appropriate and that there are no pathways within the

buffer, the Head of Planning and Development be given delegated powers to approve the reserved matters subject to the condition and informatives set out in the report, as amended by the urgent update report, with

- (a) An additional informative advising the applicant to consider making an application to vary the legal agreement requiring the provision of a biomass boiler and to come forward with an alternative more appropriate form of renewable energy generation such as solar PV panels; and
 - (b) An additional informative advising the applicant that the details of the emergency access to be submitted pursuant to condition 16 of the outline planning permission should comprise a scheme that deters any access other than genuine emergency access and that a gated design would be a more appropriate solution.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of any additional conditions as a consequence of the discussions outlined in the first resolution and of the additional informatives.

Voting: 11 – For 1 – Against 1 – Abstention

20. 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

All Members except Councillors Adkinson, Kimmance, Parfitt-Reid, Spooner 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.

In presenting the report, the Major Projects Manager advised the Committee that, in addition to the amendments proposed in the urgent update report, he needed to add a drawing that was missed off the approved drawing list and a condition to the effect that notwithstanding the illustrative layout, no caravans will be sited in the approved areas of soft landscaping.

Ms Whittaker, an objector, Councillor Mannington of Marden Parish Council, Mr Nicholls, for the applicant, and Councillor D Burton (Visiting Member) addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

Seek further information to assess the visual impact, the potential level of harm, the details of the mitigation and the benefits arising, this to include:

- Details of the actual layout of the site including hard and soft landscaping and any associated facilities and lighting;
- Details of the scale and design parameters;
- Further detail in terms of demonstrating both local and longer distance views and how these can be mitigated;
- More details in terms of landscaping, including a net gain for biodiversity with the incorporation of hedgerow trees reflecting the Council's Landscape Character Assessment Guidance in the proposed mixed native hedgerow along the northern boundary of the site, extension of the Ancient Woodland buffer westward to provide a habitat link to the pond and ditch network on the Stilebridge Lane frontage and fencing along the Ancient Woodland buffer (Chestnut spile);
- Details of the lighting strategy; and
- Clarification in terms of sustainability (role of rural tourism), the economic benefits and the business model, including identification of the need for this type of use, the model for occupation (for example, whether these would be short-let units managed by the site owners) and information about how the site and the landscape and ecology elements would be managed.

Voting: 11 – For 1 – Against 1 – Abstention

21. 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. The Committee discussed both recent cases and appeal trends in general. Members were concerned that despite the Council having a relatively permissive Local Plan and being able to demonstrate a positive approach to housing delivery, in the cases where it did resist development, Inspectors appeared to be not affording sufficient weight to the Plan and to matters such as design quality.

The Major Projects Manager said that without assessing decisions in more detail and over a period of time, it was difficult to assess particular trends and provide advice, but the Officers would undertake a review and provide a digest. There were clear spikes influencing the statistics such as Gypsy and Traveller (G&T) appeals and in these cases non-Local Plan factors such as Equality Act considerations were potentially undermining planning policy. The outcome of the review could inform representations to Government and the LGA etc.

Members considered that the absence of public/affordable G&T sites might also be a factor in appeal decisions. It was acknowledged that the issue of G&T appeals was complex and it was suggested that a Working Group be set up to assess G&T appeals linked into the Local Plan review in terms of the effectiveness of existing policy and the evidence base.

RESOLVED: That the Development Manager be requested to (a) report back to a future meeting of the Committee on the establishment of a Working Group to assess G&T appeals linked into the Local Plan review in

terms of the effectiveness of existing policy and the evidence base, and
(b) provide a separate, more generic report on S78 appeals.

Note: Councillor Parfitt-Reid left the meeting during consideration of this item.

22. DURATION OF MEETING

6.00 p.m. to 9.05 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 28 NOVEMBER 2019
ADJOURNED TO 5 DECEMBER 2019

Present: **Councillor English (Chairman) and**
5 December **Councillors Adkinson, Chappell-Tay, Harwood,**
2019 **Kimmanca, Munford, Parfitt-Reid, Perry and**
 Vizzard

Also Present: **Councillors D Burton, Springett and Webb**

143. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Eves, Spooner and Wilby.

144. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Chappell-Tay was substituting for Councillor Spooner.

145. NOTIFICATION OF VISITING MEMBERS

Councillor D Burton indicated his wish to speak on the report of the Head of Planning and Development relating to application 19/500271/FULL (Oakhurst, Stilebridge Lane, Marden, Tonbridge, Kent).

Councillor Springett indicated her wish to speak on the report of the Head of Planning and Development relating to application 19/504565/FULL (34, The Landway, Bearsted, Maidstone, Kent).

Councillor Webb indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 17/504579/OUT (Durrants Farm, West Street, Hunton, Kent) and 19/504105/FULL (Stilebridge Kennels, White House Farm, Stilebridge Lane, Linton, Maidstone, Kent).

146. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

147. 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.

148. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

149. EXEMPT ITEMS

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

150. 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

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

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

151. 19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 18 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT

All Members except Councillors Harwood and Perry 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 the application, the Development Manager circulated a revised site location plan with an amended red line boundary. He also sought the Committee's agreement to the deletion of recommended condition 3 which had been superseded due to the reduction of the red line boundary.

Mr Cooper, an objector, Councillor Mannington of Marden Parish Council, Mr Nicholls, for the applicant, and Councillor D Burton (Visiting Member) addressed the meeting.

During the discussion on the application, the Development Manager advised the Committee that he wished to amend the first line of recommended condition 3 (originally condition 4) to read:

All caravans permitted at the site shall be occupied for bona fide holiday purposes only.

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report as amended by the Development Manager at the meeting with the deletion of condition 3 (Touring Caravans and Tents) and
 - (a) The further amendment of condition 3 (originally condition 4) (Holiday Occupancy) to include a mechanism to effectively record the use of the caravans;
 - (b) An additional condition requiring the provision of owl boxes within the site to protect and enhance biodiversity; and
 - (c) An additional informative reminding the applicant/future occupiers that this is a tourist rather than a permanent residential development and explaining that it cannot be for full time residential occupation.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and the additional informative.

Voting: 7 – For 2 – Against 0 – Abstentions

152. 17/504579/OUT - OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF 8 NO. DWELLING HOUSES WITH ACCESS, LAYOUT, SCALE AND APPEARANCE TO BE CONSIDERED AT THIS STAGE WITH LANDSCAPING RESERVED FOR FUTURE CONSIDERATION - DURRANTS FARM, WEST STREET, HUNTON, KENT

There were no disclosures of lobbying.

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

Ms Harvey addressed the meeting on behalf of the applicant. Councillor Webb (Visiting Member) made representations on behalf of Hunton Parish Council.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, the Committee considered that the proposed development by virtue of its poor, inappropriate and incongruous design and layout which is more appropriate to an urban location than the open countryside, its

density and the lack of accessibility for the number of houses proposed by sustainable modes of transport to the Maidstone urban area, rural service centre or larger village, would cause harm to the open countryside character and sustainability objectives as set out by Policies SS1, SP17, DM1, DM5 and DM30 of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework.

The Committee also considered that, in the absence of appropriate surveys for protected species having been carried out to establish the extent that they may be affected by the development and of exceptional circumstances to justify the use of planning conditions, the proposals would be contrary to Policy DM3 of the Maidstone Borough Local Plan 2017, the National Planning Policy Framework and advice contained in Circular 06/2005 - Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System - specifically paragraph 99, which require such matters to be established before planning permission is granted.

RESOLVED: That permission be refused for the following reasons:

1. The proposed development by virtue of its poor, inappropriate and incongruous design and layout which is more appropriate to an urban location than the open countryside, its density and the lack of accessibility for the number of houses proposed by sustainable modes of transport to the Maidstone urban area, rural service centre or larger village, would cause harm to the open countryside character and sustainability objectives as set out by Policies SS1, SP17, DM1, DM5 and DM30 of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework.
2. In the absence of appropriate surveys for protected species having been carried out to establish the extent that they may be affected by the development and of exceptional circumstances to justify the use of planning conditions, the proposals would be contrary to Policy DM3 of the Maidstone Borough Local Plan 2017, the National Planning Policy Framework and advice contained in Circular 06/2005 - Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System - specifically paragraph 99, which require such matters to be established before planning permission is granted.

Voting: 9 – For 0 – Against 0 – Abstentions

153. ELECTION OF CHAIRMAN FOR THE REMAINDER OF THE MEETING

Following consideration of application 17/504579/OUT (Durrants Farm, West Street, Hunton, Kent), the Chairman indicated that he would have to leave the meeting (7.40 p.m.).

RESOLVED: That in the absence of a Vice-Chairman, Councillor Harwood be elected as Chairman for the remainder of the meeting.

154. 19/504565/FULL - RENOVATION OF EXISTING DWELLING, INCLUDING ERECTION OF A TWO STOREY REAR EXTENSION, ALTERATIONS TO FRONT ELEVATION, AND ERECTION OF A PART FIRST FLOOR, PART TWO STOREY FRONT EXTENSION TO GARAGE - 34 THE LANDWAY, BEARSTED, MAIDSTONE, KENT

Councillor Parfitt-Reid stated that she had been lobbied.

Councillor Springett (Visiting Member) read out a statement on behalf of Mr Dawkins, an objector, who had left the meeting earlier due to another commitment. Councillor Springett then made her own representations as a Ward Member.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with an additional condition requiring the incorporation of an appropriate form of renewable energy generation within the development.
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: 4 – For 3 – Against 2 – Abstentions

Chairman's casting vote in favour of approval.

155. 19/503314/FULL - DEMOLITION OF EXISTING BUILDINGS WITHIN THE SITE AND ERECTION OF THREE RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS, PARKING, DRAINAGE AND LANDSCAPING - LAND AT SCRAGGED OAK FARM, SCRAGGED OAK ROAD, DETLING, MAIDSTONE, KENT

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

Mr Willett addressed the meeting on behalf of the applicant.

RESOLVED: That permission be refused for the reasons and informative set out in the report.

Voting: 6 – For 0 – Against 2 – Abstentions

156. 19/504105/FULL - VARIATION OF CONDITION 2 OF 17/506297/FULL (STATIONING OF TEMPORARY MOBILE HOME ON LAND FORMING PART OF WHITE HOUSE FARM IN ASSOCIATION WITH OPERATION OF STILEBRIDGE KENNELS) TO ALLOW THE MOBILE HOME TO BE OCCUPIED FOR AN ADDITIONAL 2 YEARS UNTIL 19 MARCH 2023 - STILEBRIDGE KENNELS, WHITE HOUSE FARM, STILEBRIDGE LANE, LINTON, MAIDSTONE, KENT

Councillor Munford stated that he had been lobbied.

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

Councillor Webb (Visiting Member) addressed the meeting on behalf of Linton Parish Council which had raised objections to the application, but, due to a misunderstanding, had not registered a representative to speak.

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

Voting: 8 – For 0 – Against 0 – Abstentions

157. 19/504848/FULL - SINGLE STOREY REAR EXTENSION AND TWO STOREY SIDE EXTENSION INCORPORATING CLADDING AT FIRST FLOOR (PART RETROSPECTIVE) - BIMBURY COTTAGE, BIMBURY LANE, STOCKBURY, MAIDSTONE, KENT

There were no disclosures of lobbying.

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

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with an additional condition requiring the incorporation of an appropriate form of renewable energy generation within the development.
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: 8 – For 0 – Against 0 – Abstentions

158. 19/503979/TPOA - TPO APPLICATION - CROWN LIFT TO 6.5M T2 T4, T5 AND T6 (LIMES) AND CROWN LIFT TO 5M T10 (SYCAMORE) - ST. STEPHENS CHURCHYARD, CHURCH ROAD, TOVIL, 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 condition and informative set out in the report.

Voting: 8 – For 0 – Against 0 – Abstentions

159. 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.

160. 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.

RESOLVED: That the report be noted.

161. MATTERS ARISING FROM CONSIDERATION OF APPLICATION
17/504568/FULL - KCC SPRINGFIELD LIBRARY HQ, SANDLING ROAD,
MAIDSTONE, KENT

Arising from consideration of application 17/504568/FULL - KCC
Springfield Library HQ, Sandling Road, Maidstone, Kent, the Committee:

RESOLVED: That the Strategic Planning and Infrastructure Committee be requested to consider, as part of the Local Plan Review, the need for a Tall Buildings policy and a development brief or allocation for the remainder of the Springfield site.

162. DURATION OF MEETING

6.00 p.m. to 9.00 p.m.