

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON THURSDAY 21 JULY 2022

Present: Councillor Spooner (Chairman), and
Councillors Brindle, Cox, English, Harwood, Holmes,
McKenna, Munford, Perry, Trzebinski, D Wilkinson
and Young

46. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Kimmance, and that Councillor Holmes would be late in arriving at the meeting.

47. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

48. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

49. ITEMS WITHDRAWN FROM THE AGENDA

No items had been withdrawn from the Agenda.

50. URGENT ITEMS

The Chairman would take the update on Item 20 – Planning Committee Training as an urgent item so that the Constitutional changes regarding Substitute Members made at the Council meeting on 20 July 2022 would be reflected in the recommendations of that item.

51. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Perry informed the Committee that although he was a Member of Staplehurst Parish Council, he was not on the Parish Council's Planning Committee and so intended to speak and vote on Item 16 – 22/500732/FULL – Weald Cottage, Maidstone Road, Staplehurst, Kent.

52. DISCLOSURES OF LOBBYING

Councillors Holmes and Perry had been lobbied on Item 16 - 22/500732/FULL - Weald Cottage, Maidstone Road, Staplehurst, Kent.

Councillors English and Wilkinson had been lobbied on Item 20 – Planning Committee Training.

53. EXEMPT ITEMS

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

54. MINUTES OF THE MEETING HELD ON 23 JUNE 2022

RESOLVED: That the Minutes of the meeting held on 23 June 2022 be approved as a correct record and signed.

55. PRESENTATION OF PETITIONS

There were no petitions.

56. ANY QUESTIONS ON NOTICE FROM LOCAL RESIDENTS

There were no questions from local residents.

57. ANY QUESTIONS ON NOTICE FROM MEMBERS

There were no questions from Members.

58. DEFERRED ITEMS

21/503150/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3 NO. HOUSES WITH ASSOCIATED AMENITY SPACE, LANDSCAPING AND ACCESS - THE OLD FORGE, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT

21/506664/FULL - DEMOLITION AND REBUILDING OF THE EXISTING BARN TO PROVIDE A 3 BEDROOM DWELLING INCLUDING REAR PAVILIONS LINKED BY GLASS LINK. RE-ROUTING AND ALTERATION OF EXISTING ROAD ACCESS TO ALLOW SEPARATE ACCESS TO HOUSE AND BARN AND ASSOCIATED LANDSCAPING - ROSEHILL, VANITY LANE, LINTON, MAIDSTONE, KENT

The Head of Planning and Development advised that negotiations were continuing for both items, and it was expected that both would be reported to the Committee at either the August or September 2022 meeting.

59. 22/502968/FULL - MOTE PARK, WILLOW WAY, MAIDSTONE, KENT SECTION 73 - PART RETROSPECTIVE APPLICATION FOR MINOR MATERIAL AMENDMENTS TO APPROVED PLANS CONDITION 20 (BEING AMENDMENT TO ACCOMMODATE THE REQUIRED DESIGN CHANGES TO INCORPORATE THE SECURITY REQUIREMENTS WITHIN THE GABLES (RETROSPECTIVE); ADDITIONAL WIND CATCHER; NEW CYCLE STORE; CHANGES TO SURFACING (RETROSPECTIVE); AND MINOR CHANGES TO ELEVATIONS/FENESTRATION (RETROSPECTIVE) PURSUANT TO 19/505310/FULL (DEMOLITION OF EXISTING CAFE BUILDING AND ERECTION OF NEW MOTE PARK CENTRE WITH ASSOCIATED TERRACES, BIN STORAGE AND CAR PARKING AND THE ERECTION OF STORAGE, MESS AND WELFARE BUILDING FOR PARK MAINTENANCE TEAM).

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

In introducing the report, the Principal Planning Officer explained that some elements of the application were retrospective as the building was nearing completion.

Ms Lauren Walker, Employers Agent, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report, with the following informative:

The applicant is advised to provide the following:

1. Porous tarmac surfacing;
2. An anti-graffiti coating to the roller shutters; and
3. The use of 'perspex' for the cycle shelter that does not degrade of bubble easily.

Voting: 11 – For 0 – Against 0 – Abstentions

NOTE: COUNCILLOR HOLMES JOINED THE MEETING AFTER CONSIDERATION OF THIS APPLICATION (6.38 P.M.)

60. 22/500732/FULL - WEALD COTTAGE, MAIDSTONE ROAD, STAPLEHURST, KENT DEMOLITION OF EXISTING DWELLING AND GARAGES, AND ERECTION OF REPLACEMENT TWO STOREY DWELLING AND DETACHED DOUBLE GARAGE AND STORE.

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

The Chairman read a statement on behalf of Staplehurst Parish Council which recommended refusal of the application.

Mr Birkby, the applicant, addressed the meeting.

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

Voting: 6 – For 6 – Against 0 – Abstentions

Chairman's casting vote: In favour of refusal.

61. 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 Head of Planning and Development advised that a complaint would be lodged with the Planning Inspectorate's Quality Assurance Team with regards to decision 7 on the report, as the opportunity had not been provided to rebut the information from the appellant's agent regarding the five-year housing land supply.

RESOLVED: That the report be noted.

62. ENFORCEMENT TRACKER

The Committee considered the enforcement tracker report which provided the status of enforcement cases where formal notices had been served. The report also included a table showing Quarter 1 received / closed / live cases for 2021 and 2022 comparison and a chart showing Quarter 1 formal notices for 2021 and 2022 comparison. Officers were congratulated on the number of completed cases.

The Committee raised concerns around surface water draining into foul water networks, which caused a strain on the infrastructure and led to a higher risk of flooding and pollution in the Borough. The strength of enforcement actions brought against those who converted soft landscaped areas to impervious hard surfaces was questioned, and it was suggested that this should be referred to the appropriate Committee or Lead Member to investigate further.

The Head of Planning and Development suggested that it could be considered for incorporation into the Design and Sustainability Development Plan Document (DPD) to enable stronger enforcement action against unapproved hard surfacing.

RESOLVED: That the increasing occurrence of hard surfacing of commercial and residential land (and their impact on drainage) be reviewed by considering enforcement options and looking at planning policy (in particular looking at design parameters in the proposed Design and Sustainability DPD) and delegation to officers to refer via the most appropriate route.

63. S106 UPDATE SPEND BY DATES

The Committee considered the S106 update report of the Head of Planning and Development. In response to questions, the Head of Planning and Development explained that amending S106 agreements retrospectively would not always be possible and it was important to raise any issues when the terms of the agreement were initially discussed at Committee.

RESOLVED: That the report be noted.

64. PLANNING COMMITTEE TRAINING

The Committee considered the report of the Head of Planning and Development regarding the training requirements for Members sitting on the Committee. It was felt that experienced Members should not be required to undertake basic refresher training covering the Duty under Section 38(6) of the Planning and Compulsory Purchase Act 2004. However, attendance at training which covered changes to legislation or specialist areas should be required of all Members. The virtual sessions should be recorded and made available to Members as an alternative to the live sessions, should they be unable to attend. On notifying the relevant officer that the recorded training session had been viewed, it would be noted that the training requirement had been fulfilled.

The Planning Team Leader (Mid Kent Legal) stated that there had been significant changes in the last year and that Members returning to the Committee after a break would likely need to take part in training.

RESOLVED: That

1. The Training Programme set out in Appendix 1 to the report be approved;
2. The following Members:
 - new Planning Committee Members
 - Members who are likely to substitute at Planning Committee for the first time, and
 - those Planning Committee Members returning to the Committee after a break and Members who are likely to substitute at Planning Committee after a break

must complete the Induction Training and Enforcement Training as outlined in Appendix 1 to the report by the end of September 2022, failing which such Members shall be disqualified from participation at Planning Committee until this training has been completed;

3. All Planning Committee Members and all those Members who are likely to substitute at Planning Committee be strongly recommended to complete at least two specialised / best practice subject area training sessions (other than those in recommendation 2) covering those other topics set out in Appendix 1 to the report;
4. Parish Councillors be invited to all training events; and
5. Training sessions be delivered virtually, and recorded and made available to Members with confirmation that the training has been undertaken by that Member.

At the conclusion of the meeting, the Committee wished to convey their best wishes to Mrs Snook to get well soon, and their thanks to Mrs Banks for clerking the meeting at short notice.

65. DURATION OF MEETING

6.00 p.m. to 7.58 p.m.

The meeting adjourned between 6.03p.m. and 6.20 p.m. due to unforeseen circumstances.