

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 22 SEPTEMBER 2022

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Brindle, Coates, Cooper, Cox, English, Kimmance, McKenna, Munford, Perry, Russell and Young
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90. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Harwood, Holmes, Trzebinski and D Wilkinson.

91. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Coates for Councillor D Wilkinson
Councillor Cooper for Councillor Trzebinski
Councillor Russell for Councillor Holmes

92. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

93. ITEMS WITHDRAWN FROM THE AGENDA

22/502529/TPOA – HOLTYE COTTAGE, HEADCORN ROAD, STAPLEHURST, KENT

The Landscape Team Leader sought the Committee's agreement to the withdrawal of application 22/502529/TPOA (Holtye Cottage, Headcorn Road, Staplehurst, Kent) from the agenda as there were several issues within the report that required further consideration, including the likelihood of a compensation claim arising if the application was to be refused.

RESOLVED: That agreement be given to the withdrawal of application 22/502529/TPOA from the agenda.

94. URGENT ITEMS

The Chairman said that he intended to take the update reports of the Head of Development Management and verbal updates in the Officer presentations as urgent items as they contained further information relating to the applications to be considered at the meeting.

95. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Munford said that, with regard to the report of the Head of Development Management relating to application 22/502627/FULL (Boughton

Service Station, Heath Road, Boughton Monchelsea, Kent) 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.

Councillor Perry said that, with regard to the reports of the Head of Development Management relating to applications 22/501684/FULL (3 The Parade, Staplehurst, Tonbridge, Kent) and 22/502529/TPOA (Holtye Cottage, Headcorn Road, Staplehurst, Kent), he was the Vice-Chairman of Staplehurst Parish Council. However, he had not participated in the Parish Council's discussions on the applications and intended to speak and vote when they were considered.

Councillor Spooner said that, with regard to the report of the Head of Development Management relating to application 22/501994/TPOA (Land Rear of 8 Gault Close, Bearsted, Maidstone, Kent), he was a Member of Bearsted 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.

96. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

12.	22/502627/FULL – Boughton Service Station, Heath Road, Boughton Monchelsea, Kent	Councillors Brindle, Coates, Cox, English, Kimmance, McKenna, Munford, Perry and Young
13.	22/501055/FULL – Orchard View Garage, Benover Road, Yalding, Maidstone, Kent	Councillors English, Kimmance and Spooner
14.	21/503150/FULL – The Old Forge, Chartway Street, East Sutton, Maidstone, Kent	Councillors Cox, English, Kimmance, McKenna, Perry and Spooner
15.	22/501684/FULL – 3 The Parade, Staplehurst, Tonbridge, Kent	Councillors Brindle and Perry
16.	22/502266/FULL – 21 Station Road, Headcorn, Kent	Councillors Cooper, Munford, Perry, Russell and Spooner
24.	22/502529/TPOA – Holtye Cottage, Headcorn Road, Staplehurst, Kent (withdrawn from the agenda)	Councillor Perry

97. EXEMPT ITEMS

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

98. MINUTES OF THE MEETING HELD ON 25 AUGUST 2022

RESOLVED: That the Minutes of the meeting held on 25 August 2022 be approved as a correct record and signed.

99. PRESENTATION OF PETITIONS

There were no petitions.

100. 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

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

During the introduction of and discussion on the application, the Officers advised the Committee that if Members were minded to approve the application, they wished to amend the recommendation set out in section 4 of the report to give delegated powers to the Head of Development Management to be able to *change, add, settle* or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee and gain agreement from the applicant for pre-commencement conditions. This would enable the Officers to strengthen conditions to ensure that measures promised by the applicant are provided and issues such as noise mitigation, obscure glazing, highway matters, trees and ecology are satisfactorily addressed.

Mrs Evans, an objector, Councillor Ireland of East Sutton Parish Council and Mr Hawkins, agent for the applicant, addressed the meeting in person.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with delegated powers given to the Head of Development Management to be able to change, add, settle, or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee and gain agreement from the applicant for pre-commencement conditions. This should include a condition to address ecological matters (the provision of up-to-date information to assess the impact if any on protected species and a scheme for the enhancement of biodiversity).

Voting: 12 – For 0 – Against 0 – Abstentions

101. 22/502627/FULL - RETENTION OF EXISTING HAND CAR WASH FACILITY AND OFFICE/CUSTOMER WAITING ROOM, AND PROPOSED ALTERATIONS INCLUDING INSTALLATION OF ACOUSTIC ENCLOSURE AND PROVISION OF A NEW CUSTOMER PARKING AREA (PART RETROSPECTIVE) - BOUGHTON SERVICE STATION, HEATH ROAD, BOUGHTON MONCHELSEA, KENT

The Committee considered the report of the Head of Development Management.

Dr Staples, an objector, addressed the meeting in person.

Ms Windless addressed the meeting remotely on behalf of Boughton Monchelsea Parish Council.

Mr Monger addressed the meeting in person on behalf of the applicant.

Contrary to the recommendation of the Head of Development Management, the Committee agreed to refuse permission. In making this decision, the Committee considered that:

The proposal by reason of the design and appearance of the acoustic structure and the necessary external lighting will have an adverse impact upon the historic fabric of the adjacent Cock Street conservation area and countryside. The public benefits of the proposal do not outweigh the harm caused to the countryside and the adjacent conservation area. As such, the development is not in accordance with policies LRE1 and LRE2 of the Boughton Monchelsea Neighbourhood Plan (2021), or policies SP17, DM1 and DM8 of the Maidstone Borough Local Plan (2017), or the provisions of the NPPF (2021).

RESOLVED: That permission be refused and the Head of Development Management be given delegated powers to finalise the reason for refusal to include the key issues cited above.

Voting: 12 – For 0 – Against 0 – Abstentions

102. 22/501055/FULL - (RETROSPECTIVE) DEMOLITION OF EXISTING WORKSHOP, ERECTION OF SINGLE STOREY SIDE EXTENSION FOR USES FALLING WITHIN CLASS E: (A) DISPLAY OR RETAIL SALE OF GOODS, OTHER THAN HOT FOOD, PRINCIPALLY TO VISITING MEMBERS OF THE PUBLIC, OR (B) SALE OF FOOD AND DRINK PRINCIPALLY TO VISITING MEMBERS OF THE PUBLIC WHERE CONSUMPTION OF HOT FOOD AND DRINK IS MOSTLY UNDERTAKEN ON THE PREMISES, OR (C) PROVISION OF THE FOLLOWING KINDS OF SERVICES PRINCIPALLY TO VISITING MEMBERS OF THE PUBLIC - (I) FINANCIAL SERVICES, (II) PROFESSIONAL SERVICES (OTHER THAN HEALTH OR MEDICAL SERVICES), (III) ANY OTHER SERVICES WHICH IT IS APPROPRIATE TO PROVIDE IN A COMMERCIAL, BUSINESS OR SERVICE LOCALITY, OR G (I) AN OFFICE TO CARRY OUT ANY OPERATIONAL OR ADMINISTRATIVE FUNCTIONS - ORCHARD VIEW GARAGE, BENOVER ROAD, YALDING, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

Councillor Brown addressed the meeting remotely on behalf of Yalding Parish Council.

Mr Clarke addressed the meeting in person on behalf of the applicant.

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

Voting: 12 – For 0 – Against 0 – Abstentions

103. 22/501684/FULL - CHANGE OF USE FROM A SHOP (CLASS E) TO A HOT FOOD TAKEAWAY (SUI GENERIS) AND INSTALLATION OF A FLUE - 3 THE PARADE, STAPLEHURST, TONBRIDGE, KENT

The Committee considered the report of the Head of Development Management.

Mr Talwar, the applicant, addressed the meeting.

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

Voting: 11 – For 0 – Against 1 - Abstention

104. 22/502266/FULL - ERECTION OF 1 NO. THREE-BED DETACHED DWELLING WITH DEDICATED OFF-STREET PARKING AND ASSOCIATED HARD AND SOFT LANDSCAPING; UTILISING EXISTING HIGHWAYS ACCESS AND INCLUDING ALTERATIONS TO DROP KERB AND NEW ACCESS DRIVEWAY (RE-SUBMISSION OF 21/506844/FULL) - 21 STATION ROAD, HEADCORN, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

105. 22/502321/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 1 NO. MOBILE HOME AND 2 NO. TOURING CARAVANS FOR RESIDENTIAL USE AND FOR THE KEEPING OF HORSES, WITH ASSOCIATED OPERATIONAL DEVELOPMENT INCLUDING HARD STANDING, PACKAGE TREATMENT PLANT, FENCING AND UTILITY BUILDING (PART RETROSPECTIVE) - LAND ADJOINING GREENGATES, LENHAM ROAD, HEADCORN, ASHFORD, KENT

The Committee considered the report of the Head of Development Management.

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

Voting: 12 – For 0 – Against 0 – Abstentions

106. 21/506257/FULL - MATERIAL CHANGE OF USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL OCCUPATION WITH ASSOCIATED OPERATIONAL DEVELOPMENT INCLUDING HARD STANDING, PACKAGE TREATMENT PLANT, UTILITY SHED, SHED AND DOG RUN (RETROSPECTIVE) - 1 LONG LANE, LENHAM ROAD, HEADCORN, KENT

The Committee considered the report of the Head of Development Management.

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

Voting: 12 – For 0 – Against 0 – Abstentions

107. 22/502032/FULL - ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION. ERECTION OF SINGLE STOREY REAR EXTENSION TO GARAGE TO CREATE UTILITY STORE. CONVERSION OF LOFT INTO HABITABLE SPACE WITH INSERTION OF REAR DORMER AND FRONT ROOFLIGHTS AND INTERNAL ALTERATIONS. RELOCATION OF EXISTING SOLAR PANELS TO FLAT ROOF OF REAR DORMER (RE-SUBMISSION OF 22/500698/FULL) - 2 READER DRIVE, MARDEN, KENT

The Committee considered the report of the Head of Development Management.

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

Voting: 12 – For 0 – Against 0 – Abstentions

108. 22/501994/TPOA - TPO APPLICATION TO CROWN THIN TWO MATURE MULTI-STEMMED ALDERS BY 15% AND REDUCE CROWNS FROM PROPERTY BOUNDARY - LAND REAR OF 8 GAULT CLOSE, BEARSTED, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

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

Voting: 12 – For 0 – Against 0 – Abstentions

109. 22/501366/TPOA - TPO NOTIFICATION FOR WORKS TO T1 MATURE PRUNUS - LIFT COMPLETE CROWN, CLEAN OUT CROWN, REDUCE CROWN FROM PROPERTY, THIN BY 15% AND REMOVE DECAYED LIMB - ST ANDREW'S PARK, TARRAGON ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

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

Voting: 12 – For 0 – Against 0 – Abstentions

110. 22/502102/TPOA - TREE PRESERVATION ORDER APPLICATION: T1 SYCAMORE, INSTALL COBRA SYSTEM AND THIN BY 30%. T2 SYCAMORE, INSTALL COBRA SYSTEM AND THIN BY 15%. T3 TWIN-STEMMED SYCAMORE, THIN BY 15%. T4 SYCAMORE, THIN BY 15%. T5 SYCAMORE, THIN BY 15%. T6 SYCAMORE, THIN BY 15%. T7 SYCAMORE, THIN BY 15% AND INSTALL COBRA SYSTEM. T8 SYCAMORE, THIN BY 15%. T9 SYCAMORE, PRUNE OVERHANG (FROM 4M TO 2M). T10 SYCAMORE, THIN BY 15%. T11 HAWTHORN, REDUCE OVERHANG (3M TO 1.5M). WORKS ARE TO REDUCE TREES FROM PRIVATE PROPERTY BOUNDARY AND SECURE WEAK FORKS IN THE TREES - LAND ADJACENT 9 FIELDFARE DRIVE, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

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

Voting: 12 – For 0 – Against 0 – Abstentions

111. 22/502529/TPOA - TPO APPLICATION TO REDUCE ONE OAK TO 9.0M IN HEIGHT AND REDUCE LATERAL BRANCH SYSTEM BY 1.0M TO 1.5M BALANCING THE CROWN. REMOVE RE-GROWTH TRIENNIALLY; REMOVE ONE OAK (FELL) TO NEAR GROUND LEVEL. OWNER TO PHYSICALLY REMOVE ANY REGROWTH (NO CHEMICAL TREATMENT DUE TO TRANSLOCATION RISK) - HOLTYE COTTAGE, HEADCORN ROAD, STAPLEHURST, KENT

See Minute 93 above.

112. 22/500544/TPOA - TPO APPLICATION FOR GROUP OF 8 X (G1) TILIA - REMOVE EPICORMIC GROWTH, THINNING CROWNS - THE TRINITY FOYER, 20 CHURCH STREET, MAIDSTONE, KENT

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

RESOLVED: That permission be granted subject to the condition and informatives set out in the report and the additional informative set out in the urgent update report.

Voting: 12 – For 0 – Against 0 – Abstentions

113. 22/501310/TPOA - TPO APPLICATION TO CARRY OUT TREE WORKS AS PER TREE LOCATION PLAN (AND LIST OF WORKS RECEIVED 12/04/22) - ASHURST ROAD OPEN SPACE, ASHURST ROAD, MAIDSTONE, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

114. 22/502567/TPOA - TPO APPLICATION TO: T1 SYCAMORE, FELL TO 2FT ABOVE GROUND (MULTIPLE FRACTURES) FOR SAFETY. G1 SYCAMORES, LIFT TO 5M ABOVE GROUND LEVEL (PARK SIDE) TO ALLOW SPACE. T2 SYCAMORE, LIFT TO 3.5M ABOVE GROUND AND THIN BY 15% PLUS DEADWOOD, TO ALLOW SPACE AND FOR MAINTENANCE PURPOSES. G2 CHERRIES, LIFT TO 3M ABOVE GROUND AND THIN BY 15% TO ALLOW SPACE AND FOR MAINTENANCE PURPOSES - OPEN SPACE AT ST FRANCIS CLOSE, PENENDEN HEATH, KENT

The Committee considered the report of the Head of Development Management.

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

Voting: 12 – For 0 – Against 0 – Abstentions

Following consideration of this application, it was suggested and agreed that the Parks Team be requested to ensure that arisings from tree works are cleared away appropriately.

115. 22/503610/TPOA - TPO APPLICATION TO TRIM SMALL BRANCHES/FOLIAGE AT BOTTOM OF ONE THUJA TO 2M TO ALLOW HEAD ROOM; TRIM SMALL BRANCHES/FOLIAGE AT BOTTOM OF ONE THUJA TO 2M TO ALLOW HEAD ROOM; TRIM SOUTH SIDE OF TREE TO 1M AWAY FROM HOUSE; TRIM SMALL BRANCHES/FOLIAGE AT BOTTOM OF TREE TO ALLOW 30 CM CLEARANCE ABOVE SHED ROOF - 82 BUCKLAND ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

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

Voting: 12 – For 0 – Against 0 – Abstentions

116. APPEAL DECISIONS

The Committee considered the report of the Head of Development Management setting out details of appeal decisions received since the last meeting.

The Head of Development Management advised the Committee that the decisions to allow the appeals against the Council's decisions to refuse applications 21/503543/FULL and 21/505816/OUT were concerning as they related to development in the open countryside. Legal opinions had been sought on these decisions and the advice was that the Council should not proceed with judicial reviews, but, in future, Members and Officers should be very clear on the harm to the countryside in determining applications.

It was suggested that this should be covered in future training sessions.

RESOLVED: That the report be noted.

117. DURATION OF MEETING

6.00 p.m. to 8.35 p.m.