

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 24 AUGUST 2023

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Cleator, Cox, English, Harwood, Holmes, Jeffery, McKenna, Munford, Parfitt-Reid, Russell and Springett
Visiting Members:	Councillors Forecast, Hastie, Hinder, Jones and S Thompson

76. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Kimmance, Perry, Riordan and D Wilkinson.

77. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Cleator for Councillor D Wilkinson
Councillor Parfitt-Reid for Councillor Perry
Councillor Springett for Councillor Riordan

78. NOTIFICATION OF VISITING MEMBERS

Councillors Forecast, Hastie, Hinder, Jones and S Thompson were present as Visiting Members for item 13 – 22/505560/FULL (Land at Newnham Court Way, Weavering, Kent). Councillor Thompson attended the meeting remotely.

79. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

80. URGENT ITEMS

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

81. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Cox stated that he was the Chairman of the Vinters Valley Nature Reserve Trust which had raised objections to application 22/505560/FULL (Land at Newnham Court Way, Weavering, Kent). However, he had taken no part in the formulation of the Trust's representations and intended to speak and vote when the application was considered.

Councillor English stated that he was the Chairman of Detling Parish Council which had raised objections to application 22/505560/FULL (Land at Newnham Court Way, Weavering, Kent). However, he was not the Chairman when the representations were made as he had only recently been appointed to the Parish Council.

Councillor Springett stated that she was also a Member of Detling Parish Council which had raised objections to application 22/505560/FULL (Land at Newnham Court Way, Weavering, Kent). However, she was not a Member of the Parish Council when the representations were made.

82. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

13.	22/505560/FULL – Land at Newnham Court Way, Weavering, Kent	Councillors Cleator, Cox, English, Harwood, Holmes, Jeffery, McKenna, Munford, Parfitt-Reid, Russell, Spooner and Springett
15.	23/501635/FULL – Chickenden Barn, Chickenden Lane, Staplehurst, Tonbridge, Kent	Councillor Harwood
17.	23/501361/FULL – Ledian Farm, Upper Street, Leeds, Kent	Councillors Cox, Harwood, Jeffery, McKenna, Munford, Russell and Springett
18.	23/502128/FULL – Elmscroft Cottage, Charlton Lane, West Farleigh, Kent	Councillor Spooner
19.	21/504779/REM – Land North of Old Ashford Road, Lenham, Kent	Councillor Jeffery

83. EXEMPT ITEMS

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

84. MINUTES OF THE MEETING HELD ON 20 JULY 2023

RESOLVED: That the Minutes of the meeting held on 20 July 2023 be approved as a correct record and signed.

85. PRESENTATION OF PETITIONS

There were no petitions.

86. DEFERRED ITEMS

22/504433/FULL - RETROSPECTIVE APPLICATION FOR THE REPLACEMENT AND RECONFIGURATION OF PATIO TO THE REAR OF THE HOUSE WITH PROPOSED PRIVACY SCREEN; THE ERECTION OF A GAZEBO WITH SURROUNDING DECKING; THE ERECTION OF AN ORANGERY; AND THE PART CONVERSION OF THE INTEGRAL GARAGE TO A UTILITY ROOM AND WC (RE-SUBMISSION OF 22/500345/FULL) - 8 NETHERMOUNT, BEARSTED, MAIDSTONE, KENT

23/501579/FULL - CHANGE OF USE OF FORMER TELEPHONE EXCHANGE (SUI GENERIS) TO AN OFFICE (CLASS E(G)), INCLUDING ERECTION OF A SINGLE STOREY SIDE EXTENSION (RE-SUBMISSION OF 22/505768/FULL) - FORMER TELEPHONE EXCHANGE, ASHFORD ROAD, HOLLINGBOURNE, KENT

The Head of Development Management advised the Committee that negotiations were continuing in respect of both of these applications.

87. 22/505188/FULL - CHANGE OF USE OF LAND FROM AGRICULTURAL LAND TO RESIDENTIAL TO FACILITATE THE INSTALLATION OF A PROPOSED SWIMMING POOL AND ERECTION OF AN OUTBUILDING POOL HOUSE - CAM HILL, SOUTH LEES LANE, SOUTH GREEN, SITTINGBOURNE, KENT

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

Mrs Barnardo, the applicant, addressed the meeting.

During the discussion, reference was made to the need to review the policy provision relating to swimming pools.

RESOLVED:

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

The amendment of conditions 7 and 8 (Landscaping) to require ten-year protection for the landscaping rather than five-year protection.

The amendment of condition 7(b) to require double-staggered native hedgerows comprising 60-70% Hawthorn and Blackthorn plus other native species such as Guelder Rose.

The amendment of condition 10 (Enhancement of Biodiversity) to include reference to plants for pollinators and to require an area of chalk grassland to be established and managed appropriately with an informative regarding the use of the chalk spoil from the cut and fill works.

An additional condition requiring the submission of before and after contours and sections in connection with the proposed cut and fill works.

2. That the Head of Development Management be given delegated powers to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.
3. That the Landscape Officers be requested to consider the making of a Tree Preservation Order to protect trees around the boundaries of the site.

Voting: 11 – For 1 – Against 0 – Abstentions

88. 22/505560/FULL - ERECTION OF A NEW FOOD STORE (USE CLASS E(A)), WITH ACCESS, CAR AND CYCLE PARKING, LANDSCAPING AND ASSOCIATED WORKS - LAND AT NEWNHAM COURT WAY, WEAVERING, KENT

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

In introducing the application, the Principal Planning Officer wished to clarify that the application site was within the 'Medical' allocation part of Policy RMX1(1) of the Maidstone Local Plan 2017 and within the same allocation the Council was proposing to roll forward in the draft Local Plan Review. The applicant had circulated information stating that the site was not within the 'Kent Medical Campus' or 'KMC'. 'KMC' was the name the promoters of that site had given to the wider area and where there was an outline planning permission. The site was outside that planning permission but was within the 'Medical' allocation and the Local Plan 2017 allocation was paramount.

Mr McClellan, for the applicant, and Councillors Forecast, S Thompson, Hinder, Jones and Hastie (Visiting Members) addressed the meeting.

RESOLVED:

1. That permission be refused for the reasons set out in the report, as amended by the urgent update report, with the further amendment of reason 2 to reference the fact that the development is cramped within the site with insufficient space for landscaping which would be required to mitigate the impact of the development and mitigate the impact on ecology.
2. That delegated authority be given to the Head of Development Management to finalise the wording of amended reason 2 and to incorporate the relevant policies.

Voting: 11 – For 0 – Against 1 – Abstention

Note: Councillor Parfitt-Reid left the meeting at the conclusion of this application (7.55 p.m.).

89. 23/502100/FULL - PART CONVERSION OF EXISTING BARN AND ERECTION OF SINGLE STOREY SIDE EXTENSION TO CREATE A VISITOR CENTRE (RE-SUBMISSION OF 21/501538/FULL) - KINGS OAK FARM, CRUMPS LANE, ULCOMBE, KENT

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

Mrs Shalders, an objector, Councillor Diamond of Ulcombe Parish Council, and Mr Tamsett, for the applicant, addressed the meeting.

During the discussion on the application, Councillor McKenna stated that he knew the applicant. To avoid the appearance of bias, he would not participate in the discussion or the voting on the application.

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 the provision of new native hedging.

The amendment of condition 6 (External Lighting) to specify that any external lighting installed on the site shall only be operational during the hours that the Visitor Centre is open.

The amendment of condition 8 (Visitor Centre) to clarify that in weeks when public open days are not taking place (including outside the months of March to October), the Visitor Centre shall only be open for one pre-arranged school group visit per week.

The amendment of condition 14 (Soft Landscaping) to require double-staggered native hedging to screen the existing close-board fencing at the site entrance and double-staggered native hedging to screen the farm buildings from the south and west.

The amendment of the first line of condition 16 (Decentralised and Renewable or Low-Carbon Sources of Energy) to read:

The extension shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide ~~at least 10%~~ 100% of total annual energy requirements of the development have been submitted to and approved in writing by the Local Planning Authority.

2. That delegated powers be given to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Having stated that he knew the applicant, Councillor McKenna did not participate in the discussion and voting on the application.

90. 23/501635/FULL - CONVERSION OF EXISTING BARN TO RESIDENTIAL DWELLING, INCLUDING NEW ENTRANCE AND ACCESS DRIVE WITH ASSOCIATED PARKING (RE-SUBMISSION OF 22/501591/FULL) - CHICKENDEN BARN, CHICKENDEN LANE, STAPLEHURST, TONBRIDGE, KENT

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

In introducing the application, the Senior Planning Officer:

- Sought delegated authority to amend proposed condition 11 (Flood Resistance and Resilience Measures) to include the wider site as it only related to the building itself; and

- Advised the Committee that an additional representation had been received raising concerns about the safety of the access. This issue had been addressed in the Committee report, but the applicant could be required to submit sight lines for the access by way of a condition.

Ms Williams, an objector, Councillor Sharp of Staplehurst Parish Council, and Mr Jenner, for the applicant, addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

- Seek further arboricultural information on tree removal and the impact of the proposed development on retained trees (if any); and
- Negotiate with the applicant regarding the submission of an ecological method statement for the dredging of the ditch and pond given the potential to affect protected species.

Voting: 11 – For 0 – Against 0 – Abstentions

91. 23/501361/FULL - SECTION 73 - APPLICATION FOR MINOR MATERIAL AMENDMENT TO APPROVED PLANS CONDITION 2 (TO ALLOW INSTALLATION OF PHOTOVOLTAIC PANELS ON THE BUILDINGS WITHIN PHASE 2) PURSUANT TO 19/506387/FULL FOR ERECTION OF 44 NO. ASSISTED LIVING UNITS (CLASS C2) WITH ASSOCIATED PARKING AND LANDSCAPING (AMENDMENT TO OUTLINE PERMISSION MA/12/2046 AND RESERVED MATTERS CONSENT MA/17/501933/REM) - LEDIAN FARM, UPPER STREET, LEEDS, 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 with delegated powers given to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Holmes was not present during consideration of this application.

92. 23/502128/FULL - DEMOLITION OF EXISTING YURT AND ERECTION OF SINGLE STOREY ROUND HOUSE WITHIN THE CURTILAGE OF ELMSCROFT COTTAGE (RE-SUBMISSION OF 22/504104/FULL) - ELMSCROFT COTTAGE, CHARLTON LANE, WEST FARLEIGH, 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 with delegated powers given to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Holmes was not present during consideration of this application.

93. 21/504779/REM - APPROVAL OF RESERVED MATTERS WITH APPEARANCE AND SCALE BEING SOUGHT FOR 102 NO. RESIDENTIAL DWELLINGS PURSUANT TO 17/500357/HYBRID FOR HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION - ERECTION OF 48 DWELLINGS AND ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND OPEN SPACE. OUTLINE APPLICATION - ERECTION OF 102 DWELLINGS (ACCESS, LAYOUT AND LANDSCAPING TO BE SOUGHT) - LAND NORTH OF OLD ASHFORD ROAD, LENHAM, KENT

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

In introducing the application, the Principal Planning Officer sought delegated powers to enable the Head of Development Management to refine the conditions in line with standard practice if Members were minded to agree the recommendation.

RESOLVED:

1. That subject to:

- A. The prior completion and approval by the Planning Committee 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 and the additional condition set out in the urgent update report with the amendment of the relevant condition and informative to require the use of flint instead of Kentish ragstone,

the Head of Development Management be given delegated powers to grant permission and to be able to settle or amend the planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

2. That the legal agreement must be reported to the Planning Committee for approval as Members are concerned to ensure that the nutrient mitigation is appropriately secured, managed and maintained and to ensure any requirements for "additionality" are satisfied.

Voting: 10 – For 1 – Against 0 – Abstentions

94. 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 expressed the view that the decisions were disappointing. A review would be undertaken of the Inspector's decision to allow the appeal against refusal of application 22/505562/FULL (Change of use from 6-bedroom HMO (Class 4) to 7-bedroom HMO (Sui-Generis)) and the policy context relating to HMOs and the intensification of mainly terraced houses in areas such as Fant.

RESOLVED: That the report be noted.

95. COUNCILLOR STEVE MUNFORD

Councillor Munford, the Vice-Chairman, announced that after ten years this would be his last meeting of the Planning Committee. He had enjoyed the discussions and meeting new people.

The Head of Development Management, the representative of the Head of Legal Services and the Chairman responded to Councillor Munford's announcement, thanking him for his valued contribution and approach to the work of the Committee.

96. DURATION OF METING

6.00 p.m. to 9.40 p.m.