



BOXLEY PARISH COUNCIL
www.boxleyparishcouncil.org.uk

Beechen Hall, Wildfell Close, Walderslade, Chatham, Kent. ME5 9RU
☎ 01634 861237 ✉ clerk@boxleyparishcouncil.org.uk
Clerk Mrs Pauline Bowdery **Assistant Clerk** Mrs Melanie Fooks

A G E N D A

To All Members of the Council, Press and Public

There will be a meeting of the **Environment Committee** on **Monday 10 June 2019** at Beechen Hall, Wildfell Close, Walderslade ME5 9RU commencing at **7:30** pm when it is proposed to transact the following business:

Please note change in start time

1. **Apologies and absences** (7.30)
To receive and accept apologies for absence.
2. **Declaration of Interests, Dispensations, Predetermination or Lobbying** (7.31)
Members are required to declare any interests, dispensations, predetermination or lobbying on items on this agenda. Members are reminded that changes to the Register of Interests should be notified to the Clerk.
3. **Minutes of the Meetings 13 & 20 May 2019** (7.32)
To consider the minutes and if in order sign as a true record (previously circulated).
4. **Matters Arising from the Minutes** (7.33)
 - 4.1 Minute 3253/4.1 Yellow lines at junctions in Grove Green. See report (page 3).
 - 4.2 Minute 3253/4.2 Junction 3 M2. Waiting Government response to 10 MPs request for action on local infrastructure. Chased 31.05.19.
 - 4.3 Minute 3253/9 Litter bin New Cut Road. Request for a new bin submitted to MBC. Response awaited.
 - 4.4 Minute 3256/8.3 Crash Data. See report (page 3)
 - 4.5 Minute 3257/10 Land to rear of Tesco. Cllr Bob Hinder to contact the MP to see if she could help locate the owners. **Action: Cllr Bob Hinder.**
 - 4.6 Any other matters arising from the minutes not on the agenda.
- To adjourn to allow members of the public to address the meeting** (7.38)
5. **Planning Applications for Consideration - DECISION** (7.48)
To consider applications received. See report (page 3)
6. **Planning Decisions, Appeals and Appeals Decisions - INFORMATION** (8.00)
To receive and consider any information. See reports (page 4).
7. **Development Popes Field, Weaving - INFORMATION** (8.08)
To update members on the situation. See report (pages 4-8)
8. **Highways and Byways - DECISION** (8.15)
To consider any issues raised at the meeting.
 - 8.1 Highway Improvement Plan (HIP)/Infrastructure Spend Plan (ISP)/BPC Wish List. See report and enclosure (pages 8-9).
 - 8.2 KCC soft landscaping work programme. See report (page 9).

8.3 Road naming on development on land west of Eclipse Park, Sittingbourne Road,
See report (page 9).

9. **Policy and Procedures - REVIEW** (8.22)
Review Planning Responses that are available to the committee to respond to planning applications. See report (page 9).
10. **Members and Officer's Reports** (8.25)
To receive any reports or notification of issues from members.
11. **Volunteer Groups - INFORMATION** (8.30)
To receive any reports.
12. **Matters for Information – INFORMATION** (8.38)
To receive any information. See report (page 10).
12.1 Medway Household Waste Recycling Centres
12.2 Changes to Permitted Development See report (pages 10-11).
12.3 KCC Tree work Walderslade Woodlands. See report (page 11).
13. **Items for Next Agenda - DECISION** (8.45)
Requests for items to be included on the agenda to be submitted no later than 3 June.
14. **Next Meeting** (8.48)
Next full Environment Committee meeting 8 July 2019 at Beechen Hall commencing at 7:30pm.

In view of the confidential nature (personal details and data) on the item about to be transacted, it is advisable that the public and press will be excluded from the meeting for the duration of or part of the item.

15. **Enforcement and Section 106 updates from MBC** (8.50)
To receive any updates received.

Pauline Bowdery

Pauline Bowdery
Clerk to Boxley Parish Council

Date: 3 June 2019

In accordance with policy the meeting should close no later than 9:30pm but the Chairman has devolved powers to extend it by 30 minutes.

Items to be returned to agenda: July Walderslade Woods Crash Data.
return if any fundamental changes.

Legislation allows for meetings to be recorded by anyone attending. Persons intending to record or who have concerns about being recorded should please speak to the Clerk.

Supporting agenda papers for the Environment Committee Meeting 10 June 2019. The Chairman will assume that these have been read prior to the meeting.

Councillors wishing to suggest changes to any policy or procedure document in this agenda should notify the office, in writing, at least three working days in advance of the meeting to allow details to be circulated at the meeting (or in advance if particularly contentious).

Item 4 Matters Arising from the Minutes – INFORMATION/DECISION

- 4.1 Yellow lines at junctions in Grove Green. KCC are not planning any additional yellow lines or any form of parking restrictions at Grove Green. KCC will not release the KIMS S106 money to pay for any parking restrictions until it is clear what problems might arise from continual development at the KMC site. Unless requests for yellow lines are supported by personal injury statistics, which is not the case at Grove Green, KCC will not fund them. See item 8.1
- 4.4 Crash Data. County Councillor Paul Carter has been contacted concerning the lack of information. As it appears the DFT has to approve the release of the data a FoI request has been submitted to that department.

Item 5 Planning Applications for Consideration - DECISION

Ratifications.

19/502224/OUT Outline Application with access, layout and scale matters reserved for demolition of existing cattery and outbuildings and erection of a detached 3 bed dwelling house with access and parking. Lavender Cottage Bearsted Road Weaving ME14 5LD.

To **ratify** the Clerk's decision, after consulting members.

wish to object to the above application and report it to the planning committee for the reasons set out below:

- The location and siting of the proposed 3 bed dwelling house.
- The proximity to the properties to the north (ie Primrose Cottage and Holly House)
- Orientation of the site and spatial relationship with the said curtilages:

The proposed 3-bedroom dwelling house is likely to cause serious harm to residential amenities of occupiers of the affected curtilages by the sheer bulk of the property and being overbearing and intrusive, which is unacceptable. Concerns were also raised about the loss of daylight/sunlight through overshadowing.

Decisions

19/502589/TPO Application Sweet Chestnut Tree (T1) - to be reduced in height by 50% to 5m due to excessive shading and concerns that it is getting too big for the proximity to property. 14 Greensands Boxley Chatham Kent ME5 9DQ. Deadline 14 June 2019.

19/501529/TPOA – TPO Application to reduce one large Oak tree from a height of 20m to 17m and an overall spread of 5.5m: reduce one large Beech tree from 23m to 19m, overall spread of 6.5 – 7m; remove any diseased/deadwood and any crossing branches. Remove split hung up branches and stub growth at 49 Olivine Close, Walderslade ME5 9NQ. Deadline 18 June 2019.

19/502254/FULL Conversion of garage into bedroom with insertion of side window and replacement of garage door with bay window. 28 Wingrove Drive Weaving Maidstone Kent ME14 5SP. Deadline 21 June 2019.

19/500417/FULL Erection of a retaining wall (Retrospective). Hillside Harbourland Close Boxley Maidstone Kent ME14 3DP. Deadline 21 June 2019

Item 6 Planning Decisions, Appeals and Appeals Decisions

- 6.1 18/500535 Retrospective Planning application for erection of a detached garage, stores and workshop. Cossington Fields Farm, Bell Lane, Walderslade. REFUSED BY MBC.. Reason: The development, by virtue of its scale, poor design and exposed location, does not conserve or enhance the local character and distinctiveness of the Kent Downs Area of Outstanding Natural Beauty, causing unacceptable harm to the character and appearance of the countryside hereabouts. By introducing inappropriate urbanising development in the area, the development is contrary to policies SS1, SP17, DM1, DM3, DM30, DM37 of the Maidstone Local Plan (2017), the National Planning Policy Framework (2018), policies SD1, SD2, SD3 and SD9 of the Kent Downs AONB Management Plan (2014-2019), and the Maidstone Landscape Character Assessment & Supplement (2012) and Landscape Capacity Study: Sensitivity Assessment (2015).

Note 18/504144 replacement barn workshops at the site. Permitted.

- 6.2 Application No: 18/506119/FULL Appeal Ref(s): APP/U2235/D/19/3228655. Construction of a double garage with pitched roof. 22 Gleaners Close Weaving Maidstone. WRITTEN APPEAL.
The parish council did not object to the planning application.
Reasons for MBC Refusal
The Council hereby **REFUSES** Planning Permission for the above for the following Reason(s):
(1) Due to its excessive scale and height, in combination with its proposed location a significant distance from the host dwelling, the proposed garage would be completely out of keeping with the character of garages in its immediate surroundings, and would appear as an incongruous and obtrusive feature that would erode the gap in built development at the head of the cul-de-sac, thereby causing harm to the character and appearance of the street-scene in Gleaners Close. Its excessive scale and height in combination with its proposed location a significant distance from the host dwelling would also mean that it would appear obtrusive and incongruous in public views from Grovewood Drive South and Provender Way, which would be harmful to the Grovewood Drive South street-scene. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the guidance on page 28 of the Council's adopted residential extensions SPD, and central government planning policy with regard to good design as set out in The National Planning Policy Framework (July 2018).
- 6.3 18/503492/OUT Outline application for erection of a care home (Use Class C2) with access to Bearsted Road including landscaping, parking and associated works. Matters of appearance, landscaping, layout and scale are reserved for future consideration. Land At Junction Of New Cut Road And Bearsted Road Weaving Kent
The Council hereby **REFUSES** Outline Planning Permission for the above for the following reason(s):
(1) The proposed development, by reason of the proposed height, scale, including mass and bulk, design, proportions and layout would appear as a cramped development in this prominent location that would be harmful to the character and appearance of the area. As such it would conflict with the National Planning Policy Framework 2018 and Policies DM1, DM3 and DM14 of the Maidstone Borough Local Plan (2017) to the extent that those policies seek to provide sustainable development that provides a high quality design that responds to the landscape value of an area.

Item 7 Development Popes Field, Weaving - INFORMATION

The Chairmen of Boxley Parish Council and Bearsted Parish Council investigated and reviewed the situation. A Secretary of State call-in has strict conditions and in this case could not be used to force a review. It was felt that KCC might have a legal option to challenge the decision, due to the exclusion of condition 19, however KCC has taken no action.




The two schools planning permission decision notice and the Section 106 agreement were signed on 6 May.

The only option left open to the community to challenge the Planning Committee decision was a judicial review, however, this can only consider the lawfulness of a decision and test whether it was legally right or wrong. The best outcome is that a bad decision will be quashed and returned to the relevant authority who must then make a fresh decision. The same decision may be made by the LPA again as long as it is then made lawfully. This would be a costly avenue to follow especially as the investigator would probably heavily rely on the responses from the Legal and Monitoring Offices of MBC. The Chief Executive of MBC was directly approached with a request to have the Monitoring Officer investigate whether any MBC policies or procedures had been broken during the lead up to the Maidstone Planning Committee Meeting, questions were also asked about the way meeting was conducted.

After considering the following response it was felt that any action to have a judicial review would be pointless.

Maidstone Borough Council

Maidstone House,
King Street,
Maidstone, Kent ME15 6JQ

-  maidstone.gov.uk
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PRIVATE AND CONFIDENTIAL

Mr B Hinder
Boxley Parish Council
Beechen Hall
Wildfell Close
Chatham
Kent
ME5 9RU

And by email: Clerk@boxleyparishcouncil.org.uk

Please ask
for:

Telephone: 13 May 2019

Date:

Email:

Dear Mr Hinder

Your letter dated 8 May has been referred to me. As required, outlined below are the responses to the questions raised.

1) Is there MBC policy/procedure/guidance on the Chairman’s role or the standard required whilst chairing a meeting?

The powers and duties of the Chairman of a committee of the Council are outlined under paragraph 1.10 of the Council’s Constitution.

The Code of Conduct for Councillors (Part 4 of the Constitution) is also relevant to the standard required whilst conducting the role of the Chairman of the Planning Committee; and generally in any action taken as a Councillor.

The powers and duties of the Chairman of the Planning Committee include:

- Responsibility for the proper conduct of meetings;
- A power to exercise a second (casting) vote in the event of an equality of votes on any matter;
- A duty to sign the minutes of the previous meeting;
- A power to agree to the addition of a late item of business to the agenda if s/he believes that it needs to be considered as a matter of urgency;
- To respond to questions or comments raised by Councillors at the Council meeting relating to decisions of the Committee; and

- To respond to questions raised by members of the public at Council and Committee meetings.”

2) Would a Legal Officer, present at any meeting, stop the discussion/decision if MBC policy/procedure were being breached?

The legal officer in attendance at the Planning Committee can provide guidance to the Planning Committee, the Chair and Officers regarding adherence to procedural requirements. Having considered the minutes, the legal officer had no cause to provide such guidance when these applications were considered.

3) What discussions on the order that the applications should be taken on the agenda took place prior to the agenda being agreed?

The Head of Planning and Development recommended the order of the agenda in relation to the Planning Committee on 25 April 2019. Generally, under the Council's Constitution, the Chief Executive and Head of Planning and Development have delegated power to undertake planning functions unless otherwise specified in the Constitution – Part 2.2.7. These officers therefore make arrangements regarding arranging the agenda.

4) Who has the final say in the order that items appear on the agenda?

The Head of Planning and Development (or an Officer from Planning Service) would normally agree this with the Chair and Vice Chair. This was the case for these applications.

The order of the agenda may be changed for expediency eg to consider applications earlier where members of the public are in attendance and to avoid delaying them.

5) Was any form of legal advice sought or given on what should be the order of the planning application on the agenda?

No.

6) If legal advice was not sought, was the order decision solely that of the Chairman or was a recommendation made by the planning department?

Please note the response to question 4.

7) Why was the Legal Officer's recommendation to delay the decision making process on these two planning applications, given so late?

The Monitoring Officer provided general guidance relating to pre-election publicity in March 2019 ahead of the May Council Elections. The Government's code of Recommended Practice on Local Authority Publicity provides that: "During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members".

Planning Service instructed that these applications be included on the agenda for the Planning Committee for the 25 April Planning Committee which happened. Following publication, it came to the Monitoring Officer's attention that a significant number of

representations had been made regarding the Popesfield application together with lobbying of members to include Planning Committee members.

The Local Planning Authority has an obligation to ensure that consideration of applications is not compromised. In light of the significant interest, lobbying and the controversial nature of the applications, particularly during the pre-election period, the monitoring officer recommended delaying consideration of the applications until after the May local election.

The Monitoring Officer also provided guidance to the Head of Planning and Development, relevant planning officers and the Chair of Planning Committee that in the event that the Planning Committee decides to consider the application (having considered the recommendation of the monitoring officer), the Planning Committee had an obligation to ensure that the application be considered taking into account the requirements of the Development Plan and other material considerations.

Whilst the Head of Planning and Development recommended that the applications be delayed until after the election, the Planning Committee members elected to proceed to determine the application taking into account guidance provided to the Committee and representations made by objectors and those in support. I am informed by Officers in attendance to include the legal officer, that the Planning Committee considered the application appropriately in line with the Council's procedures and statutory requirements. I have also reviewed the Minutes of the meeting.

I hope that the above clarifies the matters raised. However, please contact me should further information be required.

Yours sincerely



Head of Legal Partnership & Monitoring Officer
Maidstone Borough Council

Item 8 Highways and Byeways- INFORMATION AND DECISION

8.1 Highway Improvement Plan (HIP)/Infrastructure Spend Plan (ISP)/BPC Wish List.

The parish office will be undertaking the conversion of the council's current wish list to one that is acceptable to MBC and which is open and transparent for residents etc. This document will play a role in dealing with any highway projects requests suggested by residents and so it is considered that whilst this work is undertaken the Environment Committee is kept informed of any issues being brought to the parish office's attention and for the committee to decide what interim action should be taken.

There is also a need to agree how to inform residents of the KCC system and how to manage inquiries. A draft public informative document has been submitted to members as an enclosure and this could be sent to any resident who makes a request.

The following are requests that are not yet on the PC wishlist.

- Westfield Sole Road request for RTO to only allow HGVs to access the Bredhurst Industrial Area. Also, a request for the installation of Do Not Follow SatNav signs. Request by Environment Committee and KCC are requesting that a Highway Improvement Plan is completed Suggested action – add to current wish list.

- Yellow lines or similar request. Requests from residents and KCC are refusing to fund any. Suggested action. Acknowledge any request forward the suggested informative note – record request to go on HIP.
- Impton Lane, parking from hospital. Somerfield hospital, Maidstone has closed and more patients are using the Alexandra hospital, parking is now back to Bracken Hill. A resident has suggested making Impton Lane one way.

8.2 KCC Soft Landscaping Work Programme.

BROWNELOW COPSE, WALDERSLADE, KENT. Whole Site Tree Feature. Verge on right hand side when turning in to Brownelow from Boxley Road. Brush cut/ strim ground cover ivy, bramble nettle, sever ivy and climbers on individual trees and chip up fallen broken branches - dead ivy covered trees to be felled and stacked neatly on site (Vegetation obstructing vis).

Lots of work is also planned on Bearsted Road on the verges opposite Eclipse Park.

8.3 Road naming on development on land west of Eclipse Park, Sittingbourne Road.

The Parish Council is asked to submit a name for the road in the development, Royal mail can veto any proposed name if it is obscene to the name is closely related to a local road. The developer has suggested Mawdistley or Best.

Clerk's note: a check of some older plans only show the name of the Chiltern Hundreds and Heath Wood. This site is adjacent to Penenden Heath which is famous for its connection to the Peasants Revolt of 1381, a direct revolt against wage freezes and the poll tax. During one of the skirmishes, the leader of the revolt, Wat Tyler, led a mob of protestors from Penenden Heath down to Union Street and into Maidstone, before marching on London to confront Richard II. Members may wish to commemorate this show of people power by choosing a name to reflect this major incident in English history e.g. Wat Tyler Way/Gardens/Drive/Close.

MBC states that names should have local geographical, historical or cultural relevance to the site. It is not permitted to name roads after anyone living or after someone recently deceased. Written permission is required from the surviving relative's (if applicable) to name a road after someone who is deceased.

Reason for the developers suggestion of road name

The Persimmon development takes place on land which was formerly part of the Boxley Estate. The land was purchased from the Best – Shaw Family Trust.

The Boxley estate was purchased by James Best in 1719 and when the motorway was built in about 1962, Heath Wood and the adjoining fields, of which this development is one, were separated from the rest of the land.

The Best family owned a brewery in Chatham. Mawdistley Best was born on 23 August 1826 and died on 14 July 1906 aged 79. Mawdistley inherited the Boxley estate in 1849. He was a major in the 34th Regiment of Foot, serving in Crimea, where he was the only officer left alive after one bloody battle. He fought in the Siege of Sebastopol and the assault on Reddan.

In 1860 he returned to live at Boxley, building Park House in the village in the 1870s. He is remembered as a benevolent landlord and employer and apart from hosting social functions, he and his wife Kitty organised fetes, school treats and outings for the estate employees. He held the office of Justice of the Peace for Kent and held the office of High Sheriff of Kent in 1881.

He died in 1906 and the fulsome obituaries described him as a "typical English gentleman, an outdoor man with a kindly and charitable disposition and with a keen agricultural knowledge".

Item 9 Policy and Procedures - INFORMATION

Review Planning Responses that are available to the committee to respond to planning applications. Clerk's note. These are the blue laminated documents taken to environment committee meetings that list the possible Material Planning Reasons. Do members still wish to review the MBC list every two years?

Item 12 Matters for Information - INFORMATION

12.1 **Medway Household Waste Recycling Centres.** These now will be open to KCC residents, for a period of up to 18 months, during this time Medway Council will monitor the usage by KCC residents. All users will be required to show proof of ID/address.

12.2 **Changes to Permitted Development. KALC e-mail (16/05/19)**

Dear Member Councils

Government response to consultation on Planning Reform: Supporting the high street and increasing the delivery of new homes

The government has published its response to its consultation on proposals to create and extend permitted development rights to support the high street and deliver new homes, which closed on 14 January (see

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799220/Government_Response_to_Planning_Reform_Consultation.pdf). Following the feedback from the consultation, the government has indicated that it will:

- extend permitted development rights and use classes—this includes plans to: allow greater flexibility for change of use, use the airspace above existing buildings for additional new homes and extensions, remove the right to install new public call boxes and the associated advertising consent, increase the height threshold for the installation of off-street electric vehicle charging point and make permanent other existing time-limited rights
- consider the responses to extend local authorities' freedoms to dispose of surplus land at less than best consideration without seeking consent from the Secretary of State, thereby providing greater flexibility to dispose of surplus land in support of local development objectives. The government will announce the way forward 'in due course'
- make the first listed building consent order which will allow minor, routine works to the Canal & River Trust's listed waterway structures without the need for individual listed building consent applications. This will be done 'as soon as parliamentary time allows'
- publish a final version of draft guidance on the compulsory purchase powers of new town development corporations. This sets out, amongst other things, the factors which ministers will take into account when deciding whether or not to confirm new town compulsory purchase orders. This is intended to provide additional clarity to those with an interest in proposed new settlements, including promoters, investors, infrastructure providers, landowners and local communities

The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019

The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019, [SI 2019/907](#) bring into force some of the proposals outlined in the consultation response above in England from 25 May 2019.

Provisions include:

- making permanent the existing temporary right to enlarge a dwellinghouse by up to eight metres in the case of a detached dwellinghouse or by 6 metres in the case of any other dwellinghouse, as permitted by Class A of Town and Country Planning (General Permitted Development) (England) Order (the GPDO), [SI 2015/596, Sch 2, Pt 1](#) and removing the time limiting date of 30 May 2019

- increasing the height limit of electrical upstands and outlets for recharging electric vehicles to 2.3 metres
- introducing a new permitted development right allowing the change of use of a building falling within Class A1 (shops), Class A2 (financial and professional services), or Class A5 (hot food takeaways) of the Town and Country Planning (Use Classes) Order 1987 (the UCO), [SI 1987/764, Sch](#) or a betting shop, pay day loan shop or launderette, to a use falling within Class B1(a) (offices) of that Schedule
- extending Class M of the GPDO, [SI 2015/596, Sch 2, Pt 3](#) (retail and specified sui generis uses to dwellinghouses) to permit buildings with a use falling within Class A5 (hot food takeaways) of the UCO to also change use to a dwellinghouse
- extending the GPDO, [SI 2015/596, Sch 2, Pt 4](#), Class D (shops, financial, cafes, takeaway etc to temporary flexible use) to include certain Class D1 (non-residential institutions) uses of the UCO as a permitted temporary flexible use and extending the period of time that a building can be in a temporary flexible use from two to three years
- removing permission for the installation, alteration or replacement of a public call box by, or on behalf of an electronic communications code operator
- removing deemed consent to display an advertisement on the glazed surface of a telephone kiosk

12.3 KCC Tree work Walderslade Woodlands. Confirmation has been received from KCC that any work contracted out by them normally has a requirement that any left logs are stacked neatly. If an untidy stack is reported to KCC they will investigate. This information has been forwarded on to WWG.