

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE REMOTE MEETING HELD ON 28 MAY 2020

Present: Councillor English (Chairman) and
Councillors Adkinson, Brindle, Chappell-Tay, Eves,
Harwood, Kimmance, Munford, Parfitt-Reid, Perry,
Spooner, Vizzard and Wilby

Also Present: Councillors Harper, McKay, Newton, Purle and
Springett

257. APOLOGIES FOR ABSENCE

There were no apologies for absence.

258. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

259. NOTIFICATION OF VISITING MEMBERS

Councillors Harper, McKay, Newton and Springett had given notice of their wish to speak on the reports of the Head of Planning and Development relating to applications 19/501600/OUT and 19/506182/FULL – Land West of Church Road, Otham, Kent and were present at the meeting.

Councillor Newton had also given notice of his wish to speak on the report of the Head of Planning and Development relating to application 19/503342/FULL – Bramley, Otham Street, Otham, Maidstone, Kent.

Councillor Purle had given notice of his wish to speak on the reports of the Head of Planning and Development relating to applications 20/500153/FULL and 20/500154/LBC – 1 Rocky Hill Terrace, Terrace Road, Maidstone, Kent, and was present at the meeting.

Councillor Young had given notice of her wish to speak on the reports of the Head of Planning and Development relating to applications 19/501600/OUT and 19/506182/FULL – Land West of Church Road, Otham, Kent, but was unable to attend the meeting.

260. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

261. URGENT ITEMS

The Chairman said that, in his opinion, the update reports of the Head of Planning and Development and any 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.

262. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 20/500202/ADV (Advertisement on Land at Coldred Road, Maidstone, Kent), Councillor Munford said that he was the Chairman of Boughton Monchelsea Parish Council. However, he had not participated in the Parish Council's discussions regarding the application and intended to speak and vote when it was considered.

With regard to the reports of the Head of Planning and Development relating to applications 19/501600/OUT and 19/506182/FULL (Land West of Church Road, Otham, Kent), Councillor Spooner said that he was a Member of Bearsted Parish Council. However, he had not participated in the Parish Council's discussions regarding the applications and intended to speak and vote when they were considered.

263. DISCLOSURES OF LOBBYING

All Members except Councillor Adkinson said that they had been lobbied on the reports of the Head of Planning and Development relating to applications 19/501600/OUT and 19/506182/FULL (Land West of Church Road, Otham, Kent) and application 19/503342/FULL (Bramley, Otham Street, Otham, Maidstone, Kent).

Councillor Adkinson said that he had been lobbied on the reports of the Head of Planning and Development relating to applications 19/501600/OUT and 19/506182/FULL (Land West of Church Road, Otham, Kent).

264. EXEMPT ITEMS

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

265. MINUTES OF THE MEETING HELD ON 21 MAY 2020

RESOLVED: That the Minutes of the meeting held on 21 May 2020 be approved as a correct record and signed.

266. PRESENTATION OF PETITIONS

There were no petitions.

267. DEFERRED ITEM

19/503584/FULL - CREATION OF ALTERNATIVE ACCESS ACROSS EXISTING DRAINAGE DITCH WITH IMPROVED DRAINAGE - KINGSBROOKE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

The Development Manager said that he anticipated that this application would be reported to the next meeting of the Committee scheduled to be held on 25 June 2020.

RESOLVED: That the position be noted.

268. 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

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

In presenting the application, the Principal Planning Officer advised the Committee that:

- The previous day he had been sent details of an on-line petition objecting to development at Church Road, Otham. The petition showed 1,386 supporters and this may have increased since then.
- In terms of the request by the Chapman Avenue Area Residents' Association and Otham Parish Council for the application to be called in by the Secretary of State, he had received a communication from the Government's Planning Case Work Unit advising that they had received the request and would consider their position should the Council agree to grant permission.
- Further representations had been received but they did not raise any new material issues in relation to the application.

The Chairman read out statements which had been submitted by Mr Everett of the Downswood Community Association (an objector), Councillor Gray of Otham Parish Council, Councillor Weeks of Downswood Parish Council and Mr Goodban (agent for the applicant).

Councillors Newton, Harper, McKay and Springett (Visiting Members) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, it was proposed and seconded that permission be refused for the following reasons:

- (a) The proposal will result in severe traffic congestion on local road networks (Deringwood Drive, Spot Lane, Mallards Way and

Madginford Road) and the increase in traffic will adversely affect residents to the point that air pollution is beyond what is reasonable for the Council to accept contrary to Policies H1(8) criteria 9, DM1 and DM6 of the Maidstone Borough Local Plan 2017;

- (b) The proposal will result in worsening safety issues on Church Road to the south of the site which has not been addressed and due to the constraints of the road likely will never be able to be addressed contrary to policy DM1 of the Maidstone Borough Local Plan 2017; and
- (c) The proposal will adversely affect the settings of the Grade I listed Church and other listed buildings contrary to Policies SP18 and DM4 of the Maidstone Borough Local Plan 2017 where the development will not be protecting or enhancing the characteristics, distinctiveness, diversity and quality of the heritage assets.

Prior to the vote being taken, the Principal Planning Officer advised the Committee that a refusal on the first ground would be unreasonable. It referred to air pollution and evidence had been submitted that there would be a negligible impact on air quality and this was agreed by Maidstone Borough Council Environmental Health. A refusal on the grounds of the safety issues on Church Road would be unreasonable for the reasons set out in the report and the limited one additional movement per minute from the development over the peak hour. The proposed reason for refusal on heritage grounds would also be unreasonable for the reasons set out in the report and this was an outline application. The site had been assessed at the Local Plan Examination and the site allocation policy had criteria to mitigate the impact. In summary, the proposed reasons for refusal were unreasonable and there was a risk of significant costs being awarded against the Council at appeal.

The representative of the Head of Legal Partnership advised the Committee that she agreed with the advice provided by the Principal Planning Officer in that it was unlikely that the proposed grounds for refusing permission could be sustained at appeal and that the Council would be at significant risk of an award of significant costs against it at appeal.

In line with the provisions of the Council's Constitution, the Head of Planning and Development informed the Committee that based on the advice provided by the Principal Planning Officer and the representative of the Head of Legal Partnership he was giving a costs warning. If the Committee agreed to refuse permission on the grounds proposed, then for the reasons previously specified by the Officers the decision would not be implemented but deferred until the next meeting of the Committee in line with paragraph 30.3 (a) of Part 3.1 of the Council's Constitution and paragraph 17 (a) of the Local Code of Conduct for Councillors and Officers Dealing with Planning Matters (Part 4.4 of the Constitution).

RESOLVED: That permission be refused for the following reasons:

1. The proposal will result in severe traffic congestion on local road networks (Deringwood Drive, Spot Lane, Mallards Way and Madginford Road) and the increase in traffic will adversely affect residents to the point that air pollution is beyond what is reasonable for the Council to accept contrary to Policies H1(8) criteria 9, DM1 and DM6 of the Maidstone Borough Local Plan 2017.
2. The proposal will result in worsening safety issues on Church Road to the south of the site which has not been addressed and due to the constraints of the road likely will never be able to be addressed contrary to policy DM1 of the Maidstone Borough Local Plan 2017.
3. The proposal will adversely affect the settings of the Grade I listed Church and other listed buildings contrary to Policies SP18 and DM4 of the Maidstone Borough Local Plan 2017 where the development will not be protecting or enhancing the characteristics, distinctiveness, diversity and quality of the heritage assets.

In accordance with Council Procedure Rule 22.4, three Members of the Committee requested that the names for and against or abstaining from the voting be recorded in the Minutes.

Voting:

FOR (6): Councillors Adkinson, English (Chairman), Eves, Parfitt-Reid, Perry and Spooner,

AGAINST (6): Councillors Chappell-Tay, Harwood, Kimmance, Munford, Vizzard and Wilby

The Chairman exercised his casting vote in favour of refusal.

Note: Councillor Brindle did not participate in the voting as she had missed some of the discussion due to connectivity issues.

DECISION DEFERRED UNTIL THE NEXT MEETING OF THE PLANNING COMMITTEE PURSUANT TO PARAGRAPH 30.3 (a) OF PART 3.1 OF THE COUNCIL'S CONSTITUTION AND PARAGRAPH 17 (a) OF THE LOCAL CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS (PART 4.4 OF THE CONSTITUTION).

269. 19/506182/FULL - RESIDENTIAL DEVELOPMENT FOR 421 DWELLINGS WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, OPEN SPACE AND LANDSCAPING - LAND WEST OF CHURCH ROAD, OTHAM, KENT

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

In presenting the application, the Principal Planning Officer advised the Committee that:

- He wished to correct information contained in the urgent update report published on Tuesday 26 May 2020. The Bearsted and Thurnham Society had referred to protecting open spaces by Deed and the Officer comment was that this would be dealt with under reserved matters. This was incorrect as the application was a full one and the intention of recommended condition 6 was to secure these open spaces in perpetuity.
- An on-line petition had been received objecting to development at Church Road, Otham and a number of additional representations had been received but again they did not raise any new material issues relating to the application.

The Chairman summarised statements which had been submitted by Mr Hatcher of the Chapman Avenue Area Residents' Association (an objector), Councillor Gray of Otham Parish Council, Councillor Weeks of Downswood Parish Council and Mr Goodban (agent for the applicant).

Councillors Harper, McKay and Springett (Visiting Members) addressed the meeting. Councillor Newton did not address the meeting due to connectivity issues.

It was proposed and seconded that subject to the prior completion 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, the Head of Planning and Development be given delegated powers to (a) grant permission subject to the conditions and informative set out in the report; (b) seek to assimilate as good cycle links as are possible particularly in the north east part of the site; and (c) add further informatives relating to pile driving operations near to listed buildings and the minimum 10% of renewables within the development.

Contrary to the recommendation of the Head of Planning and Development, an amendment was proposed and seconded that permission be refused for the following reasons:

- (a) The proposal will result in severe traffic congestion on local road networks (Deringwood Drive, Spot Lane, Mallards Way and Madginford Road) and the increase in traffic will adversely affect residents to the point that air pollution is beyond what is reasonable for the Council to accept contrary to Policies H1(8) criteria 9, DM1 and DM6 of the Maidstone Borough Local Plan 2017;
- (b) The proposal will result in worsening safety issues on Church Road to the south of the site which has not been addressed and due to the constraints of the road likely will never be able to be addressed contrary to policy DM1 of the Maidstone Borough Local Plan 2017; and
- (c) The proposal will adversely affect the settings of the Grade I listed Church and Grade II listed Church House contrary to Policies SP18 and DM4 of the Maidstone Borough Local Plan 2017 due to the visual

effect of the whole development in both long and short term views and the development will not be protecting or enhancing the characteristics, distinctiveness, diversity and quality of the heritage assets.

In accordance with Council Procedure Rule 22.4, three Members of the Committee requested that the names for and against or abstaining from the voting be recorded in the Minutes.

The voting on the amendment was as follows:

FOR (9): Councillors Adkinson, Brindle, Chappell-Tay, English (Chairman), Eves, Kimmance, Parfitt-Reid, Perry and Spooner

AGAINST (3): Councillors Harwood, Munford and Wilby

ABSTENTION (1): Councillor Vizzard

Prior to the vote being taken on the substantive motion, the Principal Planning Officer advised the Committee that as previously the proposed grounds relating to highway and air quality issues were considered to be unreasonable, not sustainable at appeal and could lead to significant costs being awarded against the Council. In terms of the proposed reason for refusal on heritage grounds, the proposal complied with the site policy requirements to protect the setting of the listed buildings and was not sustainable. He also considered that it was unreasonable that the whole of the development was considered to harm the setting and there was no apparent balancing exercise of that harm against the benefits.

The representative of the Head of Legal Partnership advised the Committee that she agreed with the advice provided by the Principal Planning Officer that the proposed grounds for refusing permission were unreasonable, would be unsustainable at appeal and that the Council would be at significant risk of an award of significant costs against it.

In line with the provisions of the Council's Constitution, the Head of Planning and Development informed the Committee that based on the advice provided by the Principal Planning Officer and the representative of the Head of Legal Partnership, he was giving a costs warning. If the Committee agreed to refuse permission on the grounds proposed, then for the reasons previously specified by the Officers the decision would not be implemented but deferred until the next meeting of the Committee in line with paragraph 30.3 (a) of Part 3.1 of the Council's Constitution and paragraph 17 (a) of the Local Code of Conduct for Councillors and Officers Dealing with Planning Matters (Part 4.4 of the Constitution).

RESOLVED: That permission be refused for the following reasons:

1. The proposal will result in severe traffic congestion on local road networks (Deringwood Drive, Spot Lane, Mallards Way and Madginford Road) and the increase in traffic will adversely affect residents to the point that air pollution is beyond what is reasonable

for the Council to accept contrary to Policies H1(8) criteria 9, DM1 and DM6 of the Maidstone Borough Local Plan 2017.

2. The proposal will result in worsening safety issues on Church Road to the south of the site which has not been addressed and due to the constraints of the road likely will never be able to be addressed contrary to policy DM1 of the Maidstone Borough Local Plan 2017.
3. The proposal will adversely affect the settings of the Grade I listed Church and Grade II listed Church House contrary to Policies SP18 and DM4 of the Maidstone Borough Local Plan 2017 due to the visual effect of the whole development in both long and short term views and the development will not be protecting or enhancing the characteristics, distinctiveness, diversity and quality of the heritage assets.

Voting:

FOR (9): Councillors Adkinson, Brindle, Chappell-Tay, English (Chairman), Eves, Kimmance, Parfitt-Reid, Perry and Spooner

AGAINST (3): Councillors Harwood, Munford and Wilby

ABSTENTION (1): Councillor Vizzard

DECISION DEFERRED UNTIL THE NEXT MEETING OF THE PLANNING COMMITTEE PURSUANT TO PARAGRAPH 30.3 (a) OF PART 3.1 OF THE COUNCIL'S CONSTITUTION AND PARAGRAPH 17 (a) OF THE LOCAL CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS (PART 4.4 OF THE CONSTITUTION).

Councillors Harwood and Wilby left the meeting after consideration of this application (9.22 p.m.).

270. 20/500202/ADV - ADVERTISEMENT CONSENT FOR 1 NO. FREE STANDING DIRECTIONAL SIGN - ADVERTISEMENT ON LAND AT COLDRED ROAD, MAIDSTONE, KENT

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

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

Voting: 11 – For 0 – Against 0 – Abstentions

271. 19/503342/FULL - RETENTION OF DWELLING FOOTPRINT AS BUILT WITH ALTERATIONS TO THE ROOF - BRAMLEY, OTHAM STREET, OTHAM, MAIDSTONE, KENT

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

The Chairman read out statements which had been submitted by Councillor Hipkins of Otham Parish Council and Mr Stratulat (the applicant).

Councillor Newton (Visiting Member) addressed the meeting.

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 secure the Heads of Terms set out in the report; AND

(b) The conditions and informative set out in the report,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms in line with the matters set out in the recommendation and as resolved by the Planning Committee including agreeing the timeframe for the completion of the proposed works in their entirety.

Voting: 9 – For 2 – Against 0 – Abstentions

272. 20/500153/FULL - CHANGE OF USE FROM 42 FLATS OCCUPIED BY THE ELDERLY AND WARDEN FLAT TO 35 RESIDENTIAL DWELLINGS, COMPRISING 15 STUDIO APARTMENTS, 6 ONE BEDROOM AND 14 TWO BEDROOM APARTMENTS INCLUDING REFURBISHMENT OF THE EXISTING BUILDING WITH EXTERNAL AND INTERNAL ALTERATIONS. CONVERSION OF EXISTING GARDEN PAVILLION TO CYCLE STORAGE - 1 ROCKY HILL TERRACE, TERRACE ROAD, MAIDSTONE, KENT

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

Councillor Purle (Visiting Member) addressed the meeting.

RESOLVED: That subject to:

(a) The prior completion 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 and informatives set out in the report with (a) the amendment of condition 12 (Electric Vehicle Charging Points) to require that 50% (14 in total) of the off street car parking spaces are to have electric vehicle charging points and the amendment of

condition 11 (Ecological Enhancements) to require the incorporation of additional biodiversity and habitat enhancements within the development,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms in line with the matters set out in the recommendation and as resolved by the Planning Committee and to finalise the wording of the amended conditions and to amend any other conditions as a consequence.

Voting: 11 – For 0 – Against 0 – Abstentions

273. 20/500154/LBC - LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS INCLUDING REMOVAL OF INTERNAL PARTITIONS (NON-ORIGINAL) AND SMALL SECTIONS OF ORIGINAL WALLS AND EXTERNAL REPAIRS AND RESTORATION OF THE BUILDING, DETACHED GARDEN PAVILION AND BOUNDARY WALLS IN CONNECTION WITH THE CONVERSION OF THE BUILDING FROM 42 FLATS OCCUPIED BY THE ELDERLY AND WARDEN FLAT TO 35 FLATS - 1 ROCKY HILL TERRACE, TERRACE ROAD, MAIDSTONE, KENT

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

Councillor Purle (Visiting Member) had previously indicated that he wished to speak on this application, but waived his right.

RESOLVED: That listed building consent be granted subject to the conditions and informative set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

274. 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.

275. DURATION OF MEETING

6.00 p.m. to 10.15 p.m.