

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON 17 FEBRUARY 2022** **ADJOURNED TO 24 FEBRUARY 2022**

**Present:**        **Councillor Spooner (Chairman) and**  
**17**                **Councillors Brindle, Cox, Cuming, English, Harwood,**  
**February**       **Kimmanca, Munford, M Rose, Round, Springett,**  
**2022**             **Trzebinski and Young**

**Also**             **Councillors Harper, Hinder, Newton and Purle**  
**Present:**

#### 209. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Eves, Holmes and Perry.

#### 210. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Cuming for Councillor Perry  
Councillor Round for Councillor Eves  
Councillor Springett for Councillor Holmes

#### 211. NOTIFICATION OF VISITING MEMBERS

Councillor Harper had given notice of his wish to speak on the reports of the Head of Planning and Development relating to applications 21/503585/FULL (Land West of Church Road, Otham, Kent), 21/503538/SUB (Land West of Church Road, Otham, Kent) and 21/506690/FULL (Telecommunications Base Station at Junction of Tonbridge Road and Oakwood Road, Maidstone, Kent), and attended the meeting remotely.

Councillor Hinder had given notice of his wish to speak on the reports of the Head of Planning and Development relating to applications 21/506322/FULL (Rose Cottage, Bearsted Road, Weaving, Kent) and 21/503615/FULL (Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, Kent), and attended the meeting remotely.

Councillor Newton had given notice of his wish to speak on the reports of the Head of Planning and Development relating to applications 21/503585/FULL (Land West of Church Road, Otham, Kent) and 21/503538/SUB (Land West of Church Road, Otham, Kent), and attended the meeting in person.

Councillor Purle had given notice of his wish to speak on the reports of the Head of Planning and Development relating to applications 21/503713/FULL (Land on Site of Former 51 London Road, Maidstone, Kent) and 21/506183/FULL (Pinelodge Cottage, Somerfield Road, Maidstone, Kent), and attended the meeting remotely.

212. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

213. URGENT ITEMS

The Chairman said that he intended to take the update reports of the Head of Planning and Development 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.

214. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Brindle said that she was a Trustee of the Vinters Valley Park Trust, appointed by the Borough Council. However, she had not taken part in the submissions being made by the Trust in support of application 21/503615/FULL (Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, Kent), she did not have any knowledge of the contents of these submissions, and she did not have an Other Significant Interest in the proposed development. She was coming to the meeting with an open mind and intended to speak and vote when the application was discussed.

Councillor Brindle said that she was a Member of Boxley Parish Council, but she had not taken part in the Parish Council's discussions regarding application 21/506322/FULL (Rose Cottage, Bearsted Road, Weaving, Maidstone, Kent) and intended to speak vote when it was considered.

Councillor Springett said that since she had pre-determined application 21/503585/FULL (Land West of Church Road, Otham, Kent), she would not take part in the discussion or the voting when it was considered. However, she did not believe that she had pre-determined application 21/503538/SUB (Land West of Church Road, Otham, Kent) and intended to speak and vote when it was considered.

Councillor Cuming said that he was a member of the Bearsted and Thurnham Society which had raised objections to application 21/503585/FULL (Land West of Church Road, Otham, Kent). However, he had not taken part in the Society's decision to raise objections and intended to speak and vote when the application was considered.

Councillor Cox said that he was the Chairman of the Vinters Valley Park Trust. However, he did not consider that he had an Other Significant Interest in application 21/503615/FULL (Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, Kent), and he had not contributed to the representations to be made by Mr Lott on behalf of the Trust at this

meeting. He was not pre-determined and intended to speak and vote when the application was considered.

Councillor M Rose said that her colleague, Councillor Harper, would be speaking as a Visiting Member on the Church Road applications. She had not discussed with him the content of his representations.

Councillor Spooner said that he was a Member of Bearsted Parish Council and a member of the Bearsted and Thurnham Society, both of which had raised objections to application 21/503585/FULL (Land West of Church Road, Otham, Kent). However, he had taken no part in the formulation of those objections and intended to speak and vote when the application was considered.

## 215. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

13.	21/503585/FULL - Land West of Church Road, Otham, Kent	Councillors Brindle, Cox, English, Harwood, Kimmance, Munford, Round, Trzebinski and Young
14.	21/503538/SUB - Land West of Church Road, Otham, Kent	Councillors Brindle, Cox, English, Harwood, Kimmance, Munford, Round, Spooner, Springett, Trzebinski and Young
15.	21/503713/FULL - Land on Site of Former 51 London Road, Maidstone, Kent	Councillors Brindle, Cox, English, Harwood, Kimmance and Round
16.	21/506690/FULL - Telecommunications Base Station at Junction of Tonbridge Road and Oakwood Road, Maidstone, Kent	Councillors Brindle, Cox, Cuming, English, Kimmance, Munford, Round, Spooner, Trzebinski and Young
17.	21/506322/FULL - Rose Cottage, Bearsted Road, Weaving, Kent	No lobbying
18.	21/503615/FULL - Vinters Park Crematorium, Bearsted Road, Weaving, Maidstone, Kent	Councillors Cox, English, Harwood, Kimmance and Round
19.	21/505932/FULL - Wares Farm, Redwall Lane, Linton, Kent	Councillors Brindle, Kimmance, Munford, M Rose, Round, Spooner and Trzebinski
20.	21/506183/FULL - Pinelodge Cottage, Somerfield Road, Maidstone, Kent	Councillor Brindle

216. EXEMPT ITEMS

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

217. MINUTES OF THE MEETING HELD ON 20 JANUARY 2022

**RESOLVED:** That the Minutes of the meeting held on 20 January 2022 be approved as a correct record and signed.

218. PRESENTATION OF PETITIONS

There were no petitions.

219. DEFERRED ITEMS

20/505611/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITION 18 - FOUL AND SURFACE WATER SEWERAGE DISPOSAL SUBJECT TO 14/502010/OUT - DICKENS GATE, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

The Development Manager said that the Case Officer had confirmed that advice had been received from the external consultant and the application would be reported to the next meeting of the Committee.

21/505452/LBC - LISTED BUILDING CONSENT FOR WORKS TO RE-POSITION/RE-BUILD A SECTION OF RAGSTONE WALL (TO FACILITATE THE A20 ASHFORD ROAD AND WILLINGTON STREET JUNCTION CAPACITY IMPROVEMENT SCHEME) - MOTE PARK, A20 ASHFORD ROAD JUNCTION WITH WILLINGTON STREET, MAIDSTONE, KENT

The Development Manager said that the application would be reported back to the Committee when the necessary information was available.

220. 21/503585/FULL - SECTION 73 - APPLICATION FOR VARIATION OF CONDITION 30 (TO VARY THE TRIGGER POINT FOR THE DELIVERY OF THE WILLINGTON STREET/DERINGWOOD DRIVE IMPROVEMENTS TO PRIOR TO OCCUPATION OF 100 UNITS RATHER THAN PRIOR TO COMMENCEMENT ABOVE FLOOR SLAB LEVEL) PURSUANT TO APPLICATION 19/506182/FULL (RESIDENTIAL DEVELOPMENT FOR 421 DWELLINGS WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, OPEN SPACE AND LANDSCAPING - ALLOWED ON APPEAL) - LAND WEST OF CHURCH ROAD, OTHAM, KENT

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

Councillor Hickmott of Otham Parish Council addressed the meeting in person.

Councillor Tribley of Bearsted Parish Council addressed the meeting remotely.

Mr Moore addressed the meeting in person on behalf of the applicant making reference to this application and application 21/503538/SUB (Submission of details to discharge four conditions attached by the Planning Inspector to the approval of application 19/506182/FULL; all relating to pedestrian and cycle links within and outside the site).

Councillor Harper (Visiting Member) addressed the meeting remotely on application 21/503538/SUB.

Councillor Newton (Visiting Member) addressed the meeting in person.

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

The impact of construction traffic and from 100 dwellings, in advance of the approved Willington Street/Deringwood Drive junction improvement, would result in unacceptable and severe impacts upon highway safety conditions for pedestrians and cyclists crossing the existing junction, as considered by the Appeal Planning Inspector. The junction is very well used by pedestrians and cyclists providing a link between major residential areas and Mote Park on national Cycle Route 17. This would be contrary to policy DM21 of the Maidstone Borough Local Plan (2017), policies ST1 and ST2 of the Otham Parish Neighbourhood Plan (2020-2035), and Paragraphs 110 and 111 of the National Planning Policy Framework.

Prior to the vote being taken, the Head of Planning and Development advised the Committee that (a) he did not consider these grounds to be sustainable at appeal and (b) there was a risk of a significant award of costs against the Council.

The representative of the Interim Head of Legal Partnership explained that since the Head of Planning and Development believed that these grounds would not be sustainable at appeal and that there was a risk of a significant costs award against the Council, then, if the motion was agreed, the decision would be deferred until the next meeting of the Committee in line with the Council's Constitution.

**RESOLVED:** That permission be refused for the following reasons:

The impact of construction traffic and from 100 dwellings, in advance of the approved Willington Street/Deringwood Drive junction improvement, would result in unacceptable and severe impacts upon highway safety conditions for pedestrians and cyclists crossing the existing junction, as considered by the Appeal Planning Inspector. The junction is very well used by pedestrians and cyclists providing a link between major residential areas and Mote Park on national Cycle Route 17. This would be contrary to policy DM21 of the Maidstone Borough Local Plan (2017), policies ST1 and ST2 of the Otham Parish Neighbourhood Plan (2020-2035), and Paragraphs 110 and 111 of the National Planning Policy Framework.

Voting: 11 – For 0 – Against 1 – Abstention

Note: Having stated that she had pre-determined this application, Councillor Springett did not participate in the discussion or the voting.

**DECISION DEFERRED UNTIL THE NEXT MEETING**

221. 21/503538/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITIONS 9 (RAMP TO PUBLIC RIGHT OF WAY KM86), 11 (PEDESTRIAN/CYCLE ROUTE DETAILS), 35 (PEDESTRIAN/CYCLE LINK TO SOUTH), AND 38 (UPGRADE WORKS TO PROW KM86), SUBJECT TO THE APPEAL DECISION OF APPLICATION 19/506182/FULL - LAND WEST OF CHURCH ROAD, OTHAM, KENT

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

Mr Moore had already addressed the meeting in person on this application and application 21/503585/FULL on behalf of the applicant.

Councillor Harper (Visiting Member) had already addressed the meeting remotely on this application.

Councillor Newton (Visiting Member) addressed the meeting in person.

**RESOLVED:** That the details submitted to discharge conditions 9, 11, 35 and 38 attached by the Planning Inspector to the approval of application 19/506182/FULL be approved subject to the conditions and informatives set out in the report with delegated powers being given to the Head of Planning and Development to (a) seek a revised landscaping plan with Small-Leaved Lime trees instead of Hornbeam and (b) amend condition 4 (Landscaping Scheme) to refer to the revised plan.

Voting: 12 – For 0 – Against 1 – Abstention

222. 21/506690/FULL - REMOVAL OF 1 NO. 12.5M STREET MONOPOLE, AND REPLACEMENT WITH 1 NO. 20M STREET MONOPOLE SUPPORTING 3 NO. ANTENNAS. REMOVAL OF 1 NO. CABINET AND 1 NO. METER CABINET AND REPLACEMENT WITH 1 NO. NEW METER CABINET, AND ANCILLARY WORKS THERETO - TELECOMMUNICATIONS BASE STATION AT JUNCTION OF TONBRIDGE ROAD AND OAKWOOD ROAD, MAIDSTONE, KENT

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

In introducing the application, the Senior Planning Officer advised the Committee that since publication of the urgent update report, further representations had been received from a neighbour raising health issues, including the validity of the ICNIRP certificate, and issues concerning the exclusion zone. She had re-consulted the Environmental Health Officer who had confirmed that there was a valid ICNIRP certificate for the site. Paragraph 118 of the NPPF stated that local planning authorities should

not set health safeguards different from the International Commission guidelines for public exposure and health matters should not form part of the assessment of such applications. There was a five-metre exclusion zone around the antennae of the monopole which would be at a height of 17.6m. The certification for this was up to date and had been confirmed by the Environmental Health Officer.

Mr Farry, an objector, addressed the meeting in person.

In the absence of a representative of a local residents' association/amenity group, the Chairman read out a statement on behalf of Mr Best, another objector, who was unable to address the Committee himself due to connectivity issues.

Mr Flaherty addressed the meeting remotely on behalf of the applicant.

Councillor Harper (Visiting Member) addressed the meeting remotely.

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

Voting:        6 – For        6 – Against        1 – Abstention

There being equal numbers of votes for and against, the Chairman exercised his casting vote in favour of permission being granted.

223. 21/503713/FULL - ERECTION OF A FOUR STOREY APARTMENT BUILDING COMPRISING 14 NO. UNITS WITH ASSOCIATED LANDSCAPING AND ANCILLARY WORKS INCLUDING THE CREATION OF NO. 7 PARKING SPACES, CYCLE SHELTER AND BINS STORES, CREATION OF NEW PEDESTRIAN ACCESS AND USE OF EXISTING VEHICULAR ACCESS FROM LONDON ROAD - LAND ON SITE OF FORMER 51 LONDON ROAD, MAIDSTONE, KENT

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

Mr Bevan, an objector, addressed the meeting in person.

Mr Lemon addressed the meeting remotely on behalf of the applicant.

Councillor Purle (Visiting Member) addressed the meeting remotely.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission for the following summarised reasons:

- The proposed development by reason of its layout, design, bulk, scale and massing, and consequential lack of appropriate and sufficient landscaping to mitigate the impacts of the development including opportunities to improve biodiversity in and around the site, over-development and lack of sufficient parking provision on-site both for

future residents and for the servicing of the site in terms of visitor and delivery parking, results in a development which fails to integrate successfully in this prominent location on the approach to Maidstone Town Centre characterised by sylvan, spacious plots and the use of ragstone and, as a result, would fail to achieve a high-quality design contrary to policy.

- The proposed development by reason of its design, scale and massing would represent an overbearing form of development resulting in a loss of outlook and privacy to the occupants of No.49 London Road contrary to policy DM1 of the Maidstone Borough Local Plan (2017) and other policies relating to design.

**RESOLVED:** That permission be refused and that the Head of Planning and Development be given delegated powers to finalise the reasons for refusal, to include the key issues cited above, and to incorporate the relevant policies.

Voting:        13 – For        0 – Against        0 – Abstentions

224. 21/503615/FULL - THE CONSTRUCTION OF SURFACE WATER ATTENUATION AND SETTLING LAGOONS WITH ASSOCIATED DRAINAGE INFRASTRUCTURE AND LANDSCAPING - VINTERS PARK CREMATORIUM, BEARSTED ROAD, WEAVERING, MAIDSTONE, KENT

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

In introducing the application, the Planning Officer advised the Committee that he wished to clarify that although the report referred to Councillor Harwood objecting to the proposal, he had not written specifically objecting to the development, only raising concerns about it.

In the absence of a representative of Boxley Parish Council and with the Chairman's agreement, Mr Lott, a local resident and Trustee of the Vinters Valley Park Trust, addressed the meeting in support of the proposed development.

The Democratic Services Officer read out a statement on behalf of Mr Shorter, for the applicant, who was unable to address the meeting remotely due to connectivity issues.

Councillor Hinder (Visiting Member) addressed the meeting remotely.

**RESOLVED:**

1. That permission be granted subject to the conditions set out in the report with an additional condition requiring details of a management plan for the long-term maintenance of the lagoons including regular testing of water quality.



2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional condition and to amend any other conditions as a consequence.

Voting:        8 – For        4 – Against        1 – Abstention

Note: Councillor Harwood requested that his dissent be recorded.

225. ADJOURNMENT OF MEETING

At 10.20 p.m., following consideration of the report of the Head of Planning and Development relating to application 21/503615/FULL (Vinters Park Crematorium, Bearsted Road, Weavering, Maidstone, Kent), the Committee:

**RESOLVED:** That the meeting be adjourned until 6.00 p.m. on Thursday 24 February 2022 when the remaining items on the agenda will be discussed.

226. DURATION OF MEETING

6.00 p.m. to 10.25 p.m.