

# **MAIDSTONE BOROUGH COUNCIL**

## **PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON 12 DECEMBER 2024**

#### **Present:**

<b>Committee Members:</b>	<b>Councillor Wilby (Chairman) and Councillors Cleator, Cox, Harwood, Greenan, M Naghi, Round, Russell, Springett, Summersgill, M Thompson, S Thompson and D Wilkinson</b>
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#### 195. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jeffery, Riordan, Spooner and Trzebinski.

#### 196. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Greenan for Councillor Jeffery  
Councillor Round for Councillor Spooner  
Councillor Russell for Councillor Riordan  
Councillor Springett for Councillor Trzebinski

#### 197. NOTIFICATION OF VISITING MEMBERS

See Minute 200 below.

There were no other Visiting Members.

#### 198. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

#### 199. URGENT ITEMS

The Chairman stated that he intended to take the update reports of the Head of Development Management and any verbal updates as urgent items as they contained further information relating to matters to be considered at the meeting. He had also agreed to take the appeals list as an urgent item as it was inadvertently omitted from the agenda.

#### 200. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Russell stated that she was sitting as a Substitute Member and since she had a closed mind regarding agenda items 16, 17 and 18 relating to The George, Benover Road, Yalding, Maidstone, Kent, she would remove herself from the Committee, speak as a Visiting Member and then leave the room for the debate on those items.

Note: In the event, Councillor Russell did not speak as a Visiting Member on item 18 and left the meeting when the application was considered.

201. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

13.	24/502907/FULL - M20 Service Station, M20 Junction 8 from Junction 7 Off Slip, Maidstone, Kent	Councillors Cleator, Cox, Harwood, Greenan, M Naghi, Russell, Springett, Summersgill, M Thompson, S Thompson, Wilby and D Wilkinson
14.	23/503671/FULL - Montrose, Sutton Road, Langley, Maidstone, Kent	Councillor Wilby
15.	21/504779/REM - Land North of Old Ashford Road, Lenham, Kent	Councillors Cox, Harwood, Summersgill and Wilby
16.	24/502003/FULL - The George, Benover Road, Yalding, Maidstone, Kent	Councillors Cleator, Cox, Greenan, M Naghi, Russell, Springett, Summersgill, M Thompson, S Thompson, Wilby and D Wilkinson
17.	24/503344/FULL - The George, Benover Road, Yalding, Maidstone, Kent	Councillors Cleator, Cox, Greenan, M Naghi, Russell, Springett, Summersgill, M Thompson, S Thompson, Wilby and D Wilkinson
18.	24/504670/FULL - The George, Benover Road, Yalding, Maidstone, Kent	Councillors Cleator, Cox, Greenan, M Naghi, Russell, Springett, Summersgill, M Thompson, S Thompson, Wilby and D Wilkinson
19.	24/504852/TPOA - 82 Buckland Road, Maidstone, Kent	Councillors Greenan, Summersgill and Wilby
20.	24/504241/TCA - 20 The Trinity Foyer, First Floor Flat 1, Church Street, Maidstone, Kent	Councillor Wilby
21.	24/503737/TPOA - The College Practice Barming, Marigold Way, Maidstone, Kent	Councillor Wilby

202. EXEMPT ITEMS

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

203. MINUTES OF THE MEETING HELD ON 14 NOVEMBER 2024

**RESOLVED:** That the Minutes of the meeting held on 14 November 2024 be approved as a correct record and signed.

204. DEFERRED ITEMS

23/503671/FULL – DEMOLITION OF EXISTING HOUSE AND OUTBUILDING. ERECTION OF 2 NO. DWELLINGS INCLUDING EXTENSION OF EXISTING CROSSOVER AND ASSOCIATED PARKING - MONTROSE, SUTTON ROAD, LANGLEY, MAIDSTONE, KENT

See Minute 210 below

24/501907/FULL - CHANGE OF USE OF LAND TO RETAIN 7(NO) FAMILY MOBILE HOMES FOR GYPSY/TRAVELLER ACCOMMODATION WITH ASSOCIATED PARKING AND CYCLE SPACES (RETROSPECTIVE) - THE ORCHARD, COPPER LANE, MARDEN, KENT

The Head of Development Management advised the Committee that this application had been withdrawn.

24/502003/FULL - SECTION 73 APPLICATION FOR MINOR MATERIAL AMENDMENT TO APPROVED PLANS CONDITION 2 AND 6 (TO ALLOW FOR THE REMOVAL OF STAIRS, EXISTING FRONT DOORS TO BE RETAINED AND LAYOUT AMENDMENT) PURSUANT TO 23/502781/FULL FOR CHANGE OF USE FROM GROUND FLOOR SUI GENERIS (PUBLIC HOUSE) TO CLASS E RESTAURANT PART RETAIL FACILITIES WITH ANCILLARY SUI GENERIS USE (TAKEAWAY) - THE GEORGE, BENOVER ROAD, YALDING, MAIDSTONE, KENT

See Minute 206 below

205. PRESENTATION OF PETITIONS

There were no petitions.

206. 24/502003/FULL - SECTION 73 APPLICATION FOR MINOR MATERIAL AMENDMENT TO APPROVED PLANS CONDITION 2 AND 6 (TO ALLOW FOR THE REMOVAL OF STAIRS, EXISTING FRONT DOORS TO BE RETAINED AND LAYOUT AMENDMENT) (PART RETROSPECTIVE), PURSUANT TO 23/502781/FULL FOR CHANGE OF USE FROM GROUND FLOOR SUI GENERIS (PUBLIC HOUSE) TO CLASS E RESTAURANT PART RETAIL FACILITIES WITH ANCILLARY SUI GENERIS USE (TAKEAWAY) - THE GEORGE, BENOVER ROAD, YALDING, MAIDSTONE, KENT

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

Mr Stott, an objector, and Councillor Brown of Yalding Parish Council addressed the meeting.

Having stated that she had a closed mind with regard to determination of this application, Councillor Russell addressed the meeting as a Visiting Member and then left the room while it was discussed.

**RESOLVED:**

1. That the Planning Inspectorate be informed that, in the absence of an appeal against non-determination, the Committee would have agreed to grant permission subject to the conditions set out in the report and an informative advising the applicant that the windows and doors should be restored to their

original condition to return the street scene and the conservation area to their previous state.

2. That the Head of Development Management be given delegated powers to be able to add, settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.
3. That the Chairman, Vice-Chairman and Cabinet Member for Planning Policy and Management work with the Officers on a checklist approach for planning conditions going forward.

Voting: 6 – For 5 – Against 1 – Abstention

207. 24/503344/FULL - CHANGE OF USE OF THE EXISTING RESIDENTIAL ACCOMMODATION ON THE UPPER FLOORS OF THE BUILDING TO A 7-BEDROOM HMO (SUI GENERIS) FOR 10 OCCUPANTS - THE GEORGE, BENOVER ROAD, YALDING, MAIDSTONE, KENT

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

Mr Simmons, an objector, and Councillor Brown of Yalding Parish Council addressed the meeting.

Having stated that she had a closed mind with regard to determination of this application, Councillor Russell addressed the meeting as a Visiting Member and then left the room while it was discussed.

**RESOLVED:** That consideration of this application be deferred to:

Enable the Committee to consider the formal consultation response from the Environment Agency as the site is situated in Flood Zone 3 and the flood risk assessment provided by the applicant dates from 2011; and

Seek accurate plans of the existing and proposed first and second floor internal layouts taking into account Members' concerns regarding fire safety matters.

Voting: 11 – For 0 – Against 1 – Abstention

208. 24/504670/FULL - INSTALLATION OF INPOST LOCKER TO SOUTH SIDE ELEVATION (RETROSPECTIVE) - THE GEORGE, BENOVER ROAD, YALDING, KENT

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

**RESOLVED:** That permission be refused for the reasons set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Having stated that she had a closed mind with regard to determination of this application, Councillor Russell left the meeting while it was discussed.

209. 24/502907/FULL - FORMATION OF HARDSTANDING FOR HGV PARKING AND ERECTION OF SHOWER BLOCK EXTENSION TO AMENITY BUILDING, ALONGSIDE

THE RECONFIGURATION OF EXISTING COACH PARKING AND RETAINING WALL AND ASSOCIATED ACOUSTIC FENCING, LIGHTING, AND CCTV - M20 SERVICE STATION, M20 JUNCTION 8 FROM JUNCTION 7 OFF SLIP, MAIDSTONE, KENT

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

Ms Reaney addressed the meeting on behalf of the applicant.

**RESOLVED:** That subject to:

- A. No representations being received raising issues not already assessed;
- B. The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure monies (to be agreed by Officers in consultation with KCC Ecology) to cover the long-term monitoring for Biodiversity Net Gain (BNG); and
- C. The conditions and informatives set out in the report, as amended by the urgent update report, with an additional informative about repairing and improving the fencing around the site,

the Head of Development Management be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms, planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee including:

Flexibility to determine whether the on-site BNG of at least 10% for at least 30 years should be secured by way of an obligation or condition; and

Flexibility to have further discussions about the proposed BNG enhancement area in the western corner of the site and the BNG calculations and to make amendments to conditions to ensure that some open habitats are retained.

Voting: 10 – For 1 – Against 2 - Abstentions

210. 23/503671/FULL - DEMOLITION OF THE EXISTING HOUSE AND OUTBUILDING. ERECTION OF 2NO. DWELLINGS INCLUDING EXTENSION OF EXISTING CROSSOVER AND ASSOCIATED PARKING - MONTROSE, SUTTON ROAD, LANGLEY, MAIDSTONE, KENT

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

**RESOLVED:**

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

Voting: 13 – For 0 – Against 0 – Abstentions

211. 21/504779/REM - APPROVAL OF RESERVED MATTERS WITH APPEARANCE AND SCALE (INCLUDING NUTRIENT NEUTRALITY INFORMATION) BEING SOUGHT FOR 102NO. 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.

It was noted that this application had been reported to the Committee at its meetings held on 24 August 2023, 19 September 2024, and 17 October 2024. The Committee had agreed to approve the application subject to the prior completion of legal agreements and conditions. The decision had not been issued because, inter alia, the applicant wished to change the Head of Terms which required a bond to ensure management of the landscape buffer on the northern boundary is fully funded for a thirty-year period.

**RESOLVED:** That subject to:

- A. The adoption of an Appropriate Assessment for Phase 2 under the Conservation of Species and Habitats Regulations 2017 (as amended);
- B. The prior completion of legal agreement(s) in such terms as the Head of Legal Partnership may advise to secure the Heads of Terms set out in the report and the prior payment of S106 monitoring fees of £5,278.50; and
- C. The conditions and informatives set out in the report,

the Head of Development Management be given delegated powers to approve the reserved matters and to be able to settle or amend any necessary Heads of Terms, planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 13 – For 0 – Against 0 – Abstentions

212. 24/504852/TPOA - TPO APPLICATION TO 1 X THUYA (T5) 30FT TALL AND 11 WIDE - COVERALL CANOPY REDUCTION UP TO 1.5M AND REMOVAL OF ANY DEAD WOOD. 1 X THUYA (T6) - 40 FEET TALL AND 11M WIDE - REDUCE IN HEIGHT UP TO 1/3 AND COVERALL CANOPY REDUCTION UP TO 1.5M AND REMOVAL OF ANY DEAD WOOD - 82 BUCKLAND ROAD, MAIDSTONE, 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: 13 – For 0 – Against 0 – Abstentions

213. 24/504241/TCA - CONSERVATION AREA NOTIFICATION: T1 SYCAMORE - CROWN RAISE TO 4.5M ABOVE GROUND ALL ROUND - 20 THE TRINITY FOYER, FIRST FLOOR FLAT 1, CHURCH STREET, MAIDSTONE, KENT

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

**RESOLVED:** That no objections be raised subject to the informatives set out in the report.

Voting: 13 – For 0 – Against 0 - Abstentions

214. 24/503737/TPOA - TPO APPLICATION FOR 1 X (T1) HOLM OAK TREE-LIFT FROM ROAD SIDE TO 5.5M FROM GROUND, LIFT OVER FOOTPATH TO 3M FROM GROUND AND CLEAR LAMP TO GIVE 1M CLEARANCE - THE COLLEGE PRACTICE BARMING, MARIGOLD WAY, MAIDSTONE, 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 with the amendment of the third informative to advise the applicant that the material generated from the tree work should be stacked in an appropriate area of the site for biodiversity.

Voting: 13 – For 0 – Against 0 – Abstentions

215. APPEALS LIST

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

**RESOLVED:** That the report be noted.

216. DURATION OF MEETING

6.00 p.m. to 8.45 p.m.