

TONBRIDGE AND MALLING BOROUGH COUNCIL
MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS

SUPPLEMENT

The following Minutes previously marked 'to follow' are now available:		
Item		Page (s)
10.	29 June: Area 1 Planning Committee	3 - 8
	- Minute Numbers: AP1 17/13 - 19	
11.	3 July: Audit Committee	9 - 14
	- Minute Numbers: AU 17/29 – 39	
12.	5 July: Area 2 Planning Committee	15 - 18
	- Minute Numbers: AP2 17/29 - 35	

NOTE: In the case of items containing exempt information, the report must remain confidential but details of the decisions need not remain confidential.

As part of the Council's environmental strategy, all Committee agenda, reports and minutes are produced with recycled paper and are available to view on line.

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 29th June, 2017

Present: Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr P F Bolt, Cllr J L Botten, Cllr B T M Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Ms S V Spence, Cllr Miss G E Thomas and Cllr F G Tombolis

Apologies for absence were received from Councillors Mrs P A Bates, D J Cure and M O Davis

PART 1 - PUBLIC

AP1 17/13 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

AP1 17/14 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 30 March 2017 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP1 17/15 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**AP1 17/16 TM/17/00525/FL - TONBRIDGE GRAMMAR SCHOOL FOR GIRLS,
DEAKIN LEAS, TONBRIDGE**

Development of an artificial turf playing field including fencing and floodlights, car parking and pavilion and land grading at Tonbridge Grammar School for Girls, Deakin Leas, Tonbridge.

RESOLVED: That, subject to referral to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, planning permission be granted in accordance with the submitted details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health, subject to the amendment of conditions 4 and 6, the deletion of condition 10 and subsequent renumbering of conditions 11 to 13 as 10 to 12 and the addition of Informatives 2, 3 and 4 as follows:

Conditions

4. The floodlighting hereby permitted shall be completely extinguished when the facilities are not in use and, when the all-weather pitch is in use, shall be completely extinguished no later than 18:30 hours Monday to Friday and 14:30 hours on Saturday.

Reason: In the interests of residential amenity.

6. The all-weather pitch shall be used only between the hours 08:30 and 18:30 hours Monday to Friday, 10:00 to 14:30 hours on Saturday and shall not be used on Sundays, Bank or Public Holidays and the all-weather pitch shall be vacated by all persons using it by the times specified within this condition.

Reason: In the interests of residential amenity.

Informatives

2. The applicant is advised that the permitted hours of use of the all-weather pitch does not prohibit use of the facility by the school outside of term time (i.e. within school holidays).

3. The applicant is requested to ensure that a suitable switch mechanism is installed within the floodlighting system to ensure that the lights are only illuminated during the permitted hours.

4. The applicant is advised that all means of access to the facilities hereby permitted shall be via the main school entrance in Deakin Leas (with access from Taylor Close remaining for emergencies only).

[Speakers: Mr G Hellyer, Mrs J Disbrey, Ms A Foreman, Ms J Gooden, Mr I Terry, Dr A Green, Mr T Holbrow, Mr C Payne, Mr J Thatcher, Ms J Gibbs, Mr A Hughes, Mr P Ingrams, Mr S Disbrey, Mr N Hebditch, Ms D Willcock, Ms L Jaques, Mr D Salako, Mr E Lukes, Mrs S Lukes

and Ms C Warren-Smith on behalf of Mr and Mrs J Hateley – members of the public; and Mrs R Joyce, Head Teacher, Tonbridge Grammar School for Girls (Applicant)]

AP1 17/17 TM/16/03530/FL - LAND NORTH AND SOUTH OF WOODGATE WAY, TONBRIDGE

New build Jaguar Land Rover showroom and aftersales facility. The application includes a new showroom, drive-in service lane, 20 bay workshop with MOT facility, external valet structure and associated external works at Land North and South of Woodgate Way, Tonbridge.

RESOLVED: That planning permission be granted in accordance with the submitted details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health, subject to the amendment of conditions 2, 9 and 10, the addition of condition 17 and the addition of Informatives 4, 5 and 6 as follows:

Conditions

2. The development shall be carried out in accordance with the following approved plans and documents:

Technical Specification received 07.02.2017, Other APPENDIX 1 received 30.11.2016, Site Plan 3199-010 Existing Site Plan received 30.11.2016, Existing Elevations 3199-015 Existing Site Sections received 30.11.2016, Sections 3199-019 Proposed Building Sections received 30.11.2016, Proposed Elevations 3199-020 Proposed Valet _ Bin Store received 30.11.2016, Proposed Plans and Elevations 3199-021 Bin Store received 30.11.2016, Proposed Floor Plans 3199-040-H Proposed Ground Floor received 30.11.2016, Proposed Floor Plans 3199-041-H Proposed First Floor received 30.11.2016, Proposed Roof Plan 3199-042-E Proposed Roof Plan received 30.11.2016, Proposed Floor Plans 3199-045-C Floor Plan Areas received 30.11.2016, Proposed Elevations 3199-061-D Proposed South and East received 30.11.2016, Proposed Elevations 3199-062-D Proposed North and West received 30.11.2016, Topographical Survey CM/16639 received 30.11.2016, Location Plan 3199-001 received 30.11.2016, Letter STAGE 1 ROAD SAFETY AUDIT LETTER received 01.12.2016, Acoustic Assessment BS4142 ASSESSMENT REPORT received 30.11.2016, Report STAGE 1 ROAD SAFETY AUDIT V1 received 01.12.2016, Flood Risk Assessment NOVEMBER 2016 received 30.11.2016, Transport Statement ADL/CC/3329/04A April 2017 received 04.04.2017, Travel Plan ADL/CC/3329/04A April 2017 received 04.04.2017, Archaeological Assessment REPORT NO 17/14 received 10.04.2017, Tree Report TCL-K2-TL/AIA received 06.04.2017, Ecological Assessment EXTENDED PHASE 1 Final Report V5 31.3.17 received 06.04.2017, Other LANDSCAPE AND VISUAL IMPACT April 2017 received 10.04.2017, Design and Access Statement APRIL 2017 received 10.04.2017, Lighting 50707-E01 T3 received 07.04.2017,

Lighting 50707-E02 T3 received 07.04.2017, Proposed Elevations 3199-016 B Context South _ East Elevations received 10.04.2017, Sections 3199-018 B Proposed Site Sections received 10.04.2017, Parking Layout 3199-030 M Proposed Site Plan received 10.04.2017, Planting Plan 16-61-PL-202 REV E received 09.06.2017, Planting Plan 16-61-PL-201 REV E received 09.06.2017.

Reason: To ensure that the development is carried out in accordance with the plans and documents hereby approved.

9. The development hereby permitted shall not be commenced until such time as a scheme to ensure a suitable flood compensation strategy (to offset raising of ground levels in the area shown to be within Flood Zones 3 of the Environment Agency Flood Map) has been submitted to, and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be fully implemented as part of the development hereby permitted.

Reason: To prevent an increased risk of flooding elsewhere beyond the application site, in accordance with the guidance contained in the National Planning Policy Framework (paragraph 103).

10. The development hereby permitted shall not be first brought into use until details of the arrangements for deliveries to the site by car transporter vehicles has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include movement of such vehicles entering and exiting the site, arrangements for the management of entrance gates, together with management measures in the event of out-of-hours deliveries to prevent parking on the adjoining highway. Thereafter, the site shall be operated at all times in strict accordance with the approved details.

Reason: In the interests of highway safety and to ensure a successful integration of the development within the surrounding highway network including adjacent Primary School and Somerhill Green residential development.

17. The development hereby permitted shall be constructed at the levels details on 'Proposed Site Sections' (drawing 3199-018B).

Reason: In the interests of visual amenity and in order to protect surrounding residential amenity and the character of the High Weald Area of Outstanding Natural Beauty.

Informatives

4. The applicant is reminded that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 (as amended) relating to the protection of species and habitats. The applicant is recommended to seek further advice from the Natural England, County Hall, Spetchley Road, Worcester, WR5

2NP or via <https://www.gov.uk/topic/planning-development/protected-sites-species>

5. The applicant is strongly encouraged to avoid the internal illumination of the building outside of operating hours.

6. The applicant is strongly encouraged to consider the possibility of further supplementing and strengthening the planting along the southern boundary (with the A26) and the western boundary (with Barnes Lodge Care Home) wherever possible.

[Speakers: Ms D Huntingford, Chair of Governors, The Schools at Somerhill; Mr L Prebble and Ms D Huntingford on behalf of Tonbridge Civic Society – members of the public, and Mrs S Page on behalf of the Applicant]

AP1 17/18 ALLEGED UNAUTHORISED DEVELOPMENT 16/00385/WORKM - 11 BARCHESTER WAY, TONBRIDGE

Alleged Unauthorised Development at 11 Barchester Way, Tonbridge.

RESOLVED: That an Enforcement Notice be issued to seek the removal of the unauthorised development, the detailed wording of which to be agreed with the Director of Central Services.

AP1 17/19 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 3rd July, 2017

Present: Cllr V M C Branson (Chairman), Cllr T Bishop and Cllr T Edmondston-Low

Councillors Mrs J A Anderson, O C Baldock, M A Coffin, N J Heslop, M R Rhodes, H S Rogers and Miss J L Sergison were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base, B T M Elks, S R J Jessel, Mrs F A Kemp, S C Perry and B W Walker

PART 1 - PUBLIC

AU 17/29 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

AU 17/30 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 3 April 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

AU 17/31 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT FOR 2016/17

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April and May of the current financial year within the context of the national economy. The treasury management outturn position for 2016/17, reported to the Cabinet on 28 June 2017, was also presented.

The Committee was advised that the outcome of the General Election had added to market uncertainty surrounding the Brexit negotiations. The interest rate forecast provided by Capita anticipated the Bank Rate remaining at 0.25% until June 2019.

It was noted that the summary of investment performance for 2016/17 indicated that the combined performance of the Council's cash flow and core funds had bettered the revised estimate by £25,500. Investment income earned in April and May of 2017/18 was also higher than expected, exceeding the estimate for the same period by £12,050.

The report provided a commentary on long term investment including progress in implementing the Council's decision regarding investment in property funds.

RECOMMENDED: That the following be commended to the Council:

- (1) the action taken by officers in respect of treasury management activity for April and May 2017 be endorsed;
- (2) the progress being made in respect of property fund investment be noted; and
- (3) the 2016/17 outturn position be noted.
***Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AU 17/32 STRATEGIC RISK REGISTER

The report of the Management Team presented a review of the Strategic Risk Register which had been updated to align with the new Corporate Strategy. It was noted that the Register was still at a draft stage with some fine tuning required and Members were invited to comment prior to receipt of the final version in September for recommendation to the Council.

Whilst recognising that the Emergency Plan contained details of responses in the event of major disasters or terrorism incidents, Members considered that such risks should be reflected in the Strategic Risk Register to provide assurance that the necessary arrangements were in place. A number of anomalies were identified in the draft document which would be corrected in the final version. Discussion was also held into provision of training on risk management and it was suggested that a briefing for all Members be considered for the autumn.

RESOLVED: That progress to date on the Strategic Risk Register, as set out at Annex 1 to the report, be noted and feedback from Members as to the risks to be included be taken into account in the final version for recommendation to the Council.

AU 17/33 ANNUAL GOVERNANCE STATEMENT 2016/17

The report of the Director of Finance and Transformation presented the Annual Governance Statement for the year ended 31 March 2017 which was required to be certified by both the Leader of the Council and the Chief Executive to accompany the Council's Statement of Accounts 2016/17.

The Annual Governance Statement had been prepared by way of a self-assessment questionnaire and supporting evidence and was intended to demonstrate that there was a sound system of corporate governance in place throughout the organisation.

Members requested that in the interests of openness and transparency the way in which the Council operated, including committee terms of reference, be made more prominent and accessible on the website.

RESOLVED: That the Annual Governance Statement for the year ended 31 March 2017, as set out at Annex 1 to the report, be endorsed.

AU 17/34 STATEMENT OF ACCOUNTS 2016/17

The report of the Director of Finance and Transformation presented an unaudited set of Accounts for 2016/17 in the format specified by the Code of Practice on Local Authority Accounting in the United Kingdom 2016/17. It was noted that the Accounts included the adjustments in the light of the outturn position reported to the Cabinet meeting on 28 June 2017. The Annual Governance Statement (referred to at Minute AU 17/33) accompanied the Statement of Accounts.

The officers answered questions raised by Members on various aspects of the Accounts. The Committee was reminded that responsibility for approval of the Statement of Accounts was delegated to the Audit Committee under the Council's constitutional arrangements and the external auditor's report on the outcome of the audit of Accounts was expected to be presented to the meeting on 4 September 2017.

RESOLVED: That

- (1) the Statement provided by the Director of Finance and Transformation in support of assertions made in the Statement of Responsibilities for the Statement of Accounts, as set out at Annex 2 to the report, be noted and endorsed;
- (2) the recommendations detailed at paragraph 1.5.4 of the report, following a review of the specific earmarked reserves held by the Council, be noted; and
- (3) the unaudited set of Accounts for 2016/17 be received and approved and the Chairman be authorised to sign the Accounts in the appropriate place.

AU 17/35 REVIEW OF THE EFFECTIVENESS OF INTERNAL AUDIT

The report of the Chief Audit Executive informed the Committee of the findings of the annual review of the effectiveness of the Internal Audit function. Members were advised that the Management Team had

concluded that the opinion on the effectiveness of the Internal Audit function in place for the year 2016/17 was Good.

It was also reported that the external auditors had confirmed by email that reliance could be placed on the work of Internal Audit.

RESOLVED: That on the basis of the findings of the review, the opinion that the effectiveness of Internal Audit during 2016/17 was Good be endorsed.

MATTERS SUBMITTED FOR INFORMATION

AU 17/36 OPINION OF CHIEF AUDIT EXECUTIVE ON INTERNAL CONTROL ENVIRONMENT, TOGETHER WITH ANNUAL INTERNAL AUDIT REPORT AND ANNUAL COUNTER FRAUD REPORT FOR 2016/17

The report informed the Committee of the opinion of the Chief Audit Executive on the Council's internal control environment together with the Internal Audit work completed during 2016/17 to support that opinion. Reference was made to the way in which resources had been allocated and the outcome against performance measures. Members noted the opinion that the system of internal control adequately contributed to the proper, economic, efficient and effective use of resources in achieving the Council's objectives in 2016/17.

The report also informed the Committee of the work carried out by the Counter Fraud function in 2016/17 including fraud awareness training to a number of Services.

Members commented on the outcome of a number of the internal audit assurance reviews as set out at Annex 1 to the report. With reference to that on Safeguarding, it was noted that a number of councillors had attended training but there was no evidence to confirm that Members had read the Safeguarding Policy. Officers undertook to pursue this matter.

RESOLVED: That the report be received and noted and a letter of appreciation be sent to the Internal Audit and Fraud Team for all their work.

AU 17/37 WORK PROGRAMME AND SCALES OF FEES 2017/18

The report of the Director of Finance and Transformation advised that following consultation, Public Sector Appointments Limited (PSAA) had published the Work Programme and Scales of Fees for the audit of the 2017/18 accounts. It was noted that there were no changes to the overall work programme and the 2017/18 scales remained at the same level as those applicable in 2016/17. Indicative fees for 2017/18 housing benefit subsidy certification work would be based on the final 2015/16 fees.

An update was given on the process for appointment of auditors from 2018/19 under the sector-led approach which was expected to yield a reduction in audit fees over the current level.

RESOLVED: That report be received and noted.

AU 17/38 AUDIT FEE LETTER 2017/18

The Director of Finance and Transformation reported receipt of the Audit Fee Letter for 2017/18 from Grant Thornton which gave details of the Council's audit fee of £45,776 (the same as for 2016/17) together with the scope and timing of audit work and the audit team. Indicative fees for housing benefit subsidy certification work would be based on the final 2015/16 certification fees.

RESOLVED: That the report be received and noted.

AU 17/39 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.44 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 5th July, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison and Cllr M Taylor

Councillors O C Baldock and N J Heslop were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S R J Jessel (Vice-Chairman), Mrs S M Barker, T B Shaw and Miss S O Shrubsole

PART 1 - PUBLIC

AP2 17/29 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, for reasons of transparency, Councillor M Balfour reminded the Committee that he was the Cabinet Member for Planning, Highways, Transport and Waste at Kent County Council. As this did not represent either an Other Significant Interest or a Disclosable Pecuniary Interest there was no requirement to withdraw from the meeting.

AP2 17/30 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 24 May 2017 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP2 17/31 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under

the relevant planning application shown below.

AP2 17/32 TM/16/03630/OA - NEPICAR SAND QUARRY, MAIDSTONE ROAD, PLATT

Outline Application including details of access: New access road from the East side of Platt Industrial Estate, through Nepicar sandpit to join the A25 Maidstone Road at Nepicar Sand Quarry, Maidstone Road, Platt.

The Director of Planning, Housing and Environmental Health advised that information recently submitted by the Applicant's Agent required further clarification and that the Application had been WITHDRAWN from the Agenda.

AP2 17/33 TM/17/00798/FL - LAND AT LONG WOOD, OFF CROUCH LANE, BOROUGH GREEN

Creation of new vehicular access, with entrance gates, to orchard and woodland at Land at Long Wood off Crouch Lane, Borough Green.

RESOLVED: That planning permission be granted in accordance with the submitted details, conditions, reasons and informatives set out in the report and the supplementary report of the Director of Planning, Housing and Environmental Health, subject to the addition of conditions 7 and 8 as follows:

Conditions

- 7 There shall be no hardstanding on the site (other than the tarmac crossover detailed in drawing 22 rev D hereby approved) unless it is constructed in accordance with details that have first been submitted to and approved by the Local Planning Authority.
Reason: No such details have been submitted and in the interests of the rural character and tree protection.
- 8 The site shall be used only for the temporary parking of vehicles required for the maintenance of the associated woodland under Title K736930. There shall be no buildings, cabins, caravans or chattels of any kind stationed on the land and no open storage unconnected to forestry except in accordance with details that have first been submitted to and approved by the Local Planning Authority.
Reason: In the interests of the openness of the Green Belt and rural character.

[Speakers: Mrs P Darby, Platt Parish Council; Mr E Wigley, member of the public and Mr K Baillie, Applicant]

AP2 17/34 TM/17/01167/FL - 3 ST HILDAS, PLAXTOL

Demolition of existing outbuildings, erection of 3 bed detached dwelling with associated parking and landscaping at 3 St Hildas, Plaxtol.

RESOLVED: That planning permission be REFUSED for the following reason:

- 1 The proposed development, by virtue of the scale, siting, bulk and general form would result in a development of the site that is out of keeping within the street scene and the prevailing character of the area to the detriment of the visual amenities of the locality, contrary to paragraphs 56, 57 and 58 of the National Planning Policy Framework, and policies CP13 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

[Speakers: Mr M Carboni of Plaxtol Parish Council, Mrs A Ferguson and Mrs M From – members of the public, and Ms E Gregson – Agent for the Applicant]

AP2 17/35 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.54 pm

