

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### (EXTRAORDINARY) AREA 1 PLANNING COMMITTEE

#### MINUTES

Thursday, 10th October, 2024

**Present:** Cllr M A J Hood (Chair), Cllr D W King (Vice-Chair), Cllr K Barton, Cllr G C Bridge, Cllr J Clokey, Cllr A Mehmet, Cllr R W G Oliver, Cllr B A Parry, Cllr Stacey Pilgrim, Cllr M R Rhodes and Cllr K S Tunstall.

Apologies for absence were received from Councillors L Athwal, A Cope and F A Hoskins.

#### PART 1 - PUBLIC

##### **AP1 24/14 DECLARATIONS OF INTEREST**

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

##### **AP1 24/15 GLOSSARY AND SUPPLEMENTARY MATTERS**

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.

#### DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

##### **AP1 24/16 TM/24/01199/PA - 100 HIGH STREET, TONBRIDGE**

Prior notification under Schedule 2, Part 3, Class MA: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3) to form 4x 1-bedroom flats.

Due regard was given to the determining issues detailed in the report of the Director of Planning, Housing and Environmental Health with particular attention given to whether the proposed change of use to dwelling houses met the requirements of permitted development

contained within Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In terms of potential flood risk, noise impacts from nearby commercial activities, an adverse impact on the character and sustainability of the Conservation Area and a lack of natural daylight to all habitable rooms it was recommended that prior approval was refused.

**RESOLVED:** That

- (1) prior approval for the proposed change of use was required; and
- (2) change of use be REFUSED for the following reasons:
  1. The proposed change of use application fails to meet the requirements of the sequential and exception tests as required by paragraphs 165-175 of the National Planning Policy Framework 2023. The proposed change of use does not provide wider community benefits that would outweigh potential flood risk nor adequately demonstrate that the risk to internal flooding can be overcome. The application therefore also fails to comply with section (c) of MA.2 (2) of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
  2. The proposed change of use application fails to demonstrate that the noise impacts from the nearby commercial premises would not have an adverse impact on the aural amenity of the intended occupiers and therefore fails to comply with section (d) of MA.2 (2) of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
  3. The proposed change of use application would have a detrimental impact on the character and overall sustainability of the Conservation Area and therefore fails to comply with section (e) of MA.2 (2) of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
  4. The proposed change of use application would not provide adequate levels of natural light to all habitual rooms, specifically the bedroom of Flat 2 and therefore fails to comply with section (f) of MA.2 (2) of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

[Speaker: Mr A Wheeler – Applicant]

**AP1 24/17 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.50 pm

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