

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 2 PLANNING COMMITTEE**

**Wednesday, 11th November, 2015**

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr Mrs S M Barker, 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, Cllr T B Shaw and Cllr Miss S O Shrubsole

Councillor M Taylor was also present pursuant to Council Procedure Rule No 15.21.

### **PART 1 - PUBLIC**

#### **AP2 15/51 DECLARATIONS OF INTEREST**

Councillor Balfour declared an Other Significant Interest regarding application TM/15/02819/FL (West Yaldham Farm) on the grounds of a family connection to the site and withdrew from the meeting during the discussion of this application.

In addition, he advised that he represented Kent County Council on the Kent Downs Area of Outstanding Natural Beauty (AONB) Joint Advisory Committee and the Ford Lane application site (TM/15/02431/FL) was a designated AONB. This did not represent either a Disclosable Pecuniary or Other Significant Interest.

Councillor Rogers advised that he represented Tonbridge and Malling Borough Council on the Kent Downs Area of Outstanding Natural Beauty (AONB) Joint Advisory Committee and the Ford Lane application site (TM/15/02431/FL) was a designated AONB. This did not represent either a Disclosable Pecuniary or Other Significant Interest.

#### **AP2 15/52 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 30 September 2015 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 15/53 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 15/54 TM/15/02819/FL - WEST YALDHAM FARM, KEMSING ROAD, KEMSING**

Hybrid Planning Application: Full Planning Permission for change of use and alterations of existing agricultural building (building A) to light industrial and storage, demolition of existing agricultural buildings and replacement with an office building. Outline Planning Permission (with details of appearance, landscaping and scale reserved) for demolition of agricultural buildings and replacement with 3 terraced cottages and 2 detached houses. Associated development including roadways, parking and access changes at West Yaldham Farm, Kemsing Road, Kemsing.

**RESOLVED:** That full and outline planning permission be APPROVED subject to:

- Submission of a satisfactory Unilateral Undertaking to secure affordable housing in perpetuity
- Referral of the application to the National Planning Casework Unit
- The conditions, reasons and informatives set out in the main and supplementary reports of the Director of Planning, Housing and Environmental Health; subject to the following additions, the detailed wording of which to be finalised by the Local Planning Authority and set out in full in the planning permission:

- (1) Conditions 14 and 16 to be amended to secure softer landscaping of the north of Building A

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- (2) Condition 19 to be amended to ensure that noisy equipment is sited as far away from neighbouring residents as practicable

Reason: In the interests of achieving an acceptable aural environment for nearby residential properties.

- (3) Conditions 27 and 28 to be amended to reflect the opening times of the appeal decision TM/01/00689/FL

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

- (4) Conditions 33 and 50 to be amended to include a requirement for the times of operation of external lighting to minimise to security lighting only when the premises are closed

Reason: To ensure that the development does not harm the rural or visual amenity of the locality.

- (5) Condition 34 to be amended to require details of the maximum size and number of HGV vehicles commensurate with the tea blending business

Reason: In the interests of avoiding highway conflicts within local village centres.

- (6) Addition of condition to prevent parking of cars or the unloading of vehicles north of building A

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway.

- (7) Addition of condition regarding control of open storage

Reason: To facilitate the collection of refuse and preserve visual amenity.

- (8) Addition of informative on construction traffic routing

[Speakers: Dr M Dibble, Mrs W Dibble, Mrs W Palmer and Mrs M Harvey-Kelley – members of the public and Mrs E Ecclestone – applicant])

**AP2 15/55 TM/15/02431/FL - LAND BETWEEN M20 AND M26, WEST OF FORD LANE, WROTHAM HEATH**

Proposed temporary (30 years) change of use from agriculture to agriculture and solar photovoltaic farm with associated static arrays of photovoltaic panels together with cabins to contain inverter cabinets and transformers, storage cabin and a cabin to house a substation, with perimeter fencing, CCTV network, trackways, landscaping and ecological enhancements at land between M20 and M26 west of Ford Lane, Wrotham Heath.

**RESOLVED:** That planning permission be APPROVED in accordance with the submitted details set out in the supplementary report of the Director of Planning, Housing and Environmental Health subject to:

- Referral of the application to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009
- The conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Amended Conditions:

5. Development shall not commence until a Construction Environmental Management Plan detailing how the habitats and hedgerows within and surrounding the site will be protected during the construction phase. This shall also include details of appropriate fencing to restrict access into key ecological areas, information on any timing restrictions and measures to prevent damage to sensitive ecological habitats. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local area.

6. Development shall not commence until a Landscape and Ecological Management Plan that details how the retained hedgerows and habitats, and newly planted areas are to be managed to maximise their biodiversity value and achieve the objectives of ecological mitigation and compensation, which shall set out any measures necessary to ensure protected species are appropriately accommodated within the operational site. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local area

(2) Additional Conditions:

18. The applicant is required to provide a Glint and Glare Assessment to identify any potential locations on the site that would produce glint or glare that would be visible from the Strategic Road Network. The assessment which shall include any proposed mitigation shall be issued to the Local Planning Authority and approved by Highways England by commencement of works on site.

Reason: To ensure the safe operation of the Strategic Road Network, that drivers are not distracted by glint and glare from the solar panels.

19. The applicant is required to provide a Construction Management Plan detailing appropriate mitigation measures to ensure that the risk of dust and airborne particles are minimised. Any mitigation measures should be agreed with Connect plus Services (CPS), who are the maintenance and operations contractor managing the M25 DBFO on behalf of Highways England, prior to commencement of the works.

Reason: Due to the close proximity of the works to the adjacent M20 and M26 Motorways there is a potential risk that any airborne dust created by either the construction of the compound or access track works during the construction stage may have a safety impact on motorway users.

20. There shall be no vehicular access directly or works undertaken from the Strategic Road Network associated with the development, both during construction and during operations of the site at all times.

Reason: To ensure the safe operation of the Strategic Road Network, that drivers are not distracted by glint and glare from the solar panels.

21. Tree planting to mitigate the glare that may be experienced by passing drivers must be wholly within the site boundary, and maintained by the developer, with no access being granted directly from the motorway or adjacent land under the control of Highways England, demarcated by the motorway fencing. Any existing or future planting within Highways England's boundary shall not be relied upon to screen against glint or glare.

Reason: To ensure the safe operation of the Strategic Road Network, that drivers are not distracted by glint and glare from the solar panels.

### (3) Informatives

1. The applicant should liaise with the highways authority to survey the condition of the highway infrastructure before and after the construction of the development to ensure that any damage to the highway is repaired. The applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 08458 247 800.

2. The applicant should provide the necessary wheel washing facilities prior to commencement of work on the site and for the duration of construction of the development.

3. The developer should be made aware that consent will need to be obtained from Highways England to use the access road that links the application site with the adopted highway.

4. The applicant is invited to liaise with Highways England to ensure measures to minimised fly tipping in the vicinity.

[Speakers: Wrotham Parish Council (Mr H Rayner), Campaign for Protection of Rural England (Mr P Gillin) and Mr H House – applicant]

**AP2 15/56 TM/15/01191/FL - THE CHEQUERS INN, BASTED LANE, CROUCH**

Change of use of the former Chequers Inn to residential including partial demolition and rebuild to create a pair of semi- detached houses, plus the erection of two new detached houses and associated access, garaging and car parking at The Chequers Inn, Basted Lane, Crouch.

**RESOLVED:** That planning permission be APPROVED in accordance with the submitted details set out in the report of the Director of Planning, Housing and Environmental Health subject to:

- The applicant entering into a legal agreement in respect of the provision of affordable housing
- The conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to

(1) Amended Condition:

8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and boundary treatment. This shall include additional semi-mature plantings along the western boundary directly adjacent to the Plot 1 dwelling and garage and suitable plantings adjacent to the electricity transformer to provide appropriate screening of this unit with all such plantings to comprise of species of local provenance. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

[Speakers: Mr J Knowles, Mr S Piller, Mrs P Darby and Mr M Bolt – Members of the Public and Mr J Chapman - agent]

**AP2 15/57 ALLEGED UNAUTHORISED DEVELOPMENT 15/00252/WORKM - 60 RYARSH LANE, WEST MALLING**

This item was WITHDRAWN as it was anticipated that the enforcement issue would be resolved as a revised planning application was expected following negotiation with the agent.

**AP2 15/58 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.46 pm