

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 1 PLANNING COMMITTEE**

**Thursday, 11th September, 2014**

**Present:** Cllr R D Lancaster (Chairman), Cllr Ms V M C Branson (Vice-Chairman), Cllr A W Allison, Cllr Mrs J A Anderson, Cllr Ms J A Atkinson, Cllr O C Baldock, Cllr Mrs P Bates, Cllr P F Bolt, Cllr D J Cure, Cllr M O Davis, Cllr T Edmondston-Low, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Ms S V Spence and Cllr D J Trice

Councillors M A C Balfour and Mrs S Murray were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor Miss J R L Elks

### **PART 1 - PUBLIC**

#### **AP1 14/40 DECLARATIONS OF INTEREST**

Councillor Davis declared an Other Significant Interest in application TM/14/02398/FL (1 Barchester Way, Tonbridge) on the grounds that his place of work represented the applicant. He withdrew from the meeting during the discussion of this item.

In the interest of transparency, Councillor N Heslop informed the Committee that he sat on the governing body of the Cage Green Primary School which shared a site with the Ridgeview School (TM/14/02529/CR3). It was also noted that Cage Green Primary School had not been invited to submit comments as part of the formal consultation process.

Councillor C Smith informed the Committee that as a member of the Kent County Council Planning Committee he would not participate in any discussion or vote on application number TM/14/02529/CR3. However, he remained in the room to hear the debate and to understand the concerns raised by the Borough Council.

Councillor Balfour, whilst not a member of the Committee and attending as an observer, advised that he was a Member of Kent County Council Planning Committee and was interested in the debate regarding application TM/14/02529/CR3

**AP1 14/41 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 31 July 2014 be approved as a correct record and signed by the Chairman.

**MATTER FOR RECOMMENDATION TO COUNCIL****AP1 14/42 DIVERSION OF PART OF PUBLIC FOOTPATH MU21 AT TONBRIDGE**

The report of the Director of Central Services advised of a proposal to divert part of Public Footpath MU21 at Tonbridge, made by Tonbridge School to whom planning consent had been granted under reference TM/13/03834/FL for the construction of a replacement car park and associated landscaping.

It was reported that the Borough Council was responsible, in its capacity as the Authority that granted the planning permission, for making and confirming any Public Path Diversion Order which related to development.

The proposed diversion, shown on the plan attached as Appendix A to the report, would run along the edge of the new car park, commencing at point A and running in a generally south-south-westerly through east-south-easterly direction for approximately 107 metres to re-join the existing line of Public Footpath MU21 at point C. It was noted that both local ward Members had no objection to the proposed diversion.

After careful consideration it was agreed that the proposed diversion would not have any negative impact upon the public right of way.

**RECOMMENDED:** That approval be given to:



- (1) the making of an order under section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath MU21 at Tonbridge, as shown at Appendix A to the report, in order to enable the proposed development to be carried out;
- (2) the confirmation of the Order, if unopposed; or
- (3) referral of the Order to the Planning Inspectorate if any objections were sustained.

**\*Referred to Council**

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

**AP1 14/43 DEVELOPMENT CONTROL AND SUPPLEMENTARY REPORTS**

Decisions were taken on the following applications subject to the prerequisites, 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 14/42 TM/14/02529/CR3 - LAND SOUTH OF KERROMOOR, HIGHAM LANE, TONBRIDGE**

New two storey Special Educational Needs School with associated car parking and landscaping at land south of Kerromoor, Higham Lane, Tonbridge.

For the benefit of the many local residents in attendance it was reported that the proposal was a planning application made by Kent County Council and, in accordance with regulations, would be decided by the County Council itself. Tonbridge and Malling Borough Council was a consultee only.

The report of the Director of Planning, Housing and Environmental Health concluded that in considering applications in the Green Belt, and particularly in larger scale proposals, Kent County Council must address three key factors; whether inappropriate development was involved; whether there were very special circumstances to be taken into account; and whether these very special circumstances were of sufficient weight to overcome the harm arising from the proposal.

After careful consideration, it was

**RESOLVED:** That Kent County Council be advised that Tonbridge and Malling Borough Council raised objections on the following grounds:

- (1) Whilst Tonbridge and Malling BC recognised that the replacement and reinforcement of the beneficial educational facilities at the existing school merited support, the Borough Council did not consider that the proposed development of this site accorded with the requirements of the National Planning Policy Framework (2012). The proposal constituted inappropriate development within the Metropolitan Green Belt where there is a strong

presumption against permitting such development unless very special circumstances exist sufficient to outweigh the degree of harm to the Green Belt. In this instance, the Borough Council did not consider that the applicant had clearly demonstrated that very special circumstances exist which outweighed the degree of harm that would be caused to the open nature and function of the Metropolitan Green Belt that would arise as a result of developing this site in the manner proposed. Furthermore, the proposed development would result in harmful urban encroachment into the open countryside which is characteristically rural in nature, contrary to policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007. The proposed development would also result in the loss of Grade 2 agricultural land and is therefore contrary to paragraph 112 of the National Planning Policy Framework (2012) and policy CP9 of the Tonbridge and Malling Borough Core Strategy 2007.

- (2) Given TMBC's objection to the proposed development of this site, Kent County Council must be satisfied that there is a strategic need for the proposed development in this location and on this particular site (as opposed to other sites considered in the alternative sites study submitted by the applicant or other sites considered by KCC as planning authority) if the application is to be approved, and that any resulting impacts by way of traffic generation and potential environmental issues are adequately assessed where necessary. TMBC is concerned that these assessments have not been satisfactorily executed to demonstrate that the local road network, in terms of its poor visibility, junction capacity, road widths, lack of footpaths and vulnerability to frequent flooding, is adequate to deal with the amounts of traffic that would be generated by the proposed school. In the absence of demonstration that the development can be carried-out without severe adverse traffic impacts the proposal must be considered to be contrary to paragraph 32 of NPPF and policy SQ8 of the Managing Development DPD.
- (3) In the event that Kent County Council reach the view that very special circumstances do exist that outweigh the degree of harm caused to the Metropolitan Green Belt and to local amenity in this locality and on this site and if the scheme is found to be acceptable in all other respects, KCC should:
  - Be satisfied that traffic impacts on the local highway network would not be assessed as severe and thus are able to meet the tests set out in the National Planning Policy Framework (2012);-
  - Have due regard to any representations received from Natural England and Kent Wildlife Trust. Appropriate measures should be taken to ensure the recommendations set out in the

submitted Ecological Appraisal are fully integrated into any detailed landscaping scheme and that local biodiversity is afforded suitable protection as part of an ongoing scheme of management.

- Seek the retention of the important hedgerows (as far as this is possible) and trees on the site frontage and include adequate provision to protect the trees, including their roots, during and after construction;
- Have consideration for the control of external lighting operation hours to minimise impact on the Green Belt and residential amenity;
- Require full details of how the school would be managed during school events (both during school times and out of hours) and how the school is intended to be used by community groups, including a scheme for managing such use in the interests of residential amenity;
- Require full details of the proposed acoustic fencing, including details of its precise location, extent, height and design in the interests of residential and visual amenity.
- Require a full assessment of foul and surface water disposal.

(4) TMBC would also take the opportunity to remind KCC of the requirement to refer the planning application to the Secretary of State for Communities and Local Government in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 in the event the County Council resolves to approve the scheme.

(Councillor Ms Atkinson informed the Committee that she had abstained from voting and participating in the debate as her grandson was a pupil at the school.)

**AP1 14/45 (A) TM/14/01371/FL AND (B) TM/14/01372/LB - BORDYKE END AND THE COACH HOUSE, EAST STREET, TONBRIDGE**

- (A) Demolition of ancillary outbuilding, conversion of Bordyke End from offices back into residential dwelling with conservatory extension. Conversion of Coach House from offices into separate residential dwelling including first floor extension. Erection of a 3 bay garage with an independent flat at Bordyke End and the Coach House, East Street, Tonbridge.

- (B) Listed Building Consent: Demolition of ancillary outbuilding, conversion of Bordyke End from offices back into a residential dwelling with conservatory extension. Conversion of Coach House from offices into separate residential dwelling including first floor extension at Bordyke End and the Coach House, East Street, Tonbridge.

**RESOLVED:** That application (A) be REFUSED for the following reason:

- (1) The proposed first floor extension to the Coach House by virtue of its size, position and close proximity with the neighbouring dwelling at 2 Hadlow Road would have an unduly overbearing impact upon the outlook from this neighbouring property, to the detriment of its residential amenity. Furthermore, the proposed detached garage with annexe above would, by virtue of its overall height combined with its position within the site and relationship with the neighbouring dwelling at 55 East Street, result in a dominant form of development thus having an unacceptable overbearing impact to this neighbouring property, to the detriment of its residential amenities. For these reasons, the proposed development is contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment DPD 2010 and saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998.

**RESOLVED:** That application (B) be REFUSED listed building consent for the following reason:

- (1) The buildings are listed under Section of the Planning (Listed Building and Conservation Areas) Act 1990 as being of special architectural or historic interest, and the works to these buildings would be premature in the absence of any associated planning permission for the proposed development.

[Speakers: Mr Harrison – member of the public and Mr Bland – agent]

**AP1 14/46 TM/14/02398/FL - 1 BARCHESTER WAY, TONBRIDGE**

Retrospective application for a detached garage at 1 Barchester Way, Tonbridge.

**RESOLVED:** That the application be REFUSED for the following reason:

- (1) The proposed development, by virtue of its overall height, the design of the roof and specific siting, would appear as an incongruous feature and would be harmful to the visual amenity and appearance and character of the area. The proposal is therefore contrary to policies CP1 and CP24 of the Tonbridge and

Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD 2010 and paragraphs 17, 56, 57, 60 and 64 of the National Planning Policy Framework (2012).

[Speakers: Mrs C Bowden and Mr P Bowden – members of the public and Mr P Newton - agent]

**AP1 14/47 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.30 pm