

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**AREA 2 PLANNING COMMITTEE**

**Wednesday, 16th April, 2014**

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr Mrs E M Holland (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr C Brown, Cllr R D Chartres, Cllr M A Coffin, Cllr S R J Jessel, Cllr Mrs S Luck, Cllr B J Luker, Cllr Mrs S Murray, Cllr H S Rogers, Cllr A G Sayer, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole and Cllr M Taylor

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

**PART 1 - PUBLIC**

**AP2 14/12 DECLARATIONS OF INTEREST**

Councillor Miss Shrubsole declared an Other Significant Interest related to applications TM/13/03558FL and TM/130557/FL (The White Swan, 35 Swan Street, West Malling) as a member of her family worked for the firm of solicitors acting for the applicant. She withdrew from the meeting during the discussion of this item.

Councillor Mrs Luck declared an Other Significant Interest related to application TM/13/01952/FL (Mill Yard, 26 Swan Street, West Malling) as the development was adjacent to land in her ownership. She withdrew from the meeting during the discussion of this item.

Councillor Balfour advised the Committee of his role as Deputy Cabinet Member for Highways and Transportation at Kent County Council. As this did not represent either a Disclosable Pecuniary Interest or an Other Significant Interest he remained in the meeting.

**AP2 14/13 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 5 March 2014 be approved as a correct record and signed by the Chairman.

**MATTERS FOR RECOMMENDATION TO COUNCIL**

**AP2 14/14 DIVERSION OF RESTRICTED BYWAY MR221A, LONDON GOLF CLUB, SOUTH ASH MANOR, ASH**

Further to Minute AP2 13/042 and following consultation by Kent County Council, the report of the Director of Central Services set out a new proposal to create a new length of footpath and bridleway for the

diversion of Restricted Byway MR221A. The report also set out responses to a second consultation.

The proposed diversion was shown on the plan at Appendix A to the report. It was noted that stopping up MR221A and the provision of an equally pleasant and safe alternative route would eliminate the potential risk presented to users of MR221A as a result of the practice facility. Furthermore the creation of a new length of bridleway and footpath would improve the network in the local area.

**RECOMMENDED:** That

- (1) the making of an Order under Section 257 of the Town and Country Planning Act 1990 to divert Restricted Byway MR221A at Stansted, as shown at Appendix A to the report, in order to enable the proposed development (planning application TM/09/03149FL refers) to be carried out be approved;
- (2) the confirmation of the Order, if unopposed, be approved; or
- (3) the Order be referred to the Secretary of State for Communities and Local Government for determination if any objections were sustained.

**\*Referred to Council**

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

**AP2 14/15 DEVELOPMENT CONTROL AND SUPPLEMENTARY REPORTS**

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 14/16 TM/13/03558/FL AND TM/13/03557/FL - THE WHITE SWAN, 35 SWAN STREET, WEST MALLING**

- (A) Section 73 application to vary conditions (relating to hours of restaurant use and noise levels) of planning permission TM/99/00046/FL (as subsequently varied by permissions

TM/99/00835/FL and TM/01/00833/FL) for change of use to restaurant including alteration, restoration and single storey extension to existing building and replacement of garage block for staff quarters at The White Swan, 35 Swan Street, West Malling.

(B) Erect a temporary marquee for six months of the year for private functions at The White Swan, 35 Swan Street, West Malling

**RESOLVED:** That application (A) TM/13/03558/FL be

APPROVED, in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

**RESOLVED:** That application (B) TM/13/03557/FL be

APPROVED, in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environment Health; subject to the following:

(1) Addition of condition:

6. A log book of noise incidents shall be maintained at the premises, which shall be made available for inspection by the Local Planning Authority.

Reason: To ensure the proper management of the restaurant use of the premises in order to safeguard the amenities of neighbouring occupiers.

[Speakers: Mr N N Levantis – applicant]

**AP2 14/17 TM/14/00234/FL - BLACKMANS, TROTTISCLIFFE ROAD, ADDINGTON**

Erection of 3 no. detached dwellings with provision of associated new access and parking facilities at Blackmans, Trottiscliffe Road, Addington.

**RESOLVED:** That the application be

APPROVED in accordance with the submitted details set out in the report of the Director of Planning, Housing and Environmental Health; subject to:

- (1) Satisfactory completion of a Section 106 Planning Obligation to secure a contribution of £20,000 towards off site provision for affordable housing;
- (2) The conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health; and

(3) Amended condition 12 as set out below:

12. No development shall take place until detailed longitudinal sections and cross sections through the two new accesses and driveways, including localised widening to accommodate the ability of two vehicles to pass, have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

[Speakers: Ms Bailey – Addington Parish Council; Ms L Pereira, Mrs P Curtis, Mr G Curtis, Mr D Lane, Mrs M Tillett, Mr Donoghue, Mr Thompson, Mr Rogers and Mr G Burton – members of the public and Mr M Bor – applicant]

**AP2 14/18 TM/13/03625/FL - CEDAR BUNGALOW, CHURCH LANE, TROTTISCLIFFE**

Demolition of Cedar Bungalow and outbuildings and erection of 3 terraced dwellings, landscaping and car park at Cedar Bungalow, Church Lane, Trottiscliffe.

**RESOLVED:** That the application be

DEFERRED for a Members' Site Inspection

[Speaker: Mrs Hunt – member of the public]

**AP2 14/19 TM/13/01952/FL - MILL YARD, 26 SWAN STREET, WEST MALLING**

Development comprising 4 no. two bedroom town houses and one retail unit plus associated parking and external works at Mill Yard, 26 Swan Street, West Malling.

It was reported that the applicant's agent had positively responded to concerns raised by local Members regarding the demolition and construction management for the development by providing a draft management plan.

**RESOLVED:** That the application be

APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health and the amended plans list set out in the supplementary report; subject to:

(1) Amended condition 11, as set out below:

11. Development shall not begin until a scheme for protecting the proposed buildings from noise, that includes noise attenuation measures to protect the residential properties from noise from the public car park and recycling centre, in line with National Planning Policy Framework 2012 paragraph 123 and Noise Policy Statement for England 2010, has been submitted to and approved by the Local Planning Authority, and all works which form part of the scheme shall be completed before any of the permitted buildings are occupied and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: In the interests of the residential amenity of the new development.

(2) Addition of condition 32, as set out below:

32. No development shall take place until details of the finished slab levels of all the buildings to be erected, relative to a defined and enduring datum point, have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

(3) Addition of informative:

4. The developer is advised to consider signing up to the Considerate Constructors' Scheme at [www.ccscheme.org.uk](http://www.ccscheme.org.uk)

[Speakers: Mr K Scott – agent]

## **AP2 14/20 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.30 pm