

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 10th April, 2019

Present: Cllr Mrs F A Kemp (Chairman), Cllr M A C Balfour,
Cllr Mrs S M Barker, Cllr Mrs S L Luck, Cllr P J Montague,
Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw,
Cllr Miss S O Shrubsole and Cllr M Taylor

Councillor Mrs T Dean was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors B J Luker (Vice-Chairman), Mrs J A Anderson, R P Betts, M A Coffin and L J O'Toole

PART 1 - PUBLIC

AP2 19/14 DECLARATIONS OF INTEREST

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

AP2 19/15 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 27 February 2019 be approved as a correct record and signed by the Chairman.

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

AP2 19/16 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 19/17 TM/18/02642/FL - LAND WEST OF STATION ROAD NORTH, WEST MALLING

Use of land to provide station car parking and new access at land west of Station Road North, West Malling.

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

(1) Additional Condition:

16. Any lighting scheme approved shall not be brought into operation until a scheme for the effective operation and ongoing maintenance of the lighting system has been submitted to and approved by the Local Planning Authority. The details should include, but not necessarily be limited to, information setting out how the system will be managed to ensure the lights are extinguished after the last train. The lighting scheme shall thereafter be operated and maintained in strict accordance with those approved details at all times thereafter.

Reason: In the interests of visual and residential amenity.

(2) Additional Informatives:

8. The applicant is advised that in seeking to discharge conditions 5 and 6 imposed on this permission, they consider the level and scale of any lighting proposed, keep this to a minimum and at low level and that the landscaping and boundary treatment scheme includes provision to enhance the boundaries to create an improved screen to the site.

9. The applicant is advised that any signage installed within the car park is appropriately and sensitively designed and sited to reflect and respect the particular amenities of the locality.

[Speakers: Richard Byatt – West Malling Parish Council and Steven Brooker – agent]

AP2 19/18 TM/18/01013/OA - LAND EAST OF KING HILL, WEST MALLING

Outline Application: Demolition of existing dwelling house (Sportsmans' Bungalow, 124 Teston Road) and outbuildings and erection of up to 120 dwellings including 40% affordable housing, with public open space, a community orchard, landscaping and sustainable drainage system (SuDS) and vehicular access point from King Hill at Land east of King Hill, West Malling.

All matters reserved except for means of access.

During the discussion of this item it was recognised that legal advice was required and the Chairman moved, it was seconded and:

RESOLVED: That as public discussion would disclose exempt information the legal advice be considered in private as per LGA 1972 Sch 12A Paragraph 5 – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Following the receipt of legal advice the Committee discussed the item further in public.

RESOLVED: That outline planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) The applicant entering into legal agreements in respect of:

- 40% affordable housing provision
- Off-site open space provision
- Off-site highways improvements including to the bridleway
- Provision of a pedestrian/cycling path linking the A228/Tower view roundabout
- Community facilities and services (KCC Economic Development)
- General medical practice services (NHS CCG)
- Landscape and Ecological Management Plan detailing how the retained woodland area, hedgerows, habitats and new landscape plantings are to be managed in perpetuity to enhance the biodiversity value of the site

It is expected that the Section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 10 September 2019, a report back to the Area 2 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application will be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

(2) Delete Condition 7 related to details of fencing around the King Hill milestone.

(3) Additional Informative:

14. The applicant should be aware of the location of the milestones within the near vicinity of the site and take all reasonable measures to

ensure their protection in liaison with nearby residents and the Parish Council where appropriate to do so.

[Speakers: Richard Byatt – West Malling Parish Council, Steve Rickett – Offham Parish Council; Sean Foley, David Laskow-Pooley; Patrick Bligh and Peter Jones – members of the public and Chris Still – agent]

AP2 19/19 TM/19/00199/FL - BRACKENHILL SERVICE STATION, 82-106 MAIDSTONE ROAD, BOROUGH GREEN

Section 73 application for the removal of condition 6 (opening hours) pursuant to planning permission TM/83/10931/FUL (Redevelopment of Petrol Filling Service Station, including erection of new sales building and canopy) at Brackenhill Service Station, 82 - 106 Maidstone Road, Borough Green.

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

- (1) The use of the service station on a permanent 24 hour basis will lead to unacceptable levels of noise and disturbance to the immediately adjacent residential properties which would cause significant harm to the residential amenities of the occupants. The degree and nature of the harm arising cannot be satisfactorily or acceptably mitigated through the imposition of planning conditions and therefore the use is contrary to the requirements of policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and paragraph 180 of the National Planning Policy Framework 2019.

[Speakers: Duncan Cochrane-Dyett and Claire Cochrane-Dyett – members of the public and Michael Birch - agent]

AP2 19/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.20 pm