

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 29th May, 2019

Present: Cllr H S Rogers (Chairman), Cllr B J Luker (Vice-Chairman), Cllr Mrs J A Anderson, Cllr R P Betts, Cllr C Brown, Cllr M A Coffin, Cllr S A Hudson, Cllr Mrs F A Kemp, Cllr Mrs C B Langridge, Cllr P J Montague, Cllr L J O'Toole, Cllr W E Palmer, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr N G Stapleton, Cllr K B Tanner and Cllr M Taylor

Councillors N J Heslop, R V Roud, Mrs M Tatton and D Thornewell were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP2 19/21 DECLARATIONS OF INTEREST

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

AP2 19/22 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 10 April 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 19/23 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 19/24 (A) TM/18/03030/OAEA (B) TM/18/03033/OAEA (C)
TM/18/03034/OAEA - DEVELOPMENT SITE BETWEEN 1 TOWER
VIEW AND 35 KINGS HILL AVENUE, KINGS HILL**

Development site between 1 Tower View and 35 Kings Hill Avenue, Kings Hill:

- (A) Outline Application: Redevelopment to provide up to 70 Class C3 residential units, together with landscaping, open space and other associated works. All matters reserved for future approval except for access (Site 5.1)**

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

- (1) The development of the site for residential purposes and associated infrastructure, would result in a loss of designated employment land, for which there is no justification particularly in light of the identified need for such land across the Borough. The proposed development fails to safeguard the site for employment purposes and is therefore contrary to policy CP21 of the Tonbridge and Malling Borough Core Strategy 2007 and policy E1 of the Development Land Allocations DPD 2008 and paragraphs 80, 120 and 121 of the National Planning Policy Framework (2019).
- (2) The introduction of new residential development in this location would be completely at odds with the prevailing and established built environment both in terms of prevalent land uses and visual appearance. The development would, therefore, appear as an entirely incongruous feature within the immediate locality which would be harmful to the amenities of the locality and demonstrably would not respect the site and its surroundings, protect, conserve or enhance local distinctiveness, be sympathetic to local character and history, or take any opportunities for improving the character and quality of the area and the way it functions. The development proposed is therefore contrary to the requirements of policy 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 paragraphs 127(c), 130, 180 and 182 of the National Planning Policy Framework (2019).

- (B) Outline Application: Redevelopment to provide up to 70 Class C3 residential units, together with landscaping, open space and other associated works. All matters reserved for future approval except for access (Site 5.6)**

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

- (1) The development of the site for residential purposes and associated infrastructure, would result in a loss of designated employment land, for which there is no justification particularly in light of the identified need for such land across the Borough. The proposed development fails to safeguard the site for employment purposes and is therefore contrary to policy CP21 of the Tonbridge and Malling Borough Core Strategy 2007 and policy E1 of the Development Land Allocations DPD 2008 and paragraphs 80, 120 and 121 of the National Planning Policy Framework (2019).
 - (2) The introduction of new residential development in this location would be completely at odds with the prevailing and established built environment both in terms of prevalent land uses and visual appearance. The development would, therefore, appear as an entirely incongruous feature within the immediate locality which would be harmful to the amenities of the locality and demonstrably would not respect the site and its surroundings, protect, conserve or enhance local distinctiveness, be sympathetic to local character and history, or take any opportunities for improving the character and quality of the area and the way it functions. The development proposed is therefore contrary to the requirements of policy 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 paragraphs 127(c), 130, 180 and 182 of the National Planning Policy Framework (2019).
- (A) Outline Application: Redevelopment to provide up to 210 Class C3 residential units, together with landscaping, open space and other associated works. All matters reserved for future approval except for access (site 5.2-5.3)**

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

- (1) The development of the site for residential purposes and associated infrastructure, would result in a loss of designated employment land, for which there is no justification particularly in light of the identified need for such land across the Borough. The proposed development fails to safeguard the site for employment purposes and is therefore contrary to policy CP21 of the Tonbridge and Malling Borough Core Strategy 2007 and policy E1 of the Development Land Allocations DPD 2008 and paragraphs 80, 120 and 121 of the National Planning Policy Framework (2019).
- (2) The introduction of new residential development in this location would be completely at odds with the prevailing and established

built environment both in terms of prevalent land uses and visual appearance. The development would, therefore, appear as an entirely incongruous feature within the immediate locality which would be harmful to the amenities of the locality and demonstrably would not respect the site and its surroundings, protect, conserve or enhance local distinctiveness, be sympathetic to local character and history, or take any opportunities for improving the character and quality of the area and the way it functions. The development proposed is therefore contrary to the requirements of policy 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 paragraphs 127(c), 130, 180 and 182 of the National Planning Policy Framework (2019).

[Speakers: Caroline Bridger – Kings Hill Parish Council and Andrew Blevins – applicant]

AP2 19/25 TM/18/02093/OA - FIELD AT CORNER OF LAVENDERS ROAD AND SWAN STREET, WEST MALLING

Outline Application: Development comprising up to 80 residential dwellings (including 40% affordable housing), open space, drainage, access and associated works, with all matters reserved except for access which is to be considered in detail at this stage - field at corner of Lavenders Road and Swan Street, West Malling.

RESOLVED: That the Secretary of State (through his Inspector) and the Appellant be advised that had the Local Planning Authority been in a position to determine the application at this time outline planning permission would have been REFUSED on the basis of, and having regard to, the following:

- (1) The Local Planning Authority considers that the Heritage Statement submitted in support of the proposed development continues to be inadequate in content and no recognised methodology has been adopted that would be demonstrably compliant with national policy and legislation meaning that it fails to meet the requirements set out at within the National Planning Policy Framework (2019) and the Historic England Good Practice Advice in Planning Note 3: Settings and Views' (GPA3).
- (2) The proposed residential development is of a scale and location that would give rise to a direct impact on the setting of designated heritage assets including listed buildings and the West Malling Conservation Area. Notwithstanding [1] above, the proposed development by virtue of the amount and type of development proposed, the location of the site and the resultant proximity and relationship to St Marys Abbey, other listed buildings within the vicinity and the West Malling Conservation Area, would cause less

than substantial harm to these designated heritage assets which are not outweighed by any public benefits that would be derived from the proposal in a manner required by the policies contained within the National Planning Policy Framework (2019). For these reasons, the proposed development also fails to meet the statutory duty provided for by the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

- (3) The proposed development by virtue of the overall number of units proposed, the resultant density, form, pattern and character that would subsequently arise would be entirely at odds with the prevailing character of the environment, which forms a key entrance to the historic town of West Malling, harmful to visual amenity and demonstrably would not respect the site and its surroundings, protect, conserve or enhance local distinctiveness, be sympathetic to local character and history, or take any opportunities for improving the character and quality of the area and the way it functions. The development proposed is therefore contrary to the requirements of policy 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 paragraphs 127(c) and 130 of the National Planning Policy Framework (2019).

AP2 19/26 TM/19/00001/TPO - FIELD AT CORNER OF LAVENDERS ROAD AND SWAN STREET, WEST MALLING

The report of the Director of Planning, Housing and Environmental Health advised that an objection had been made in response to a recent Tree Preservation Order (TPO) consultation. It was therefore necessary for the Local Planning Authority to consider any objections when deciding whether the Order should be confirmed.

After careful consideration of the determining issues, Members considered it necessary and appropriate in the circumstances to seek to protect the trees in question through confirmation of a TPO, subject to further confirmation of trees species cited in Groups 1 and 2 (set out in Annex 1 to the report).

RESOLVED: That the Tree Preservation Order as set out in Annex 1 to the report be REVIEWED and CONFIRMED following modification, subject to further confirmation of the tree species cited in Groups 1 and 2.

MATTERS FOR INFORMATION

AP2 19/27 SUMMARY OF PLANNING APPEALS

At the request of the Chairman, and for the benefit of newly elected Members, a brief verbal summary of the planning appeal process was provided. It was reported and noted that the recent number of successful

appeals demonstrated that the Borough Council had robust and sound procedures in place.

AP2 19/28 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.05 pm