

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 20th August, 2020

Present: Cllr D A S Davis (Chairman), Cllr M C Base (Vice-Chairman), Cllr Mrs S Bell, Cllr T Bishop, Cllr R I B Cannon, Cllr D J Cooper, Cllr R W Dalton, Cllr Mrs T Dean, Cllr P M Hickmott, Cllr A P J Keeley, Cllr D Keers, Cllr A Kennedy, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr Mrs M Tatton, Cllr D Thornevell and Cllr C J Williams

Councillors M D Boughton, V M C Branson, N J Heslop, B J Luker, L J O'Toole, H S Rogers and N G Stapleton were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor S M Hammond

PART 1 - PUBLIC

AP3 20/20 DECLARATIONS OF INTEREST

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

AP3 20/21 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 9 July 2020 be approved as a correct record and signed by the Chairman, subject to the amendment of Minute AP3 20/15 in respect of application TM/19/01814/OA (Land west of Winterfield Lane, East Malling) to read:

'The Committee was minded that the application should be refused on the grounds set out below:

- that it was development in the countryside which would fail to protect conserve and enhance the character and local distinctiveness of the area and pattern of settlement;
- it would erode the separate identities of East Malling, Larkfield, Leybourne and West Malling;
- would harm the setting or local historic interest of Grade 1 Clare House;
- it would harm the integrity and setting of the Historic Park and Garden of Grade 1 listed Clare House
- it would result in the loss of high quality agricultural land; and
- the application was premature and to grant permission would frustrate the plan making process.

Therefore, in accordance with Committee Procedure Rule 15.25 Part 4 (Rules) of the Council's Constitution, it was

RESOLVED: That consideration of the application be DEFERRED for a report from Legal Services on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health.'

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

AP3 20/22 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 circulated in advance of the meeting and published to the website.

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.

AP3 20/23 TM/18/02966/OA - DEVELOPMENT SITE SOUTH OF BRAMPTON FIELD BETWEEN BRADBOURNE LANE AND KILN BARN ROAD, DITTON

Outline Application: Development of the site to provide up to 300 dwellings (Use Class C3) and provision of new access off Kiln Barn Road. All other matters reserved for future consideration at Development Site South of Brampton Field between Bradbourne Lane and Kiln Barn Road, Ditton

APPLICATION WITHDRAWN FROM THE AGENDA

AP3 20/24 TM/19/02841/FL - 675 LONDON ROAD, DITTON

Demolition of existing buildings and erection of Class A1 foodstore with associated parking, landscaping and access works at 675 London Road, Ditton.

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

(1) the amendment of Condition 7 to read:

7. No deliveries shall be made to the site outside of the hours of 07:00 – 21:00.

Reason: In the interests of local amenity.

(2) the addition of Condition 27:

27. Prior to the first commencement of the use hereby approved, a scheme detailing the hours of operation for all external lightning shall be submitted to and approved by the Local Planning Authority. The scheme shall include measures to ensure all lighting is switched off when the store is not open for business save for any necessary security measures, for which a management plan should be provided for approval. The lighting shall thereafter be restricted to the agreed hours of operation in perpetuity and the associated management shall be strictly adhered to.

Reason: In the interests of visual amenity and to safeguard neighbouring properties.

[The following representations were made by verbal statements:

- Ditton Parish Council (Anthony Mulcuck)
- Julia Jenner (on behalf of Chris Clarke) (member of the public)
- Neil Berriman (member of the public)
- Oliver McGuinness (Agent to the applicant)

The following representations were made by written statements and read out by the Democratic Services Officers:

- Anthony Mulcuck (member of the public)
- Grazyna Berriman (member of the public)
- Dawn Taylor (member of the public)
- Jennifer Wardle (member of the public)
- James Ruxton (member of the public)
- David Smith (member of the public)]

AP3 20/25 TM/20/00483/FL - LAND BETWEEN 166 AND 194 ROCKS ROAD, EAST MALLING

Development of 2no. detached houses with associated gardens and parking at Land Between 166 and 194 The Rocks Road, East Malling

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

1. The Local Planning Authority is not convinced on the basis of the evidence put before it that visibility splays sufficient to serve the proposed development in a safe manner can be provided without causing unacceptable visual harm to the character and appearance of the rural locality. As such, the proposed development is contrary to the requirements of policy CP24 of the Tonbridge and Malling Borough Core

Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

[The following representations were made by verbal statements:

- Neil Dave (member of the public)
- Michael Mansell (member of the public)
- Ann Baumber (member of the public)
- Stephen Lockett (member of the public)
- Kingsley Hughes (Agent to the applicant)

The following representations were made by written statements and read out by the Democratic Services Officers:

- Lesley Sahin (member of the public)
- Martyn Dixon (member of the public)]

AP3 20/26 TM/19/01814/OA - DEVELOPMENT SITE LAND WEST OF WINTERFIELD LANE, EAST MALLING

Outline Application: Erection of up to 250 new homes (40% affordable), new community building, provision of a new country park and other areas of public open spaces, areas of play, upgrade of existing footpaths, together with new vehicular access onto London Road and associated parking and landscaping at Development Site Land West of Winterfield Lane, East Malling

RESOLVED: that the Secretary of State (through his Inspector) and the applicant be advised that, had the Local Planning Authority been in a position to determine the application at this time, it would have **REFUSED outline planning permission** for the following reasons:

1. The site is located within the designated countryside, beyond any defined settlement confines, where development is restricted to specified categories, none of which apply in the case of the development proposed by this application. Furthermore, the development of the site would diminish the separation between existing established settlements which would cause unacceptable coalescence. The proposal is therefore contrary to adopted development plan policies CP6, CP11 and CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and there are no material considerations to indicate a divergence from the restrictions set out in these policies.

2. The proposal includes substantial built development on the south side of the A20 where currently panoramic views over open countryside prevail. As a result, development at this quantum and in this location would be to the detriment of the character and appearance of the immediate locality contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

3. The site is classified as Grade 2 agricultural land which would be lost as a consequence of the proposed development. As such, the scheme does not recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land and is therefore contrary to the requirements of paragraph 170 (c) of the National Planning Policy Framework 2019. The loss of this agricultural land would amount to a substantial adverse impact that would not be outweighed by the benefits of the proposal even in the absence of a deliverable five year housing land supply.

4. There is a strong likelihood that the proposed development would substantially and unacceptably prejudice one of the Council's key forthcoming strategic objectives, as set out in the draft Local Plan, insofar as it relates to the proposed Green Belt extension. The emerging plan is at an advanced stage of preparation, with dates set for its examination. The scheme is therefore considered to be premature for the purposes of applying paragraphs 49 and 50 of the National Planning Policy Framework 2019.

PART 2 - PRIVATE

AP3 20/27 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information the following matters be considered in private.

AP3 20/28 TM/19/01814/OA - LAND WEST OF WINTERFIELD LANE, EAST MALLING

(LGA 1972, Sch 12A, Paragraph 5 – Legal Advice)

The report of the Director of Central Services and Monitoring Officer outlined the potential consequences of refusing planning permission against the advice of officers (Minute AP3 20/26 refers).

RESOLVED: That the report be received and noted.

The meeting ended at 10.10 pm
having commenced at 6.30 pm