

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 15th January, 2025

Present: Cllr W E Palmer (Chair), Cllr C Brown (Vice-Chair), Cllr B Banks, Cllr S Crisp, Cllr Mrs T Dean, Cllr S A Hudson, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor

Councillors D Thornevell, Mrs S Bell*, D Harman*, M A J Hood* and Mrs A S Oakley* was also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams)

Apologies for absence were received from Councillors R P Betts, P Boxall, M A Coffin and J R S Lark. An apology for in-person attendance was received from Councillor M D Boughton who participated via MS Teams in accordance with Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP2 25/1 DECLARATIONS OF INTEREST

For reasons of transparency, Councillor Mrs M Tatton advised that she was the Parish Clerk for Teston Parish Council who were one of the consultees on application TM/22/01570/OA (Land North East and South of 161 Wateringbury Road). However, as she had not been involved in any decision making regarding the Parish Council's response, this did not represent either a Disclosable Pecuniary or Other Significant Interest and there was no requirement for her to withdraw from the meeting or to not participate in the debate.

Councillors Mrs M Tatton and Councillor R Roud advised that they had no involvement in the statement submitted on behalf of East Malling and Larkfield Parish Council in respect of application TM/22/01570/OA (Land North East and South of 161 Wateringbury Road) and that they had no sight of the report prior to its publication.

AP2 25/2 MINUTES

RESOLVED: That the Minutes of the ordinary and extraordinary meetings of the Area 2 Planning Committee held on 4 December and 12 December 2024 respectively be approved as a correct record and signed by the Chairman.

AP2 25/3 GLOSSARY AND SUPPLEMENTARY MATTERS

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.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)**AP2 25/4 TM/22/01570/OA - LAND NORTH EAST AND SOUTH OF 161 WATERINGBURY ROAD**

Outline Application: All matters reserved except for access for the erection of up to 52 residential dwellings, including affordable housing, open space and landscaping, roads, parking, drainage and earthworks. New access to be formed from Wateringbury Road.

Due regard was given to the determining issues and conditions as detailed in the report of the Director of Planning, Housing and Environmental Health, with particular attention given to the concerns raised by the public speakers. Members expressed significant concern in respect of the potential impact of the proposed development on the surrounding listed buildings and non-designated heritage assets, the harm to the landscape and the East Malling Conservation Area.

Councillor Tatton proposed, seconded by Councillor R Roud that:

(1) the application be refused for the following reasons:

- The proposal would result in less than substantial harm to the Designated Heritage Assets of Huntley Cottage, 122 Wateringbury Road, East Malling, Ivy House Farm and the East Malling Conservation Area especially in relation to the landscape harm and less than substantial harm to the non-designated heritage asset of Belevedere Oast Farm. These adverse impacts would significantly and demonstrably outweigh the public benefits proposed by the application. The proposal would therefore be contrary to paragraphs 215 and 216 of the National Planning Policy Framework (NPPF), Policy CP1 of the TMBCS and Policy SQ1 of the MDE DPD 2020.

- The ecological mitigation measures proposed would not adequately protect the protected species on the site sufficiently to give confidence to the Local Planning Authority that the sequential tests for mitigation had adequately been applied sufficiently that a conclusion cannot be reached to assess the direct impact. The proposal was therefore contrary to paragraph 193(a) of the NPPF and Policy NE3 of the MDE DPD 2020.
 - The development by virtue of its location would not represent a sustainable location in accordance with paragraph 8 of the NPPF and would therefore lead to unacceptable reliance on the private car contrary to paragraph 117 of the NPPF and policies CP1 and CP2 of the TMBCS.
 - The proposed development by virtue of the proximity to the boundary of 51 Wateringbury Road would result in overlooking and loss of amenity to the occupants of that property that could not be satisfactorily ameliorated by landscape proposals. As such the development was contrary to policies CP1 and CP24 of the Core Strategy and the NPPF; and
- (2) the refinement of the wording be delegated to the Director of Planning, Housing and Environmental Health, in consultation with Ward Members.

In accordance with Council Procedure Rule 15.25, Part 4 Rules of the Constitution, it was

RESOLVED: That the planning 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 (as set out in CPR 15.25, Part 4 (Rules) of the Constitution).

[Speakers: Cllr V Gillece (on behalf of East Malling and Larkfield Parish Council), Cllr P Coulling (on behalf of Teston Parish Council), Mr T Lock, Mr G Kenward, Mrs N Allen, Mr J Allen, Ms F Saunders, Mr M Crowcroft, Ms K Moore, Mr M Bagely (on behalf of Mrs S Page), Mr M Page, Mr P Jordan, Mr S Brett (members of the public) and Mr A Wilford (on behalf of the Applicant) addressed the Committee in person.]

AP2 25/5 TM/23/03241 - DEVELOPMENT SITE WEST OF WINTERFIELD LANE, EAST MALLING

S73 Application to vary planning condition 11 (Access plans) to TM/19/01814/OA 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.

Due regard was given to the determining issues and conditions as detailed in the report of the Director of Planning, Housing, and Environmental Health with particular attention given to the concerns raised by the public speakers and due consideration given to the retaining and bank options contained in the report.

Members expressed concern in respect of the copse where trees were subject to a woodland Tree Preservation Order (TPO), the design of the cycle/footway and how this would be used, the impact on local character and the landscaping of the area.

RESOLVED: That the application be DEFERRED to allow for further discussion on suitable alternative options to mitigate any impact on the copse which was subject to a woodland Tree Preservation Order.

[Speakers: Cllr K O'Shea (on behalf of Leybourne Parish Council), Mr N Fowler (member of the public) and Mr P Dadswell (on behalf of the applicant) addressed the Committee in person].

AP2 25/6 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

The report setting out updates in respect of planning appeals, public inquiries and hearings since the last meeting of the Planning Committee was received and noted.

AP2 25/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 11.05 pm