

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 1 PLANNING COMMITTEE**

**Thursday, 29th October, 2015**

**Present:** Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr P F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr M O Davis, Cllr B T M Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Ms S V Spence and Cllr F G Tombolis

Apologies for absence were received from Councillors Ms J A Atkinson, O C Baldock and T Edmondston-Low

### **PART 1 - PUBLIC**

#### **AP1 15/40 DECLARATIONS OF INTEREST**

Councillor Botten declared an Other Significant Interest on the grounds that a close family relation, who lived close to the site, had expressed their opposition to the application. To avoid any appearance of bias and predetermination he withdrew from the meeting during the discussion of this item.

#### **AP1 15/41 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 17 September 2015 be approved as a correct record and signed by the Chairman.

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

#### **AP1 15/42 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.

**AP1 15/43 TM/15/01266/FL - REAR OF 105, 107 AND 109 ST MARYS ROAD, TONBRIDGE**

Demolition of existing buildings and the erection of a residential unit to provide a one bed bungalow and two bed semi-detached property with parking and landscaping at rear of 105, 107 And 109 St Marys Road Tonbridge

**RESOLVED:** That the application 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; subject to

(1) Amendment of Condition:

4. No building shall be occupied until the areas shown on the submitted plan as turning area and vehicular access serving the development has been provided, surfaced and drained. Thereafter those areas shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

(2) Addition of Condition:

9. Prior to the commencement of the development hereby approved, arrangements for the management of demolition and construction traffic to and from the site (including hours of operation and deliveries and storage of materials to the site) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless any variation has been agreed by the Local Planning Authority in writing beforehand.

Reason: In the interests of residential amenities and highway safety.

[Speaker: Mr J Collins – agent]

**AP1 15/44 TM/15/02641/FL - LAND ADJACENT TO 49 GARDEN ROAD, TONBRIDGE**

Demolition of existing detached double garage and erection of a detached dwelling house with associated access and parking facilities at land adjacent to 49 Garden Road Tonbridge

**RESOLVED:** That the application 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; subject to

(1) Additional Condition:

15. No development shall take until details of measures to protect the trees within the frontage of 49 Garden Road have been submitted to and approved by the Local Planning Authority. The details shall include a plan which indicates the positions, design, materials and type of fencing to be erected. The protective measures shall be implemented before the use of the parking area serving 49 Garden Road is commenced and shall be retained at all times thereafter.

Reason: In the interests of the amenities of the area.

[Speaker: Ms J Smith and Mr R Caveille – members of the public and Mr Palmer - applicant]

#### **AP1 15/45 TM/15/02254/FL - LAND AT CANNON LANE, TONBRIDGE**

Demolition of existing buildings and construction of new freestanding single storey McDonald's restaurant with associated drive thru lane, car parking, landscaping, customer order displays and canopies at land at Cannon Lane Tonbridge

**RESOLVED:** That the application 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; subject to

(1) Amendment to Condition:

8. The use of the restaurant/drive-thru building hereby approved shall not commence until full details of a ventilation scheme for the removal and treatment of cooking odours has been submitted to and approved in writing by the Local Planning Authority. The scheme shall draw reference to the requirements and recommendations of the DEFRA 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. The acoustic details shall include full spectrum octave analysis for the proposed ventilation equipment. This must demonstrate that the noise from the equipment will not exceed NR35 at the nearest noise sensitive premises. The odour details shall include a risk assessment for odour as detailed in Annex C of the DEFRA guidance. The approved scheme shall be fully installed before use of the kitchen commences and shall thereafter be maintained in strict accordance with the approved details. No cooking of food shall take place unless the approved extraction system is being operated.

Reason: To mitigate the impact of the any associated emissions in accordance with paragraph 122 of the National Planning Policy Framework 2012.

(2) Addition of Condition:

17. No external lighting shall be installed in connection with the development hereby approved until such details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. Details to be submitted shall include a layout plan with luminaire orientation and a schedule of equipment in the external lighting design (including luminaire type, mounting height, luminaire orientation and lux lighting levels). The lighting shall be installed, maintained and operated in accordance with the approved details unless agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and or visual amenity of the locality and in the interests of residential amenity.

(3) Addition of Informative:

8. The applicant's attention is strongly encouraged to consider the representations made by local residents insofar as its future operations and management of the site is concerned.

[In accordance with Council Procedure Rule No. 8.6 (Part 4 of the Constitution) Councillors Lancaster and Ms Spence asked that their vote against the motion be recorded.]

[Speaker: Mr Fahmy – member of the public]

**AP1 15/46 TM/14/02816/FL - ALANS HECTARE, CEMETERY LANE, HADLOW**

Change of use of land to a private gypsy and traveller caravan site consisting of 2no. pitches at Alans Hectare Cemetery Lane Hadlow

It was reported that this application was subject to an appeal to the Planning Inspectorate against non-determination within the target date of November 2014. Accordingly, Members considered what the Borough Council's decision would have been if they were still in a position to determine the application. The resolution would be used as the basis for the Borough Council's case in connection with the appeal. The nature of the development proposals now subject of the appeal was detailed in the report of the Director of Planning, Housing and Environmental Health.

**RESOLVED:** That the Planning Inspectorate and the applicant be advised that, had the Local Planning Authority, been in a position to

determine the application, it would have REFUSED planning permission for the following reasons:

- (1) The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in paragraphs 89-91 of the National Planning Policy Framework 2012 and paragraph 16 of the Planning Policy for Traveller Sites 2015 and Policies CP3 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007. The development constitutes inappropriate development which is harmful to the Green Belt by definition. Furthermore, the development by virtue of its specific nature, siting and scale causes material harm to the open function and character of the Metropolitan Green Belt and gives rise to an encroachment of built development into the countryside, contrary to the requirements of paragraph 79 of the National Planning Policy Framework 2012. There are no very special circumstances which outweigh the degree of harm caused to the Green Belt by inappropriateness and harm to openness. The development is therefore contrary to the requirements set out in Section 9 of the National Planning Policy Framework 2012, the Planning Policy for Travellers Sites 2012 and policies CP3 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007.
- (2) The development, by virtue of its nature, siting and scale, detracts from the character of the rural locality and causes harm to the rural amenity of the countryside and is therefore contrary to Policies CP14 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007.

[Speaker: Mrs Massey – Hadlow Parish Council and Mr Thomas – member of the public]

#### **AP1 15/47 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.05 pm