

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 28th September, 2016

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr R P Betts, Cllr M A Coffin, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers, Cllr T B Shaw and Cllr Miss S O Shrubsole

Councillors M Taylor and O C Baldock were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S M Barker, Mrs S L Luck and Miss J L Sergison

PART 1 - PUBLIC

AP2 16/54 DECLARATIONS OF INTEREST

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

AP2 16/55 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 17 August 2016 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

AP2 16/56 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 16/57 TM/12/01892/FL - EAST ACRES, BRANBRIDGES ROAD,
EAST PECKHAM**

Retention of change of use of land to use as a residential caravan site for one gypsy family, including the laying of a hard standing, erection of fencing, detached amenity building and steps and decked areas to mobile home. Land raised by 300 mm hardcore/pavers at East Acres, Branbridges Road, East Peckham.

RESOLVED: That:

(1) Planning permission be REFUSED 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 2015 and policies CP3 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007.
2. The development, by virtue of its appearance, 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.
3. The site lies within flood zone 3b, which is designated as functional floodplain and as having a very high probability of flooding where the risk to life and/or property from fluvial inundation would be unacceptable. The development is considered to be highly vulnerable to flooding and therefore unsuitable for this site and contrary to the requirements of paragraph 13 of the Planning Policy for Travellers Sites 2015 and policies CP10 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007.

- (2) Enforcement Action concerning the continued non-compliance with the Enforcement Notice upheld by the Planning Inspector be instigated.

[Speakers: East Peckham Parish Council (Ms P Graham)]

AP2 16/58 TM/15/03084/FL - PHASE 4, PLATT INDUSTRIAL ESTATE, MAIDSTONE ROAD, PLATT

This item was WITHDRAWN from the agenda to enable sufficient time for those who had previously made representations to attend and/or address the Committee.

AP2 16/59 TM/16/00776/FL - BARNFIELD COTTAGE, STONE STREET ROAD, IVY HATCH

Part demolition and re-use of existing riding arena building as a dwelling with associated external alterations to the building, engineering works, access, parking and residential curtilage at Barnfield Cottage, Stone Street Road, Ivy Hatch

Members asked that clarity and guidance regarding the differences between rural and agricultural buildings and the associated policies and rules that applied be circulated out of meeting for information and future reference.

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

- (1) The proposed development would involve significant rebuilding of an existing building and a change of use of a private sand school to residential garden and as such amounts to inappropriate development in the Metropolitan Green Belt, which is harmful by definition and for which no very special circumstances exist. The proposal is therefore contrary to paragraphs 87-90 (inclusive) of the National Planning Policy Framework 2012 and policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.

[Speakers: Ightham Parish Council (Mr R Chartres); Mr Champion – Member of the Public and Mr J McElroy – applicant]

AP2 16/60 TM/16/02105/FL - RAILWAY COTTAGE, MAIDSTONE ROAD, WROTHAM HEATH

Section 73 application to vary condition 12 of planning permission TM/15/00453/FL (As varied by non-material amendment TM/16/01843/NMA) to provide design changes to the dwellings at Railway Cottage, Maidstone Road, Wrotham Heath

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.

[Speakers: Platt Parish Council – Mrs P Darby]

**AP2 16/61 TM/16/01600/FL - THE OLD STABLE BUILDING,
OLD PARSONAGE COURT, WEST MALLING**

Two storey side extension at The Old Stable Building, Old Parsonage Court, West Malling

RESOLVED: That the application be DEFERRED for a Members' Site Inspection so that the Committee had a better understanding of any potential impact on residential amenity.

[Speaker: West Malling Parish Council – Mr R Selkirk; Mr T Duncan on behalf of Mr and Mrs Cook, and Mrs J Wilkinson – members of the public; and Mrs S Taylor – applicant]

**AP2 16/62 16/00016/USEM - LAND SOUTH WEST OF CLAYGATE HOUSE,
WINFIELD LANE, BOROUGH GREEN**

The joint report of the Director of Planning, Housing and Environmental Health and the Director of Central Services provided an update on enforcement action taken using emergency powers in connection with the development on land south west of Claygate House, Winfield Lane, Borough Green.

It was reported that enforcement investigations concerning various activities had concluded that a number of uses had ensued and operational development had taken place without the benefit of planning permission. An Enforcement Notice had been served on 9 September 2016 and would become effective on 11 October if no appeal was lodged by the developer. The period of compliance in each case was 11 January 2017.

Members expressed their appreciation for the work undertaken in addressing this site.

AP2 16/63 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.20 pm