

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **AREA 1 PLANNING COMMITTEE**

**Thursday, 27th October, 2016**

**Present:** Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs P A Bates, Cllr F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr T Edmondston-Low, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr H S Rogers and Cllr C P Smith

Apologies for absence were received from Councillors M O Davis, B T M Elks, Miss J L Sergison, Ms S V Spence and F G Tombolis

### **PART 1 - PUBLIC**

#### **AP1 16/20 DECLARATIONS OF INTEREST**

For reasons of transparency, and on the advice of the Monitoring Officer, Councillor C Smith declared a potential pre-determination and bias regarding application TM/16/01169/FL (Café 1809, 152-154 Tonbridge Road, Hildenborough). After hearing the views of the members of the public he addressed the Committee before withdrawing from the meeting and took no part in the debate or vote.

#### **AP1 16/21 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 30 June 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**

#### **AP1 16/22 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 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 16/23 TM/16/01169/FL - CAFE 1809, 152-154 TONBRIDGE ROAD, HILDENBOROUGH**

Variation of conditions 6 and 7 of planning permission TM/13/02727/FL to allow the cafe to be open between the hours of 07:30 to 20:00 Monday-Saturday, to allow for the use of outside space by customers between the hours of 07:30 to 20:00 Monday-Saturday between the months of May- September; (inclusive), and to allow for the use of the premises for private functions all year round (up to a maximum of 5 events per month) on Tuesday-Saturday up until 23:30 hours at Cafe 1809, 152 -154 Tonbridge Road, Hildenborough.

**RESOLVED:** That temporary planning permission of 12 months 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, subject to:

(1) Amended Conditions:

2. With the exception of pre-booked events and functions, the premises shall be operated fully in accordance with plan number 13/1779/100 C and Supporting Statement prepared by MKA Architects received on 08 November 2013 approved under planning reference TM/13/02727/FL unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety

5. With the exception of pre-booked events and functions, no activities in connection with the business shall be carried on outside the hours of 0730 to 2000 Monday to Saturday and 1000 to 1600 on Sunday unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

12. No waste shall be emptied from the premises into external bins outside the hours of 0800 and 1800 on any day.

Reason: To protect the aural environment of nearby dwellings and in the interests of residential amenity.

17. The applicant shall notify the Local Planning Authority in writing 5 calendar days prior to all pre-booked events taking place as to the nature, type, date and duration of any pre-booked private function event, unless otherwise agreed by the Local Planning Authority.

Reason: To allow the monitoring of pre-booked events and functions in order to safeguard the amenities of neighbouring occupiers.

(2) Amended Informative:

2. When taking bookings for private function events, the applicant is asked to provide parking information to booking customers specifying that no dedicated parking is available at the premises, and setting out local parking facilities nearby, including the public car parks located in Riding Lane – this should accord with the Travel Plan details to be approved under Condition 9.

(3) Additional Informative:

3. The applicant is strongly encouraged to explore alternative options for car parking for staff and customers within the locality during the 12 month trial period hereby permitted.

[Speakers: Hildenborough Parish Council – Mrs Margaret Coles; Mrs Emma Keenan, Mr Andrew Page, Kelly Wheble (written statement read out by Mr Andrew Page), Mrs Sylvia Beevis and Mr Cox – members of the public; and Mr Tom Ogden- agent]

**AP1 16/24 (A) TM/16/00819/FL; (B) TM/16/00821/FL; (C) TM/16/00822/FL; (D) TM/16/00820/FL AND (E) TM/16/00818/FL - B&Q, CANNON LANE, TONBRIDGE**

(A) External alterations and alterations to forecourt to provide pedestrian route to Cannon Lane; (B) Extension to rear of building; (C) Insertion of Mezzanine Floors; (D) New unit to accommodate an A3 occupier; and (E) Variation of condition 1 of planning permission TM/98/01517/FL to extend the range of the goods that can be sold from the unit at B and Q, Cannon Lane, Tonbridge.

**RESOLVED:** That application (A) (TM/16/00819/FL) be GRANTED planning permission in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health

**RESOLVED:** That application (B) (TM/16/00821/FL) be GRANTED planning permission 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:

6. The deliveries in the retail units shall only be undertaken in accordance with the details shown on the plan no.T236\_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.

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

**RESOLVED:** That application (C) (TM/16/00822/FL) be GRANTED planning permission in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health

**RESOLVED:** That application (D) (TM/16/00820/FL) be GRANTED planning permission 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 Conditions:

8. The deliveries on the retail unit shall only be undertaken in accordance with the details shown on the plan no.T236\_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity

9. No external lighting shall be installed on the building hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

**RESOLVED:** That application (E) (TM/16/00818/FL) be GRANTED planning permission 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) Amended Conditions:

1. The use of the retail warehousing hereby approved shall be limited to the retail sales of DIY home and garden products, hardware, self-assembly or pre-assembled furniture, household furnishings, floor coverings, electrical goods, motor accessories and motor vehicles, office equipment and supplies, bicycles, pets, pet food and drink and pet products, camping equipment and computer equipment.

Unit 1C shown edged green on plan shall additionally be permitted to be used for the sale of tents, camping and caravanning equipment and accessories, outdoor pursuit equipment and accessories and an associated ancillary outdoor clothing and footwear range equating to not more than 20 % of the net retail floorspace of Unit 1C.

Unit 1D shown edged purple on plan shall additionally be permitted to be used for variety retailing including the retail sale of food and drink goods from an area not exceeding 30% of the net retail floorspace of Unit 1D, and otherwise shall be used for the sale of non-food comparison goods.

It shall not be used for the principal purpose of the sale and display of clothing and footwear.

Reason: The site is located outside an area where general retailing would be permitted

4. No development shall take place until details of a site management plan, setting out arrangements for delivery management, the co-ordination of deliveries to and the removal of waste from all the new retail units, have been submitted to and approved by the Local Planning Authority, and the approved plan shall be adhered to by all occupiers of the building in perpetuity. The site management plan shall also include specific details of which party(s) is/are responsible for opening and closing the barrier at the entrance of the site and what times of the day it is to be opened and closed to facilitate the effective management of deliveries and waste removal from the site.

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

(2) Additional Conditions:

6. No public address systems shall be installed or operated outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

7. No external lighting shall be installed on the building or within the service yard or car park, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

8. The deliveries on the retail unit shall only be undertaken in accordance with the details shown on the plan no.T236\_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no mezzanine floors shall be installed within the building other than those approved under ref. TM/16/00822/FL unless planning permission has been granted on the application relating thereto.

Reason: The site is located outside an area where general retailing would normally be permitted.

10. The building shall not be subdivided to provide individual units of less than 500 square metres in area.

Reason: The site is located outside an area where general retailing would normally be permitted.

11. Prior to the first occupation of the retail store selling the wider range of goods permitted as part of condition 1, details of a shopping trolley management plan shall be submitted to and approved by the Local Planning Authority, and thereafter the approved plan shall be adhered to by all occupiers of the building in perpetuity. The shopping trolley management plan shall include measures aimed at ensuring that shopping trolleys remain within the retail site for customers.

Reason: In the interests of residential and visual amenity.

In accordance with Council Procedure Rule No. 8.6 (Part 4 of the Constitution) Councillor V Branson requested that it be recorded that she voted against the recommendation for approval.

[Speakers: Mr O Fahmy, Mr Mark Ansell, Mr David Warwick and Mrs Hillary Dubrow – members of the public; and Mr Julian Stephenson – agent]

**AP1 16/25 TM/16/02521/FL - 36-36A DRY HILL PARK ROAD, TONBRIDGE**

Change of use from C3 to D1 to provide classrooms and new staff facilities at 36 - 36A Dry Hill Park Road, Tonbridge.

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

- (1) The proposed change of use of the residential dwellings and their associated curtilages to a D1 use in connection with a school would result in unacceptable increase in the levels of noise and disturbance in close proximity to neighbouring residential properties, harming residential amenity contrary to paragraph 123 of the NPPF, Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

[Speakers: Mrs Lisa Gibbard, Mr Steven Johnston, Petra Sluka, Mr Ian Gibbrd, Mrs Cheryl Farrar, Mrs Tessa Shepherd, Mr Mark Farrar and Mr David Mote – members of the public]

**AP1 16/26 ALLEGED UNAUTHORISED DEVELOPMENT 16/00151/WORKM -  
44C DRY HILL PARK ROAD, TONBRIDGE**

The Director of Planning, Housing and Environmental Health reported an unauthorised siting of a large metal storage container to the front of 44 Dry Hill Park Road, Tonbridge.

As the container was neither of an appropriate design nor of appropriate materials given the site's location within the Tonbridge Conservation Area it was considered to be detrimental to the character and appearance of the locality. It was therefore contrary to Policy CP24 of the TMBCS and Policy SQ1 of the MDE DPD.

**RESOLVED:** That an Enforcement Notice BE ISSUED to seek the removal of the authorised storage container, the detailed wording of which to be agreed with the Director of Central Services.

**AP1 16/27 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 11.00 pm