

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 5th December, 2013

Present: Cllr R D Lancaster (Chairman), Cllr Ms V M C Branson (Vice-Chairman), Cllr A W Allison, Cllr Mrs J A Anderson, Cllr Ms J A Atkinson, Cllr Mrs P Bates, Cllr P F Bolt, Cllr D J Cure, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Ms S V Spence and Cllr D J Trice.

Councillor Mrs Murray was also in attendance pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M Davis, Edmondston-Low and Miss Elks.

PART 1 - PUBLIC

**AP1
13/049 DECLARATIONS OF INTEREST**

Councillor Ms Branson declared an Other Significant Interest in application TM/13/02727/FL in that a friend lived in a property which adjoined the application site and withdrew from the meeting during consideration of this item.

**AP1
13/050 MINUTES**

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 24 October 2013 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
13/051 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
13/052**

TM/13/02727/FL - 152-154 TONBRIDGE ROAD, HILDENBOROUGH

Change of use from residential (C3) and ground floor shop (A1) to restaurant and cafe (A3) on ground floor and beauticians and meeting area at first floor. Demolition of flat roof side and rear extension and removal of two storey rear extension. Construction of new single storey additions and alterations to front elevation at 152-154 Tonbridge Road Hildenborough Tonbridge.

Change of use from residential (C3) and ground floor shop (A1) to restaurant and cafe (A3) on ground floor and beauticians and meeting area at first floor. Demolition of flat roof side and rear extension and removal of two storey rear extension. Construction of new single storey additions and alterations to front elevation at 152-154 Tonbridge Road, Hildenborough.

RESOLVED: That the application be

APPROVED in accordance with the submitted details, conditions and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Amended Conditions:

6. The business shall not be carried on, and the premises shall be open to customers, outside the hours of 0800 to 1800 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.

7. External seating shall be limited only to the areas identified on plan number 13/1779/100C. The use of these areas and the rear first floor terrace shall cease by 1800 hours Monday to Saturday and 1600 hours on Sunday with all customers vacating these areas by the relevant time on each day. The tables and chairs in the external seating areas shall be rendered unavailable for use in these areas from the above times on each day.

Reason: In the interests of residential amenity.

(2) Additional Conditions:

14. No seating shall be placed on and no food or drink shall be consumed from the first floor terrace hereby approved at any time.

Reason: In the interests of residential amenity.

15. No children's play equipment of any type, whether or not requiring planning permission, shall be installed or placed at any point within the rear garden, at any time, without the formal written approval of the

Local Planning Authority.

Reason: In the interests of residential amenity.

(3) Additional Informatives:

1. The applicant is asked to ensure that access to 150 Tonbridge Road is not obstructed at any time and to ensure customers are suitably aware of the shared nature of the access when entering the premises. The applicant is encouraged to discuss with the occupiers of 150 how the space between the two buildings is best managed to ensure that the private right of way is maintained.

2. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.

3. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.

In accordance with Council Procedure Rule 8.5 Councillor C Smith asked that his vote for refusal be recorded.

[Speakers: Mrs M Coles - Hildenborough Parish Council; Mrs K de Koningh, Mr B Keenan, Miss A Wakefield, Mrs P Pilbeam, Mr N Shaw, Mrs P Causer, Mrs N Conner, Mrs T Eustace, Mr D Braithwaite - members of the public and Mr N Condon - agent]

**AP1
13/053**

**TM/13/02307/FL - FORMER PRIORY WORKS, TUDELEY LANE,
TONBRIDGE**

Hybrid Application: Development of Priory Works involving (A) Detailed Permission for the erection of two and two and a half storey houses and three and three and a half storey buildings of apartments comprising a total of 183 units with associated access roads, parking, landscaping and provision of open space and (B) Outline Permission with all matters reserved except for access for the development of part of the site for B1 and/or B8 use comprising a minimum footprint area of buildings of 3820 square metres and a maximum height of buildings of 13m at former Priory Works, Tudeley Lane, Tonbridge.

RESOLVED: That the application be

APPROVED subject to:

(1) The applicant entering in a Section 106 Agreement covering the following matters:

- § The provision of on-site affordable housing;
- § A contribution towards public open space enhancements as set out in policy OS3 of the MDE DPD;
- § A contribution towards the provision of primary and secondary school places;
- § A contribution towards the enhancement of the public highway and public footpaths to be agreed with the Highways Authority;

(2) The conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health; subject to

- § any revisions to Conditions and additional Conditions as appropriate and necessary, including any considerations regarding the outstanding legal agreement (final wording to be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Director of Central Services).

Members noted that following further investigation it was confirmed that there was not a requirement within the Town and Country Planning (Consultation) Direction 2009 to refer the application to the Secretary of State as stated in paragraph 7.2 of the main report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mr L Prebble, Mr P White - members of the public and Ms T Puttock - agent]

**AP1
13/054**

TM/13/02989/FL - PLOT 1, 6 DERBY CLOSE, HILDENBOROUGH

Erection of a detached three bedroom chalet bungalow (revised scheme pursuant to extant planning permission TM/12/02948/FLX and withdrawn application TM/13/01500/FL) at Plot 1, 6 Derby Close, Hildenborough.

RESOLVED: That the application be

APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health.

**AP1
13/055**

**TM/13/02664/FL - PHILPOTS ALLOTMENTS AND PARKING,
RINGS HILL, HILDENBOROUGH**

Construction of an extended car parking area to provide 120 commuter parking bays at Philpots Allotments and Parking, Rings Hill, Hildenborough.

RESOLVED: That the application be

APPROVED, in accordance with the submitted details, conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mrs M Coles - Hildenborough Parish Council and Mr E Simpson - applicant]

**AP1
13/056**

**TM/13/02224/FL - OAKHURST PARK GARDENS,
HILDENBOROUGH**

Construction of twelve houses, being an amended scheme to that previously approved under planning permission reference TM/06/00140/FL and including the addition of single storey additions to six of the houses, other elevational changes, and the incorporation of additional land into individual gardens at Oakhurst Park Gardens, Hildenborough.

RESOLVED: That the application be

DEFERRED for Members' Site Inspection and to allow for further discussion to take place with the Director of Central Services concerning the non-compliance with the approved plans.

[Speakers: Mrs M Coles - Hildenborough Parish Council, Mr M Ingle - member of the public and Mr Webster - agent]

MATTERS FOR CONSIDERATION IN PRIVATE

**AP1
13/057**

EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 2225 hours