

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 3 PLANNING COMMITTEE**

**Thursday, 21st November, 2019**

**Present:** Cllr D A S Davis (Chairman), Cllr M C Base (Vice-Chairman), Cllr Mrs S Bell, Cllr T Bishop, Cllr R I B Cannon, Cllr D J Cooper, Cllr R W Dalton, Cllr S M Hammond, Cllr P M Hickmott, Cllr A P J Keeley, Cllr D Keers, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr Mrs M Tatton, Cllr D Thornewell and Cllr C J Williams

Councillor N J Heslop was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs T Dean and A Kennedy

### **PART 1 - PUBLIC**

#### **AP3 19/32 DECLARATIONS OF INTEREST**

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

#### **AP3 19/33 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 3 October 2019 be approved as a correct record and signed by the Chairman.

### **DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

#### **AP3 19/34 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.

**AP3 19/35 TM/19/00979/FL - SOUTH AYLESFORD RETAIL PARK,  
QUARRY WOOD INDUSTRIAL ESTATE, AYLESFORD**

Erection of new retail units, a "pod" building for retail and cafe restaurant purposes with local amenity uses above, a new area of public realm along with access, car parking, servicing facilities, landscaping and associated works at the South Aylesford Retail Park, Quarry Wood Industrial Estate, Aylesford.

**RESOLVED:** That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out the report of the Director of Planning, Housing and Environmental Health, subject to

- (1) The applicant providing an undertaking to the Borough Council that the transfer of the land necessary to enable the wider off-site highway works will take place prior to the commencement of the development.
- (2) Deletion of Condition 13 and the consequential renumbering of Conditions 14 – 23.
- (3) Amend Conditions

5. No trading shall take place in Units 10A, 10B and 10C other than between the hours of 08:00-22:00 Monday to Saturday and 08:30-20:00 on Sundays and Bank and Public Holidays.

Reason: To avoid unreasonable disturbance to nearby residential properties.

6. Deliveries of goods to Units 10A, 10B and 10C shall be undertaken only between the hours of 0700-1800 Mondays to Saturdays with no deliveries on Sundays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To avoid unreasonable disturbance to nearby residential properties.

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, with the exception of up to a total of 1,626sqm sales area within any of the approved retail units marked as Units 10A, 10B and 10C shown on approved drawing 1290-P-111-D dated 25 April 2019, no goods shall be sold without the prior written approval of the Local Planning Authority, other than the following:-

- DIY home and garden improvement products, hardware,

- Self-assembly and pre-assembled furniture,
- Household furnishings and floor coverings,
- Electrical goods,
- Motor and cycle accessories, motor vehicles and cycles,
- Food and drink (for consumption on the premises), and
- Toys (including play equipment, baby equipment and products, sports goods and equipment, electronic games and equipment and other ancillary items associated with toys and children's entertainment

At no time shall more than 1% of the sales area be used for the sale of alcohol based gift packs

Reason: To avoid harm to the viability and vitality of nearby shopping centres and in accordance with paragraph 85 of the National Planning Policy Framework

8. Prior to the first occupation of any unit hereby approved the applicant shall submit details to the Local Planning Authority of any ventilation systems required for the removal and treatment of cooking odours, drawing reference to the requirements and recommendations of the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'.

The odour details shall include risk assessments for odour as detailed in Annex C of the DEFRA guidance.

Reason: In the interests of the amenities of nearby properties.

9. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of noise emitted from all fixed plant and machinery shall not exceed the background noise level when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to 4142:2014. The acoustic details shall include full spectrum octave analysis for all proposed ventilation equipment, demonstrating that the combined noise from all of the equipment shall not exceed NR35 at the nearest noise sensitive premises/site boundary.

Reason: To protect the amenities of nearby residential properties.

11. External lighting shall be installed in full accordance with the external lighting statement dated 3 December 2018 and drawing number 5387-LTG-01 dated 25 April 2019. Details of any additional external lighting of the site (including a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles)) shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraph 180 of the National Planning Policy Framework.

14. (now 13) The use of Units 10A, 10B and 10C shall not be commenced, nor these premises occupied, until the area shown on the approved drawing no. 1290-P-111-D received 25 April 2019 as loading and off-loading and turning space has been surfaced and drained. Thereafter it 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 or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: To ensure that adequate servicing area is provided and maintained.

(4) Additional Informative:

5. The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the building.

[Speakers: John Balcombe – Chairman, Aylesford Parish Council and Jonathan Best – agent]

**AP3 19/36 TM/17/01595/OAEA - LAND SOUTH OF LONDON ROAD AND EAST OF HERMITAGE LANE, AYLESFORD**

Outline Application: The erection of up to 840 dwellings (including affordable homes) with public open space, landscaping, sustainable drainage systems, land for a Primary School, a doctors surgery and for junction improvements at Hermitage Lane/A20 junction, and a link road between Poppy Fields roundabout and Hermitage Lane. Vehicular accesses into the site from Poppy Fields Roundabout and Hermitage Lane. All matters reserved with the exception of means of access at land south of London Road and East of Hermitage Lane, Aylesford.

**RESOLVED:** That outline 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, subject to

- (1) The applicant entering into a planning obligation with the Borough Council to provide on-site affordable housing and financial contributions towards public open space provision and enhancement and health provision;
- (2) The applicant entering into a planning obligation with Kent County Council to make a financial contribution towards off-site highway junction improvements, public transport, the provision of education facilities and community services;

It is expected that the section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 21 May 2020, a report back to the Area 3 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- (3) Amend Conditions:

2. Application for approval of the reserved matters in respect of Phase 1 of the development shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. Applications for the approval of reserved matters in respect of all other phases shall be made to the Local Planning Authority before the expiration of four years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted in any phase shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the reserved matters for that particular phase, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. Applications for the approval of the reserved matters shall be in general conformity with the design principles described in the Design and Access Statement and the following plans:

- Development Framework - Drawing no. 7429-L-03 N
- Proposed Site Access Arrangements – Drawing nos.4964-00-16 A and 4964-00-19B

Reason: To ensure that the parameters of the development proposed are followed.

5. Prior to the first reserved matters application, a phasing plan for each area shall be submitted to the Local Planning Authority for approval in writing. Each phasing plan shall include details of the quantum of development in each phase, whether that is the number of market and affordable dwellings or other uses, together with the general locations and phasing of key infrastructure, including surface water drainage, green infrastructure, public open space/NEAP, and access for pedestrians, cyclists and vehicles. The development of the site shall be carried out in accordance with the approved phasing plans.

Reason: In the interests of highway safety and the amenity of the locality,

6. A scheme for the improved pedestrian/cycle path linking the development to Barming Station shall be submitted to the Local Planning Authority for approval after consultation with Kent County Council. It shall be accompanied by a Stage 1 safety audit and shall detail any necessary associated works. The approved scheme shall be implemented prior to first occupation of the development.

Reason: To provide appropriate access and connectivity to the site and in the interests of highway safety.

8. No dwellings within any phase of the development shall be occupied until the junction of the access road with the Poppyfields Roundabout has been completed in accordance with the details shown on drawing no. 4964-00-16 A and vehicle access between that roundabout and the dwellings has been provided.

Reason: In the interests of highway safety

9. The details submitted in pursuance of Condition 1 shall show land, reserved for parking. No building hereby approved shall be occupied until the parking area to serve that building has been provided, surfaced and drained in accordance with the approved details. Thereafter 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 to reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

12. No development shall commence until a Construction Environmental Management Plan detailing how the woodland, habitats and hedgerows within and immediately surrounding the site will be protected during the construction phase. This shall also include details of appropriate fencing to restrict access into key ecological areas, information on any timing restrictions and measures to prevent damage to sensitive ecological habitats. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local area.

- (4) Delete conditions 18 and 20 (both subsumed into revised condition 19). Consequential renumbering of Conditions 18 - 28

19. (now 18) No development shall take place until a detailed surface water drainage scheme, to manage surface water run-off from the development (for up to and including the climate change adjusted 100 year storm event) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the approved Flood Risk Strategy dated 08.08.2018 and shall include:

- the phasing for the implementation of the surface water drainage scheme.
- details of the maintenance and management of the surface water drainage scheme (including those parties that will be responsible for its ongoing maintenance/management).

The scheme shall be constructed in full accordance with the approved details and shall be managed/maintained in accordance with the approved maintenance and management details for the lifetime of the development.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

21. (now 19) None of the dwellings hereby permitted shall be occupied until written confirmation (in the form of a Verification Report carried out by a suitably qualified professional) that the necessary phase(s)(excluding plot drainage) of the approved surface water drainage scheme to serve those dwellings have been completed in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

23. (now 21) No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (including a timetable for such investigation) which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

25. (now 23) Prior to the commencement of the development in any phase hereby approved, arrangements for the management of all construction works for that particular phase shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the construction works will be limited to and measures to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
- Procedures for managing noise and dust emissions from the construction works.
- Procedures for notifying local residents as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which



may give rise to noise, dust and general disturbance and any other regular liaison or information dissemination; and

- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

Reason in order that the development is managed in a way to minimise harm to the amenities of local residents.

(5) Additional Conditions: Please note consequential renumbering

26.(now 24) At the time of the submission of Reserved Matters for each phase of the development pursuant to Condition 1, a scheme of hard and soft landscaping and boundary treatment shall be submitted to the Local Planning Authority for formal approval as part of that particular phase. The scheme of landscaping shall be in general conformity to the Green Infrastructure Masterplan ref. 7429-05 Rev B. The landscaping details shall include an implementation programme for all planting, seeding and turfing including any ecological enhancement measures. Any trees or shrubs removed, dying, being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. The approved hard landscaping works shall be implemented prior to first occupation of those parts of the development to which they relate.

Reason: In the interests of visual and rural amenity and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and paragraphs 127 and 130 of the National Planning Policy Framework 2019.

27. (now 25) No development above the ground shall take place until details of an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting scheme.

Reason: To protect the visual amenity of the locality and in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment

DPD 2010 and paragraphs 127 and 130 of the National Planning Policy Framework 2019.

28. (now 26) No dwellings shall be occupied until full details of the open space to be provided (amenity space, children's play areas and natural green spaces within the development along with a timetable for provision and a scheme for future management of the spaces) have been submitted to and approved in writing by the Local Planning Authority. The details shall include any fencing and equipment to be installed. The approved scheme shall be fully implemented in accordance with the timescale approved and shall be maintained and retained at all times thereafter.

Reason: To ensure that the development is appropriately served by open space in accordance with the requirements of policy OS3 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010.

(6) Additional informatives:

3. The details required by Condition [19] should demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within each phase of the proposed development layout. Each phase of development should aim to control and discharge surface water as close as is reasonably practicable to its source.

4. The Report required by condition [21] should contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in Construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

[Speakers: John Balcombe – Chairman, Aylesford Parish Council, Councillor Dan Daly – Maidstone Borough Council and on behalf of Allington Residents and Chris Still - agent]

**AP3 19/37 (A) TM/18/03008/0A AND (B) TM/18/03042/LB - DEVELOPMENT SITE EAST OF CLARE PARK ESTATE, NEW ROAD, EAST MALLING**

**(A) Outline Application: Development of the site to provide up to 110 dwellings (Use Class C3) and the site access arrangement. All other matters reserved for future consideration.**

**RESOLVED:** That outline 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, subject to

- (1) The applicant entering into a planning obligation with the Borough Council to provide on-site affordable housing and financial contributions towards public open space provision (parks and gardens and outdoor sports facilities) and enhancement and health provision;
- (2) The applicant entering into a planning obligation with Kent County Council to make a financial contribution towards off-site highways junction improvements, public transport, the provision of education facilities and community services;
- (3) The applicant entering into a planning obligation with the Borough Council and Kent County Council to deliver designed highway improvements at the A20/New Road junction.

It is expected that the section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 21 May 2020, a report back to the Area 3 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

(4) Amend Conditions:

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. Omit reference to drawing number EMT – C – 02 Rev. C which is indicative only.

6. The details submitted in pursuance of Condition 1 shall be accompanied by a scheme of landscaping and boundary treatment. The scheme shall be in general conformity to the indicative layout referenced EMT - C - 09 Rev C received 2 September 2019 and follow the recommendations set out in the Arboricultural Report received 19 December 2018. The scheme shall ensure the retention of all existing mature boundary trees. The scheme shall be approved in writing by the Local Planning Authority and shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to protect and enhance the appearance and character of the site and locality.

(5) Additional Conditions:

23. The partial demolition and rebuilding of the curtilage boundary wall hereby permitted will be carried out in accordance with the details in drawing referenced 182600-012 B received 15 April 2018 and no other openings shall be created thereafter.

Reason: To retain the visual appearance and function of the historic feature.

24. The construction of the vehicular access onto New Road shall take place fully in accordance with drawing number 182600-012 Rev. B and shall be completed prior to the first occupation of the development hereby approved.

Reason: In the interests of highway safety.

[Speakers: Richard Brooks – East Malling Conservation Group, Liz Simpson – member of the public and Gregory Evans – agent]

**(B) Listed Building Application: Proposed partial demolition of a section of curtilage listed boundary wall to allow for a new vehicular, pedestrian and cycle access in connection with an outline planning application (Ref: TM/18/03008/OA) for residential development.**

**RESOLVED:** That listed building consent 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) Additional Condition:

4. The partial demolition and rebuilding of the curtilage boundary wall hereby permitted will be carried out in accordance with the details in drawing referenced 182600-012 B received 15 April 2019 and no other openings shall be created.

Reason: To retain the visual appearance and function of the historic feature.

[Speakers: Richard Brooks – East Malling Conservation Group, Liz Simpson – member of the public and Gregory Evans - agent]

**PART 2 - PRIVATE**

**AP3 19/38 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 10.30 pm