

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

24 October 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters For Decision

**1 PLANNING APPLICATION TM/2300364/FL 1A CROFT CLOSE,
TONBRIDGE**

Summary

Permanent planning permission is sought for a new bungalow to the rear of 15 Estridge Way (revision to TM/20/00862/FL). This is a retrospective application seeking to regularise works already undertaken.

The application was reported to the Area 1 Planning Committee on 22 June 2023 and 27 July 2023 (on the latter occasion accompanied by a Part 2 report from the Director of Central Services and Monitoring Officer).

Members of the Area 1 Planning Committee resolved not to accept the recommendation that planning permission be granted. As such, in accordance with the Constitution, this application is being reported to Council for a decision.

1.1 Introduction

1.1.1 The reports to APC1 of 22 June and 27 July 2023, including the Part 2 report and associated appendices, are attached in full and set out in detail the reasoning behind the recommendation of the Director of Planning, Housing and Environmental Health. This report should be read in conjunction with those papers.

1.1.2 For the purposes of taking this decision, the Constitution provides that the same rules apply both to applications determined by an Area Planning Committee and where the matter is referred to full Council. Rule 16.1 of the Council and Committee Procedure Rules (Constitution: Part 4) provides that the public speaking rules apply to planning applications being considered by the Council when it has 'resolved itself into a committee of the full council'. As such, the procedure rules relating to Planning Committees are to be applied in this instance.

1.2 Legal Implications

- 1.2.1 Prior to determining this application, Members are requested to note the Monitoring Officer's legal advice contained within the Part 2 report to members of Area 1 Planning Committee dated 27 July 2023. Again, to be read in conjunction with the associated papers appended to this report.
- 1.2.2 Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise (see s.70 (2) Town & Country Planning Act 1990 and s.38 (6) Planning and Compulsory Purchase Act 2004). For TMBC, the development plan is currently the Local Development Framework adopted in 2007. The National Planning Policy Framework ("NPPF"), Planning Practice Guidance ("PPG") are important material considerations.
- 1.2.3 Paragraph 11(c) of the NPPF requires that planning authorities approve development proposals which accord with the development plan "without delay".

1.3 Financial and Value for Money Considerations

- 1.3.1 An award of costs against the Council by the Planning Inspectorate would be for the expense incurred by the Applicant in lodging and pursuing a planning appeal. This would include any already engaged professional planning agents should the applicant seek assistance in taking and these would likely take such an appeal forward. Legal representation may also be instructed to assist in preparing and making their appeal case.
- 1.3.2 There would in addition be further costs to the Council in terms of its own officer time and resourcing up to and including the appearance at any appeal hearing or inquiry.

1.4 Risk Assessment

- 1.4.1 The risk of an award of costs by the Planning Inspectorate presents a reputational risk because it would indicate that the Inspectorate considered the Council had behaved in an unreasonable manner.
- 1.4.2 Members' attention is also drawn to the previous advice of the Monitoring Officer in the Part 2 report.

1.5 Equality Impact Assessment

- 1.6 No issues raised

1.7 Recommendations

1.7.1 Grant Planning permission

This was approved in accordance with the following submitted details: Location Plan dated 16.03.2023, Proposed Floor Plans 1000 dated 16.03.2023, Block Plan 5000 dated 16.03.2023, Perspective view 5100 dated 16.03.2023, Proposed Roof Plan 1200 dated 16.03.2023, Proposed Elevations 2201 dated 16.03.2023, Proposed Elevations 2202 dated 16.03.2023, Proposed Elevations 2203 dated 16.03.2023, Proposed Elevations 2204 dated 16.03.2023, Drainage Layout dated 17.03.2023,

Conditions / Reasons

1. 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 development shall be carried out within Classes A, B, C and E of Part 1 of Schedule 2 of that Order.

Reason: To prevent an overdevelopment of the site.

2. The existing vehicle parking and turning area shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: In the interests of highway safety.

3. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed 'This was approved in accordance with the following submitted details'.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

Background papers: Documents from TM/23/00364/FL
committee report from Thursday 27th July

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