

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 4th December, 2024

Present: Cllr W E Palmer (Chair), Cllr C Brown (Vice-Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, Cllr P Boxall, Cllr M A Coffin, Cllr S Crisp, Cllr Mrs T Dean, Cllr S A Hudson, Cllr J R S Lark, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor

In attendance: Councillor D Thornewell was also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors Mrs S Bell and Mrs A S Oakley participated via MS Teams in accordance with Council Procedure Rule No 15.21.

An apology for in-person attendance was received from Councillor D Harman who participated via MS Teams in accordance with Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP2 24/38 DECLARATIONS OF INTEREST

For reasons of transparency, Councillors M Tatton and R Roud made a declaration on the grounds of being Parish Councillors of the East Malling and Larkfield Parish Council, a beneficiary of the developer contributions to arise from the proposed development which however was not of their prior knowledge, regarding application TM/23/03060 (Land west of Stickens Lane, Mill Street and southwest of Clare Lane, East Malling).

AP2 24/39 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 30 October 2024 be approved as a correct record and signed by the Chairman.

AP2 24/40 GLOSSARY AND SUPPLEMENTARY MATTERS

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.

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

AP2 24/41 TM/21/00881/OA - MOD LAND SOUTH OF DISCOVERY DRIVE, KINGS HILL, WEST MALLING

The Committee were advised that this item had been withdrawn from the agenda and deferred to the extraordinary meeting of the Committee on 12 December 2024.

AP2 24/42 TM/23/03060 - LAND WEST OF STICKENS LANE, MILL STREET AND SOUTHWEST OF CLARE LANE, EAST MALLING

Outline Application: The erection of up to 150 dwellings (including affordable housing) with public open space, landscaping, sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

Due regard was given to the determining issues and conditions as detailed in the report of the Director of Planning, Housing and Environmental Health, with particular attention given to the concerns raised by the public speakers and due consideration given to the Borough Council's latest housing land supply position (3.97 years) against the five-year housing land supply requirement set by the Government. In addition, general comments were made in respect of the NHS Integrated Care Board liaising closely with GP practices to ensure mitigation measures were put in place to address the additional pressures on local general practice services resulting from the increase in patient numbers arising from new developments.

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.

In accordance with Council Procedure Rule 8.6, Part 4 (Rules) of the Constitution, Councillors Banks, Boxall, Dean, Roud and Tatton requested that it be recorded in the Minutes that they had voted against approval of the planning application.

[Speakers: Mr P Jordan, Mr G James, Mrs K Jordan, Mr M Steward, Ms S Lang, Ms L Batty, Mr J Blount, Mr I Storr, Ms J Ostermeyer (members of the public) and Ms A Aldridge (on behalf of the Applicant) addressed the Committee in person]

AP2 24/43 TM/24/00927/PA - ROTARY HOUSE, NORMAN ROAD, WEST MALLING

The Committee were advised that this item had been withdrawn from the agenda and deferred to the extraordinary meeting of the Committee on 12 December 2024.

AP2 24/44 TM/24/00078/PA - 119 LAND SOUTH OF WINDMILL HILL, WROTHAM HEATH, SEVENOAKS

Removal of soil bund and erection of 1x 3 bedroom detached dwelling with associated parking and landscaping.

Due regard was given to the determining issues detailed in the report of the Director of Planning, Housing and Environmental Health, with particular attention given to whether the financial position of the Wrotham Heath Golf Club (the Applicant) and the purpose of the development met the definition of 'very special circumstances' to demonstrate that the potential benefit of the development would outweigh the harm to the Green Belt and other harm resulting from this development.

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

1. The site lies within the Green Belt where there is a strong presumption against inappropriate development, as defined in Chapter 13 of the National Planning Policy Framework. The proposal would introduce a new building on land not previously developed and therefore would fall outside the scope of paragraph 154 g) of the NPPF relating to limited infilling and partial and complete redevelopment of previously developed land. It would constitute inappropriate development, by definition, harmful to the Green Belt and would not be permitted other than in very special circumstances. The additional bulk and massing resulting from this development would not only erode the sense of openness in both visual and spatial terms but also undermine the ability of the application site to assist in safeguarding the countryside from encroachment. There are no other considerations that could clearly and demonstrably outweigh the harm to the Green Belt and other harm arising from this development. To permit the development proposal would thus give rise to a significant conflict with Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and Chapter 13 of the National Planning Policy Framework 2023.
2. The development proposal by reason of its scale and siting would result in the loss of trees forming part of an ancient woodland identified in the NPPF as an irreplaceable habitat and in the MDEDPD as a local wildlife site. The failure to retain a minimum

of 15m buffer zone as per the relevant standing advice would put further pressure on and creating conflict between the remaining habitat and the proposed development, detrimental to the biodiversity and integrity of the ancient woodland. Moreover, the supporting documents fail to give adequate consideration to the development impact on protected and priority species and consequently to formulate appropriate mitigation and compensation measures reasonably necessary to make this development policy compliant. These shortcomings would collectively give rise to a significant adverse impact on the ancient woodland and biodiversity of the site surroundings and would put protected and priority species at risk of disturbance contrary to Policies NE2, NE3 and NE4 of the Managing Development and the Environment Development Plan Document 2008 and Chapter 15 of the National Planning Policy Framework 2023.

3. The proposal would result in an overtly domestic form of development within a rural countryside location which would appear as an incongruous and intrusive built form, detrimental to the prevailing character and appearance of the countryside and the wider landscape. To permit the development would therefore be contrary to Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraph 180 of the National Planning Policy Framework 2023.

[Speakers: Mr N Hart (member of the public) and Mr I Sayer (Applicant) addressed the Committee in person]

AP2 24/45 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

The report setting out updates in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee was received and noted.

AP2 24/46 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.03 pm
having commenced at 6.30 pm
with a break between 8.02 pm and 8.12 pm