

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 2 PLANNING COMMITTEE**

**Wednesday, 28th May, 2025**

**Present:** Cllr W E Palmer (Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, Cllr P Boxall, Cllr M A Coffin, Cllr S A Hudson, Cllr R V Roud, Cllr Mrs M Tatton and Cllr M Taylor.

**In attendance:** Councillor Mrs A S Oakley participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors C Brown, Mrs T Dean, D Harman, J R S Lark and K B Tanner.

### **PART 1 - PUBLIC**

#### **AP2 25/23 DECLARATIONS OF INTEREST**

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

#### **AP2 25/24 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 2 April 2025 be approved as a correct record and signed by the Chairman.

#### **AP2 25/25 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.

**MATTERS FOR DECISION UNDER DELEGATED POWERS (IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION)****AP2 25/26 TM/24/00366/PA - LAND OPPOSITE THE PADDOCKS, BIRLING ROAD, LEYBOURNE, WEST MALLING**

S73 Application for variation of conditions 3 and 4 submitted pursuant to Appeal ref: APP/H2265/C/21/3280661 to allow for the siting of an additional 2 static caravans and 2 utility rooms within existing pitches.

Further to minute AP2 25/19 of the meeting held on 2 April 2025, the Committee considered the above application with the report of the Director of Central Services and Monitoring Officer set out in Part 2 of the agenda (Minute No AP2 25/30 refers). Members continued to express concern regarding the harm to the Green Belt due to the encroachment from the development.

During discussion, Councillors B Banks, P Boxall, R Roud and M Tatton invoked Council Procedure 15.24, Part 4 Rules of the Constitution, which required that the item be deferred direct to the Council for decision.

**RESOLVED\***: That the application stand DEFERRED for determination by Full Council in accordance with Rule 15.24 of the Council and Committee Procedure Rules.

[Speakers: Representatives of Birling Residents address the Committee in person].

**\*Deferred to Council**

**AP2 25/27 TM/24/01900/PA - STOCKETTS, ALDON LANE, OFFHAM, WEST MALLING**

Demolition of existing dwelling, garage and former stables and erection of a new self build replacement detached dwelling (for the owners own personal use – custom built).

Due regard was given to the determining issues and conditions as detailed in the report of the Director of Planning, Housing and Environmental Health. During discussion concern was raised regarding the design and positioning of the new self build replacement detached dwelling, the adverse environmental impact of the development activities and the prevention of inappropriate development in the Green Belt if the existing dwelling were not removed.

**RESOLVED:** That the application be GRANTED subject to the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environment Health and subject to the following new and amended conditions:

(1) Amended condition 10:

Prior to the first occupation of the new dwelling, the existing dwelling, garage/coach house, stables, both static mobile homes, and all associated hardstanding on the site shall be permanently demolished, and all resulting materials removed from the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the removal of the existing dwelling in the interests of openness and to prevent inappropriate development in the Green Belt, in accordance with the National Planning Policy Framework

(2) New Condition 13:

No development shall take place (including ground works or vegetation clearance) until a construction management plan (CMP) has been submitted to and approved in writing by Tonbridge and Malling Borough Council. The CMP 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 measured 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 notifying properties identified as likely to be affected as to the ongoing timetabling of works, the nature of the works and their likely duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination;
- 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 controls on noise and dust arising from the site with reference to current guidance;

The approved CMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated.

[Speaker: Mr M Porter, agent on behalf of the applicant].

#### **AP2 25/28 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS**

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

#### **AP2 25/29 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

However, Members had regard to the report of the Director of Central Services and Monitoring Officer set out in Part 2 of the agenda

#### **AP2 25/30 TM/24/00366/PA - LAND OPPOSITE THE PADDOCKS, BIRLING ROAD, LEYBOURNE, WEST MALLING**

**(Reasons: LGA 1972 – Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).**

At the meeting of the Area 2 Planning Committee held on 2 April 2025 consideration of the application was deferred for a report from Legal Services on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health (as set out in CPR 15.25, Part 4 (Rules) of the Constitution) (Minute AP2 25/19 refers). The report of the Director of Central Services and Monitoring Officer provided an assessment of the risks arising from a resolution to refuse planning permission and advised that any such resolution would be recommendation only and the matter would stand deferred to be considered and determined by Full Council (Minute AP2 25/26 refers).

The meeting ended at 8.29 pm