

## **PLANNING COMMITTEE**

**Wednesday, 28 October 2020**

**Present: Councillor Barry Noakes (Chairman)  
Councillors Bland (Vice-Chairman), Atwood, Backhouse, Mrs Cobbold, Funnell,  
Dr Hall, Hamilton, Poile, Pound and Warne**

**Officers in Attendance:** Stephen Baughen (Head of Planning Services), Richard Hazelgrove (Principal Planning Officer), Peter Hockney (Development Manager), Kevin Hope (Principal Planning Officer), Vicki Hubert (KCC Highways), Jo Smith (Senior Lawyer), Lisa Williams (Planning Officer) and Emer Moran (Democratic Services Officer)

**Other Members in Attendance:** Councillors McDermott, Barrington-King, Hayward, March and Reilly

### **CHAIRMAN'S INTRODUCTION**

PLA48/20 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

### **APOLOGIES**

PLA49/20 Apologies were received from Councillor Mrs Thomas.

### **DECLARATIONS OF INTEREST**

PLA50/20 No declarations of interest were made.

### **DECLARATIONS OF LOBBYING (IN ACCORDANCE WITH THE PROTOCOL FOR MEMBERS TAKING PART IN THE PLANNING PROCESS, PART 5, SECTION 5.11, PARAGRAPH 6.6)**

PLA51/20 Councillors Atwood, Backhouse, Cobbold, Funnell and Hall advised that they had been lobbied by objectors on application PLA56/20 Land Adjacent Tesco Car Park, Cornford Lane, Royal Tunbridge Wells.

Councillors Hamilton, Poile, Pound, Warne, Bland and Noakes advised that they had been lobbied by objectors and supporters on application PLA56/20 Land Adjacent Tesco Car Park, Cornford Lane, Royal Tunbridge Wells.

Following clarification from the Legal Officer, Councillors Atwood, Backhouse, Funnell, Hamilton, Poile, Pound, Warne, Bland and Noakes confirmed they had received a petition in objection to application PLA56/20 Land Adjacent Tesco Car Park, Cornford Lane, Royal Tunbridge Wells.

### **SITE INSPECTIONS**

PLA52/20 Due to the current restrictions Members had not undertaken any site visits.

### **TO APPROVE THE MINUTES OF THE MEETING DATED 9 SEPTEMBER 2020**

PLA53/20 Members were asked to note an update to the resolution on application PLA32/20 Land Adjacent Rothermere Close Walkhurst Road Benenden Cranbrook Kent.

**Resolution now stated:** That the application be granted subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) the plans, conditions and informatives as set out in the agenda report.

**RESOLVED** – That subject to the above amendment the minutes of the meeting dated 9 September 2020 be recorded as a correct record.

#### **TO APPROVE THE MINUTES OF THE MEETING DATED 23 SEPTEMBER 2020**

PLA54/20 **RESOLVED** – That the minutes of the meeting dated 23 September 2020 be recorded as a correct record.

#### **REPORTS OF HEAD OF PLANNING SERVICES (ATTACHED)**

PLA55/20 The Chairman confirmed the order of business was:

8A, 8C, 8B and 8D.

#### **APPLICATION FOR CONSIDERATION - 19/00884/FULL LAND ADJACENT TESCO CAR PARK, CORNFORD LANE, RTW**

PLA56/20 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA56/20 Land Adjacent Tesco Car Park, Cornford Lane, Royal Tunbridge Wells and this was summarised at the meeting by Mr Kevin Hope, Principal Planning Officer and illustrated by means of a visual presentation.

**Updates and additional representation** – The report was updated to include conditions relating to trees and landscaping as below:

- Submission of an Arboricultural method statement
- Tree protection details
- Soft landscape scheme
- Soft landscape implementation

**Registered Speakers** – There were 13 speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

#### **Public Objectors**

- Ms Shelly Harris, a local resident.
- Ms Sarah Clarke, a local resident.
- Mr Colin Gibbs, a local resident.
- Mrs Kathryn Franklin, on behalf of Pembury Society

#### **Public Supporters**

- Mr James Brown, Brown and Co Planning

- Mr Alec Philpott, Mayer Brown
- Paul Hendy, The Hendy Group
- John Hendy, The Hendy Group

#### **Parish Council Representative**

- Katy Brooks, Chairman of Pembury Parish Council

#### **Borough Councillors**

- Councillor Jane March, Cabinet Portfolio Holder for Culture, Leisure and Economic Development supported the application.
- Councillor David Reilly, Pembury objected to the application.
- Councillor Paul Barrington-King, Pembury objected to the application.
- Councillor David Hayward, Pembury objected to the application.

#### **Matters of Clarification by Officers and Committee Members' Questions to Officers** – Members raised a number of questions and officers confirmed the following:

- i. The Council's Landscape and Biodiversity Officer offered a response to the concern raised about a nightingale bird spotted on the site.
- ii. Officers considered that material considerations existed to warrant departure from the site allocation 2016 policy.
- iii. Attention was drawn to the NPPF policy which set out that arguments for a refusal on the basis that an application was premature could seldom be justified where a Local Plan has yet to be submitted.
- iv. Kent County Council (KCC) Highways and Highways England offered no objections to the impact of the development on safety or capacity grounds due to mitigation measures secured as part of the application.
- v. Paragraphs 10.95 to 10.102 include comments from KCC Highways on the loss of the Park and Ride and the feasibility study carried out.
- vi. It was stated that each application was assessed entirely objectively in line with the professional standards and requirements of the RTPI.
- vii. It had been specifically set out that objections to applications were factored in as part of the determination and assessment of planning applications, along with other matters which included policy, national policy and material considerations.
- viii. Members were advised that there were high levels of communication between Planning Policy and Development Management which meant that the mitigation measures and the loss of the Park and Ride were being factored in to the work on the Local Plan.
- ix. Members were reminded that each application should be dealt with on its own merit and there should be no comparison between other applications.
- x. Condition 3 secured as part of mitigation improvement works to roundabout and access area.
- xi. A condition could be secured to change the positioning of the

- refuse fixtures on the site.
- xii. Tesco carried out a number of assessments related to parking which included spaces for staff and customers.
  - xiii. Paragraphs 10.29 and 10.30 outlined the overall economic benefits of the proposed development and these were discussed.
  - xiv. Condition 30 required a details delivery plan to be drawn up and approved prior to the occupation of the development.
  - xv. KCC Highways and Highways England had extensive discussions with the applicant about trip generation and trip distribution which resulted in mitigation package proposed, both were content with these going forward
  - xvi. Condition 27 enabled KCC Highways and Highways England to manage the routing of construction vehicles to and from the site.
  - xvii. The Council's Landscape and Biodiversity Officer confirmed that net gain had been through a financial contribution.
  - xviii. With regard to sustainability; the proposal involved a contribution of £200,000 towards enhancement of the footways/cycleway on Tonbridge Road and the vicinity which would further enhance the potential for sustainable mode travel to and from the site as well as within the local area generally. In addition to this a shuttle bus service would also be operated by the developer for staff and customers.
  - xix. Details of Hendy car parking were outlined and how it was separate to Tesco.
  - xx. If Members felt that the start time of 7.30am for works was inappropriate this could be changed.
  - xxi. Members attention was brought to Paragraphs 48, 49 and 50 of the NPPF and it was explained that given that the Draft Local Plan had not been submitted for examination nor subject to regulation 19 consultation, if Members were minded to deem the application premature and were satisfied that it met the 2 circumstances in paragraph 49 it would be up to the Council as the Local Planning Authority to indicate clearly how the grant of consent would prejudice the outcome of the Local Plan process.
  - xxii. Details of Air Quality were discussed.
  - xxiii. The Council's Planning Environmental Officer's comments related to renewable energy were referenced in the report.
  - xxiv. It was confirmed that the conditions in the report related to lighting covered issues such as security of the site, light spillage, glare and it followed national guidance.

**Committee Member Debate** – Members proceeded to discuss the application and the principal issues. Points raised included:

- i. The point was raised that there had been a robust set of questioning between Members and the Lead Officer ahead of the Committee as well as the queries raised in the meeting and thanks were given to Officers and in particular lead officer Kevin Hope.
- ii. It was suggested that the Planning Committee was not in a position to make the decision to approve the application and it should go to Full Council who would decide whether it would relinquish the opportunity for something that would have a more significant strategic importance to the development of Royal Tunbridge Wells in the future. This was addressed, and it was confirmed that the Planning Committee was the appropriate decision making body for this application.

- iii. Concerns raised by Pembury Councillors and the Pembury Parish Council representative were acknowledged related to the traffic impact.
- iv. The concerns raised about the location and size of the site were acknowledged.
- v. It was suggested that the case relied on the economic benefits of the application and concerns were raised on whether sufficient information had been provided related to applicant's economic benefits assessment.
- vi. Concerns were raised about the potential of this application being refused and then followed by an application which was arguably worse.
- vii. Members considered the fact that the applicant must solve the problems that it creates and therefore the view of Kent Highways that the mitigation proposed would offset the harm the congestion caused by this development should be acknowledged.
- viii. The possibility of an appeal was mentioned as Members can only refuse under circumstances which these were considered not to be.
- ix. It was acknowledged that the application created job opportunities and made use of a site that was otherwise derelict.
- x. Members supported a change to the start time of works from 7.30am to 8am, a condition would secure this.
- xi. A condition was requested for explicit signage at the exit points from the site which would warn drivers of children crossing the access way to and from school.

**Decision/voting** – On the basis that members were satisfied that all relevant planning considerations had been covered within the report, a motion was proposed by Councillor Bland, seconded by Councillor Hamilton and a vote was taken to approve the application in line with the officer recommendations, subject to additional conditions. This motion was not carried.

A motion was proposed by Councillor Pound seconded by Councillor Dr Hall and a vote was taken to refuse the application against the officer recommendation.

**RESOLVED** – That application PLA56/20 be refused against officer recommendation subject to the reasons shown below:

The proposed development fails to demonstrate that it would achieve sustainable development in respect of the three overarching objectives of sustainable development as set out within paragraph 8 of the National Planning Policy Framework. The development would therefore be contrary to the guidance as set out within section 2 of the National Planning Policy Framework 2019 and the National Planning Practice Guidance.

The proposed development fails to demonstrate that exceptional circumstances exist and that the development is in the public interest and therefore fails to address the major development within an Area of Outstanding Natural Beauty test as set out within paragraph 172 of the National Planning Policy Framework. The development would therefore lead to an unacceptable level of harm to the Area of Outstanding Beauty which would significantly and demonstrably outweigh the benefits of the proposal. The development is also contrary to Core Policy 4 of the Core Strategy 2010, the provisions of the National Planning Policy Framework 2019 and the

National Planning Practice Guidance.

## **APPLICATION FOR CONSIDERATION - 20/02070/FULL LAND EAST OF WATER LANE HAWKHURST CRANBROOK KENT**

PLA57/20 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA57/20 Land East Of Water Lane Hawkhurst Cranbrook Kent and this was summarised at the meeting by Mr Richard Hazelgrove, Principal Planning Officer and illustrated by means of a visual presentation.

Updates and additional representation – None.

**Registered Speakers** – There were 2 speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

### **Public Supporters**

- Mr Robert Hughes, Hughes Planning.
- Ms Clare Escombe, On behalf of Hawkhurst Parish Council

**Matters of Clarification by Officers and Committee Members' Questions to Officers** – Members raised a number of questions and officers confirmed the following:

- i. That this was the first time that Officers had recommended approval for a truly isolated dwelling under the terms of NPPF paragraph 79(e); a scheme previously granted permission in Goudhurst some years ago was close to the village settlement boundary .
- ii. Paragraph 2.12 on page 102 out the agenda set out the changes in the scheme from the previous application.

**Committee Member Debate** – Members proceeded to discuss the application and the principal issues. Points raised included:

- i. Members stated that it was an interesting and exciting application.
- ii. It was acknowledged that the applicant had gone to great lengths in terms of design of the building and landscaping to enhance biodiversity on the site.

**Decision/voting** – On the basis that members were satisfied that all relevant planning considerations had been covered within the report, a motion was proposed by Councillor Bland, seconded by Councillor Warne and a vote was taken to approve the application in line with the officer recommendation.

**RESOLVED** – That application PLA57/20 be granted subject to the plans, conditions and informatives as set out in the agenda report.

## **APPLICATION FOR CONSIDERATION - 20/02298/LBC TUNBRIDGE WELLS LIBRARY ADULT EDUCATION CENTRE MUSEUM AND ART GALLERY MOUNT PLEASANT ROAD RTW**

PLA58/20 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA58/20 Tunbridge Wells Library

Adult Education Centre Museum And Art Gallery Mount Pleasant Road Royal Tunbridge Wells and this was summarised at the meeting by Hazelgrove, Principal Planning Officer, and illustrated by means of a visual presentation.

**Updates and additional representations – None.**

**Registered Speakers – None.**

**Matters of Clarification by Officers and Committee Members' Questions to Officers –** Members raised a number of questions and officers confirmed the following:

- i. No questions were raised.

**Committee Member Debate –** Members proceeded to discuss the application and the principal issues. Points raised included:

- i. No matters of significance were discussed.

**Decision/voting –** On the basis that members were satisfied that all relevant planning considerations had been covered within the report, a motion was proposed by Councillor Poile, seconded by Councillor Pound and a vote was taken to approve the application in line with the officer recommendation.

**RESOLVED –** That application PLA58/20 be granted subject to the plans, conditions and informatives as set out in the agenda report.

#### **APPLICATION FOR CONSIDERATION - 20/01742/LBC TELEPHONE CALL BOX NEVILL GATE ROYAL TUNBRIDGE WELLS KENT**

PLA59/20 **Planning Report and Presentation –** The Head of Planning Services submitted a report in respect of application PLA59/20 Telephone Call Box Nevill Gate Royal Tunbridge Wells Kent and this was summarised at the meeting by Ms Williams, Planning Officer, and illustrated by means of a visual presentation.

**Updates and additional representations – None.**

**Registered Speakers – None.**

**Matters of Clarification by Officers and Committee Members' Questions to Officers –** Members raised a number of questions and officers confirmed the following:

- i. That a condition would secure the details of finishes and materials however it was expected for the phone box to be restored in it's current form.
- ii. A condition would secure that appropriate workmanship would be undertaken.

**Committee Member Debate –** Members proceeded to discuss the application and the principal issues. Points raised included:

- ii. No matters of significance were discussed.

**Decision/voting –** On the basis that members were satisfied that all relevant

planning considerations had been covered within the report, a motion was proposed by Councillor Backhouse, seconded by Councillor Hamilton and a vote was taken to approve the application in line with the officer recommendation.

**RESOLVED** – That application PLA59/20 be granted subject to the plans, conditions and informatives as set out in the agenda report.

**APPEAL DECISIONS FOR NOTING 29/08/2020 TO 15/10/2020**

PLA60/20

**URGENT BUSINESS**

PLA61/20 There was no urgent business for consideration.

**DATE OF NEXT MEETING**

PLA62/20 The next Planning Committee meeting was scheduled for Wednesday 18 November 2020.

NOTE: The meeting concluded at 3.48 pm.