

**TUNBRIDGE WELLS BOROUGH COUNCIL**

**PLANNING COMMITTEE**

MINUTES of the meeting held at the Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS, at 6.30 pm on Wednesday, 10 August 2022

**Present: Councillor Trevor Poile (Chair)**

**Councillors Bailey, Britcher-Allan, Johnson, Le Page, Moon, Patterson, Pope and Wakeman**

**Officers in Attendance:** Carlos Hone (Head of Planning), Peter Hockney (Development Manager), James Moysey (Principal Planning Officer), Jo Smith (Senior Lawyer) and Caroline Britt (Democratic Services Officer)

**Other Members in Attendance:** Councillor Pound

**CHAIRMAN'S INTRODUCTION**

PLA16/22 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

**APOLOGIES**

PLA17/22 Apologies were received from Councillors Fitzsimmons and Warne. Councillor Bailey arrived at 6:35pm. Councillor Atwood was not present.

**DECLARATIONS OF INTEREST**

PLA18/22 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)**

PLA19/22 Councillor Poile advised that he had been lobbied by objectors on application PLA 22/00088/FULL – No. 2-16 St. John's Road, Royal Tunbridge Wells.

**SITE INSPECTIONS**

PLA20/22 Members had not undertaken any site visits.

**TO APPROVE THE MINUTES OF THE MEETING DATED WEDNESDAY 29 JUNE 2022**

PLA21/22 It was noted, that unless a recorded vote had been requested, details of how Members voted was not included in the minutes.

**RESOLVED** – That the minutes of the meeting dated 29 June 2022 be recorded as a correct record.

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

PLA22/22

**APPLICATION FOR CONSIDERATION - 22/00088/FULL NO. 2-16 ST. JOHN'S ROAD, ROYAL TUNBRIDGE WELLS**

PLA23/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA22/00088/FULL, 2-16 St John's Road, Royal Tunbridge Wells, and this was summarised at the meeting by Mr James Moysey, Principal Planning Officer and illustrated by means of a visual presentation.

**Updates and additional representation** – None.

**Registered Speakers** – There were 7 speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

Objectors:

- Sarah Wright
- Lloyd Shaw
- John Levey
- Chris Pendleton
- Cllr James Rands

Supporters:

- Matthew Williams
- Richard Abbott

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

- It was noted the scheme had been amended from 5 dwellings to 4 dwellings. The configuration was similar apart from the central plot which was originally a pair of semi-detached units. Plots 3 & 4 were originally 2 storey, there were now 1 ½ storey, chalet bungalows.
- The regional target in terms of density was 40 dwellings per hectare. This application equated to 45 dwellings per hectare. However, it was important to note that 40 dwellings was a regional target, and this scheme was a town centre scheme where development was usually of a higher density.
- In terms of the level of housing needs, the principle of developing this site, regardless of the Council's housing requirements was considered acceptable. This was a previously developed site inside the limits of built development.
- In respect of overlooking towards Grosvenor Park, particularly towards the east of the site. It was reconfirmed that no first floor openings were proposed on plots 1 and 2. Additionally there were no first floor openings on the east facing elevations on plots 3 and 4. It was also noted that the boundary wall that sat on the east boundary of the site would be retained. The height of the wall on the application side was approximately 2.3m and was higher on the Grosvenor Park side.
- It was further noted that no additional windows or similar openings could be inserted (Condition 11). Extensions were also restricted (Condition 10).
- The profitability of a site was not a planning consideration.
- Paragraph 10.61 of the report provided an explanation of the work

- undertaken by Officers in respect of shadow issues.
- In terms of highway safety, the lawful use of the site was for a car park with around 30 car parking spaces. There was nothing to prevent the site from being returned to a car park, which would generate more traffic movements.
- The stability of the retaining wall was a building control matter. Condition 12 made clear that details pertaining to walls and fencing had to be approved by the Local Planning Authority.
- The retaining wall was a building control matter and not a planning matter. Building Control Officers from the Council had assessed the wall and determined that it was sound. A Management Control Plan had been included as part of Condition 12. If anything happened to the wall, it would be a civil matter with the landowner being liable for any damages or issues arising.
- If requested, the wording of Condition 12 could be enhanced to ensure that boundaries, including the retaining wall remained fit for purpose.
- The scheme included 5 car parking spaces, one for each property and one visitors space. The development was within walking distance from the town centre and also had good public transport options. Although emerging policy recommended 8 spaces, for this scheme, greater weight was given to current policy. It was confirmed that parking permits would not be permitted for residents of this development.
- Policy H5 of the Local Plan allowed for brownfield site developments. The biggest issue with this development related to the impact on surrounding residents and amenities. Officers had undertaken an assessment on privacy, light, outlook etc and determined that the level of harm was not to such an extent to warrant refusal of the application.
- Changes to the design of the development were not part of the consideration – the application was to be determined as currently designed. Although the final level of the buildings would require agreement by the Council prior to work commencing (Condition 19).
- Officers had assessed light and shadow issues on planning merits, and had reached the view that the level of harm in terms of loss of light would not be so significant as to refuse the application on planning terms.
- The application for the Job Centre (88 Grosvenor Road), which was not part of this application, was for just the building and was for 14 apartments. No parking provision was included.

**Committee Debate and Officer Responses** – Members of the Committee took account of the presentations made and raised a number of questions and issues within their discussions. These included:

- Concern was raised about access in and out of the site from St John's Road.
- The report mentioned (ref para 7.4) that the TWBC Conservation Officer had stated that the site was cramped – this view was supported by one of the Members. It was suggested that even with only 4 dwellings it could be seen as an overdevelopment.
- Given the concerns regarding overlooking, was this the best place for a housing development.
- It was noted the residents were not against a planning application, but that it had to be appropriate for the location.
- The principle of the application was acceptable, however the impact

- on residents was considered unacceptable.
- Parking restrictions within the Borough should be stringent.
- Officers reiterated that with regards to access, this was currently a lawful car park with up to 30 car parking spaces. A development of 4 houses was not considered to result in a significant increase in movement that would result in a detrimental impact on highway safety.
- In terms of density of development, the conservation officer's comments were based on 5 dwellings and although the comments did refer to the limited space, this was not unusual for a town centre location.
- A landscaping condition was included (Conditions 6 and 7), and this included a Management Plan. Management of the site would either be by the landowner or a management company. Some responsibility may also fall to the owners of plots 3 and 4.
- It was noted by some Members that this site was a brownfield site and very suitable for development and the scale and design of the buildings did not appear to have a detrimental effect on other residents in the area.
- The provision of parking allocation in this location was very good.
- It was suggested the impact on the neighbours was not sufficiently significant to warrant refusal.
- The design ensured that no windows faced residents of Grosvenor Park.
- Concern was raised as to whether there was sufficient parking provided for the development. Although a town centre development, car ownership remained high. It was likely that any owner of a 3 bedroom house, would have more than one car.
- Should the application be refused and it went to appeal, it was likely that any outcome would result in a loss of control of the development.
- It was suggested that other possibilities and alternatives should be explored before a decision was taken.
- The site was currently derelict and overgrown and therefore a development would be a great improvement.
- There was currently no requirement for the Velux windows in plots 1 and 2 to have frosted glass, but this could be added as a condition.
- An Informative could be added to ensure that prospective buyers were aware that they would not be eligible for parking permits.

A recorded vote was requested:

Members who voted to support the application: Councillors Bailey, Britcher-Allan, Le Page, Patterson, Pope, Wakeman and Poile.

Members who voted against the application: Councillors Johnson and Moon

**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 Patterson, seconded by Councillor Bailey and a vote was taken to approve the application in line with the officer recommendation and with the following changes and additions:

1. Condition 12 – reworded to read 'Details of existing and proposed walls and fencing within the development including an assessment of those to be retained shall be submitted to and approved in writing by the Local Planning Authority and erected prior to the first occupation of any of the hereby approved dwellings and shall be maintained thereafter unless otherwise approved in writing by the Local Planning

Authority’.

2. New Condition 20 – ‘Before the first occupation of the hereby approved properties of Plots 1 and 2 as shown on the approved plans (located adjacent to Culverden Square) the hereby rooflights on these properties shall be fitted with glass that has been obscured to Pilkington level 3 or higher (or equivalent) and shall be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be retained as such.’
3. New Informative – ‘It is advised that residents of the hereby approved development would be ineligible for residential parking permits.’

**RESOLVED** – That application PLA22/00088/FULL, Land Rear of 2-16 St John’s Road, Royal Tunbridge Wells be granted subject to the plans, conditions and informatives as set out in the agenda report.

### **APPLICATION FOR CONSIDERATION - 22/01503/FULL CAR PARK WARWICK ROAD, ROYAL TUNBRIDGE WELLS**

PLA24/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA 22/01503/FULL, Car Park Warwick Road, Royal Tunbridge Wells and this was summarised at the meeting by James Moysey, Principal Planning Officer and illustrated by means of a visual presentation.

**Updates and additional representation** – Since publication of the agenda report, the presenting officers updated:

- An additional informative had been proposed – ‘ the applicant is asking for consideration of the resurfacing of the entire car park and the installation of EV charging points in order to promote sustainable transport.’

**Registered Speakers** – There were no speakers that registered in accordance with the Council’s Constitution (Planning Committee Procedure Rules)

**Matters of clarification by Officers and Committee Members’ questions to Officers included:**

- The application was coming to Committee because TWBC was the landowner. If TWBC was not the landowner it would be a delegated decision, unless called-in by a Member.
- The existing hedgerow was causing subsidence. The choice of using Yew trees was because it was a native species with non-evasive roots and relatively low maintenance. This view was supported by the TWBC Tree Officer.

**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 Bailey, seconded by Councillor Pope and a vote was taken to approve the application in line with the officer recommendation.

**RESOLVED** – That application PLA22/01503/FULL, Car Park, Warwick Road, Royal Tunbridge Wells be granted subject to the plans, conditions and informatives as set out in the agenda report and as shown above.

**APPEAL DECISIONS FOR NOTING 21 JUNE 2022 TO 01 AUGUST 2022**

PLA25/22     **RESOLVED** – That the list of appeal decisions provided for information, be noted.

**URGENT BUSINESS**

PLA26/22     There was no urgent business for consideration.

**DATE OF NEXT MEETING THURSDAY 1 SEPTEMBER 2022**

PLA27/22     The next Planning Committee meeting was scheduled for Thursday 1 September 2022.

NOTE: The meeting concluded at 8.10 pm.