

## TUNBRIDGE WELLS BOROUGH COUNCIL

### PLANNING COMMITTEE

MINUTES of the meeting held at the Council Chamber, Royal Tunbridge Wells, Kent TN1 1RS, at 6.30 pm on Wednesday, 19 July 2023

**Present: Councillor Godfrey Bland (Chair)**

**Councillors Britcher-Allan, Fitzsimmons, Johnson, Le Page, Moon, Neville, O'Connell, Osborne, Patterson, Pope and White**

**Officers in Attendance:** Richard Hazelgrove (Interim Development Management Team Leader), Peter Hockney (Development Manager), Andrew McLachlan-Newens (Planning Officer), James Taylor (Planning Officer), Tracey Wagstaff (Senior Lawyer Mid Kent Legal Services) and Emer Moran (Democratic Services Officer)

**Other Members in Attendance:** Councillor Pound

### CHAIR'S INTRODUCTION

PLA161/23 The Chair opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

### APOLOGIES

PLA162/23 There were no apologies for absence.

### DECLARATIONS OF INTEREST

PLA163/23 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)

PLA164/23 Councillor Fitzsimmons and Moon advised that they had been lobbied by supporters on PLA168/23 Land South Of Brenchley Road, Brenchley Road, Horsmonden, Tonbridge, Kent.

Councillor Le Page, Neville, O'Connell, Osborne, Patterson, Pope and Bland advised that they had been lobbied by objectors on application PLA169/23 Grovehurst Grange, Haymans Hill, Horsmonden, Tonbridge, Kent.

Councillor Britcher-Allan advised that she had been lobbied by supporters on application PLA/170/23 74 Rusthall High Street, Rusthall, Tunbridge Wells, Kent.

### SITE INSPECTIONS

PLA165/23 Members had not undertaken any site visits.

### TO APPROVE THE MINUTES OF THE MEETING DATED WEDNESDAY 17 MAY 2023

PLA166/23 **RESOLVED** – That the minutes of the meeting dated Wednesday 17 May 2023 be recorded as a correct record.

## REPORTS OF HEAD OF PLANNING SERVICES (ATTACHED)

PLA167/23 The Chair confirmed the order of business was:

- i. PLA168/23 - Land South Of Brenchley Road, Brenchley Road, Horsmonden, Tonbridge, Kent.
- ii. PLA169/23 Grovehurst Grange, Haymans Hill, Horsmonden, Tonbridge, Kent.
- iii. PLA170/23 74 Rusthall High Street, Rusthall, Tunbridge Wells, Kent.
- iv. PLA/171/23 65A Ringden Avenue, Paddock Wood, Tonbridge, Kent.
- v. PLA/172/23 Tunbridge Wells MOT Centre, North Farm Road, Royal Tunbridge Wells, Kent.
- vi. PLA/173/23 Town Hall, Mount Pleasant Road, Royal Tunbridge Wells, Kent.
- vii. PLA/174/23 Town Hall, Mount Pleasant Road, Royal Tunbridge Wells, Kent.

## APPLICATION FOR CONSIDERATION - 22/00296/OUT LAND SOUTH OF BRENCHLEY ROAD, BRENCHLEY ROAD, HORSMONDEN, TONBRIDGE, KENT.

PLA168/23 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA168/23 Land South Of Brenchley Road, Brenchley Road, Horsmonden, Tonbridge, Kent and this was summarised at the meeting by Richard Hazelgrove, Acting Team Leader Development Management and illustrated by means of a visual presentation.

**Updates and additional representation** – An update to the wording of the officer recommendation in the report was provided.

**Registered Speakers** – There were 5 speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

### **Objectors:**

- John Poore, a local resident.
- Robert Dicketts, a local resident.
- Amanda Cheston, a local resident.

### **Supporters:**

- Gary Mickelborough, Bloomfields Chartered Town Planners.

### **Borough Councillors not on the Planning Committee:**

- Councillor Jane March, Brenchley and Matfield.

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

- i. Kent County Council (KCC) Highways had been consulted and were satisfied that the access arrangements and the transport

- assessment undertaken delivered a safe and suitable access to the site.
- ii. A drainage strategy was submitted with the application which outlined how the surface water drainage would be dealt with in the reserved matters and sought to limit run off from the site so that it was no greater than Greenfield run off rate. That was subject to a number of conditions set out by KCC Flood.
  - iii. The Local Neighbourhood Development Plan (LNDP) proposed a new village hall within the village and identified the site before Members as the location. The referendum for the LNDP was held in June 2023 and it was adopted at Full council on 5 July 2023.
  - iv. Condition 23 on page 78 of the agenda ensured that houses on the site were not occupied until KCC Highways cleared obstructions on footpath and built the footpath.
  - v. In response to concerns raised about the amount of social houses and the size of the houses, Officers advised that as the application was still in outline, the number of social houses had not been finalised nor had the sizes of the properties. If Members were minded, it was possible to attach an informative that the provision of larger, affordable housing was considered as part of reserved matters.
  - vi. Members considered it was important that they were seen to have representation from South East Water (SEW) and visibility at the Committee to see their opinion on the new development. Officers confirmed that SEW were consulted at the pre submission phase of the Local Plan (LP) in terms of supply and the site before Members was part of the LP.
  - vii. It was advised that the funding for the Village Hall was due to be secured through Section (S) 106 from other allocated sites in the Horsmonden area. It was not the case that the village hall was funded purely by developer contributions, other Parish Council's for example, other parish councils had funded their village halls through a combination of S106 monies, lottery grants and local fundraising. Further discussion and clarification was had about the allocation of other S106 monies for education and NHS projects.
  - viii. As part of Planning and as part of the Development Management process it was not possible to deal with existing problems, the Local Planning Authority (LPA) looked at mitigation of development. The flood authority were aware of the situation and did have it in mind when they considered the proposals on this site.
  - ix. An assessment of the ancient woodland had been submitted with the application and an addendum from a specialist that had been looked at by the Council's Landscape and Biodiversity officer and no objections were raised to the proposals in terms of the level of the buffer.
  - x. The submission Local Plan included the site in question and it was initially identified it for development of between 80 and 100 houses. At the point of examination led by the inspector that amount was deemed too high an amount and as a result proposed modifications to reduce the amount to 70 dwellings.

**Committee Member debate and Officer clarification included:**

- i. It was thought that Members needed to look at the application in the light of an overarching need for more houses, as the Council did not have a five-year housing supply.

- ii. The provision of social housing was welcomed and deemed critical in rural areas.
- iii. Members acknowledged the fact that the site was within the LNDP and there was positivity behind that.
- iv. Concerns were raised related to the footpath. The improvements to the footpath was considered important to residents even if it was not full width, it joined up with the footpath inside the development which enabled residents to use it without going anywhere near traffic.
- v. Members felt that when they came to the next stage, there should be a thought given to traffic speed attenuation at the 30 mile an hour limit.
- vi. The proposed increase of parking facilities at the new village hall was viewed as another net gain for the village.
- vii. The informative which sought at least one larger social house supported by Members.
- viii. It was felt that condition 23 could be more robust as it did not mention KCC Highways specifically. This was addressed and Officers confirmed that the condition only included the applicant and/or the land. The applicant submitted the details to the LPA who then consulted KCC Highways and if they were satisfied with the submissions the LPA then granted the discharge of the condition.
- ix. The funding for the village hall was discussed and what was within the scope of the LPA.
- x. In discussion regarding the relative amounts of the planning obligation contributions being sought, clarification was provided that the amount of the contributions were based on formulae used by the various consultees as applied to the outline application.

**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 Fitzsimmons, seconded by Councillor Britcher-Allan and a vote was taken to approve the application in line with the officer recommendation.

Councillor Moon voted against the recommendation.

**RESOLVED** – That application PLA168/23 be granted subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended), in a form to be agreed by the Head of Legal Partnership Mid Kent Legal Services by 31 August 2023 (unless a later date be agreed by the Head of Planning Services) to secure the plans, conditions and informatives as set out in the agenda report as updated and the additional informative below.

1. Additional informative seeking a four bedroomed dwelling within the affordable housing element.

**APPLICATION FOR CONSIDERATION - 23/00831/FULL GROVEHURST GRANGE, HAYMANS HILL, HORSMONDEN, TONBRIDGE, KENT.**

PLA169/23 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA169/23 Grovehurst Grange, Haymans Hill, Horsmonden, Tonbridge, Kent and this was summarised at the meeting by Richard Hazelgrove, Acting Development Management Team

Leader and illustrated by means of a visual presentation.

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

- **Revised condition 2:**

The site shall either:

be used for holiday accommodation, where the site shall not be used at any time as a sole and principal residency by any occupants. No caravan on the site shall be occupied for more than six weeks at a time and no person or persons may occupy any one or more caravans on the Site for a period of six weeks or more in any twelve-month period. No caravan shall be used for purposes other than holiday accommodation as detailed above (and for the avoidance of doubt, “holiday accommodation” does not include any other residential purpose, whether or not within the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification); or

be occupied by persons solely or mainly working or last working in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) or forestry or a widow or widower of such a person and to any resident dependents

A logbook detailing each individual occupancy shall be maintained and provided within three (3) working days of any request to provide such information by the Local Planning Authority.

**Reason:** To maintain the availability of the site as short term holiday accommodation and to maintain available accommodation for the local needs of agriculture or forestry.

**Registered Speakers** – There were 4 speakers that registered in accordance with the Council’s Constitution (Planning Committee Procedure Rules)

**Objectors:**

- Claire Boydell, a local resident.
- John Boydell, a local resident.

**Supporters:**

- Gary Mickelborough, Bloomfields Chartered Town Planners.

**Borough Councillors not on the Committee:**

- Councillor Jane March, Brenchley and Horsemonden.

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

- i. Officers set out that there was no requirement in national or local planning policy to justify the principle of new or expanded tourism facilities. There was a presumption in favour of such development. A viability assessment was required in some instances where it was proposed to remove a tourism facility for other non-tourism

- developments, but not for their provision/expansion.
- ii. Officers clarified that the applicant wanted to remove condition 2 and 3 and substitute them with a broader agricultural occupancy condition, which reflected the standard model condition that was published by the Planning Inspectorate.
- iii. There was no distinction in planning procedure or law between commercial holiday use and non- commercial holiday use.
- iv. Officers confirmed the use of the site was not being changed – it was already a caravan site permitted for residential use as shown in paragraph 10.15 and 10.16 of the report. Whilst the use was being expanded from two to 11 months, it was not materially changing.
- v. Officer clarified that paragraph 10.22 in the report highlighted the location was largely unsustainable. However paragraph 10.23 then explained that holiday accommodation tended to be situated in rural, often unsustainable areas. This same approach had been taken by Inspectors at the appeal stage.
- vi. Officers clarified that the reference to ‘exceptional circumstances’ at CR 10.07 is not a policy test – it refers to applications which are an exception to the norm. There is no requirement for this scheme to demonstrate ‘exceptional circumstances’ for it to comply with the NPPF and the Development Plan.
- vii. Condition 2 amendments were read out in full for clarification. Officers advised that the rest of the condition changes suggested by the speakers in their lobbying e-mail to Members were not considered to be appropriate.
- viii. It was confirmed that there was no limitation and no requirement under the current permission for the caravans to be in a fixed position on the site and there was nothing to stop them being swapped for another caravan. A suggested condition to prevent them being located closer to the boundary with Grovehurst Cottage would not be justified as although Officers accepted that a caravan closer to the property would be more noticeable however, they did not consider that would cause significant harm to residential amenity, which was the policy test within EN1 of the Local Plan.
- ix. The month of January was a time that the applicant identified that the caravans were not necessary. This restriction added weight to its use and its character as a short term holiday accommodation for agricultural workers rather than being on an unfettered caravan site that anyone can occupy.

**Committee Member debate and Officer clarification included:**

- i. The conditions placed were welcomed.
- ii. Concerns were raised about the traffic on Haymonds Hill, which was a narrow lane and an informative was suggested to encourage people to turn right out of the gate and go straight towards Grovehurst Lane, Officers agreed and this was added.

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

**RESOLVED** – That application PLA169/23 be granted subject to the plans, conditions and informatives as set out in the agenda report and the revised condition and the additional informative below:

1. The applicant is asked to consider advising occupiers of the site to turn right upon exit and to use Grovehurst Lane as a means of access, rather than via Haymans Hill.

**APPLICATION FOR CONSIDERATION - 23/01232/FULL 74 RUSTHALL HIGH STREET, RUSTHALL, TUNBRIDGE WELLS, KENT.**

PLA170/23 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA170/23 74 Rusthall High Street, Rusthall, Tunbridge Wells, Kent and this was summarised at the meeting by Andrew McLachlan-Newens, 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)

**Objectors:**

- Thomas Cameron, a local resident.

**Supporters:**

- Kazim Kaplan, the applicant.

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

- i. In relation to the condition which sought 1.8 metre boarded screening fence on the elevation closest to the neighbour, Members were advised that they had the opportunity, having considered the application and representations, to approve the recommendation as per the agenda, or whether to suggest a variation to that condition to either provide an alternative method of screening or to delete the condition in its entirety.
- ii. Members were advised that it was important to focus on the planning merits which related to the potential overlooking and the potential overshadowing of the neighbours property rather than what was the safest option as that was not the role of the Local Planning Authority (LPA).
- iii. Concerns were raised about whether the applicant could use the patio for socialising rather than solely access, this was addressed and it was advised that the property had no other form of access to the rear garden other than the patio windows at the back and the use of the patio was limited by its depth therefore its main function was for access.
- iv. Since the original submission the extension had been reduced by approximately 30 centimetres. However, the patio and steps in question had a depth of about 1 to 1.25 metres therefore had extended beyond the originally permitted maximum extent of the rear extension.
- v. It was clarified that the proposal before Members had a retrospective element of the patio and a proposed element which was the construction of a screen on the side.
- vi. It was confirmed that the patio was currently unlawful development and this application sought to regularise it.

- vii. It was stated that the application was either acceptable in its current form or it was not, however, Members did have the option to defer the application to a later date if they felt that was appropriate and ask the applicant to amend the plans.
- viii. Officers were unable to provide advice on ways to make the patio safer that was a matter for Building Regulations and not what was before Members for consideration.
- ix. If the patio was decking and not concrete it would still need planning permission.

**Committee Member debate and Officer clarification included:**

- i. It was acknowledged that the neighbour had not objected to the original application as the patio was not part of the submission.
- ii. Given that the applicant had been granted permission for steps but went ahead and built a patio, it was felt the patio should go and steps reinstated.
- iii. It was suggested that the condition related to the fence should be removed.
- iv. Members considered that it was not an appropriate development due to the fact that the use of the patio would either cause overlooking or the mitigation of the installation of the screen would cause overshadowing and it was considered that the applicant should resubmit something of a more suitable nature without significant impact on the neighbour's amenity.
- v. It was not possible to have a condition where the applicant checked with any future neighbour whether they wanted a screen.
- vi. It was considered that the residents at number 72 were being asked to accept the mitigation of a flawed application that it was felt that was unfair.
- vii. Members felt that the basic fault lay with the decision of the applicant and the builder that went beyond the scope of the original application, and the application should go back to the applicant to start again.

**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 Le Page, seconded by Councillor Osborne and a vote was taken to approve the application in line with the Officer recommendation with the deletion of condition 2, this motion was not carried.

A motion was proposed by Councillor Moon, seconded by Councillor White and a vote was taken to refuse the application against the officer recommendation.

**RESOLVED** – That application PLA171/23 be refused.

**APPLICATION FOR CONSIDERATION - 23/00857/LAWPRO 65A RINGDEN AVENUE, PADDOCK WOOD, TONBRIDGE, KENT.**

PLA171/23 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA171/23 65A Ringden Avenue, Paddock Wood, Tonbridge, Kent and this was summarised at the meeting by James Taylor, Planning Officer and illustrated by means of a visual presentation.

**Updates and additional representation** – None.



**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:**

- i. The report was taken as read.

**Committee Member debate and Officer clarification included:**

- i. A concerns related to cars reversing were raised however they recognised there were no KCC Highways comments on the application.
- ii. It was acknowledged that the next door neighbour had already a dropped kerb and visibility looked good.
- iii. It was stated that the reason the application was before Committee was because Tunbridge Wells Borough Council owned some of the land within the application 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 Pope, seconded by Councillor Britcher-Allan and a vote was taken to approve the application in line with the officer recommendation.

**RESOLVED** – That application PLA171/23 be granted subject to the plans, conditions and informatives as set out in the agenda report.

#### **APPLICATION FOR CONSIDERATION - 23/01048/FULL TUNBRIDGE WELLS MOT CENTRE, NORTH FARM ROAD, ROYAL TUNBRIDGE WELLS, KENT.**

PLA172/23 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA172/23 Tunbridge Wells MOT Centre, North Farm Road, Royal Tunbridge Wells, Kent and this was summarised at the meeting by Richard Hazelgrove, Acting Development Management Team Leader and illustrated by means of a visual presentation.

**Updates and additional representation** – None.

**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:**

- i. The report was taken as read.

**Committee Member debate and Officer clarification included:**

- i. The old MOT building was considered grotty and Members considered the proposal to be a much better solution to tidy the site and provide storage.

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

**RESOLVED** – That application PLA172/23 be granted subject to the plans, conditions and informatives as set out in the agenda report.

**APPLICATION FOR CONSIDERATION - 23/00807/LBC TOWN HALL, MOUNT PLEASANT ROAD, ROYAL TUNBRIDGE WELLS, KENT.**

PLA173/23 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA173/23 Town Hall, Mount Pleasant Road, Royal Tunbridge Wells, Kent and this was summarised at the meeting by Richard Hazelgrove, Acting Development Management Team Leader and illustrated by means of a visual presentation.

**Updates and additional representation** – None.

**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:**

- i. The report was taken as read.

**Committee Member debate and Officer clarification 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 Britcher-Allan, seconded by Councillor Neville and a vote was taken to approve the application in line with the officer recommendation.

**RESOLVED** – That application PLA173/23 be granted subject to the plans, conditions and informatives as set out in the agenda report.

**APPLICATION FOR CONSIDERATION - 23/01546/LBC TOWN HALL MOUNT PLEASANT ROAD, ROYAL TUNBRIDGE WELLS, KENT.**

PLA174/23 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA174/23 Town Hall Mount Pleasant Road, Royal Tunbridge Wells, Kent and this was summarised at the meeting by Richard Hazelgrove, Acting Development Management Team Leader and illustrated by means of a visual presentation.

**Updates and additional representation** – None.

**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:**

- i. The report was taken as read.

**Committee Member debate and Officer clarification 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 Pope, seconded by Councillor Johnson and a vote was taken to approve the application in line with the officer recommendation.

**RESOLVED** – That application PLA174/23 be granted subject to the plans, conditions and informatives as set out in the agenda report.

#### **APPEAL DECISIONS FOR NOTING 10 MAY 2023 TO 10 JULY 2023**

PLA175/23    **RESOLVED** – That the list of appeal decisions provided for information, be noted.

#### **URGENT BUSINESS**

PLA176/23    There was no urgent business for consideration.

#### **DATE OF NEXT MEETING**

PLA177/23    The next Planning Committee meeting was scheduled for Wednesday 16 August 2023.

NOTE: The meeting concluded at 9.58 pm.