

## **PLANNING COMMITTEE**

**Wednesday, 3 February 2021**

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

**Officers in Attendance:** Canan Clatworthy (Principal Planning Officer), Richard Hazelgrove (Principal Planning Officer), Peter Hockney (Development Manager), James Moysey (Senior Planning Officer), Ellouisa McGuckin (Planning Officer), David Scully (Landscape and Biodiversity Officer), Jo Smith (Senior Lawyer) and Emer Moran (Democratic Services Officer)

**Other Members in Attendance:** Councillors McDermott

### **CHAIRMAN'S INTRODUCTION**

PLA110/20 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

### **APOLOGIES**

PLA111/20 Apologies were received from Councillors Dr Hall and Mrs Thomas.

### **DECLARATIONS OF INTEREST**

PLA112/20 Councillor Bland advised that application PLA121/20 30 - 32 Crescent Road Royal Tunbridge Wells Kent was a property owned by Tunbridge Wells Property Holdings Ltd of which he was a Councillor Director. The application was discussed and approved for forwarding at a board meeting and Councillor Bland voted in favour of it therefore he had predetermined his decision and withdrew from the meeting while it was being discussed.

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

PLA113/20 Councillors Atwood, Mrs Cobbold, Funnell, Poile, Pound, Warne, Bland and Noakes advised that they had been lobbied by objectors on application PLA118/20 3 Queens Gardens Royal Tunbridge Wells.

Councillor Bland advised that he had been lobbied by objectors on application PLA117/20 Sharps Hill Farm Queen Street Sandhurst Cranbrook Kent.

### **SITE INSPECTIONS**

PLA114/20 Due to the current restrictions Members had not undertaken any site visits.

### **TO APPROVE THE MINUTES OF THE MEETING DATED 13 JANUARY 2021**

PLA115/20 **RESOLVED** – That the minutes of the meeting dated 13 January 2021 be recorded as a correct record.

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

PLA116/20

**APPLICATION FOR CONSIDERATION - 19/01493/OUT SHARPS HILL FARM QUEEN STREET SANDHURST CRANBROOK KENT**

PLA117/20 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA117/20 OS Sharps Hill Farm Queen Street Sandhurst Cranbrook Kent and this was summarised at the meeting by Mr James Moysey Strategic Sites Senior Planning Officer and illustrated by means of a visual presentation.

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

- Additional comments had been received from the High Weald AONB Unit:

They comment that that the committee report acknowledges that “The proposal would result in harm to the AONB and character and appearance of the countryside through the development of this predominantly greenfield site” but applies the presumption in favour of sustainable development in NPPF 11 and finds that this harm is outweighed by “the contribution the proposal would make to the Borough’s housing need; the provision of 40% affordable housing and financial contributions towards community services/facilities”. They draw attention to an appeal decision is Waverley in Surrey Hills AONB where the case clarifies that where harm to an AONB is identified, the presumption in favour is disengaged before the planning balance is assessed. This was a case which was also acknowledged not to constitute major development under NPPF172.

The Council does not have a 5 year housing supply and the question is regarding whether the tilted balance is engaged. Following receipt of these comments further clarification has been sought from the Council’s Landscape and Biodiversity Officer who has confirmed the harm to the AONB could be a clear reason for refusal under the policies of the Framework if the Council were able to demonstrate a 5 year housing land supply and therefore Paragraph 11 of the NPPF does not apply. However, as the Council does not have a 5 year housing land supply, there is a need it is considered appropriate to go through the planning balance, giving great weight to the AONB as set out in the report.

- Following these comments it was recommended that bullet point 2 in the summary for reasons for recommendation section was deleted as it incorrectly summarise the assessment undertaken.

**Registered Speakers** – There were 6 speakers that registered in accordance with the Council’s Constitution (Planning Committee Procedure Rules)

**Public Objectors**

- Ms Alison Carter, member of the public.
- Ms Joanne Tucker, member of the public.
- Mr Peter Howard, member of the public.

- Mr Andrew Leach, member of the public.

#### **Public Supporters**

- Mr Thijx Bax, Agent.

#### **Parish Council Representative**

- Sandhurst Parish Council provided a statement in objection 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. It was confirmed that this application was an allocated site under the draft local plan regulation 19 stage, and while in draft form it showed direction Council was going.
- ii. The application had a net increase of up to 15 dwellings this figure was not fixed.
- iii. A Summary of the contributions towards education was provided on page 15 of the agenda.
- iv. Paragraph 7.08 of the report showed comments from NHS that as the scheme was for less than 20 units they did not require a contribution for GP surgeries.
- v. With regard to speed issues, officers were guided by KCC Highways and both were satisfied that safe access could be achieved.
- vi. It was advised that condition 19 set out a structure to achieve net gain which was deemed to be achievable and this would be looked at in more detail at reserved matters stage.
- vii. Questions and concerns were raised in regards to heritage and landscape issues. The Council's Landscape Officer was satisfied their concerns could be addressed at the reserved matters stage and through conditions and the Conservation Officer identified less than substantial harm where Officers considered that the benefits of the proposal outweighed this harm.
- viii. The Council's Tree officer had been consulted and was satisfied.
- ix. No formal objection had been received from Southern Water.
- x. The site layout was not fixed at this time and would be dealt with at reserved matters stage.
- xi. The Council's Landscape and Biodiversity officer was satisfied to support the application on landscape and biodiversity grounds due to mitigations and conditions that were put in place.
- xii. There had been no individual KCC Highway speed/traffic surveys carried out for this application however, the applicant had provided an array of surveys and assessments KCC Highways were satisfied with these.
- xiii. It was advised that if the development reduced at reserved matters stage to a level that would not require affordable housing this would likely to not have made efficient use of the land therefore would be unacceptable.
- xiv. The scheme had been changed to seek approval for access only as a lot of work still had to be carried out on the design to ensure it represented the character and layout of the area.
- xv. It was advised that the lack of 5 year housing supply was a significant material consideration and was something an Inspector would give weight to at an appeal.

- xvi. The developer had to carefully consider the design, layout and scale of the proposal given one of the main constraints of the site was the impact on the surrounding heritage assets.
- xvii. Condition 19 addressed the scheme for biodiversity mitigation and enhancement which included bird nesting.
- xviii. The tilted balance of impact both in terms of harm and benefit to the AONB was explained.
- xix. It was confirmed that the pavilion car park that would receive contribution was at the east end of the village and the Old Orchard play area was to the south east of the site.
- xx. The KCC contribution was in the form of £1,000 per dwelling towards the bus service to benefit future residents and promote sustainable transport in Hawkhurst.

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

- i. Although the benefits of social and affordable housing proposed were acknowledged it was felt that the site was inappropriate.
- ii. Concerns were raised about the sustainability of the development, this was addressed and it was advised that Sandhurst was an existing village with an existing LBD therefore by definition the Council had determined it was a sustainable location within LBD.
- iii. Concerns were raised that the majority of contributions proposed went to the expansion of areas outside of Sandhurst.
- iv. It was felt that the development failed to meet core policy 14.8 and paragraph 8 and 11 of the NPPF.
- v. KCC did not consider that the primary school in Sandhurst required expansion and therefore the contributions were sought for Hawkhurst.
- vi. A question was raised about contributions and why they were not directed at a more local level, this was addressed and it was advised that the contributions to the car park and play area were secured, there had been no request for improvements to the Community Hall in Sandhurst from the Parish Council.
- vii. Members questioned why they were required to make a decision on an outline application.
- viii. It was questioned whether the reserved matters would come back before Planning Committee, this was addressed and it was advised that this did not happen automatically as a requirement of the constitution but any Member could call them in.
- ix. It was advised that KCC Highways would be consulted at reserve matters stage.
- x. It was felt that the application was opportunist, however it was suggested that the quantum of the development would not make a significant dent in the 5 year housing supply.
- xi. The layout of the site as it stood was considered to be thoughtless.
- xii. The Parish Council's reservations on the layout and access were thought to be justified.
- xiii. It was advised that the speed watch data consistently showed traffic going into the village had gone in excess of 30mph and it was suggested that KCC Highways had not done enough to address that issue, this was addressed and it was advised that KCC Highways would be consulted again at reserved matters stage.
- xiv. The introduction of a new footpath on the southern site would

enable connectivity to shops and school and was acknowledged as a benefit of the proposal.

**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 Poile and a vote was taken to approve the application in line with the officer recommendation, this motion was not carried.

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

**RESOLVED** – That application PLA117/20 be refused for the following reasons:

1. The proposed development would not constitute sustainable development in the context of the National Planning Policy Framework in particular due to the harm to the High Weald Area of Outstanding Natural Beauty and upon nearby designated heritage assets. The benefits of the proposal would not outweigh this harm and therefore the proposed development is contrary to Paragraphs 8, 11, 130, 172, 193, 194 and 196 of the National Planning Policy Framework, the provisions of the National Planning Policy Guidance, Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy June 2010 and Policies LBD1, EN1, EN5 and EN25 of the Tunbridge Wells Borough Local Plan 2006.

**Informative:**

1. The following plans and details have been taken into consideration in reaching this decision to refuse permission:

Design, Heritage & Access Statement (November 2020)  
 Landscape and Visual Assessment - Part 1 (October 2020)  
 Landscape and Visual Assessment - Part 2 (October 2020)  
 Preliminary Ecological Appraisal - 6379  
 Reptile Survey Report  
 eDNA Analysis Report  
 Bat Scoping Survey  
 Bat Emergence Survey  
 Drainage Strategy – 3268 – P02 (January 2021)  
 DKS/704(1) - Tree Protection Plan  
 DKS/704(1) - Revised Phase 2 Tree Survey and Report  
 46092/5502 Rev AA - Transport Statement (January 2021)  
 0254/19/B/20A - Landscape Strategy  
 2226-01 - Existing Site & Location Plan  
 2226-010 rev L - Indicative Accommodation Schedule to Illustrative Layout  
 2226-100M - Illustrative Layout Plan  
 2226-101M - Development Parameters Plan  
 2226-102M - Tree Plan  
 2226-103M - Pedestrian Access Parameters Plan  
 2226-104M - Vehicular Access Parameters Plan  
 2226 - 3D Views Illustrative

## TUNBRIDGE WELLS

PLA118/20 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA118/20 3 Queens Gardens Royal Tunbridge Wells and this was summarised at the meeting by Ms Canan Clatworthy Principal 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)

### Public Objectors

- Ms Sarah Balcon, member of the public.
- Mr Neil Davies, member of the public.
- Mr Stephen Glew, member of the public.
- Ms Anika Daughton, member of the public.

### Borough Councillors not on the Committee

- Councillor Peter Lidstone (St John's) spoke in objection 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. It was advised that it had been revised amendment drawings had been submitted which included the reduction of the depth of the building by 1 metre and move the dwellings 1 further forward.
- ii. The constraint of the access road was recognised and a condition was imposed related to construction traffic.
- iii. The amendments related to separation were deemed to be sufficient and addressed in section 10 of the report.
- iv. It was advised that there had been no line of sight checks received from the applicant from the top rooms of the Stephen's Road properties into the new development.
- v. It was advised that number 4 Queens Gardens (detached bungalow) had windows in rooms that were south west facing however it was not known what room they served.
- vi. It was advised that the guidance and policies required consideration the impact of residential amenities.
- vii. It was confirmed that there had been no shadow testing completed however it was advised that there would be a similar level of shadowing from the proposed development to that of properties 1 and 2 Queens Gardens and the distances involved would ensure that there was no significant over shadowing or loss of light
- viii. It was advised that a degree of mutual overlooking was considered acceptable particularly in an urban context.
- ix. Details of the landscape and boundary treatments had not been included as part of the application therefore a detailed condition (5) had been imposed which required all those details to be submitted before any works could be carried out.
- x. It was advised that there could be some overshadowing in terms of the late-afternoon sun from the proposed development on the

bungalow at number , however there would remain a degree of separation and it was suggested there would be a small impact on the front window of the bungalow.

- xi. With regard to line of site it was advised that the distance involved was sufficient to ensure the future occupiers of the proposed development would have adequate amenity from overlooking.
- xii. The conditions included for the glazed windows on the development would ensure that they were retained thereafter and if changed it would be subject to planning enforcement.

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

- i. The biodiversity and bird nesting issues were raised and an informative was suggested should Members wish to approve.
- ii. Concerns were raised about the size and style of the proposals.
- iii. Concerns were raised about overshadowing.
- iv. No parking at the entrances would cause significant disruption.
- v. The need for development was acknowledged however this development was thought to be inappropriate.
- vi. Concerns were raised about the loss of amenities to neighbours.
- vii. Concerns were raised about the capacity of the road.

**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 Warne, seconded by Councillor Pound and a vote was taken to refuse the application against the officer recommendation.

**RESOLVED** – That application PLA118/20 be refused for the following reasons:

1. (The proposed dwellings, by reason of their design, form, size and siting would appear cramped and be out of character with the surrounding area. The development would be contrary to Policy EN1 of the Tunbridge Wells Borough Local Plan 2006 and guidance provided in the National Planning Policy Framework 2019 and National Planning Practice Guidance.
2. The proposed development, by virtue of the size and siting, would result in significant harm to residential amenity through loss of privacy to Nos 83 to 89 Stephens Road and a loss of outlook to No 4 Queens Gardens. The proposal there fails to comply with Policy EN1 of the Tunbridge Wells Borough Local Plan 2006 and guidance provided in the National Planning Policy Framework 2019 and National Planning Practice Guidance.

**Informative:**

1. The plans and documents taken into consideration in reaching the decision to refuse planning permission are:
  - Application Form
  - Site Plan - Drawing No. 20070-P-01 Rev. A
  - Plans & Elevations - Drawing No. 20070-P-02 Rev. B
  - Site Location and Block Plans - Drawing No. 20070-P-03 Rev. A
  - Topo Survey, dated 17.08.2020

- Existing Buildings - Drawing No. 20070-S-01
- Existing Site Location and Block Plans - Drawing No. 20070/P-04
- Design and Access Statement, dated 22.01.2021.

### **APPLICATION FOR CONSIDERATION - 20/02649/FULL CINDER HILL WOOD GYPSY CARAVAN SITE FIVE WENTS MATFIELD TONBRIDGE KENT**

PLA119/20 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA119/20 OS Cinder Hill Wood Gypsy Caravan Site Five Wents Matfield Tonbridge 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 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** – Members raised a number of questions and officers confirmed the following:

- i. Condition 10 addressed perimeter fencing to prevent encroachment.
- ii. It was confirmed that feedback would be given to the Private Sector Housing team about the condition of the site and ongoing better management as a whole of the site.

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

- i. There was a need for the Borough Council to be more proactive and keep a closer eye 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 Hamilton, seconded by Councillor Mrs Cobbold and a vote was taken to approve the application in line with the officer recommendation.

**RESOLVED** – That application PLA119/20 be granted subject to the plans, conditions and informatives as set out in the agenda report.

### **APPLICATION FOR CONSIDERATION - 20/03381/FULL 98 FARMCOMBE ROAD ROYAL TUNBRIDGE WELLS KENT**

PLA120/20 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA120/20 OS 98 Farmcombe Road Royal Tunbridge Wells Kent and this was summarised at the meeting by Ms Ellouisa McGuckin 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** – Members raised a number of questions and officers confirmed the following:

- i. It was confirmed that the word 'broad' could be removed from the informative.
- ii. It was confirmed that the roof level of the overall building would not change or increase above the existing roof height.

**Committee Member Debate** – Members of the Committee took account of the presentations made and raised a number of questions and issues within their discussions. These 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 Bland, seconded by Councillor Hamilton and a vote was taken to approve the application in line with the officer recommendation.

**RESOLVED** – That application PLA120/20 be granted subject to the plans, conditions and informatives as set out in the agenda report.

#### **APPLICATION FOR CONSIDERATION - 20/03681/FULL 30 - 32 CRESCENT ROAD ROYAL TUNBRIDGE WELLS KENT**

PLA121/20 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA121/20 30 - 32 Crescent Road Royal Tunbridge Wells Kent and this was summarised at the meeting by Ms Canan Clatworthy Principal 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** – Members raised a number of questions and officers confirmed the following:

- i. It was advised that number 30 had recently been used as a piano showroom, as well as a soup kitchen.
- ii. Number 31 had been vacant since September 2019.
- iii. Number 32 had been vacant since 2012.
- iv. It was confirmed that there was an informative in place which related to working hours, that there would be no works carried out outside the hours of 8am to 5pm Monday to Friday without the permission of the project manager and that this within the construction guidance.
- v. The site was in a sustainable local given its location and proximity to parking facilities therefore it was not considered parking provisions were a requirement.

**Committee Member Debate** – Members of the Committee took account of the presentations made and raised a number of questions and issues within

their discussions. These included:

- i. Members felt this was a positive move forward.
- ii. Acknowledgement was given to the next steps programme and to the Housing and Finance Officers that secured a grant from Central Government for an extremely good initiative.
- iii. Members supported the viable for use buildings that provided a social use.

**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 Pound and a vote was taken to approve the application in line with the officer recommendation.

**RESOLVED** – That application PLA121/20 be granted subject to the plans, conditions and informatives as set out in the agenda report.

#### **APPEAL DECISIONS FOR NOTING**

PLA122/20 There were no appeal decisions to be noted.

#### **URGENT BUSINESS**

PLA123/20 There was no urgent business for consideration.

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

PLA124/20 The next Planning Committee meeting was scheduled for Wednesday 3 March 2021.

NOTE: The meeting concluded at 2.17 pm.