

## 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 Thursday, 1 September 2022

**Present: Councillor Trevor Poile (Chair)**  
**Councillors Warne (Vice-Chair), Bailey, Fitzsimmons, Le Page, Moon, Pope and Wakeman**

**Officers in Attendance:** Emma Franks (Senior Planning Officer), Peter Hockney (Development Manager), Tracey Wagstaff (Senior Lawyer Mid Kent Legal Services) and Emer Moran (Democratic Services Officer)

**Other Members in Attendance:** Councillors Brice and Rutland

#### CHAIRMAN'S INTRODUCTION

PLA28/22 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

#### APOLOGIES

PLA29/22 Apologies were received from Councillors Johnson and Patterson.

Councillors Atwood and Britcher-Allan were not present.

#### DECLARATIONS OF INTEREST

PLA30/22 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)

PLA31/22 Councillors Bailey, Moon, Warne and Poile advised that they had been lobbied by objectors on application PLA36/22 7 Boyne Park, Royal Tunbridge Wells.

Councillors Bailey, Fitzsimmons, Le Page, Moon, Wakeman, Poile advised that they had been lobbied by supporters on application PLA37/22 Apt 107 The Potteries, Linden Park Road, Royal Tunbridge Wells.

#### NOTIFICATION OF PERSONS REGISTERED TO SPEAK

PLA32/22 There were 8 speakers registered to speak on agenda item 8A PLA36/22 7 Boynes Park, Royal Tunbridge Wells.

There was 1 speaker registered to speak on agenda item 8B PLA37/22 Apt 107, The Potteries, Linden Park Road, Roya Tunbridge Wells.

#### SITE INSPECTIONS

PLA33/22 Members had not undertaken any site visits.

**TO APPROVE THE MINUTES OF THE MEETING DATED 10 AUGUST 2022**

PLA34/22 **RESOLVED** – That the minutes of the meeting dated 10 August 2022 be recorded as a correct record.

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

PLA35/22

**APPLICATION FOR CONSIDERATION - 22/01191/FULL - 7 BOYNE PARK, ROYAL TUNBRIDGE WELLS**

PLA36/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA36/22 7 Boyne Park, Royal Tunbridge Wells and this was summarised at the meeting by Ms Emma Franks Senior Planning Officer and illustrated by means of a visual presentation.

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

- **Amendment to condition 7:**  
No above ground work shall take place until a landscape scheme has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained, provide details of on-site replacement planting to mitigate any loss of amenity and include a planting specification and a programme of implementation and management. The landscape scheme shall address, but not be limited to, the need to provide additional planting along the Boyne Park and Somerville Gardens frontages and along the boundaries of the site and to provide ecological enhancement and biodiversity net gain.  
  
**Reason:** To ensure a satisfactory external appearance to the development, to preserve the setting of the Conservation Area and to maintain screening to neighbouring properties.
- **Added conditions:**  
**Condition 16** – Prior to development commencing and notwithstanding the submitted details, no development shall take place until an Arboricultural Method Statement (AMS) and a tree protection and retention plan in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the Local Planning Authority. The AMS shall include details of, Arboriculture supervision, works within the RPA including ground protection, foundations, and replacement of any hard surfacing, including the driveway, and how materials/plant would access the site without damaging trees on site. The tree protection details shall include an updated drawing showing the tree protection

fencing more clearly than the submitted drawing.

The approved development shall then be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

- a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with the approved Tree Protection Plan and Arboricultural Method Statement. Such tree protection measures shall remain throughout the period of construction
- b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
- c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
- f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

**Reason:** Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality. To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development. This is a pre-commencement condition as the timing of the provision of tree protection measures before any development commences is fundamental to the scheme.

**Condition 17** – Each dwelling shall be provided with an electric vehicle charging point unless otherwise agreed in writing by the Local Planning Authority.

**Registered Speakers** – There were 8 speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

**Objectors:**

- Mrs Sue Bishop, a local resident

- Mr Ben- Julian Harrington, a local resident
- Mr Rob Lewtas, Chair of Boyne Park Residents Association

**Supporters:**

- Mr Simon McKay, Planning Agent
- Mr Chris Johnson, Applicant
- Mr Richard Brearley, Architect provided a statement which was read by Mr Simon McKay

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

- Councillor Martin Brice, Culverden
- Councillor Justine Rutland, Culverden

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

- i. Officers clarified that a slide used by one of the speakers showed the refused scheme with the footprint shown at 5.5 metres(m) from the Somerville Gardens road frontage, the proposed footprint was confirmed to be 7.2m.
- ii. The conservation area was a key consideration of the proposal and this was addressed in paragraph 7.02 page 22 of the agenda by the Tunbridge Wells Borough Council's (TWBC) Conservation Officer who gave her specialist assessment of the proposal and the conclusion was that there was no harm to the conservation area.
- iii. It was confirmed that the building line was moved back by approximately 2m.
- iv. It was advised that the site area was 0.1 hectares and 40 dwellings per hectare was considered a low density for a site so close to the town centre, this was comparable to the surrounding area of the site.
- v. In terms of the building height of surrounding properties, given that the proposed application was at the top of a hill, it was suggested that the impact was lessened by the orientation of the site.
- vi. It was advised that the powers that Environmental Protection had in terms of statutory nuisance was a better way of dealing with any excessive disturbance for a proposal of this scale, rather than a construction environmental management plan.
- vii. The TWBC Conservation Officer considered the design of the proposal was sufficient for the conservation area, it had been revised in detail and issues were addressed and conditions applied to control materials and detailing.
- viii. The design of the proposal was discussed, and it was confirmed that the Conservation Officer was satisfied that the proposal preserved and enhanced the conservation area.
- ix. Parking was considered in paragraphs 10.42 to 10.44 of the report and the proposal of a single space per property was considered adequate given the size of the spaces could potentially fit 2 vehicles.
- x. In terms of cycle storage, Members were advised that a condition to impose a storage shed to the rear of the property could be added.
- xi. It was confirmed that the Coach House was reorientated so it faced the windows onto the garden area and was also at a lower level therefore there was no concern of loss of privacy or

- overlooking.
- xii. It was confirmed that the proximity of the Coach House to number 5 was at the nearest point 4.3m with landscaping in between.
- xiii. Condition 7 and 8 of the report addressed the long term management of the proposed dwelling.

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

- i. Concerns were raised about the height of the proposed dwelling.
- ii. It was noted that Southern Water had not been provided details of how the soak away worked, this was addressed and it was confirmed that it was not something taken into account at planning stage.
- iii. Parking was discussed in detail, and despite some concerns raised related to parking it was felt that the parking spaces provided were generous given the sustainability of the area.
- iv. It was noted that the previous refusal was based on the impact of the scale of the proposal on the conservation area, not the number of dwellings.
- v. A condition that addressed the working hours of the contractors was suggested.

**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 Warne and a vote was taken to approve the application in line with the officer recommendation. Councillor Moon requested that his vote against the motion be noted.

**RESOLVED** – That application PLA36/22 be granted subject to the plans, conditions and informatives as set out in the agenda report, the amended and additional conditions as shown above and the amended and additional informative below:

1. **Amended** – As the development involves demolition and/or construction broad compliance with the Mid Kent Environmental Code of Development Practice is expected. No work that would cause disturbance should take place outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm Saturday and at no time on Sundays, Bank or Public Holidays.
2. **Additional Informative** – The development should include cycle storage for each dwelling.

**APPLICATION FOR CONSIDERATION -22/01776/FULL - APT 107 THE POTTERIES, LINDEN PARK ROAD, ROYAL TUNBRIDGE WELLS**

PLA37/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA37/22 Apt 107, The Potteries, Linden Park Road, Royal Tunbridge Wells and this was summarised at the meeting by Ms Emma Franks, Senior Planning Officer and illustrated by means of a visual presentation.

**Updates and additional representation** – None.

**Registered Speakers** – There was 1 speaker that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

**Supporter:**

- Mr David Scott, applicant.

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

- i. It was the responsibility of the applicant to oversee the health and safety aspect of the application and it was not a planning consideration that any weight was given to.
- ii. It was confirmed that as the applicant was a Member of the Council in the three years prior to making the application, the application had been called to Planning Committee in accordance with section 4 of the Tunbridge Wells Borough Council Constitution.

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

- i. It was suggested that it was excessive that the application was brought before Committee given that the applicant was a former Council Member. This was addressed and it was confirmed that it ensured transparency for former Members and Officers.

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

**RESOLVED** – That application PLA37/22 be granted subject to the plans, conditions and informatives as set out in the agenda report.

**URGENT BUSINESS**

PLA38/22     There was no urgent business for consideration.

**DATE OF NEXT MEETING**

PLA39/22     The next Planning Committee meeting was scheduled for Wednesday 28 September 2022.

NOTE: The meeting concluded at Time Not Specified.