

## 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, 12 April 2023

#### Present:

**Councillors Atwood, Bailey, Britcher-Allan, Bland, Fitzsimmons, Johnson, Le Page, Moon, Neville, Patterson and White**

**Officers in Attendance:** Peter Hockney (Development Manager), Carlos Hone (Head of Planning), James Moysey (Principal Planning Officer), Charlotte Oben (Senior Planning Officer), Tracey Wagstaff (Senior Lawyer Mid Kent Legal Services) and Emer Moran (Democratic Services Officer)

**Other Members in Attendance:** Councillor Dr Hall, Knight and Pound

#### CHAIR'S INTRODUCTION

PLA134/22 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

#### APOLOGIES

PLA135/22 Apologies were received from Councillor Pope.

#### DECLARATIONS OF INTEREST

PLA136/22 Councillor Atwood declared that application PLA143/22 Breakstones, Speldhurst Road, Langton Green, Tunbridge Wells, Kent was from a family member and left the meeting when that item was 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)

PLA137/22 Councillors Atwood, Bailey, Bland, Britcher-Allan, Fitzsimmons, Johnson, Le Page, Moon, Patterson, White, Neville and Poile advised that they had been lobbied by objectors on application PLA141/22 Lamberhurst Vineyard, Furnace Lane, Lamberhurst, Tunbridge Wells, Kent.

#### SITE INSPECTIONS

PLA138/22 Members had not undertaken any site visits.

#### TO APPROVE THE MINUTES OF THE MEETING DATED WEDNESDAY 22 MARCH 2023

PLA139/22 It was stated that the minutes had the date of the next meeting as 17 May 2023 and should have read 12 April 2023.

**RESOLVED** – That subject to the above amendment, the minutes of the meeting dated Wednesday 22 March 2023 be recorded as a correct record.

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

PLA140/22

**APPLICATION FOR CONSIDERATION - 22/03024/FULL LAMBERHURST VINEYARD  
FURNACE LANE LAMBERHURST TUNBRIDGE WELLS KENT.**

PLA141/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA141/22 Lamberhurst Vineyard, Furnace Lane, Lamberhurst, Tunbridge Wells, Kent and this was summarised at the meeting by Charlotte Oben, 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:

- **Bullet point 3** in summary of recommendations to refer to paragraph 176 of NPPF not 172  
**Bullet point after recommendation to read:**

The provision of 7 dwellings for affordable housing at a social rent within the site, with three bungalows built to M4 (3) standards and the remaining units built to M4 (2) standards where possible, and on a local connection cascade basis;

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

**Objectors:**

- John McNamara, a local resident.
- Sarah Woodcock, a local resident.
- Sam Nicholas, a local resident.
- Tim Cornick, a local resident.

**Supporters:**

- Laura O'Brien, agent for the application.

**Parish Council Representative:**

- Councillor Graham White, Chair of Lamberhurst Parish Council.

**Borough Councillors not on the Committee:**

Councillor Linda Hall, Goudhurst and Lamberhurst spoke in objection to the application.

Councillor David Knight, Goudhurst and Lamberhurst spoke in objection to the application.

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

- i. Following a previous proposal, the development had been reduced to 7 properties and was not considered to be major development in the Area of Outstanding Natural Beauty (AONB).
- ii. The Council's Landscape and Biodiversity officer considered that it was important to note that the effects of the development were very localised and also to note that the AONB Management Plan was supportive of small scale developments and affordable homes therefore, he considered that although there would be an impact

- predominantly from the development of that greenfield site he did not object to the development and to the proposal of this scale.
- iii. The sustainability of the location of the site was discussed.
  - iv. In terms of biodiversity, it was advised that the scheme would achieve the 10% net gain.
  - v. Condition 7 addressed issues related to lighting and prevented lighting unless full details were approved in advance by the Local Planning Authority (LPA).
  - vi. In clarification to comments made by one of the speakers, it was advised that the housing land supply figures were 4.49 years and not 4.89 as stated.
    - i. Paragraph 7.53 of the report detailed that the site was assessed through the call for sites, however, as part of the emerging Local Plan, sites lower than a yield of 10 units were not allocated so it did not form a proposed allocation.
    - ii. The current housing register identified a housing need of 10 households with a local connection to Lamberhurst and a great many more with a with a preference for Lamberhurst. Those that would be eligible for those properties would be those with a strong local connection to Lamberhurst in the first instance, so that the identified need was met.
  - vii. It was advised that it was not possible to stop potential future applications however they would be considered on a case by case basis.
  - viii. Clarification was provided on the difference between the proposed application and the previously approved developments in the area.
  - ix. Officers confirmed that it was an extension to the built development on the northern part of road further westwards, but considered that it was not out of character with the built form of the village.
  - x. Officers provided an explanation to the lack of a five year housing land supply, the made neighbourhood development plan.
  - xi. The Housing Officer considered that the development would free up existing houses for people who want to move up to bigger houses, so there could be people currently in 1 bed houses who were overcrowded and then they can move up which would then free up space.
  - xii. It was confirmed that the application extended the built development on the northern part of the site however officers considered that it would not be out of character with the with the current built form of the village.
  - xiii. The basis of the application was that the properties were to be social rented in perpetuity and that was secured Section 106 agreement. Planning permission would not be granted until a legal agreement to that to that end had been agreed with the LPA, the head of legal services and in consultation with the housing officer.
  - xiv. Discussions were being had with English Rural Housing a registered social landlord however there was no confirmation in terms of an agreement or a contract as the site had not been granted planning permission.
  - xv. Officers acknowledged that there were some negative aspects to the proposal and those were highlighted in the report however it was considered that the positive aspects of the scheme outweighed those. Furthermore it was understood that for Members there was often a balancing exercise to be undertaken when looking at various policies of the Neighbourhood

- Development Plan.
- xvi. Windfall sites were developments that came forward and delivered housing on sites that were not allocated in the local plan and such as the current proposal to be considered by Members.

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

- i. Although Members acknowledged the need for social housing, an objection was raised related to the internal quality of the application that was put together by the developer and it was felt that it was not good enough and it has too many loose ends. Members were reminded that the levelling up Regeneration Bill was going through House Lords, it had not had royal assent, therefore it was not possible to give regard to that.
- ii. The fact that it was a smaller scale development meant that there were fewer formal requirements and KCC's expectations of contributions were removed because it was deemed not viable for this development.
- iii. The need for social housing within the borough and parishes and towns was acknowledged and it was mentioned that 10 households had had a close link to the area of Lamberhurst.
- iv. Concerns related to Highways matters were mentioned.
- v. It was felt by some that social housing should be located elsewhere.
- vi. The effect on the AONB was a concern.
- vii. It was felt that if Councils and residents were asked to spend their time and efforts to come up with a Local Development Plan/local neighbourhood plan then it was important to put great stock into what they came up with.
- viii. The scale and height of the proposal was thought to be too large in the proposed location and with the volume of feeling that was behind it they could not support it.

**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 Moon 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 Bland, seconded by Councillor Patterson and a vote was taken to refuse the application against the officer recommendation.

**RESOLVED** – That application PLA141/22 be refused due to the reason provided:

1. The proposal by means of its greenfield location, amount and scale of development would be out of character with pattern and grain of development for the area. The change would be detrimental to the character of the landscape and the scenic beauty of the High Weald Area of Outstanding Natural Beauty, the harm of which would not be outweighed by the delivery of housing. Consequently, the development would be contrary to National Planning Policy Framework paragraphs 174 and 176, Tunbridge Wells Borough Local Plan policies EN1 and EN25, Tunbridge Wells Core Strategy Policies 4 and 14 and Lamberhurst Neighbourhood Development Plan policies H1, L2 and L3.

**APPLICATION FOR CONSIDERATION - 22/03262/FULL FORMER JOHN LEWIS AT HOME KINGSTANDING BUSINESS PARK KINGSTANDING WAY ROYAL TUNBRIDGE WELLS KENT.**

PLA142/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA142/22 Former John Lewis At Home, Kingstanding Business Park, Kingstanding Way, Royal Tunbridge Wells, Kent 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:

- Further correspondence had been received from Kent County Council (KCC) which advised that that a figure of £3,500 pounds was secured in regard to a TRO within a Section 106 agreement to address the previous concerns raised by KCC in regard to access to the site from the larger car transporters, and this had been agreed with the applicant.

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

**Supporter:**

- John Hendy, Director at the Hendy Group.

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

- It was envisaged that the applicant's drop off facility would be in the service area to the rear of the site, closer to the Booker Wholesaler entrance. Conditions 19, 20 and 21 addressed various issues related to travel and parking on the site.
- The two outstanding highways issues were confirmed as; parking and the distribution of parking and how that was split between customer, staff and forecourt space; and the other, whether a contribution was required towards sustainable transport options. Further information received related to parking was being reviewed by Kent County Council (KCC) Highways.
- An explanation as to why the application was put before Members to grant delegated powers was provided.
- The existing car parking surfaces was not proposed to be amended, and KCC Flood and Water Management had been consulted on the application and raised no objections subject to a couple of conditions that were addressed.
- There were EV charging points shown on the proposed site plan and condition 14 required those to be implemented prior to the first use of the development and retained thereafter.

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

- Concerns related to flooding and drainage were raised and it was confirmed that site did not fall within an area of high flood risk or Flood Zone 2 or 3 or a strategic flood risk area. Paragraph 10.7 of the report and condition 18 addressed that issue and both were read for the benefit of the meeting.

**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 Britcher-Allan and a vote was taken to grant delegated powers to officers to approve the application in line with the officer recommendation.

**RESOLVED – That DELEGATED POWERS TO GRANT PLANNING PERMISSION** be granted to application PLA142/22 subject to the resolution of the outstanding highway matters to the satisfaction of the Head of Planning Services and subject to the plans, conditions and informatives as set out in the agenda report.

**APPLICATION FOR CONSIDERATION - 23/00503/TPO BREAKSTONES SPELDHURST ROAD LANGTON GREEN TUNBRIDGE WELLS KENT.**

PLA143/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA143/22 Breakstones Speldhurst Road Langton Green Tunbridge Wells Kent 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** – 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:**

- The exact age of the tree was unknown however, it was advised that in 1984 it was deemed sufficiently mature to warrant a tree preservation order and 20 years had since passed.

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

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

**RESOLVED** – That application PLA143/22 be granted subject to the plans, conditions and informatives as set out in the agenda report.

**APPEAL DECISIONS FOR NOTING 14 MARCH 2023 TO 31 MARCH 2023**

PLA144/22 **RESOLVED** – That the list of appeal decisions provided for information, be noted.

**URGENT BUSINESS**

PLA145/22 There was no urgent business for consideration.

**DATE OF NEXT MEETING**

PLA146/22 The next Planning Committee meeting was scheduled for Wednesday 17

May 2023.

NOTE: The meeting concluded at 9.27 pm.