

**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, 16 August 2023

**Present: Councillor Hugh Patterson (Chair)**

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

**Officers in Attendance:** Carlos Hone (Head of Planning), Peter Hockney (Development Manager), Richard Hazelgrove (Interim Development Management Team Leader), Andrew McLachlan-Newens (Planning Officer), James Taylor (Planning Officer), Jo Smith (Senior Lawyer) and Caroline Britt (Senior Democratic Services Officer)

**Other Members in Attendance:** Councillors Knight and Webster

**CHAIR'S INTRODUCTION**

PLA178/23 In the absence of a Chair and as per the Constitution, Members were required to vote for a temporary Chair for the meeting. A proposal was made by Councillor Neville, seconded by Councillor Fitzsimmons that Councillor Patterson be Chair for the meeting. This motion was carried unanimously.

**RESOLVED** – That Councillor Hugh Patterson be Chair of the Planning Committee meeting on Wednesday 16 August 2023.

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

**APOLOGIES**

PLA179/23

Apologies were received from Councillors Bland and O'Connell.

**DECLARATIONS OF INTEREST**

PLA180/23 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)**

PLA181/23 Councillors Britcher-Allan, Fitzsimmons, Moon, Neville, Osborne, Pope and Patterson advised that they had been lobbied by objectors on application PLA 23/01616/FULL, 15 Lurkins Rise, Goudhurst, Kent.

**SITE INSPECTIONS**

PLA182/23 Members had not undertaken any site visits.

Councillor Le Page had visited 2 sites – PLA 23/01445/FULL, Brokeswood Lodge, The Ridgeway, Southborough, Kent and PLA23/01616/FULL, 15

Lurkins Rise, Goudhurst, Kent.

**TO APPROVE THE MINUTES OF THE MEETING DATED 19 JULY 2023**

PLA183/23 No amendments were proposed.

**RESOLVED** – That the minutes of the meeting dated 19 July 2023 be recorded as a correct record.

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

PLA184/23

**APPLICATION FOR CONSIDERATION - 23/01445/FULL - BROKESWOOD LODGE, THE RIDGEWAY, SOUTHBOROUGH**

PLA185/23 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA 23/01445/23, Brokeswood Lodge, The Ridgeway, Southborough, Kent and this was summarised at the meeting by Richard Hazelgrove Interim Development Management Team Leader 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 Sam Bowman – BEAU Architecture (on behalf of the applicant).

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

- Officers confirmed that visibility displays had been designed for the 20mph speed limit.
- The planning application included a condition for a Construction Management Plan, that would manage the way construction vehicles accessed the site. An Informative could be added so that parking bays were included to accommodate vehicles using the site.
- The Construction Management Plan would also include provision to address any environmental issues associated with the site, e.g. noise, dust etc.
- If residents experienced excess noise, dust etc. they would be able to contact TWBC who would then go out to ensure the applicant was complying with the Construction Management Plan.
- Because the 4<sup>th</sup> dwelling was quite a distance from the original 3 dwellings there would be no further impact on the woodland, and therefore no need to amend the details of the already approved buffer zone.
- As an amendment to the public right of way was a separate legislative process, and the responsibility of Kent County Council, TWBC could not require the applicant to make those amendments prior to the start of the build.
- TWBC could include an Informative to this effect, however, it was noted, the applicant was already aware of this requirement.

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

- The addition of the 4<sup>th</sup> dwelling was a good use of the land.
- The architect had been innovative, and included energy saving measures which were very welcomed.
- It was noted, a previous application that had been submitted for 4 dwellings had been refused. It had now been approved for 3 dwellings.
- The Woodland Trust had still commented about the 15m buffer zone.
- Kent County Council had commented that the footpath diversion should be in place prior to the start of the development.
- It was suggested the additional dwelling was making the site over intensive and it spoilt the overall outlook of the site.
- It was further suggested the omission of the 4<sup>th</sup> dwelling 'helped' the application for 3 dwellings receive planning permission in March 2023.

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

Councillor Moon voted against the recommendation.

**RESOLVED** – That application PLA 23/01445/FULL, Brokeswood Lodge, The Ridgeway, Southborough be granted subject to the plans, conditions and informatives as set out in the agenda report and with the addition of 2 further informatives as detailed below:

- 6) The applicant is advised that the Construction and Environmental Management Plan submitted pursuant to condition 20 should include clear details regarding all construction vehicle parking and adequate passing places for all vehicles accessing the site during this phase
- 7) The applicant's attention is drawn to the comments of the KCC Public Rights of Way Officer regarding the securing of the public footpath re-routing under the Highways Act 1980 prior to the commencement of development on site.

**APPLICATION FOR CONSIDERATION - 23/01616/FULL - 15 LURKINS RISE, GOUDHURST, KENT**

PLA186/23 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA 23/01616/FULL, 15 Lurkins Rise, Goudhurst 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** – Since publication of the agenda report, Greg Clarke MP had emailed requesting that Members consider the representations made by neighbours.

**Registered Speakers** – There were 3 speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

Objectors:

- Miss Jordan Richards, a local resident

- Mr Nick Gearing, a local resident
- Councillor David Knight, Goudhurst and Lamberhurst

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

- One of the speakers referenced an earlier planning application for 7 Lurkins Rise (09/00145) stating that the application had been refused. This was not the case, the application had been approved for a 2 storey rear extension and was strikingly similar to the application for 15 Lurkins Rise.
- In terms of the development plan policies, it depended whether proposed extensions to properties were outside or inside the limits of built developments as to how they were assessed.
- Those properties that were outside the limits of built development were subject to policy H11, which suggested a guideline of an increase in size of no more than 50%.
- Applications for extensions within the limits of built development were not subject to the same guidelines. Instead, applications were looked at in context with their surroundings and what was appropriate and in keeping with the area.
- Access to the property would remain unchanged. The access had been in its current position since at least 2000 and although it didn't appear to be in use at the moment, there were no proposed changes to its position, only changes to the hard standing.
- Regardless of the current application, the access could be resurfaced under permitted development rights and brought into use at any time.
- Officers confirmed that the height and boundary of the new extension would not constitute a significant degree of harm in terms of loss of light to the neighbouring property.
- There was no policy requirement for the applicant to undertake a daylight and sunlight assessment and one had not been submitted.
- The window located on the 1<sup>st</sup> floor and immediately adjacent to the boundary was a hallway window and not a habitable room.
- The kitchen window on the adjacent property would be the other window affected, but this one was already located under the eaves so any additional loss of light would not be deemed significant.
- The bar to the test 'significant harm' within Local Plan policy EN1 was high with appeal decisions from Inspectors corroborating this level of harm.

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

- The objections related overwhelmingly to the over intensive development in relation to the size of the extension.
- The size of the extension then led to issues related to overlooking, loss of light and overshadowing.
- The comments raised by residents were not unreasonable.
- If it was permitted, consideration should be given to asking the applicant to amend the size of the extension, otherwise it was the view of some Members that the application should be rejected.
- The view of the Parish Council and what was included the Neighbourhood Plan, suggested this application was not in keeping with the area.
- It was however noted that the property was in a highly visible area and was in need of attention.
- The rear extension was the contentious issue. A single storey rather

- than double storey would seem to be more appropriate.
- There was some doubt raised as to the level of the loss sunlight and overshadowing in the neighbouring property, and whether this was significant.
  - The provision of a 4 bedroom house and the use of the plot wasn't in itself unreasonable, but it was understood that residents felt very strongly that it was too big for the road.
  - It was also noted that the Parish Council had opposed the application.
  - Officers confirmed that it was not possible to defer the application. Members would need to make a decision based on the current application.
  - If Members refused the application, they would need to be clear where the harm was located.
  - It was a large development, but there was already a precedent with a similar development. Given that the loss of light had already been considered as not being significant, if the applicant appealed, it was likely they would be successful. It was therefore unclear on what basis Members could refuse the application.
  - The plot was very large and therefore it could not be considered as an overdevelopment of the site.
  - The wildlife concerns were unfounded as the current plot already had a large area of hard standing.
  - There were concerns about white cladding which had been suggested as being out of keeping with the area. However a bungalow next door had been given planning permission for a double storey pair of semi-detached houses which would include white cladding.
  - Disturbance during the construction phase should be addressed as this could have a serious detrimental effect on the neighbours.
  - Officers confirmed that although it was not normal practice to include a Construction Management Plan on a house extension, if Members thought it was necessary, it was possible for them to impose that condition.
  - However, the lead in enforcement time for a planning condition was 28 days, which was why it was only usually included on larger schemes. The more responsive approach was via the Environmental Health Legislation.
  - An informative to make builders aware would be welcomed.
  - If Members took the social responsibilities and the comments made by the residents, it was suggested this equated to actual harm.
  - It was doubtful that if refused, the Planning Inspector would uphold that decision and it would go through on appeal.

**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.

Councillor Moon voted against the recommendation.

**RESOLVED** – That application PLA be granted subject to the plans, conditions and informatives as set out in the agenda report and with the additional informative as set out below:

- 1) The applicant is advised of the need to comply with the Environmental Protection Act 1990 regarding noise, dust and other disturbance during the construction of the development hereby approved. The Council's Environmental Code of Development Practice for

Construction Sites should be met in carrying out the development, including utilising the construction hours within that document;

- Monday to Friday - 8am to 6pm
- Saturday - 8am to 1pm
- Sunday and Bank Holidays - No work where noise is audible at the site boundary

**APPLICATION FOR CONSIDERATION - 23/01542/FULL - CINDERHILL WOOD, CARAVAN PARK, FIVE WENTS, MATFIELD, KENT**

PLA187/23 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA 23/01542, Cinderhill Wood, Caravan Park, five Wents, Matfield, Kent and this was summarised at the meeting by Richard Hazelgrove Interim Development Manager 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:**

- The report was taken as read.

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

**RESOLVED** – That application PLA 23/01542/FULL, Cinderhill Wood, Caravan Park, Five Wents, Matfield, Kent be granted subject to the plans, conditions and informatives as set out in the agenda report.

**APPLICATION FOR CONSIDERATION - 23/00999/FULL - 1 ORCHARD CLOSE, ROYAL TUNBRIDGE WELLS, KENT**

PLA188/23 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA 23/00999/FULL, 1 Orchard Close, Royal Tunbridge Wells, Kent and this was summarised at the meeting by Andrews McLachlan-Newans, 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 applicant would be seeking to drop the kerb outside the new property. Officers confirmed that because the road and pavement was owned by TWBC, the application was required to come to Planning Committee.
- An application for a dropped kerb would have to be submitted to Kent County Council for approval.
- Payment by the applicant for use of the footway was outside the remit of the Local Planning Authority.
- The residents of Number 1 were the applicants so would be aware of the disruption during the building phase.

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

**RESOLVED** – That application PLA 23/00999/FULL, 1 Orchard Close, Royal Tunbridge Wells, Kent be granted subject to the plans, conditions and informatives as set out in the agenda report.

**APPEAL DECISIONS FOR NOTING 10 JULY 2023 TO 4 AUGUST 2023**

PLA189/23 **RESOLVED** – That the list of appeal decisions provided for information, be noted.

**URGENT BUSINESS**

PLA190/23 There was no urgent business for consideration.

**DATE OF NEXT MEETING**

PLA191/23 The next Planning Committee meeting was scheduled for Wednesday 13 September 2023.

NOTE: The meeting concluded at 8.15 pm.