

## **PLANNING COMMITTEE**

**Wednesday, 9 October 2019**

**Present: Councillor Noakes (Chairman)  
Councillors Bland (Vice-Chairman), Atwood, Bailey, Mrs Cobbold, Podbury, Poile,  
Pound and Mrs Thomas**

**Officers in Attendance:** Cheryl Clark (Democratic Services Officer), Margaret Parker (Development Planner - KCC Highways), Peter Hockney (Development Manager), Jo Smith (Lawyer) and Marie Bolton (Principal Planning Officer)

**Other Members in Attendance:** Councillor McDermott

### **CHAIRMAN'S INTRODUCTION**

PLA72/19 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

### **APOLOGIES**

PLA73/19 Apologies for absence were reported from Councillors Backhouse and Warne.

### **DECLARATIONS OF INTEREST**

PLA74/19 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)**

PLA75/19 No declarations of lobbying were made.

### **SITE INSPECTIONS**

PLA76/19 The Chairman confirmed that a site visit had been carried out in respect of application 17/02192/OUT.

### **TO APPROVE THE MINUTES OF THE PREVIOUS MEETING**

PLA77/19 It was noted that the minutes of the previous meeting on 11 September were not yet available and would be presented to a future meeting.

### **REPORTS OF HEAD OF PLANNING SERVICES**

PLA78/19 The Chairman confirmed that the order of business was as set out in the agenda.

### **APPLICATION FOR CONSIDERATION - 17/02192/OUT - FORMER SITE OF SPRINGFIELD NURSERIES, CRANBROOK ROAD, HAWKHURST, CRANBROOK, KENT, TN18 5EE**

PLA79/19 **Planning Report and Presentation** - The Head of Planning Services submitted a report in respect of application 17/02192/OUT and this was summarised at the meeting by Mrs Bolton, Principal Planning Officer, and

illustrated by means of a visual presentation.

**Updates and Additional Representations** - Since publication of the agenda report, the presenting officer updated as follows:

- i. KCC Regeneration projects had requested a change in respect of the educational sums for Primary School expansion from Benenden to Hawkhurst and confirmed that the requirement for Secondary School education was withdrawn
- ii. A request had been made through the CCG of up to £24,948 towards new general practice premises for North Ridge Medical Practice and the Wish Valley Surgery, including professional fees associated with feasibility work. The NHS identified the need for the contribution and it was considered that the contribution would relate in scale and kind. As the scheme was in outline, the NHS formula would need to be included in the S106 ie the number of units proposed multiplied by the assumed occupancy multiplied by £360. The applicant had agreed to this.
- iii. The applicant's agent had also agreed to the £5,000 sum to upgrade the bus stop on Cranbrook Road, as identified in the Hawkhurst Highway improvement Plan.
- iv. The recommendation in the agenda report was therefore proposed to be amended as follows:
  - A. GRANT SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991, IN A FORM TO BE AGREED BY THE HEAD OF LEGAL PARTNERSHIP MID KENT LEGAL SERVICES BY 09 DECEMBER 2019 UNLESS A LATER DATE BE AGREED BY THE HEAD OF PLANNING SERVICES TO SECURE THE FOLLOWING:
    - (i) Developer Contributions towards:
      - £79,776.00 (£3324.00 per house) towards Hawkhurst Primary School
      - Libraries - £1,152.38 (£48.02 per house) towards bookstock at Hawkhurst Library to mitigate the demand from the new borrowers from this development.
      - Contribution towards Children's recreation at Heartenoak Playground - £450.06p Per applicable bedspace
      - £719 per bedspace for Youth/Adult Recreation Open Space towards Community hall/sports pavilion at King George V playing fields The Moor Hawkhurst, to deliver a community hall scheme.
      - NHS Contribution towards new general practice premises for North Ridge Medical Practice and Wish Valley Surgery, including professional fees towards new general practice premises in the area and/or for professional fees associated with feasibility work, using a formula based on occupancy rates.
      - £5,000 towards the upgrade on the bus stop on Cranbrook Road
    - (ii) Secure a minimum of 35% affordable housing.
    - (iii) One affordable home to be built to the higher standard Part M4 (2) of the Building Regulations.
    - (iv) Payment of the Council's reasonable legal fees for the negotiation and satisfactory completion of the legal agreement.

- v. A number of changes to conditions were also proposed: to exclude the word 'relating' in condition 12; to amend conditions 25 and 26 as agreed with the applicant's agent by email to be pre-commencement; to add within condition 21 a reference to "in public/communal places"; a request from the Environmental Health Officer for comments in relation to air quality as they did not consider that an additional 24 units would have a significant effect – they also requested an addition condition as follows:-
- Prior to commencement of above ground works, a scheme of mitigation measures for the control of air quality, to include Low Nox boilers, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the building. Reason: To ensure a satisfactory standard of development which meets the needs of current and future generations.
- vi. Two further representations had been received objecting on the following:
- Why ignore highway safety grounds;
  - Development was contrary to the Hawkhurst neighbourhood plan;
  - Requirements of Hawkhurst village should be covered and not the regional quota; and
  - No one would object to sympathetic to small scale development
- vii. The name of the agent was corrected to DHA.

**Registered Speakers** - There were two speakers who had registered and who spoke in accordance with the Council's Constitution (Planning Committee procedure rules):

**Public supporter:**

- Mr J Buckwell, from DHA Planning on behalf of the applicant.

**Parish/Town Council representative:**

- Councillor C Escombe, Chairman of Hawkhurst Parish Council objecting to the application.

**Committee Member Debate:** Members of the Committee took account of the presentations made and raised a number of questions and issues within their discussions. The key issues included future arrangements for displaced car parking from the site, traffic capacity at the main crossroads in the centre of Hawkhurst, the impact on pedestrian/highway safety resulting from the proposed second access point onto the A229, inadequacy of the current sewage treatment works and air quality. Members were particularly concerned that the planning officer recommendation to approve the application was contrary to an objection from KCC Highways. Members discussed, at length, options for improved highway safety taking account of the potential development of both this site and the adjoining site that had already received approval on appeal. Mr Hockney acknowledged that a single point of access for both sites would have been preferable but the separate land ownership, and potential timing issues over development were unlikely to be resolved. In response to questions from members, Mrs Parker provided further information including crash data statistics and she upheld KCC Highways objection on safety grounds.

**Decision/voting** - A proposal was made to approve the application subject to provision of a developer contribution towards resolving highways issues at the crossroads in Hawkhurst but this was neither pursued nor seconded. Subsequently a motion was proposed by Councillor Pound, seconded by Councillor Podbury and a vote was taken, contrary to the officer recommendation, to refuse the application on grounds of the failure to provide safe, suitable and sustainable access in accordance with the relevant paragraphs within the NPPF (the wording to be finalised in planning terms by officers).

**RESOLVED** - That application 17/02192/OUT be refused for the reason as set out below:

Reason: The proposed development fails to demonstrate safe, suitable and sustainable access for all and would be likely to increase hazards on the highway. The proposal is considered to be unacceptable in respect of impact on highway safety. The proposed development therefore fails to comply with the National Planning Policy Framework 2019 paragraphs 102, 103, and 108-110 inclusive, National Planning Policy Guidance - Travel Plans, Transport Assessments and Statements, Core Policy 3 of the Tunbridge Wells Borough Core Strategy 2010, Policies EN1, TP3 and TP4 of the Tunbridge Wells Borough Local Plan 2006 and Site Allocations Local Plan 2016 policy AL/HA1.

## **APPLICATION FOR CONSIDERATION - 19/02252/FULL - THE CORN EXCHANGE, THE PANTILES, ROYAL TUNBRIDGE WELLS, KENT**

PLA80/19 **Planning Report and Presentation** - The Head of Planning Services submitted a report in respect of application 19/02252/FULL and this was summarised at the meeting by Mr Hockney, Development Manager, and illustrated by means of a visual presentation.

**Updates and Additional Representations** – None.

**Registered Speakers** – None.

**Committee Member Debate:** There were no matters of significance raised.

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

**RESOLVED** - That application 19/02252/FULL be approved subject to the conditions as set out in the agenda report, with those conditions also subject to such reasonable change as necessary to ensure accuracy and enforceability.

**APPEAL DECISIONS FOR NOTING - 29/08/2019-01/10/2019**

PLA81/19 The list of appeal decisions provided for information was duly noted.

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**DATE OF NEXT MEETING - WEDNESDAY 30 OCTOBER 2019, 5PM**

PLA82/19 **RESOLVED** – That the next Planning Committee meeting take place on Wednesday 30 October 2019, at 5pm.

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**URGENT BUSINESS**

PLA83/19 **RESOLVED** – That there was no urgent business for consideration.

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**NOTES:**

1. An audio recording of the full proceedings of this meeting is available on the Tunbridge Wells Borough Council website.
2. The meeting concluded at 6.25pm..