

**Leybourne**  
West Malling And  
Leybourne

**567887 159226 14 February 2012**

**(A)TM/12/00494/FL**  
**(B)TM/12/00495/LB**

Proposal: (A) Conversion and refurbishment of Leybourne Grange and stable block, plus construction of 6 no. dwellings to provide 29 dwellings, with associated parking spaces and landscape works  
(B) Listed Building Application: Conversion and refurbishment of Leybourne Grange and stable block, plus construction of 6 no. dwellings to provide 29 dwellings, with associated parking spaces and landscape works

Location: The Former Leybourne Grange Hospital Birling Road  
Leybourne West Malling Kent

Applicant: Taylor Wimpey UK Ltd And The Homes And Communities Agency

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## **1. Description (A) and (B):**

- 1.1 Planning and Listed Building applications for the conversion of the manor house into 20 residential units and the reuse of Gardeners Cottage as a single dwelling were called-in by the Secretary of State and allowed by letter dated 5 August 2004 (refs: TM/03/02112/FL and TM/03/02113/LB).
- 1.2 These permissions have now expired but are intrinsically linked with the wider redevelopment of the Leybourne Grange site. Outline planning permission for the Leybourne Grange redevelopment was permitted in October 2004 by the Secretary of State (as part of the "Three Sites Public Inquiry"). The Secretary of State allowed the appeal for up to 702 dwellings and associated development and community infrastructure, with that limited to 300 occupations until the Listed Buildings have been completely converted to residential use. The S73 variation approved under ref TM/08/00757/FL carried this requirement forward (condition 6).
- 1.3 The application has been amended substantially since its original submission, due to concerns over the design, scale and relationship of the proposed additional dwellings to the Listed Buildings and structures.
- 1.4 The applications as now submitted for consideration are for 29 dwellings, resulting in 9 additional dwellings compared to the original scheme considered by the SoS. This includes 6 no. new units in a new mews courtyard building to the west of the Listed Buildings and 3 additional units within the conversion/extension of the Listed Buildings. The mews courtyard will comprise buildings of 1 and 2 storeys. Garages and some living accommodation are proposed at ground floor, with the main living accommodation at first floor level. A further level of accommodation is proposed on the corner unit that is designed to replicate the form of the clock tower, but at a smaller scale. These dwellings will provide 3 and 4 bedroom accommodation.

- 1.5 It is proposed that all works to the Listed Buildings will renovate or replace with like for-like materials where necessary. Due to the deterioration of the Listed manor building, a greater level of repair work is now necessary than with the original scheme. It is proposed to retain as far as possible all the original internal walls and structures and this has been achieved to a greater extent than under the original scheme. The manor building is now proposed to be converted into 18 units instead of the original 15 units. This has been possible by reducing the size of the units and reconfiguring some of the units.
- 1.6 The conversion of the Listed stable building and clock tower are for the same number of units, but these have also been reconfigured to improve the layout and to retain more of the original features. Some of the later additions to these buildings are to be removed and an extension to the clock tower is proposed to the west. This extension will result in a new wing extending from the tower and will replicate the existing building to form a symmetrical T-shaped building.
- 1.7 The new build units now reflect the design of the adjacent stable block more closely, with a pitched roof and traditional building style. The dwellings now take the form of a two storey mews building with garages for the respective units on the ground floor. The materials of the buildings will tie in closely with the existing buildings with buff bricks and slate roofs.
- 1.8 A number of the new builds and some of the converted units also have private garden areas and all units have some form of outdoor space. The proposal also includes a separate communal garden area that has been design to complement the Listed Building and its grounds.
- 1.9 The application also includes access roads and car parking, two courtyard areas, indicative landscaping, bin stores and external lighting.
- 1.10 A number of reports have also been submitted:
  - Planning and Design and Access Statement
  - Heritage Significance Assessment
  - Surveyors Reports
  - Structural Survey and Strategy
  - Structural Details in respect of walls and floors
  - Tree Report
  - Viability Reports and updates
  - Interim Ecological/Bat Survey

- 1.11 The justification for the additional new build dwellings takes two forms. Firstly, a case of “very special circumstances” for development within the MGB and secondly, an assessment of the viability of the conversion of the Listed Buildings and the associated costs.
- 1.12 In respect of the countryside location, the agents state “*The provision of over 700 dwellings around the site will substantially alter the character of the site, making it much more urban. We do not therefore consider it appropriate to treat the site as part of the countryside.*”
- 1.13 In terms of Green Belt policy, it is acknowledged by the applicants that the provision of new housing is, by definition, inappropriate development. However, they claim that the conversion of the Listed Buildings is intrinsically linked to the major housing site and the condition of the Listed Building means that it is not possible to achieve a financially viable development without providing some additional units. Therefore, without the additional units, the delivery of housing on the wider Leybourne Grange site is claimed to be put in jeopardy which would threaten the Council’s ability to meet its housing needs. It is stated “*We consider that the delivery of the wider Leybourne Grange site being so heavily dependent upon the delivery of this small number of units is sufficient to support very special circumstances to allow the development to go ahead.*”
- 1.14 In respect of a lack of affordable housing provision, it is submitted by the applicants that there are “very special circumstances” which affect the scheme’s viability and ability to support affordable housing. It is stated “*There will be substantial costs associated with restoration and conversion to a suitably high standard as with any listed building. This high cost of conversion coupled with rising material and labour costs and reductions in house prices since the peak means that the listed building alone is not able to generate sufficient development value to viably fund the conversion and would not be attractive to the market in isolation. In this context the additional units are essential to facilitate the delivery of this part of the scheme and in turn allow the main development to continue. If any affordable housing units were to be provided within the scheme, these would be counted as having below market values, further affecting the development value of the manor housing scheme.*” It is argued that, without the new build, the development would be unviable and would not be able to support affordable housing or additional S106 contributions.
- 2. Reason for reporting to Committee (A) and (B):**
- 2.1 The nature of the proposals and the issues that are raised.
- 3. The Site (A) and (B):**
- 3.1 The site is situated within the MGB but is identified as a Strategic Housing Allocation under policy CP15 of the TMBCS, within the MGB. The site forms part of the Borough’s housing allocation to provide 723 dwellings.







TM/09/01478/RD Pending

Details of materials and landscaping for Phase 1 pursuant to conditions 7 and 8 of permission TM/08/00757/FL (S73 application to vary conditions 15, 19, 21, 27, 29 and 31 of outline consent TM/94/01253/OA for 702 dwellings and associated works)

TM/10/00903/AT Application Withdrawn 11 August 2010

2 wood effect entrance signs and 2 flagpoles at London Road entrance to Taylor Wimpey Development (retrospective)

TM/10/02125/AT Split Decision 14 October 2010

Advertisement application for A) six flagpoles with flags and B) Retention of two V shaped hoardings at junction with London Road

TM/10/02149/RM Approved 14 December 2010

Reserved matters application for Phase 2 of development at Leybourne Grange, comprising 187 residential units, car parking, landscape works, access and other infrastructure pursuant to outline planning permission ref. TM/08/00757/FL (Application to vary conditions 15, 19, 21, 27, 29 and 31 of Outline Planning Consent ref. TM/94/01253/OA (conversion of existing buildings to residential use and erection of new dwellings together with access roads, community hall, shop, primary school site and layby))

TM/10/02946/RM Approved 25 February 2011

Reserved Matters Application associated with Phase 1 for the provision of a local equipped area of play (LEAP) submitted pursuant to condition 27 of S73 permission TM/08/00757/FL varying TM/94/01253/OA (erection of new dwellings together with access roads, community hall, shop, primary school site and layby)

TM/11/01017/NMA Approved 19 October 2011

Non-material amendment to plots C25, C26 and C27 relating to TM/08/00963/RM [Reserved matters and discharge of conditions 7, 8, 12, 14, 15, 19, 21, 22, 24, 26, 29, 31 and 34 for 75 dwellings]

TM/11/01018/NMA Approved 20 October 2011

Non-material amendments comprising garages to plots D1, D3, E27; conservatories to plots D1, D12, D13, B27, F1 and F31; revisions to boundary treatment and cycle stores relating to TM/10/02149/RM [Reserved Matters for 187 dwellings]



TM/11/03415/AT      Approved

6 February 2012

Site entrance feature comprising two signs mounted on cut timber posts with LED uplighting

TM/12/01508/RM      Pending

Construction of traffic calming measures on A20 link road, comprising road narrowing and associated lighting submitted pursuant to TM/08/00757/FL (Application to vary conditions 15, 19, 21, 27, 29 and 31 of Outline Planning Consent ref. TM/94/01253/OA (conversion of existing buildings to residential use and erection of new dwellings together with access roads, community hall, shop, primary school site and layby) under Section 73 of the Town and Country Planning Act 1990 relating to the phasing of drainage, refuse storage/screening, playing space, footways/cycle routes/other permissive routes, surface water drainage and relating to the dimensions of vision splays)

TM/12/02204/RD      Pending

Details of site investigation and risk assessment report pursuant to Phase 3B of condition 25 of planning permission TM/08/00757/FL (Application to vary conditions 15, 19, 21, 27, 29 and 31 of Outline Planning Consent ref. TM/94/01253/OA (conversion of existing buildings to residential use and erection of new dwellings together with access roads, community hall, shop, primary school site and layby) under Section 73 of the Town and Country Planning Act 1990 relating to the phasing of drainage, refuse storage/screening, playing space, footways/cycle routes/other permissive routes, surface water drainage and relating to the dimensions of vision splays)

TM/12/02370/RM      Pending

Reserved matters for construction of new site access from Birling Road, comprising new vehicular and pedestrian access, replacement of existing gate posts and site sign pursuant to planning permission TM/08/00757/FL (Application to vary conditions 15, 19, 21, 27, 29 and 31 of Outline Planning Consent ref. TM/94/01253/OA (conversion of existing buildings to residential use and erection of new dwellings together with access roads, community hall, shop, primary school site and layby) under Section 73 of the Town and Country Planning Act 1990 relating to the phasing of drainage, refuse storage/screening, playing space, footways/cycle routes/other permissive routes, surface water drainage and relating to the dimensions of vision splays)

TM/12/02411/AT      Pending

Two signs mounted on boundary walls with LED uplighting

**5. Consultees (A) and (B):**

5.1 PC: The parish council feel that they do not have the required knowledge of the planning laws to comment on Leybourne Grange proposals and are relying on the borough council to make the right decisions.

5.2 DHH:

5.2.1 Environmental Protection: The main Environmental Protection issues raised by this application are the suitability of the structure for such conversion, the suitability of the proposed layout and lighting.

5.2.2 The applicant should be referred to Building Control for both consultations on the installation of noise insulation between the dwellings/units created, and of the suitability of the existing structure for conversion to residential accommodation.

5.2.3 The issue of illumination needs to be examined by a competent person to ensure that light does not penetrate into other premises and that not more than an adequate level of illumination is used for the designed purpose. The applicant may wish to seek expert advice from a lighting engineer.

5.2.4 The Clean Neighbourhoods and Environment Act has added light pollution into the list of Statutory Nuisances contained within the Environmental Protection Act 1990. It is thus in the applicants best interests to ensure that any lighting does not affect any nearby neighbours.

5.2.5 Wish for informatives for hours of working and no bonfires.

5.2.6 Waste Management Services: General comments in respect of waste collection and refuse services and requirements. Consideration should be given to any turning area to accommodate the refuse freighter and to allow it to turn safely. Parking restrictions will need to be enforceable yellow lines where highway is adopted. Unadopted roads will need to be designed to eliminate parking in these areas.

5.2.7 The three bin stores at this site will need to be adjacent to the main access road with no parking or loading bays outside the bin stores. We will need to talk to the developer about the number and size of bins.

5.2.8 There are problems with the locations of the bin store. The middle bin store should be ok; the left hand store would need turning 90 degrees for the access to be directly onto the carriageway. The right hand bin store will need to be

completely relocated. As this is a new build, with new roads, no carry distance should be built into the scheme. Only in extreme circumstances may there be a short carry distance.

5.2.9 Housing – Enabling: The applicant proposes additional units at the Leybourne Grange site that triggers the threshold for an affordable housing contribution as detailed within the Council's adopted policy CP17. The applicant has submitted an open book viability assessment to demonstrate the level of affordable housing they feel is achievable, which will be examined by the Council's retained viability specialist. Housing services await final versions of both reports before commenting further, but given the historic affordable housing provided at earlier phases of Leybourne Grange officers would expect affordable housing provision to continue for this application also.

5.2.10 Contaminated Land: require standard contamination condition

5.3 Kent Highway Services: The swept paths shown rely heavily on there being no street parking. Is there a breakdown of the number of units by no. of bedrooms so that an assessment of car parking provision can be made against this to determine the likelihood of on-street car parking. It is noted that the road width proposed is 4.5m wide. A recommended road width of 4.8m as a standard which allows a car to pass a goods vehicle. I would consider that the road width of 4.8m should be adopted as the minimum for this development. On a more minor issue the adoption plan shows some allocated spaces for adoption which we would not do.

5.4 KCC Heritage: This application is supported by a PPS5 Significance Assessment by AHP, which is quite detailed and provides a reasonable account of the buildings. There is little information on the historic landscape elements and it needs to be recognised that the setting and landscaped grounds of Leybourne Grange contribute to the significance of this heritage asset. It would be preferable for the landscape works proposed here to conserve and enhance the historic landscape elements. There is a need to ensure that Leybourne Grange setting is not detrimentally affected by the scheme and that new proposals are integrated into the existing historic landscape. Features of historic landscape and archaeological interest may be revealed during these works and I recommend an archaeological works condition is placed on any forthcoming consent.

5.5 English Heritage: We do not wish to offer any comments on this occasion. This application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.

5.6 Victorian Society: Leybourne Grange is an important grade II-listed work of Samuel Whitfield Daukes. It has lain in a state of painful dilapidation for some time and in a way this application and phase of the development at Leybourne could not come too soon. The desire to largely restore the exterior of the house to its former state is very welcome. The application also notes the possibility of retaining as much of the house's original features as possible, within the restraints of

residential conversion. We ask that it should be a condition of any consent that as many of these fittings as possible are retained. From the application it is clear and - given the present disrepair of the building - surprising that many such features have survived. Special mention is made of tiles and paving in the entrance hall, the entrance hall screen, the main staircase, large expanses of panelling, plasterwork and skirting. A thorough record of the surviving architectural details of note is the first step in ensuring that they are properly identified and conserved. Such a condition would result in a scheme that seeks resolutely to retain and as far as possible restore the significance and grandeur this excellent building once enjoyed.

- 5.7 Environment Agency: No objection to the application but offered guidance on surface water drainage, land contamination and watercourses. It is likely that the responsibility for the determination of any future Land Drainage Consent application will be with Kent County Council (KCC).
- 5.8 Natural England: The application form for this proposal indicates in section 17 that *“there is a reasonable likelihood of: protected and priority species being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site”*.
- 5.8.1 The description and location of the development suggest that an assessment for biodiversity interests needs to be considered. The Association of Local Government Ecologists has produced guidance to help planning authorities identify whether they have all the necessary information with which to make a planning decision that is compliant with their statutory obligations for nature conservation.
- 5.9 NHS Kent and Medway Primary Care Trust: A healthcare contribution (Section 106) is requested in accordance with the recognised Planning Obligations Guidance for Communities and Local Government. Inevitably, any increase in the local population has a knock-on effect in terms of health care and NHS West Kent would apply this S106 contribution to meet these extra demands on the local health service community: a health care need has been identified for contributions to support Milverton surgery, West Malling and/or The Surgery, George Holding Centre, Larkfield and/or Phoenix surgery, Burham and/or Allington Park surgery, Allington. This contribution will be directly related to the above as it will help towards upgrade of one or several premises. A contribution of £22,032.00 is sought plus legal costs.
- 5.10 KCC: The County Council seeks payment of an appropriate financial contribution:
- Primary School contribution of £68,768.03 towards the extension of a primary school local to this proposed development.
  - Secondary School contribution of £20,121.95 towards the extension of a secondary school local to this proposed development.

- Local Libraries £4,028.96,
- Community Learning £846.94 and Adult Services: £2,422.60.

5.11 Private Representations: (4/0R/0X/0S) Site and Press Notice (Listed, Major, Departure and GPI). None received.

## **6. Determining Issues (A) and (B):**

- 6.1 The site is in the MGB and is also covered by Policy CP15 of the Tonbridge and Malling Borough Core Strategy 2007 which states that Leybourne Grange has planning permission for the strategic housing provision of 723 dwellings. The principle of development is clearly established by the planning and Listed Building applications granted by the Secretary of State and the subsequent policy designation.
- 6.2 The key principles of the redevelopment of Leybourne Grange are also outlined in detail in the revised Design Framework, approved in 2008. The design framework outlines the overall concept and strategy for the proposed redevelopment and includes the intended selection of materials, the character of each area, typical landscaping, community facilities, public spaces and the drainage strategy.
- 6.3 However, this current proposal results in 9 additional dwellings above the 723 anticipated in the Policy. Three units of these are within the converted buildings and from a demolition and rebuild of part of the stable block. The 6 mews units therefore need to be considered in the context of being new development in the countryside and Metropolitan Green Belt (MGB) – see below.
- 6.4 In terms of the design and detailing of these proposals, these need to be assessed against policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD. These all relate to the detailed design and layout of new development and to ensure that development is in keeping with the locality, whilst retaining important features and the historic character of the Listed Buildings.
- 6.5 Policy CP25 of the TMBCS relates to mitigation of development impacts and states “*Where development that causes material harm to a natural or historic resource is exceptionally justified, appropriate mitigation measures will be required to minimise or counteract any adverse impacts.*”
- 6.6 The relevant paragraphs of the NPPF include 49, 50 and 61, that relate to delivering a wide choice of high quality homes and requiring good design.
- 6.7 Paragraphs 88 and 89 deal with the MGB. Paragraph 89 sets out the exceptions to inappropriate development and identifies as appropriate: “*limited infilling or the partial redevelopment of previously developed sites, whether redundant or in a*

*continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”.*

- 6.8 Paragraphs 129, 131 and 132 are also relevant and identify the aims of the NPPF in respect of new development and the preservation and re-use of historic assets.
- 6.9 The additional units are also to be sited adjacent to an area of the proposed development, albeit a phase of the redevelopment site, which has an identity of its own. Therefore these units will not be viewed in isolation but will be “infill” and will result in a limited overall increase in the footprint of building on the site.
- 6.10 When the Secretary of State considered the previous proposal to convert and adapt the Leybourne Grange complex to series of apartments in 2003/4, the then-owners, the Department of Health, indicated that the overall housing development could provide a cross-subsidy or be seen as enabling development to support the conversion work. To that end, the planning permission for the new housing was subject to a condition, at that time, to limit the number of dwellings to be occupied to 300 before the Grange and stable block conversions had been completed.
- 6.11 In the event, after the relevant planning permissions and Listed Building consent were granted, the whole site was transferred for disposal, firstly to DCLG and then onwards to English Partnerships (now the Homes and Communities Agency) and finally to the market. Unfortunately, until the site was subject to a contract around 2007/8 with the current applicants, the manor was not as well protected as would be hoped and it then took some time during the later years to get the building adequately protected – further deterioration inevitably occurred to add to that from way before the 2004 Inquiry.
- 6.12 Circumstances in respect of the condition of the buildings and the general economic conditions of the housing market have deteriorated since 2004 and this has to be borne in mind for decision making now, in the contemporary climate. This specific project itself now also involves the introduction of the 6 new dwellings between the Listed stable block to be converted and the Listed walled-garden. This adds not only to the overall housing provision on the site but to subsidise the now more costly restoration. While this location may itself be suitable for the dwellings to be created by conversion or new build, it is a far from obvious location for any affordable housing units because of the very complex and intimate spaces around this complex, which is somewhat separated from the main housing areas.
- 6.13 We have nevertheless sought some valuation advice in light of the cross-subsidy/enabling development case made. The information provided thus far has taken the case forward to some degree, in the sense that it has been possible to broadly assess the costings of refurbishment (but not to finalise them down to the most minute detail). However, the new housing units are located in a position suitable for the erection of new units – not least because whilst this is a “washed-over” Green Belt location, it lies within the developable area of the old asylum and

will not adversely affect the “openness” of the Green Belt any more than the 17% increase in footprint approved by the Secretary of State in 2004. I consider that there is, at least, a “prima facie” case acceptance of this part of the scheme in its own right (albeit had it not been for the commitment to the development identifying the site for large scale development there might have been a question of suitability in terms of CP14 – which seeks overall protection of the countryside).

- 6.14 The question therefore arises as to whether this scheme could be expected to bear any costs, for instance in terms of affordable housing, or if refurbishment cost could now be borne by the main development. I have considered these opportunities and concluded that to pursue these factors to the most detailed degree would not be appropriate in this particular case. Officers are aware that the overall site has not developed at anything like the rate expected when the permission was initially given and it is vital that nothing is done to discourage or slow down the rate of overall development because that would tend to deter the next phases where further affordable housing (the principle justification for release of the site in 2004) is to be released. Moreover, I would wish to do nothing to curtail the *opportunity* for cross-subsidy from the new units, should this prove necessary in due course. On balance, I think that it is most appropriate to see this scheme as an integrated project in its own right and no longer seek to link it to the main housing scheme as was anticipated by the NHS in 2003/4. I recognise that this means that the proposal would not make a contribution towards affordable housing, which would be an initial expectation in respect of policy CP17, but in these particular circumstance I consider it most desirable that the Listed Building works are neither frustrated nor compromised by making such requirements of the scheme.
- 6.15 The overall principles, in respect of the design and layout, are considered to be appropriate for the site, in line with the design framework and in compliance with the NPPF in respect of the design and principles of new residential developments. Notwithstanding the fact that Taylor Wimpey is developing the site, the Homes and Communities Agency has overall control and the site is intended to be used as an opportunity to maximise and showcase environmental sustainability strategies. It is considered that the principles established by this development are above the current standards in terms of sustainability, which is to be encouraged.
- 6.16 The design of the new dwellings and buildings, along with the detailing of these units, are therefore considered appropriate within the context of the site and fully comply with the relevant policies and guidance identified above. The proposed design is of a high standard and the design elements of the new buildings are in keeping with the Listed Buildings and complement them in all respects. These buildings also replicate features that are found and are to be restored on the Listed Buildings.
- 6.17 Overall, I consider that the design complies with policies CP1 and CP24 of the TMBCS, SQ1 of the MDE DPD and paragraph 61 of the NPPF.

- 6.18 It is appropriate to impose materials and joinery conditions to ensure the high standard is maintained in relation to the significant heritage assets. I also consider it would be appropriate to remove permitted development rights for extensions and alterations to the dwellings that would have an impact on their design. This is due to the tight relationship between the existing Listed Buildings and structures and the limited outside space available for these units. Consequently, any increase in size or change to the appearance could have a significant impact on the setting of the adjacent Listed Buildings.
- 6.19 The proposed development is in accordance with the principles of the overall strategy for the site and the approved Design Framework; consequently the proposed works are in accordance with the principles already established and appropriate within the context of the redevelopment.
- 6.20 In terms on the impact on the Listed Buildings and their setting, firstly it is considered that the external and internal works to the Listed Buildings are of a high standard and address the context of these buildings and their historic features. The proposed floor layouts have taken care to preserve the historic floor plan which is one of the few features to be retained in situ. There is also some wall panelling that may be the only part of the original 18 Century house that has survived the long term institutional uses and subsequent deteriorations. However, overall, all the historic features and characteristics of these Listed Buildings capable of retention/reuse are proposed to be retained or replaced, including the tiled hall, hall screen and staircase. The submitted layout is also different from the original approval and better reflects and respects the features of the listed buildings.
- 6.21 I am therefore of the opinion that the historic fabric and character of the Listed manor will be retained and, at this stage in the deterioration of this building, this can only be beneficial to the long term survival of the building. The proposals therefore meet the aims of paragraphs 129, 131 and 132 of the NPPF.
- 6.22 I have few concerns regarding the proposed works and alterations to the Listed Buildings. A number of inspections of the Listed Buildings, in particular the manor, have taken place. For this reason, I do not consider it necessary to impose a separate condition to require on this development recording of historic fixtures and fittings internally.
- 6.23 The grounds and garden space that directly serves the manor house are to be reinstated and laid out in a historical manner that is appropriate for this building and the context of this site. The materials proposed for the hardsurfaced areas are also appropriate for the context of this site and the historic features of the Listed Buildings. The proposed works do not have a detrimental impact on the historic setting of these Listed Buildings and may be considered to have a

beneficial impact on the setting and context of this group of heritage assets. This is in line with paragraphs 129, 131 and 132 of the NPPF and policy SQ1 of the MDE DPD.

- 6.24 KCC Heritage has recommended the imposition of a condition in respect of an archaeological programme. In light of the significance of these heritage assets and the level of ground works proposed it is reasonable to anticipate that there may be remains in the locality such as to justify the imposition of such an archaeological condition.
- 6.25 In respect of the trees within the application site, a number of trees are shown to be removed. Only one of these trees is covered by a TPO and its removal is necessary to enable the development of this part of the site and maintain its setting. I am satisfied that these trees need to be removed to enable the development and there is no objection to their removal. In some cases the trees being removed have caused structural damage. Full landscaping details are required, but the details submitted at this stage are acceptable in principle. The proposed development is also in accordance with the overall strategy for the site and the approved Design Framework; consequently the proposed landscaping is appropriate within the context of the redevelopment. The proposal therefore complies with policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD.
- 6.26 In terms of refuse and bin storage areas, these have been provided for on-site and the site is accessible for refuse collection. However, DHH is concerned at the position of some of the bin stores and therefore, notwithstanding the plans submitted, a condition should be imposed for bin storage details to be finalised.
- 6.27 Allocated and visitor car parking spaces have been provided. One or two allocated spaces per unit are to be provided specifically with this application. There are other nearby parking spaces that do not form part of this application and these may be expected to be partially used by occupiers of the converted manor building.
- 6.28 Kent Highways has not raised any specific objections but has suggested that the width of the access roads could be increased to overcome any issues with on-street car parking. Although this has been achieved on other phases of the Leybourne Grange development, I do not consider it to be appropriate or necessary on the roads that serve the immediate area around the Listed Buildings or the adjoining courtyards. These access roads serve only this discrete phase and are in scale and proportionate to the Listed Buildings. I consider it is necessary to give priority to the protection and enhancement of historic features in this instance.
- 6.29 The proposal complies with policies CP1 and CP24 of the TMBCS and policy SQ1 of the MDE DPD.

- 6.30 Investigations have also been updated with regard to bats. In the wider 2004 permission for the site, a requirement was made for the provision of a significant artificial bat roost – which was provided on site before overall development commenced. Further survey work was done on the Grange and outbuildings in 2007 and refreshed in 2012 – this later work indicates that bats are to be found and their protection must be accommodated both during construction and in the longer term. The precise detail of how this may be achieved does, however, require further access to buildings that, at present, are not realistically safe to enter in all respects. I therefore consider that, given this overall set of circumstances, the planning permission should be subject to a condition requiring further specific investigation in light of known existence together with details of interim and long term remediation, once full internal surveys can be achieved. A detailed condition and its final wording will be set out in a Supplementary Report.
- 6.31 In respect of potential contamination, it has been requested by DHH that a standard condition should be imposed. In respect of potential internal noise issues and sound insulation between the proposed units, this is largely controlled by Building Regulations. The applicants have submitted, as part of the application for Listed Building Consent, a technical specification indicating how they intend to address this issue, and this is acceptable in terms of its impact on the Listed Building. However, it is felt necessary to advise the applicants of the need for a revised Listed Building Application if the regulations result in significant changes to the approved plans or details submitted with the application.
- 6.32 A contribution has been sought for education and community and social services from Kent County Council, and the PCT has also sought contributions. In the current financial climate, I consider it would be unreasonable to request such extra contributions from this proposal and, moreover, there are no clearly identified projects which the contributions would help fund and which would also support the occupants of this particular scheme. At present KCC has yet to finalise its position with regard to the Primary school requirements arising from the original permission for 702 dwellings (excluding the Listed Building Conversions).
- 6.33 Limited information has been submitted with the application in respect of sustainable design, construction methods and/or the provision for renewable energy for the new build units. As is required by policy CC1 of the MDE DPD, a housing development of this size should consider all these aspects. A condition should therefore be imposed to address this matter and require the necessary provision of sustainable construction and equipment within the development. With such a condition, the proposed scheme would comply with policy CC1 of the MDE DPD and guidance in the NPPF that identifies a need for new development to be carbon neutral. The detail of any such scheme will have to respect the fact that these are Listed Buildings and it must be recognised that all such provision as anticipated by CC1 may not be easily achieved.

- 6.34 Open space provision is not sought in this application as the wider site provides necessary local facilities so there will be no deficiency in general terms. However, Members are advised that in discussions on sports and community facilities on the wider site, scope has been identified for the introduction of a cricket field and pavilion. The developers have indicated a willingness to provide both.
- 6.35 In conclusion, the principles of the renovation and re-use of these Listed Buildings and structures and the associated new build proposals are recommended for approval, subject to conditions as discussed above.

**7. Recommendation:**

**(A) TM/12/00494/FL:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Lighting Report dated 11.10.2012, Drawing 08-110/755 G dated 11.10.2012, Drawing 08-110/750 H dated 11.10.2012, Lighting 12/004/SJ/L02 H dated 11.10.2012, Letter dated 03.09.2012, Letter dated 29.08.2012, Letter dated 11.10.2012, Schedule dated 11.10.2012, Supporting Statement HERITAGE STATEMENT dated 03.09.2012, Letter dated 17.10.2012, Survey Bats dated 17.10.2012, Letter dated 14.02.2012, Supporting Information dated 14.02.2012, Supporting Information dated 14.02.2012, Supporting Information dated 14.02.2012, Tree Report dated 03.09.2012, Design and Access Statement dated 14.02.2012, Structural Survey REPAIRS dated 14.02.2012, Technical Specification INSULATION SPECIFICATIONS dated 14.02.2012, Lighting Report dated 14.02.2012, Drawing 143417(A/L)PLM/2004 dated 14.02.2012, Existing Floor Plans 143417(A/L)PLM/2005 A dated 14.02.2012, Existing Floor Plans 143417(A/L)PLM/2006 A dated 14.02.2012, Existing Floor Plans 143417(A/L)PLM/2007 A dated 14.02.2012, Existing Roof Plan 143417(A/L)PLM/2008 A dated 14.02.2012, Existing Floor Plans 143417(A/L)PLM/2009 A dated 14.02.2012, Existing Floor Plans 143417(A/L)PLM/2010 A dated 14.02.2012, Existing Elevations 143417(A/L)PLM/2050 dated 14.02.2012, Existing Elevations 143417(A/L)PLM/2051 dated 14.02.2012, Existing Elevations 143417(A/L)PLM/2052 dated 14.02.2012, Tree Protection Plan 43 A04 dated 03.09.2012, Lighting 12/004/SJ/L01 B dated 14.02.2012, Location Plan 143417(A/L)PLM/1000 B dated 03.09.2012, Location Plan 143417(A/L)PLM/1001 B dated 03.09.2012, Topographical Survey 143417(A/L)PLM/1002 B dated 03.09.2012, Existing Floor Plans 143417(A/L)PLM/1010 dated 14.02.2012, Existing Floor Plans 143417(A/L)PLM/1011 dated 14.02.2012, Existing Floor Plans 143417(A/L)PLM/1013 dated 14.02.2012, Existing Floor Plans 143417(A/L)PLM/1012 dated 14.02.2012, Existing Roof Plan 143417(A/L)PLM/1014 dated 14.02.2012, Existing Floor Plans 143417(A/L)PLM/1015 dated 14.02.2012, Existing Floor Plans 143417(A/L)PLM/1016 dated 14.02.2012, Existing Elevations 143417(A/L)PLM/1050 dated 14.02.2012, Existing Elevations

143417(A/L)PLM/1051 dated 14.02.2012, Existing Elevations  
143417(A/L)PLM/1052 dated 14.02.2012, Existing Floor Plans  
143417(A/L)PLM/2004 A dated 14.02.2012, Existing Floor Plans  
143417(A/L)PLM/2005 A dated 14.02.2012, Existing Floor Plans  
143417(A/L)PLM/2006 A dated 14.02.2012, Existing Floor Plans  
143417(A/L)PLM/2007 A dated 14.02.2012, Existing Floor Plans  
143417(A/L)PLM/2008 A dated 14.02.2012, Existing Floor Plans  
143417(A/L)PLM/2009 A dated 14.02.2012, Existing Floor Plans  
143417(A/L)PLM/2010 A dated 14.02.2012, Planning Layout  
143417(A/L)PLM/2020 F dated 03.09.2012, Proposed Floor Plans  
143417(A/L)PLM/2021 B dated 03.09.2012, Proposed Floor Plans  
143417(A/L)PLM/2022 D dated 03.09.2012, Proposed Floor Plans  
143417(A/L)PLM/2023 C dated 03.09.2012, Proposed Floor Plans  
143417(A/L)PLM/2024 B dated 03.09.2012, Proposed Roof Plan  
143417(A/L)PLM/2025 B dated 03.09.2012, Proposed Floor Plans  
143417(A/L)PLM/2026 D dated 03.09.2012, Proposed Floor Plans  
143417(A/L)PLM/2027 A dated 03.09.2012, Proposed Floor Plans  
143417(A/L)PLM/2028 F dated 03.09.2012, Proposed Floor Plans  
143417(A/L)PLM/2029 D dated 03.09.2012, Existing Elevations  
143417(A/L)PLM/2050 dated 14.02.2012, Existing Elevations  
143417(A/L)PLM/2051 dated 14.02.2012, Existing Elevations  
143417(A/L)PLM/2052 dated 14.02.2012, Proposed Elevations  
143417(A/L)PLM/2060 A dated 03.09.2012, Proposed Elevations  
143417(A/L)PLM/2061 dated 14.02.2012, Proposed Elevations  
143417(A/L)PLM/2062 dated 14.02.2012, Proposed Elevations  
143417(A/L)PLM/2063 D dated 03.09.2012, Proposed Elevations  
143417(A/L)PLM/2064 C dated 03.09.2012, Proposed Elevations  
143417(A/L)PLM/2065 A dated 03.09.2012, Details 143417(A/L)PLM/3000 dated  
14.02.2012, Existing Site Layout 08-110/751 C dated 03.09.2012, Drawing 08-  
110/752 dated 03.09.2012, Drainage Layout 08-110/753 dated 03.09.2012,  
Drawing 08-110/754 E dated 03.09.2012, Drawing 08-110/756 dated  
03.09.2012, Drawing 08-110/757 dated 03.09.2012, Drawing 08-110/758 dated  
03.09.2012, Drawing 08-110/759 dated 03.09.2012, Drawing 08-110/760 C  
dated 03.09.2012, Proposed Roof Plan 143417/AL/PLM/2030 A dated  
03.09.2012, subject to the following:

**Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

3. No development shall take place until details of any joinery to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, external works and boundary treatment to include formal boundary treatment to private front garden areas. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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 and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraph 61 of the National Planning Policy Framework.

5. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and in accordance with the National Planning Policy Framework.

- 6 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
  - (b) No fires shall be lit within the spread of the branches of the trees.
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
  - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
  - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
  - (f) Ground levels within the spread of the branches of the trees 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.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 .

- 7 The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 8 No development shall be commenced until:
- (a) a site investigation has been undertaken to determine the nature and extent of any contamination, and
  - (b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning

Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety and in accordance with Paragraph 120 of the National Planning Policy Framework 2012

- 9 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 10 No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ8 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, B, C, D and E, of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of residential amenity and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 12 Prior to the commencement of development, a scheme shall be submitted to the Local Planning Authority for approval to demonstrate that the development hereby approved will adopt and incorporate practicable sustainable construction standards and techniques. The scheme shall take account of the need to minimise: waste generation, water and energy consumption, and the depletion of non-renewable resources. The scheme shall also have regard to the target for at least 10% of the energy consumption requirements to be generated from decentralised and renewable/low carbon sources. The approved scheme shall be implemented prior to the first occupation of the buildings and retained thereafter.

Reason: In the interests of sustainable development and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy CC1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010 and the NPPF.

- 13 No dwelling shall be occupied until final details of a scheme for the location, size and detailed design of the bin storage and collection areas, for refuse and recycling, have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

14. A detailed condition to address survey and mitigation measures in respect of Bats using the site and buildings; detailed worded to be advised in a Supplementary Report.

**Informatives:**

- 1 Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day. The Council reserves the right to designate the type of bin/container.
- 2 The proposed works to the Listed Buildings will also need to comply with Building Regulations and in particular Part E. Please note that any changes to the submitted plans or details, in respect of these matters, or any alterations necessary to meet these regulations may need a revised application for Listed Building Consent to be submitted for consideration.

**(B) TM/12/00495/LB:**

**7.2 Grant Listed Building Consent** subject to:

- 1 The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 3 No development shall take place until details of any internal or external joinery to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality and in accordance with policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 4 The standard of workmanship achieved in the carrying out of the development shall conform with the best building practice in accordance with the appropriate British Standard Code of Practice (or EU equivalent).

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

**Informatives:**

- 1 The proposed works to the Listed Buildings will also need to comply with Building Regulations and in particular Part E. Please note that any changes to the submitted plans or details, in respect of these matters, or any alterations necessary to meet these regulations may need a revised application for Listed Building Consent to be submitted for consideration.

Contact: Lucinda Green