

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**PLANNING and TRANSPORTATION ADVISORY BOARD**

**18 November 2009**

**Report of the Director of Planning Transport and Leisure**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 DRAFT DESIGN GUIDELINES FOR SITE AT SOVEREIGN HOUSE, TONBRIDGE**

**Summary**

**To present to Members a draft development brief and recommend a round of targeted consultation before reporting back to this Board.**

- 1.1.1 Many Members will recall that the Council was considering a substantial residential planning application, with some retail, when the putative developers, Oracle Residential, lodged a non-determination appeal. The Area 1 Committee subsequently determined that it would have refused planning permission for the appealed application. That appeal was decided after a hearing where Borough officer witnesses were supported by evidence given by our Town Centre Consultants David Lock Associates (on the design and visual scale of the development and its impact on the Conservation Area).
- 1.1.2 Our evidence emphasised a concern with regard scale, height, massing which with the then proposed use of materials reinforced the heaviness of the structure. Key elements of concern were the combined effect of the slab of building with a 15 storey tower which is quite different in form from the broad character of the area and the taller elements of the Castle itself and those visible for the Castle – Tonbridge School, the Parish Church and the approved 12 storey tower at the River Centre – all of which may be considered slender in form when compared to the rather massive impact that the proposed Sovereign House tower would have created.
- 1.1.3 The Inspector in dismissing the appeal wrote:
- 1.1.4 *“...whilst the appeal site is within an area of change, I consider that the proposal would harm the character and appearance of the area and would fail to preserve the setting of the Conservation Area...”*
- 1.1.5 In reaching his decision, the analysis of the proposals dealt with a number of design aspects the most notable of which is the overall bulk and the tower

element at the eastern end. In particular he stated that, *“The 15 storey tower would be visible at close quarters from the end of the Waitrose carpark...recent development along Medway Wharf Road is up to 6 storeys...A 12 storey tower alongside this building (the River centre) has been accepted and would take the form of a rotunda. Other tall structures nearby include a gasholder and further afield there are church spires and buildings associated with Tonbridge School...however, there are others of a more slender form than the proposal which is also the tallest build in the vicinity...that is not in itself a reason to object...the tower would be of considerable magnitude...the sheer scale and mass of the tower would be forbidding and overpowering in its context given that the immediate surroundings are intended to include undeveloped areas...it would also be likely to set a “benchmark” for other sites possibly encouraging a plethora of other towers that would radically disrupt the remaining market town character of Tonbridge.”*

- 1.1.6 The Inspector’s decision was made in the context of the Council’s evidence, indicating “A Way Forward” which posited options for much reduced bulk in the overall construction with 5/6/7 storey elements and a slender 10 storey element. It is important that the Board appreciate the difference between the appeal scheme and the design analysis that was included in the evidence put to the inspector. To assist members I have attached at **Annex 1** a comparative sketch extracted from the appeal evidence. This clearly emphasises the need and benefit of reducing both the height but, just as importantly, the mass and bulk of the proposed development. As can be seen from the above extracts from the Appeal Decision letter the Inspector did not discount the possibility of a reduced bulk scheme with a slimmer/lower tower at eastern end.

## **1.2 New advice to potential developers**

- 1.2.1 For some time there has been little or no interest from the development industry in the site. However over some months there have been various approaches that imply that the site may be brought back to the market either at the behest of those with an interest in the land or because there is the first indication that the development market is beginning to re-evaluate current undeveloped assets.
- 1.2.2 In order to seek to avoid potential for the difficulties that led to the appeal case, it would seem appropriate to establish some design guidance to assist those who are investigating whether or not to become involved with site.
- 1.2.3 A draft design guidelines document has been circulated with this agenda for members’ consideration.
- 1.2.4 Members will see that the draft document follows the alternative possibilities for the site considered by the Inspector in the appeal hearing (see 1.16 above). The key factors are that the overall bulk of development must be broken-up both horizontally and vertically. It is inevitable on this site that there will be a lower

floor/understorey of car parking simply because much of the land is in the floodplain and no dwellings can be placed in such a situation.

- 1.2.5 Given the variation in heights along the complex building it seems appropriate to terminate it at the eastern end with a slender tower to give a visual stop to the scheme. In this context a 10 storey element will not compete with the visual sensitivity of the River Centre building and will in any event be some 6/7metres lower. When viewed from the Castle, as the Inspector did, it will in the longer term be viewed against the background of the development of the Botany area and the approved Brief for that site recognises that the new development will visually “wrap” around this site to the south/south east/east with substantial buildings where there are currently open surface car parks. These buildings in themselves are likely to be substantial in their own right to accommodate the scale of floor space and the level of investment envisaged in the Area Action Plan for Central Tonbridge.
- 1.2.6 I therefore consider it appropriate to carry out some targeted consultation on the terms of the Draft Design Guidelines with a view to reporting back to the next meeting of this Board.

#### 1.2.7 **Legal Implications**

- 1.2.8 Only relatively limited weight will be afforded to this document will not have been produced through the formal route for SPD but it will serve well in providing advice and in assessing submitted schemes.

### 1.3 **Financial and Value for Money Considerations**

- 1.3.1 None

### 1.4 **Risk Assessment**

- 1.4.1 Little risk provided the advice in 1.2.8 as adhered to.

### 1.5 **Recommendations**

- 1.5.1 The document attached as Annex 1 **BE ADOPTED** for targeted consultation the result of which will be reported-back to the next meeting of this Board.

The Director of Planning Transport and Leisure confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

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Nil

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