

## SUPPLEMENTARY REPORTS

AREA 1 PLANNING COMMITTEE

DATED 23 June 2022

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**Tonbridge  
Castle**

**TM/21/01911/FL**

**Redevelopment to form 32 Retirement Living apartments for older persons including communal facilities, and associated car parking and landscaping, and the repositioning of 4 existing car parking spaces at Land Rear Of 182 High Street Tonbridge Kent**

Historic England has submitted further comments since the time of writing my main report. The comments are summarised in the recommendation section at the end of the letter and are set out below:

***“Recommendation***

*Historic England has no objection to the application on heritage grounds.*

*These latest amendments address concerns we had that the development was not engaging with opportunities to enhance the significance of the scheduled monument. Despite these alterations, we nevertheless consider that the scheme would cause less than substantial harm to the significance of the scheduled monument through changes to its setting. This is because of the height and massing of the building would still compete with and visually dominate the monument.*

*In determining this application your authority should seek to ensure that enhancement to the for the scheduled monument, the heritage asset and public appreciation of that monument has been sought through this scheme. As such, it is important that any impact posed by a scheme - including to the setting of that asset - is avoided or minimised where possible (NPPF, para. 190).*

*However, the applicant has taken steps to reduce the harm to the significance. Most notably is the conservation management plan which outlines steps to improve the condition and appearance of the monument. The enhancement to the significance of the monument helps offset any harm that the development may bring (NPPF para. 206). This less than substantial harm to the significance of the scheduled monument should also be weighed against the public benefits of the proposal (NPPF para. 202).”*

DPHEH: My main report sets out the planning balance of the issues in paragraphs 6.47-6.53. The changing position from Historic England to now raise no objections reflects the fact that the scheme has evolved in response to the concerns it raised previously. My

conclusions on Heritage issues have not changed from the position set out in my main report.

To clarify the issue of s106 contributions, the total amount of contributions to be made equates to £350,199. This amount would be split between Affordable Housing provision, improvements to open spaces (Haysden Country Park works, Tonbridge Castle or the Memorial gardens (£21,781)) and the contributions that KCC is seeking towards adult education, social care and library enhancement (£7,118.58). These are the contributions that in my main report I consider meets the tests set out in section 122 of the CIL Regulations. These two sums would therefore be deducted from the overall contribution with the remainder being spent on affordable housing provision within the Borough.

It is proposed to rephrase the opening paragraph of condition 4 to make it clear that the tree protection works relate to only those trees that are to be retained on site as part of the development.

It is also proposed to add another informative to advise the developer that as part of the Construction Management Plan required by condition, it will be expected that construction works vehicles will not be parked on the roads in the locality but rather that they will be parked in the public car parks within the town.

It has come to my attention that the wrong document has been included in Appendix 9 to my main report. It should contain the comments from Environmental Health, which are attached as the correct Appendix 9 to this supplementary report.

## **AMEND RECOMMENDATION**

### **Amend condition 4 (first paragraph)**

**4. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees that are to remain on site as part of the development, including their root system, or other planting by observing the following:...**

#### **Add informative:**

**2. With regard to condition 6 of this permission, construction worker's/contractor's vehicles will be expected to park within the public car parks for the duration of the approved construction works and not on the local roads adjacent to the site where parking controls exist.**



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**Tonbridge & Malling Borough Council**

# Memorandum

**To:** Director Of Health And Housing

**From:** Development Management

**Our Ref:** TM/21/01911/FL

**Contact: Date:** 6 August 2021 Matthew Broome

**Email** [planning.applications@tmbc.gov.uk](mailto:planning.applications@tmbc.gov.uk)

APPLICATION: TM/21/01911/FL

LOCATION: Land Rear Of 182 High Street Tonbridge Kent

PROPOSAL: Redevelopment to form 34 Retirement Living apartments for older persons including communal facilities, and associated car parking and landscaping, and the repositioning of 4 existing car parking spaces

Please supply me with any representations you may wish to make on the above application. If a reply is not received by 20 August 2021 I will assume you do not wish to comment. The application may be viewed at [www.tmbc.gov.uk/view-planning-applications](http://www.tmbc.gov.uk/view-planning-applications).

Application: TM/21/01911/FL

Views of Director Of Health And Housing

1. I have no objections to make.
2. I have informed the applicants of my observations and a copy of my letter is attached.
3. I have the following observations to make:-

## **Contaminated land**

The previous application for this site included a phase 1 desk study which identified potential sources of contamination. I reiterate my previous comments below and request the applicant attach a copy of the report to this new application:

Based on the review of:

- Desk Study Appraisal (Crossfield Consulting, September 2019)

The report adequately reviews the history and environmental setting of the site. Potential sources of contamination have been identified which require further investigation. I therefore recommend the following conditions:

## **Standard Contamination 2 (no phasing) (Submission of Remediation Scheme & Implementation):**

No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall

include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

**Standard Contamination 3 (no phasing) (Verification):**

Following completion of the approved remediation strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

Kirstie Parr 17.08.2021

**EP**

**Construction Management Plan**

Prior to commencement of development, arrangements for the environmental management control of all demolition and construction works shall be submitted to and approved by the Local Planning Authority.

ANG 18.8.21