

## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

#### Report of the Director of Planning, Housing & Environmental Health

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

In accordance with the Local Government Access to Information Act 1985 and the Local Government Act 1972 (as amended), copies of background papers, including representations in respect of applications to be determined at the meeting, are available for inspection at Planning Services, Gibson Building, Gibson Drive, Kings Hill from 08.30 hrs until 17.00 hrs on the five working days which precede the date of this meeting.

Members are invited to inspect the full text of representations received prior to the commencement of the meeting.

Local residents' consultations and responses are set out in an abbreviated format meaning: *(number of letters despatched/number raising no objection (X)/raising objection (R)/in support (S))*.

All applications may be determined by this Committee unless (a) the decision would be in fundamental conflict with the plans and strategies which together comprise the Development Plan; or (b) in order to comply with Rule 15.24 of the Council and Committee Procedure Rules.

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#### **GLOSSARY of Abbreviations and Application types used in reports to Area Planning Committees as at 16 August 2013**

|      |   |
|------|---|
| AAP  | Area of Archaeological Potential            |
| AODN | Above Ordnance Datum, Newlyn                |
| AONB | Area of Outstanding Natural Beauty          |
| APC1 | Area 1 Planning Committee                   |
| APC2 | Area 2 Planning Committee                   |
| APC3 | Area 3 Planning Committee                   |
| ASC  | Area of Special Character                   |
| BPN  | Building Preservation Notice                |
| BRE  | Building Research Establishment             |
| CA   | Conservation Area                           |
| CBCO | Chief Building Control Officer              |
| CEHO | Chief Environmental Health Officer          |
| CHO  | Chief Housing Officer                       |
| CPRE | Council for the Protection of Rural England |

|        |  |
|--------|--|
| DEFRA  | Department for the Environment, Food and Rural Affairs                               |
| DETR   | Department of the Environment, Transport & the Regions                               |
| DCLG   | Department for Communities and Local Government                                      |
| DCMS   | Department for Culture, the Media and Sport  |
| DLADPD | Development Land Allocations Development Plan Document<br>(part of the emerging LDF) |
| DMPO   | Development Management Procedure Order   |
| DPD    | Development Plan Document (part of emerging LDF)                                     |
| DPHEH  | Director of Planning, Housing & Environmental Health                                 |
| DSSL   | Director of Street Scene & Leisure   |
| EA     | Environment Agency   |
| EH     | English Heritage   |
| EMCG   | East Malling Conservation Group  |
| FRA    | Flood Risk Assessment  |
| GDPO   | Town & Country Planning (General Development Procedure)<br>Order 1995                |
| GPDO   | Town & Country Planning (General Permitted Development)<br>Order 1995                |
| HA     | Highways Agency  |
| HSE    | Health and Safety Executive  |
| HMU    | Highways Management Unit   |
| KCC    | Kent County Council  |
| KCCVPS | Kent County Council Vehicle Parking Standards  |
| KDD    | Kent Design (KCC) (a document dealing with housing/road<br>design)                   |
| KWT    | Kent Wildlife Trust - formerly KTNC  |
| LB     | Listed Building (Grade I, II* or II)   |
| LDF    | Local Development Framework  |
| LMIDB  | Lower Medway Internal Drainage Board   |
| LPA    | Local Planning Authority   |
| LWS    | Local Wildlife Site  |
| MAFF   | Ministry of Agriculture, Fisheries and Food  |
| MBC    | Maidstone Borough Council  |
| MC     | Medway Council (Medway Towns Unitary Authority)                                      |
| MCA    | Mineral Consultation Area  |
| MDEDPD | Managing Development and the Environment Development<br>Plan Document                |
| MGB    | Metropolitan Green Belt  |
| MKWC   | Mid Kent Water Company   |
| MLP    | Minerals Local Plan  |
| MPG    | Minerals Planning Guidance Notes   |
| NE     | Natural England  |
| NPPF   | National Planning Policy Framework   |
| ODPM   | Office of the Deputy Prime Minister  |
| PC     | Parish Council   |
| PD     | Permitted Development  |

|          |  |
|----------|--|
| POS      | Public Open Space  |
| PPG      | Planning Policy Guidance Note  |
| PPS      | Planning Policy Statement (issued by ODPM/DCLG)  |
| PROW     | Public Right Of Way  |
| RH       | Russet Homes   |
| RPG      | Regional Planning Guidance   |
| SDC      | Sevenoaks District Council   |
| SEW      | South East Water   |
| SFRA     | Strategic Flood Risk Assessment (prepared as background to the LDF)                    |
| SNCI     | Site of Nature Conservation Interest   |
| SPAB     | Society for the Protection of Ancient Buildings  |
| SPD      | Supplementary Planning Document (a statutory policy document supplementary to the LDF) |
| SPN      | Form of Statutory Public Notice  |
| SSSI     | Site of Special Scientific Interest  |
| SWS      | Southern Water Services  |
| TC       | Town Council   |
| TCAAP    | Tonbridge Town Centre Area Action Plan   |
| TCG      | Tonbridge Conservation Group   |
| TCS      | Tonbridge Civic Society  |
| TMBC     | Tonbridge & Malling Borough Council  |
| TMBCS    | Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)    |
| TMBLP    | Tonbridge & Malling Borough Local Plan   |
| TWBC     | Tunbridge Wells Borough Council  |
| UCO      | Town and Country Planning Use Classes Order 1987                                       |
| UMIDB    | Upper Medway Internal Drainage Board   |
| WLP      | Waste Local Plan (KCC)   |
| AGPN/AGN | Prior Notification: Agriculture  |
| AT       | Advertisement  |
| CA       | Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)    |
| CAX      | Conservation Area Consent: Extension of Time   |
| CNA      | Consultation by Neighbouring Authority   |
| CR3      | County Regulation 3 (KCC determined)   |
| CR4      | County Regulation 4  |
| DEPN     | Prior Notification: Demolition   |
| DR3      | District Regulation 3  |
| DR4      | District Regulation 4  |
| EL       | Electricity  |
| ELB      | Ecclesiastical Exemption Consultation (Listed Building)                                |
| ELEX     | Overhead Lines (Exemptions)  |
| FC       | Felling Licence  |
| FL       | Full Application   |

|            |   |
|------------|---|
| FLX        | Full Application: Extension of Time   |
| FLEA       | Full Application with Environmental Assessment                                    |
| FOPN       | Prior Notification: Forestry  |
| GOV        | Consultation on Government Development  |
| HN         | Hedgerow Removal Notice   |
| HSC        | Hazardous Substances Consent  |
| LB         | Listed Building Consent (determined by Secretary of State if made by KCC or TMBC) |
| LBX        | Listed Building Consent: Extension of Time  |
| LCA        | Land Compensation Act - Certificate of Appropriate Alternative Development        |
| LDE        | Lawful Development Certificate: Existing Use or Development                       |
| LDP        | Lawful Development Certificate: Proposed Use or Development                       |
| LRD        | Listed Building Consent Reserved Details  |
| MIN        | Mineral Planning Application (KCC determined)                                     |
| NMA        | Non Material Amendment  |
| OA         | Outline Application   |
| OAEA       | Outline Application with Environment Assessment                                   |
| OAX        | Outline Application: Extension of Time  |
| ORM        | Other Related Matter  |
| RD         | Reserved Details  |
| RM         | Reserved Matters (redefined by Regulation from August 2006)                       |
| TEPN56/TEN | Prior Notification: Telecoms  |
| TNCA       | Notification: Trees in Conservation Areas   |
| TPOC       | Trees subject to TPO  |
| TRD        | Tree Consent Reserved Details   |
| TWA        | Transport & Works Act 1992 (determined by Secretary of State)                     |
| WAS        | Waste Disposal Planning Application (KCC determined)                              |
| WG         | Woodland Grant Scheme Application   |

**Tonbridge  
Medway**

**TM/14/02628/OA**

**Demolition of garage to rear. Change of use of existing retail shop to a 1-bed flat. Extension and conversion of storage building to form 2no. 1-bed flats and 1no. 2-bed dwelling house at 82 Goldsmid Road Tonbridge Kent TN9 2BY**

Additional Plans:

The applicant has supplied further drawings to illustrate the existing and proposed relationships between the application site and the neighbouring garden. These have been forwarded to Members of the Planning Committee and the immediate neighbour for information but show that a combination of the land levels and the inclusion of a 2m high fence would ensure that there would be no loss of privacy arising from the proposal.

Paragraph 3.4:

I am now able to advise that Hectorage and Goldsmid Roads are zoned differently as far as car parking permits are concerned. This means that residents with an address within either of these streets with a parking permit could not park during the controlled times in the other street.

However, it should be noted that it is only the section of Goldsmid Road north of the junction with Hectorage Road that is subject to parking permit controls (and these relate to Monday to Saturday daytimes only). The section of Goldsmid Road south from the junction with Hectorage Road is not subject to any parking permit controls. Anyone can park on this section of Goldsmid Road, (except of course where yellows lines would prevent people from doing so).

Furthermore, residents who have a Hectorage Road address are also able to park outside of the stipulated controlled times in the northern section of Goldsmid Road. This means that they could park between 4pm -10am Monday to Saturday and all day on Sundays, without being in breach of the parking controls attached to their permits. The same is true for residents who have a permit to park within Goldsmid Road and who wish to park outside of the controlled parking times in Hectorage Road.

In summary, whilst daytime parking is controlled in Hectorage Road and part of Goldsmid Road, overnight parking is not. Furthermore, on street parking in Goldsmid Road south of the application site is not controlled by a permit scheme meaning anyone who wishes to, can park in this part of the road, irrespective of their address.

In making these distinctions, I would return to the fact that the nil provision of off-street parking in this location accords with the adopted standards set out in IGN3.



proposed in the Green Belt. This referral would be undertaken subsequent to the resolution made by the Planning Committee in the normal way.

Furthermore, there is a requirement to consult with Sport England prior to the grant of planning permission because the proposed building is to be sited on existing school playing fields (albeit on the very edge as described in my main report). As such, this consultation can take place after the Planning Committee has made its resolution but must occur before any final decision is taken, in order to take into account any specific requirements Sport England may have.

In general terms, in considering such matters Sport England will seek to apply their own policies which require that where playing fields are to be lost as a result of proposed development, they are replaced by a playing field of an equivalent or better quality and quantity in a suitable location prior to the commencement of the development in question. In this case, an entire playing field is not to be lost, it is just one small section of a much wider ground, informally used as playing pitch and shown on the submitted plans to be set out as a relocated pitch elsewhere within the school grounds. It should also be acknowledged that the development displacing this piece of land in fact would be significantly enhancing the overall sports facilities serving the school.

With these factors in mind, I would request that Members seek to resolve to grant planning permission, subject to consultation with Sport England (and any conditions they may seek to impose to secure the above position) and the necessary referral to the Secretary of State.

#### Additional Information:

Since publication of the main report, the applicant has sought to clarify how the community use of the proposed building is likely to be managed. They have advised that this will be similar to the existing arrangements adopted by the school, which already hires out its premises to community groups. The following points need to be taken into consideration:

- The community users can make use of the car parking spaces within the school site.
- All community bookings are co-ordinated by a single member of staff to ensure that facilities are not overbooked. When approached by community groups, the school requires the number of attendees and parking arrangements to be disclosed on the booking form. The school has recently turned down a request to use its field due the number of attendees (200). The school considered that this would have created issues with car parking, noise and crowds.
- All prospective hirers are interviewed and vetted by the school to ensure the group is suitable for a school environment. All groups seeking to hire the school's facilities have to have DBS checks, first aid requirements and insurance in place.
- Members of staff are present on site when community groups are using the facilities. One off bookings are not generally accepted as the school wishes to

develop long term relationships with organisations using its facilities. This helps as the community groups tend to respect more the school's relationship with the local residents. The school maintains the right to cancel any booking without notice.

- The Weald of Kent Gymnastic Club (WKGC) will be the main user of the proposed gym facility, but not the sole user. The WKGC has contact with smaller gymnastics clubs which specialise in certain areas of gymnastics, and therefore, offer wider range of gymnastics coaching to the local community.
- The WKGC currently end their sessions at 9pm and other gymnastics events would end at a similar time.

DPHEH:

I am satisfied that the school has adequate mechanisms and procedures in place to adequately control the use of the proposed sports centre building by community groups so they would not cause unacceptable detriment to highway safety or residential amenity. The school wishes to develop long term relationships with the community groups seeking to use its facilities, which requires respect and goodwill from all parties involved. The school has the ability, through the terms and conditions attached to its hiring policy, to terminate bookings should the need arise for whatever reason.

It is my view that stopping the use of the proposed building by 9pm on weekday evenings would also help to safeguard the amenity of local residents and I would recommend that that condition 10 be amended accordingly to reflect the intention of the school.

**AMENDED RECOMMENDATION:**

**Amend Paragraph 7.1: Grant planning permission subject to the following:**

- **Consultation with Sport England and no adverse comments received;**
- **Referral of the application to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009;**
- **The conditions set out in the main report, and any others required by Sport England.**

**Amend Conditions 9 and 10:**

**9. No development shall take place until details of surface water drainage and measures for rainwater harvesting have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.**

**Reason: To ensure adequate drainage in the interests of flood prevention.**





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