

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

30 March 2016

To: MEMBERS OF THE AREA 1 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 1 Planning Committee to be held in the Riverside Lounge, Angel Centre, Tonbridge on Thursday, 7th April, 2016 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for Absence
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To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 21 January 2016

Decisions to be taken by the Committee

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7. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

9. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr R D Lancaster (Chairman)
Cllr V M C Branson (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr Ms J A Atkinson
Cllr O C Baldock
Cllr Mrs P A Bates
Cllr P F Bolt
Cllr J L Botten
Cllr D J Cure
Cllr M O Davis
Cllr T Edmondston-Low

Cllr B T M Elks
Cllr Mrs M F Heslop
Cllr N J Heslop
Cllr M R Rhodes
Cllr H S Rogers
Cllr Miss J L Sergison
Cllr C P Smith
Cllr Ms S V Spence
Cllr F G Tombolis

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 21st January, 2016

Present: Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs P A Bates, Cllr P F Bolt, Cllr D J Cure, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr N J Heslop, Cllr M R Rhodes, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Ms S V Spence and Cllr F G Tombolis

Councillors D Lettington and M Parry-Waller were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Ms J A Atkinson, J L Botten, M O Davis and Mrs M F Heslop

PART 1 - PUBLIC

AP1 16/1 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct.

AP1 16/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 29 October 2015 be approved as a correct record and signed by the Chairman; subject to the insertion of the word 'place' into AP1 15/44 (1) Additional Condition 15 to read:

'No development shall take *place* until details of measures to protect the trees '

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP1 16/3 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the prerequisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the

Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP1 16/4 TM/15/03172/FL - GEORGE AND DRAGON PUBLIC HOUSE, LAND ADJOINING 15 SHIPBOURNE ROAD, TONBRIDGE

Demolition of existing buildings and redevelopment to form up to 31 one and two bed retirement apartments for the elderly including communal facilities, access, car parking, landscaping and additional parking for the George and Dragon Public House, land adjoining 15 Shipbourne Road, Tonbridge.

RESOLVED: That planning permission be APPROVED, subject to:

(1) The applicant entering into a Section 106 agreement covering the following matters:

- An affordable housing contribution;
- A public open space contribution as deemed appropriate and;

(2) The conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

(3) Amended Conditions:

5. The proposed closed boarded fence to be located along the south boundary of the site shall not be installed until details of the below grounds works necessary to install it have been submitted to and agreed in writing by Local Planning Authority. The details shall include measures designed to minimise damage to the root system of the adjacent trees and boundary hedge and the fencing shall be installed in accordance with the details so approved. All other boundary treatments to be built within and around the boundary of the site shall accord with the details shown on drawing no. 20057TB P02, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not hard the visual amenity of the locality.

19. No development shall commence (other than the removal of the existing buildings within the site) until a detailed sustainable surface water drainage scheme for the site, providing for the inclusion of permeable paving, has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed without

increase to on site and off site flood risk. The drainage scheme shall be based upon the submitted drainage strategy and the proposed discharge rate to the public surface water sewer agreed with Southern Water.

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall included:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

(4) Amended Informative:

7. The applicant is advised to adopt considerate construction techniques for the duration of the development in order to minimise any detriment caused to local residents. For example, the applicant is advised to park all construction and worker's vehicles within the site and to not work outside normal working hours of 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays with no working on Sundays, Bank or public holidays.

[Speakers: Mrs D Taylor, Mr Organ and Mr A Moore – members of the public/Tonbridge School and Mr A King - agent]

AP1 16/5 ALLEGED UNAUTHORISED DEVELOPMENT 14/00174/WORKM - 18 HECTORAGE ROAD, TONBRIDGE

The report of the Director of Planning, Housing and Environmental Health advised of an unauthorised construction of a timber play structure, resembling the superstructure of a ship, within the rear garden of the property. This had been erected without planning permission and by virtue of its height; nature and proximity to the site boundary did not constitute permitted development and was in breach of planning control.

Members noted that numerous attempts had been made to negotiate with the owner of the property to reach a satisfactory outcome and that these had been unsuccessful.

RESOLVED: That an Enforcement Notice BE ISSUED, the detailed wording of which to be agreed with the Director of Central Services to require the removal of the unauthorised structure and all associated arisings from the site.

MATTERS SUBMITTED FOR INFORMATION

AP1 16/6 ENFORCEMENT ACTION UPDATE 15/00427/LAH - GEORGE AND DRAGON, 17 SHIPBOURNE ROAD, TONBRIDGE

Members noted the enforcement action taken using emergency powers regarding the Listed Building, the George and Dragon Public House, set out in the joint report of the Director of Planning, Housing and Environmental Health and the Director of Central Services.

AP1 16/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.00 pm

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.

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 23 September 2015

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
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
DMPO	Development Management Procedure Order
DPD	Development Plan Document
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) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
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 design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
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 Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

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
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 (as amended)
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
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	558842	21 September 2015	(A) TM/15/02817/FL
Castle	146709	27 August 2015	(B) TM/15/02818/LB

Proposal: (A) Conversion of The Old Power Station, currently used as a training centre, into 5 no. dwellings and a new building comprising 7 no. dwellings built on the existing rear car park
(B) Listed Building Application: Conversion of the Old Power Station, currently used as a training centre, into 5 no. dwellings

Location: The Old Power Station The Slade Tonbridge Kent TN9 1HR
Applicant: Mr Hugh Gregory

1. Description:

1.1 Planning Permission and Listed Building Consent are sought under the following applications:

- Application A (TM/15802817/FL) – Planning Application for the conversion of the Old Power Station, currently used as a training centre, into 5 no. dwellings and a new building comprising 7 no. dwellings built on the existing rear car park; and
- Application B (TM/15/02818/LB) – Listed Building Application for the conversion of the Old Power Station, currently used as a training centre, into 5 no. dwellings.

1.2 Both applications are jointly considered within this report; they essentially cover the same development, albeit that the Listed Building application solely covers heritage matters associated with conversion of the Listed Old Power Station building and not the new build element.

1.3 The applications have been formally amended on two occasions – these amendments have made external design changes as a result of on-going negotiations with the developer, and in light of the consultation responses received. The latest revised scheme is discussed throughout this report.

1.4 The proposals are to convert the power station into residential apartments with a new-build apartment building on the site's car park area to the west (rear) of the power station building. Both buildings will contain a mix of 1 and 2 bed apartments with private balconies and terraces. Car parking provision is at 1 space per dwelling, plus one additional visitor space.

1.5 It is proposed to convert the Old Power Station building into 5 dwellings, 4 of which would be duplex apartments, accessed from ground floor level via a shared entrance lobby. These dwellings are generally laid out with sleeping accommodation at ground floor with open plan living spaces at first floor level

under vaulted roof space. A one-bed 'flying freehold' apartment is situated above the adjoining switch gear room. Secure storage and bicycle bays for all residents will be situated within the basement beneath the eastern wing of the building. Car parking spaces (5 spaces at a ratio of 1 per apartment) are located along the east and west flank elevations.

- 1.6 There are no proposals to alter the principal elevation materials of the Listed Power Station building, which are red brickwork and white render. The new residential entrance lobbies would be faced in white glazed brickwork with a pattern of green glazed bricks within the west entrance atrium. Where new windows are proposed within the listed building, they are to be a polyester powder coated aluminium/timber composite system. Some remedial and/or refurbishment work is also likely to be required to some existing windows.
- 1.7 The existing roof trusses and hoist within the Old Power Station will be retained and presented as features of interest above the atrium. An area of roof slates and apex ridge lights will be removed to open the atrium to enhance natural daylight within and ventilate the internal courtyard space. The large arched doors located in the rear elevation (installed circa 1992) are to be removed to open the internal building courtyard onto the larger, shared surface courtyard space beyond, which will separate the power station from the new apartment building.
- 1.8 The form of the recessed arches flanking the western wing (the old engine room) walls will be retained within the new dwellings and the fireplace within the east entrance lobby will be preserved as a focal point. The large sliding door on the east (front) elevation will be retained, with the void behind in-filled. The smaller sliding door on the front elevation at first floor level will be removed, creating an internal balcony with new privacy screen over the front entrance lobby.
- 1.9 A new four storey building, with car parking at ground floor level (7 spaces at a ratio of 1 per apartment) containing 7 no. apartments arranged over the three floors above, will be situated on land to the west (rear) of the Old Power Station. This proposed building would be constructed in brickwork with metal cantilevered balconies. The appearance is detailed to compliment that of the power station in terms of materials, massing and form, with suggestions of industrial heritage. In this respect, it is proposed to face the new apartment building in red-coloured facing brickwork, with horizontal bands of vertical stretcher bond brickwork. Some brick balconies will be clad in the same brickwork, including the soffits, to enhance the overall theme of solidity. The remaining balconies and balustrades will be metal fabricated and powder coated in a colour complimentary to the brickwork. The windows will match the main power station building (powder coated aluminium/timber composite system) and coloured to match the balconies. It is proposed to cover the flat roof over the second floor with a planted sedum layer – this would not become a 2nd floor roof garden/terrace area.

- 1.10 At 2nd floor a mansard roof wraps the building, reducing the building mass and negating the requirement of a traditional brick parapet around the flat roof. Bay windows on the north flank elevation are angled at 45 degrees from Hildenbrook House to prevent overlooking and to focus views towards the west.
- 1.11 The general layout of the new build element is intended to create an internal courtyard space between the rear wall of the listed Power Station building and the new building. This, together with the internal access road, would be laid out with smooth granite sets, set in a fan paving style, to clearly define and enhance shared spaces.
- 1.12 In terms of building height, the new building would have a maximum ridge height of 37.40m AOD (at 4th storey level) and 33.95m AOD (at 3rd storey level). By comparison, Hildenbrook House has an overall ridge height of 38.00m AOD, with the Power Station building having a maximum ridge height of 34.68m AOD.
- 1.13 The refuse and recycling storage area (for all apartments) would be located along the northern site boundary where it would be easily accessible by all residents and well-placed for refuse freighter collections.
- 1.14 The applications are submitted with a number of accompanying reports, including a heritage statement, views assessment from the Castle Motte, an arboricultural impact assessment, a contaminated land assessment and a flood risk assessment/drainage strategy.

2. Reason for reporting to Committee:

- 2.1 In light of the significant local interest generated by these applications.

3. The Site:

- 3.1 The application site comprises the Old Power Station building and the hard surfaced private car parking area to the rear (west) of the building. The site is located off The Slade and falls within the urban confines of Tonbridge. It is close to the town centre and some 65m north west of Tonbridge Castle grounds, a designated Scheduled Ancient Monument. The Old Power Station building is Grade II Listed and lies within the Tonbridge Conservation Area. The site lies partially within Flood Zones 2 and 3.
- 3.2 The building is used as a training centre and in recent years it has also been home to the Milne Museum (1975-1989) and since then as offices and storage. It is understood that the building was constructed in 1902 and was used as an electricity generating station for many years – with coal deliveries via the adjoining canal, now the Hilden Brook. The building is laid out principally over two floors, with a brickwork structure below a pitched slate roof. To the rear of the building, the former engine room has an open roof space with exposed steel trusses and an overhead hoist that remains in situ.

3.3 To the immediate south of the site lies a UK Power Networks electricity sub-station compound, beyond which is the retirement complex known as Castle Fields. Just north of the site is Hildenbrook House, a four storey mixed use building comprising ground floor office space and 3 storeys of residential flats above, and the Slade Primary School. Further west are public Council car parks, the Tonbridge Swimming Pool and Tonbridge Juddians Rugby Football Club and associated open sports fields.

4. Planning History (relevant):

TM/80/10913/FUL Grant with conditions 14 April 1980

Change of use from stores building to a museum of electrical appliance and equipment.

TM/96/00808/FL Grant With Conditions 13 August 1996

change of use to office with storage, including refurbishment of building and provision of car park to rear

TM/96/00809/LB Grant With Conditions 9 September 1996

Listed Building Application: Refurbishment of building including additional windows and re-slatted roof

TM/99/02347/FL Grant With Conditions 21 January 2000

Insertion of mezzanine floor at first floor level to provide office space with storage underneath

TM/99/02348/LB Grant With Conditions 21 January 2000

Listed Building Application: Insertion of mezzanine floor at first floor level to provide office space with storage underneath

5. Consultees:

5.1 KCC (H+T): No objection to the proposal, recommending the imposition of conditions to cover: construction vehicle loading/unloading facilities, parking for site visit personnel during works, provision and permanent retention of vehicle parking spaces, loading/unloading and turning facilities and cycle storage facilities.

5.2 KCC (Heritage): Notes that the application site lies within c. 65m of the Scheduled Ancient Monument of Tonbridge Castle. As such, it is essential Historic England are consulted, especially in consideration of the potential impact of this scheme on the setting and significance of the Castle. Considers that since the site lies within the medieval town walls, the site is likely to have been utilised during the medieval period and remains associated with medieval activity may survive on site. The

original power station seems to have been a much larger building than the existing one – the original building extended towards the river and remains may survive within the area of the proposed new build. Within the existing power station building structures, fittings or fixtures surviving which relate to the electricity power station would be of local heritage interest and should be preserved in situ.

The application site lies within an area of open space and river – although there are some car parks and buildings, the open space around the Castle is still the predominant landscape character. There needs to be clear assessment of the impact of a large scale and mass building on the surrounding historic landscape character.

Should the LPA be minded to approve the development, recommends that a condition is placed on any consent to secure a programme of archaeological field evaluation works in accordance with a specification and written timetable to be submitted to and agreed by the LPA.

- 5.3 Historic England: The application proposes to convert the Grade II Listed, 20th Century power station building from office to residential use. On the basis that the building has already been sub-divided and that elements of the proposals will retain the industrial sense of the building, no objections are raised.

Notes that the Castle's hilltop position demonstrates its fundamental strategic and tactical function. In this way the setting of the castle enhances our understanding of its defensible position, intended purpose and historical relationship with its surrounding land. The low level and attractive variety of buildings that contribute to the Conservation Area remain respectful of the castle and reflect the ad hoc evolution of the medieval town.

In light of the additional information [heritage statement and views from the Castle Motte] we remind the LPA of the requirements set out in the NPPF in respect of the heritage designations. Furthermore, considers that the applications should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

- 5.4 Council for British Archaeology: Confirms it is not opposed to the principle of the application, however, raises concerns regarding how the application documents have described the significance of the heritage asset and therefore, in turn, the impact the proposals would have on the special interest and character of the listed building.
- 5.5 Environment Agency: Considers that planning permission could be granted for the proposals as submitted provided that conditions are imposed to cover: a contamination remediation strategy and subsequent verification report, unsuspected contamination, no infiltration of surface water drainage into the ground, and an engineering assessment, monitoring and maintenance plan for the river retaining wall/bank.

- 5.6 KCC (LLFA): Have no objection to the proposed development with respect to means of surface water disposal, subject to the inclusion of a condition covering the submission and implementation of a sustainable surface water drainage scheme for this site.
- 5.7 KCC (Education and Libraries): Requests a Primary Education contribution of £590.24 per 'applicable' flat (9 x 'applicable' flats = £5312.16) + a Library contribution of £48.02 per flat (12 x flats = £576.19).
- 5.8 Private Reps: 44/0X/31R/0S + site + press notice, including representations from the Slade Area Resident's Association and a petition letter from 11 residents within the retirement development known as Castle Fields. The main reasons for objection to this application are:
- Reducing the majority of the proposed building to 3 floors is obviously an improvement but still consider the new building will continue to be visible above the listed building, to the detriment of its appearance, while the substantial remaining 4th floor portion will continue to tower over it;
 - New building is not in-keeping with the local area;
 - Concerns with the extent of tree removal proposed along the northern and western site boundaries;
 - The new building will result in overlooking for residents of Hildenbrook House and Castle Fields;
 - Loss of light/overshadowing of Hildenbrook House;
 - The new building will impact adversely on views of and from Tonbridge Castle – additional views should be modelled from the top of the Castle and Motte, from the car park on The Slade, at the junction of The Slade from Stafford Road and from the sports centre car park;
 - Increased traffic movements to/from the site from the new apartments;
 - One space per flat will not be sufficient to meet modern parking demands from the occupants of the buildings;
 - Parking concerns arising from potential abuse of private residents' parking within the Castle Fields retirement development;
 - Concerns raised from noise, disturbance and traffic generation during construction works;
 - Concerns that the new building will be built on the flood plain;

- Having more flats in the area will increase noise and put more pressure for places at the Primary School;
- Questions why Tonbridge needs more flats;
- Concerns over the potential installation of individual satellite dishes on the buildings; and

5.9 TCS: Notes that although the amended plans for the most part reduce the height and mass of the proposed new block to something approaching that of the Old Power Station the retention of part of the top storey would produce a strange ugly façade on The Slade frontage. If the remainder of the top floor was removed it would still be necessary to improve the roof line to achieve a more harmonious neighbour for the original building. Considers that a property views assessment must be provided to ensure that the new building enhances this important part of the Conservation Area.

5.10 A re-consultation based upon the design changes to the building has recently been undertaken. Any further representations will be updated within the Supplementary Reports, as necessary.

6. Determining Issues:

6.1 One of the key aims of the NPPF is to support the development of previously developed land (PDL) in appropriate locations. The site is located within the urban area of Tonbridge, not far from the town centre, where a wide range of shops and services are available and easily accessible by public transport. Given the existing and former uses of the site, the land is clearly PDL. Policy CP11 of the TMBCS states that development will be concentrated within urban areas, including Tonbridge. With this context in mind, in terms of the broad principle of new development to the rear of the Old Power Station this site presents a good opportunity for redevelopment in the manner proposed. For similar reasons, the conversion of the Power Station into flats is also acceptable in principle.

6.2 Turning to the specifics of the scheme itself and dealing firstly with the impact on the Tonbridge Conservation Area, the Grade II Listed Power Station and the nearby Scheduled Ancient Monument (SAM), paragraph 131 of the NPPF states that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets (in this case the adjacent Listed Building, the surrounding Conservation Area and the nearby SAM). Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting.

6.3 Policies CP1 and CP24 of the TMBCS and Policy SQ1 of the MDE DPD require that the historic environment is respected and all development must be well

designed and be of a high quality in terms of detailing and use of appropriate materials. It must through its scale, density, layout, siting, character and appearance be designed to respect the character and local distinctiveness of the area including its historical and architectural interest.

- 6.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that there is a general duty when carrying out any functions under the Planning Acts with respect to any buildings or other land in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Similarly, Section 66 of this Act requires that in considering whether to grant listed building consent for any works the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses.
- 6.5 Due to the particular context of this site and the nature of the proposals, there are several different heritage assets that need to be considered, including the conversion of the Listed Power Station building, the impact of the new development upon the setting of the adjacent Listed Building and the SAM and, of course, whether the development would preserve or enhance the character or appearance of the Tonbridge Conservation Area. I will address each of these matters in turn:

Conversion of the Old Power Station:

- 6.6 The List Entry description for the Old Power Station (referred to as The Milne Museum) describes the building, amongst other factors, as being built in 1902, and constructed as a fairly early and architecturally elaborate example of an electricity generating station using Arts and Crafts architectural styling. It is constructed from red brick in English bond with stone dressing, nipped slate roof, two storey offices with one storey engine room behind – the latter having been extended by two bays at a later date in matching style. It also notes that the only surviving machinery from the building is an overhead crane, located in the main engine hall.
- 6.7 There are no proposals to alter the principal elevation materials of the Power Station building which are red brickwork and white render. The principle alterations proposed include additional windows – of scale and proportion to respect the original openings – on the north, south and west elevations. Some of these additional windows will replace existing bricked-up former openings, and where new windows are proposed they are to be polyester powder coated aluminium/timber composite to closely reflect existing windows within the building.
- 6.8 At roof level above the old engine room, an area of roof slates and apex ridge lights would be removed to open up the atrium below to enhance natural daylight within and ventilate the internal courtyard space. Two new rooflights would be installed within the rear (west) facing roof plane to light the living accommodation to be created within the 1st floor.

- 6.9 It is proposed to remove the large arched timber doors located in the rear elevation – which are understood to have been installed in the early 1990s – to create an internal atrium courtyard, off which the new dwellings front doors would be located. The large sliding door on the front (east) elevation is shown to be retained, with the void behind in-filled. A smaller sliding door on the front elevation at first floor level would be removed, creating an internal balcony to serve two apartments over the front entrance lobby. New windows would be installed within the rear (west) elevation, together with new planting grown over stand-off tension wires, to enhance this existing somewhat bland elevation.
- 6.10 It is noted that much of the former internal building fabric has been significantly modified over the years, most specifically through the creation of office space, a modern staircase, and associated floors and ceilings. The application proposals include the removal of these modern interventions to allow the formation of the new apartments. It is nonetheless proposed to retain the remaining significant internal fabric of the building as exposed features – this includes exposed timber and metal roof trusses, the fireplace within the front (east) entrance lobby and the remaining crane hoist over the engine room.
- 6.11 It is clear that these conversion proposals have been sensitively designed to retain existing features of special architectural and historic interest which currently remain within the building. Subject to the imposition of relevant conditions to cover aspects such as joinery details, I am satisfied that the conversion proposals represent an acceptable solution to the sub-division of the building into residential apartments which would preserve the listed building, its setting and features of special architectural and historical interest which it possesses.

Introduction of the new apartment building within the site:

- 6.12 As noted at Section 1, the proposed new building has been subject to several design changes to its scale and external appearance during the course of the application. These changes have been borne out of negotiations with the developer to address local concerns with the overall scale, bulk and massing of the earlier proposals.
- 6.13 The new building would be predominantly three storeys, with a 4th storey section closest to the northern site boundary which is flanked by The Slade and beyond that, Hildenbrook House. In contextual terms, the overall ridge height of the proposed 4th storey section (37.4m) would sit below that of the ridge height of Hildenbrook House (38.0m), whilst the ridge height of the proposed 3rd storey section (33.95m) would sit below that of the existing Power Station building (38.0m). It has been designed as a modern building that compliments that of the Power Station in terms of materials, massing and form, with suggestions of industrial heritage.
- 6.14 This new building would sit within the Conservation Area and would undoubtedly be visible from a number of surrounding public vantage points, including views

from the north east from within The Slade/Stafford Road, the Castle and views from the south from the public car park, swimming pool and surrounding public land. In this respect, it is worth highlighting that the proposed building has not been designed to be 'hidden' from public vantage points; instead, it seeks to compliment the Power Station and provide a new feature of interest within this under-used part of the urban confines. It is also important to note that a key test for the acceptability of development proposals within a Conservation Area is whether the proposals preserve or enhance the character or appearance of that area – this is not the same as whether the development can be seen from public views within the context of such designation.

- 6.15 In this context, I note that the wider area is not characterised by a single typology of built form – there are a distinct mix of buildings including variations in building heights, materials, form and uses. Of note, this mix of buildings includes a red-brick single storey Primary School, the red brick two storey retirement development at Castle Fields, the two storey brick and rendered Power Station building, the four storey modern-designed mixed use building known as Hildenbrook House, two storey terrace housing towards the north and east within The Slade, Stafford Road and Annison Street, and low level buildings containing the public swimming pool and sports pavilion.
- 6.16 The proposals involve the removal of a number of trees (16 x grade C trees, 2 x grade C groups and a further section of 1 x C grade group) along the northern and western site boundaries owing to the proximity of these trees to the proposed development footprint. It is proposed that a replacement planting scheme would then be introduced along these boundaries, with new trees planted within suitable root barriers to minimise future root damage to new building/retaining wall foundations. The removal of the existing trees would result in the visual site envelope being 'opened-up', with the resulting impact that any new building would become more visible from surrounding vantage points. That said, the opening up of this site through the removal of boundary vegetation would be somewhat off-set by the proposed new landscape planting which is proposed around the site perimeters.
- 6.17 I appreciate that the new building would be visible from public vantage points within the Conservation Area; however, its overall height would not dominate either the Power Station building or the adjoining Hildenbrook House building and therefore would, in turn, sit comfortably within the context of these existing buildings when viewed from principal views from The Slade/Stafford Road. Furthermore, the proposed external appearance of the building, (including mansard roof and articulated elevations, together with the predominant 3 storey height with a section of 4th storey closest to Hildenbrook House) would assist in ensuring the building would comfortably sit within this urban site. In light of these factors, it is considered that the proposed new building would preserve the character of the Tonbridge Conservation Area.

- 6.18 It is now important to consider the impact of the new building upon the setting of the Grade II Listed Power Station and that of Tonbridge Castle, a Grade I Listed Building and a Scheduled Ancient Monument. The new building would be constructed some 8m directly behind the rear (west) elevation of the Power Station building. The development would therefore change the setting of the listed building. However, regard must be had to whether the development would preserve the building or its setting or any features of special architectural or historic interest which it possesses. In this instance, it is clear that the principal elevation of the listed building is its frontage (east elevation) where the majority of architectural detailing can be found. It is understood that the power station was once a large building which extended further to the rear; however this rear section was demolished leaving behind a fairly blank rear elevation which contains very little architectural or historical detailing. It is this rear (blank) elevation that the new building will have its relationship with and, on this basis, I am satisfied that the new building would not adversely harm the setting of the listed power station building or any features of special architectural or historical interest that it possesses.
- 6.19 Furthermore, the new 3rd storey level of the proposed building would comfortably sit below the ridge height of the power station, whilst the 4th storey section would rise above the roof line, but sit below the ridge height of the adjoining Hildenbrook House building. In this instance, and reading the setting of the building from its principal elevation (i.e. from the east within The Slade) it is not considered that the new building would dominate or detract from the setting of the Listed Building.
- 6.20 As noted above, the Castle (a Grade I Listed Building) and its outer-lying grounds form part of a designated SAM. The NPPF makes it clear (at para. 132) that substantial harm to or loss of a designated heritage asset of the highest significance, notably scheduled monuments, should be wholly exceptional. The Castle is a Motte and Bailey type, occupying a hilltop position demonstrating its fundamental strategic defensive position. I have previously detailed within this report that the surrounding area is not characterised by a single building typology in design and height terms, instead there are a variety of surrounding building types and heights which currently provide the context to the SAM designation. Views analysis have been submitted as part of the application which demonstrate public vantages from the Castle Motte towards the application site, across the Castle Fields and swimming pool sites, the Power Station and set against the backdrop of Hildenbrook House. These views, taken in winter when surrounding vegetation is not in leaf, demonstrates that only glimpse views of Hildenbrook House can be seen from the Castle Motte, in turn indicating that any views of the proposed apartment building (which would be lower than Hildenbrook House) would also be limited.
- 6.21 In light of the above, I am satisfied that the proposed new building would not harm the significance of the Tonbridge Castle scheduled monument.

6.22 I now turn to other matters as follows:

6.23 Firstly, in respect of design and appearance I have already noted that TMBCS Policy CP24 sets out general criteria for all new development, including a provision that development must respect the site and its surroundings. It is also important to note that the NPPF provides more recent guidance on the issue of design quality at paragraphs 60 and 61. It states that:

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, build and historic environment.”

6.24 The proposed new apartment building has been the subject of criticism by a number of local residents for being too large for the site, being too high, and of a design that does not reflect that of the listed power station building. As noted above, a variety of building types and forms are found in the locality, making up the characterful mix of this part of the Conservation Area. Specifically, the immediate local area is categorised in the Conservation Area Appraisal (Sub-area A3) as being a transitional area with mixed density, character and uses. Whilst it is acceptable that the proposed apartment building would be relatively large in terms of footprint and scale, as concluded above, it would not appear obtrusive in visual terms when considering the surrounding context, particularly bearing in mind the scale and massing of the adjoining Hildenbrook House development. Furthermore, whilst the proposed apartment building is not a pastiche copy of the power station building, it will appear as a modern, well designed building that picks up design detailing/reference from the power station building in terms of its industrial heritage, which is wholly appropriate in this context.

6.25 It is proposed to construct the building from a range of high quality external materials, a factor which will be particularly important in terms of how the building fits into its setting. In this respect, the proposed elevations contain a mix of red facing brickwork with horizontal bands of vertical stretcher bond brickwork, dark-grey metal cladding for sections of roof and the cantilever balconies, limited sections of render, and dark powder coated windows/doors to match the colour of metal cladding. I have no objections to the proposed indicative external materials which are considered to be entirely acceptable for this location; however, final material detailing would be subject to control via planning condition.

6.26 In terms of the amount of development proposed, having regard to the proposed layout and surrounding patterns of development, I do not consider that the proposed apartment scheme represents an overdevelopment of the site in this

case in what is a transitional area with mixed density, character and uses of building.

- 6.27 Whilst concerns have been expressed regarding the overall building height, the revised scheme which has sought to bring the main section of building down to 3 storeys would sit just below the ridge height of the power station building. Whilst the 4th storey element would sit higher than the power station, this would not render it obtrusive. Moreover, the entire new building (including the 4 storey section) would sit below the overall ridge height of the adjacent Hildenbrook House building and, in my opinion, would be read in that context from all surrounding public vantage points. Consequently, the proposal would not appear as an overly tall or domineering building when viewed from the surrounding land.
- 6.28 Turning to matters concerning residential amenity, a number of concerns have been expressed regarding the potential for the development to cause unacceptable overlooking and a loss of light to neighbouring properties within Hildenbrook House and within the retirement development of Castle Fields. The proposed apartment building is located some 16m to the south of Hildenbrook House, separated by The Slade highway. Taking into account the positioning of the proposed building and the separation distance from Hildenbrook House I am satisfied that there would be no unacceptable loss of light for existing residents within the adjoining building.
- 6.29 In terms of the issue of privacy, the proposed apartment building contains its principal outlook to the front (east) and rear (west). There are some window openings contained within the northern flank elevation (towards Hildenbrook House), however these serve the communal staircase and not habitable spaces. Whilst first, second and third floor balconies and doors are located on the north flank elevation, these have been angled at 45 degrees to ensure that their principal outlook is to the west as opposed to directly towards Hildenbrook House. On this basis, I do not consider that the proposals would give rise to unacceptable overlooking to neighbouring residential properties within Hildenbrook House.
- 6.30 In terms of the amenities of residents within the Castle Fields retirement development, the proposed apartment building would be located some 30+ metres at its closest point. This distance is separated by the existing electricity sub-station (which would remain) and the private car parking area of the retirement complex. Whilst the southern flank elevation would contain a small number of windows (at second and third floor level) these would face over the adjoining electricity sub-station and would not result in an unacceptable degree of overlooking towards the Castle Fields development, including its outside space besides its front entrance.
- 6.31 Concern has been expressed that at 3rd floor level there would be a large flat roof section which could be used as roof-top garden. This area is shown to be covered with a sedum roof which, owing to its proposed covering, could not be used as an

external garden/amenity area. In any event, a condition can be attached to the effect that this flat roof area cannot be used as a balcony/terrace area.

- 6.32 Taking all of the above factors into account, the proposed development is considered to be acceptable in terms of residential amenity issues. Whilst I appreciate that the surrounding residents' relationship with the site will change in physical terms, this change would not result in any material harm being caused.
- 6.33 The proposed development would be served by the existing vehicular access off The Slade into the site. Car parking spaces would be provided on the basis of one space per apartment (12 spaces), plus one additional visitor space at the front of the site. The adopted car parking standards require a maximum of 1 space to be provided for 1 and 2 bedroom apartments in this urban, town centre, location. The site is located close to Tonbridge town centre and is well related to the public transport network so the residents will have access to a range of transport modes and will not necessarily need to rely solely on the private motor car. In light of this I consider that the proposals accord with the adopted car parking standards.
- 6.34 Whilst concerns have been expressed regarding the potential for miss-use of adjoining private residents' parking within the Castle Fields development, this is, of course, a private matter and would need to be managed by the adjoining retirement development should the problem occur. I must reiterate that these proposals accord with the adopted maximum parking standards for a town centre location. It should also be noted that ample public car parking exists just to the west of the site.
- 6.35 It must be borne in mind that current Government guidance contained within paragraph 32 of the NPPF states that permission should only be refused on transport grounds if the impacts are considered to be *severe*. In this case, the highway authority has not objected to the proposed development and there are no severe impacts to justify a refusal on transport grounds.
- 6.36 In the event that planning permission is granted, it is recognised that the construction works would inevitably result in some disruption to nearby residents. Whilst this is not a matter which the Planning Authority can directly control, it is possible to place an informative on any decision notice, encouraging the applicant to apply considerate construction techniques, including measures such as working hours and considerate parking of construction workers' vehicles.
- 6.37 The site is subject to noise from the adjacent electricity sub-station. However, details of what mitigation measures are required to provide an acceptable aural amenity for the eventual occupiers of the buildings can be required by condition, as is usual practice.
- 6.38 A contaminated land investigation report has been submitted as part of this application. Details of a remediation strategy and subsequent verification report

should be required by condition, something that is normal practice for previously developed industrial land.

- 6.39 Concerns have been expressed that the proposed new building would be built on the flood plain. The application site is located partially within Flood Zones 2 and 3; however this, in itself, does not render the proposals unacceptable in principle as set out in the NPPF. In accordance with this national guidance, the application is accompanied by a Flood Risk Assessment and, having been consulted on the proposals, the EA has raised no objections on flooding grounds. The EA has requested details of the structural condition of the river wall/bank which forms the western site boundary (with the Hilden Brook) and the potential for any necessary remedial works – this approach has been discussed with the applicant and appears an entirely acceptable matter that can be dealt with via condition.
- 6.40 KCC (as the Lead Local Flood Authority) has requested that the applicant be required to submit a surface water drainage scheme for the site. Again, this is an entirely reasonable approach and is usual for this type of development.
- 6.41 To conclude on flooding matters, there is no objection from the EA and I am satisfied that, subject to the imposition of conditions, the proposals would not give rise to an unacceptable flood risk for either occupants of the site or increase the risk of flooding of surrounding land/property.
- 6.42 In terms of infrastructure contributions, KCC has requested a contribution towards primary education and the enhancement of library services within the town. The Community Infrastructure Regulations contain three statutory tests. Regulation 122 states that a planning obligation may only be required if the obligation is:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 6.43 In this instance, KCC has provided no satisfactory evidence to suggest that the existing facilities in the area could not absorb the needs of future residents with regards to libraries and as such the request in relation to library contributions does not meet the tests set out in Regulation 122 and that contribution will not be pursued in this instance. On the contrary, the request for a primary education contribution (totalling £5312.16 and to be directed to Slade Primary School) appears entirely reasonable in relation to the proposed development and is considered to meet those tests identified above. I am therefore satisfied that this contribution should be sought via a Section 106 legal agreement.
- 6.44 In conclusion, the proposed development would be an effective use of previously developed land in a highly sustainable urban location. The proposed apartment building would sit comfortably within the site and would preserve the character and

appearance of the Conservation Area and would not unacceptably harm the setting of the Tonbridge Castle, a Scheduled Ancient Monument. In addition, the conversion proposals for the listed building have been sensitively designed to retain existing features of historical and architectural fabric. I am satisfied that the proposed conversion proposals represent an entirely acceptable solution to the sub-division of the building into high quality residential apartments which would not unacceptably harm this important heritage asset.

6.45 I therefore recommend that Planning Permission and Listed Building Consent be granted, subject to those conditions set out below, accordingly:

7. Recommendation:

(Application A) – TM/15/02817/FL

7.1 **Grant Planning Permission** as detailed in the following submitted details: Email dated 09.09.2015, Planning Statement dated 09.09.2015, Desk Study Assessment dated 17.09.2015, Flood Risk Assessment 15562 dated 21.09.2015, Proposed Floor Plans 1931/115 dated 27.08.2015, Tree Plan 3565 DR 001 dated 27.08.2015, Topographical Survey 15852SE-01 A dated 27.08.2015, Sections 15852SE-03 dated 27.08.2015, Proposed Plans and Elevations 15852SE-02 dated 27.08.2015, Email dated 11.11.2015, Email dated 25.11.2015, Noise Assessment 14872-201561 dated 08.12.2015, Letter dated 08.12.2015, Tree Protection Plan 3565_DR_002 A dated 25.11.2015, Tree Removal Plan 3565_DR_003 dated 25.11.2015, Arboricultural Survey 3565_RP_001-B dated 25.11.2015, Photographs VIEW FROM TONBRIDGE CASTLE dated 13.11.2015, Statement HERITAGE STATEMENT dated 11.11.2015, Design and Access Statement 1931 dated 08.03.2016, Drawing 1931/150/- images dated 08.03.2016, Artist's Impression 3D DRAWING dated 08.03.2016, Proposed Floor Plans 1931/105/B dated 08.03.2016, Proposed Floor Plans 1931/106/B dated 08.03.2016, Proposed Floor Plans 1931/107/B dated 08.03.2016, Proposed Floor Plans 1931/108/B dated 08.03.2016, Proposed Roof Plan 1931/109/B dated 08.03.2016, Proposed Floor Plans 1931/110/B dated 08.03.2016, Proposed Elevations 1931/130/B dated 08.03.2016, Proposed Elevations 1931/131/B dated 08.03.2016, Proposed Elevations 1931/132/B dated 08.03.2016, Sections 1931/133/B dated 08.03.2016, Proposed Elevations 1931/130/B west colour rendered dated 11.03.2016, Proposed Elevations 1931/132/B north and south colour dated 11.03.2016, Proposed Elevations 1931/131/B east colour rendered dated 11.03.2016, subject to the following:

7.2 The applicant entering into a Section 106 Agreement covering the provision of a total primary education contribution of £5312.16 towards Slade Primary School; and

7.3 The following conditions:

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 (including the external appearance of balconies) 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.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment. 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.

4. 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.

5. 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 2015 (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.

6. No development shall take place until details of the finished slab level for the building in relation to the existing and proposed land levels within the site 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 that the development does not harm the visual amenity of the locality.

7. No above ground works shall commence until full details of a scheme of acoustic protection to habitable rooms have been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels that comply with BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The approved scheme shall be implemented prior to the first occupation of the dwellings and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

8. No external lighting shall be installed until full details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the visual amenity of the locality or residential amenity.

9. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

(a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

(b) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of archaeological investigation and preservation.

10. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approval details.

Reason: To protect groundwater and comply with the NPPF.

11. No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater and comply with the NPPF.

12. The development hereby permitted shall not be commenced until such time as an engineering assessment and a monitoring and maintenance plan for the river retaining wall/bank has been submitted to, and approved in writing by, the Local Planning Authority. Any works required to bring the condition of the retaining wall/bank up to a suitable standard should be undertaken prior to development.

Reason: To ensure the structural integrity and condition of the existing river wall/bank prior to development and to ensure appropriate monitoring and maintenance of the existing river wall/bank post development.

13. The development hereby permitted shall not be commenced until a detailed sustainable surface water drainage scheme (based on the details provided within the Flood Risk Assessment by BdR Engineering Consultants dated 15 September 2015) has been submitted to and approved in writing by the Local Planning Authority. Details should also be provided for the long-term maintenance of all surface water drainage infrastructure on the site.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

14. Notwithstanding the conclusions of the Sevenoaks Environmental Consultancy Ltd Geo-Environmental Desk Study Report, no development shall take place 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).

15. Following completion of the approved remediation method statement, 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).

Informatives

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the

new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

2. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
3. The Local Planning Authority will not accept any liability for remediation works.
4. The applicant is reminded that a suitably qualified and competent person shall fulfil the requirements of the condition(s) pertaining to contaminated land remediation.
5. With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.
6. The applicant should be made aware that under the terms of the Water Resources Act 1991 and associated bylaws, the prior written consent of the Environment Agency is required for any works in, over, under of adjacent to a "main river". This is termed Flood Defence Consent. The bylaw margin for non-tidal main rivers is 8 metres from the top of the bank or landward toe of flood defence embankment or wall. Any required works should be carried out in such a way as to avoid unnecessary environmental damage and, where possible, look to provide habitat enhancement to the river channel and river bank. Details of the application procedure and requirements for any proposed works within 8 metres from the top of a river bank can be obtained from PSO.WestKent@environment-agency.gov.uk

(Application B) – TM/15/02818/LB

7.4 Grant Listed Building Consent as detailed in the following submitted details: Arboricultural Survey dated 27.08.2015, Proposed Floor Plans 1931/115 Old power station dated 27.08.2015, Survey 3565_DR_001 Trees dated 27.08.2015, Tree Protection Plan 3565_DR_002 dated 27.08.2015, Proposed Plans and Elevations 15852 SE-02 dated 27.08.2015, Sections 15852 SE-03 dated 27.08.2015, Topographical Survey 15852 SE-01 A dated 27.08.2015, Email dated 11.11.2015, Email dated 25.11.2015, Tree Protection Plan 3565_DR_002 A dated 25.11.2015, Tree Removal Plan 3565_DR_003 dated 25.11.2015, Arboricultural Survey 3565_RP_001-B dated 25.11.2015, Photographs VIEW FROM TONBRIDGE CASTLE dated 13.11.2015, Statement HERITAGE STATEMENT dated 11.11.2015, Design and Access Statement 1931 dated 08.03.2016, Artist's Impression 3D DRAWING dated 08.03.2016, Drawing 1931/150/- images dated 08.03.2016, Proposed Floor Plans 1931/105/B dated 08.03.2016, Proposed Floor Plans 1931/106/B dated 08.03.2016, Proposed Floor Plans 1931/107/B dated 08.03.2016, Proposed Floor Plans 1931/108/B dated 08.03.2016, Proposed Roof Plan 1931/109/B dated 08.03.2016, Proposed Floor Plans 1931/110/B dated 08.03.2016, Proposed Elevations 1931/130/B dated 08.03.2016, Proposed Elevations 1931/131/B dated 08.03.2016, Proposed Elevations 1931/132/B dated 08.03.2016, Sections 1931/133/B dated 08.03.2016, Proposed Elevations 1931/130/B west colour rendered dated 11.03.2016, Proposed Elevations 1931/131/B east colour rendered dated 11.03.2016, Proposed Elevations 1931/132/B north and south colour dated 11.03.2016, subject to the following conditions:

Conditions

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.

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.

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.

Contact: Julian Moat

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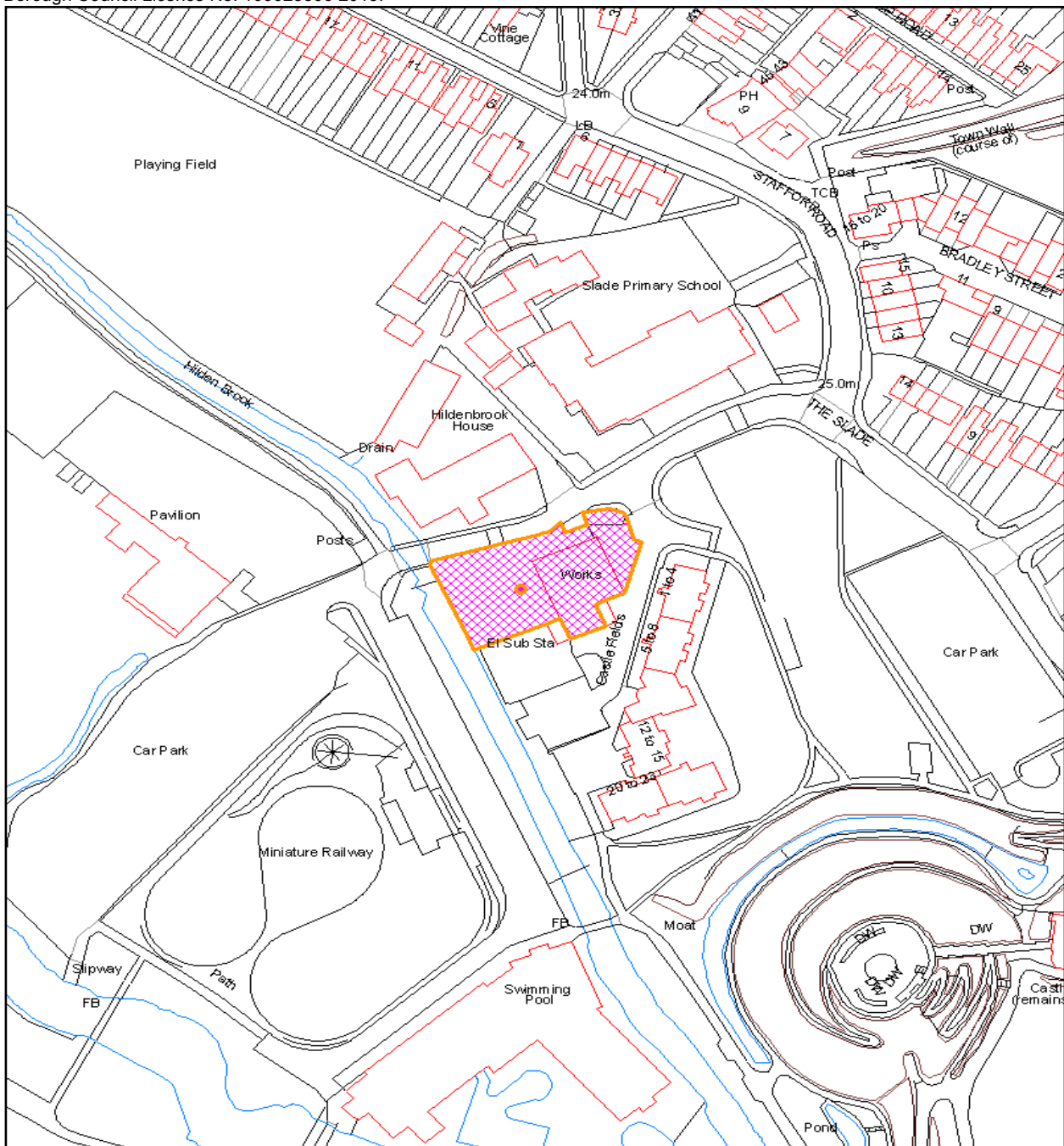
(A) TM/15/02817/FL (B) TM/15/02818/LB

The Old Power Station The Slade Tonbridge Kent TN9 1HR

(A) Conversion of The Old Power Station, currently used as a training centre, into 5 no. dwellings and a new building comprising 7 no. dwellings built on the existing rear car park

(B) Listed Building Application: Conversion of the Old Power Station, currently used as a training centre, into 5 no. dwellings

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Tonbridge Castle	559712 147425	4 December 2015	TM/15/03844/FL
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Proposal:	Change of use from use Class C3 (residential) to mixed use C3 (residential) and D2 (yoga studio)
Location:	35A Yardley Park Road Tonbridge Kent TN9 1NB
Applicant:	Mr Guy Edwards

1. Description:

- 1.1 Planning permission is sought for a permanent change of use of a residential dwellinghouse to a mixed use of residential (Use Class C3) and Yoga Studio (Use Class D2). This application follows an earlier 1 year temporary permission (TM/14/03533/FL), granted in January 2015, for the change of use of the dwellinghouse to a mixed use of residential and Yoga Studio; this earlier application was granted on the basis of an initial 1 year 'trial period' in order to demonstrate that the yoga studio use did not give rise to harm to surrounding residential amenity. The applicant is understood to have been operating his yoga classes from the property site since permission was granted in late January 2015.
- 1.2 The Yoga Studio is located within the pitched roof space above a garage which was granted planning permission in 2005 (TM/05/03550/FL) as an extension to the main dwellinghouse. The studio room has sloping ceilings and French doors with a Juliet balcony in the rear gable end.
- 1.3 The yoga classes operate with a maximum of 6 customers per session, with the applicant (Mr Edwards) as the sole tutor. Up to 6 customers per session is the maximum number that the studio could reasonably hold, taking into account its physical floorspace and sloping ceilings. The yoga classes last approximately 90 minutes in duration.
- 1.4 As well as seeking permission on a permanent basis, this application seeks to extend the operational hours of the Yoga Studio, above and beyond that granted with the earlier temporary permission, to include weekday evenings. It is now proposed that yoga classes would be held between the following times:
 - Monday to Friday 09:00 to 21:00 hours;
 - Saturdays 09:00 to 13:00 hours; and
 - No classes on Sundays, Bank or Public Holidays.
- 1.5 During the first year of operation, the applicant has found that the time restrictions imposed on the temporary permission (limiting weekday classes to cease at 15:00 hours) has limited his prospects of offering yoga classes to potential day-time/commuter customers, with the exception of a Saturday morning class which has tended to be over-subscribed. By allowing evening classes, which could take

place between 19:30-21:00 hours, the applicant would be able to offer his yoga classes to a wider customer base.

- 1.6 The applicant has confirmed that he is prepared to accept the re-imposition of a number of other operational controls as previously imposed on the temporary permission; these include a personal permission to Mr Edwards and a limitation on the maximum of 6 students per class.
- 1.7 Parking is available on a large hard surfaced area to the front of the dwelling. The submitted parking plans show space for 6 cars, with 2 spaces retained in the garage for parking in connection with the dwelling. The applicant has also confirmed that he intends to request that his yoga class customers park within the application property – something that the applicant has been working closely with his yoga customers to achieve since January 2016. He has suggested that, in recent months, he has achieved approximately 80% of his customers parking on the private driveway as opposed to on the public highway.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllrs. Owen Baldock and Vivian Branson in light of the local concerns received.

3. The Site:

- 3.1 The site is located within the confines of Tonbridge in a predominantly residential area to the north east of the town centre. It comprises a large plot with a detached two storey dwelling, set to the rear of dwellings fronting Yardley Park Road.
- 3.2 Access is via a single track driveway running between Nos 33 and 35 Yardley Park Road. This is within the ownership of the application property, but No 35 has a right of access over it to their garage that is located to the rear of their property. To the west of this access there is a further private access way serving Nos 33A and 33B Yardley Park Road, located to the west of the application site.
- 3.3 There is a large area of hardstanding to the front of the dwellinghouse, suitable for the parking of multiple vehicles, with entrance gates enclosing the parking area.

4. Planning History (relevant):

TM/88/10913/OUT Grant with conditions 22 April 1988

Outline application for one dwelling with access and garages.

TM/89/11556/FUL Grant 23 January 1989

Two storey dwelling with access.

TM/03/03351/FL Grant With Conditions 16 March 2004

Conversion of integral double garage to kitchen and construction of replacement detached double garage

TM/05/03550/FL Grant With Conditions 11 January 2006

Single storey garage and utility room extension with new stair access to bedroom and bathroom in attic space, conservatory and new entrance porch

TM/14/03533/FL Approved 26 January 2015

Change of use from use class C3 (residential) to mixed use C3 (residential) and D2 (yoga studio)

5. Consultees:

5.1 KCC (H+T): The proposals are not considered to result in a significant increase in traffic and adequate parking provision is provided within the site. For these reasons, raise no objection subject to the provision and permanent retention of vehicle parking spaces and turning facilities shown on the submitted plans prior to the use of the site commencing.

5.2 Private Reps: (12 + site notice: 0X/8R/0S). 8 individual representations have been received from 5 surrounding residential properties. The key points of objection are as follows:

- Excessive traffic volumes and obstructions caused by car parking by the clients of the yoga studio business on Yardley Park Road, creating inconvenience and danger to local residents and other road users;
- Existing yoga clients do not park within the application site but instead park inconsiderately within Yardley Park Road;
- Extending the opening hours (into the evening) will only exacerbate problems with parking;
- Concerns with the permanent establishment of a commercial business within a residential area. This also sets a precedent for other business-type activities within residential properties;
- There must be a lot of available D2 space in and around Tonbridge that could accommodate this type of facility – this would have better parking, facilities and transport links;
- Concerns with the narrow (shared) approach to the application property and lack of practical parking spaces in front of it;

- Express concerns about future permitted development rights associated with the development;
- Concerns raised about the vulnerability of the public sewer located almost immediately beneath the driveway if traffic over the access road were to increase in volume and/or weight;
- White lines should be placed at the entrance to neighbouring residential dwellings (fronting onto Yardley Park Road) to deter inconsiderate parking, and in turn reduce the risk of future accidents; and
- There is a restrictive covenant on the property that prevents trade or business being carried out from the site.

6. Determining Issues:

- 6.1 Firstly, this application follows an earlier (1 year) temporary permission granted to the applicant to offer yoga classes from a studio within his dwellinghouse (TM/14/03533/FL). It is understood that yoga classes have been held by the applicant from the property since late January 2015, with an intensity of somewhere in the region of 1-2 yoga classes per weekday and on a Saturday morning. Records indicate that this level of activity has not resulted in any complaints to the Council to date.
- 6.2 TMBCS Policy CP24 sets out general criteria for all new development, including a provision that development must respect the site and its surroundings, and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by MDE DPD Policy SQ1 which states that all new development proposals should protect, conserve and where possible enhance the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views. A change of use application such as this would need to be considered against these principles.
- 6.3 The key issues for consideration in the determination of this application are the impact on the character of the area by way of the increased activity, and associated noise and traffic movements and how these impact on the amenities of neighbouring householders.
- 6.4 With regard to the principle of this continued change of use, it would not result in the loss of a residential unit. The resulting use would be a mixed residential and yoga studio use and, as was the case with the earlier temporary permission, the loss of one bedroom space within the property would not affect the residential use of the dwelling. I am satisfied that the two uses could not be operated as independent units in the future, ensuring that the property remains as one planning unit.

- 6.5 The applicant has submitted a parking plan which demonstrates that up to 6 yoga students' cars could be parked on the large area of hardstanding to the front of the property, whilst a further 2 spaces would be available within the integral garage for use in connection with the main residential dwelling. I consider that the submitted parking layout would not be practical in reality as it would involve tandem parking and cars blocking each other in with little room to manoeuvre; however, the applicant has provided photographs showing multiple vehicles parked within this area. The informal parking layout does rely on a high degree of cooperation by yoga students when entering, exiting and manoeuvring within the site. That said, there is nevertheless sufficient space within the site for the residents of the dwelling and a number of yoga customers to park on site. It must also be noted that there are no yellow lines or other parking restrictions on the main Yardley Park Road and therefore yoga customers would be within their rights to park on the main road as an alternative to driving down the applicant's access drive to spaces in front of the dwelling. This is, of course, no different to any other vehicles which are able to park legally in Yardley Park Road with no restriction.
- 6.6 KCC (H+T) has confirmed it has no objections to the proposed arrangements on site or the potential for increased on street parking as a result of the continued yoga use. Whilst I note the highway safety concerns expressed by residents, based on the intensity of the proposed use and the views of the Highway Authority, together with the current parking situation within Yardley Park Road, I do not consider there to be an unacceptable highway impact that could be sufficient to recommend refusal of this continued yoga studio use in this location. In reaching this decision, I am mindful of the advice contained in paragraph 32 of the NPPF whereby development proposals should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe [*my emphasis added*].
- 6.7 The continued use of the yoga studio itself would not create any unacceptable noise or disturbance to neighbouring properties, as I note that yoga is inherently not a noisy activity. It is also understood that there have been no complaints (in noise or disturbance terms) to the Council during the preceding 12 months that the applicant has been operating his yoga studio use from his property. The activity associated with the yoga studio however, such as the arrival and exiting of customers, could have an impact on surrounding residential properties, and therefore consideration must be given to the acceptability of the proposed extension to previous operating hours to include weekday events until 21:00 hours.
- 6.8 The yoga classes could accommodate a maximum of 6 students at any one time, but there would be a number of classes throughout the day. In my view, the level of activity generated by the continued running of yoga classes from the property would not be so harmful as to justify a refusal of permission on the grounds of harm to amenity. I am mindful that during the preceding 12 months there have been no complaints to the Council relating to noise or disturbance matters arising

from yoga classes, and I have no reason to conclude that extending the yoga class times to include weekday evenings (up until 21:00 hours) would result in such significant harm to surrounding residential amenity as to justify the refusal of permission in this instance.

- 6.9 Being mindful that this is a residential neighbourhood, and taking into account the proposed extended operational times during weekday evenings, I consider it to be reasonable to recommend that a further 12 month temporary permission be given so as to allow the opportunity to review the situation in respect of extended opening times in a further 12 months' time. In my view this is an entirely reasonable approach, given the fairly unique set of circumstances that exist in this particular case. Moreover, whilst the NPPG states that it will rarely be justifiable to grant a second temporary permission, in these specific circumstances where the operational parameters (i.e. the proposed hours of use) are being changed, it is reasonable to allow a further temporary "trial run" period.
- 6.10 Similar to the approach taken with the earlier temporary permission, it would also be entirely reasonable and necessary in this case to make any grant of permission personal to the applicant (Mr Guy Edwards). By doing so, this would enable the Planning Authority to safeguard its position in respect of the non-residential use of the site should the site be disposed of by the applicant at any point in the future.
- 6.11 The grant of permission for continued yoga classes from the property would not set any precedent for other business uses in nearby residential properties as each case would need to be assessed on its own merits. As with the earlier temporary permission, it is considered necessary to limit the use of the studio room within the property for solely yoga activities and no other planning uses within the wider D2 (assembly and leisure) use class.
- 6.12 Any obstruction to the vehicular access to the site from service vehicles, concerns surrounding the deterioration of the private access road, or restrictive covenants on the property preventing business use, would all be civil matters and not material planning considerations that could affect the determination of this application. The applicant has also confirmed that he owns the private driveway to No. 35A from Yardley Park Road as this ownership had been questioned; although it is noted that the owners of No. 35 have a right of way over this driveway (to access their garage).
- 6.13 It has been suggested that the Council should give consideration to white lining outside nearby residents' driveways to deter inconsiderate parking and, in turn, reduce the risk of potential future accidents. As concluded in paragraph 6.6 above, there is no severe highway impact that could justify the refusal of planning permission for these proposals. Furthermore, it would not be possible for the Planning Authority to secure white lining, or indeed other forms of parking controls, within this locality as a result of this minor development proposal.

6.14 In conclusion, I am satisfied that the continued use of the yoga studio would not give rise to an unacceptable highway safety or parking impact, and that it would be reasonable in these circumstances to impose a further temporary 12 month temporary permission on the basis of the extended yoga class times during weekday evenings.

6.15 On this basis, together with the imposition of a number of other operational controls as included on the earlier temporary permission, I consider the proposals to be acceptable and I therefore recommend accordingly.

7. Recommendation:

7.1 **Grant Temporary Planning Permission** in accordance with the following submitted details: Certificate A dated 04.12.2015, Letter dated 01.12.2015, Planning Statement dated 01.12.2015, Location Plan dated 01.12.2015, Site Plan Parking dated 01.12.2015, Proposed Floor Plans dated 01.12.2015, Supporting Information dated 01.12.2015, subject to the following conditions:

Conditions

1. The D2 Yoga Studio use hereby permitted shall be discontinued on or before 1 March 2017.

Reason: In the interests of amenity.

2. The premises shall be used for a mixed residential and yoga studio use only and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes Order 1987), or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order.

Reason: In the interests of neighbouring amenity.

3. The use hereby permitted shall be carried on only by Mr. Guy Edwards.

Reason: To prevent any use independent from the main dwelling in the interests of neighbouring amenity.

4. The Yoga Studio use hereby permitted shall be limited to a maximum of 6 students per class.

Reason: In the interests of neighbouring amenity.

5. The D2 Yoga Studio use shall not be carried on outside the hours of 09:00 to 21:00 hours Monday to Friday and 09:00 to 13:00 hours Saturday with no working on Sundays, Public or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring amenity.

6. The area shown on the submitted layout as vehicle parking spaces shall be retained. Thereafter they 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 2015 (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 the provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

Informative

1. The applicant is strongly encouraged to ask his yoga clients to ensure they park in a sensible and sensitive manner within the site, so as to minimise disturbance and inconvenience for neighbouring residential properties.

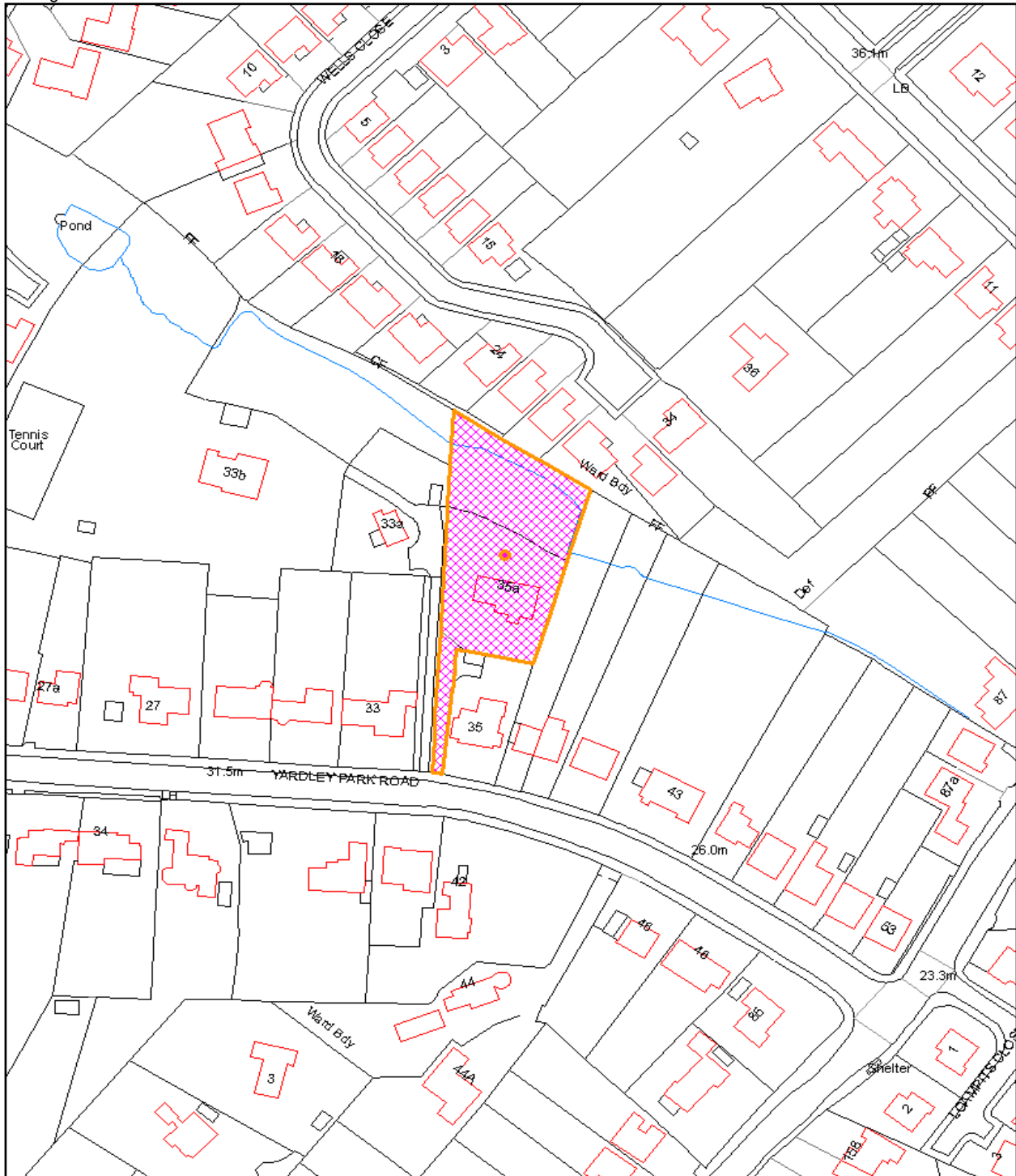
Contact: Julian Moat

TM/15/03844/FL

35A Yardley Park Road Tonbridge Kent TN9 1NB

Permanent change of use from use Class C3 (residential) to mixed use C3 (residential) and D2 (yoga studio)

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Agenda Item 8

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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