

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
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11 June 2014

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, 19th June, 2014 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

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2. Declarations of Interest

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To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 15 May 2014

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10. 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.

Matters for consideration in Private

11. Exclusion of Press and Public

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

12. 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 Ms V M C Branson (Vice-Chairman)

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

Cllr Miss J R L Elks
Cllr Mrs M F Heslop
Cllr N J Heslop
Cllr M R Rhodes
Cllr Miss J L Sergison
Cllr C P Smith
Cllr Ms S V Spence
Cllr D J Trice

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 15th May, 2014

Present: Cllr R D Lancaster (Chairman), Cllr Ms V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Ms J A Atkinson, Cllr O C Baldock, Cllr Mrs P Bates, Cllr P F Bolt, Cllr D J Cure, Cllr M O Davis, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Ms S V Spence and Cllr D J Trice

Councillor Mrs S Murray was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors A W Allison, T Edmondston-Low and Miss J R L Elks

PART 1 - PUBLIC

AP1 14/16 DECLARATIONS OF INTEREST

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

AP1 14/17 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 3 April 2014 be approved as a correct record and signed by the Chairman.

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

AP1 14/18 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, 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 14/19 TM/13/03930/FL - 46 RIDING PARK, HILDENBOROUGH

Shed to house a mobility scooter in front garden at 46 Riding Park, Hildenborough.

RESOLVED: That the application be

DEFERRED to allow for discussions to take place into potential alternative solutions in liaison with the landlord of the property.

[Speakers: Mr M Dobson (on behalf of Hildenborough Parish Council); Mrs M Coles – member of the public and Mrs S Beevis – Applicant]

AP1 14/20 TM/14/00655/FL - WOODGATE RESIDENTIAL CARE HOME AND ADJACENT LAND, TUDELEY LANE, TONBRIDGE

Hybrid Application: Development of site involving (A) Detailed Planning Permission for erection of a new replacement care home (Use Class C2) comprising 101 resident bedrooms, ancillary accommodation, communal facilities and gardens, and car parking; a new link road connecting the vehicular access from Tudeley Lane to the new replacement care home; creation of an acoustic fence along the boundary with the A26 Woodgate Way; and phased demolition of the existing Woodgate Care Home following the commencement of operations at the new replacement care home. (B) Outline Permission for the erection of extra care apartments comprising self-contained apartments, communal facilities and gardens, and car parking at Woodgate Residential Care Home and Adjacent Land, Tudeley Lane, Tonbridge.

RESOLVED: That the application be

APPROVED in accordance with the submitted details set out in the main and supplementary reports of the Director of Planning, Housing and Environmental Health subject to referral of the application to the Secretary of State and to

(1) the amendment of Condition 20 to read:-

20. The details submitted in pursuance to Condition 18 shall be accompanied by a scheme for the provision of affordable housing which demonstrates the provision and retention of no less than 40% of the extra care apartments for Affordable Rent. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annexe 2 of the National Planning Policy Framework or any future guidance that replaces it.

Reason: To comply with the requirements of policy CP17 of the Tonbridge and Malling Borough Council Core Strategy 2007 and the National Planning Policy Framework 2012 (paragraph 50).

and (2) the addition of Condition 22:-

22. The development hereby approved in respect of Area 2, cross hatched on plan number A-607 04 Rev, shall not commence until a scheme for the provision of pedestrian infrastructure improvements to provide a connection between the site access at road level and the elevated pedestrian route on the northern side of Tudeley Lane has been submitted to and approved by the Local Planning Authority. The occupation of the development on Area 2 shall not take place until those works have been completed in accordance with the approved scheme.
Reason: In the interests of highway and pedestrian safety.

MATTERS FOR CONSIDERATION IN PRIVATE

AP1 14/21 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.30 pm

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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 16 August 2013

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CBCO	Chief Building Control Officer
CEHO	Chief Environmental Health Officer

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

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

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

Hadlow (Hadlow) **562446 149512** **26 March 2014** **TM/14/01114/FL**
Hadlow, Mereworth And
West Peckham

Proposal: Demolition of two existing College buildings and construction of one additional temporary building to be used in connection with the Free School; enlargement of existing car park; variation of condition 1 of planning permission TM/13/01705/FL to allow temporary Free School to continue until 30.09.2015; plus variations of conditions 3 and 5 of planning permission TM/07/00482/FL to revise the approved parking layout and landscaping scheme respectively in connection with the adjoining animal management unit.

Location: Faulkners Farm Ashes Lane Hadlow Tonbridge Kent TN11 9QU

Applicant: Hadlow College

1. Description:

- 1.1 Planning permission is sought for the continued use of the temporary free school until the end of September 2015 (a further academic year). The condition imposed on the previous planning permission (TM/13/01705/FL) required the use to cease and the land to be restored to its former condition by 30 September 2014 but that will not be possible due to delays in respect of the permanent school coming forward. These circumstances are discussed in detail later in this report, at paragraph 6.13, but Members will recall that a resolution to grant planning permission for the permanent school on the sports pitches at the main College campus was made by the Area 1 Planning Committee in April. Following a subsequent referral to the Secretary of State, planning permission has now formally been granted. It is my understanding that the College intends to implement the planning permission in order for the permanent school to be operational by the start of the 2015 academic year.
- 1.2 In addition to continuing to provide for pupils already attending the school during the 2013/14 academic year, the current proposal involves providing accommodation for an intake of two additional year streams. On this basis, the use of the site for a further year will increase pupil numbers to a total of 160 (maximum), with 15 members of staff. Information provided indicates that 149 pupils are already on the roll for September 2014, with 60 in Year 7, 56 in Year 8 (currently attending the school as Year 7), 15 in Year 10 (currently attending the school as Year 9) and 18 in Year 11. I understand that at capacity the school could accommodate up to 160 pupils. The existing planning permission allows for a maximum of 80 pupils, with 7 members of staff.
- 1.3 Associated with the increased intake described above, the application also proposes the demolition of two existing college buildings; a goat store and a classroom building historically used in connection with the College. The area

where the goat store is currently located is proposed to accommodate additional external play space to serve the school, with the existing classroom building to be replaced by a further temporary building to be used in connection with the Free School. The new building is proposed to accommodate two classrooms either side of a central lobby, each served by an individual store room. This building would be of an appearance and scale similar to the existing temporary building which was approved last year and has served the first intake of pupils here.

- 1.4 The staff car park is proposed to be enlarged to provide 15 spaces in total. This is to be marked out by planings to match the existing parking and turning area. Soft landscaping is also proposed to be introduced along the northern boundary of the car park.
- 1.5 This submission also proposes to regularise certain aspects concerning the existing Animal Management Unit (AMU) which is operated as part of Hadlow College through the submission of plans indicating revisions to the parking layout and scheme of landscaping serving the AMU itself. The parking layout and planting scheme as they stand do not accord with the approved plans for the AMU and this matter has been the subject of ongoing Enforcement investigations.

2. Reason for reporting to Committee:

- 2.1 Significant local interest.

3. The Site:

- 3.1 Faulkners Farm currently accommodates the Hadlow College AMU, a lambing shed, various outdoor animal enclosures, an atrium and other outbuildings in addition to additional teaching accommodation used by the College.
- 3.2 The existing temporary school operates out of two, single storey timber clad buildings at the northern end of the site which are connected by a covered walkway.
- 3.3 Faulkners Farmhouse belongs to Hadlow College but is privately let for office use.
- 3.4 Immediately adjacent to Faulkners Farm are four maisonettes (let to Hadlow College staff) and two privately owned semi-detached cottages (3 and 4 Faulkners Farm Cottages).
- 3.5 The Hadlow Grill restaurant (previously known as the Spice Lounge and before that the Rose Revived Public House) is located on the opposite side of Ashes Lane (to the west of the application site) and is a Grade II listed building. Old Chegs (also Grade II Listed) is located some distance to the north of Faulkners Farm. To the south lies The Ashes, a detached private dwellinghouse.
- 3.6 Access to the site is taken from Ashes Lane via the A26 to the south. The site currently has a separate 'in/out' access.

TM/13/01705/FL Approved 10 October 2013

Demolition of existing stores; external alterations to existing classroom building; provision of a new temporary building; play area; perimeter fence; associated parking and pedestrian path to form a Free School for a temporary period

TM/13/03536/FL Approved 1 April 2014

Removal of condition 3 (details of footpath) and variation of condition 7 (pupil numbers) to planning permission TM/13/01705/FL (Demolition of existing stores; external alterations to existing classroom building; provision of a new temporary building; play area; perimeter fence; associated parking and pedestrian path to form a Free School for a temporary period)

TM/13/03480/RD Approved 31 March 2014

Details of the materials for the surfacing of the parking areas and associated hard standings and a Travel Plan submitted pursuant to conditions 10 and 11 of planning permission TM/13/01705/FL

5. Consultees:

- 5.1 PC: Object. Reiterate original objections.
- 5.2 KCC (Highways): I note it is intended to run the temporary school for one year and that it is hoped to be able to occupy the permanent school after that. I also note the current success of the mini-bus service provided by the temporary school and the Transport Assessment which has extrapolated the existing modal split onto the proposed school expansion to 160 pupils. The Transport Assessment describes the expected operation of staff movements and parking, parent or guardian picking up and dropping off by car, walking access and public transport and mini-bus use.
 - 5.2.1 The biggest increase in use will be by mini-bus and I note on the school website that details of five routes to the school from Barming, Tonbridge, Kings Hill, Maidstone and East Peckham are given. One thing which I think is missing from the TA is confirmation of the anticipated future operation of the school bus services to accommodate the envisaged use by 120 pupils i.e. will extra buses be required? Will management of the bus services within the school site need to be modified? Is it expected that routes may need to be modified and/or extended?
- 5.3 Kent Fire & Rescue: Means of access is considered satisfactory.
- 5.4 EA: No comments to make.
- 5.5 NE: No comments to make.

5.6 KCC PROW: No public rights of way seem to be affected.

5.7 UMIDB: No comments to make.

5.8 Private Reps: 96 + Site + Press Notice/0X/11R/0S. Objections centre on the following grounds:

- Serious concerns over pupil safety and impact on residential amenity – this is why the permanent school was moved;
- Temporary school was only granted retrospective permission on a temporary basis because it was seen as unfair to disrupt the education of pupils already in attendance;
- Further extensions will do nothing to address the lack of safety controls in adjoining roads;
- Safety and pupil well-being is clearly an afterthought for the College;
- Loss of privacy;
- Increased noise levels;
- Young people are receiving education in cramped temporary conditions with little facilities;
- The more permission TMBC gives on a temporary basis, the less urgency there is for the College to supply the permanent school as promised;
- Could Hadlow College not use some of the facilities at K College on a temporary basis now that they are responsible for running that too;
- Large increase in pupil and staff numbers;
- Disappointing that the College took so long to come up with the alternative site for the permanent school which is why this application is needed;
- No guarantee that the permanent school will be brought forward by the College;
- Temporary school has already completely changed the rural character of the area;
- Request that Officers and local Councillors take the opportunity to stand in neighbouring gardens to experience the disturbance for themselves;
- New play area to the west is not clearly identified on the plans but is likely to give rise to further noise and disturbance;

- Inappropriate development in the Green Belt;
- Highway safety concerns arising from the intensification of the use, particularly given that there remains no guarantee that the new permanent school will be built;
- What does the Council consider to be a reasonable period of time to allow the school to operate out of Faulkners Farm?

6. Determining Issues:

6.1 The site lies within the Metropolitan Green Belt, outside the defined settlement confines of Hadlow. The NPPF sets out the national planning policy for Green Belt land. The NPPF states that new buildings within the Green Belt are considered to be inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. There are however specific exceptions to this, the most pertinent to this proposal being:

- *“The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; or*
- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development,”*

6.2 NPPF Green Belt policy is supported by policy CP3 of the TMBCS.

6.3 The proposed building has an overall footprint of 156 sq m and is to be sited in place of an existing classroom building historically connected to the educational function of the College. The existing building has a footprint of approximately 120 sq m meaning that although in the same use (in terms of the Planning Acts) as the existing building, its proposed replacement would be materially larger meaning that in the strictest of policy terms the proposed development insofar as it relates to the construction of the new classroom building constitutes inappropriate development by definition. The NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt”* and such development should not be approved, except in very special circumstances. In view of the presumption against inappropriate development, substantial weight is attached to the harm to the Green Belt when considering any planning application concerning such inappropriate development. NPPF reads, at paragraph 88, *“When considering any planning application, local planning authorities should ensure that substantial weight is given to the harm to the Green Belt. ‘Very special circumstances’ will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”* It is therefore necessary to consider whether the development causes any other harm beyond that caused by virtue of

its inappropriateness and, having done so, whether there are any other considerations relevant to the overall balance that demonstrates very special circumstances.

- 6.4 In this respect, it should be remembered that a further building is proposed to be demolished as part of this proposal and whilst the relevant policy framework does not make any direct provision for offsetting built form or footprint from outbuildings to allow for a larger single structure to replace them, it is still important to establish what material impact the scheme, taken as a whole, may have on the openness of the Green Belt in reality. In this respect, when taken cumulatively there would be a net reduction in footprint between the existing and proposed arrangements.
- 6.5 It is also important to make the distinction between the harm caused to the Green Belt by virtue of the inappropriateness of the development and the material physical harm 'on the ground'. In this respect, I consider that the impact on the open visual character of the Green Belt at this point would be negligible when considering the far more substantial buildings located in close proximity. The new building would be seen very much within the context of the group of existing buildings within the Faulkners Farm complex by virtue of its particular siting. Furthermore, the physical scale of the building is such that, rather than being at odds with this established development, it would be seen very much as a subservient structure.
- 6.6 The Planning for Schools Development Policy Statement (DCLG - August 2011) is also relevant, stating that:

"...We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.***
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.***

- **Local authorities should make full use of their planning powers to support state-funded schools applications.** This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.

- **Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.** Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.

- **Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible,** and in particular be proportionate in the information sought from applicants. For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider's application to the Department for Education to help limit additional information requirements.

- **A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority.** Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.

- **Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.** Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.

- **Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.**

This statement applies to both change of use development and operational development necessary to the operational needs of the school...

6.7 As with the consideration of the previous applications – both for the temporary school at Faulkners Farm and the permanent facility – there is a strong Government presumption in favour of school development as a *matter of principle* and the question that must therefore be addressed in terms of this new-build work is whether its status as “inappropriate development” is overridden by the strong presumption in Government policy in favour of new state schooling. As with

application TM/13/01705/FL, that judgement needs to be undertaken in the context of the proposal being for limited life, albeit for a prolonged period than originally anticipated.

- 6.8 I consider that the very limited physical impact of the new build element of the proposal, combined with the continuing strong impetus in favour of encouraging schools development, amounts to very special circumstances which outweighs the degree of harm caused to the Green Belt by virtue of its inappropriate nature.
- 6.9 It is also necessary to assess the proposed development in all other respects, particularly its detailed design, impact on residential amenities and implications regarding highway safety. In these respects, the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development and is indivisible from good planning (paragraph 56). It also stresses the need for development to respond positively to local character, reflecting the identity of local surroundings whilst not discouraging appropriate innovation (paragraph 58).
- 6.10 Furthermore, policy CP24 of the TMBCS requires 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 policy SQ1 of the MDEDPD (2010) which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
 - the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.11 Dealing firstly with the *physical* impacts of the proposed building, I consider that its specific design, scale and relationship with the nearest neighbours would ensure the visual amenities of the area and the residential amenities of those nearest neighbours would not be adversely affected, especially given the context of the current group of buildings. The new building would be of such a scale that it would not harm the visual amenities of the site and its surroundings.
- 6.12 Although I accept that the impacts on the site and its surroundings arising from the physical changes to the site are minimal, there is a general concern amongst local residents that this application seeking continued (and augmented) school activities on this site for a further year is the first in what could be a series of incremental steps to establish a more permanent arrangement at Faulkners Farm rather than implementing the recently granted planning permission for the development of the proposed long-term facility on the site of the existing sports pitches. Residents are also extremely concerned that the intensified use of the site by the school would have a detrimental impact on highway safety and cause an increase in general levels of noise and disturbance.

- 6.13 As I explained in Section 1 of this report, I understand that the College is seeking to progress with the commencement of the development of the permanent school at the earliest opportunity (August 2014) in order for the school to be operational by the start of the academic year in September 2015. I have no reason to doubt the intentions of the College in this respect and have been advised of the programme devised in order to ensure this target is achievable. Members can be assured that officers will do all that they can to assist the success of that programme.
- 6.14 The National Planning Practice Guidance (NPPG) advises that circumstances where a temporary planning permission may be appropriate include where it is expected that the planning circumstances will change in a particular way at the end of that period. It goes on to advise that it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so.
- 6.15 When considering the broader context that lies behind the bringing forward of this second application seeking a temporary planning permission, and given the specific nature of the use involved, there is a very delicate balance of issues that must be considered. It is my view that it would be unreasonable to suggest that planning permission be refused for a second temporary period in the knowledge that the permanent solution is being brought forward as a priority by the College. Instead, this should be one of those rare occasions where the concept of second temporary planning permission as *a matter of principle* could be accepted.
- 6.16 Notwithstanding the acceptance in principle that a second temporary planning permission *could* be appropriate in light of this set of circumstances, it is still necessary to make a thorough assessment of the nature and local impact of the use, particularly given its intensified nature, in order to establish whether a second temporary permission *should* be granted.
- 6.17 The latest submission explains that, as per the current arrangement, a parent car drop off area will be provided to the west of the existing lambing shed and to the east of the cottages fronting Ashes Lane. Pupils will then walk from their parents' car to the temporary school buildings via a footway to the west of the existing lambing shed. It goes on to explain that the bus drop off point will continue to be provided adjacent to the existing lambing shed. Pupils walking from off-site locations will do so via the existing walking bus service which routes via the main college site in the east.
- 6.18 In response to the original representations made by KCC Highways (reproduced at Section 4 of this report), the planning agent has advised that there is likelihood, based on calculations, that approximately four or five extra minibus journeys may take place in the peak periods. I understand that the College has the relevant resources to provide for these extra journeys. The agent submits that the site as

existing has sufficient capacity to accommodate these extra vehicles without causing any hazards to highway safety (for example by cars/buses queuing on Ashes Lane).

- 6.19 At this time, the exact locations to be served by mini-buses are unknown and I understand that this will only become clear nearer to the start of the academic year. The agent states that the College will amend and adjust the bus services to provide a level of provision which is compatible with the current situation.
- 6.20 With the above in mind, and given the representations made by KCC Highways, it is my view that the increased numbers of pupils arising from the use of Faulkners Farm for a second academic year would not cause any detriment to highway safety that would justify a refusal of planning permission. I would, however, suggest that certain conditions be imposed requiring that a further travel plan and a scheme for the management of the car and bus drop off/pick up areas both be submitted for formal approval. This will afford a greater level of control over the site for the coming period and will ensure that the school carefully considers management of vehicle and pupil movements.
- 6.21 Understandably, the local residents are concerned by a further intake of pupils, the increased number of staff and the associated levels of activity arising from the site, in respect of noise and disturbance. In their latest representations, neighbours have claimed to have experienced considerable disturbance arising from the use since the school started operating from Faulkners Farm in September 2013. However, I understand that no complaints have been received formally through the Council's Environmental Health channels. Furthermore, the only matter investigated by Planning Enforcement since commencement of the use related to the installation of some external lighting on the building. The school quickly removed the lights when they were advised the installation breached the terms of the planning permission.
- 6.22 In considering the above, Members should be mindful that in theory the existing temporary building could be removed and the land restored to its former use in accordance with the conditions on the current planning permission and therefore the College could transfer its own operations to the existing complex of College buildings at Faulkners Farm, for an indefinite period of time, without requiring any further formal approval. This would give rise to an uncontrolled and therefore potentially far more intensive use. The existing classroom and related provision at Faulkners Farm is already extensive and is contained within the AMU building as a lecture hall along with a series of teaching spaces and seminar rooms. There is clearly a large student body which attends this set of facilities during the academic day. In contrast the temporary school identifies a limited, predetermined number of pupils registered to attend the School.

- 6.23 With these factors in mind, it is my view that the continued use as proposed would not cause such harm to amenity that would justify refusal on such grounds. In reality, this will largely be dependent upon appropriate management of the use by the school. Again, I consider that the conditions requiring a travel plan and a scheme for the management of the drop off/pick up areas would ensure the school operates in a suitably neighbourly fashion.
- 6.24 Turning lastly to the outstanding matters relating to the AMU itself (parking layout and landscaping), I understand that these aspects of the scheme could not be undertaken in accordance with the previously approved plans associated with the planning permission for the Animal Management Unit because it transpired that part of the land in question did not fall within the ownership of the College. This application seeks to regularise the position with regard to the provision of landscaping and parking within the land available to the College. It is my view that the proposed landscaping, which involves the planting of native species at certain points along the site boundary is wholly appropriate in this location. I would suggest that any additional planting within the main body of the site, particularly amongst the car parking spaces themselves, would be impractical. The parking layout shown is also acceptable in terms of the number and configuration of spaces. To avoid any unnecessary delay in these aspects coming forward, I would suggest that a condition be imposed requiring implementation during the first planting season following the grant of planning permission.
- 6.25 In light of all the above considerations, I consider that the strong national policy support for new state schools, the key benefits of co-location in relation to land based studies, the limited transport impacts *of this particular scale of development* and the limited visual impact *of the new development* constitute in combination *very special circumstances* such that I am able recommend that temporary planning permission be granted subject to the conditions discussed in the preceding assessment.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following details: Letter dated 25.03.2014, Design and Access Statement dated 25.03.2014, Planning Statement dated 25.03.2014, Report Temporary Access dated 25.03.2014, Existing Site Layout DHA/10125/02 dated 25.03.2014, Proposed Layout DHA/10125/03 dated 25.03.2014, Site Plan DHA/10125/01 dated 25.03.2014, Proposed Plans and Elevations HD/925401 dated 25.03.2014, Landscape Layout JEC/364/01 dated 17.04.2014, Email dated 17.04.2014, Email dated 16.05.2014, Email dated 21.05.2014, subject to the following:

Conditions:

- 1 The temporary school use hereby permitted shall be discontinued and the land restored to its former use on or before 30 September 2015 or at the opening of any permanent school at Hadlow College whichever is the earlier.

Reason: In the interests of preserving the open nature and function of the Metropolitan Green Belt.

- 2 The development hereby approved shall be used solely as a Secondary School providing a land-based curriculum in association with the facilities available at Hadlow College.

Reason: To enable the Local Planning Authority to regulate and control the future use of the site in the interests of preserving the open nature and function of the Metropolitan Green Belt and in the interests of highway safety.

- 3 No external lighting shall be installed in connection with the buildings, car park or associated areas until such 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.

Reason: To ensure that the development does not harm the character and visual amenity of this rural locality and in the interests of residential amenity.

- 4 The use of the site for the second year's intake of pupils in connection with the Hadlow Community Free School shall not be commenced and the new classroom building identified on plan number DHA/1025/03 shall not be occupied, until the area shown on the submitted layout as staff parking spaces has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

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

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 6 The number of pupils shall not exceed that set out in the Design and Access Statement.

Reason: In the interests of pedestrian and traffic safety and residential amenity.

- 7 The materials used for the surfacing of the staff parking area shall accord with the details approved under planning reference TM/13/03480/RD.

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

- 8 The use of the site for the second year's intake of pupils in connection with the Hadlow Community Free School shall not be commenced and the new classroom building identified on plan number DHA/1025/03 shall not be occupied, until a Travel Plan covering both staff and pupils has been submitted to and approved by the Local Planning Authority for formal approval. Thereafter, the Travel Plan shall be implemented and monitored to ensure strict compliance with the approved scheme.

Reason: In the interests of highway, pupil safety and residential amenity.

- 9 The use of the site for the second year's intake of pupils in connection with the Hadlow Community Free School shall not be commenced and the new classroom building identified on plan number DHA/1025/03 shall not be occupied, until a scheme for the management of both private cars and school buses using the bus/car drop off and circulation areas as identified on plan number DHA/10125/03 hereby approved has been submitted to and approved in writing by the Local Planning Authority. The use of these areas shall be carried out strictly in accordance with the approved scheme at all times thereafter.

Reason: In the interests of highway safety and residential amenity.

- 10 The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following the date of this permission. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.

- 11 The parking provision to serve the Animal Management Unit identified on plan number DHA/10125/03 shall be provided, laid out, surfaced and drained within three months of the date of this permission. Thereafter it shall be kept available for use in connection with the Animal Management Unit and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

Informative:

- 1 The applicant is strongly encouraged to continue to take appropriate measures to ensure pupils do not use the bus stops closest to the Ashes Lane junction.

Contact: Emma Keefe

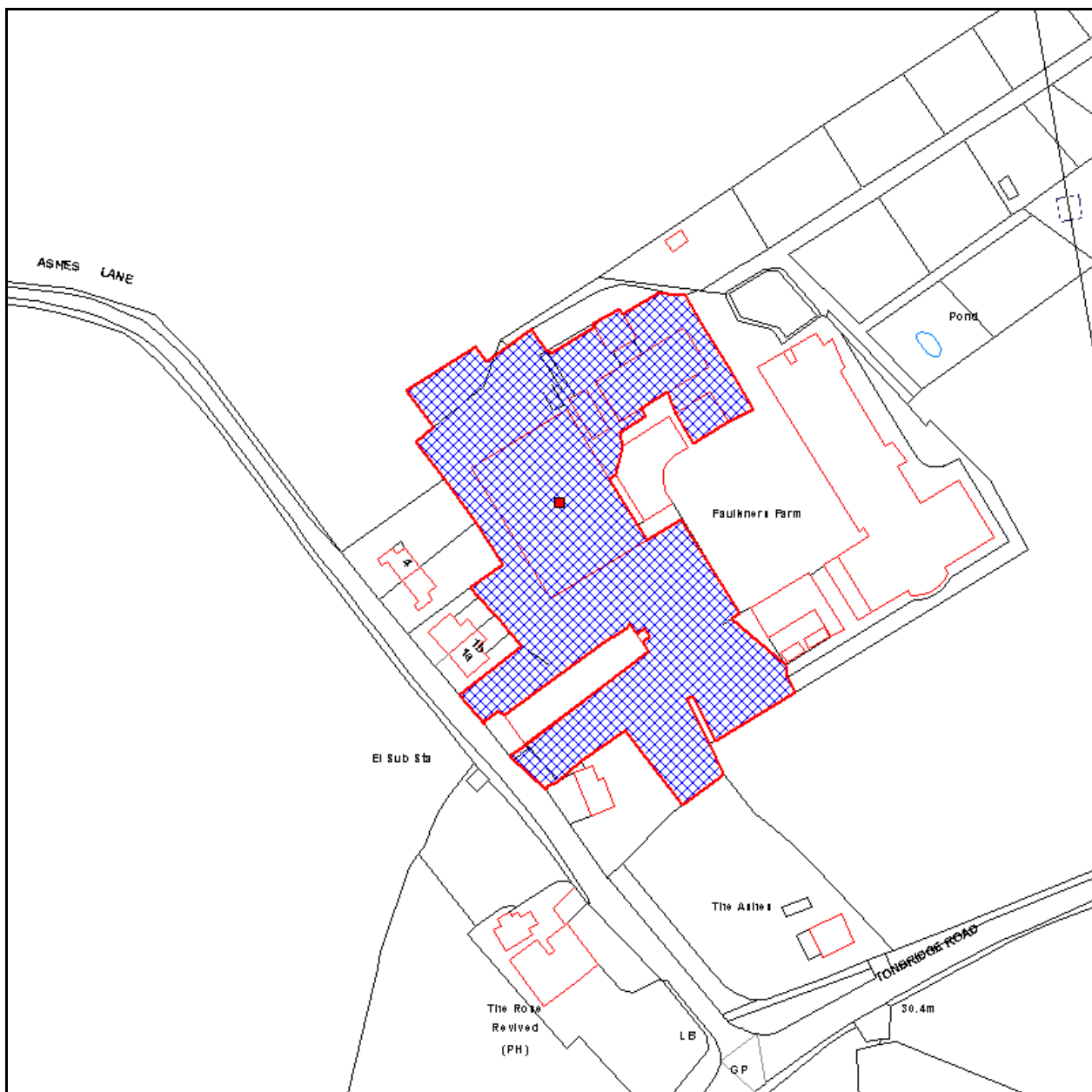
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TM/14/01114/FL

Faulkners Farm Ashes Lane Hadlow Tonbridge Kent TN11 9QU

Demolition of two existing College buildings and construction of one additional temporary building to be used in connection with the Free School; variation of condition 1 of planning permission TM/13/01705/FL to allow temporary Free School to continue until 30.09.2015; plus variations of conditions 3 and 5 of planning permission TM/07/00482/FL to revise the approved parking layout and landscaping scheme respectively in connection with the adjoining animal management unit.

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Tonbridge **559068 145228** **14 February 2014** **TM/14/00575/FL**
Vauxhall

Proposal: New build two storey Sixth Form Centre and associated landscaping on the existing disused outdoor swimming pool site. Demolition of existing changing room block and creation of additional car parking spaces.

Location: Tonbridge Grammar School For Girls Deakin Leas Tonbridge Kent TN9 2JR

Applicant: Tonbridge Grammar School

1. Description:

- 1.1 Permission is being sought to erect a new sixth form building on the site of the existing swimming pool and changing room building. The new building would measure 25.6m in length, 16m in width and would stand 8.8m high at ridge level.
- 1.2 The building would take a simple rectangular form with a shallow pitched roof. The walls of the long sides would be clad externally with zinc panels. The rear (east) elevation would be built externally from red brickwork framed by a zinc coloured surround. The front (west) elevation would be predominantly glazed, but would also contain blank panels. The building would contain aluminium windows and louvres as well as Brises Soleil along the south (flank) elevation.
- 1.3 The building would contain a social/study area, kitchen, changing rooms and W.C's at ground floor area and classrooms, an office and W.C's at first floor level.
- 1.4 The building would be located towards the eastern side of the site, 19m away from the boundary with the new dwellings within Taylor Close.
- 1.5 The proposed elevation drawings show that the rear elevation (brick) would contain vertical cables, up which, Clematis plants would grow.
- 1.6 Two unprotected Oak trees would be removed from site to accommodate the proposed building. It is proposed to plant three new Silver Birch trees to the rear of the building towards the eastern boundary of the school site. A hedge formed from Japanese Quince is also proposed to be grown along the east boundary of the site.
- 1.7 In addition to the existing 70 car parking spaces located at the south west corner of the site, adjacent to the main entrance, 14 further car parking spaces have now been marked out on an area of hardstanding located at the northern end of the site. This area is shown on the submitted site plans. It is also proposed to create 46 new car parking spaces in front of the Hands Building and netball court either side of the internal access road within this site using a grass reinforced plastic mesh. Furthermore, the school is now also proposing to open up the netball courts to provide additional car parking when required to cater for specific events.

1.8 The application has been amended significantly since it was originally submitted and the revisions are documented within section 5 of this report.

2. Reason for reporting to Committee:

2.1 At the request of both of the Ward Councillors and as a result of widespread local interest.

3. The Site:

3.1 The site is located within the urban confines, on the east side of Deakin Leas. The site of the proposed building is located towards the eastern side of the school site, towards the boundary with properties in Taylor Close. The primary means of access to the site is via Deakin Leas, although a secondary access also exists from the south end of Taylor Close.

4. Planning History:

4.1 There is an extensive history relating to the use and development of the school, going back to 1949 and beyond. The following is the most recent and relevant:

TM/94/01182/FL grant with conditions 20 May 1994

Single storey brick construction changing rooms and showers to serve existing school swimming pool

TM/94/01183/RM grant with conditions 19 July 1994

Details of materials pursuant to condition 02 of TM/94/0359FL (being Wealden stock brick and Redland plain brown roof tiles in connection with the Swimming pool changing facilities)

TM/94/01184/FL grant with conditions 16 March 1995

Relocation of existing temporary classroom buildings

TM/94/01185/FL grant with conditions 15 February 1995

Two storey brick construction science and technology block, access roadway and resurfacing and minor enlargement of parking area

TM/95/51703/RD Grant 9 February 1996

details of landscaping pursuant to condition 3 of consent ref: TM/94/51562/FL (two storey science and technology block)

TM/96/01853/FL Grant With Conditions 14 February 1997

alterations to eastern elevation of Mitchener Centre

TM/03/02958/CR3 Grant With Conditions 22 November 2004

Construction of three storey teaching/administration block and ancillary works

TM/07/03231/CR3 Approved 14 November 2007

Details of all materials to be used externally, details of all external lighting, methodology for working in close proximity to trees, details of obscure glass, construction details of the emergency access, details of the levels of the development and details of surface water drainage pursuant to conditions 3, 6, 7, 8, 10, 14 and 17 of planning permission TM/03/02958/CR3: Construction of three storey teaching/administration block and ancillary works

TM/07/03692/CR3 Approved 7 January 2008

Amendments to car parking, drop off, cycle parking and pedestrian circulation pursuant to condition 2 of planning permission TM/03/2958/CR3: Construction of three storey teaching/administration block and ancillary works

TM/07/04067/CR3 Approved 21 December 2007

Details of School Travel Plan submitted pursuant to condition 18 of planning permission TM/03/02958/CR3: Construction of three storey teaching/administration block and ancillary works (KCC ref. TM/03/2958/R18)

TM/07/04081/CR3 Approved 10 January 2008

Landscaping details submitted pursuant to condition 15 of planning consent TM/03/02958/CR3: Construction of three storey teaching/administration block and ancillary works

TM/07/04083/CR3 Approved 13 November 2007

Details of access submitted pursuant to condition 9 of planning permission TM/03/02958/CR3: Construction of three storey teaching/administration block and ancillary works

5. Consultees:

- 5.1 KCC (Highways): It is encouraging to read that the school has heeded local concerns and made a step change in addressing neighbourhood parking and traffic management issues associated with the school through this application. A central part of the amendments is to upgrade on-site parking numbers to be in line with the County's car parking standards for schools, redressing historic shortfalls. The school is also intending to address evening event scenarios with a scheme for temporary parking at these times.
- 5.1.1 The school also recognises the need for management, marshalling and ongoing monitoring to keep abreast and on top of these issues and on behalf of the Highway Authority I confirm that I have no objection to this application.
- 5.1.2 I note the high usage of school buses, public buses and trains submitted in Figure 12.1 of the new Transport Statement and accept the statement in this document that the increases in car journeys are not sufficiently significant to affect the capacity of the local road network, nor warrant under the guidance of the NPPF, objection or recommendation for refusal on highway grounds. The school's commitment to a School Travel Plan is welcomed and I would recommend (with or without this application being approved) that the applicant registers this plan with Kent County Council's School Travel Plan Advisor so that subsequent reviews and any potential future funding opportunities can be prompted. Should this application be approved it is recommended that a review of the School Travel Plan is undertaken within 6 months of occupation for approval by the Local Planning Authority.
- 5.2 Private Reps (including responses to site notices): 70/1X/85S/45R. The comments received objecting to the proposed development do so for the following reasons:
- The proposal will increase the number of pupils resulting in more traffic movements to and from the school.
 - The area already suffers gridlock with difficulties for residents accessing their own properties. The proposed development will make things worse.
 - Emergency services will not be able to travel up or down Deakin Leas.
 - People already block residents' driveways.
 - The proposal will cause additional disruption and disturbance to local residents.
 - The additional sixth former parking will add to the parking burden on local streets.

- The building is unacceptably close to the new dwellings in Taylor Close.
- The commercial use of the new building will cause further parking problems in Deakin Leas.
- Heavy goods vehicles used to build the new building will damage the road.
- The existing car park is over capacity and not available on many occasions.
- The opening of the site for further community use may increase crime and allow access in to the neighbouring gardens.
- Loss of designated open space.
- Overshadowing to the neighbouring residential properties and the open space in Taylor Close.
- Loss of privacy from overlooking.
- The design of the building is not in keeping with surrounding buildings and the materials will resemble an industrial building.
- Noise disturbance generated by the use of the building itself.

5.3 The letters in support of the application appear to have been submitted mainly by parents of pupils attending the school and other interested parties. The main reason for support is that the school needs to enhance its facilities to maintain its excellent level of teaching.

6. Determining Issues:

6.1 Policy CP11 of the TMBCS states that development will be concentrated within urban areas including Tonbridge.

6.2 The playing fields of the school are defined as an open space to which policy OS1 of the MDEDPD applies. This policy states that developments that would result in the loss of, or reduce the recreational, nature conservation, biodiversity, carbon sink, landscape or amenity of existing open spaces will not be permitted unless a replacement site is provided. The site of the application is the school's former swimming pool, (now disused) and the site of the changing rooms serving the pool. The development would not displace the recreational open space currently used within the school's grounds, but would rather make use of an under-used section of the school site. I am satisfied therefore, that the proposal would not conflict with the requirements of policy OS1 and is acceptable in terms of its principle.

- 6.3 The main issues that concern local residents relate to additional disturbance/disruption arising from the use of the proposed building, and its physical impact upon neighbouring residential properties.
- 6.4 Policy CP1 of the TMBCS states that the need for development will be balanced against the need to protect the built environment. It also states that when determining applications residential amenity will be preserved.
- 6.5 Policy CP24 of the TMBCS requires all developments to be well designed and that they must through scale, siting, character and appearance be designed to respect the site and its surroundings.
- 6.6 The proposal would be a significant addition of built form within this site. It would measure over 25m in length, 16m in width and stand 8.8 m high. However, the building would be smaller than some of the existing buildings within this site (such as the Hands Building) and it would not be out of scale with the complex of buildings within this site. The position of the proposed building has been amended since the application was submitted. As originally proposed, the building would have been positioned less than 9m away from the boundary with the dwellings within Taylor Close. Following discussions with the applicant, the position of the proposed building has now shifted westwards and would be 19m away from the boundary of these nearest residential properties. The rear elevation has also been amended to now be of brick construction rather than clad with zinc panels as was previously proposed. The rear elevation would also have Clematis plants growing up cables affixed to this wall and three Silver Birch trees would be planted in a row between the new building and the boundary with Taylor Close. These soft landscaping proposals, coupled with the revised position of the building and the use of brickwork for the rear wall would result in the building not appearing unduly overbearing when viewed from the neighbouring properties within Taylor Close.
- 6.7 I am also satisfied that in its current position within the site, the proposed building would not cause an unacceptable loss of light to the neighbouring residential properties either. A concern has been expressed that the windows located within the north and south elevations of the building would cause a loss of privacy to the adjacent residential properties in Taylor Close. However, due to the orientation of the windows concerned and their distance from the properties in Taylor Close, I am satisfied that the proposed building would not cause an unacceptable loss of privacy to these residential properties.
- 6.8 The building takes a simple form that is derived from its intended use as a modern school building. Objections have been raised to the detailed design and use of external materials which some consider not to be in keeping with the surrounding buildings. The school contains buildings that vary in size, form and appearance. Materials such as buff brick, red brick, render, metal cladding and plain roof tiles are used on the existing buildings within this site. Given the existing variety of materials and building forms within the school site, the proposed building is not

considered to harm the character of the site. The building would be viewed from Taylor Close, but would be seen amongst groups of large school buildings that vary in terms of size, form and external appearance. Accordingly, the proposal would not detract from the character of the wider locality.

- 6.9 A significant area of concern raised by local residents relates to the use of the proposed building in terms of additional disturbance from school use and from its use outside of normal school hours (such as for parent consultation evenings, open days or when various clubs/organisations make use of the school's buildings).
- 6.10 Members will recall the recent application (TM/13/03128/FL) to construct an all weather hockey pitch within the school site was refused permission due to the harm its use by external clubs/groups would cause to the amenity of local residents. In light of that experience and as a result of some of the initial consultation responses to the current application, the school has now reviewed the application and has put forward a number of revisions to it in an attempt to address the longstanding traffic and amenity problems the use of its facilities has caused to local residents and which are intended to also mitigate the additional use of the site generated by the proposed development.
- 6.11 The applicant has provided clarification regarding the anticipated rise in pupil numbers generated by the proposed building. The current capacity of the school is 1109 pupils, and it currently has 1081 pupils. The proposed building would increase the capacity of the school as a whole to a maximum of 1260 pupils, an increase of 151 pupils (a 13% increase to the existing capacity). The existing number of school staff is 102 and this is anticipated to increase to 109 with the use of the new building at full capacity.
- 6.12 The school is aware that the existing car parking arrangements are inadequate to serve the school as it currently stands and has already provided an additional 14 car parking spaces on an existing area of hardstanding (a total of 84). In addition to this, it is also now proposed to provide an additional 46 car parking spaces by laying grass reinforcing mesh on either side of the access road outside the Hands Building. This level of car parking provision now accords with the current adopted vehicle parking standards and the Highway Authority is satisfied with the proposed car parking provisions.
- 6.13 Whilst the proposed building would be provided for the school's sixth form, it is not anticipated that all of the additional pupils will be sixth formers. (The additional building would allow the lower years to grow in number as well). The submitted transport statement refers to an increase of 98 sixth form pupils as a result of the proposed building (which would increase the school's sixth form capacity to 360). Not all of the sixth form pupils drive themselves to school. Indeed a survey carried out by the applicant last month indicated that of the existing 216 sixth form pupils, 18 drove themselves to school (8.3%). It is a possibility that increasing the number

of sixth form pupils would result in more pupils driving themselves to school. It has to be noted that at the start of the sixth form considerably less pupils would be eligible to drive than at the end of the school year. Undertaking the survey in May is considered to present a reasonable indication of the percentage of sixth form pupils that would drive to school in a given year. Based on this, the proposed building could generate an additional 9 sixth formers driving themselves to school by the end of the academic year.

- 6.14 As has been said earlier in this report, the application is also seeking to significantly increase the level of car parking within the site as a whole to deal with the historic under provision of car parking within this site. The level of car parking currently proposed would meet the adopted vehicle parking standards. The school has stated that previously it has not allowed pupils to park within the school, but this policy has now changed. Consequently, pupil drivers would not now have to find spaces within the surrounding streets to park their cars.
- 6.15 The school has acknowledged that inconsiderate driving by people trying to access the school out of normal school hours has caused disruption and detriment to the amenity of local residents (particularly in Deakin Leas). Indeed, many of the local residents objecting to the development have documented the occasions when gridlock has occurred within the street when people have tried to access the school or park close to it. Local residents are concerned that the proposed building would just make the existing problems worse for local residents were it to be used for extra-curricular activities as well as the existing buildings.
- 6.16 Increasing the amount of on-site car parking is part of the answer to the historic and ongoing traffic problems that exist in Deakin Leas. The school has also acknowledged that it needs to improve its relationship with local residents. This will take time but the school has stated that it also wishes to better manage how traffic gets into and out of the site when events are held outside of normal school hours and attract large numbers of cars (such as parent consultation evenings, open evenings or when different clubs use the school buildings at the same time).
- 6.17 The school intends to review its agreements with outside bodies to try to avoid them occurring at the same times/days of the week and to ensure that outside clubs do not use the site when evening school events that are likely to attract large amounts of car traffic are planned as well.
- 6.18 The school also intends to make use of the netball courts for additional temporary car parking for evening events when the need arises, again in an attempt to provide better management of the traffic that the school premises generates. The school also intends to advise car drivers leaving the site to turn left into Deakin Leas only to reduce the amount of two way traffic between the school's main entrance and the junction of Deakin Leas with Pembury Road. This is to be overseen by parking attendants during busier events.

- 6.19 The school has also submitted a Travel Plan in which it would seek to promote walking, cycling and car sharing in order to reduce the amount of individual car journeys to the school (both in respect of its day time use and extra-curricular activities). The plan refers to the fact that it will be reviewed on a yearly basis, which tallies with the advice from the Highway Authority.
- 6.20 It is apparent that the school is keen to improve its relationship with and reduce the impacts of its activities upon local residents. It would, of course, be naïve to say that all of the measures put forward in this submission by the school will solve all of the existing problems experienced by local residents. However, the provision of car parking to a level that now meets the adopted standards and management of the traffic and of different groups using the site should prevent the situation getting worse. In so far as the current application for the sixth form building is concerned, I am satisfied that its use by the school and other groups outside school hours would not cause such additional harm to the amenities of local residents that would warrant a recommendation to refuse permission.
- 6.21 There is a large amount of support for this application from a number of people, although very few of them live close to the school itself. It must also be remembered that the Government supports the expansion of public funded schools. A ministerial statement issued by the Secretary of State for Communities and Local Government and the Secretary of State for Education, sets out the following principles that need to be applied:
- There should be a presumption in favour of the development of state funded schools as expressed in the NPPF.
 - Local authorities should give full and thorough consideration to the importance of enabling the development of state funded schools in their planning decisions.
 - Local authorities should make full use of their planning powers to support state funded school applications.
- 6.22 In conclusion, there is Governmental and development plan policy support for the proposed building. The concerns of local residents are well founded in terms of how the school currently impacts upon the local residents but the school is seeking to redress the existing problems. The provision of additional car parking within the school, together with changes to the school's policies concerning the use of its facilities are such that the proposed building is unlikely to cause significant additional harm to highway safety or the amenities of local residents. Consequently, I consider that the current proposal is now acceptable in planning terms and therefore recommend that permission be granted.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Planning Statement dated 14.02.2014, Ecological Survey dated 14.02.2014, Desk Study Assessment PHASE 1 A dated 14.02.2014, Topographical Survey G01-004 PLO dated 14.02.2014, Sections G04-500 PLO dated 14.02.2014, Design and Access Statement dated 20.05.2014, Other Drainage Strategy dated 20.05.2014, Assessment Arboricultural dated 20.05.2014, Existing Site Plan G01-001 PL1 dated 15.05.2014, Block Plan G01-003 PL1 dated 15.05.2014, Site Plan G06-001 PL3 dated 15.05.2014, Landscaping G06-003 PL1 dated 15.05.2014, Floor Plan G07-001 PL1 dated 15.05.2014, Floor Plan G07-002 PL1 dated 15.05.2014, Roof Plan G07-004 PL1 dated 15.05.2014, Elevations G08-004 PL2 dated 15.05.2014, Sections G09-001 PL1 dated 16.05.2014, Transport Statement dated 15.05.2014, Travel Plan dated 15.05.2014, Letter dated 15.05.2014, Letter dated 15.05.2014, subject to:

Conditions / Reasons

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 of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by officers of the Local Planning Authority. 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. The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the east (rear) or south (flank) elevations of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

7. The measures set out in sections 5 (Travel Plan Measures) and 8 (Monitoring and Review) of the approved Travel Plan ref: 886/5443 shall be undertaken prior to the first occupation of the building hereby approved and shall be adhered to at all times thereafter.

Reason: In in the interest of highway safety and residential amenity.

8. No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

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

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

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

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

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

Reason: In the interests of amenity and public safety.

9 No external lighting shall be erected on the building unless details of the external lighting have been agreed in writing by the local planning authority.

Reason: In the interests of the character and amenity of the locality.

Informatives

1. The applicant is advised to register the Travel Plan with Kent County Council's School Travel Plan Advisor.
2. The applicant is advised to limit the hours of work during the construction phase to between 08:00 - 18:00 Mondays to Fridays, 08:00 - 13:00 Saturdays with no working on Sundays, Bank or Public Holidays.

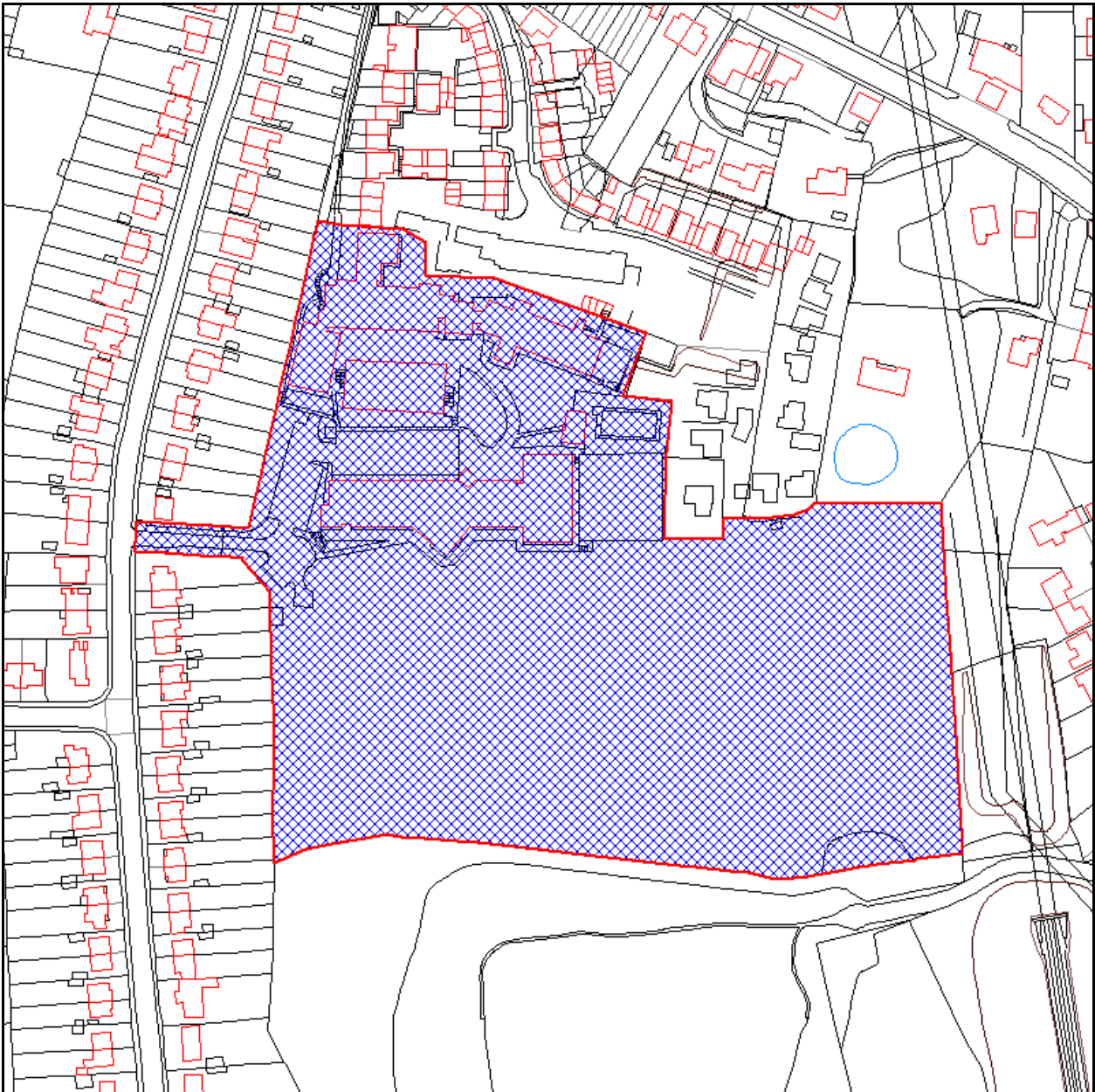
Contact: Matthew Broome

TM/14/00575/FL

Tonbridge Grammar School For Girls Deakin Leas Tonbridge Kent TN9 2JR

New build two storey Sixth Form Centre and associated landscaping on the existing disused outdoor swimming pool site. Demolition of existing changing room block

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Tonbridge Higham	560830 148602	16 April 2014	TM/14/01419/FL
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Proposal:	Retrospective application for detached garage with playroom over (resubmission of TM/13/03868/FL)
Location:	1 Barchester Way Tonbridge Kent TN10 4HP
Applicant:	Mr T King

1. Description:

- 1.1 The garage is located within the rear garden, around 0.4m from the western boundary and 0.9m from the northern boundary of the application site. The garage has an irregular footprint and its rear and side walls follow the alignment that the boundary takes at this point. The front wall of the garage is between 3.5m and 4m behind the rear wall of the house. The garage has a maximum width of 9.7m at the rear reducing to 7.46m at the front. It is 6.25m in length. It is proposed to have gable ends and a pitched roof with an overall height of 5.6m.

- 1.2 Permission was refused at the 27 February 2014 Area 1 Planning Committee meeting for a garage of a different design under application reference TM/13/03868/FL. The report and supplementary report are annexed to this report. The application was refused on the following ground:-

The proposed development, by virtue of its overall height, the design of the roof and specific siting, would appear as an incongruous feature and would be harmful to the visual amenity and appearance and character of the area. The proposal is therefore contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD 2010 and paragraphs 17, 56, 57, 60 and 64 of the National Planning Policy Framework (2012).

- 1.3 The applicant has commented that the application has been amended so that the roof of the garage now pitches front to rear in order to reduce the profile of the building when viewed from the properties in Higham Lane. The applicant has also submitted photographs of the site in order to show the relationship of the garage with the nearby dwellings.

- 1.4 Within the garage itself the ground floor is to be used for garaging and the upper floor as a play room. Velux roof windows are proposed in the rear elevation of the garage.

- 6.3 The detached garage is set well back within the site meaning that, whilst it will be visible from certain vantage points, including the rear windows and gardens of neighbouring properties, it will not have a detrimental visual impact on the street scene. However, although the garage/playroom will be visible from the rear of the houses to the west of the application site fronting Higham Lane and it will affect their view across the fields beyond, Members will be aware that there is no right to a view that can be protected under planning law.
- 6.4 The neighbouring dwellings with the most potential to have their amenities affected by the proposal are again those fronting Higham Lane. The proposal would clearly increase the amount of built form towards the boundary shared with these neighbours, particularly by virtue of the positioning and height of the detached garage/playroom. However, the area that the garage/playroom would most directly affect is the very rear ends of the gardens serving the neighbours in Higham Lane, which are around 20m in length. Thus I do not consider that the building has a detrimental impact on their visual amenities such as would warrant a refusal of planning permission, due to the distance involved. There are no flank windows proposed facing the rear gardens on Higham Lane, nor windows to the front.
- 6.5 With regard to the previous ground of refusal which related to the garage being an incongruous feature harmful to visual amenity, I consider that the proposed design of the roof has improved in terms of visual appearance changing from the combination of a partly pitched and partly flat roof to the more acceptable gable ended with pitched roof. Moreover, the height of the garage has reduced from 6m to 5.6m. The pitch of the roof has been reduced and it now has a more conventional appearance. Additionally, it should be noted that permitted development rights allow for the erection of outbuildings in a similar location, subject to limitations on size and height.
- 6.6 I note the nearby residents' concerns about the potential use of the garage and I do not consider that the erection of a building for business use would be appropriate in this residential area. I am therefore recommending a condition that limits the use of the garage to that incidental to the main use of the dwelling house.
- 6.7 The judgement as to whether this proposal successfully overcomes the reasons for refusal on the previous scheme is clearly a subjective case. However, on the basis of the above assessment, I believe that to be the case. As such the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Photographs dated 16.04.2014, Letter dated 16.04.2014, Schedule photographs dated 16.04.2014, Photographs 1 to 7 dated 16.04.2014, Location Plan dated 16.04.2014, Drawing dated 16.04.2014, subject to:

Conditions / Reasons

1. The garage/playroom hereby approved shall only be used for parking or garaging of vehicles or for purposes incidental to the enjoyment of the adjoining dwelling house.

Reason: To ensure that the development is not used as a separate business use which may be considered inappropriate in a residential area.

Contact: Rebecca Jarman

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- The western wall of the garage will hinder maintenance of the boundary fence in the future, because of its proximity;
- A large oak tree in the garden of 146 Higham Lane is not shown on the plans;
- The garage should be limited to the parking of private cars only – the applicant runs a taxi business with cars and people carriers often parked on driveway or on road causing a hazard. Concern that the proposed building will be used as a taxi office;
- Trees along the western boundary have now been removed thus making the visual impact greater;
- If the garage is built it will remove the red lorry that has been parked on the site for the last 3 years;
- If the application is allowed, other similar buildings will then be built in the area;
- The size of the garage seems excessive;
- Concern about proposed use of the first floor accommodation – must be strictly for private not commercial use.

6. Determining Issues:

- 6.1 The application site comprises an established residential curtilage within the urban area. The principle of a detached building to serve the existing residential use is therefore acceptable in broad policy terms. The main issues to be considered are the design and visual impact of the garage and its impact upon the character of the area and the residential amenities of other nearby properties.
- 6.2 Policy CP24 of the TMBCS requires 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 policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
 - the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.3 The detached garage is set well back within the site meaning that whilst it will be visible from certain vantage points, including the rear windows and gardens of neighbouring properties, it will not have a detrimental visual impact on the street scene. However although the garage/playroom will be visible from the rear of the

houses to the west of the application site fronting Higham Lane and it will affect their view across the fields beyond, Members will be aware that there is no right to a view that can be protected under planning law.

- 6.4 The neighbouring dwellings with the most potential to have their amenities affected by the proposal are again those fronting Higham Lane. The proposal would clearly increase the amount of built form towards the boundary shared with these neighbours, particularly by virtue of the positioning and height of the detached garage/playroom. However, the area that the garage/playroom would most directly affect is the very rear ends of the gardens serving the neighbours in Higham Lane, which are around 20m in length. I thus do not consider that the building has a detrimental impact on their visual amenities such as would warrant a refusal of planning permission, due to the distance involved. Moreover, the garage has been designed with a flat roof element on the side closest to these rear boundaries in order to reduce its impact. There are no flank windows proposed facing the rear gardens on Higham Lane, nor windows to the front.
- 6.5 Whilst the shape of the proposed garage, and the combination of a partly pitched and partly flat roof, are unusual, I do not consider that this in itself causes harm that would warrant a refusal of permission. Similarly, although I note the neighbours' concerns about the location of the garage away from the main house and at the end of the garden, it should be noted that permitted development rights would allow for the erection of outbuildings in a similar location, subject to limitations on size and height.
- 6.6 I note the nearby residents' concerns about the potential use of the garage and I do not consider that the erection of a building for business use would be appropriate in this residential area. I am therefore recommending a condition that limits the use of the garage to that incidental to the main use of the dwellinghouse.
- 6.7 In light of the above assessment, I consider that the proposal meets the requirements of the policies within the TMBCS and MDE DPD and as such the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details:

Letter dated 23.12.2013, Location Plan dated 31.12.2013, Floor Plan TK/2013/1 ground dated 23.12.2013, Floor Plan TK/2013/2 first dated 11.02.2014, Elevations TK/2013/3 dated 23.12.2013, Roof Plan TK/2013/5 dated 11.02.2014, Section TK/2013/4 dated 11.02.2014, subject to:

Conditions

1. The garage/playroom hereby approved shall only be used for parking or garaging of vehicles or for purposes incidental to the enjoyment of the adjoining dwelling house.

Reason: To ensure that the development is not used as a separate business use which may be considered inappropriate in a residential area.

Contact: Rebecca Jarman

SUPPLEMENTARY REPORTS**AREA 1 PLANNING COMMITTEE****DATED 27 February 2014**

**Tonbridge
Higham****TM/13/03868/FL****Retrospective application for a garage and playroom at 1 Barchester Way
Tonbridge Kent TN10 4HP for Mr T King**

Additional Information: Letter and photograph received from applicant in support of the application explaining that roofspace of the garage would only be used as a playroom. The applicant goes on to explain that he already has a registered taxi office in Tonbridge which suits his needs and there is no intention of using the building for business.

The applicant also states that the lorry situated within the rear garden currently is used for temporary storage and once the garage is completed, the lorry would be removed.

The letter is accompanied by a photograph showing the garage as partially constructed, and the relationship with the properties in Higham Lane.

DPHEH: It is appreciated that there is some local concern about the siting of the lorry within the curtilage of 1 Barchester Way presently. This is being used for the storage of items owned by the householder and could therefore reasonably be said to be a temporary storage solution for purposes ancillary to the related dwellinghouse. Although the applicant is stating that his intention is to remove the lorry shortly, it would not be legitimate to require its removal through the terms of the planning permission (by way of a condition for example). Should the lorry be moved from the site onto the public highway, separate licenses may be required but this would be subject to the weight of the vehicle (and the vehicle would need to be correctly taxed, insured and have a valid MOT).

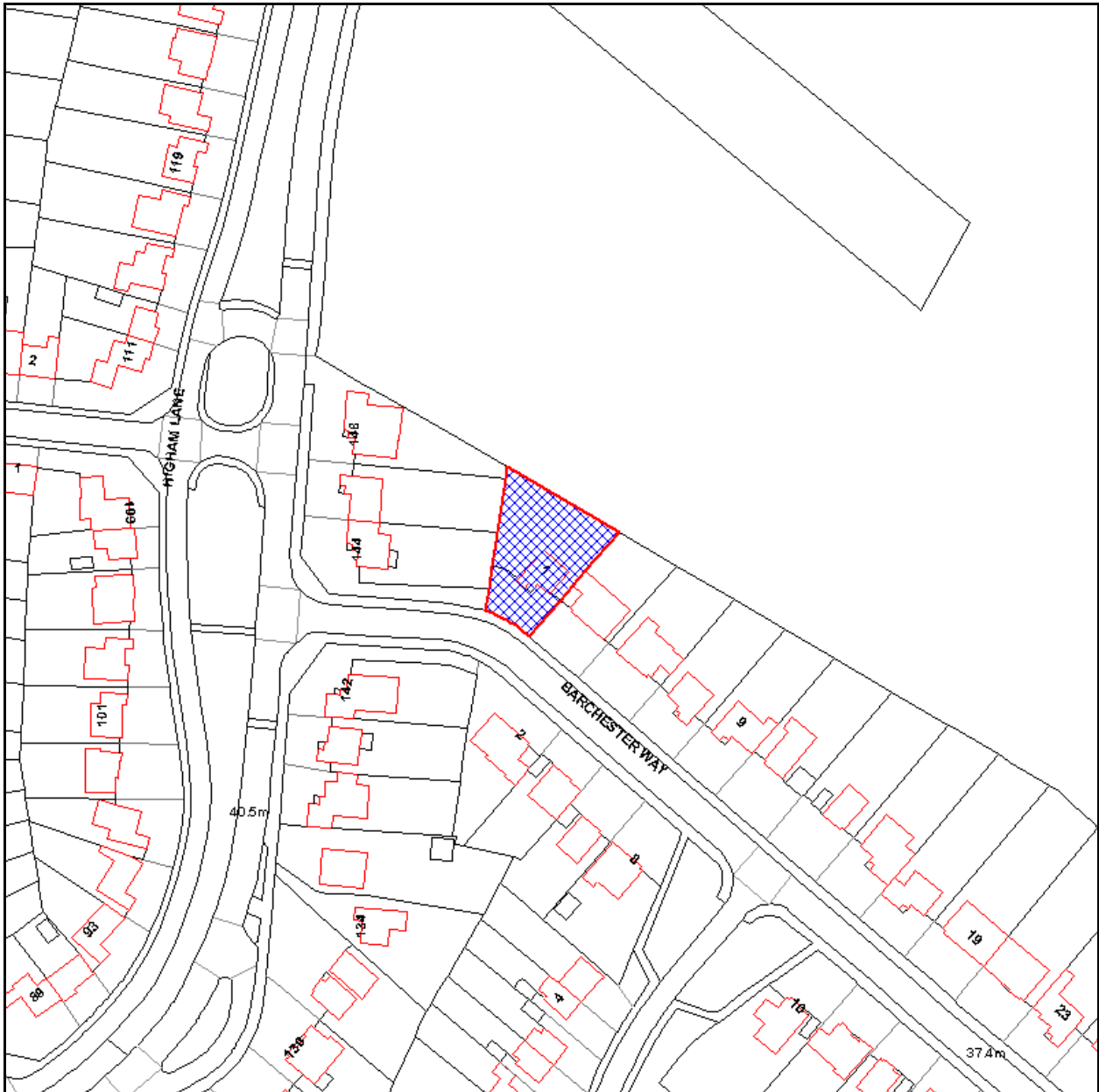
MY RECOMMENDATION REMAINS UNCHANGED

TM/14/01419/FL

1 Barchester Way Tonbridge Kent TN10 4HP

Retrospective application for detached garage with playroom over (Resubmission of TM/13/03868/FL)

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Tonbridge **558677 145792** **1 May 2014** **TM/14/01572/FL**
Vauxhall

Proposal: Demolition of existing buildings. Erection of a 63 bedroom care home (use Class C2), with associated access, parking and landscaping (resubmission)
Location: 31 - 36 Quarry Hill Road Tonbridge Kent TN9 2RS
Applicant: Castlemead Group Ltd, Porthaven Care Ltd & Thomas Aston Home

1. Description:

- 1.1 It is proposed to demolish three existing buildings within this site and erect a 63 bedroom care home. The building would have a 'T' shape plan form and its frontage would measure 43m in length. The maximum depth of the building would be 41m. The height of the building varies between 6.5m and 10.2m. This is due to the fact that the building contains both 2 and 3 storey elements.
- 1.2 The building would be constructed externally predominantly from facing brickwork with elements rendered or faced with horizontal cladding.
- 1.3 The existing access points within the site would be closed off and a new single point of access would be formed at the southern end of the site to serve the new care home. Nineteen car parking spaces would be provided to the south of the building, together with a turning head and covered cycle racks.
- 1.4 A communal garden would be created on the north side of the building and additional tree and shrub planting will take place along all four boundaries. It is also proposed to erect a 1.8m high acoustic fence along the southern boundary of the site and make good the rear (east) boundary walls with matching brickwork. To the front of the site, a dwarf brick wall with railings would be erected, measuring 1.2m high, behind which a row of 5 hornbeam trees would be planted.

2. Reason for reporting to Committee:

- 2.1 At the request of both Ward Members and as a result of the interest the application has created.

3. The Site:

- 3.1 The site is located within the urban confines, to the south of the town centre. The site is located on the east side of Quarry Hill Road and contains 4 separate properties at present. The site of 31 Quarry Hill Road is now vacant, with the remainder of the site occupied by two storey, pitched roof buildings. The buildings are not occupied and have been recently been the subject of vandalism which was documented in the local press. The site lies partly within the Quarry Hill Conservation Area.

4. Planning History:

TM/69/10234/OLD Refuse 23 January 1969

Proposal alterations and extensions to mortuary.

TM/10/01707/CA Approved 24 March 2011

Conservation Area Consent: Demolition and site clearance of Gilbert House

TM/13/03681/FL Application Withdrawn 24 February 2014

Demolition of existing buildings. Erection of a 63 bedroom care home (Use Class C2), with associated access, parking and landscaping

5. Consultees:

5.1 KCC (Highways): The access and parking provision remains unchanged from the previous application and these are acceptable. Further information had been requested to address concerns relating to the vision splay from the access and a speed survey has been completed and the concerns have been adequately addressed.

5.1.1 In view of the above I can confirm that I do not wish to raise an objection.

5.2 KCC (Social Care, Health and Wellbeing): Kent County Council Social Care, Health and Wellbeing (SC) and its partners have developed an Accommodation Strategy to take forward the Transformation Agenda for Adult Social Care. This includes the identification of future need in every district for specialist housing, residential and nursing care homes for all adult client groups. In Tonbridge and Malling and consistently across Kent, there is a need for older people's nursing and dementia care as well as extra care housing.

5.2.1 Having looked at the application details, we have not worked with this provider in the past and therefore encourage early discussion with our Commissioning Team with regards to the model of care, targeted market to ensure it is affordable in this part of the county and support the delivery of the Accommodation Strategy.

5.2.2 Finally, SC monitors planning applications for care related provision and would appreciate receiving feedback on the decision reached by the council. This will enable us to have an overview of the new developments on the care home/extra care living market.

5.3 Private Reps: 56/0X/0S/15R. The reasons for the objections to this proposal are:

- The building would be huge in all three dimensions.
- The building would be significantly higher than the buildings it would replace and this is unjustified.
- It would be an overdevelopment of the site.
- The building in terms of its scale, form and design would be out of character with nearby properties.
- It would adversely affect the character of St Stephens Church and the wider Conservation Area.
- Loss of privacy to neighbouring residential properties.
- Harm to health due to the location of the electricity sub-station.
- The development would appear overbearing and dominate the outlook from neighbouring residential properties.
- The use of the access would harm the amenities of the neighbouring residential property.
- The development would have a shortage of car parking and goods vehicle turning space to serve the proposed development.
- Noise disturbance from the boiler flues and kitchen extract ducts.
- The noise impacts of the electricity substation have not been considered.
- The landscaping will be ineffective due to the size of the proposed building.
- There should be no CCTV coverage of the neighbouring properties.
- The access onto Quarry Hill Road will lead to collisions.
- The development will put added pressure on existing car parking spaces in the locality.
- The development will cause light pollution.
- Loss of light to neighbouring houses and gardens.
- Loss of retail space.

- The scheme does not take account of surface water running down Quarry Hill Road.
- There is no need for a care home.

6. Determining Issues:

- 6.1 The site is located within the urban confines of Tonbridge where policy CP11 of the TMBCS seeks to locate new development.
- 6.2 The site is also located within the St Stephens Place secondary retail area. Policy TCA6 of the TCAAP states that loss of retail use will be resisted. Changes of use from retail to non-retail activities will only be permitted if the proposed use will not undermine the retail function of the area.
- 6.3 The development would result in the loss of retail units within this secondary retail area. However, it must be remembered that one part of the site has been vacant for quite some time following the demolition of a fire damaged building. The remaining buildings were last used as undertakers or as a dwelling house. In light of this mixture of uses, the change of use of this part of the secondary retail area would not undermine the retail function of the wider retail area as a whole.
- 6.4 Furthermore, the site is located at the southern gateway to Tonbridge town centre with the frontage buildings being within the Conservation Area. Whilst the detailed design, form and size of the building will be considered in more detail later in this report, the site at the moment does not make a positive contribution to the character and appearance of the Conservation Area and is in need of improvement. Accordingly, I have no objection to a development for non-retail use of this site that would enhance the character of the street scene and the wider Quarry Hill Conservation Area.
- 6.5 Policy CP1 of the TMBCS requires new developments to result in a high quality sustainable development. It also states that when determining applications residential amenity will be preserved. The policy goes on to state that developments will be concentrated at the highest possible density compatible with the local built environment, mainly on previously developed land and at those urban settlements where a reasonable range of services is available with the potential to be well served by sustainable modes of transport.
- 6.6 In light of the above, I consider that the principle of erecting a care home on this site is acceptable in broad policy terms.

- 6.7 Policy CP1 echoes the requirements of current Government policy contained within the NPPF, which states at paragraph 14 that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking this means:

“approving development proposals that accord with the development plan without delay; and

Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits...”

- 6.8 Section 12 of the NPPF relates to development and the historic environment. Paragraph 131 states:

“In determining planning applications, Local Planning Authorities should take account of:

the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;

the desirability of new development making a positive contribution to local character and distinctiveness.”

- 6.9 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when exercising its powers in respect of buildings within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that Area.

- 6.10 Policy CP24 of the TMBCS requires all developments to be well designed and in terms of scale, layout, siting, character and appearance be designed to respect the site and its surroundings.

- 6.11 Much concern has been expressed by local residents regarding the scale, form and detailed design of the building. The Government provides guidance on the issue of “good design” in section 7 of the NPPF. It states at paragraph 60:

“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.”

6.12 Paragraph 64 states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

- 6.13 The proposed building is undeniably large and would include a wide, single frontage within Quarry Hill Road. The development has been criticised as it does not reflect the traditional form and design of the adjacent buildings. The building contains two and three storeys of accommodation above ground. The front elevation of the building has been articulated with alternate recessed and projecting bays. The building has been designed to step up in height from two storeys (6.9m) at its northern end adjacent to Tonbridge Chambers to three storeys (10.2m) at its southern end adjacent to the proposed site access. The scale, height and mass of the building are significantly less than as previously proposed under application TM/13/03681/FL and the third floor (fourth storey) has now been omitted.
- 6.14 Whilst the building would stand taller than the buildings it would replace this does not necessarily make the scheme unacceptable. Three storey buildings are located on the same side of Quarry Hill Road as the application site. The proposed building, in terms of its overall height and the way it steps up the hill, would be in keeping with the height of other buildings in the wider street scene and would not appear overly tall.
- 6.15 The building would have a more contemporary appearance than the traditional form of the neighbouring buildings. It would have a flat roof instead of a pitched one, for example. The building would also potentially present a large mass to the Quarry Hill Road frontage. However, the mass of the front elevation is broken up by the use of alternate recessed and projecting elements which helps to reduce the mass of the building offsetting, to an extent, the perception of a single, unrelieved frontage. The use of these bays and the window arrangement presents a regular vertical rhythm to the building that is a respectful interpretation of the character of the existing buildings at 37- 44 Quarry Hill Road. The south west corner of the building has been designed as a more prominent feature to mark the entrance to the site. The frontage of the building would also align well with that of the neighbouring properties.
- 6.16 The building would chiefly be built externally from facing brickwork, with rendered panels and cladding used to highlight certain sections of the building. The design and use of materials would help to visually break up the bulk of the proposed building.
- 6.17 The Quarry Hill Conservation Area Appraisal refers to the buildings currently located on the east side of Quarry Hill Road. It describes 2 and 3 storey Victorian buildings in mixed use incorporating offices, shops and houses. The properties

are built externally from red brickwork or painted render and the ground floor of many of the buildings has been modernised with little uniformity.

- 6.18 In light of the above, I consider that the building as now proposed would bring a welcome enhancement to the appearance of the existing site. Whilst being of a more contemporary form and design, it would none-the-less respect the character of the street scene and would not fail to preserve the character of the Conservation Area. I am, therefore, satisfied that the proposal meets the statutory tests and the policy requirements for development within a Conservation Area.
- 6.19 Concern has been expressed that the development would detract from the setting of the Church of St Stephen located on the opposite side of Quarry Hill Road. This Church is not a Listed Building but is referred to in the Conservation Area Appraisal as the most dominant building in the sub area where the application site is located. Its spire is also said to be the most prominent landmark of Tonbridge visible from southern approaches and the railway. Due to the appropriate siting, height, form and design of the proposed building, I am satisfied that it would not compete with the Church, which was a concern held regarding the previous scheme for the care home.
- 6.20 Much concern has been raised regarding the proposed level of car parking and the access arrangements serving the proposed development. However the highway authority considers the development to be acceptable in these regards. The development would be manned by three separate staff shifts, 24 hours a day, 7 days a week. Objections have been raised that, during handover times, the car parking will be inadequate and would, therefore, put pressure on other car parking spaces in the locality. However, it has to be remembered that the site is located within a highly sustainable location at the southern end of the town centre with good access to public transport. A public car park is also located in Waterloo Road, just a short walk from the site, that members of staff or visitors could make use of if necessary. Therefore, despite the concerns raised by local residents, I consider the development to be acceptable in terms of highway safety and parking issues.
- 6.21 The building has an 'arm' extending back into the site towards the boundaries of residential properties within St Marys Road. The nearest part of the proposed building to the boundary with the St Marys Road properties would be two storeys (6.8m high) and would be located 8m away from the boundary with these neighbouring properties. This (rear most) part of the proposed building would be located between 26m and 28m away from the rear elevation of the nearest dwelling houses within St Marys Road (nos. 5-7). The three storey element of the proposed building would be located a further 4m back from the boundary with the St Marys Road properties. I am satisfied that, due to this separation and the height of the proposed building, it would not cause unacceptable overshadowing to these neighbouring residential properties nor appear overbearing from them.

- 6.22 I am also satisfied that the proposed building would not result in unacceptable overlooking to the residential properties in Waterloo Place located to the south of the site. Whilst first and second floor windows would be located within the south elevation of the building, they would be located over 30m away from the boundary of these residential properties and over 45m away from the rear elevation of the dwellings within this street.
- 6.23 The access to the site and parking spaces would be located next to the boundary with the residential property at 38 Quarry Hill Road. This boundary of the site is to now be defined by a 1.8m high acoustic fence which would help to reduce the level of noise experience by the neighbouring property as a result of vehicles accessing the application site.
- 6.24 The site is, of course, located within an urban area, close to the town centre and is on the main road leading into and out of Tonbridge to the south. The neighbouring properties are, therefore, already subject to a certain level of background noise arising from traffic generally, as well as the surrounding land uses. The proposal is for the 24/7 operation of a care home and there will, of course, be staff movements to/from the site in the evening (at 8pm) with the next shift at 8am, as well as deliveries and visitors to the site. Whilst such movements would take place throughout the week and weekend alike, the use is unlikely to cause such harm in terms of noise and general disturbance to the neighbouring properties as would warrant a recommendation to refuse permission. Of course, due to the nature of the use itself, care will need to be taken by staff and delivery vehicles to minimise disturbance to the residents themselves.
- 6.25 The building will include plant and equipment necessary to regulate the temperature of the building to an appropriate level. Information has been submitted detailing the position of ventilation flues and the location of roof plant on this building. It is also proposed to erect 1.5m high acoustic screening around the air source heat pumps located on the north side of the roof, to reduce their impact upon the neighbour's amenity. The measures put forward are considered to be acceptable in residential amenity terms. It has been queried as to whether the proposed acoustic screen around the roof plant would detract from the character of the locality. However, due to the height of the building and the position of the roof plant shown on the submitted roof plan, I am satisfied that it would not be readily apparent from public vantage points.
- 6.26 The building will include measures to protect the amenity of the care home residents from road traffic noise (the use of appropriate glazing).
- 6.27 Concerning the proposed electricity sub-station, this work would appear to be permitted development as defined within Schedule 2, Part 17, Class G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and therefore does not need a specific planning permission from the Borough Council.

- 6.28 One of the residents considers there to be no need for this development. However, in this particular case, there is not a requirement to demonstrate that there is a need for this type of facility within the town. Notwithstanding this, Members will recall from recent discussions regarding other sites in the wider locality that there is a genuine need for this type of care facility in the Tonbridge area.
- 6.29 The development is for a care home that falls within use class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Consequently, the development does not generate a requirement for affordable housing provision.
- 6.30 In conclusion, the building, whilst being of a large size, is considered to fit comfortably within this urban site and has now been designed to respect the height and character of other buildings in the locality. Consequently, the development is considered to be acceptable in terms of its impact upon the street scene and the wider Conservation Area. The development is also considered to be acceptable in terms of parking issues and highway safety. It has also been designed to respect the amenity of neighbouring residential properties as well as that of the intended residents. Consequently, the development is considered to be acceptable in planning terms and I recommend that permission be granted.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 01.05.2014, Design and Access Statement dated 01.05.2014, Planning Statement dated 01.05.2014, Drainage Statement dated 01.05.2014, Ecological Assessment dated 01.05.2014, Noise Assessment dated 01.05.2014, Tree Report dated 01.05.2014, Contaminated Land Assessment dated 01.05.2014, Transport Statement dated 01.05.2014, Transport Statement ADDENDUM dated 01.05.2014, Location Plan 13-084-101 dated 01.05.2014, Site Plan 13-084-110 H dated 01.05.2014, Signage Drawing 13-084-111 A dated 01.05.2014, Proposed Floor Plans 13-084-119 A dated 01.05.2014, Proposed Floor Plans 13-084-120 I dated 01.05.2014, Proposed Floor Plans 13-084-121 H dated 01.05.2014, Proposed Floor Plans 13-084-122 H dated 01.05.2014, Proposed Roof Plan 13-084-135 B dated 01.05.2014, Proposed Elevations 13-084-150 B dated 01.05.2014, Proposed Elevations 13-084-151 B dated 01.05.2014, Section 13-084-152 B dated 01.05.2014, Elevations 13-084-153 dated 01.05.2014, Elevations 13-084-154 dated 01.05.2014, Planting Plan BRS.4350_05-A dated 01.05.2014, E-mail dated 05.06.2014, subject to the following:

Conditions / Reasons

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, other than the demolition of the existing buildings, shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. 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. The scheme of soft landscaping and boundary treatment shown on the approved plans (as varied by email dated 05.06.2014) shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

5. The noise mitigation measures specified in sections 5 and 6 of the Resound Acoustics Noise Assessment shall be incorporated into the building hereby approved prior to its occupation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenities of the building's occupiers and neighbouring properties.

6. The Bat mitigation works shown on drawing nos: 13-084-153 and 13-084-154 shall be implemented as part of the approved development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the ecological interests of the site.

7. 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.

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

8. No development, other than the demolition of the existing buildings, shall take place until details of hard surfacing materials to be used 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.

9. Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

10. No development, other than the demolition of the existing buildings, shall take place until details of the covered bicycle stands 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.

11. The construction of the boundary wall to the Quarry Hill Road frontage shall not take place until details of its design, materials and colour finishes 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 character and appearance of the Conservation Area or visual amenity of the locality.

12. No development, other than the demolition of the existing buildings, shall take place until details of the finished floor level(s) in relation to the existing ground levels 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.

- 13 The acoustic boundary fence shall be erected in accordance with the approved site plan 13-084-110 rev H (as clarified by email dated 05.06.2014) prior to the first occupation of the building hereby approved.

Reason: In the interests of residential amenity.

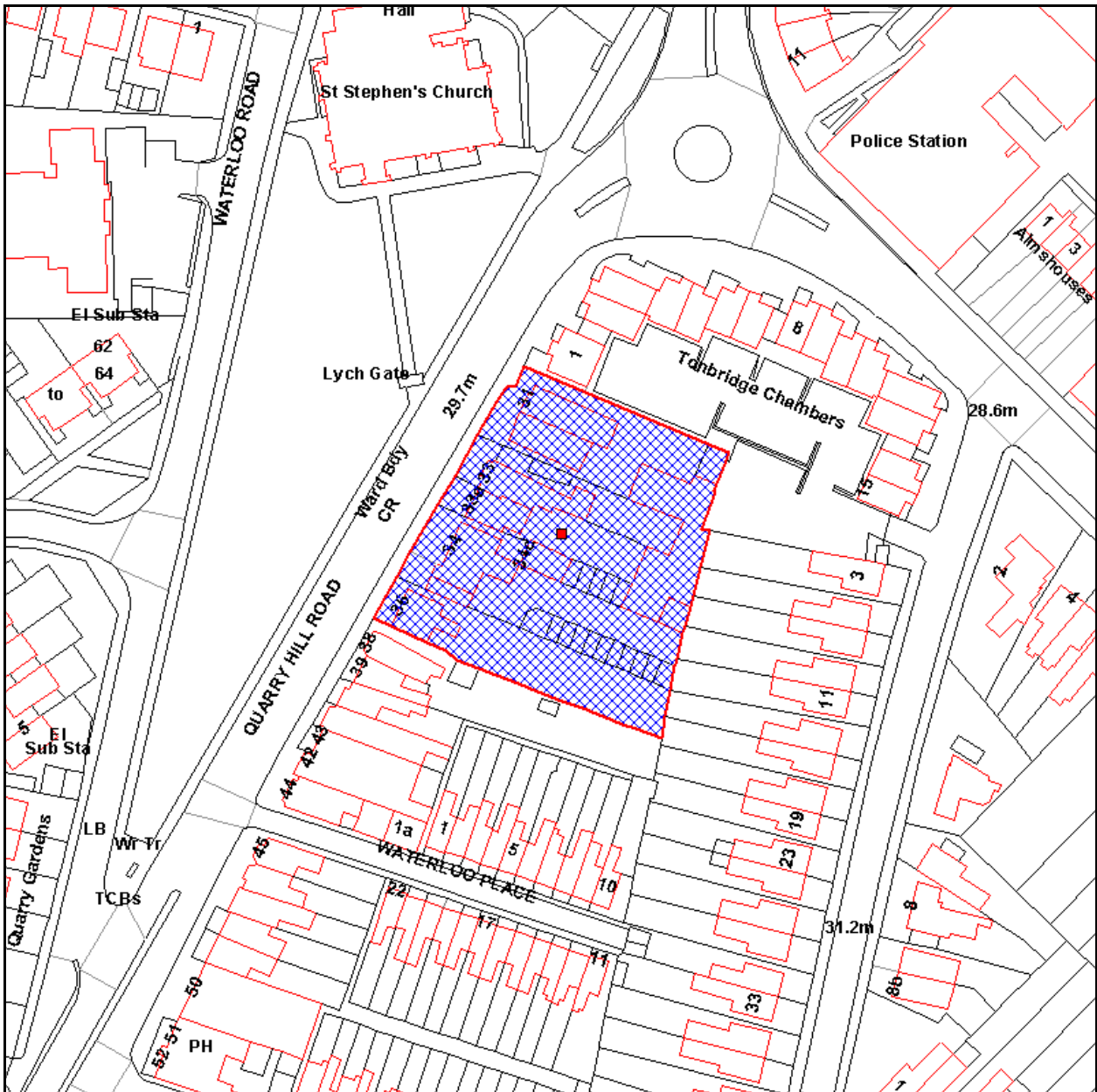
Contact: Matthew Broome

TM/14/01572/FL

31 - 36 Quarry Hill Road Tonbridge Kent TN9 2RS

Demolition of existing buildings. Erection of a 63 bedroom care home (use Class C2), with associated access, parking and landscaping (resubmission)

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Alleged Unauthorised Development

Tonbridge
Trench

13/00182/USEM

559159 149036

Location: Garages Rear Of 37 Cedar Crescent Tonbridge Kent TN10
3QN

1. Purpose of Report:

1.1 To report the unauthorised change of use from residential garage to use for storage and distribution.

2. The Site:

2.1 The garage is situated in a row of garages with access off Cedar Crescent to the rear of a number of residential properties.

3. History:

3.1 There is no relevant planning history for this site.

4. Alleged Unauthorised Development:

4.1 Without planning permission, the unauthorised change of use from residential garage to a secure lockup used for the storage of equipment and tools.

5. Determining Issues:

5.1 The Borough Council received complaints that one of the garages within a block of garages was being used by Swale Heating for the storage of equipment and tools. This resulted in early morning and late evening vehicle movements to the garage by vans delivering and connecting items

5.2 On investigation, it was found that the garage was number 19 and following a Land Registry enquiry, it was established that the garage was in the ownership of Russet Homes. We wrote to Russet Homes requesting a site meeting so that the precise nature of the use could be established. They suggested we contact Swale Heating as they had rented the garage out to them.

5.3 Contact was made with Swale Heating and site meeting was held on 3 December 2013. It was confirmed that Swale Heating had used the garage for five years to store their equipment, tools and heaters. This arrangement had been in place since Swale Heating had been contracted to undertake repairs for Russet Homes. They confirmed that engineers visit the site every morning to collect equipment and materials.

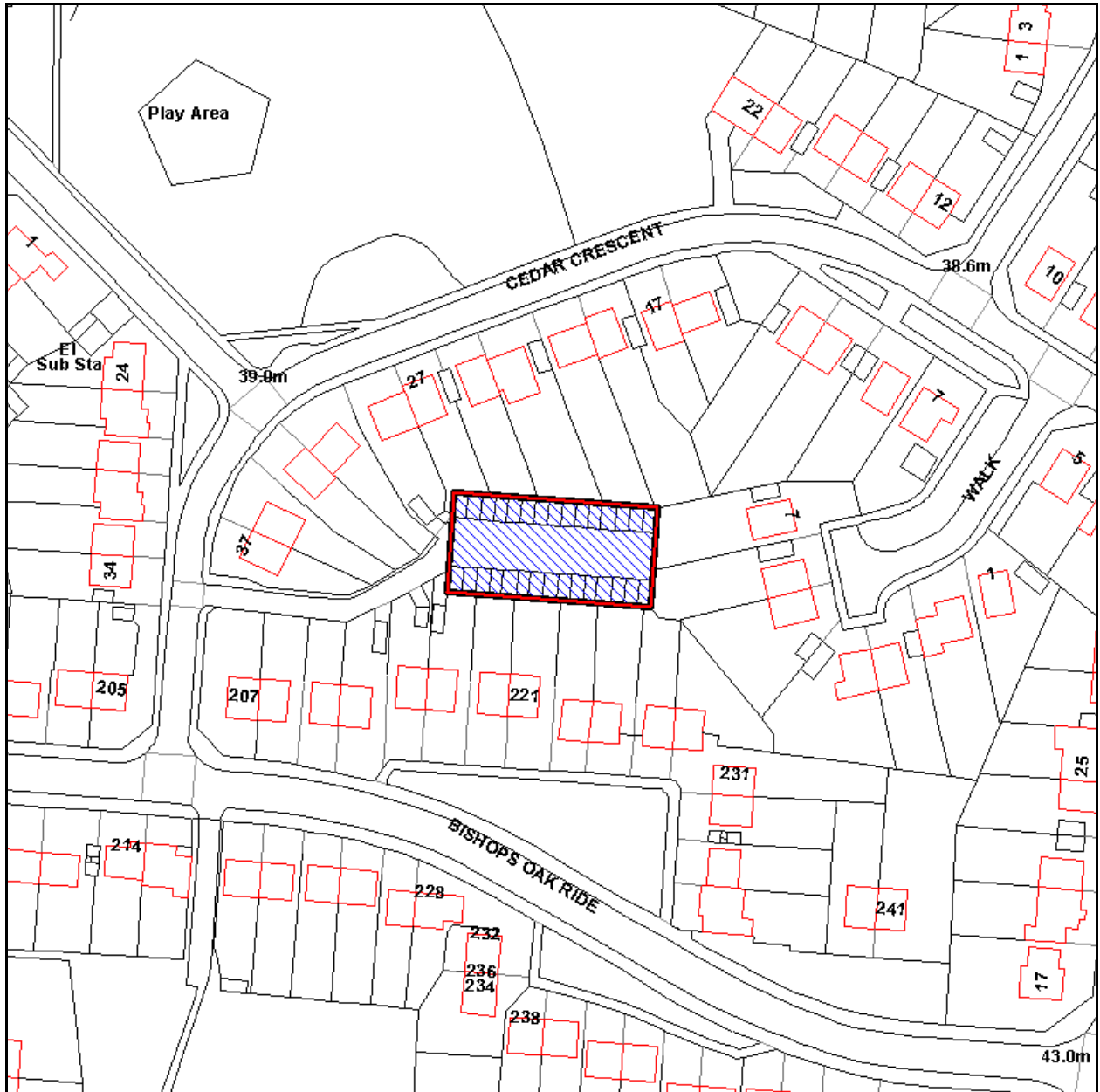
- 5.4 The use of this domestic garage for storage and distribution is a change of use from a C3 domestic use to a B8 storage use. As a change of use had occurred, we invited a planning application in order to determine whether the use could be found to be acceptable in planning terms. To date no valid planning application has been submitted.
- 5.5 The use of the garages has given rise to complaints regarding early and late evening vehicle movements and disturbance whilst vans are loaded and unloaded. The use of the garage for a B8 use does not respect its surroundings and is contrary to policy CP24 of the Tonbridge and Malling Borough Framework Core Strategy 2007 and also contrary to policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.
- 5.6 Should no enforcement action be taken this use will become lawful in five years time. Vehicle movements of commercial vans visiting the garage have been observed taking place before 0800hrs. I believe that it is expedient to take enforcement action to prevent the unauthorised B8 use which is giving rise complaints regarding noise and disturbance to nearby residential properties.
- 6. Recommendation:**
- 6.1 An Enforcement Notice **BE ISSUED**, the detailed the wording of which to be agreed with the Director of Central Services, requiring the cessation of the use of the garage for the storage of equipment, tools and heaters.

Contact: Richard Edmonds

13/00182/USEM

Garages Rear Of 37 Cedar Crescent Tonbridge Kent TN10 3QN

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