

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

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

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

23 July 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, 31st July, 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 19 June 2014

Decisions to be taken by the Committee

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Introduction and Glossary

5. TM/14/00686/FL - Warders Medical Centre, 47 East Street, Tonbridge 15 - 26

6. TM/14/00685/FL - Warders Medical Centre, 47 East Street, Tonbridge 27 - 36

7. (A) TM/14/01371/FL and (B) TM/14/01372/LB - Bordyke End, 59 and The Coach House, 63 East Street, Tonbridge 37 - 52

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9. Urgent Items

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

Matters for consideration in Private

10. 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

11. 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, 19th June, 2014

Present: Cllr R D Lancaster (Chairman), Cllr Ms V M C Branson (Vice-Chairman), Cllr A W Allison, Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs P Bates, Cllr P F Bolt, 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 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 Ms J A Atkinson, D J Cure and M O Davis

PART 1 - PUBLIC

AP1 14/22 DECLARATIONS OF INTEREST

Councillor Mrs Anderson declared an Other Significant Interest in application number TM/14/01114/FL (Faulkners Farm, Ashes Lane, Hadlow) on the grounds that her employers were advising and representing objectors to the development. She withdrew from the meeting during the discussion of this item after making a brief personal statement.

Councillor C Smith advised the Committee of his role as Deputy Cabinet Member for Social Health at Kent County Council. As this did not represent either a Disclosable Pecuniary Interest or an Other Significant Interest he remained in the meeting.

Immediately prior to consideration of Application TM/14/01572/FL Councillor Baldock advised that he was well-known to one of the objectors to the application and he withdrew from the meeting.

AP1 14/23 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 15 May 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 14/24 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 14/25 TM/14/01114/FL - FAULKNERS FARM, ASHES LANE, HADLOW

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 at Faulkners Farm, Ashes Lane, Hadlow.

RESOLVED: That the application be

APPROVED in accordance with the submitted details set out in the report of the Director of Planning, Housing and Environmental Health subject to removal of condition 7, the amendment of the current condition 8, the re-numbering of conditions 8 to 11 as conditions 7 to 10, the addition of a new condition 11 and the amendment of Informative 1 as follows:-

7. 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. The Travel Plan shall include appropriate measures to ensure pupils do not use the bus stops closest to the Ashes Lane junction. 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.

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 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 scheme shall include measures to ensure the ongoing enforcement of the management of these areas by the school. 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.

11. Within one month of the date of this permission, full details for the resurfacing of the parking areas and associated hard standings in connection with the Hadlow Community Free School shall be submitted to the Local Planning Authority for approval, along with a timetable for implementation of the work. All work shall be carried out in strict accordance with those details.

Reason: In the interests of residential amenity.

Informative:

1. The applicant is strongly encouraged to liaise with local residents on an ongoing basis regarding on-site school activities should the need arise; particularly in the development of the Travel Plan and management of vehicle drop off/pick up areas pursuant to Conditions 7, 8 and 11.

[Speakers: Ms J Andrews on behalf of Mr and Mrs Halligan, Ms C Marvell, Mr R Hopkinson, Mr N Ward – members of the public; Mr M Page – Agent]

AP1 14/26 TM/14/00575/FL - TONBRIDGE GRAMMAR SCHOOL FOR GIRLS, DEAKIN LEAS, TONBRIDGE

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 at Tonbridge Grammar School for Girls, Deakin Leas, Tonbridge.

RESOLVED: That the application be

APPROVED in accordance with the submitted details set out in the main and supplementary report of the Director of Planning, Housing and Environmental Health subject to the amendment of condition 9 and Informative 2 and the addition of Informative 3 as follows:-

9. No external lighting shall be erected on the building hereby approved or within the car parking areas hereby approved unless details of the external lighting, including details of the position, height, size, design, direction, power output and associated means of containing light spillage

from the site along with hours of operation 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: In the interests of the character and amenity of the locality.

Informatives:

2. With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also strongly encouraged to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, with no work on weekends and Public Holidays. Should weekend working be unavoidable, the applicant is asked to liaise in advance with the local neighbours in Deakin Leas and Taylors Close to ensure minimal disturbance to these residents. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.

3. The applicant is asked to consider liaising with the residents in Taylors Close in respect of the landscaping of the grounds surrounding the new Sixth Form block but in the knowledge that any changes that arise from such liaison may involve the need to formally amend the approved scheme. Further advice should therefore be sought from the Local Planning Authority should such an occasion arise.

[Speakers: Ms S Leach, Mr P Ingrams, Mrs C Ghali, Mr N Hebditch and Mr I Terry – members of the public; Mrs R Joyce – Head Teacher]

In accordance with Council Procedure Rule No 8.5 Councillors Mrs M Heslop, N Heslop and Ms S Spence requested that it be recorded that they had abstained from voting on this recommendation.

AP1 14/27 TM/14/01419 - 1 BARCHESTER WAY, TONBRIDGE

Retrospective application for detached garage with playroom over (resubmission of TM/13/03868/FL) at 1 Barchester Way, Tonbridge.

RESOLVED: That the application be

REFUSED for the following reason:-

1. 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).

[Speakers: Mr P Bowden, Mr I Cooper and Mrs C Bowden – members of the public; Mr Newton – Agent]

AP1 14/28 TM/14/01572/FL - 31-36 QUARRY HILL ROAD, TONBRIDGE

Demolition of existing buildings. Erection of a 63 bedroom care home (use Class C2), with associated access, parking and landscaping (resubmission) at 31-36 Quarry Hill Road, Tonbridge.

RESOLVED: That the application be

REFUSED for the following reason:-

1. The proposed building by virtue of its scale, bulk, massing, detailed design and external appearance would be out of keeping with the adjacent properties and the surroundings generally and would therefore be detrimental to the prevailing scale and resultant character of Quarry Hill Road which will detract from the character of this part of the Conservation Area and associated views within it. As a result, the proposal is contrary to Policy CP24 of the Tonbridge and Malling Core Strategy 2007 and policy SQ1 of Managing Development and Environment DPD 2010 and would lead to the unjustified harm to heritage assets contrary to paragraphs 131 and 132 of the National Planning Policy Framework 2012.

[Speakers: Dr S Wilson, Mrs A Young, Miss S Russell, Ms R Aust, Mr M Carlow and Ms J Lewis – members of the public; Mr J Rainey – Agent]

AP1 14/29 ALLEGED UNAUTHORISED DEVELOPMENT 13/00182/USEM - GARAGES REAR OF 37 CEDAR CRESCENT, TONBRIDGE

Alleged Unauthorised Development at Garages rear of 37 Cedar Crescent, Tonbridge.

RESOLVED: That 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.

AP1 14/30 CHAIRMAN'S ANNOUNCEMENT

The Chairman advised the Committee that this meeting was the last one that the Development Control Manager (Mr Neil Hewett) would attend before his retirement. Members thanked Mr Hewett for his valuable contribution to Planning Services and the Borough Council and wished him well for the future.

AP1 14/31 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.32 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 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

Tonbridge **559344 146712** **21 February 2014** **TM/14/00686/FL**
Medway

Proposal: Variation of condition 9 of planning permission
TM/11/02476/FL (new pharmacy) to allow for bollards in three
locations instead of existing chain barrier
Location: Warders Medical Centre 47 East Street Tonbridge Kent TN9
1LA
Applicant: Warders Medical Centre

1. Description:

- 1.1 This application seeks to formally vary condition 9 of planning permission TM/11/02476/FL (new pharmacy) to allow for a series of bollards to be installed at various points within the car park in place of an existing chain barrier, which is located across the main entrance of the car park. Condition 9 of planning permission TM/11/02476/FL required that:

“Within one month of the commencement of the development a scheme shall be submitted showing how access to the main car park will be controlled outside surgery hours. The scheme shall show car parking arrangements for the out of hours pharmacy facility which shall be monitored for 1 year from the date of its first operation, the date of which shall be notified to the Local Planning Authority. The scheme shall provide details as to options for the relocation of the barrier should the number of spaces identified for the out of hours pharmacy use proves to be inadequate after the 1 year monitoring period.”

- 1.2 The reason for the imposition of this condition was to ensure that the whole of the main car park was not available for use for those visiting the out-of-hours pharmacy but that, nevertheless, sufficient parking spaces were provided for that service. The intention was to minimise the impact on residential amenity whilst facilitating a valuable community asset.
- 1.3 Condition 9 was subsequently discharged formally under planning reference TM/12/02498/RD. In discharging the condition at that time, the medical centre proposed a ‘manual car park barrier’ to be installed. However, the approved barrier was never installed and a far less substantial chain between two posts is used to close off the main car park when the surgery is not open. I understand from anecdotal evidence that the operation of this ‘barrier’ is not robustly implemented. The applicant is therefore currently in breach of the planning condition both because the chain detail is not as approved and also because it appears that it is not consistently kept closed at the appropriate times.
- 1.4 The current application now before Members seeking the variation of the condition claims that the barrier in its current position (when in operation) does not provide for sufficient parking to serve users of the out-of-hours pharmacy. It is proposed

that the introduction of two sets of demountable bollards further into the car park would allow for increased off-street parking within the body of the site during the times of day when the main surgery is closed but the pharmacy is operational. A third set of bollards is also now proposed to be introduced in the same position as the approved barrier and these are to be raised when the pharmacy itself is also closed.

- 1.5 The medical centre opens between the hours of 8am and 6:30pm, Monday – Friday. The pharmacy opens between 7am and 10pm, Monday – Saturday and between 10am and 8pm on Sundays.
- 1.6 The applicant has made the following statement to explain how the bollards would operate:

"On arrival at the site in the morning, the first key holder would lower the proposed bollards (closest and parallel to the East Street) into the recessed pockets below ground level. The two sets of internal barriers would then be lowered to open the car park fully. At the end of the working day for Warders Medical Centre the two inner sets of bollards would be raised restricting vehicular access to the inner areas of the car park. At the end of the working day for the pharmacy the final set of bollards would be raised over night, restricting access to the out of hour's car park."

2. Reason for reporting to Committee:

- 2.1 Called in by Cllr Lancaster in light of the complex planning history.

3. The Site:

- 3.1 Warders Medical Centre lies on the southern side of East Street, just to the south of the junction of Hadlow Road/Bordyke. The surgery comprises an imposing 2½ storey, detached Victorian building with single storey modern extensions, with rooms in the roof on the road frontage, landscaped gardens and car parking to the rear.
- 3.2 To the north east there is a high brick wall on the boundary separating the surgery from an access drive serving 2 office buildings and 3 houses which lie to the south east. The remainder of the area is predominantly residential with the surgery car park abutting the gardens of Hermitage Court, a flatted development, and the residential properties in Lyons Crescent.
- 3.3 The site lies within the Conservation Area.

4. Planning History:

TM/85/10854/FUL grant with conditions 18 October 1985

Change of use of dwellinghouse to group medical practice surgery, together with single storey pitched roof extension to side to accommodate waiting room, records office and toilets.

TM/95/51531/FL Grant With Conditions 2 January 1996

proposed upgrading of existing administration and treatment facilities, including replacement of section to the NE part of the rear elevation

TM/95/51532/CA Grant With Conditions 2 January 1996

Conservation Area Application: demolition of part of building to facilitate replacement extension

TM/96/01664/RD Grant 31 December 1996

details of external materials to be used on roof and walls pursuant to condition 2 of consent TM/95/51531/FL (upgrading of facilities)

TM/05/00680/FL Grant With Conditions 6 April 2005

Single storey extension and internal alterations

TM/09/02823/FL Approved 1 April 2010

Part demolition and removal of an existing window to the rear of the main existing Victorian building. Erection of a new single storey pharmacy building with a new link to main existing building. 3 new car park spaces and 1 new loading bay

TM/11/02476/FL Approved 25 November 2011

Conversion/demolition and rebuilding (dependent upon structural soundness) of existing barn plus extensions of existing health centre to create new Pharmacy linked to health centre, internal alterations plus re-location of bin store and clinical waste

TM/12/02498/RD Approved 22 October 2012

Details of the operation of the security barrier pursuant to condition 9 of planning permission TM/11/02476/FL (Conversion/demolition and rebuilding (dependent upon structural soundness) of existing barn plus extensions of existing health centre to create new Pharmacy linked to health centre, internal alterations plus re-location of bin store and clinical waste)

TM/12/03198/RD Approved

26 November 2012

Details of lighting and screening pursuant to conditions 7 and 8 on planning permission 11/02476/FL (Conversion/demolition and rebuilding (dependent upon structural soundness) of existing barn plus extensions of existing health centre to create new Pharmacy linked to health centre, internal alterations plus re-location of bin store and clinical waste)

TM/12/03735/FL Application Withdrawn

15 January 2013

Laying out and use of part of rear garden to accommodate 12 parking spaces

TM/12/03750/FL Approved

12 February 2013

Proposed timber louvers to screen air conditioning units

TM/14/00685/FL Pending Consideration

Creation of car park (total of 10 spaces) and associated access, including bollard lighting, tree removal and shrub clearance

5. Consultees:

5.1 KCC (Highways): No objections.

5.2 Kent Police: No objections but raise concerns as to how the out of hours business will be managed/controlled. Suggestions made as to how site should be managed and liaison with Kent Police encouraged.

5.3 Private Reps: 61 + site + press notice/0X/0R/4S. Letters of support make the following remarks:

- Bollards would allow staff and patients to have access to extended parking during surgery hours and would prevent unauthorised parking out of hours.
- Allows for users of the pharmacy to park legitimately.
- Parking currently in inadequate.
- Chain has been stolen once and has been repeatedly broken by patients and staff driving over it.
- Vehicles currently park on the highway during the week.

6. Determining Issues:

- 6.1 There are two main issues for consideration in respect of this application. Firstly, whether a barrier in the previously approved location (if robustly and correctly managed) would provide adequate parking to serve the out of hours pharmacy or whether additional parking is required (as put forward by the applicant) in the interests of highway safety and residential amenity. Secondly, whether the relocation of the barrier to the alternative positions within the car park would cause a greater level of disturbance to the surrounding residents to the detriment of their residential amenities. I intend to discuss each of these aspects in turn below.
- 6.2 The existing arrangement allows for two parking spaces to be used alongside a set down point on the part of the car park between the barrier and the access with East Street. The applicant claims that this is proving inadequate and that further parking is needed for users of the out of hours pharmacy. The applicant states that, as a result, patients tend to park along East Street/Lyons Crescent which are subject to parking controls. Unfortunately, neither has the applicant provided nor does the Council hold any statistical data connected to the parking along East Street that can be used to verify this claim. However, anecdotally I understand that the on street spaces in the vicinity of the site are very well used. Furthermore, reports from local residents have been received by the Council's Parking Team regarding illegal parking taking place on double yellow lines in East Street. Such parking appears to occur at times of the day when Council enforcement officers do not patrol or because the parker has moved on by the time officers arrive. It is true that the out of hours pharmacy operates at a similar time to the hours when the greatest problems appear to occur in terms of unlawful parking but these are also the times of day when officers either do not patrol or have extremely limited resources to deal with any problems. As such, there is no clear evidence to support an unequivocal correlation between the opening of the pharmacy and unlawful parking caused by the pharmacy use.
- 6.3 The increase in the number of spaces proposed to serve the out-of-hours pharmacy from 2 to 16 has not been justified by the applicant and, in my view, seems excessive. There is no clear evidence to demonstrate that such a large increase in provision is required in connection with the operation of the pharmacy alone.
- 6.4 Policy CP2 of the TMBCS requires new development to be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres. Although this policy is directed at new development, the thrust behind it can equally be applied in this instance. Warders Medical Centre is well related to the town centre and various public car parks are located in the near vicinity. I would suggest that many of the users of the pharmacy could reasonably make use of these facilities. The applicant has not produced any substantive evidence that suggests robust attempts have been made to encourage such behaviours in their patients through development of a Travel Plan for example. I would have expected

evidence to support these claims as part of such a submission. Having studied the medical centre's website, I can advise that it contains no information regarding local transport links and does not advise as to the location of nearby public car parks.

- 6.5 Adding more parking spaces to support the pharmacy needs to be assessed in terms of TMBCS policy CP24 which sets out the general criteria for all new development, including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which requires 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.
- 6.6 In granting planning permission for the pharmacy, it was recognised that its opening outside surgery hours was likely to have the most noticeable impact, in this residential area. The medical centre sought to overcome this by proposing the installation of a barrier close to the access/exit point onto East Street to prevent access to the main body of the car park during the hours of operation of the pharmacy. The two sets of bollards now proposed to be installed at two separate points within the car park, to be operational whilst the surgery itself is closed but the out of hours pharmacy is open, would allow for 16 car parking spaces to be used. I appreciate that the parking spaces closest to the boundary shared with the properties fronting Lyons Crescent would still not be accessible due to the specific siting of the bollards. However, the bollards would allow for the use of the 16 further spaces, which are located far deeper into the site than the existing arrangement allows for and this could take place up to 10pm Monday to Saturday and 8pm on Sundays.
- 6.7 It should also be mentioned that the position of the two sets of bollards within the car park, whilst preventing parking from taking place closest to the Lyons Crescent boundary, would also render the one way system adopted throughout the car park to be obsolete when in operation. The 16 spaces may not be fully occupied at any one time, but the absence of the one way system is likely to lead to localised conflicts in movements around the car park, which could in turn lead to further disturbance as drivers are required to make unorthodox manoeuvres, potentially late at night.
- 6.8 It is difficult to determine the exact level of noise that might be emitted from the car park as every activity and occasion could generate different levels of noise. However, I consider that the arrangement that will ensue as a result of this

proposal would give rise to generally increased noise and disturbance to the nearest residents at times of the day where they should reasonably expect to enjoy enhanced levels of peace and quiet.

- 6.9 Section 17 of the 1998 Crime & Disorder Act requires local authorities to do all that they reasonably can to prevent crime and disorder. The design and layout of roads, housing, public buildings and public amenities all have an influence on the potential for crime. Paragraph 69 of the NPPF states that planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- 6.10 The Kent Design Guide and 'Secured by Design' both place emphasis on the importance built environments can play in preventing crime and in alleviating the fear of crime. They refer to a need for natural surveillance of public and semi-private space, the need for car parking to be visible from homes, a clear definition of space, coupled with appropriate lighting solutions and appropriate means of boundary treatments and soft landscaping (to avoid a person being able to conceal themselves).
- 6.11 Briefly, the Kent Design Guide identifies safe and secure design as deterring crime – buildings facing onto streets and footpaths with windows facing onto them; with car parking visible from homes. Since most crime depends upon concealment, the main aim should be to create public spaces that are well used and overlooked by dwellings or other uses and located where they can be seen from adjoining public highways and rights of way, not in a corner of the development, behind housing, industrial or commercial uses.
- 6.12 'Secured by Design' recommends that the certain security aspects should be considered when designing development proposals, although I recognise that the focus in respect of this document is on new residential development.
- 6.13 In it's representations, Kent Police has referred to these documents and has raised concerns regarding the potential for anti-social behaviour to occur within the car park. It initially requested the inclusion of a third set of bollards to be positioned at the car park entrance when the out of hours pharmacy is closed in order to prevent such behaviours. This has been incorporated by the applicant and now forms part of the planning application. However, until 10pm at night, six days a week, a large proportion of the car park would be open to all and there is no indication as to the level of surveillance or management that might be adopted to ensure no anti-social behaviour occurs during these times. The applicant has not provided any detail concerning what measures might be put in place to ensure the car park is not accessed by members of the public other than those visiting the pharmacy.

- 6.14 This may also give rise to events of anti-social behaviour including bad language, revving of cars and loud music which would cause annoyance to nearby residents. As a result of this proposal, there would be nothing to prevent other individuals or groups entering the car park during the opening hours of the pharmacy. One measure in ensuring this does not occur would be to require the applicant to submit a management plan covering a number of matters such as detailing how shift managers might be provided with necessary training to tackle any incidents, to keep a log of events, taking action as a result of external complaints, liaising with the police, installation of appropriate signage and CCTV. Kent Police has mentioned such management opportunities in it's representations.
- 6.15 In these circumstances, I am aware that the existing security barrier is not regularly implemented by staff and this gives me little confidence in recommending to Members that a condition requiring such a management scheme would overcome the above concerns and render this proposal acceptable in planning terms. Such a scheme would only be successful if robustly implemented. I would only be inclined to further investigate this as a feasible, realistic option if there was any clear evidence of an undisputed need for such an increase in parking to serve the pharmacy. As I have explained, I am not convinced that such a case exists.
- 6.16 In light of these considerations, I recommend that planning permission be refused for the following reasons:

7. Recommendation:

7.1 Refuse Planning Permission for the following reasons:

- 1 The proposed variation of condition would lead to an unsustainable, over intensive use of the car park until 10pm Mondays – Saturdays and 8pm on Sundays which would have an unacceptable impact on the residential amenities of the properties bordering the site by virtue of the disturbance arising from additional traffic movements, manoeuvring and associated activities in an otherwise tranquil area at times of the day when those residents could reasonably expect to enjoy their properties. For these reasons, the proposal is contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.
- 2 In the absence of a robust management strategy concerning the operation of the car park during the opening hours of the out of hours pharmacy, the Local Planning Authority is not convinced that the proposal would not give rise to anti-social behaviour and activities that could cause harm to the residential amenities of the neighbouring properties. The proposal is therefore contrary to the requirements of paragraph 69 of the National Planning Policy Framework 2012.

Informative:

- 1 The applicant is strongly encouraged to consider developing a Travel Plan dealing with the ways in which staff and patients visit Warders Medical Centre in an attempt to encourage more sustainable ways of travelling.

Contact: Emma Keefe

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Tonbridge **559344 146712** **21 February 2014** **TM/14/00685/FL**
Medway

Proposal: Creation of car park (total of 10 spaces) and associated access, including bollard lighting, tree removal and shrub clearance
Location: Warders Medical Centre 47 East Street Tonbridge Kent TN9 1LA
Applicant: Warders Medical Centre

1. Description:

- 1.1 Planning permission is sought for the creation of ten new car parking spaces within the rear 'garden' of Warders Medical Centre. An associated access linking this rear portion of the site with the main car park is also proposed along with the installation of bollard lighting at various points. The proposal will involve the removal of several trees and will also result in the clearance of various established shrubs across the garden.
- 1.2 The submission explains that there are presently 32 car parking spaces to serve both patients and staff. It states that, despite attempts to encourage staff and patients to utilise public transport, there is a continuing demand for parking on site throughout the day.
- 1.3 The parking and access surfacing is proposed to be constructed from a Geocell tree root protection system, with perimeter timber edging.

2. Reason for reporting to Committee:

- 2.1 Called in by Cllr Lancaster in light of complex planning history.

3. The Site:

- 3.1 Warders Medical Centre lies on the southern side of East Street, just to the south of the junction of Hadlow Road/Bordyke. The surgery comprises an imposing 2½ storey, detached Victorian building with single storey modern extensions, with rooms in the roof on the road frontage, landscaped gardens and car parking to the rear.
- 3.2 To the north east there is a high brick wall on the boundary separating the surgery from an access drive serving 2 office buildings and 3 houses which lie to the south east. The remainder of the area is predominantly residential with the surgery car park abutting the gardens of Hermitage Court, a flatted development, and the residential properties in Lyons Crescent.
- 3.3 The site lies within the Conservation Area.

4. Planning History:

TM/85/10854/FUL grant with conditions 18 October 1985

Change of use of dwellinghouse to group medical practice surgery, together with single storey pitched roof extension to side to accommodate waiting room, records office and toilets.

TM/95/51531/FL Grant With Conditions 2 January 1996

proposed upgrading of existing administration and treatment facilities, including replacement of section to the NE part of the rear elevation

TM/95/51532/CA Grant With Conditions 2 January 1996

Conservation Area Application: demolition of part of building to facilitate replacement extension

TM/96/01664/RD Grant 31 December 1996

details of external materials to be used on roof and walls pursuant to condition 2 of consent TM/95/51531/FL (upgrading of facilities)

TM/05/00680/FL Grant With Conditions 6 April 2005

Single storey extension and internal alterations

TM/09/02823/FL Approved 1 April 2010

Part demolition and removal of an existing window to the rear of the main existing Victorian building. Erection of a new single storey pharmacy building with a new link to main existing building. 3 new car park spaces and 1 new loading bay

TM/11/02476/FL Approved 25 November 2011

Conversion/demolition and rebuilding (dependent upon structural soundness) of existing barn plus extensions of existing health centre to create new Pharmacy linked to health centre, internal alterations plus re-location of bin store and clinical waste

TM/12/02498/RD Approved 22 October 2012

Details of the operation of the security barrier pursuant to condition 9 of planning permission TM/11/02476/FL (Conversion/demolition and rebuilding (dependent upon structural soundness) of existing barn plus extensions of existing health centre to create new Pharmacy linked to health centre, internal alterations plus re-location of bin store and clinical waste)

TM/12/03198/RD Approved

26 November 2012

Details of lighting and screening pursuant to conditions 7 and 8 on planning permission 11/02476/FL (Conversion/demolition and rebuilding (dependent upon structural soundness) of existing barn plus extensions of existing health centre to create new Pharmacy linked to health centre, internal alterations plus re-location of bin store and clinical waste)

TM/12/03735/FL Application Withdrawn

15 January 2013

Laying out and use of part of rear garden to accommodate 12 parking spaces

TM/12/03750/FL Approved

12 February 2013

Proposed timber louvers to screen air conditioning units

TM/14/00686/FL Pending Consideration

Variation of condition 9 of planning permission TM/11/02476/FL (new pharmacy) to allow for bollards in two locations instead of existing chain barrier

5. Consultees:

5.1 Private Reps: 67 + site + press notice/2X/1R/24S. Letters of support make the following comments:

- Extreme pressure for parking exists here;
- Very little on street parking and public parking is some distance away;
- This is an expanding practice as a result of the new homes being built in Tonbridge;
- Little impact on amenity arising from the extension to the car park;
- Extension would reduce problems of congestion which at times is significant;
- Elderly people using Warders need to use the car park, which is often full which can cause stress;
- If permission is refused, Council should consider removing the double yellow lines in East Street and Lyons Crescent;
- Well thought-out layout and attractive design.

Objections received are as follows:

- Classic case of a business expanding beyond its capabilities – either curtail the business or move to a more appropriate site;
- Concern that the increased parking will further impact on the safe use of the footpath passing the site;

Comments received are as follows:

- Content for Leylandii to be removed from Lyons Crescent boundary subject to the planting of suitable replacements.

6. Determining Issues:

- 6.1 Warders Medical Centre is clearly an extremely well-used community facility and I appreciate that there is a need to protect viable community facilities that play an important role in the social infrastructure of the area.
- 6.2 I also appreciate that the planning application has received much support, as summarised at Section 5 of this report. These letters of support are predominately derived from patients of Warders (which has a wide catchment area) rather than the immediately local population. Allowing this community facility to operate successfully is clearly an important issue for consideration but this must be carefully balanced against the impacts the additional car parking spaces would have on the environment, particularly the character of this part of the Conservation Area and on the residential amenities of the surrounding dwellings.
- 6.3 TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by 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.
- 6.4 Paragraph 131 of the NPPF states that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets (in this case the Conservation Area). Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage

asset, great weight should be given to the asset's conservation. Significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting.

- 6.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that there is a general duty when carrying out any functions under the Planning Acts with respect to any buildings or other land in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.6 The CAA recognises that trees and soft landscaping are important features of the area. It goes on to expressly describe East Street as being quieter than Bordyke with less traffic, with the eastern end (which includes Warders), having a semi-rural character. I consider that the rear of the Warders site is a prime example of such character.
- 6.7 Several well established trees are proposed to be removed to accommodate the car parking spaces. The applicant states that these are of low arboricultural quality and thus not worthy of retention. However, when taken cumulatively, it is my view that these trees make an important contribution to the appearance and character of the Conservation Area. Additionally, a very substantial proportion of the well-established and attractive shrubs within the garden are also required to be removed. I appreciate that these shrubs are not afforded overt protection by virtue of the Conservation Area designation but they do contribute to the character of this tranquil part of the site and their removal is only required as a direct result of the proposal to create car parking spaces.
- 6.8 In addition to the trees that would be lost as a result of this proposal, the proposed car parking spaces would be located in close proximity to a number of other trees that are shown for retention. These trees are recognised as being substantial and important specimens in their own right, as well as when taken cumulatively with all other trees within the garden. In my view it is entirely appropriate to seek to retain these trees, as they are important specimens within the site, making an important contribution to the appearance and character of the wider Conservation Area. Such close proximity of parking spaces is highly likely to prejudice the long term future of these important trees, irrespective of the specification for the proposed means of surfacing and cited protection measures.
- 6.9 The application is accompanied by a detailed method statement, setting out how the construction of the car parking spaces could be achieved without damaging the root protection zones of the trees proposed for retention. However, whilst *in theory* this could be achieved under strict arboricultural supervision, I am extremely concerned about the long term stability of the proposed 'Cellweb' material given the awkward arrangement of the proposed spaces. In the longer term, with the likely need for unorthodox vehicle movements arising from the awkward layout, combined with more general wear and tear, I believe that the

material has the potential to become dislodged and ultimately there could well be pressure to provide a more stable surface which would result in compaction around the trees and the eventual removal of more trees across this part of the site.

- 6.10 Furthermore, I am concerned that the increased activity in this part of the site that would arise from the use of these spaces would cause an unacceptable impact on the residential amenities of the nearest dwellings. I appreciate that the applicant has stated that the spaces are intended to be reserved for staff “*predominately*” but some of the spaces are located in close proximity to residential properties which border the site. The awkward configuration of the spaces suggests that there is a likelihood that unconventional vehicle movements are likely to be required. Additionally, there are no details explaining how such ‘staff only’ arrangements would be managed/enforced meaning that a situation could arise where patients still seek to acquire a space within this area, further adding to noise and disturbance especially if they are then unable to locate such a space.
- 6.11 It is my view that an area of lawn immediately behind the main Warders building may represent a far better opportunity for the centre to provide the additional parking spaces they desire. It would seem to be a far more practical solution and would also limit the amount of external lighting required to facilitate use of the resultant car park. Whilst it is clearly not for the Council to design an alternative scheme, Members should be aware that this suggestion has been put to the applicants in the interests of working in a positive and proactive fashion (an approach advocated by the NPPF). However, they have simply stated that this would not represent a suitable solution in the longer term as they have further plans to extend the practice onto this land. This raises wider concerns about the long term future of the site and how it might operate as an extended practice. Such an extension would inevitably further increase demand for on-site parking and I am doubtful as to whether this could be successfully accommodated. However the applicant’s aspirations cannot form part of this consideration but the fact remains that an alternative to the current proposal has effectively been discounted. This does nothing to convince me that the current proposal with its manifest weaknesses is the only possible solution. It may therefore be, as one private representation suggests, that the medical centre has simply outgrown the site and should consider whether it continues to represent a practical solution in the longer term (although of course this matter in itself is not a material planning consideration in this instance and cannot be a justification for refusing planning permission alone).
- 6.12 As suggested elsewhere on this Agenda, Warders would be well advised to consider what their future needs might be and whether the site can realistically accommodate those needs. In the shorter term, I would recommend that they consider developing a robust Travel Plan which seeks to better manage the traffic

movements of both staff and patients, encouraging them to make better use of the opportunities the position of the site, being in close proximity to the town centre, benefits from in terms of connectivity and transport links.

6.13 In light of the above assessment, I consider that the proposed development fails to meet the requirements of the NPPF and relevant policies contained within the LDF. I therefore recommend that planning permission be refused.

7. Recommendation:

7.1 **Refuse Planning Permission** for the following reasons:

- 1 The creation of the proposed car parking spaces and associated works would involve the loss of several trees which cumulatively make a positive contribution to the character and appearance of the Conservation Area and would threaten the long term prospects of many other important individual specimens across the site. The loss of these trees would have an adverse impact on the character of the site. As such, the proposal would significantly detract from the visual amenities of the locality and is therefore contrary to paragraphs 131 and 132 of the National Planning Policy Framework 2012, policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.
- 2 The proposed development by virtue of its particular layout and specific relationship to residential properties would cause disturbance arising from additional and unorthodox traffic movements, manoeuvring and associated activities in a currently undeveloped and otherwise tranquil part of the site. For these reasons, the proposal is contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

Informative:

- 1 The applicant is strongly encouraged to consider developing a Travel Plan dealing with the ways in which staff and patients visit Warders Medical Centre in an attempt to encourage more sustainable ways of travelling.

Contact: Emma Keefe

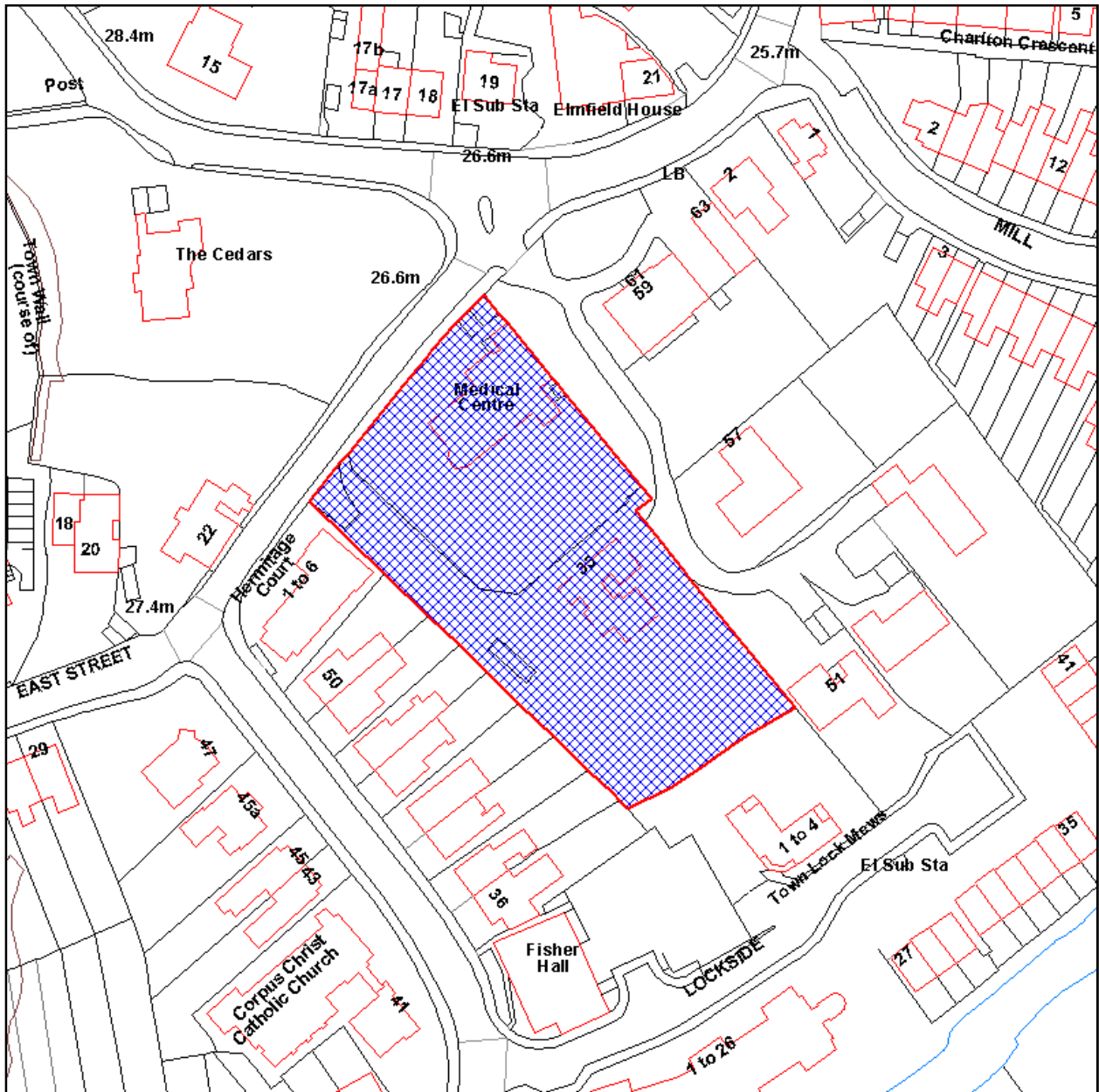
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TM/14/00685/FL

Warders Medical Centre 47 East Street Tonbridge Kent TN9 1LA

Creation of car park (total of 10 spaces) and associated access, including bollard lighting, tree removal and shrub clearance

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Tonbridge	559370 146719	24 April 2014	(A) TM/14/01371/FL
Medway			(B) TM/14/01372/LB

Proposal: (A) Demolition of ancillary outbuilding, conversion of Bordyke End from offices back into residential dwelling with conservatory extension. Conversion of Coach House from offices into separate residential dwelling including first floor extension. Erection of a 3 bay garage with habitable accommodation over

(B) Listed Building Consent: Demolition of ancillary outbuilding, conversion of Bordyke End from offices back into a residential dwelling with conservatory extension. Conversion of Coach House from offices into separate residential dwelling including first floor extension

Location: Bordyke End 59 And The Coach House 63 East Street
Tonbridge Kent TN9 1HA

Applicant: Millwood Designer Homes Ltd

1. Description:

- 1.1 This development comprises three main elements. It is proposed to change the existing office use of the principal Listed Building within this site back to a single residential dwelling house. This would entail removing a single storey brick addition built in the 1990's and erecting a conservatory to the rear of the building. The internal layout of the building will be altered by the removal of non-original stud partition walls. At ground and first floor levels new sections of stud walling would be erected to create en-suite bathrooms and a w.c. Externally, it is proposed to remove an existing metal emergency escape staircase and block up two openings within the north east (flank) elevation of the Listed Building.
- 1.2 It is also proposed to convert the existing "coach house" located to the side of the principal building within this site from use as an office (Class B1) to a three bedroom dwelling house. This building is Grade II Listed by virtue of its location within the curtilage of the principal building. It is proposed to extend above a flat roof section of The Coach house to create additional first floor accommodation. This would be constructed externally from red brick work under a pitched roof clad with slate tiles. The existing windows within this building would be replaced with ones of a similar size, but which differ in terms of their detailed design.
- 1.3 The third element of the proposed development is the erection of a garage building that would contain habitable accommodation above it. The applicant has confirmed that this accommodation will now serve as annex accommodation to Bordyke End and would not be a separate, self-contained unit. This building would measure 9.7m in length, 7.2m in width and would stand 7.1m high at ridge level. The walls of this building would be constructed from stock brickwork and its

roof would be clad with slate tiles. Three parking bays would be located within the garage and the flat above would contain 1 bedroom, a living room/kitchen and a bathroom. Light would be provided to the flat by the use of three dormer windows located within the front (north west) facing roof slope and by roof lights located within the rear (south east) facing roof slope.

- 1.4 The proposed development would create two separate dwellings with this site. The Coach House would have its own private garden curtilage defined by a 2m high brick wall located along the edge of the access road that would meet with the existing 2.4m high boundary wall located on the north east side of the site. The private garden serving the dwelling within the principal Listed Building would be located directly to its rear. This is defined on the south west side by an existing row of Leyland Cypress trees. The north east boundary of this new garden is shown to be defined by new soft landscaping, details of which have not been provided at this stage. The existing mature trees located around the periphery of the site are not shown to be removed under this proposal. Existing fences and walls that form the boundary to this site are shown to be retained.
- 1.5 Two car parking spaces would be provided for The Coach House to the north of this new dwelling house. Two separate parking areas have been identified for use by the intended occupants of the new dwelling within Bordyke End. One would be within the retained parking area located to the west of the dwelling. The other would be located between The Coach House and the proposed garage building, on the eastern side of the site. The proposed garage would serve Bordyke End and would accommodate 3 car parking spaces. A permeable gravel driveway would be located in front of the proposed garage.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Lancaster in response to the concerns expressed by local residents.

3. The Site:

- 3.1 The site is located within the urban confines, on the south side of East Street close to its junction with Hadlow Road/Bordyke. The site contains a Grade II Listed Building dating from c.1840 and which was originally used as a dwelling house. This is described within the list description as being of white brick construction (which is in fact pale yellow in colour). A two storey side extension has been built on the north east side of the original building, from red stock brickwork. The former coach house building is located to the north east side of the principal Listed Building and is of red brick construction.
- 3.2 The majority of the site is located within the Tonbridge Conservation Area. The exception to this is the south east corner of the site where the proposed garage building is located.

3.3 The Warders Medical centre adjoins the site to the south west. Residential properties adjoin the site to the south east and north east.

4. Planning History:

SW/4/65/125 grant with conditions 27 July 1965

Conversion of stores and loft into detached house and garage.

TM/88/1594 grant with conditions 7 December 1988

Use of premises as Class B1 (a) offices together with parking and amended access.

TM/89/970 grant with conditions 27 July 1989

Listed Building Application: Refurbishment works with internal alterations forming new office accommodation.

TM/90/120 grant with conditions 14 March 1990

Listed Building Application: Installation of new timber sash window into existing window opening, previously bricked up. All work to match existing.

TM/90/119 grant with conditions 14 March 1990

Installation of new timber sash window.

TM/97/01441/FL Grant With Conditions 14 January 1998

Alterations and extensions to form additional office accommodation

TM/97/01442/LB Grant With Conditions 14 January 1998

Listed Building Application: alterations and extensions to house and coach house to form additional office premises

TM/02/02984/TNCA No Objection 14 November 2002

Reduce height of 4 Conifers by 10ft and trim sides

TM/02/03238/FL Grant With Conditions 24 December 2002

Alterations and extensions to form additional office accommodation (renewal of planning application TM/97/01441/FL)

TM/02/03241/LB Grant With Conditions 24 December 2002

Alterations and extensions to house and coach house to form additional office premises (renewal of application TM/97/01442/LB)

TM/09/01674/TNCA No Objection 18 August 2009

T1 - Triple stemmed Sycamore remove 2 stems overhanging 3 Mill Crescent. T2 - Reduce line of conifers and remove dead conifers. T3 - Sycamore (ivy covered) Remove. T4 - Sycamore remove overhanging branches

TM/14/00642/TNCA No Objection 25 March 2014

Remove 6 Spruces, 1 Birch, and 4 Lawson Cypress. Reduce height of 3 Western Red Cedars (21, 22 and 22A). Reduce 5 Sycamore by 25% in height and thin crowns and Goat Willow by 50%. Leyland Cypress - cut back from building. Yew - raise canopy. False Acacia - (dead). Remove

5. Consultees:

5.1 KCC Highways: No objections.

5.2 English Heritage: This application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.

5.3 Tonbridge Civic Society: The setting of the Listed Building would be impaired by cars parked in front or to the side of the house. The garage is an inconvenient distance away from the main house. A single storey building would be more neighbourly for the adjoining properties.

5.4 Private Reps (including site and press notices) 31/1X/0S/4R: 5 responses in total have been received. None of the responses object to the principle of converting the offices at Bordyke End back to a single dwelling. They do, however, raise the following objections to the scheme:

- Loss of privacy from the windows within The Coach House conversion.
- Loss of privacy from the proposed flat above the garage.
- Harm to outlook from neighbouring properties.
- Use of The Coach House as a dwelling would increase its use to 7 days a week and therefore cause an additional loss of privacy.
- The Coach House should be used for vehicle parking with accommodation above. This would negate the need for the proposed garage.

- The garage is out of keeping with the character of the locality.
- Concern with the potential for trees to be removed and how this would affect the amenities of the neighbouring properties.
- The impact of the development upon the existing access arrangements for the neighbouring residential properties.

6. Determining Issues:

6.1 Current Government guidance contained within the NPPF states at paragraph 14:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development** (its emphasis), 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 planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*

6.2 Policy CP 11 of the TMBCS states that development will be concentrated within the confines of urban areas including Tonbridge.

6.3 Policy CP 24 of the TMBCS requires all developments to be well designed and must through such matters as scale, layout, siting, character and appearance, be designed to respect the site and its surroundings.

6.4 Policy SQ 1 of the MDEDPD states that new development should protect, conserve and, wherever possible enhance the character and local distinctiveness of the area including its historical and architectural interest.

- 6.5 Part of the site is located within the Tonbridge Conservation Area and indeed the existing buildings within the site are Grade II Listed. Accordingly, current Government guidance contained within section 12 of the NPPF also has to be taken into consideration. It states at paragraph 131:

“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...”

- 6.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in exercising its powers, a local planning authority shall pay special attention to the desirability of preserving or enhancing the character of a Conservation Area.
- 6.7 The principle behind the change of use of the office buildings to residential is acceptable in broad policy terms. Similarly, the principle of erecting the new garage with a flat above accords with policy CP 11 and current Government guidance that relates to the presumption in favour of sustainable development, due to the location of the site within the urban confines of Tonbridge.
- 6.8 It is proposed to demolish a single-storey, flat-roof extension to the principal Listed Building that dates from the 1990's, together with a 20th century external metal staircase. It is also proposed to infill a doorway and small window in the flank elevation of this building with matching brickwork. These works would not harm the special architectural or historic interest of this Listed Building and, indeed, would improve its external appearance.
- 6.9 It is proposed to erect a conservatory to the rear of the principal Listed Building. This would have a brick plinth wall, above which would stand a white painted timber frame. The conservatory is of a scale, form, design and appearance that would be sensitive to and in keeping with the character of the existing building.
- 6.10 Internally, some non-original stud partition walls would be removed which again would not cause harm to the fabric of the Listed Building and, in the case of the drawing room and kitchen, these rooms would be restored back to their original size. Some small sections of new stud walling would be erected within the building, but these would not detract from the layout of the building as a whole or the individual room proportions.
- 6.11 The proposed extension to The Coach House would be built over an existing, single storey side element which has a flat roof. The extension would have a simple pitched roof, mirroring the main part of the building and would respect its form and character. The materials used externally with this addition would match those used on the existing building (facing brickwork and slate tiles). All of the existing windows which appear to date from the mid to late 20th Century, would be

replaced. The proposed external works would improve the appearance of the curtilage Listed Building. Internally, The Coach House has been adapted to facilitate its office use. Many of the non-original stud partition walls would be removed and new stud partition walls would be inserted in order to create a 3 bedroom dwelling house. The internal alterations would not remove historic features and would not harm its special architectural or historic interest.

- 6.12 The dwelling house within the neighbouring property at 2 Hadlow Road is located less than 2m away from The Coach House at its closest point. However, no additional windows would be installed within the wall of The Coach House that faces onto this neighbouring residential property and the existing windows would be replaced *in situ*. A residential use of The Coach House would occur 7 days a week as opposed to the existing office use that currently appears to take place 5 days a week. However the proposed use of this building as a dwelling house would not cause any further harm to the privacy or general amenity of the neighbouring residential properties than the existing use of this building as an office. Therefore, whilst I recognise the concerns of the local resident, the scheme is acceptable in this particular aspect. I would, however, recommend the use of a condition to control the insertion of additional windows within this building in the future, in order to safeguard the residential amenity of this neighbouring property.
- 6.13 A small window is located centrally within the gable end of the neighbouring property at 2 Hadlow Road. It is understood that this serves a bedroom located within the roof void at second floor level. The proposed extension has therefore been assessed against the guidance contained within the BRE document "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" to establish how it would affect the availability of daylight to this neighbouring property's bedroom window. The use of this document allows a more detailed analysis to be made concerning the impact of a development upon the availability of light to a neighbouring property than the tests prescribed in the Council's Development Plan policies.
- 6.14 Having applied the tests set out in the BRE document I am satisfied that the side facing window serving a bedroom within 2 Hadlow Road would receive an acceptable level of light were the extension to The Coach House built. I also understand that this particular bedroom is also served by a rear facing dormer window which would not be affected by the proposed development.
- 6.15 Much concern has been expressed regarding the new garage building located towards the rear of the site. As has been described above, the site is located within the Tonbridge urban confines where new housing is supported in principle. The area within which the site is located does not have one particular character type. Mill Crescent, to the east of the site, is characterised by rows of Victorian terraced houses facing the street. By comparison, to rear of the site, four individual dwellings have been built in an entirely acceptable but *ad hoc*, loose-knit

back land development form, and these surround the confines of this site. Given this particular context, the proposed garage with flat over would not appear out of keeping with the layout of existing buildings in the locality.

- 6.16 The proposed building is of a scale that is subservient to the Listed Buildings within this site. It would take a traditional form and design and make use of sensitive materials such as facing brickwork and slate roof tiles, reflecting the palette of materials used on the existing buildings within this site. The proposed garage building would respect the setting of the Listed Buildings within this site and would not detract from views into or out of the adjacent Conservation Area.
- 6.17 Three dormer windows would be located within the front facing roof slope of the garage building. They would be located in excess of 30m away from the rear elevation of the neighbouring dwelling at 2 Hadlow Road. A mature tree screen, which would be retained under this proposal, exists along the boundary of the site with this neighbouring property. As a benchmark, a distance of 21 metres between the principal windows of dwellings is generally considered to be sufficient to safeguard the privacy of the existing property. Other factors such as orientation, building design and boundary treatments can also help. In this particular case, given the separation between the proposed flat and the dwelling house at 2 Hadlow Road and that the mature boundary tree screen is to be retained under this proposal, I am satisfied that the proposed flat above the garage would not cause an unacceptable loss of privacy to this neighbouring residential property.
- 6.18 The annex accommodation above the garage has been designed with no windows facing the adjacent residential properties within Mill Crescent to the east. A staircase would be located on this side of the building to provide access to the flat. Following discussions with the applicant, in order to prevent any overlooking to the neighbouring properties occurring from the top landing or those climbing the stairs this stair would now be an enclosed.
- 6.19 The drawings also indicate the use of two roof-light windows within the rear facing roof slope. The applicant has confirmed that they would be located 1.95m above the internal floor level of the flat. As such these windows would not allow views into the neighbouring residential properties.
- 6.20 Part of the driveway leading to the new garage would be built using a no-dig construction in order to benefit the roots of the mature trees located within this part of the site. A condition can be used to ensure this is carried out as recommended in the submitted Arboricultural report.
- 6.21 The site contains many mature trees located around the periphery of the site which contribute to its verdant character. These trees make a positive contribution to the character of the site and the proposed development has been designed in such a way that no trees would need to be removed to accommodate it. It is proposed to install a permeable 'no dig' system for the driveway in front of the

proposed garage which is designed to reduce the impact of vehicles driving over the root protection areas of the trees. A condition can be used to require details of the no dig construction method for the driveway

- 6.22 The garage building would encroach into part of the root protection area of an Oak tree, which has been acknowledged in the submitted Arboricultural report. A small encroachment into a tree's root protection area should not harm the health of the tree. However, I consider it would be reasonable to require details of the foundation design of the garage to be submitted to and approved by the Borough Council, in order to minimise the harm this building would do to its roots.
- 6.23 Adequate car parking provision would be provided within the site for the proposed two dwellings and annex. Kent Highways has not objected to the proposed development, considering it to be acceptable in terms of highway safety impacts. The vehicle access to the site is shared with four other properties (nos. 51 – 57 East Street (odd)). However, the submitted plans do not show that the existing access arrangements would be changed under the current proposal.
- 6.24 In conclusion, the proposed development complies with current Government guidance and Development Plan policies. It would not detract from the character of the site or the wider locality, including that of the Conservation Area, and would not cause unacceptable detriment to the amenity of the neighbouring residential properties. Consequently, the development is considered to be acceptable and I recommend that planning permission and Listed Building Consent be granted.

7. Recommendation:

(A) TM/14/01371/FL:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 14.04.2014, Letter dated 24.04.2014, Arboricultural Survey dated 14.04.2014, Design and Access Statement dated 24.04.2014, Supporting Information dated 14.04.2014, Location Plan dated 14.04.2014, Proposed Layout P207/PL/100 B overmaked for trees dated 14.04.2014, Proposed Layout P207/PL/100 B dated 14.04.2014, Proposed Elevations P207/PL/200 dated 14.04.2014, Proposed Floor Plans P207/PL/300 A dated 14.04.2014, Proposed Plans and Elevations P207/PL/400 dated 14.04.2014, Proposed Plans and Elevations P207/PL/500 garage dated 14.04.2014, subject to:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details 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. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

4. The 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 garage shall not be used for any other purpose than the accommodation of private vehicles or for a purpose incidental to the enjoyment of the related dwellinghouse and no trade or business shall be carried on therefrom.

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.

6. No development shall take place until details of tree protection measures have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

- 7 No development in respect of the garage building shall take place until details of its foundations 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 minimises harm to tree roots in the interest of visual amenity.

- 8 No development in respect of the garage building shall take place until details of its finished floor level in relation to existing ground levels within the site have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

- 9 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 roof of the garage/flat building 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 the amenity and privacy of adjoining property.

- 10 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 north east elevation or the roof of The Coach House 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 the amenity and privacy of adjoining property.

- 11 No development shall take place until details of the 'no dig' construction to the driveway and parking areas 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 minimises harm to tree roots in the interest of visual amenity.

- 12 The use of the accommodation above the garage hereby permitted shall be ancillary only to that of the new dwelling house at Bordyke End and it shall not be occupied as a separate hereditament.

Reason: In the interests of residential amenity.

Informatives:

- 1 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 2 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 3 If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.
- 4 With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or Public Holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.

(B) TM/14/01372/LB:

- 7.2 **Grant Listed Building Consent** in accordance with the following submitted details: Letter dated 14.04.2014, Location Plan dated 14.04.2014, Proposed Layout P207/PL/100 B overmarked for trees dated 14.04.2014, Design and Access Statement dated 24.04.2014, Supporting Information dated 14.04.2014, Proposed Layout P207/PL/100 B dated 14.04.2014, Proposed

Elevations P207/PL/200 dated 14.04.2014, Proposed Floor Plans P207/PL/300 A dated 14.04.2014, Proposed Plans and Elevations P207/PL/400 dated 14.04.2014, Proposed Plans and Elevations P207/PL/500 dated 14.04.2014, subject to:

Conditions / Reasons

1. The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No development shall take place until details of any external joinery to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

3. The standard of workmanship achieved in the carrying out of the development shall conform with the best building practice in accordance with the appropriate British Standard Code of Practice (or EU equivalent).

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

Contact: Matthew Broome

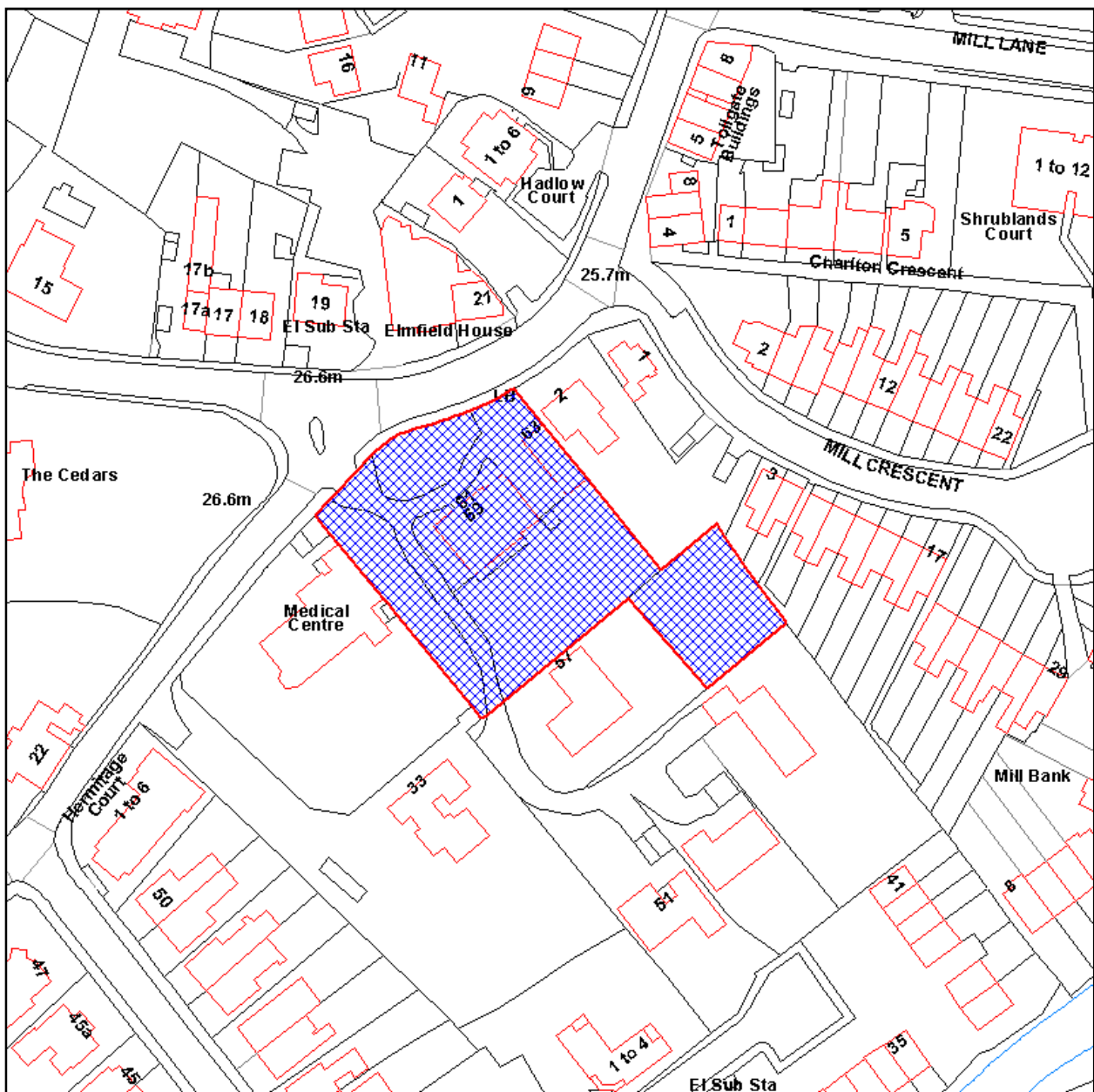
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(A) TM/14/01371/FL & (B) TM/14/01372/LB

Bordyke End And The Coach House East Street Tonbridge Kent TN9 1HA

(A) Demolition of ancillary outbuilding, conversion of Bordyke End from offices back into residential dwelling with conservatory extension. Conversion of Coach House from offices into separate residential dwelling including first floor extension. Erection of a 3 bay garage with an independent flat & (B) Listed Building Consent: Demolition of ancillary outbuilding, conversion of Bordyke End from offices to a residential dwellinghouse. Erection of conservatory. Conversion of Coach House from offices into separate dwellinghouse including first floor extension

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Tonbridge Judd	558404 145896	1 May 2014	TM/14/01568/FL
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Proposal:	Demolition of 7 no. single garages on triangular site. Construction of 5 no. flats over parking on ground floor and amenity area
Location:	Mabledon Road Tonbridge Kent
Applicant:	Tyler Holding Limited

1. Description:

- 1.1 The proposed building is of contemporary design and would measure 22m in length and a maximum of 15m in width. The building would be wider at its eastern end than its western end due to the triangular shape of the site itself. At ground level, 5 car parking spaces would be provided together with a means of access from the northern end of Mabledon Road. Six no. individual bicycle storage areas would also be provided at ground level, together with a communal bin store. The living accommodation would be provided on the two floors above the ground floor with 3 of the flats located at first floor level and 2 at second floor level.
- 1.2 The building has been designed to appear as two separate but linked elements. The part of the building located at the southern end of the site contains ground and first floor accommodation only, and would stand 5.8m high at eaves level and 7.2m high at ridge level. This element of the building would be finished externally with facing stock brickwork and white painted rendered walls. The roof would be clad with slate tiles.
- 1.3 The part of the building located at the northern end of the site would stand 9.2m high. This part of the building would also be finished with stock brickwork on its eastern end at ground at first floor levels with vertical natural timber cladding above. The remaining elevations would be finished externally with bands of the same timber cladding and panels of painted render. The timber cladding is now to be used instead of grey coloured metal cladding which was originally proposed.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllrs Bolt and Cure as a result of the application drawing a significant amount of interest from local residents.

3. The Site:

- 3.1 The site is located within the urban confines of Tonbridge at the northern end of Mabledon Road. The site is triangular in shape and currently contains two blocks of brick built garages. The site adjoins the mainline railway to the south, close to Tonbridge Railway Station. Mabledon Road currently contains two rows of predominantly red brick, semi-detached dwellings that date from the 19th/early 20th Century, in a traditional linear pattern.

4. Planning History:

4.1 None.

5. Consultees:

5.1 KCC (Highways): No objections.

5.2 Kent Police (Crime Prevention): The play area should be reconsidered as the allocated area will be subject to criminal damage and anti-social behaviour.

5.2.1 Network Rail: The applicant/developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

5.3 Private Reps (including site notice): 6/0X/0S/27R. The reasons for objecting to this application are:

- The building is out of scale with the existing 2 storey Edwardian dwellings in this area.
- The height of the building will make it intrusive and overbearing.
- The development does not fit in with the present mix of terrace and semi-detached houses in the vicinity.
- The development will cause a loss of light and privacy to neighbouring residential properties and overshadow them.
- The development will add to vehicle traffic in Mabledon Road and reduce the safety of pedestrians using the footpath past the site.

- Parking is already a big problem in the street. The proposal will make the existing situation worse.
- The proposed car parking provision is out of date and inadequate.
- The proposed “community space” is too small to be of any use and will be a magnet for anti-social behaviour.
- Will the existing trees that overhang the site be removed?
- The site currently provides a habitat for wildlife which will be lost with this development.
- The loss of garages will mean that additional cars will have to be parked on the road.
- The development will disturb asbestos removed from the existing garages to be demolished.

6. Determining Issues:

6.1 Current Government guidance contained within the NPPF states at paragraph 14:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development** (its emphasis), 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 planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*

6.2 Paragraph 111 of the NPPF further states:

“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided it is not of high environmental value...”

- 6.3 Policy CP 11 of the TMBCS states that development will be concentrated within the confines of urban areas including Tonbridge.
- 6.4 Policy CP 24 of the TMBCS requires all developments to be well designed and must through such matters as scale, layout, siting, character and appearance, be designed to respect the site and its surroundings.
- 6.5 Policy SQ 1 of the MDEDPD states that new development should protect, conserve and, wherever possible enhance the character and local distinctiveness of the area including its historical and architectural interest.
- 6.6 In light of the above, the principle of developing this previously developed, sustainable site close to Tonbridge town centre for residential purposes is acceptable in broad policy terms.
- 6.7 The building is of a radically different form and design to the existing traditional red brick and rendered dwellings that front onto Mabledon Road. Current Government guidance considers the issue of design within paragraphs 60 and 61 of the NPPF, which state:

*“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** (my emphasis). It is, however, proper to seek to promote or reinforce local distinctiveness.*

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

- 6.8 The application site stands at a point where the rows of traditional housing located to the south meet the wide expanse of the railway land to the north. On the southern side the proposed building has been designed to respect the storey and overall height of the existing dwellings within Mabledon Road and would be faced with traditional materials including facing brickwork, rendered walls and the use of slate tiles for the roof. The form and design of this part of the proposed building has, therefore, been influenced by the character of the existing dwellings within Mabledon Road.
- 6.9 The northern half of the building would combine the brickwork and render with vertical timber cladding. The use of these materials together with larger areas of glazing would produce a more contemporary aesthetic for the northern part of the building. In light of its location abutting the railway line, the form and appearance of this part of the building would not be harmful to the character of development in the locality. This part of the development would stand taller than the existing

dwellings within Mabledon Road and elsewhere nearby. However it must be noted that the land level drops considerably in Mabledon Road from south to north and the existing dwellings therefore step down accordingly. The application site is located at the lowest point in the street. In light of this, and given that the proposed building steps up in height away from the existing dwellings within Mabledon Road, I do not consider that the development would appear overbearing in the street scene or when viewed from neighbouring residential properties.

- 6.10 The size and shape of the application site dictates, to a degree, the nature and form of development that can take place within it. Unlike the regular, rectangular shaped sites of properties within Mabledon Road, the application site is an unusual triangular shape. Its use has been for the garaging for private motor vehicle and the existing buildings on site do not make any positive contribution to the visual amenity of the area. The proposed development makes beneficial use of this awkward site in a way that would produce 5 dwellings on previously developed land. The development is considered to be an intuitive design that would integrate itself well with the built environment around it. Details of materials should be submitted for approval and thus controlled by condition.
- 6.11 The site is not designated as having nature conservation or bio-diversity value. It contains garages 'enbloc' and a large area of hard standing. Local residents have referred to seeing Slow Worms within the neighbouring gardens and the site itself. However, the only part of the site that could provide refuge for these protected creatures is a small triangular area of overgrown grass located at the western end of the site. Due to the fact the site is not designated as a Local Wildlife Site and it has a very limited capacity to accommodate wildlife including Slow Worms due to its current use and layout, its redevelopment would not adversely affect biodiversity or the value of wildlife habitats within the Borough.
- 6.12 The scheme has been designed to avoid directly overlooking habitable room windows or private garden areas within neighbouring residential properties. No windows would be located within the east elevation of the building which faces towards the rear gardens of 51 and 53 Nelson Avenue. A small external terrace would be provided at first floor level serving one of the flats, but this would be enclosed by a 1.8m high privacy screen thereby safeguarding the privacy of the neighbouring properties. Narrow windows would be located within the south elevation of the building at first floor level. These would provide natural surveillance of the alleyway that adjoins the site to the south, in the same way that windows located within the north elevation of 1 Mabledon Road currently do. I am satisfied that the relationship between the development and No 1 Mabledon Road is acceptable in terms of residential amenity.
- 6.13 The proposed development is located to the north of the existing residential properties in Mabledon Road and would not, as a result, cause them any overshadowing. The stepped form also assists in taking the largest part of the building away from the nearest neighbours. I am also satisfied that sufficient

separation would exist between the proposed development and the dwellings at 51-53 Nelson Avenue to the east to avoid causing them unacceptable overshadowing.

- 6.14 The development would contain 5 car parking spaces which meets the Council's adopted car parking standards for a flatted development in this locality. Mabledon Road is characterised by on street car parking that has to be relied upon by the majority of the people living within this street. However the site is located close to the town centre with its range of shops and services and is readily accessible by public transport. Given the location of the site and that the level of car parking to be provided complies with adopted standards, the proposed development is considered to be acceptable in terms of car parking provision. The development would, of course, require the demolition of the 7 garages within the site. However, the site is privately owned and the use of the garages can cease at any time.
- 6.15 Access to the site would have to cross the footpath that runs in an east-west direction at the northern end of Mabledon Road. This is, of course, no different to how the existing garages are accessed from Mabledon Road. Therefore, whilst I can appreciate the concerns of local residents with this aspect of the proposal, there can be no objection in principle to the access to the site crossing the existing footpath. Kent Highways has not objected to the development.
- 6.16 Being located next to a railway line there is the potential for noise disturbance to the residents of the proposed development. The acoustic report submitted as part of this application concludes that the dwellings would have an acceptable internal noise environment with windows closed. This would be achieved by the use of specialist glazing and would require the use of mechanical ventilation, acoustic air bricks or trickle vents located within windows. As there are building/engineering solutions available to provide an acceptable internal noise environment for the building's inhabitants, the development is considered to be acceptable in terms of rail noise. There are many examples of new dwellings successfully built close to railway lines in the last few years.
- 6.17 Concerns have been expressed by local residents and Kent Police regarding the integration of a small public amenity area within this development. However, the applicant has now decided to omit this from the scheme in response to the views received through the consultation process. The applicant is aware that this space will need to be defended by adequate boundary treatment. A condition can be used to require details of landscaping and boundary treatments to be submitted to and approved by the local planning authority. I would expect to see a wall or fence installed along this part of the site's boundary, similar to existing boundary treatments in the locality, to deter anti-social behaviour occurring within this area – this can be required by condition.
- 6.18 The development would not require the loss of any trees located within the neighbouring property, although some branches will need to be cut back.

- 6.19 The development for 5 dwellings triggers the need to apply policy OS3 of the MDEDPD that relates to open space provision. Due to the size of the site and the nature of the proposed development, a sufficient amount of open space cannot be provided on site. Accordingly, I consider that it would be reasonable to secure a financial contribution by way of a planning obligation to pay towards the enhancement of existing open spaces in the locality. The level of the contribution is currently being considered and I will report to Members in a supplementary report what contribution will be sought from the applicant.
- 6.20 In conclusion, the development would be an effective use of a previously developed site close to Tonbridge town centre. The building, whilst being contemporary in design, differing in terms of form and design to the more traditional dwellings around it, is of a good quality and makes reference in terms of height and use of materials to the existing residential properties in the locality. The building has been designed so as to not cause unacceptable overlooking or overshadowing to the neighbouring residential properties. Consequently, the development is acceptable in planning terms and I recommend that planning permission be granted.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 01.05.2014, Noise Assessment ACOUSTICS REPORT dated 01.05.2014, Site Survey DAT/9.0 dated 01.05.2014, Proposed Plans 11 and site plan dated 01.05.2014, Proposed Elevations 21 dated 01.05.2014, subject to:

- The applicant entering into a planning obligation to pay a financial contribution for the enhancement of existing public open spaces in the locality, and;
- The following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details 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 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.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

5. No development shall be commenced until full details of a scheme of acoustic protection of habitable rooms have been submitted to and approved in writing by the Local planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30dB LAeq in bedrooms and 40dB LAeq in living rooms with windows closed. Additionally, where the internal noise levels will exceed 40dB LAeq in bedrooms and/or 48dB LAeq in living rooms with windows open, the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation. Mechanical ventilation shall also be provided to bedrooms having openings into facades that will be exposed to a level of rail traffic noise in excess of 78dB L_{Amax} (slow time weighting). The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: In order to protect the amenities of the future occupants of the dwellings.

6. No development shall take place until details of the finished floor levels of the development in relation to the existing land levels within the site have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

- 7 No development shall take place until details of the privacy screen located on the west elevation of the building have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details prior to the first occupation of the dwelling the screen would serve and shall be retained at all times thereafter.

Reason: In the interests of visual or residential amenity.

Informatives

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 The developer is advised to contact Network Rail's Asset Protection team to agree to an Asset Protection Agreement with it. AssetProtectionKent@networkrail.co.uk
- 3 With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or Public Holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.

Contact: Matthew Broome

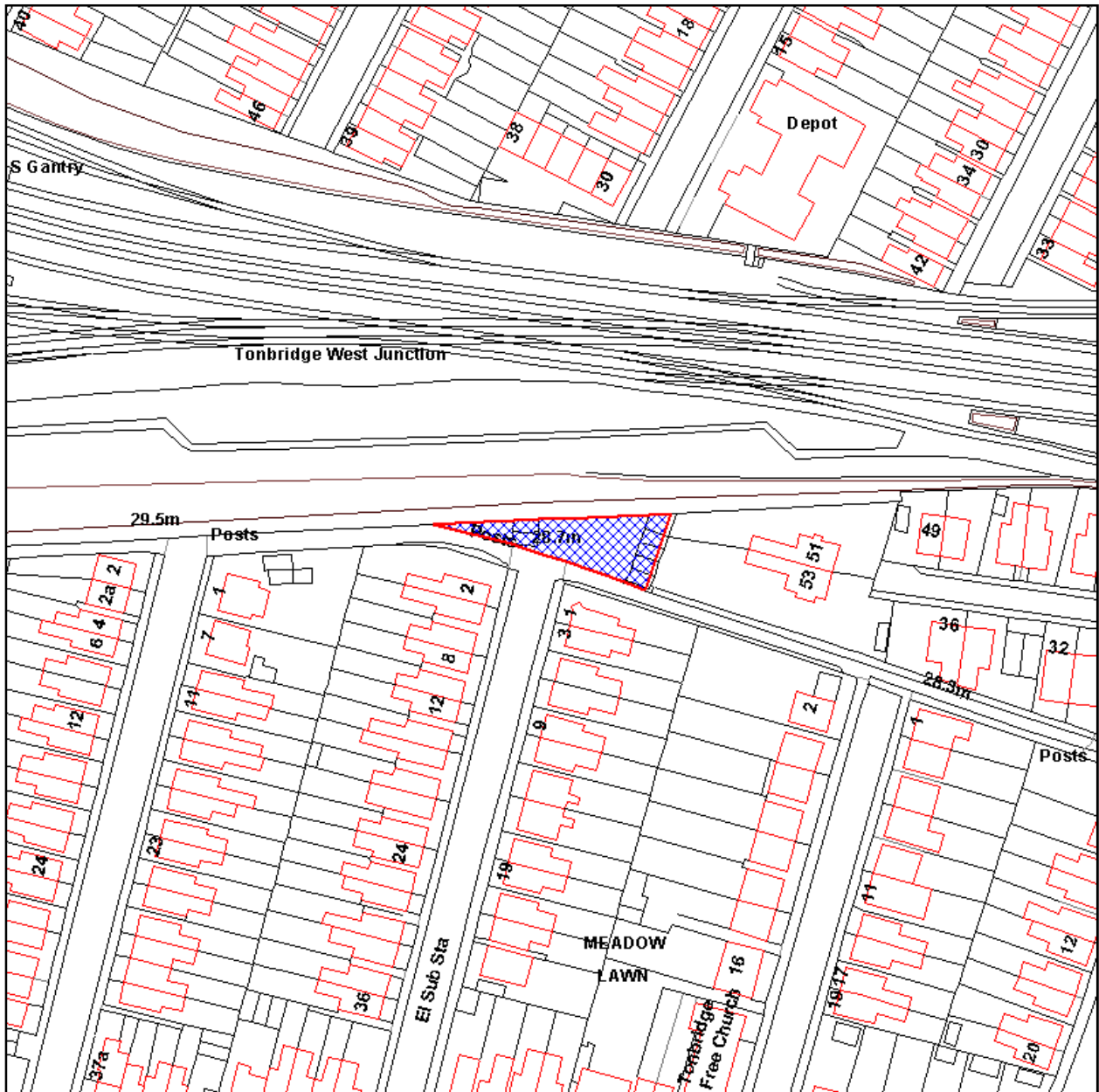
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TM/14/01568/FL

Mabledon Road Tonbridge Kent

Demolition of 7 no. single garages on triangular site. Construction of 5 no. flats over parking on ground floor and amenity area

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