

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

3 September 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, 11th September, 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

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 31 July 2014

Matter for Recommendation to Council

4. Diversion of Part of Public Footpath MU21 at Tonbridge 9 - 14

Decisions to be taken by the Committee

5. Development Control 15 - 18

Introduction and Glossary

6. TM/14/02529/CR3 - Land South of Kerromoor, Higham Lane, Tonbridge 19 - 36

7. (A) TM/14/01371/FL and (B) TM/14/01372/LB - Bordyke End and The Coach House, East Street, Tonbridge 37 - 58

8. TM/14/02398/FL - 1 Barchester Way, Tonbridge 59 - 66

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, 31st July, 2014

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

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

Apologies for absence were received from Councillors A W Allison, Mrs M F Heslop, C P Smith and Ms S V Spence

PART 1 – PUBLIC

AP1 14/32 DECLARATIONS OF INTEREST

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

AP1 14/33 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 19 June 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 14/34 DEVELOPMENT CONTROL AND SUPPLEMENTARY REPORTS

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 14/35 TM/14/00686/FL - WARDERS MEDICAL CENTRE, 47 EAST STREET, TONBRIDGE

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 at Warders Medical Centre, 47 East Street, Tonbridge.

RESOLVED: That the application be REFUSED for the reasons set out in the report of the Director of Planning, Housing and Environmental Health.

[Speaker: Dr G Kirby – applicant]

AP1 14/36 TM/14/00685/FL - WARDERS MEDICAL CENTRE, 47 EAST STREET, TONBRIDGE

Creation of car park (total of 10 spaces) and associated access, including bollard lighting, tree removal and shrub clearance at Warders Medical Centre, 47 East Street, Tonbridge.

RESOLVED: That the application be REFUSED for the reasons set out in the report of the Director of Planning, Housing and Environmental Health.

[Speaker: Dr G Kirby – applicant]

AP1 14/37 (A) TM/14/01371/FL AND (B) TM/14/01372/LB - BORDYKE END, 59 AND THE COACH HOUSE, 63 EAST STREET, TONBRIDGE

(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 at Bordyke End 59 and The Coach House, 63 East Street, Tonbridge.

(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 at Bordyke end 59 and The Coach House, 63 East Street, Tonbridge

RESOLVED: That applications (A) and (B) be DEFFERED for a Members' Site Inspection

[Speakers: Mr I Bedford – member of the public]

AP1 14/38 TM/14/01568/FL - LAND AT MABLEDON ROAD, TONBRIDGE

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

RESOLVED: That the application be REFUSED for the following reason:

1. The proposed development by virtue of its overall scale, bulk and massing combined with its detailed design and external appearance would appear overbearing within the street scene and would be out of character with the adjacent properties and the wider locality. Furthermore, when considering the constrained nature of the plot arising from its awkward shape and limited size combined with the proximity of the built form to the site boundaries, it would appear as an over intensive form of development which is out of keeping with the prevailing character of development in the locality. For these reasons, the proposed development would be detrimental to the visual amenities of the locality and therefore contrary to the principles set out in Section 7 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 Development Plan Document 2010.

[Speakers: Mr A Ingram, Mr P Gale, Mrs J McKie, Mr Walton and Mrs S Gale– members of the public]

AP1 14/39 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.45 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

11 September 2014

Report of the Director of Central Services

Part 1- Public

Matters for Recommendation to Council

1 DIVERSION OF PART OF PUBLIC FOOTPATH MU21 AT TONBRIDGE

1.1 Background to the application

- 1.1.1 An application has been received to divert part of Public Footpath MU21 at Tonbridge. The application has been made by Tonbridge School, to whom planning consent has been granted under reference TM/13/03834/FL for the construction of a replacement car park and associated landscaping. The proposed development directly affects the current alignment of Public Footpath MU21, and a diversion is therefore required in order to enable the proposed development to take place.
- 1.1.2 The administrative procedures relating to applications to divert public rights of way affected by development are dealt with by Kent County Council, acting on behalf of the Borough Council. However, the Borough Council is responsible (in its capacity as the Authority that granted the planning permission) for making and confirming any Public Path Diversion Order which relates to development.
- 1.1.3 The County Council has undertaken a consultation on the proposed diversion and the responses are set out below.

1.2 Views of consultees

- 1.2.1 County Members: Mr. R. Long and Mr. C. Smith were consulted but no responses were received.
- 1.2.2 Borough Council: Cllr. O. Baldock and Cllr. Ms. V. Branson were consulted. Cllr. Baldock confirmed that he had no objection to the proposed diversion.
- 1.2.3 User groups: The Ramblers' Association and the Open Spaces Society were consulted. The Ramblers' Association made representations to the original width of 1.2 metres for the new path proposed by the applicant and, as a result of this, the applicant has agreed to provide a width of 1.8 metres (of which 1.2 metres will be surfaced).
- 1.2.4 Statutory undertakers: No objections have been received.

1.3 Legal tests – Town and Country Planning Act 1990

- 1.3.1 Section 257 of the Town and Country Planning Act 1990 (“the 1990 Act”) states that ‘*a competent authority may by Order authorise the stopping up or diversion of any footpath, bridleway or restricted byway if it is satisfied that it is necessary to do so in order for development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990*’.
- 1.3.2 To satisfy the test there must be conflict between the development and the right of way. Section 55 of the 1990 Act defines development as ‘*the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of a material change in the use of any buildings or other land*’.
- 1.3.3 Although the above is the only test, the Secretary of State has discretionary powers to balance the need for development against the effect on the public rights and enjoyment of the highway. The planning authority must therefore act in a quasi-judicial manner to consider the relevant merits of any application.
- 1.3.4 In addition consideration should be given to the case of *Vasiliou v. Secretary of State and Others [1991]* where the Court of Appeal held that the effect an Order would have on those entitled to the rights which would be extinguished had to be taken into account.
- 1.3.5 Circular 1/09, published by DEFRA, contains the following advice to planning authorities: ‘*The local planning authority should not question the merits of the planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order*’.

1.4 Discussion

- 1.4.1 The reason for the application to divert part of Public Footpath MU21 at Tonbridge is to enable development to take place. Consent for the development was granted on 17th March 2014 as a result of planning application TM/13/03834/FL. The proposed diversion is shown on the plan at **Appendix A** to this report.
- 1.4.2 The land over which Public Footpath MU21 currently runs will be developed for the purpose of providing a car park, part of which involves the construction of a number of parking spaces over the existing line of the footpath. The car park is required in response to a growing demand for use of the school’s sports centre by members of the public and community groups, as well as additional parking to

compensate for that lost due to the construction of new tennis/netball courts (which are the subject of a separate planning consent).

- 1.4.3 Retaining the path on its current alignment would bisect the proposed car park and, because it would be extremely undesirable on safety grounds to have a Public Footpath running across the car park, would prevent the applicant from constructing the car park in accordance with the planning consent. Therefore, the proposed diversion is required in order to enable development to be carried out.
- 1.4.4 The length of Public Footpath MU21 to be diverted starts approximately 33 metres south of its junction with London Road and runs for approximately 88 metres towards the sports centre access road, as shown between points A and C on the plan at Appendix A. The proposed diversion will run along the edge of the new car park, commencing at point A and running in a generally south-south-westerly through east-south-easterly direction for approximately 107 metres to rejoin the existing line of Public Footpath MU21 at point C. The new path will have a recorded width of 1.8 metres, of which 1.2 metres will be hard-surfaced with tarmac and the remaining 0.6 metres will be grass. There will be no structures across the route, but a section of the path (between points B and C, where it immediately abuts the car parking spaces) will be fenced on one side with post and rail fencing in order to prevent encroachment by vehicles.
- 1.4.5 It is not considered that the proposed diversion would have any negative impact upon the public right of way. The proposed new route is marginally longer than the existing route (by 19 metres) but is not considered that it would unduly inconvenience walkers.
- 1.4.6 Overall, it is considered that there will not be a negative effect on the local public rights of way network as a result of the diversion.
- 1.4.7 An assessment under the Equality Act 2010 has been undertaken and there will be no adverse impact on the use of the affected path as a result of the diversion.
- 1.4.8 Kent County Council is satisfied that the legal tests are met in all respects, in that the Borough Council has granted planning consent under Part III of the Town and Country Planning Act 1990 for the development of the site, and that Public Footpath MU21 would be adversely affected by such development.

1.5 Financial and Value for Money Considerations

- 1.5.1 The costs incurred by the Kent County Council will be recovered from Tonbridge School and there will be no cost to the Borough Council.

1.6 Risk Assessment

- 1.6.1 A risk assessment has been undertaken and it is not considered that the proposed diversion would have any adverse effects. The proposed diversion route will be considerably safer for public use than if the existing alignment is retained.

1.7 Equality Impact Assessment

1.7.1 See 'Screening for equality impacts' table at end of report

1.8 Recommendations

1.8.1 Members are asked to **RECOMMEND** to Council that approval be given to:

- 1) the making of an order under section 257 of the Town and Country Planning Act 1990 to divert part of Public Footpath MU21 at Tonbridge (as shown at Appendix A to this report) in order to enable the proposed development to be carried out;
- 2) the confirmation of the Order, if unopposed; or
- 3) referral of the Order to the Planning Inspectorate if any objections are sustained.

Background papers:

contact: Cliff Cochrane

Nil

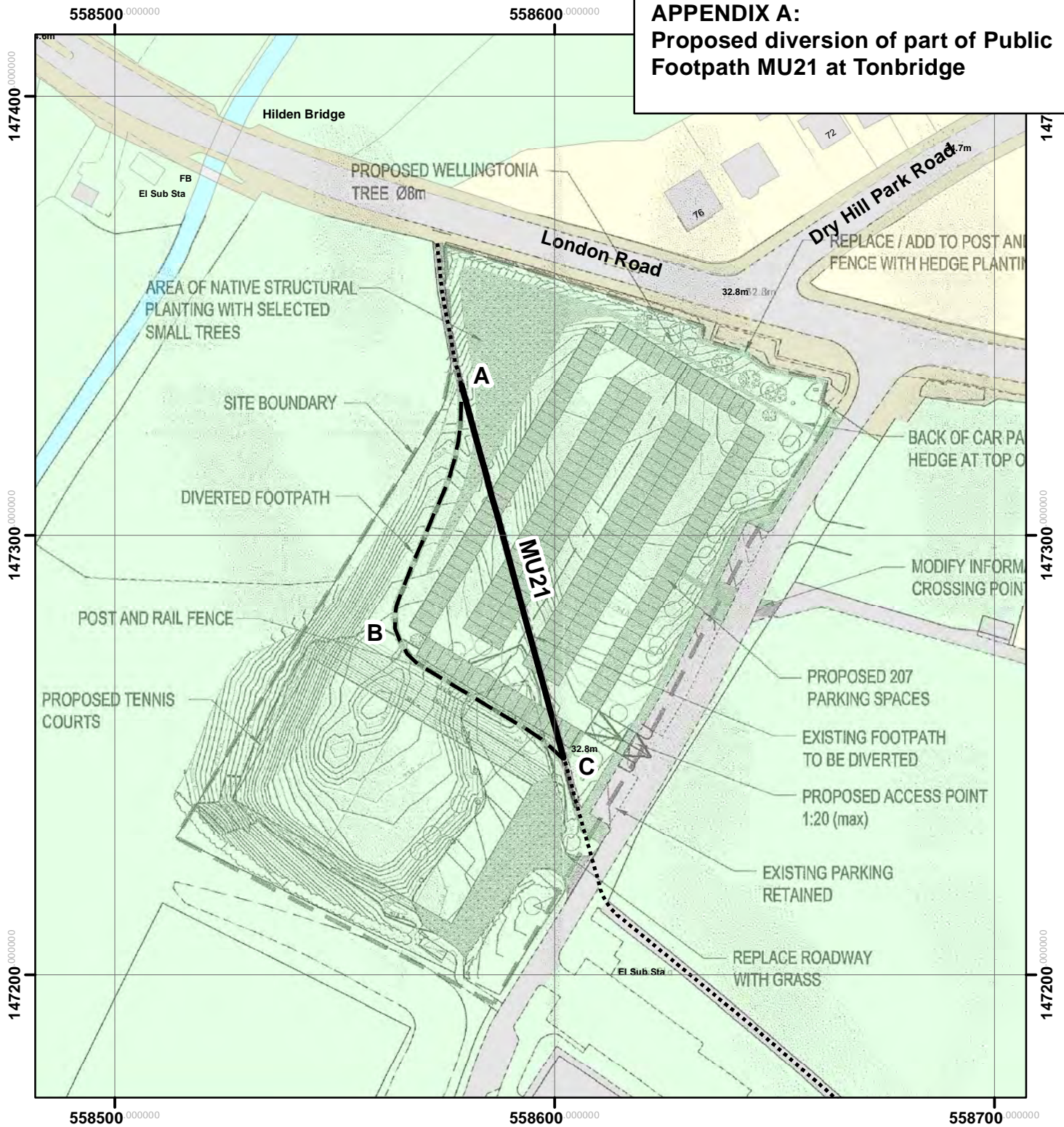
Adrian Stanfield

Director of Central Services




Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	N/A	N/A
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	N/A	N/A
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

APPENDIX A:
Proposed diversion of part of Public Footpath MU21 at Tonbridge



Key

-  Route to be diverted
-  New length of Public Footpath
-  Unaffected routes

Town and Country Planning Act 1990
The Tonbridge and Malling Borough Council
Public Footpath MU21 (part) Tonbridge
Public Path Diversion Order 2014
DRAFT PLAN

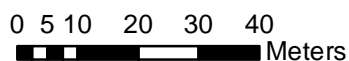
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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 16 August 2013

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

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

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

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

Tonbridge Higham **560834 148676** **18 July 2014** **TM/14/02529/CR3**

Proposal: New two storey Special Educational Needs School with associated car parking and landscaping
Location: Land South Of Kerromoor Higham Lane Tonbridge Kent
Applicant: Kent County Council

1. Description:

- 1.1 This proposal is a planning application made by Kent County Council and, in accordance with regulations, will be decided by the County Council itself. Tonbridge and Malling Borough Council is a consultee. Planning permission is sought for the construction of a two storey building to accommodate facilities for up to 182 pupils between the ages of 2 and 19. The building is to be set over two floors and is proposed to comprise a series of teaching classrooms, resource rooms, medical, sensory and therapy rooms, a pool, an assembly hall, a dining area and ancillary office, staff and storage facilities. A separate life skills 'house' is also proposed for use by the 16+ pupils. A mixture of facing brickwork and timber cladding are proposed to be used in the construction of the building.
- 1.2 Additionally, a series of playgrounds and hard courts are proposed to the sides and rear of the school building, along with a wheelchair accessible sensory garden and an area designated for allotments.
- 1.3 A new car park with 163 car parking spaces is proposed to be provided to the west of the new school building. Access to the site is to be provided off Higham Lane at the southern edge of the site, adjacent to the boundary shared with 148 Higham Lane.
- 1.4 The submission explains that the current Ridge View School (which shares a site with Cage Green School and adjoins Hugh Christie) provides for pupils with profound and severe needs, many of whom have mobility issues and/or are wheelchair bound. It also explains that the school currently shares facilities with two mainstream schools and is operating at maximum capacity. The application is submitted on the basis that the existing site is no longer able to meet the needs of the pupils in terms of numbers or their particular requirements and, as a result, relocation with a new purpose built facility is required. The applicant also states that the facility would be able to provide more school places for pupils with such needs.

- 1.5 The submission also states that the applicant's Brief for the school requires the building to provide for up to 182 pupils aged between 2 and 19, all of whom have 'complex, profound and severe needs'. The Brief goes on to state:

"The driving force behind the design solution of the new build school is to create a building that motivates the children and teachers and consolidates strong links with the wider community, whilst providing a coherent and seamless flow between primary and secondary environments.....To create an inspirational place for learning that is a functional, refreshing, modern and exciting design solution whilst stimulating both pupils and teachers in a safe, secure and self-learning environment."

- 1.6 The applicant shows a plotting of the current locations of pupils. The position is:

Percentage of pupils and journey radius from the current school.

- 3 miles – 29.5%
- 5 miles – 19%
- 7 miles – 17%
- 10 miles – 15%
- 10+ miles – 15%

- 1.7 This means that currently pupils come to the school from this Borough, Tunbridge Wells, Sevenoaks and Maidstone Boroughs (and possibly one or two from East Sussex). Nearly a third of pupils live locally, as would be expected for a local Primary School.

- 1.8 The application includes submissions on the need for a school in a green belt location, transport, ecology, noise, flood risk, community involvement and archaeology.

2. Reason for reporting to Committee:

- 2.1 Called in by Cllr Edmonston-Low in light of significant public interest and Departure from the Development Plan.

3. The Site:

- 3.1 The site lies within the Metropolitan Green Belt, to the north of the urban confines of Tonbridge. It is currently in agricultural use. To the immediate south and west of the application site is a residential area, with Higham Lane running through.

4. Planning History:

TM/92/10753/FUL Refuse

22 May 1992

Residential development for special needs housing (as defined by policy 2.8 of the Tonbridge & Vicinity Local Plan - 32 units).

5. Consultees:

- 5.1 Statutory consultations, including notification of local residents, are carried out by KCC.

6. Determining Issues:

- 6.1 This is a KCC application and it is KCC's role to assess the scheme in all policy and technical aspects and to determine the application. The key issues in this case are the principle of the development, the impact on Green Belt, implications for the local road network and the impact on the amenity of nearby residents.
- 6.2 The Government has pledged its support, in general, for the development of schools by producing the Planning for Schools Development Policy Statement in August 2011. The Statement requires Local Authorities to apply a presumption in favour of the development of state funded schools, as expressed in the NPPF paragraph 72, which reads:

"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- *give great weight to the need to create, expand or alter schools; and*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted."*

- 6.3 Local authorities are required to give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions and it is confirmed that the Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining appeals that come before him for decision. The Policy Statement requires Local Authorities to make full use of their planning powers to support state-funded schools applications.
- 6.4 The application site lies within the Metropolitan Green Belt, outside the defined settlement confines of Tonbridge, the boundary of which follows the rear garden boundaries of the properties in Barchester Way to the immediate south of the application site.

6.5 The play areas and allotments proposed to serve the new school would be located behind the school itself, in the eastern end of the site. The NPPF indicates that the provision of appropriate facilities for outdoor sport and agriculture is *not* considered to be inappropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. I am satisfied that this particular element of the scheme alone does not constitute inappropriate development.

6.6 The NPPF indicates that new buildings within the Green Belt are considered to be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6.7 The built elements of the school development would not fall within the limited exceptions and as such are inappropriate development within the Green Belt, by definition, for the purposes of the NPPF. The NPPF states that "*inappropriate development is, by definition, harmful to the Green Belt*" and such development should not be approved, except in very special circumstances. In view of the presumption against inappropriate development, substantial weight is attached to the harm to the Green Belt when considering any planning application concerning such inappropriate development. NPPF reads, at paragraph 88:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to the harm to the Green Belt. 'Very special circumstances' will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

6.8 Having identified that the proposed school building constitutes harm by virtue of inappropriateness, it is necessary to also establish whether any other harm would arise to the Green Belt as a result of the proposed development. There is no doubting that this would be a significant building, with a substantial footprint, height and massing, on currently undeveloped land. As such, the proposed development of the application site would have a demonstrably harmful visual impact on the open nature and function of the Green Belt.

6.9 In order to meet the requirements of the NPPF, KCC will therefore have to consider whether there are "very special circumstances" which are considered to be of sufficient weight as to outweigh the important Green Belt considerations. The following matters *might* be considered to constitute 'very special circumstances' that cumulatively outweigh any policy Green Belt objection:

- The need for the new school to address current and future specialist educational need (bearing in mind the '*great weight*' to be given to the need to create, expand or alter schools by the NPPF);
- The benefits of the new school to the wider community;

- Whether there are any available alternative sites that would fall outside the Green Belt, or other less harmful sites within the Green Belt, which would offer a better practical and policy alternative.

6.10 In making their justification for very special circumstances, the applicant puts forward the following case:

Need for additional SEN provision in Tonbridge:

“The Commissioning Plan for Education Provision 2013 – 2018 identifies the need to expand Ridge View School in order to meet the requirements for profound severe and complex (PSC) learning difficulties in the Tonbridge area. This need has also been recognised by the Government in allocating Targeted Basic Need funding to enable places to be provided by September 2015.

There has been a sustained rise in demand for special school places across Kent, with a 17% rise in the rolls of Kent’s 10 PSC schools from 2009 to 2013. As Ridge View School has been unable to meet this increased demand on its existing site, this has resulted in some pupils having to travel long distances or be accommodated in expensive out of County provision. This justifies the search for new sites for the Ridge View School.”

6.11 In support of this, the submission is accompanied by a KCC Education Statement which explains the need for the expansion of the school and the subsequent requirement to relocate.

6.12 In this respect, the applicant goes on to list three potential scenarios for the future: do nothing; on site expansion; or redevelopment or relocation to an alternative site. The ‘do nothing’ option is argued to be inadequate to ensure a sufficient standard for the educational needs and well-being of the pupils, given the substandard nature of the current facilities. It is also argued that the existing site is physically constrained and does not have the capacity to accommodate an extended or redeveloped facility that would meet the necessary standards, thus leaving the need to find an alternative site for development of a new facility the only ‘available’ option.

6.13 There is no doubt that despite or possibly because of the very valuable educational work carried-on at the site, the existing site has reached capacity and is no longer fit for purpose. It can be readily recognised that the County Council’s efforts should be targeted at supporting, enhancing and expanding these very important educational facilities that provide such a valuable asset for the community in Tonbridge and also the surrounding areas.

6.14 However, it does not automatically follow that this identified need, *of necessity*, should be met in a new standalone school in the Green Belt or indeed on the site at Higham Lane. Clearly all options including expansion of existing schools, especially those within urban areas, need to be investigated before it could be

accepted in principle that any such new facilities should be located in the Green Belt. The County Council will have to give serious consideration to the way in which such important facilities are re-provided and it will be for KCC, as Planning Authority in this case, to adjudicate on such matters,

Need for a Green Belt location at Higham Lane and alternative sites:

- 6.15 Whilst not part of any expressed requirement set out in the NPPF, the applicant has sensibly and appropriately sought to establish whether there are other sites within the identified catchment area, which includes parts of Sevenoaks and Tunbridge Wells in light of the specialist facilities envisaged, that might perform better in terms of harm to the Green Belt than the application site.
- 6.16 The site selection process involved an 'extensive process of site search and selection' by agents working on behalf of KCC Education. The basis of the potential site selection process was an analysis of sites that were commercially available, those sites allocated and emerging within the Development Plans of the Districts within a 5 mile catchment area and sites that had been assessed for their feasibility already by KCC (land at Princes Christian Farm, land at Weald of Kent School and land adjacent to Tonbridge Cottage Hospital in the TMBC area). An evaluation of all other property within the ownership of KCC but outside TMBC area was also undertaken. The submitted report then explains at some length the various caveats and restrictions that further focused the site selection process.
- 6.17 In terms of sites within the Borough of Tonbridge and Malling, the process discounted sites outside the Green Belt at Upper Hayesden Lane (safeguarded land and therefore discounted for that reason); land at Shipbourne Road (allocated for protection as outdoor sports pitches and falling within flood zone 2).
- 6.18 A number of Green Belt sites across Tonbridge, Hildenborough, Hadlow and East Peckham were analysed and discounted by the applicants for a variety of reasons. Their position within the Green Belt would mean that, as with the application site, very special circumstances would need to be demonstrated in all these instances and the question would arise as to whether developing any of those sites would cause more or less harm to the Green Belt in terms of openness.
- 6.19 A number of other sites within Pembury, Southborough and Tunbridge Wells, both outside and within the Green Belt, were also discounted, by the applicant, for various reasons. As these sites lie outside the Borough of Tonbridge and Malling, it is not possible to verify the reasons why they were discounted or make any useful comparison of attributes to establish accurately whether an alternative, preferable site, outside or within the Green Belt, exists. This is an exercise that KCC planning will need to undertake in order to establish whether any very special circumstances exist sufficient to allow the school to be developed on this site. That will inevitably require assessment, by KCC planning, of sites both within and outside TMBC area on something of a comparative basis.

6.20 What can be established is that the applicant submits that there were no available/suitable sites outside the Green Belt that would be suitable for development of this nature. The applicant argues that the application site offers the most suitable location for the school, when comparing against all others shortlisted within the Green Belt, for the following reasons:

- It has the necessary capacity to accommodate the proposed development;
- It is available for development;
- Access would be afforded from Higham Lane which is restricted to 30mph;
- It lies immediately adjacent to an existing urban area and is thus well defined by enclosing features, allowing for an urban extension of the town and therefore would have a less significant impact on the openness of the Green Belt than if it were to be located in isolation;

6.21 I appreciate there does appear to be some benefit logistically in siting the new facility in close proximity to the existing school, particularly when considering the very specific and acute needs of the pupils attending the school. Inevitably a site within the Borough will be most readily accessible to residents of the Borough. In the event that KCC accepts that such a facility cannot be provided other than in a Green Belt location, KCC will have to consider the extent to which the application site could form a logical extension to the immediately surrounding urban environment which could limit the impact on openness to any degree. More particularly KCC will have to assess if this site performs better or worse than any of the discounted sites whether or not these lie in TMBC area.

6.22 These Green Belt considerations are set out at paragraph 80 of the NPP as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.23 Notwithstanding this observation, and as I explained earlier in this report, KCC will need to satisfy itself that there are no alternative sites available that would comprise a preferable site, outside or within the Green Belt and thus that very special circumstances exist to allow the development of the Higham Lane site to proceed.

6.24 In addition, KCC will also need to assess the proposed development in all other respects, to ensure that the detail of the proposal in terms of specific site location and design are sufficiently well developed themselves to override aspects of harm such that the Green Belt location may be accepted.

6.25 Turning firstly to transport impact, paragraph 32 of the NPPF states that: *“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. [Plans and] decisions should take account of whether.*

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

6.26 Paragraph 34 of the NPPF goes on to state that planning “decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximise. However this needs to take into account of policies set out elsewhere in this Framework, particularly in rural areas.”

6.27 Policy SQ8 of the MDE DPD states that before proposals for development are permitted they will need to demonstrate that any necessary transport infrastructure, the need for which wholly or substantially arises from the development, is in place or is certain to be provided. Development proposals will only be permitted where they will not significantly harm highway safety.

6.28 Parking will be provided to the west of the school, between the building itself and Higham Lane. It will comprise a total of 163 parking spaces including provision for 5 mini bus parking spaces. The layout has been designed, according to the applicant, to allow for up to 40 vehicles to use the queuing system during the morning drop off and afternoon pick up times. Drop off spaces in front of the school are also proposed to be provided. A total of 78 cycle spaces are also to be provided.

6.29 Adequate provision needs to be made for pupils and staff to be transported by various means in a safe fashion with adequate facilities to access these modes of travel safely. If this is not achieved and the adverse impact of traffic is assessed as severe (the test set in NPPF) then this would amount to an indication of unmitigated harm arising from the proposal.

- 6.30 The level of car parking that would be required to comply with Kent SPG4 Parking Standards, which is adopted for DC purposes, equates to the number of staff plus 10%. Given the particular needs of the pupils that would be attending the proposed school, staffing levels are high with a total of 148 full time members of staff and 37 part time members of staff. According with SPG4 on that basis would require a total of 204 spaces to be provided. The submitted TA states that although there is a recognised shortfall in the proposed number of parking spaces, the 163 proposed is considered to be sufficient to address the operational needs of the school whilst keeping the area required for car parking to a minimum.
- 6.31 The TA also provides evidence on existing travels patterns of pupils and staff. It states that presently 71 of the 105 pupils (67.6%) would be transported to and from the school by Local Authority provided vehicles (mini buses and taxis). A further 28 of the pupils are driven in by parents (26.7%). These are assumed to travel in alone with no car sharing. The remaining 6 pupils walk to school accompanied by a parent. The TA states that it is known that a total of 27 Local Authority vehicles transport the 71 pupils each day.
- 6.32 A staff travel questionnaire was undertaken by 87 members of staff at Ridge View School including a range of full and part time employees and a mix of teaching, administration, after school and other staff (this equates to 74% of the total number of staff employed at the school presently). The survey concluded that 75% of staff drive themselves to and from school, 6.3% car share and 15.6% walk.
- 6.33 Of course it should be acknowledged that staff and pupil numbers are intended to increase following the relocation of the school but the TA submits that the figures provided above are adequately representative of the patterns of travel.
- 6.34 In terms of trip attraction, the TA goes on to explain that the application site in existing agricultural use has a current trip attraction of 0 vehicles and no trip offset value. It also explains that:

“Although a wealth of data has been obtained with regard to the existing Ridge View School, it simply provides an indication of the total number of vehicle trips associated with staff and pupils separately. The data therefore does not provide a distribution of trips across an average school day and therefore the potential impact of the school at specific times of the day.

A traffic count survey could not be undertaken due to it sharing a site with the Cage Green Primary School and the knowledge that some vehicles associated with both schools are required to park or wait along Thorpe Avenue and Cage Green Road before collecting pupils. The local roads are also used by local residents and parents of the adjacent Hugh Christie Technology College. It would therefore be unfeasible to accurately count the number of vehicles specifically associated with the Ridge View School.”

- 6.35 With this in mind, the TA uses a traffic count survey undertaken in connection with the Foxwood School in Hythe, which is argued to be relatable to the Ridge View School particularly as it is “entirely self-contained”. I would however mention that the comparison table provided highlights that Foxwood School has a total number of staff of 151 (Ridge View School is proposed at 185) and a total number of pupils of 143 (Ridge View School is proposed at 184). Furthermore, it also highlights that a slightly higher proportion of children attending the Foxwood School travel by minibus or taxi rather than with their parents than the existing children attending Ridge View School. Notwithstanding this, the submitted TA states that the two schools are comparable and data collected in respect of Foxwood School can therefore be applied in the case of the Ridge View School. The conclusions drawn indicate that the school’s arrival and departure profile across the morning and afternoon peaks extends over a relatively long period of time, with a ‘steady’ number of arrivals and departures. The TA states that this is different to what is normally observed at primary and secondary schools whereby a lot of people arrive and depart in far shorter periods of time.
- 6.36 The application is also accompanied by a draft travel plan which explains that KCC is reviewing its school travel plans to allow communication between schools and KCC to ensure suitable targets are met and appropriate initiatives are put in place. An online resource created by ‘Jambusters’ will also be available for use by the school and will include tools designed to encourage sustainable modes of transport by staff and pupils. The travel plan also notes that school staff will be required to comply with all new KCC initiatives and protocols. There is however no detail provided regarding what these might be or what they have consisted of in the past.
- 6.37 At the time of writing this report, I am not aware of whether KHS has made representations to KCC on the content of the submitted TA and draft travel plan. Careful consideration will need to be had as to how the proposed development would affect the local highway network but that assessment will need to take place with the requirements of the NPPF clearly in mind – that the development could only legitimately be resisted on the grounds of highway safety if the impact of traffic were to be assessed as severe (see paragraph 6.27 above).
- 6.38 In respect of design and visual impact (aside from the impact on the openness of the Green Belt), the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development and is indivisible from good planning (paragraph 56). It also stresses the need for development to respond positively to local character, reflecting the identity of local surroundings whilst not discouraging appropriate innovation (paragraph 58).
- 6.39 Policy CP24 of the TMBCS requires that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the

MDE DPD (2010) which states that all new development proposals should protect, conserve and where possible enhance:

- *the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;*
- *the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.*

6.40 If it were to be accepted by KCC that, after due consideration, *the development of this site was acceptable in principle* I am satisfied that the school building *in itself*, meets the tests of NPPF, CP24 and SQ1 in respect of design.

6.41 TMBC has been asked by a number of local residents to seek to protect a number of trees across the site, particularly the trees on the site frontage, by serving a Tree Preservation Order. My view has been that the trees are not under any immediate threat that would warrant the serving of a TPO, and this remains the case. Indeed, the trees along the frontage are shown to be retained and we have sought the reassurance of KCC that this will remain the case. Nevertheless, these are important trees that contribute to the visual quality of Higham Lane at this point and I would therefore suggest that in making representations to KCC, that view be expressed formally.

6.42 Tonbridge and Malling residents live in close proximity to the proposed development, most notably Kerromoor to the immediate north and 148 Higham Lane to the immediate south, and adjacent to the proposed vehicular access to the site. The rear gardens of the properties located within Barchester Way abut the southern boundary of the application site. These residents will, without doubt, experience a significant change in the nature of their immediate environs, from an undeveloped agricultural field providing an essentially rural setting to the edge of the urban confines of Tonbridge, to a large scale development, with far more daily activity akin to an urban area.

6.43 Matters that should be addressed by KCC in reaching their decision relate to impacts on residential amenity arising from potential noise and disturbance (most notably from the increased level of activity within the site and from vehicular movements within the car park), potential loss of privacy and the built development to cause a loss of daylight/sunlight to neighbouring houses and private garden areas.

6.44 In respect of the intensification of activity arising from the proposed school use, I would suggest that KCC needs to carefully consider what level of community use the applicants intend to incorporate once the school becomes operational (in the event that KCC finds the development acceptable in all other respects and grants planning permission). Members will be aware that schools often make their facilities available for hire to community groups in order to raise additional funds and that such community use, along with school held functions, outside normal

school hours, can have enormous implications for the surrounding neighbours, particular in terms of use of the car park and school grounds at what could be considered to be more unsociable hours than those in which a school tends to operate within. I would suggest that KCC seek to ascertain exactly what the aspirations of the applicant are in this respect and, if an element of community use is required, a management plan should be sought to secure an element of control over such matters. School events such as parents' evenings and charity events for example would also need to be carefully managed and further information should also be sought from KCC in this respect.

6.45 Given that the new school building would be sited north of the residential properties in Barchester Way, and some 30m (approximately) from the boundary shared with these properties, there would not, in my view, be an unacceptable loss of light arising from the development. Similarly, the development would not be unduly overbearing on these neighbours.

6.46 In terms of the neighbour to the immediate north (known as Kerromoor), the building itself is set back within the proposal site meaning that the most direct relationship with this property is with the rear half of the private garden. There would however be a bank of 20 parking spaces, a refuse area and a drop off/turning space for deliveries to take place all in close proximity to this neighbouring dwelling. Similarly, a bank of 9 parking spaces along with the only access to the site would be located in close proximity to the dwelling to the immediate south of the application site (148 Higham Lane). The activities arising from these areas could cause noise and disturbance which have the potential to adversely affect the enjoyment of these neighbours. I understand that 1.8m high acoustic fencing is proposed at certain points within the site but the exact position and extent of such fencing is not clear from the plans submitted. I would suggest that KCC seek further clarification on this aspect of the development.

6.47 Turning to matters of trees, ecology and biodiversity, key causes for concern amongst local residents, paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

6.48 It goes on to say (paragraph 118) that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

6.49 Policy NE4 of the MDE DPD states that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations. It also states that development that would result in the net loss or deterioration of woodland will only be permitted if all of the following tests are met:

- development cannot reasonably be located on an alternative site;
- the need for development clearly outweighs any harm which may be caused to the ecological, archaeological and landscape value of the woodland; and
- harm can be reduced to acceptable limits through the implementation of positive environmental mitigation measures within the site or by replacement planting elsewhere or enhanced management.

6.50 Policy NE2 of the MDE DPD states that the biodiversity of the Borough and in particular priority habitats, species and features will be protected, conserved and enhanced. It also states that the restoration and creation of new habitats will be pursued where these promote permeability and contribute to the UK and Kent Biodiversity Action Plan targets. Policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. Policy NE4 states that the extent of tree cover and hedgerow network should be maintained and enhanced.

- 6.51 An ecological appraisal has been prepared by The Landscape Partnership in support of the planning application. The report was informed by a desk top study and Phase 1 habitat survey, which was used to identify potential for protected species to occur on and in the vicinity of the site. The conclusions of the survey state that overall the habitats on site are assessed as having a lower value due to the agricultural nature of the site although the hedgerows and boundary vegetation provide potential habitat and foraging opportunities for certain species. The report suggests that the retention, restoration and strengthening of the hedgerows and boundary vegetation will ensure any development is not harmful to the existing green infrastructure.
- 6.52 I would suggest that the conclusions of this report appear entirely logical given the largely managed present condition of the land. I agree that it is important to retain and enhance the hedgerows and boundary vegetation as the report suggests. KCC will have reference to NE and KWT in assessing matters of ecology and biodiversity. Whilst I am not aware at the time of writing this report whether any representations have been made by either body, it would be advisable for TMBC to highlight the importance of this aspect to KCC.

Conclusions

- 6.53 In considering applications in the Green Belt, and particularly in larger scale proposals such as this, KCC must address three key factors: whether inappropriate development is involved; whether there are very special circumstances to be taken into account; and whether these very special circumstances are of sufficient weight to overcome the harm arising from the proposal.
- 6.54 I have explained that I consider that the school is inappropriate development but that aspects of national Policy, both in the NPPF and the Planning for Schools Development Policy Statement, identify considerable policy in favour of the building of new state schools. The latter document does not focus on matters related to the Green Belt, but must be seen by KCC as a material consideration and be given appropriate weight in the overall decision.

7. Recommendation:

- 7.1 TMBC recognises that the replacement and reinforcement of the beneficial educational facilities at the existing school merits support.
- 7.2 TMBC formally requests that KCC considers the following points:
- 1 Kent County Council must be satisfied that the proposed development accords with the requirements of the National Planning Policy Framework (2012) and that, for the application to be approved, very special circumstances clearly exist which

outweigh the degree of harm caused to the open nature and function of the Metropolitan Green Belt by virtue of the inappropriate nature of the development proposed. If this cannot be satisfied the application should be refused.

- 2 Kent County Council must be satisfied that there is a strategic need for the proposed development *in this location and on this particular site (as opposed to other sites considered in the alternative sites study submitted by the applicant or other site considered by KCC as planning authority)* if the application is to be approved, and that any resulting impacts by way of traffic generation and potential environmental issues are adequately assessed where necessary.
- 3 In the event that Kent County Council consider that very special circumstances do exist that outweigh the degree of harm caused to the Metropolitan Green Belt in this locality and on this site and the scheme is found to be acceptable in all other respects, KCC should:
 - Be satisfied that traffic impacts on the local highway network would not be assessed as severe and thus are able to meet the tests set out in the National Planning Policy Framework (2012);
 - Have due regard to any representations received from Natural England and Kent Wildlife Trust. Appropriate measures should be taken to ensure the recommendations set out in the submitted Ecological Appraisal are fully integrated into any detailed landscaping scheme and that local biodiversity is afforded suitable protection as part of an ongoing scheme of management.
 - Seek the retention of the important trees on the site frontage and include adequate provision to protect the trees, including their roots, during and after construction;
 - Have consideration for the control of external lighting operation hours to minimise impact on the Green Belt and residential amenity;
 - Require full details of how the school would be managed during school events (both during school times and out of hours) and how the school is intended to be used by community groups, including a scheme for managing such use in the interests of residential amenity;
 - Require full details of the proposed acoustic fencing, including details of its precise location, extent, height and design in the interests of residential and visual amenity.

Contact: Emma Keefe

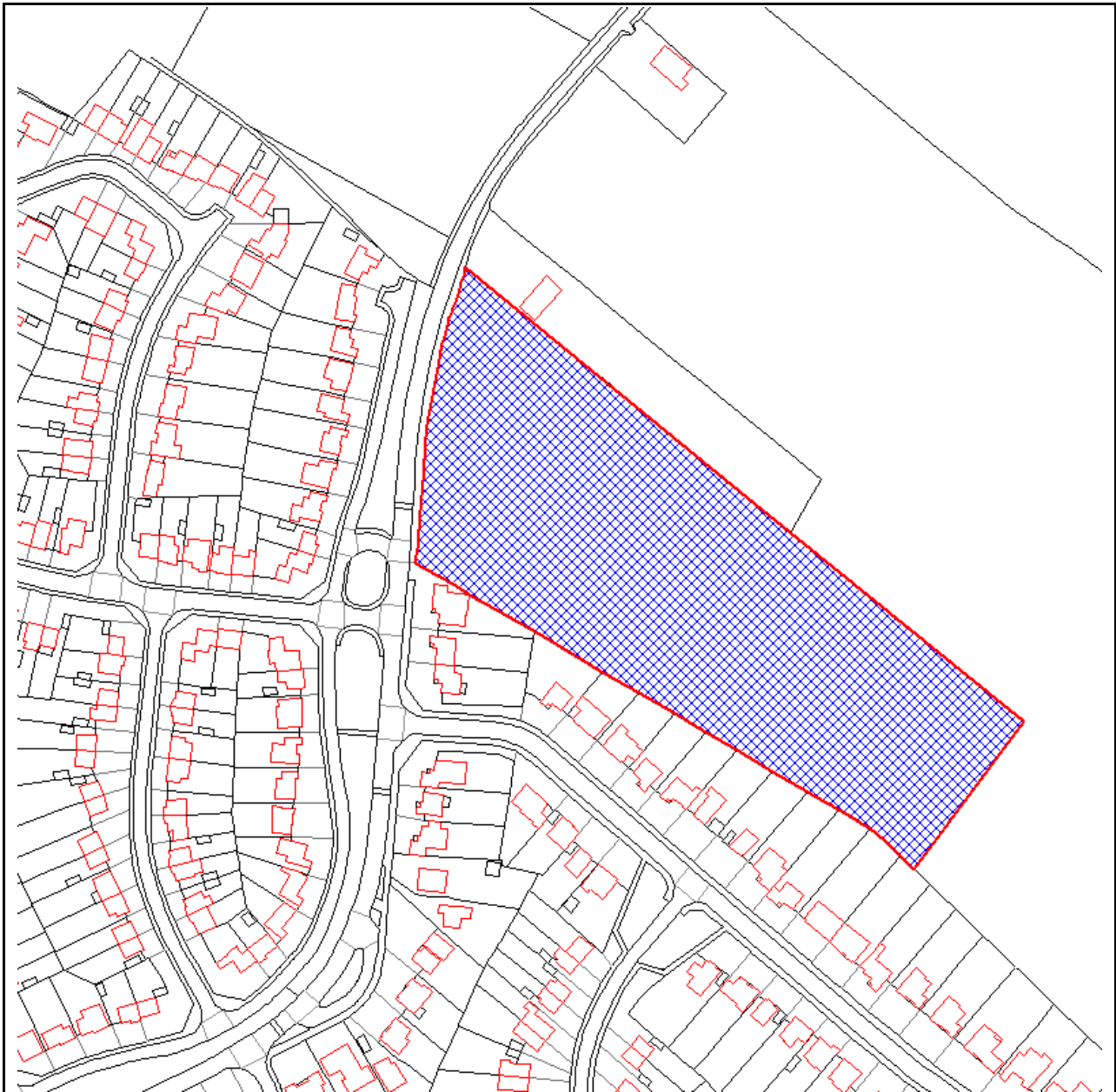
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TM/14/02529/CR3

Land South Of Kerromoor Higham Lane Tonbridge Kent

New two storey Special Educational Needs School with associated car parking and landscaping

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Tonbridge Medway	559370 146719	24 April 2014	(A) TM/14/01371/FL (B) TM/14/01372/LB
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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 an independent flat
 (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 And The Coach House East Street Tonbridge
Kent TN9 1HA

Applicant: Millwood Designer Homes Ltd

1. Description:

- 1.1 These applications were deferred from APC1 on 31 July in order for Members to undertake a site inspection to assess the potential impacts of the proposed development on the surrounding residential properties.
- 1.2 The site inspection is scheduled to take place on 5 September 2014.
- 1.3 A copy of my July report relating to both applications is annexed for ease of information.

2. Consultees (received since 31 July 2014):

- 2.1 None.

3. Determining Issues:

- 3.1 One issue that arose at Committee and that might usefully be clarified here, and seen on site, is the relative heights of the buildings in the area of the proposal site (that part not readily visible from any public vantage point).
- 3.2 The height of the proposed building is 7.1m and, while it has rooms in the roof, these are served by 3 no. pitched roof dormer windows to the front and two small roof lights located within the rear roof slope and the building does not read as a conventional 2 storey building. It is separated from the surrounding buildings by a boundary made up of 1.8m high timber panelled fencing, brick walls and mature trees including Oak, Western Red Cedar and Sycamore.

3.3 The surrounding buildings are:

- 55 East Street: A single storey bungalow measuring 4.5m in height at ridge level.
- 57 East Street: A single storey bungalow measuring approximately 6m in height at ridge level.
- New dwelling at 1 Mill Crescent: A two storey dwelling house measuring 8.6m high at ridge level.
- 3-17 Mill Crescent: This terrace of Victorian cottages stands at a similar height as the new dwelling house at 1 Mill Crescent (approximately 8.5m high at ridge level).

3.4 Any further issues concerning either application arising from the Members' Site Inspection, beyond those discussed in my July report, will be reported as supplementary information.

4. Recommendation:

(A) TM/14/01371/FL:

4.1 **Grant Planning Permission** in accordance with: Letter dated 18.07.2014, Proposed Layout P207/PL/100 C dated 18.07.2014, Proposed Plans and Elevations P207/PL/500 A dated 18.07.2014, Email dated 08.07.2014, Email dated 17.07.2014, 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 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, subject to 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. 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 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:

- 4.2 **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, subject to the following:

Conditions

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

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

2. No development shall take place until details 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

Report from 31 July 2014

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

SUPPLEMENTARY REPORTS

AREA 1 PLANNING COMMITTEE

DATED 31 July 2014

Tonbridge (A) TM/14/01371/FL
Medway (B) TM/14/01372/LB

(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 at Bordyke End 59 And The Coach House 63 East Street Tonbridge Kent TN9 1HA for Millwood Designer Homes Ltd

(A) TM/14/01371/FL:

Paragraph 6.18 of the main report explained that the external staircase to serve the annexe accommodation above the garage would be enclosed to prevent overlooking. A plan has now been submitted to that effect and the list of plans to be cited at paragraph 7.1 should be amended to reflect that submission.

AMENDED RECOMMENDATION

Amend Paragraph 7.1:

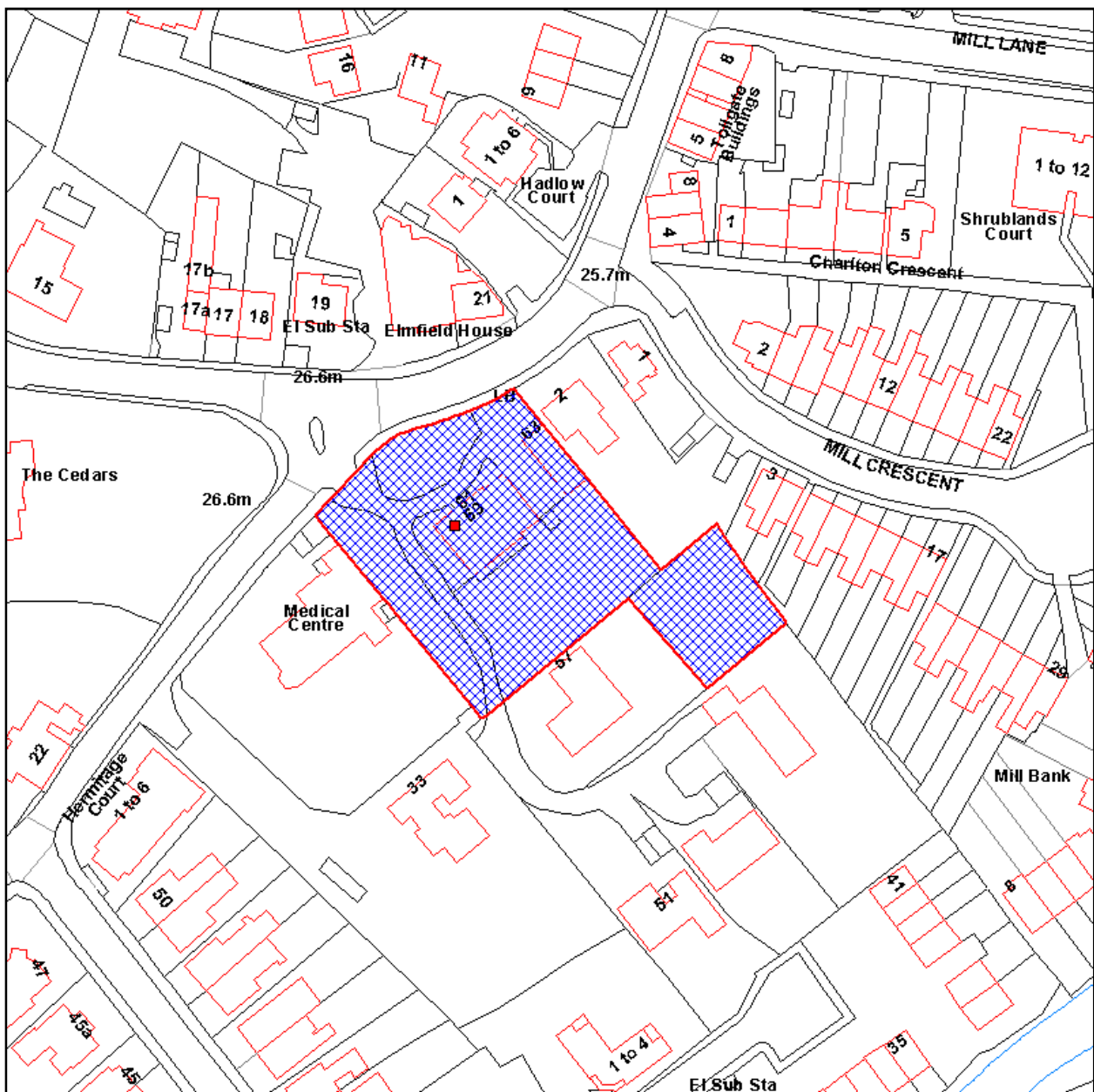
Grant planning permission in accordance with the following submitted details: Letter dated 14.04.2014, Letter dated 24.04.2014, Arboricultural Survey dated 14.04.2014, Design and Access Statement dated 24.04.2014, Supporting Information dated 14.04.2014, Location Plan dated 14.04.2014, Proposed Elevations 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, Letter dated 18.07.2014, Proposed Layout P207/PL/100 C dated 18.07.2014, Proposed Plans and Elevations P207/PL/500 A dated 18.07.2014, Email dated 08.07.2014, Email dated 17.07.2014,

(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 Application: 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 Higham	560830 148602	9 July 2014	TM/14/02398/FL
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Proposal:	Retrospective application for a detached garage
Location:	1 Barchester Way Tonbridge Kent TN10 4HP
Applicant:	Mr Trevor King

1. Description:

- 1.1 This is the latest in a series of planning applications relating to the construction of a detached garage building within the rear garden of 1 Barchester Way. Two previous schemes have been refused by APC1; the most recent of these (TM/14/01419/FL) was refused in June this year for the following reason:

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

- 1.2 The proposed garage is sited in the same position as previously refused and would cover the same footprint; indeed the base has already been laid and the walls have been constructed. However, this latest scheme seeks to overcome the reason for the previous refusal through proposing an alternative roof design with a reduced overall height. Specifically, the space within the roof previously shown to accommodate a playroom has been omitted entirely allowing for the garage to be finished partially with a flat roof, at a height of 3m, with the front portion of the garage to be covered with a false pitched roof at an overall height of 3.6m.
- 1.3 A detached garage was permitted to the side of this house as part of an application approved in 2009 (reference TM/09/02208/FL). This garage measured 6.3m long by 4.3m wide by just over 4m high with a pitched roof. This garage has not been built but the permission is extant as other elements of the permission have been implemented.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Edmondston–Low in light of local interest and the recent planning history.

3. The Site:

- 3.1 The site lies within the built confines of Tonbridge, within a residential area. The property itself is a relatively large detached dwelling set within a fairly substantial plot which has had a side extension built that was approved in 2009. The route the road takes from Higham Lane down Barchester Way means that the property is set at an angle when viewed head on from the public highway.
- 3.2 The western boundary of the application site is shared by properties in Higham Lane (forms their rear boundary lines). The application site is at a lower ground level than the properties to the west fronting Higham Lane and also is set down from the public highway when viewed from Barchester Way.
- 3.3 Open fields designated as Metropolitan Green Belt are located beyond the northern boundary of the application site. These fields are subject to a current planning application to Kent County Council for a new school, which has yet to be determined.

4. Planning History:

TM/91/11345/OLD planning application not 6 August 1991
 required

Section 64 Determination: Conversion of garage into dining room.

TM/98/01585/FL Grant With Conditions 11 January 1999

two storey side extension and detached garage

TM/09/02208/FL Approved 3 November 2009

Two storey side extension, alterations and new garage

TM/13/03868/FL Refuse 28 February 2014

Retrospective application for a garage and playroom

TM/14/01419/FL Refuse 23 June 2014

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

5. Consultees:

- 5.1 Private Reps: 8/OX/4R/0S. In summary, the objections raise the following issues:
- The original garage should be built and the lorry removed rather than have this building;

- The garage should be reduced to 2.5 metres in height; by keeping the first floor roof joists in place, a room might be added to the garage at some time in the future.
- Members agreed at Committee in June that the building should be altered to fall within the provisions of permitted development. The proposed building exceeds these heights.
- The red lorry on the site exceeds the building size allowed under permitted development.
- Works should not have been undertaken without having planning permission. No further planning applications should be submitted.

6. Determining Issues:

- 6.1 The application site comprises an established residential curtilage within the urban area. The principle of a detached building to serve the existing residential use is therefore acceptable in broad policy terms. The main issues to be considered are the design and visual impact of the garage, its impact upon the character of the area and the residential amenities of other nearby properties and, crucially, whether the previous grounds of refusal have been overcome.
- 6.2 Policy CP24 of the TMBCS requires that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
 - the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.3 The previous scheme was refused as it was considered to be an incongruous feature within the locality due to its overall height, the design of the roof and the siting of the garage. I appreciate that the siting of the garage has not altered in any way. However, this was considered as part of a cumulative impact, viewed in the context of the roof height and design, whereas if the height and design of the garage roof have now been amended in such a way to reduce its visual prominence, the garage could arguably be seen to no longer be incongruous by virtue of the siting alone and the siting may be found to be acceptable.
- 6.4 I consider that the proposed design of the roof has significantly improved in terms of visual appearance; moreover, the height of the garage has been noticeably reduced from 6m/5.6m to 3.6m (front portion), 3m (rear portion). As a result, it is

my view that the garage, in this position within the site, would no longer appear as an incongruous, harmful feature within the locality.

- 6.5 The neighbouring dwellings with the most potential to have their amenities affected by the proposal are again those fronting Higham Lane. The proposal would clearly increase the amount of built form towards the boundary shared with these neighbours, particularly by virtue of the positioning and height of the detached garage. However, the area that the garage would most directly affect is the very rear ends of the gardens serving the neighbours in Higham Lane, which are around 20m in length. Thus I do not consider that the building has a detrimental impact on their visual amenities such as would warrant a refusal of planning permission, due to the distance involved. I would also remind Members that the previous, much larger, schemes were not refused on grounds relating to loss of residential amenity.
- 6.6 I acknowledge the nearby residents' view that the height of the building should be reduced to 2.5m to fall within the provisions set out within the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, I would stress that the permitted development fallback position is simply one of the starting points in the comprehensive assessment of acceptability; it does not necessarily represent the only acceptable solution. I would also mention that, should the applicant be minded to, he could demolish the existing structure and rebuild a garage further into the garden (no less than 2m away from the site boundary) and then up to a height of 4m (larger than the scheme currently before Members) under permitted development rights and thus with no approval required from the Council. It is my view that such an option, which would be a legitimate implementation of householder permitted development rights and outside the control of the LPA, would in fact have a far more harmful impact on the visual amenities of the locality. Conversely, the proposed siting of the garage, contained as it is within the corner of the site, now that the height of the garage has been significantly reduced and the roof has been redesigned to appear far more innocuous, would suitably ensure the character and visual amenity of the area would not be harmed.
- 6.7 Residents had concerns in previous applications about the potential use of the garage and I agree that the erection of a building for business use would not be appropriate in this residential area in this location. But that is not what is sought, nevertheless and, notwithstanding the Government's recent general support for enhanced opportunities for home business, I am recommending a condition that limits the use of the garage to that incidental to the main use of the dwelling house.
- 6.8 Whilst to some extent the visual appearance of the garage and the resultant impact on the locality is a subjective judgement to be made I conclude, on balance, that the revised scheme has sufficiently overcome the previous reason for refusal and meets the requirements of policy CP24 of the TMBCS. There can

be no automatic assumption that only permitted development rights are acceptable – each case must be judged on its merits. As such the following recommendation is put forward:

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Drawing TK/02 dated 09.07.2014, Site Plan dated 09.07.2014, subject to the following:

Conditions:

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

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

- 2 All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

Contact: Rebecca Jarman

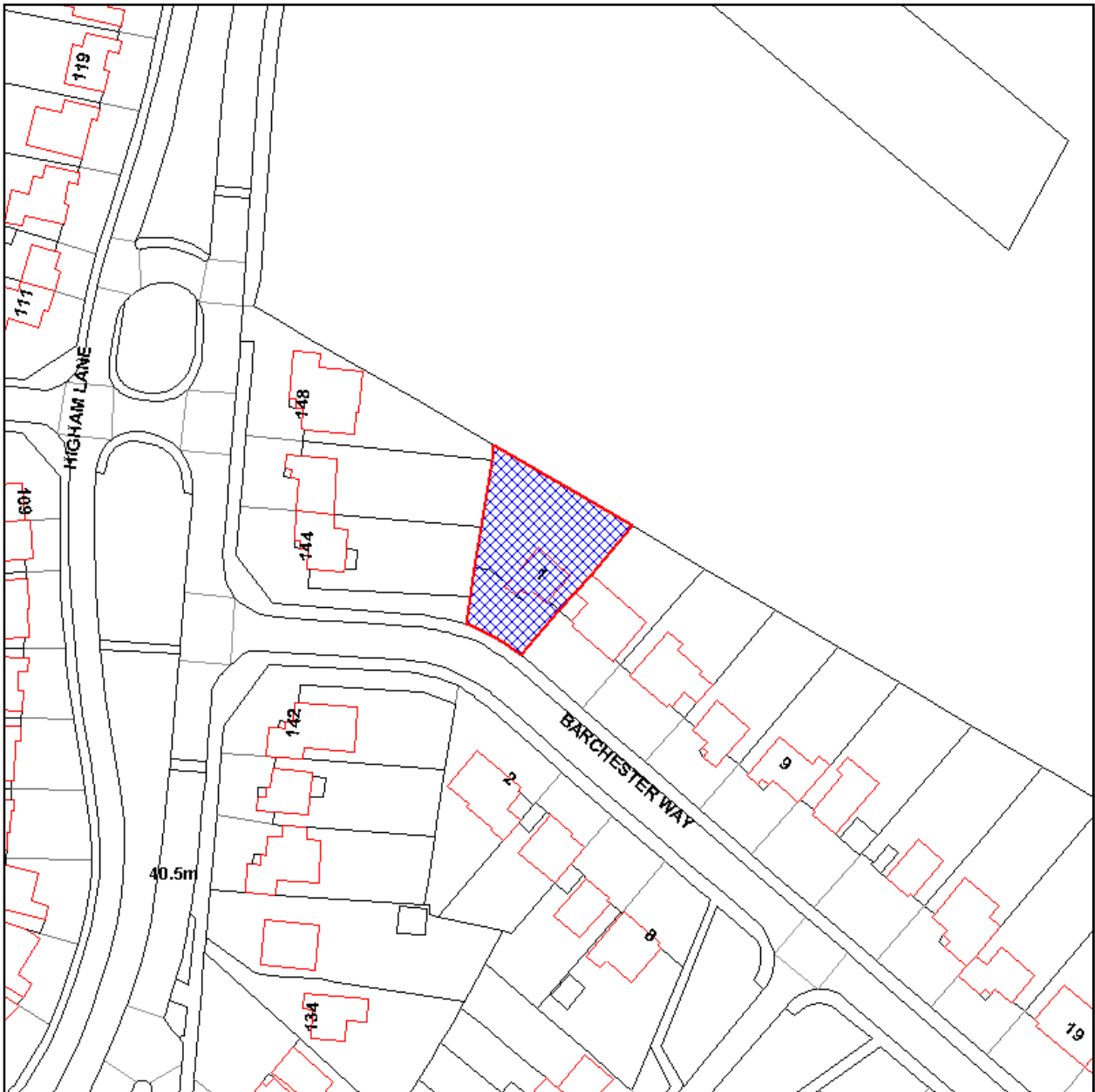
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TM/14/02398/FL

1 Barchester Way Tonbridge Kent TN10 4HP

Retrospective application for a detached garage

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