

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### 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](mailto:committee.services@tmbc.gov.uk)

18 February 2015

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, 26th February, 2015 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 23 October 2014

**Decisions to be taken by the Committee**

4. Development Control 9 - 12  
Introduction and Glossary
5. TM/14/02674/OA - 31-36 Quarry Hill Road, Tonbridge 13 - 24
6. TM/14/03644/FL - Alexander Stables, Vines Lane, Hildenborough 25 - 42
7. TM/14/02628/OA - 82 Goldsmid Road, Tonbridge 43 - 52
8. TM/14/03797/FL - 1 Waterloo Road, Tonbridge 53 - 60
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 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, 23rd October, 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 M O Davis, Cllr T Edmondston-Low, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr Miss J L Sergison and Cllr C P Smith

Councillors Mrs S Murray and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors D J Cure, Ms S V Spence and D J Trice

### PART 1 - PUBLIC

#### **AP1 14/48 DECLARATIONS OF INTEREST**

Councillor Mrs Anderson declared an Other Significant Interest in application TM/14/02774/FL (Faulkners Farm, Ashes Lane, Hadlow) on the grounds that her employers were involved in advising parties to the development. She withdrew from the meeting after making a statement.

Councillor M Davis declared an Other Significant Interest in applications TM/14/01411/FL (Land Rear of 15 – 17 Shipbourne Road, Tonbridge) and TM/14/01407/CR4D (Land to South and East of 15 Shipbourne Road, Tonbridge) on the grounds that his firm represented an adjoining landowner and he withdrew from the meeting during consideration of these items.

Councillor C Smith declared an Other Significant Interest in applications TM/14/01411/FL (Land Rear of 15 – 17 Shipbourne Road, Tonbridge) and TM/14/01407/CR4D (Land to South and East of 15 Shipbourne Road, Tonbridge) on the grounds that he was a member of Kent County Council, the applicant, and he withdrew from the meeting during consideration of these items.

#### **AP1 14/49 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 11 September 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 14/50 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 14/51 TM/14/02774/FL - FAULKNERS FARM, ASHES LANE, HADLOW**

Demolition of goat shed and siting of two new temporary buildings onsite, move proposed school fence south into Faulkners Farm courtyard (amended scheme to that previously approved under planning permission TM/14/01114/FL) at Faulkners Farm, Ashes Lane, Hadlow.

**RESOLVED:** That the application be

APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health subject to:

(1) Amendment to Condition 1 as set out below:

1. The temporary school use hereby permitted shall be discontinued, the buildings hatched on plan number DHA/10/10125/03 B attached to this decision notice removed from the site and the land restored to its former use on or before 30 September 2015 or at the opening of any permanent school at Hadlow College whichever is the earlier.

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

(2) Amendment of Condition 4 as set out below:

4. Within one month of the date of this permission, the area shown on the submitted layout as staff parking spaces has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

[Speakers: Ms C Marvell, Ms S Jones – members of the public; Ms L Jackson – on behalf of Applicant]

**AP1 14/52 TM/14/01411/FL - LAND REAR OF 15 - 17 SHIPBOURNE ROAD, TONBRIDGE**

Demolition of single storey building and change of use of part of beer garden to create a new car park on land to the rear of 15 and 17 Shipbourne Road, Tonbridge.

**RESOLVED:** That the application be

DEFERRED for Officers to seek full details of the proposed acoustic fence and to enable the opportunity for the applicant to consider alternative parking layouts.

[Speakers: Ms S Patel, Mrs J Colnet – members of the public; Ms L Jackson – Agent]

**AP1 14/53 TM/14/01407/CR4D - LAND TO SOUTH AND SOUTH EAST OF 15 SHIPBOURNE ROAD, TONBRIDGE**

Proposed demolition of existing building and open-sided structure on site and replacement with 14 new residential dwellings together with access, parking, garaging, landscaping and ancillary works on land to south and south east of 15 Shipbourne Road, Tonbridge.

During consideration of this item the Committee moved into private session to receive legal advice from the Council's Solicitor.

**RESOLVED:** That the application be

DEFERRED to enable the applicants to consider amendments to the proposed layout that would allow for neighbouring land to be developed in the future and/or to explore the possibility of bringing forward a wider scheme for development with adjacent landowners.

[Speakers: Mr L Clarke - member of the public; Mr N Durman – representing Tonbridge School; Ms L Jackson – Agent]

**AP1 14/54 TM/14/02070/FL - 7 AND 8 CHURCH ROAD, HILDENBOROUGH**

Proposed one/two storey rear, two storey side and front porch extension at 7 and 8 Church Road, Hildenborough.

**RESOLVED:** That the application be

DEFERRED for a Members' site inspection.

[Speakers: Mr P Thompson – member of the public; Mr J Leeson – Agent]

**AP1 14/55 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.36 pm



## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

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

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

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

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

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

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

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

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

DEFRA	Department for the Environment, Food and Rural Affairs
DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document (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**                      **558677 145792**    **1 August 2014**                      **TM/14/02674/OA**  
Vauxhall

Proposal:                      Outline application for the demolition of existing buildings and erection of a 63 bedroom care home (use class C2), with associated parking and landscaping  
Location:                      31 - 36 Quarry Hill Road Tonbridge Kent TN9 2RS  
Applicant:                      Castlemead Group Ltd, Porthaven Care Ltd & Thomas Aston Home

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## 1. Description:

- 1.1 This application is in outline form with *only the matter of Access reserved for future consideration*. Therefore, matters of Appearance, Landscaping, Layout and Scale are to be determined at this stage.
- 1.2 This application is an alternative to the one refused last year under ref. TM/14/01572/FL and which was the subject of a dismissed appeal. The implications of that appeal decision for the decision on this current case are set out in the Determining Issues section below.
- 1.3 As with the previous scheme, the proposed building would have a 'T' shape plan form and its frontage, along Quarry Hill, is 43m in length. The maximum depth of the building would be 41m. The height of the building varies between 6.5m and 10.2m. This is due to the fact that the building contains both 2 and 3 storey elements.
- 1.4 The building is designed, on its Quarry Hill frontage, to suggest a complex of smaller domestic style buildings that have grown up over time, and comprises six separate visual elements each with a subtly different design vocabulary. The building will be constructed, externally, predominantly from facing brickwork with some elements of render. Complementary/contrasting brickwork and reconstituted stone banding would be used across the external elevations and above windows. On the front elevation, the building would utilise both pitched and flat roof elements.
- 1.5 Whilst access is a Matter reserved for future consideration, indicative details have been provided at this stage and there is limited opportunity for flexibility of location given the other matters to be decided in this application. The existing access points within the site would be closed off and a new single point of access would be formed at the southern end of the site to serve the new care home. Nineteen car parking spaces would be provided to the south of the building, together with a turning head and covered cycle racks. The parking and access arrangements are the same as those specified in the previously refused scheme.

1.6 A communal garden would be created on the north side of the building and additional tree and shrub planting will take place along all four boundaries. It is also proposed to erect a 1.8m high acoustic fence along the southern boundary of the site and make good the rear (east) boundary walls with matching brickwork. It is also proposed to erect a 1.8m high close boarded fence around part of the rear (east) and north (side) boundaries of the site. To the front of the site, a dwarf brick wall with railings would be erected, measuring 1.2m high, behind which a row of 5 hornbeam trees would be planted.

**2. Reason for reporting to Committee:**

2.1 At the request of both Ward Councillors in light the recent planning history of the site and responses from local residents in light of that history.

**3. The Site:**

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

**4. Planning History (relevant):**

TM/10/01707/CA	Approved	24 March 2011
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Conservation Area Consent: Demolition and site clearance of Gilbert House

TM/14/01572/FL	Refuse	23 June 2014
	Appeal dismissed	24 October 2014

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

**5. Consultees:**

5.1 KCC (Highways): The application is similar to a previous application (TM/14/01572/FL) for a care home on the same site. This application and the subsequent appeal was refused on grounds of visual appearance and not on highway grounds. The effects of the development on the highway have been considered previously and all concerns were addressed. The access and parking provision remains unchanged from the previous application and these are acceptable. I confirm that I do not wish to raise objections.

5.2 Private Reps: 42/1X/0S/13R. The reasons given for objecting to this application are as follows:

- It will have a detrimental effect on traffic circulation and road safety.
- Parking provision falls significantly below guidelines and will result in parking in already congested area.
- Cycle storage is to be applauded but it is unrealistic to expect staff to cycle to work along this busy road.
- The demolition of the existing building and replacement with a large modern building will be detrimental to the appearance of the area.
- The existing buildings should be retained.
- The scale, bulk and appearance of the building is wholly out of keeping with the surrounding area. No consideration has been given to the Quarry Hill Conservation Area.
- The building will have a negative impact upon existing historical buildings, such as St Stephens Church.
- The proposal is an overdevelopment of the land.
- The building will block out light and cause noise pollution.
- The development is contrary to development plan policies CP 24 and SQ 1, and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.
- Loss of retail units.
- Harm to outlook of adjacent residential properties.

## **6. Determining Issues:**

6.1 While the key starting point in any decision on a planning application is the Development Plan and any relevant national policy and other material consideration, in this case there has been no change in policy framework since the most recent appeal.

6.2 Therefore a significant material consideration to take into account when assessing this particular application is the decision of the Inspector in dismissing the appeal submitted by the applicants concerning the previous scheme to develop a care home on this site. In essence it is necessary to assess whether the factors found unacceptable by the Inspector have been overcome in the current case. The pertinent comments of the Inspector relating to different issues/aspects of this proposal will be considered in detail throughout this report.

- 6.3 Whilst local residents have objected to the loss of the existing buildings within this site, the appeal Inspector considered them to have a 'neutral' effect on the Conservation Area's significance (Decision Letter paragraph 9) and did not dismiss the appeal on the grounds of their loss being harmful to the character and appearance of the wider Conservation Area.
- 6.4 In light of this assessment made by the Inspector, I do not consider it would be possible to revisit the impact of the loss of the existing buildings in connection with the currently proposed development.
- 6.5 Similarly, the Inspector did not dismiss the appeal on the grounds of loss of the existing retail units being harmful to the retail function of the St Stephens Place secondary retail area. Consequently, I also do not consider this issue to be a basis for suggesting that the current proposal is unacceptable on such grounds.
- 6.6 The proposed development is of a similar size, scale, plan form, height, layout and position within the site as the previously refused scheme. Furthermore, whilst access arrangements are a Reserved Matter to be considered at a later stage, the drawings show the same arrangements and car parking layout as shown in the previous scheme. In essence the differences with the current proposal relate principally to the external appearance of the building, including its roof form, and these were the issues of concern raised by the Inspector to the previously refused scheme.
- 6.7 The Inspector's comments on these issues are key to assessing the acceptability of the visual design of the current proposal. I have, therefore, reproduced paragraphs 7 and 8 of his decision letter below for ease of reference:

*"7. However, whilst the front elevation would have a width that is not dissimilar in length to Nos. 37-44 Quarry Hill Road, in the latter case the elevation is broken up horizontally at the ground floor level by the commercial frontages, and vertically on the upper levels by different materials or finishes and the bay window at Nos. 40/40a. Moreover, from views in both north and south directions along Quarry Hill Road, the chimneys and roof forms are clearly visible, adding further interest to the street scene.*

*8. In contrast, the proposal seeks the introduction of a large and featureless flat roof, the only break of which would be a step down to two storey height at the northern end and a step up to three storey height at the southern end. On the ground and first floors there would be no discernible breaks in the vertical emphasis for each bay, such as characteristic of the ground floor commercial frontages in the nearby buildings along Quarry Hill Road. Whilst the alternating series of projections and recessed elements seek to break up the overall mass and bulk of the building, visually the building would contrast starkly with this part of the Quarry Hill Conservation Area due to its lack of discernible breaks on the lower floors and its overall width and height. The result of these features is a building*



*that, when viewed from Quarry Hill Road and nearby public vantage points, would appear overly large and not fit comfortably into the street scene. The proposed development would therefore detract from the significance of the Conservation Area.”*

- 6.8 The Quarry Hill Conservation Area Appraisal defines the key features of the sub-section of the Conservation Area where the site is located as including:

*“Mixed use area with a consistent scale of building height of 2-3 storeys” and*

*“Unity of upper stories created by a limited pallet of redbrick or painted render, slate or tiled roofs with chimneys and white painted sash windows.”*

- 6.9 Since the appeal was determined and following discussions with officers, the applicant has amended the scheme to reflect positively as to how these concerns can be overcome. In my view, this has now been successfully achieved. The front elevation of the building has now been designed to emulate a row of individual buildings forming a visual terrace of buildings of varying styles, designs and materials. The external materials would vary between the individual elements, whilst being limited to brick or render. Window design and detailing, such as the use of contrasting brickwork around some windows, would also differ along the Quarry Hill Road elevation. Three bays of the building would have pitched roofs to the front elevation standing forward of the recessed flat roof sections. The pitched roof sections of the building would also contain brick chimneys. The flat roofed areas have a visual feel of a parapet wall, a not unusual design device in the 18<sup>th</sup> century but one where it will be important to have the cap detailing well designed. Two separate bay window features would be located on the front elevation of the building; one in a central position and one on its south west corner to help announce the entrance to the site. The separation between ground and above ground floors has been defined subtly by the use of bands of contrasting brickwork or reconstituted stone. Overall the detailed design of the building, particularly on its front elevation, responds, in my view, positively to the comments of concern made by the Inspector with regard to the street elevation of the earlier scheme and represents a distinct improvement in design character.
- 6.10 The development as now proposed would appear in Quarry Hill Road as a far more traditional form of terrace consisting of different elements that would respect the traditional pattern and character of existing buildings within it. Consequently, I consider that it will respect the character and appearance of the Quarry Hill Conservation Area in a way that the Inspector did not consider occurred with the earlier scheme. I am satisfied that the current proposal would comply with development plan policies CP 24 and SQ 1 which relate to quality of development, as well as section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires decision makers to pay special attention to the desirability of preserving or enhancing the character and appearance of

Conservation Areas. Detailed attention will need to be given to the mixture of materials to be used on the building, joinery design and matters such as parapet detailing and these can be controlled by condition.

- 6.11 Residents have raised concerns with the issues of car parking, highway safety and residential amenity. The Inspector dealt with these issues in paragraph 13 which reads:

*“13. I have considered all the other matters raised by the Council and interested parties. I have had regard to the concerns raised in terms of highway safety and access into and out of the site, the lack of on-street parking provision and demand arising from the proposed development, the potential loss of light, the risk of flash flooding, that light would be shone into adjoining properties and overall light pollution, and the noise arising from plant and machinery. However, these factors whether alone or in combination, do not add or detract from the harm I have identified on the main issue.”*

- 6.12 In light of the similar scale and nature of the proposed development to the previously refused scheme, and the Inspector’s assessment in paragraph 13, I do not consider that the currently redesigned scheme could be considered to cause detriment to residential amenity or highway safety any more than did the scheme dismissed on appeal.

- 6.13 The proposed boundary treatments are also the same as those previously put forward and still considered to be acceptable for this urban site.

- 6.14 Concerning the proposed electricity sub-station, this work could be carried out under permitted development rights as defined within Schedule 2, Part 17, Class G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and therefore does not need a specific planning permission from the Borough Council.

- 6.15 In light of all of the above, I am satisfied that the redesigned scheme overcomes the criticisms of the earlier scheme that led to the Inspector dismissing the previous appeal. Neither the policy background nor factors in the scheme other than design have changed and thus the Inspector’s judgement remains the key decision datum against which the current scheme must be judged. In terms of the design appearance I consider that the scheme is a decided improvement over that dismissed on appeal and meets the Inspector’s criticisms. Therefore, subject to the use of appropriate conditions, I recommend that planning permission be granted.

## **7. Recommendation:**

- 7.1 **Grant Outline Planning Permission** in accordance with the following submitted details: Tree Report dated 01.08.2013, Topographical Survey 0412/085/01 dated 01.08.2013, Planting Plan BRS.4350\_05\_A dated 01.08.2013, Letter dated 01.08.2013, Drainage Statement dated 01.08.2013, Environmental

Assessment dated 01.08.2013, Transport Statement dated 01.08.2013, Contaminated Land Assessment dated 01.08.2013, Bat Survey dated 01.08.2013, Noise Assessment dated 01.08.2013, Planning Statement dated 01.08.2013, Letter dated 26.01.2015, Design and Access Statement dated 26.01.2015, Location Plan 13-084-101 dated 26.01.2015, Site Plan 13-084-110 L, Signage Drawing 13-084-111 D dated 26.01.2015, Floor Plan 13-084-119 D dated 26.01.2015, Floor Plan 13-084-120 L dated 26.01.2015, Floor Plan 13-084-121 K dated 26.01.2015, Floor Plan 13-084-122 L dated 26.01.2015, Roof Plan 13-084-135 E dated 26.01.2015, Elevations 13-084-150 F dated 26.01.2015, Elevations 13-084-151 E dated 26.01.2015, Elevations 13-084-152 F dated 26.01.2015, Elevations 13-084-153 C dated 26.01.2015, Elevations 13-084-154 C dated 26.01.2015, Artist's Impression 13-084-155 1 of 2 dated 26.01.2015, Artist's Impression 13-084-156 2 of 2 dated 26.01.2015, subject to the following:

**Conditions:**

1. Approval of details of the access to and within the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. No development, other than the demolition of the existing buildings, shall take place until details of all materials and joinery 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.

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

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

6. 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.

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

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

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

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

9. No external lighting shall be installed until full details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

10. No development, other than the demolition of the existing buildings, shall take place until details of hard surfacing materials to be used within the site have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

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

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

12. No development, other than the demolition of the existing buildings, shall take place until details of the covered bicycle stands have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

13. The construction of the boundary wall to the Quarry Hill Road frontage shall not take place until details of its design, materials and colour finishes have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

14. No development, other than the demolition of the existing buildings, shall take place until details of the finished floor level(s) in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

15. The acoustic boundary fence shall be erected in accordance with the approved site plan 13-084-110 rev L prior to the first occupation of the building hereby approved.

Reason: In the interests of residential amenity.

16. No development, other than the demolition of the existing buildings, shall take place until details of the capping to the flat roof elements of the building have been submitted to and approved in writing by 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.

Contact: Matthew Broome

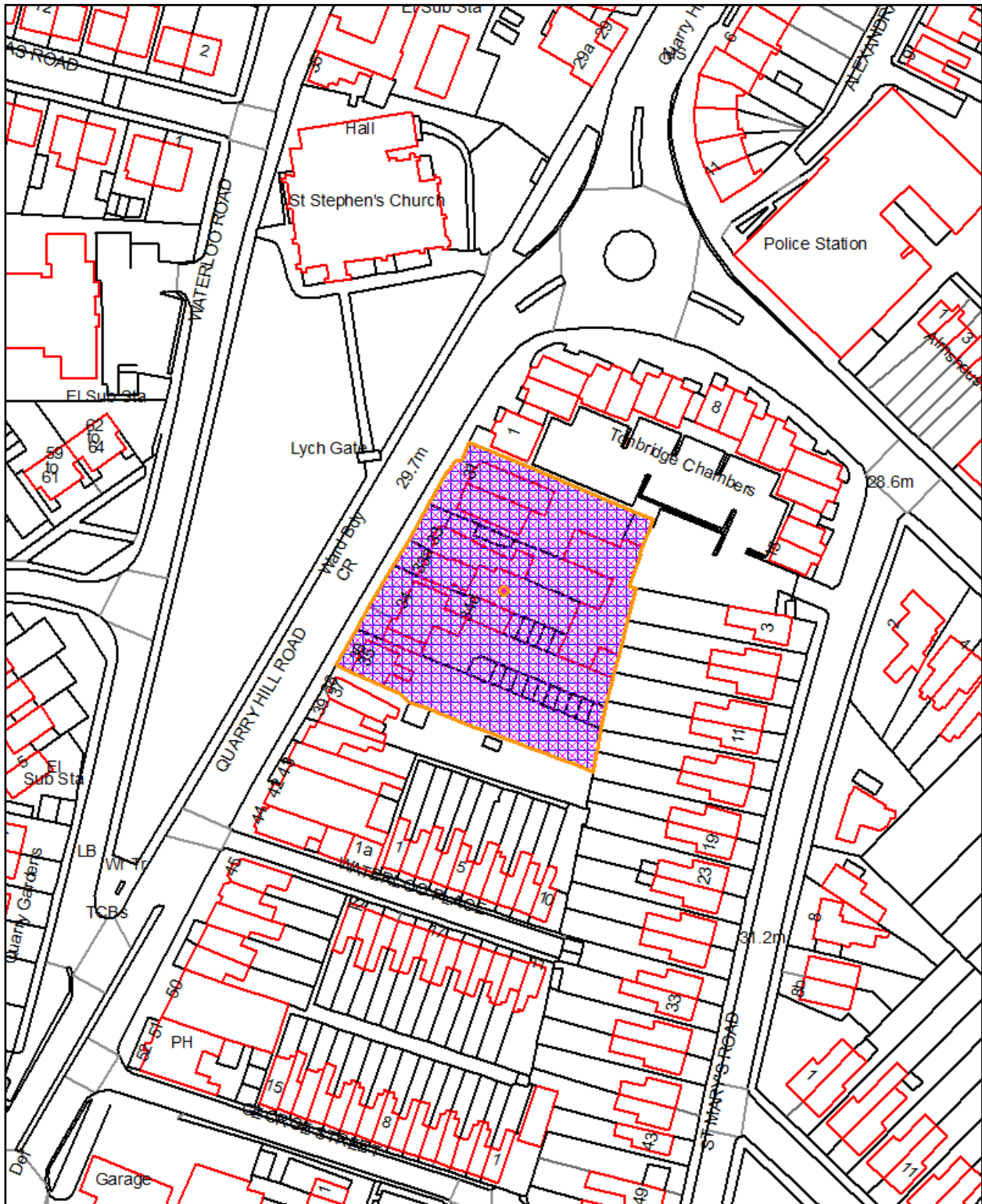
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**TM/14/02674/OA**

31 - 36 Quarry Hill Road Tonbridge Kent TN9 2RS

Outline application for the demolition of existing buildings and erection of a 63 bedroom care home (use class C2), with associated parking and landscaping

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**Hildenborough**                      **556599 150106**    **27 October 2014**                      **TM/14/03644/FL**  
Hildenborough

Proposal:                                  Demolition of existing buildings on site and construction of 2 detached residential dwellings and associated access and landscaping  
Location:                                  Alexander Stables Vines Lane Hildenborough Tonbridge Kent  
Applicant:                                  Kent & Medway NHS Social Care And Partnership Trust

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**1. Description:**

1.1 Full planning permission is sought for the demolition of the existing buildings and the erection of two detached one and a half storey residential dwellings. The properties would also have a small shed in the rear garden area for the storage of bicycles and other ancillary domestic paraphernalia. The site is proposed to be accessed from the access road to Alexander House to the western side of the site, across an area of land which is proposed to be planted as an orchard. The dwellings would have a hardstanding area to the front for car parking and turning with a landscaped area to the southern boundary with the open field.

**2. Reason for reporting to Committee:**

2.1 At the request of the Ward Member Cllr Rhodes and in the public interest given the green belt setting.

**3. The Site:**

3.1 The application site currently comprises a small complex of single storey brick buildings which were originally used as stables, and which the applicant has stated were most recently in use for occupational therapy by the NHS. These buildings are now redundant as they have not been used in recent years.

3.2 The southern boundary to the site is open to agricultural fields, with a small low level fence demarcating the boundary between the application site and the surrounding land. The northern and eastern boundaries are marked by dense and mature hedgerows and trees which largely screen the site from the neighbouring dwellings to the north and the public footpath which runs along the eastern boundary.

3.3 The site is accessed from a shared access road which runs to the west of the site, connecting to Vines Lane which is to the north. Views into the site from the access road are readily available due to the open nature of the western boundary.

3.4 The site is located outside the built confines of Hildenborough village and is therefore in the countryside for development plan purposes. The site is located within the Metropolitan Green Belt; the local landscape is of no other special designations.

**4. Planning History (relevant):**

TM/05/02667/FL      Grant With Conditions      3 January 2006

Demolition of existing stables and construction of 5 no. 1 bedroom units with communal rooms (for persons with learning difficulties).

**5. Consultees:**

5.1 PC: Raise objection on the following grounds:

- The site is within the MGB and the PC cannot find any very exceptional circumstances for the development of the three large detached houses or see how it will enhance the openness of the area.
- The development would demolish historic Victorian buildings.
- It is proposed to erect at least one detached house on undeveloped land.
- Overdevelopment of the site not in keeping with those buildings it is proposed to demolish and would not enhance the appearance of this otherwise rural area. The development is totally inappropriate to the rural area.
- Concern with regard to the impact upon ecology and the fact only one pond has been surveyed.
- The site is frequently waterlogged therefore drainage in the local area would need to be improved.
- Access would be provided from a narrow, single carriageway private road which serves as access for carers to those living in sheltered accommodation as well as all residents. The development would add to traffic problems experienced by all residents as well as those living in the area as a result of speeding traffic on Vines Lane.
- Safety concerns with regard to the volume of traffic on the site and access roads to the site.
- The loss of mature trees to accommodate the orchard, of particular concern would be the loss of the species of old apple if it is present on the site.

5.2 KCC (Highways): Raise no objections subject to conditions.

5.3 KCC PROW: Raise no objections.

5.4 Natural England: Raise no objections.

5.5 Private Reps:

First Consultation:

11 directly consulted + site notice: 18 letters of objection received raising the following issues:

- The development does not meet the tests of paragraph 89 of the NPPF- the exception of the previously developed land should not apply to the whole site as not all of the land has been previously developed.
- The fact that the land was previously developed does not allow comprehensive development that would undermine the purposes of the Green Belt.
- The proposed development would have a greater impact upon the openness of the Green Belt. This is due to the fact that the existing built form is relatively low key within the landscape due to its single storey form. The proposed development would significantly increase the bulk and massing of the built form on the site and would dominate the site.
- The positioning of housing units across the whole site will be of detriment- especially the positioning of plot 1.
- The applicant has not demonstrated Very Special Circumstances to justify the development as the condition of the site is not so exceptionally poor as to justify new buildings within the Green Belt.
- The conversion of the existing buildings as a fall-back position would be favourable in terms of maintaining the openness.
- The previous planning permission was granted due to the Very Special Circumstances of the need for the accommodation, without this the development would have been inappropriate. The proposed development is larger than that previously approved.
- The location of the site is unsustainable due to its distance from local services resulting in a car-dependent residential development.
- The site is subject to surface water flooding and it is unclear how adequate drainage would be provided as it is believed that the subsoil is clay and therefore soakaways would be inappropriate.
- The proposed development would result in the loss of terrestrial and reptile habitat. The mitigation measures are inadequate and would be difficult to enforce over the lifetime of the development.

- The development proposes new trees on land outside of their ownership.
- The application states there would be improvements to the access but this is a track owned by Alexander House. They have not been informed of any works to the access.
- Concern with regard to responsibilities for the access after the site is redeveloped.
- Concern with regard to conflict between vehicles accessing the site conflicting with those at Holly Lodge. Plus those residents at Holly Lodge require emergency access at all times. This has not been given consideration in the submission.
- The existing site is over developed at Holly Lodge and causes significant disturbance to local residents. The proposed development would cause intolerable disturbance to the neighbours even before any building starts.
- The development would only benefit the applicant who has not considered the long term effects on the immediate neighbours.
- Concern with regard to an intensification of use of the access to pedestrians, horse riders and other vehicles.
- The development would blight the outlook for a number of neighbouring properties.
- The development would block light and unacceptably overlook Owls Hoot.
- The site is already being marketed for sale even though planning permission has not been granted - question the integrity of the planning system.
- The dwellings are large in size with small gardens - would families living in the countryside want this?
- Concern the development would set a precedent elsewhere.
- The development would be unsettling to the very sick residents of Holly Lodge who currently enjoy a peaceful existence.
- The development would place considerable burdens on the village of Hildenborough, the existing roads and limited public transport and schooling.
- The fact that the NHS trust no longer has use for the site and so has let it degrade cannot be taken as an excuse to allow the development.

- The private drive is not built for construction traffic and the building of Holly Lodge caused considerable damage to the driveway and gate posts.
- The bridle path and footpath run along the edge of the site. The ditches along the sides of the footpath are already nearly at capacity, the development can only exacerbate this situation.

Second consultation:

28 consulted; 6 letters of objection received at the time of report writing raising the following additional issues:

- The development would increase vehicular traffic in an already busy country lane.
- The extent of hardstanding is unacceptable in an area of high water table and little opportunity for rainwater runoff.
- Although the height of the proposed buildings has been reduced, they would still dominate the existing adjoining properties and affect privacy.
- The omission of garages will most probably result in future applications to erect garages.
- Objections to the proposals do not relate to numbers of dwellings but rather the principle.
- Although the development would replace existing buildings it is the character of the site that would be altered inappropriately.
- The right thing to do would be to pull down the existing buildings and sell the land for grazing.
- The Council should not consider any dwellings to be acceptable.
- The land could not be considered to be brownfield land.
- Any dwelling of any sort with its associated activity would have a greater impact on the existing openness of the area.

**6. Determining Issues:**

- 6.1 The NPPF along with policy CP1 of the TMBCS (2007) and policy CC1 of the MDE DPD (2010) place sustainability at the heart of decision making, ensuring that new development does not cause irrevocable harm to the environment and balancing this against the need to support a strong, competitive economy and protect the social welfare of existing and future residents. Policies CP1 and CP24 of the TMBCS 2007 and Policy SQ1 of the MDE DPD require high quality design which

reflects the local distinctiveness of the area and respect the site and its surroundings in terms of materials, siting, character and appearance.

- 6.2 The application site is located outside the settlement confines of Hildenborough Village and therefore is in the countryside for development plan purposes. Policy CP14 of the TMBCS seeks to prevent the incursion of built development within such areas in order to protect the character and appearance of the Countryside. The site is also located within the MGB. The purpose of the MGB is to check the unrestricted sprawl of large built up areas, preventing the merging of neighbouring towns and villages and to safeguard the countryside from encroachment. Paragraph 79 of the NPPF states that the essential characteristics of such areas are their openness and their permanence. Any inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. This is supported by policy CP3 of the TMBCS.
- 6.3 Paragraph 89 of the NPPF states that certain forms of development are not inappropriate in the Green Belt. Included within the definition of development which is not considered to be inappropriate is limited infilling or the partial or complete redevelopment of previously developed sites (Brownfield Land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 6.4 This current policy framework post-dates the planning permission that was granted in 2006 for the construction of 5 x 1 bedroom care units to extend across the application site and the neighbouring piece of land which is now proposed to be planted as an orchard. In any event, in that case, the very specific type of residential accommodation represented very special circumstances due to the specialist needs of the end user. The occupation of the development was restricted by condition on the planning permission.
- 6.5 As highlighted above, since that time the policy context against which the application must be considered has changed. The NPPF makes provision for the redevelopment of previously developed land within the Green Belt as an exception to the definition of inappropriate development subject to certain criteria. Previously developed land is defined within the NPPF as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The eastern half of the application site currently hosts buildings and their associated curtilage which runs to the boundary fence to the south and along the western side of the proposed boundary to plot 1. The entirety of the now proposed built development and the associated residential curtilages therefore falls within the area that meets the criteria to be considered as previously developed land on the site.

- 6.6 With these factors in mind, the proposed development is therefore not inappropriate development by definition, provided that it meets the criteria in NPPF. As such the acceptability of the development falls to be assessed in terms of the impact of the development upon the open nature and function of the Green Belt, when considering the reasons for including land within it, and other factors that may cause any other harm.
- 6.7 The existing buildings on the site are of a single storey form, with a total footprint area of 310m<sup>2</sup>. These buildings are of a substantial construction although somewhat dilapidated due to their disuse in the most recent years. The proposed development would represent a reduction in footprint area from the existing buildings to a total footprint (including the shed buildings) to 286m<sup>2</sup>. It is acknowledged that the proposed buildings would be higher than the existing buildings as they would have a one and a half storey form with a height of approximately 7 metres rather than the overall height of 4m at present. However, the detached nature of the proposed dwellings and the spacing between them would limit their impact upon the openness of the site when considered in relation to the existing buildings which have a larger footprint and greater mass due to their attachment to one another. It is proposed to retain an open boundary to the south to allow the site to remain open to the countryside, and the built development would be concentrated on the existing previously developed land. As such, on balance, it is considered that the development would not have a detrimental impact upon the openness of the Green Belt.
- 6.8 In order to protect the openness of the Green Belt in the longer term and to allow the Local Planning Authority to retain control with regard to the construction of additional ancillary buildings on the site, it is considered reasonable and necessary to remove permitted development rights for extensions to the dwellings and the construction of outbuildings along with the construction of new fences, walls and other means of enclosure. This can be adequately secured by planning condition.
- 6.9 In order to promote sustainable development in rural areas, paragraph 55 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided unless there are special circumstances such as the re-use of redundant or disused buildings which would lead to an enhancement of the immediate setting. Although this proposal does not seek to re-use existing buildings on the site, these structures appear capable of conversion due to the fact that they are of substantial construction, and therefore such a scheme of conversion would be policy compliant. Notwithstanding the capability of the existing buildings for conversion, the wording of the NPPF highlights central government policy to be supportive of the provision of new housing development where this would not result in the provision of new buildings in the rural landscape. This is a material consideration in the determination of this planning application.

- 6.10 The application site is located to the rear of a string of dwellings generally fronting onto Vines Lane, clustering around the junction with Riding Lane. The dwellings have a loose knit semi-urban grain which is characteristic of development in rural areas and are generally well spaced with substantial gardens. The development would introduce two dwellings onto land which is currently occupied by a more intensive form of development. The former stable buildings are of no visual merit and their original form has been detracted from by the modern conservatory extension to the southern elevation. The buildings cover a substantial part of the application site and have a considerable mass due to their sprawling footprint. For these reasons there is no objection to the loss of the former stable buildings; indeed there would be visual betterment in some respects.
- 6.11 The proposed dwellings which would replace the existing built development would be of a detached nature and well spaced from one another with relatively spacious gardens. The dwelling houses would be of an unassuming scale and bulk with a one and a half storey form and 7 metre height and have been well designed to sit within the rural locality. The amount of built development on the site, including hardstanding areas and the boundary treatments, would allow the site to retain an open character which would maintain the visual grading of the built development into the countryside. The creation of the orchard area and the addition of boundary planting would retain the soft edge to the residential development along Vines Lane and would respect the loose knit grain which is intrinsic to the character of the locality.
- 6.12 The proposed development would be no more harmful in sustainability terms than the *conversion* of the existing buildings into residential accommodation or indeed their permitted use from 2006. The proposed development offers the opportunity to provide a visual amelioration of the site with the provision of two new well designed dwellings. These factors balance in favour of the development.
- 6.13 Development plan policy along with the NPPF requires that all new development does not result in harm to the residential amenities of neighbouring properties in order to allow for an environmental and social sustainability. The closest neighbours to the application site are situated at Stone Lodge, 25 metres to the north west, and Brambleside 32 metres to the north. One neighbour at Owls Hoot has raised concern that the development would cause an unacceptable loss of light and overlooking to their property. This dwelling is situated 40 metres from the end of the rear garden areas of the proposed dwellings. These separating distances would prevent an adverse impact being caused due to overlooking or by the development being unacceptably overbearing.
- 6.14 Some local residents have raised concern that the development would impact upon the quiet enjoyment of the local area by the residents of Holly Lodge who require a quiet environment due to their medical needs. It is important to note that no objections have been received from Holly Lodge despite the property being notified of the application. These neighbours are situated over 40 metres from the



proposed residential dwellings. The noise and disturbance from a small scale residential development of two houses would not have a significant impact upon the tranquillity of the locality overall, and could have less impact than the lawful use of the site. In light of this, it is not considered that the development would have a detrimental impact upon the specific needs of the residents of Holly Lodge.

- 6.15 Access to the properties would run to the western side of Stone Lodge. The existing access road serves Alexander House to the south and Holly Lodge (6 residential units for people with autism) to the west. The use of the access for two additional dwellings would cause some increase in vehicular movements. However, given the limited small scale of the development and the fact that the existing buildings could be converted into residential dwellings, this would not cause a harmful level of noise and disturbance to the neighbouring residential occupants.
- 6.16 The proposed dwellings are of sufficient size to provide adequate internal living accommodation and have access to external garden areas. This would prevent harm being caused to the residential amenity of future occupants of the dwellings.
- 6.17 Paragraph 32 of the NPPF requires decision making to take account of a safe and suitable access to the site being achieved for all people; and improvements that can be taken within the transport network that cost effectively limit the significant impacts of the development. Paragraph 32 clearly states that development should only be prevented where the residual cumulative impacts of development are severe.
- 6.18 A significant level of concern has been raised with regard to the impact of traffic movements upon highway safety. Particular issues which have been raised relate to access to the neighbouring residential care units at Holly Lodge, intensification of use of the access road, and use of the access onto Vines Lane.
- 6.19 The site is accessed by way of a single track access road from Vines Lane. This access road currently serves Alexander House and Holly Lodge as well as providing rear access to Stone Lodge. It is noted that the residential care use at Holly Lodge results in vehicular movements to and from the site which are more intense than the original dwellings they replaced. These matters were assessed at the time of the previous planning application and were considered to be acceptable. As such, this application can only consider the cumulative impact of the addition of two dwellings to this existing situation.
- 6.20 As highlighted by the NPPF, the assessment of highway impact is a severity test, with a requirement that development is only refused where the cumulative impacts of development are severe. The development proposes a minor development of two dwellings. These dwellings would result in additional traffic movements through the access and along the access road but would not significantly intensify the use of the access, especially when considered in relation to the potential lawful use of the site for occupational therapy purposes (D1). Furthermore, the buildings

themselves could be converted into more residential accommodation which would have the same highway impact as that proposed as part of the current application.

- 6.21 The application site is located away from the service centre of Hildenborough and several letters of objection have raised the issue that this would increase the reliance upon the private car, especially as there are no footpaths along the edge of the highway or good public transport links. Paragraph 34 of the NPPF requires that new development that would generate significant movement are located where the need to travel would be minimised and the use of sustainable transport modes could be maximised. The proposed development would not generate significant traffic movement as discussed above, and therefore its location away from the village centre is acceptable in highway terms.
- 6.22 It is not proposed to make any alterations to the access onto Vines Lane; this land is not in the ownership of the applicants. KCC Highways has raised no objections to the intensification of use of the access onto the public highway.
- 6.23 The development proposes the provision of two car parking spaces to serve each dwelling with a turning area within the site. This would prevent the need for vehicles to park on the private access road or on the public highway at Vines Lane. This is in compliance with the parking standards within IGN3 as set out by KCC Highways but in the form adopted by TMBC.
- 6.24 Access to and from Holly Lodge would not be adversely impacted by the proposed development as sufficient parking is to be provided within the application site. The access road to Holly Lodge and Alexander House is in a private ownership and therefore if the access was to become blocked this would be a private civil matter.
- 6.25 The application has been supported by an arboricultural report assessing the impact of the development upon the trees on the site and outlining mitigation measures to prevent damage to retained trees. The report identifies three trees which need to be removed regardless of the development occurring due to the fact that they are unsafe. It is also proposed to remove one apple tree which is of a Category C along with other small trees and shrubs. Trees around the boundaries of the site which are a mixture of Category B and C would be retained, maintaining the visual amenity value they afford to the landscape and providing a soft edge to the residential scheme.
- 6.26 In order to protect the trees during construction the report proposes a series of measures including the installation of fencing around the calculated tree protection areas (as shown on drawing number J49.47/01 Rev A); no storage of materials within the RPA's along with no lighting of fires; no levels changes on the site; and the routing of services outside of the RPA's. These methods are fully detailed within the arboricultural assessment and could be controlled by condition on any planning permission.

- 6.27 The application site has been identified as being suitable habitat for protected species including reptiles (slow worms and grass snakes), newts, and as a foraging area for bats. A Phase 1 habitat survey has been submitted with the application to detail the presence of protected species on the site and to set out a methodology for protecting and mitigating harm.
- 6.28 The report identifies that the buildings themselves show no presence of roosting bats but that the site is passed over by bats foraging for food. The demolition of the existing buildings should therefore not result in the loss of bat roosts but a precautionary approach is recommended to these works, timing demolition at appropriate times of year when the bats are least vulnerable to disturbance and under the supervision of a qualified ecologist.
- 6.29 The site is host to great crested newts and is in close proximity to three ponds which provide an aquatic habitat. The ecological report recommends that prior to the commencement of any development the newts will need to be trapped and relocated. The loss of the small area of habitat could be partially compensated for by the provision of the orchard area to the west of the site along with internal planting to the residential site to the east.
- 6.30 There is also a presence of reptiles on the existing site including slow worms and grass snakes. Once again the ecological report recommends a trapping and relocation exercise on the existing site prior to the commencement of development. As only part of the land is to be developed there is opportunity for relocation of species onto land to the west which would limit the harm caused due to the loss of habitat.
- 6.31 Details of a mitigation and enhancement strategy for protected species could be required by planning condition to ensure that any development did not cause harm to protected species and took the opportunity to ameliorate the local habitats.
- 6.32 The site has also been identified as having the potential for contamination due to its historic use as an agricultural building, along with the fact that other developments within the locality have required remediation. A condition requiring the submission of a contamination report and remediation strategy would be required by condition on any planning permission on the precautionary principle.
- 6.33 A concern raised by occupants of the neighbouring dwellings relates to surface water flooding. The application site is not situated within flood zones 2 or 3 but is situated approximately 190 metres away from these flood zones. Although it is noted that the site becomes waterlogged due to the clay subsoil, surface water drainage is a matter to be considered by way of the Building Regulations regime. Notwithstanding this, the development offers some opportunity to improve land drainage by way of the installation of new drainage systems. This should present the opportunity to prevent surface water flooding from occurring to the neighbouring dwellings.

- 6.34 A Public Right of Way runs from north to south east along the boundary to the application site. It is not proposed to place any development on the Public Right of Way as it is located outside of the application site. The existing buildings currently bound the footpath; these would be removed and a new boundary line established. These works would not impact upon the Public Right of Way. The ditches along the side of the footpath are the responsibility of the landowner but the footpath is already muddy and soft underfoot as it is sheltered by trees and the existing building. KCC PROW has raised no objections to the application as they do not consider the development would detrimentally impact upon the footpath.
- 6.35 In light of the above assessment, I conclude that the proposal is acceptable in light of the requirements of the NPPF in terms of the principle of the proposed development given its location within the Metropolitan Green Belt and the specific detail of the proposed development in terms of its impact on the Green Belt and the locality generally. It also accords with policies CP1, CP3, CP14 and CP24 of the TMBCS and policies SQ1 and SQ8 of the MDE DPD. As such, the following recommendation is put forward:

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Email Fm Agent dated 19.01.2015, Existing Plans DHA/10141/20 Ground figure dated 19.01.2015, Proposed Layout DHA/10141/21 dated 19.01.2015, Proposed Layout DHA/10141/22 Landscaping \_ ecology dated 19.01.2015, Proposed Floor Plans DHA/10141/23 Plots 1 \_ 2 dated 19.01.2015, Proposed Elevations DHA/10141/24 Plot 1 dated 19.01.2015, Proposed Elevations DHA/10141/25 Plot 2 dated 19.01.2015, Proposed Plans and Elevations DHA/10141/26 Garden shed dated 19.01.2015, Details DHA/10141/27 Ecology dated 19.01.2015, Letter Covering letter dated 27.10.2014, Habitat Survey Report dated 27.10.2014, Planning Statement dated 27.10.2014, Arboricultural Survey dated 27.10.2014, Location Plan DHA/10141/01 dated 27.10.2014, Existing Plans DHA/10141/02 Ground figure dated 27.10.2014, 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 written details and photographs of all materials to be used externally in the construction of the dwelling have been submitted to and approved by 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 of the locality.

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

Reason: To ensure no adverse impact upon highway safety resulting from potentially hazardous on-street parking.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C and E of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order to enable the Local Planning Authority to regulate and control further development within this site in the interests of the environment

5. 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: To ensure that the development does not harm the character of the locality.

6. Prior to the commencement of development details of a mitigation and enhancement strategy for bats, reptiles and amphibians shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing populations of protected species and to improve the habitat on the site.

7. The development shall be carried out in accordance with the recommendations of the Arboricultural Implications Assessment by Broad Oak Tree Consultants dated 20.10.14 and detailed on drawing number J49.47/01 Rev A.

Reason: In order to prevent the loss of trees on the site

8. No development, other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until:

- (a) A site investigation based on the recommendations in the Phase 1 Contaminated Land Assessment by Lustre Consulting has been undertaken to determine the nature and extent of any contamination, and
- (b) The results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

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

- (c) The approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and
- (d) A Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

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

Reason: In the interests of amenity and public safety.

9. Before occupation of either of the dwellings hereby approved the former stable buildings shown for removal on the approved plan shall be demolished and all materials arising there from shall be removed from the site in its entirety.

Reason: In the interests of residential and visual amenities.

### **Informatives**

- 1 During the demolition and construction phases, the hours of noisy working are likely to affect nearby properties (including deliveries) shall be restricted to Monday- Friday 0730- 1830, Saturday 0800- 1300; with no such work on Sundays or Public Holidays.

- 2 It is recommended that bonfires are not held at the site as this can cause justifiable nuisance for neighbours.
  
- 3 The Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Contact: Kathryn Holland

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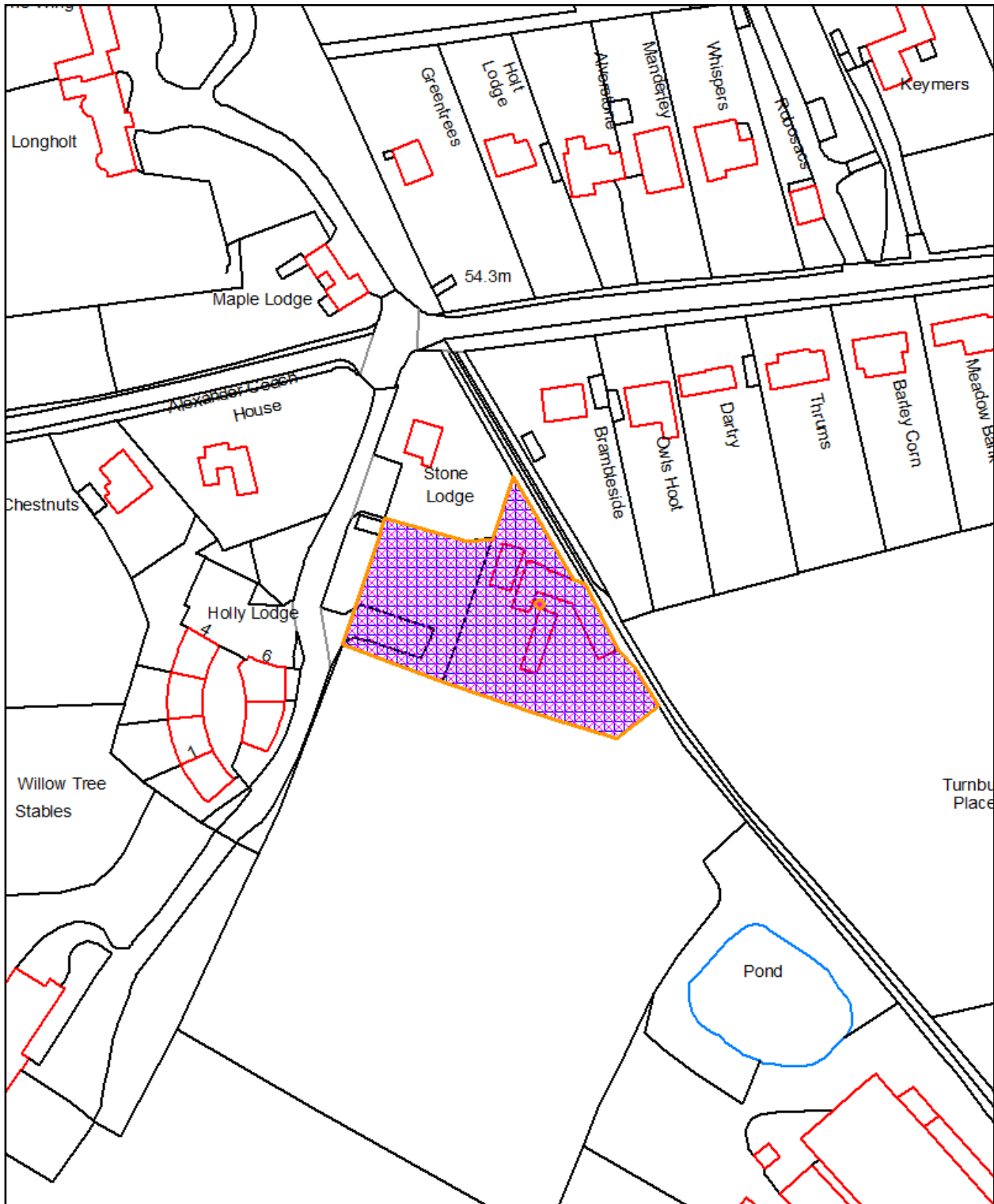


**TM/14/03644/FL**

Alexander Stables Vines Lane Hildenborough Tonbridge Kent

Demolition of existing buildings on site and construction of 2 detached residential dwellings and associated access and landscaping

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**Tonbridge**                      **559365 145783**    **30 July 2014**                      **TM/14/02628/OA**  
Medway

Proposal:                      Outline Application: Demolition of the rear garage and the construction 6 new dwellings in total. The works will involve part conversion and extension to existing building  
Location:                      82 Goldsmid Road Tonbridge Kent TN9 2BY  
Applicant:                      Mrs Olive Clinker

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## **1. Description:**

- 1.1 The application is in outline form with the Matters of Scale and Appearance to be dealt with at this stage. The Matters of Access, Landscaping and Layout are reserved for future consideration.
- 1.2 It is proposed to change the use of the existing ground floor shop on the corner of Goldsmid and Hectorage Roads to a flat and retain the existing independent flat above it. It is also proposed to extend and convert an existing single storey addition to this building (which fronts onto Hectorage Road) to form 2 flats and one dwelling house. An existing garage located to the rear of the principal building is to be demolished under this proposal. The development would, therefore, result in the site containing four no. 1 bedroom flats and one no. 2 bedroom house.
- 1.3 The development would be finished externally with red facing brickwork, natural stone coloured render and slate roof tiles. Window and soffit/eaves detailing would be formed from white UPVC.
- 1.4 No off-street car-parking is proposed as part of this development.

## **2. Reason for reporting to Committee:**

- 2.1 At the request of Cllr Lancaster in light of local concerns.

## **3. The Site:**

- 3.1 The site is located within the urban confines of Tonbridge, at the junction of Goldsmid and Hectorage Roads. The site contains a two-storey building fronting Goldsmid Road, currently used as a retail shop with an independent flat above. To the rear of this is a single storey brick extension with a pitched roof which is currently used for storage in connection with the shop unit. The site is located within an area where on street parking controls exist.

**4. Planning History (relevant):**

TM/62/10008/OLD grant with conditions 31 July 1962

Extension to form hall, living room, bedroom and bathroom and alterations to shop.

TM/89/11557/FUL grant with conditions 6 February 1989

Demolition of existing stores, conversion of existing building and construction of two storey extension to provide 3 flats, general store, post office/stationers plus garages and car parking (re-submission following withdrawal of TM/88/1263

**5. Consultees:**

5.1 KCC (Highways): In the context of transport impact and planning policy it is not considered that a development of this scale could be described as having a severe impact.

5.1.1 Under the County's residential car parking standards (IGN3) there are four environmental categories, namely 'Suburban' and 'Village/Rural', where minimum car parking standards apply; and 'City/Town Centre' and 'Edge of Centre' where maximum car parking standards apply.

5.1.2 Descriptions of levels of on street parking controls are also given in this document and under 'Edge of Centre' the description includes residents' scheme and/or existing saturation. I would consider that this category i.e. Edge of Centre, is most relevant to the Hectorage Road/Goldsmid Road area and that maximum car parking standards therefore apply. Whilst no car parking may have an effect on the marketability of the accommodation proposed I confirm on behalf of the Highway Authority that I have no objection to this outline application.

5.2 Private Representations: 13/0X/0S/6R. The six responses have been received from three households and raise the following objections:

- Overshadowing to neighbouring property
- Loss of privacy
- The development would have an overbearing impact upon the neighbouring property
- Noise and disturbance arising from the additional dwellings
- No parking is proposed

- Parking in the local area is already inadequate and the proposed development will make the existing situation worse.
- The proposal is an overdevelopment of the site.

## **6. Determining Issues:**

6.1 The site is located within the Tonbridge urban area where policy CP 11 of the TMBCS encourages development to be located. One of the core planning principles of current Government guidance as set out in paragraph 17 of the NPPF is to encourage the effective use of land by reusing previously developed land. The existing shop unit is not protected by development plan policy. Accordingly, the principle of the proposed redevelopment of this site is, therefore, acceptable in broad policy terms.

6.2 At the heart of the NPPF is a presumption in favour of sustainable development. For decision making 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 this framework taken as a whole.”*

6.3 Policy CP 24 of the TMBCS requires all developments to be well designed and of a high quality in terms of detailing and use of materials. Developments must, through scale, layout, siting, character and appearance, be designed to respect the site and its surroundings. Policy SQ 1 of the MDE DPD echoes these requirements.

6.4 The proposed development is small in scale and the central section (units 2 and 3) has been designed to reflect the form and character of the existing store building within this site. It would have a frontage facing on to Hectorsage Road and the brick walls would sit under a pitched roof, clad with slate. This part of the building would stand between 0.8 and 1.7m higher than the existing store building, but this in itself would not detract from the character of the street scene.

6.5 The new dwelling house to be formed at the north eastern end of the site (unit 5) would be of two storeys and have a gable end fronting onto the road. It would align itself with the existing shop, close to the back edge of the pavement. The development as a whole would respect the layout and scale of the existing buildings within this site and would fit comfortably within the street scene and the locality generally. The materials to be used externally would be sympathetic to those used on the existing buildings within this site and other dwellings within Hectorsage Road.

- 6.6 Much concern has been expressed regarding the lack of parking associated with this proposal and it being a more intensive use of the site than the existing situation. Using the adopted car parking standards, as existing, the combination of the shop and flat above requires a maximum of 7 car parking spaces. It should also be noted that any retail use could operate within this unit without needing a specific planning permission. For example, it could be used as a computer repair shop where customers could turn up on an ad-hoc basis and park on street, or indeed as a hairdresser's where multiple staff and customers could be on site at once.
- 6.7 As proposed, the development could require up to 5 car parking spaces to be provided. (IGN 3 indicates a maximum of 1 space per unit). Therefore, whilst the development would result in the loss of the garage and parking space in front of it, the proposed development would actually require less car parking to be provided than the existing use of this site.
- 6.8 The site is located in an edge of centre location where on-street parking controls exist and retail units and services are readily accessible from the site by modes of transport other than the private motor car. It must be remembered that the NPPF states in the final bullet point of paragraph 32:
- “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.*
- 6.9 In light of the sustainable location of the site and given the limited number of dwellings proposed, the impact of this development in terms of highway safety impacts is not considered to be severe. In reaching this conclusion I am mindful of the traffic movements associated with the existing uncontrolled retail use of the existing site that would cease as a result of this development.
- 6.10 In terms of residential amenity, I am satisfied that the development would not cause an unacceptable loss of light or overshadowing to the adjoining dwelling at 84 Goldsmid Road, or the other neighbouring property at 1 Hectorage Road, from which the new built form is separated by No 1's drive and garage. The footprint of the proposed extended store building would move 1m closer to the boundary with 84 Goldsmid Road adjoining dwelling house which physically abuts the application building. The application *site* wraps around 84 to a small degree. However, in light of the height and form of the proposed dwelling in this vicinity, and the location of habitable room windows within this adjoining dwelling (no. 84), I am satisfied that the proposed development would not appear unduly overbearing when viewed from it.
- 6.11 The first floor glazed features that would be located on the rear of units 2 and 3 would be visible from the rear garden of 84 Goldsmid Road at a short distance away (less than 5m). However, these are roof lights and would be installed 1.7m above the internal floor level, a height level the Government considers is sufficient

to avoid unreasonable overlooking to the neighbours private garden area. A condition can be used to control this. I am satisfied that the rear facing window within the proposed dwelling (unit 4) would not cause unacceptable overlooking to the neighbouring properties due to its position and distance away from them.

6.12 In conclusion, the proposed development is of a scale, form and appearance that is in keeping with the character of the street scene and would not cause unacceptable detriment to the amenity of the neighbouring properties. Whilst no off-street car parking provision would be provided, the development is not considered to cause a severe impact upon highway safety, due to the small scale nature of the proposed development. Consequently, the proposal is considered to be acceptable and I recommend that planning permission is granted.

## **7. Recommendation:**

7.1 **Grant Outline Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 29.07.2014, Existing Plans 1196 P001B dated 29.07.2014, Proposed Plans and Elevations 1196 P002 C dated 19.01.2015, Letter dated 19.01.2015, E-mail dated 12.02.2015 subject to the following:

### **Conditions:**

1. Approval of layout, access to and within the site and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. 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.

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

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

6. The roof light windows on the rear (north west) elevation of units 2 and 3 shall be installed so that their internal cill level would be no lower than 1.7m above the floor level of the room they would be located within and shall maintained as such at all times thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

7. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

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

### **Informatives**

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbs.gov.uk](mailto:addresses@tmbs.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
2. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
3. 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. The applicant is advised to inform future occupiers of this development that it would be unwise to rely on regular access to the limited on-street parking that is available in the locality.

Contact: Matthew Broome

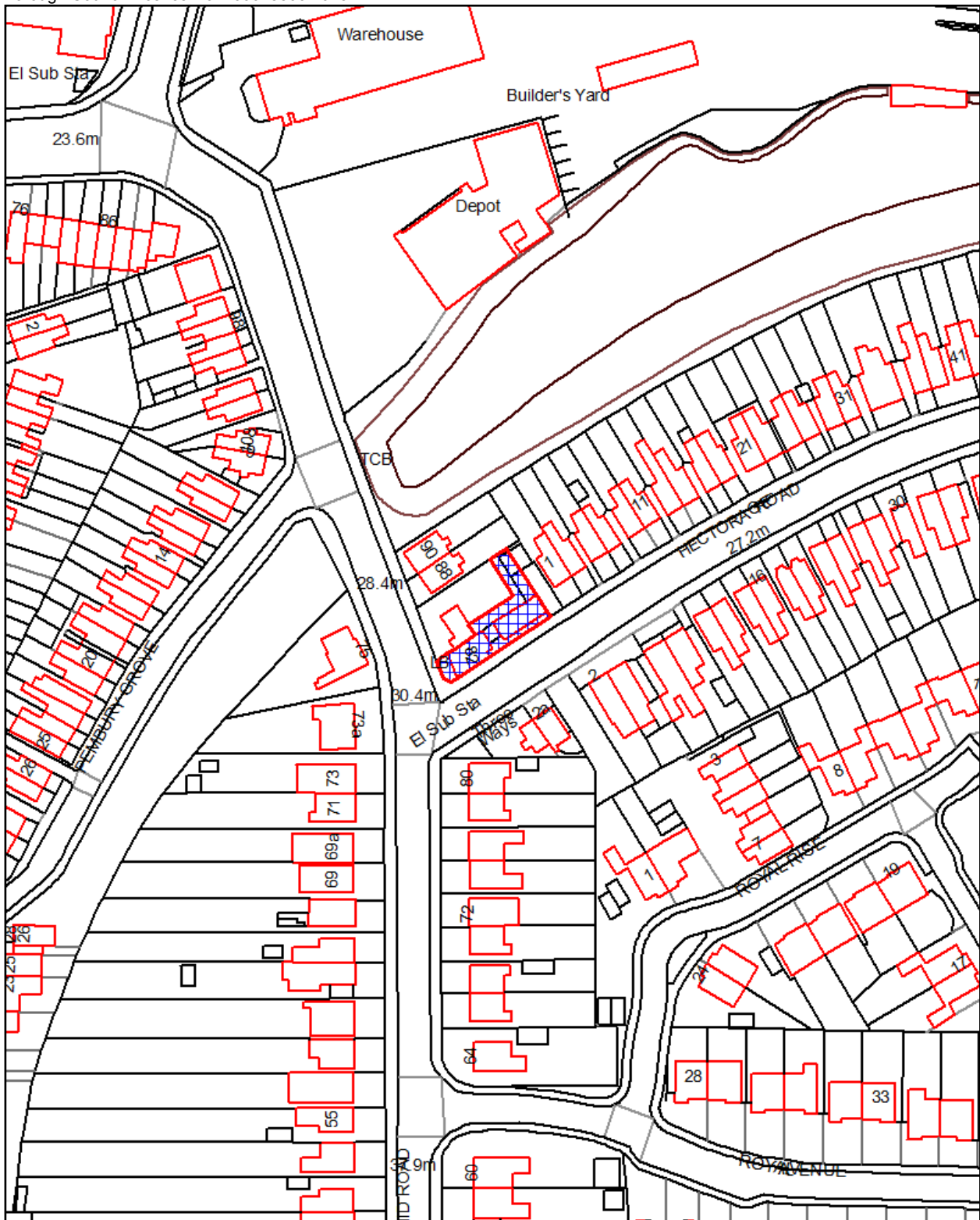
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**TM/14/02628/OA**

82 Goldsmid Road Tonbridge Kent TN9 2BY

Outline Application: Demolition of the rear garage and the construction 6 new dwellings in total. The works will involve part conversion and extension to existing building

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**Tonbridge**                      **558718 145995**    **10 November 2014**    **TM/14/03797/FL**  
Judd

Proposal:                      Change of use to D1 to operate a children's day nursery  
Location:                      1 Waterloo Road Tonbridge Kent TN9 1SN  
Applicant:                      Mr Graham Fuller

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**1. Description:**

1.1 It is proposed to use this former shop unit as a children's day nursery. The applicant has confirmed that the facility would cater for up to 65 children per working day, and employ 20 members of staff. There are no external changes proposed to the building itself to accommodate the proposed use.

**2. Reason for reporting to Committee:**

2.1 At the request of Cllr Cure regarding the highway safety implications of the proposed development and the issue of air quality, given the intended use.

**3. The Site:**

3.1 The site is located within Tonbridge town centre on the south side of Waterloo Road, close to its junction with Quarry Hill Road. The building adjoins the Lidl supermarket to the north. On the north side of Waterloo Road is Tonbridge railway station. From the 1970s the site was a public house and has also been used for retail purposes.

**4. Planning History (relevant):**

SW/4/70/54                      grant with conditions                      7 May 1970

Application for the erection of a supermarket, three shop units, offices, public house, and car parking.

TM/13/00825/FL                      Approved                      14 May 2013

Change of use of vacant retail unit to use as a place of worship, community use and café

**5. Consultees:**

5.1 KCC (Highways): I note that use class D1 is already permissible at this site. It is considered that the proximity of this proposal to Tonbridge Rail Station will be an attraction for child care for commuters. It is further considered that the parking restraints and congestion readily experienced in this urban area will be a disincentive for parents to park locally to pick up and drop off children, particularly when children are of an age where escort to the nursery and thereby leaving a vehicle unattended, is required. In accordance with the needs and tests within the NPPF I do not consider that this proposal

has a clear, tangible element of road safety detriment and I write to confirm on behalf of the Highway Authority therefore that I have no objection to this proposal.

5.2 Private Reps: 24+ site notice/OX/OS/OR.

**6. Determining Issues:**

- 6.1 The site lies within the St Stephens Place frontage secondary retail area. Policy TCA 6 of the TCAAP applies and states that loss of retail use will be resisted. Changes from retail to non-retail activities will only be permitted if the permitted use will not undermine the retail function of the area.
- 6.2 In this case, the unit is currently vacant and has been for some time. In 2013 the Council accepted that the property could acceptably be used as a place of worship through the grant of planning permission TM/13/00825/FL. The site is located to the rear of the Lidl supermarket and does not have a strong presence on Quarry Hill Road. The proposed change of use would bring a vacant building back into use and would not undermine the retail function of the wider St Stephens Place secondary shopping area. It is, of course, a key aim of current Government guidance contained within the NPPF to actively encourage the reuse of land and buildings particularly in town centres and the proposed development clearly accords with this national guidance.
- 6.3 Policy CP 1 of the TMBCS states that when determining applications residential amenity will be preserved. Policy CP 24 of the TMBCS states that development that would be detrimental to the amenity, functioning or character of a settlement will not be permitted. Policy SQ1 of the MDE DPD requires developments to protect and conserve the character and local distinctiveness of the area including its prevailing level of tranquillity.
- 6.4 There are two flats located above the premises. However the proposed use will require approval under the Building Regulations and this process will deal with the issue of potential air born noise transference between the proposed nursery and the flats above. I understand that a concrete floor separates the flats from the unit below which should also help to minimise noise transference between the building below (last used as a bed shop but capable of use, without needing planning permission from the Council, for a wide variety of retail use or residential use) and the flats. This was identified at the time the second floor of this building was being converted into flats. It is understood that when the flats were created on top of this building in 2007 additional acoustic insulation was installed within the floor between the flats and the building below. Therefore, it is the case that either insulation has already been installed between the application site and the flats or would have to be installed in order to comply with the Building Regulations. Either way, the issue of noise transference would be dealt with under the Building Regulations.

- 6.5 The site is located within the busy town centre close the railway station and Quarry Hill Road, where there is already a significant level of general and traffic noise. Furthermore, the use of the nursery, as applied for, would be limited to weekdays only and then only between the hours of 07.00 and 19.30. In this context the use of the building as proposed is unlikely to generate such noise and disturbance that it would be out of keeping with the existing level of activity in this town centre location. I recommend the use of a condition limiting the opening hours applied for in order to safeguard the amenity of local residents.
- 6.6 Current Government guidance contained within the NPPF encourages uses that generate significant amounts of movements to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (paragraph 34). The site is located within the town centre and is conveniently located for access by public transport or on foot. This was obviously a factor in the historic use as public house and the later permitted use as a place of worship – both uses that are not insignificant traffic generators. I am satisfied that the use would be located within a sustainable location as far as transport choices are concerned. The sections of Quarry Hill and Waterloo Roads located close to the site contain parking restrictions that would discourage parents from simply stopping in these roads whilst dropping off their children. Public car parks are also available within walking distance of the site, including the Lidl car park next door. The applicant has also agreed to install pedestrian gates on either side of the outdoor play area. This is intended to help parents who decide to park in the adjoining Lidl's car park to access the site when dropping off and picking up children. By providing an easier walk from the car park to the proposed nursery, this would encourage parents to use the adjacent car park, thus discouraging them from stopping illegally within Waterloo Road outside the entrance to the proposed facility. An amended floor plan will be submitted shortly to show the precise position of the new pedestrian accesses to the site and details of this will be reported as a supplementary matter.
- 6.7 In light of these factors, I am satisfied that the proposed development would not harm the safe or free flow of traffic in the locality to such a degree that would warrant a recommendation to refuse planning permission. It needs to be remembered that current Government guidance contained within paragraph 32 the NPPF states that applications should only be refused on transport grounds where the impact of the development is severe. The highway authority has not objected to the proposed development, considering it to be acceptable in terms of highway safety impacts. Permission was, of course, granted in 2013 to use this building as a place of worship and café which would have attracted significant amounts of traffic, albeit of a different profile to that associated with the current proposal. (The traffic associated with a church would arrive at different times of the day/days of the week to that generated by the proposed child's day care nursery.)

- 6.8 The site, whilst being located within Tonbridge town centre, does not lie within the Air Quality Management Area (AQMA). In comparison with the High Street, Waterloo Road does not experience the same volumes of traffic nor is it a street canyon. These factors result in the exceedance of nitrogen dioxide annual mean on the High Street. As these factors are not an issue on Waterloo Road, the nitrogen dioxide levels are indicated to be within the air quality objectives. There are currently parking restrictions on Waterloo Road which will prevent idling cars waiting outside the proposed nursery entrance way. There is a taxi rank on the opposite side of the road to the development but taxi cabs are advised by the Council of the need to switch their engines off if stationary for more than one minute. This, combined with the separation distance to the proposed nursery entrance way, means exceedances are unlikely to be caused as a result of the taxis.
- 6.9 In light of all of the above, the proposed development would not harm the functioning or amenity of the local area. It would also help to bring a vacant building back into a use that is considered to be compatible with its town centre location. Accordingly, the proposed development is considered to be acceptable in planning terms and complies with development plan policies CP1, CP 24, TCA 6 and SQ 1. Consequently, I recommend that planning permission be granted.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 10.11.2014, Travel Plan dated 10.11.2014, Existing Plans and Elevations 1080-01 dated 10.11.2014, Proposed Floor Plans 1080-02 dated 10.11.2014, Proposed Elevations 1080-03 dated 10.11.2014, 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. The business shall not be carried on outside the hours of 07.00 to 19.30 Mondays to Fridays with no working on Saturdays, Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.



### **Informatives**

1. The applicant is reminded that the proposed level of WC provision is considered to be inadequate for the numbers of children proposed. For 65 children, 7 WCs and wash hand basins should be provided. For 20 members of staff, 3 additional WCs and wash hand basins should be provided. For further advice concerning this matter and to food register this business the applicant is advised to contact the Borough Council's Food and Safety Team on 01732 876191. The kitchen also appears small for the intended use of the premises.
2. The applicant is advised that the duty holder should carry out an asbestos survey before any changes are made to the fabric of the building or any changes are made, as required by the Control for Asbestos Regulations 2012. More details can be found at [www.hse.gov.uk/asbestos](http://www.hse.gov.uk/asbestos).

Contact: Matthew Broome

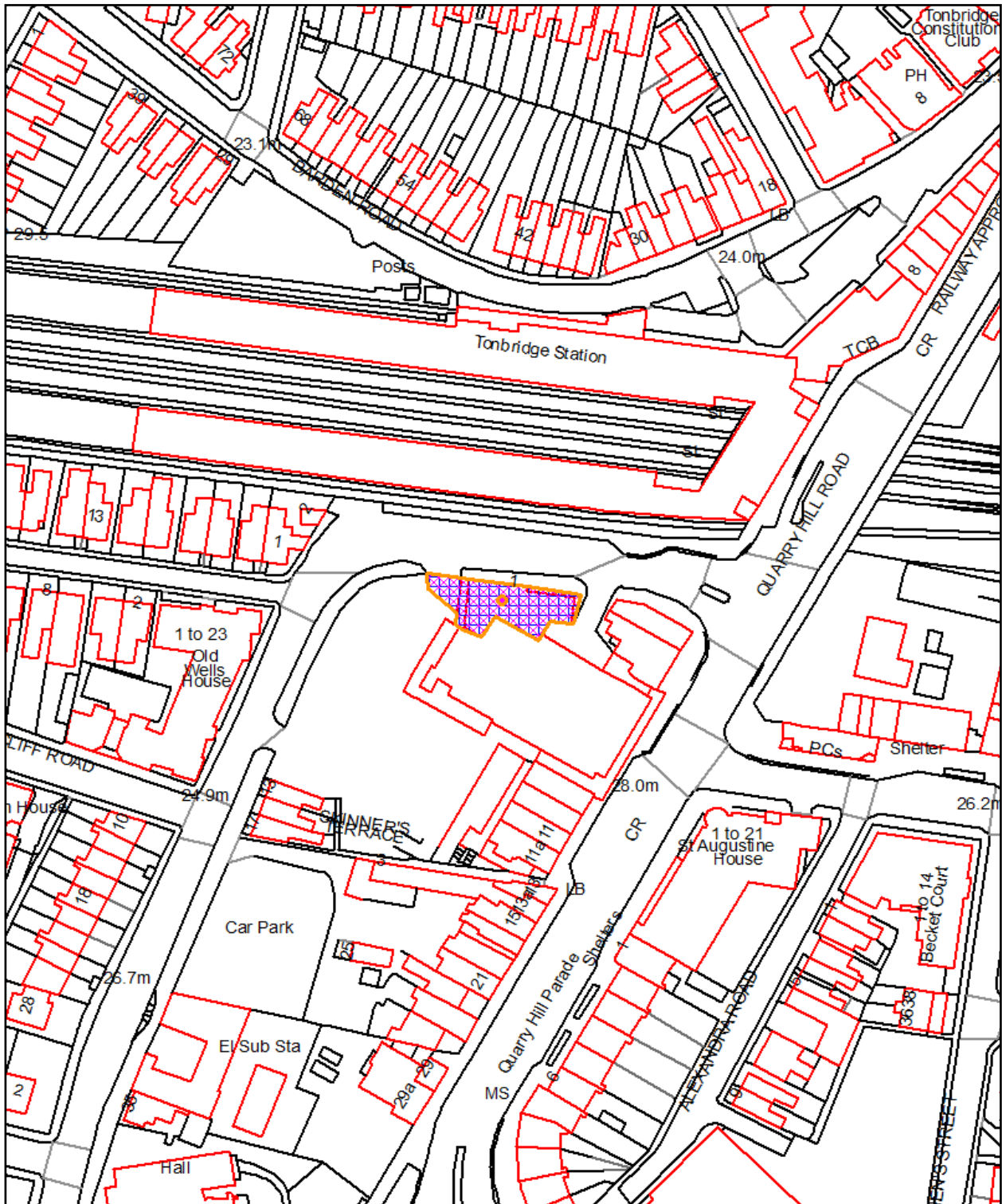
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**TM/14/03797/FL**

1 Waterloo Road Tonbridge Kent TN9 1SN

Change of use to D1 to operate a children's day nursery

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