

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

24 June 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, 2nd July, 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

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To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 9 April 2015

Decisions to be taken by the Committee

4. Development Control 9 - 12
Introduction and Glossary
5. TM/14/02628/0A - 82 Goldsmid Road, Tonbridge 13 - 28
6. TM/15/01266/FL - Rear of 105, 107 and 109 St Marys Road, Tonbridge 29 - 38
7. TM/14/04177/FL - Weald of Kent Girls Grammar School, Tudeley Lane, Tonbridge 39 - 52
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9. Urgent Items

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

Matters for consideration in Private

10. Exclusion of Press and Public

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

PART 2 - PRIVATE

11. Urgent Items

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

MEMBERSHIP

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

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

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 9th April, 2015

Present: Cllr V M C Branson (Vice-Chairman, in the Chair), Cllr A W Allison, Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr P F Bolt, Cllr D J Cure, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr C P Smith, Cllr Ms S V Spence and Cllr D J Trice

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

Apologies for absence were received from Councillors R D Lancaster, Ms J A Atkinson, Mrs P Bates, M O Davis and Miss J L Sergison

PART 1 - PUBLIC

AP1 15/9 DECLARATIONS OF INTEREST

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

AP1 15/10 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 26 February 2015 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 15/11 DEVELOPMENT CONTROL

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

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**AP1 15/12 TM/15/00842/FL - 152 TO 154 TONBRIDGE ROAD,
HILDENBOROUGH**

Variation of conditions 6 and 7 of planning permission TM/13/02727/FL to allow for the cafe to be open until 8pm Wednesdays - Saturdays between the months of June - September, to allow for the use of the outside space by customers until 8pm Wednesdays - Saturdays between the months of June - September and to allow for use of the premises for private functions all year round (up to a maximum of 8 per month) on Tuesdays - Saturdays up until 11pm at 152-154 Tonbridge Road, Hildenborough

APPLICATION FORMALLY WITHDRAWN BY THE APPLICANT**AP1 15/13 TM/14/03644/FL - ALEXANDER STABLES, VINES LANE,
HILDENBOROUGH**

Demolition of existing buildings on site and construction of 2 detached residential dwellings and associated access and landscaping at Alexander Stables, Vines Lane Hildenborough.

RESOLVED: That the application be DEFERRED for a Members' Site Inspection.

[Speakers: Mrs M Coles, Hildenborough Parish Council; Mr A Robertson-Watts, Mrs E Smith, Mr R Howe, Mrs G Shukla, Mr S Burrows and Mr D Davis – members of the public; and Mr M Blythin – Agent for the Applicant]

AP1 15/14 TM/14/03797/FL - 1 WATERLOO ROAD, TONBRIDGE

Change of use to D1 to operate a children's day nursery at 1 Waterloo Road, Tonbridge.

RESOLVED: That the application be APPROVED in accordance with the details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health subject to the addition of condition

5. Prior to the commencement of the use hereby approved, details of a scheme for the storage and screening of refuse shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the approved use commences and shall be retained at all times thereafter.
Reason: In the interests of general amenity.

[Speaker: Mrs D Fuller – applicant]

**AP1 15/15 ALLEGED UNAUTHORISED DEVELOPMENT 14/00181/WORKM -
FOXBUSH COTTAGE, 107A TONBRIDGE ROAD,
HILDENBOROUGH**

The report advised of the unauthorised construction of a detached outbuilding following the refusal of planning permission under reference TM/14/03073/FL and the subsequent dismissal of an appeal by the Planning Inspectorate.

RESOLVED: That an Enforcement Notice be issued to seek the removal of the unauthorised building, the detailed wording of which to be agreed with the Director of Central Services.

AP1 15/16 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.35 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

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

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

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

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

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

Tonbridge
Medway

559365 145783 30 July 2014

TM/14/02628/OA

Proposal:

Outline Application: Demolition of garage to rear. Change of use of existing retail shop to a 1-bed flat. Extension and conversion of storage building to form 2no. 1-bed flats and 1no. 2-bed dwelling house

Location:

82 Goldsmid Road Tonbridge Kent TN9 2BY

Applicant:

Mrs Olive Clinker

1. Description:

- 1.1 Members will recall that this application was deferred from the February meeting of the Area 1 Planning committee to allow a Members' Site Inspection to take place and also to enable further negotiations to take place regarding the design of the proposed development.
- 1.2 The Members' Site inspection took place on 17 June and the issues raised during that inspection will be discussed later in this report.
- 1.3 Negotiations have taken place since February and the scheme has been formally amended. The principal changes to the development are:
 - The extended/new build section would now have a uniform ridge height. Previously, the new dwelling on the eastern end (Unit 4) had a higher ridge height than the 'mid' section of the development.
 - The overall height of the extended/new build section has been reduced by between 0.7m and 1.7m by the use of a truncated roof. The end unit (Unit 4) is also to now be finished externally with red brickwork to match the existing building. Previously, it was proposed to finish this with a through colour render (natural stone).
- 1.4 A copy of my previous report is annexed for ease of information.

2. Consultees: (received since 26 February 2015)

- 2.1 Private Reps: One additional response has been received, raising the following objections to the development:
 - A slight reduction to the height of the building appears to be shown but without clear measurements on the drawing it is impossible to tell whether this represents a material difference.
 - Any increase in the height of the building would result in a loss of light to the neighbouring dwelling and overshadowing its garden.

- The density is way beyond an appropriate level for the size of the plot of land.
- Any increase in the number of parked vehicles in this area will have an impact upon road safety.
- There will not be sufficient room for bins to be left out along Goldsmid Road as this would impact upon pedestrian safety.
- The fact that this building plot has access to other modes of transport is not a genuine reason to argue why no specific parking is required.

3. Determining Issues:

3.1 Dealing firstly with the implications of the amendments to the proposal, I consider that the revised design of the building has resulted in an overall reduction in height and associated bulk. This has resulted in the extended/new build section of the building being between 0.6 and 1.3m taller than the existing storage building. This is considered to be acceptable both in visual terms and in terms of impact on the nearest neighbouring properties. Members were concerned that the previous scheme appeared somewhat disjointed in visual terms, with variances in eaves and ridge height. The amendments have sought to overcome this not only through reducing the overall height of the new build element but also through a simplification of the design approach.

3.2 Turning to the matters specifically raised during the Members' Site Inspection, a question was asked as to what alternative uses could be made of the existing buildings within this site without needing to be the subject of a planning application. My previous report referred to the different types of retail use that could lawfully take place within this building without needing a separate planning permission. Furthermore, under current permitted development rights contained within the Town and Country Planning (General Permitted Development) Order 2015, the use of the buildings within this site could change to the following without needing to be the subject of an application for planning permission:

- A restaurant
- A mixed use of retail (A1 use) and up to two flats
- A mixed use of Financial & Professional Services (A2 use) and up to two flats
- A use falling within Use Class D2 (Assembly and Leisure) (which includes a cinema, gymnasium, other indoor sports and leisure uses or a concert hall, for example)
- Dwellings (including flats or houses).

- 3.3 I would however stress that the physical works of alteration and extension to the building as set out in the current proposal could not be carried out under permitted development rights.
- 3.4 Members questioned whether there would be any potential implications arising from the likely postal addresses of the proposed dwellings (whether they be named as Goldsmid or Hectorage Road) affecting the ability of future residents to obtain residents parking permits from the Borough Council. This matter is currently undergoing further investigation and further information will be reported as a supplementary matter. I would however stress that the nil parking provision in this case accords with the adopted parking standards set out in IGN3, as detailed in my previous report.
- 3.5 Members also asked for clarification regarding the arrangements concerning bin storage and setting out of bins on collection day. A dedicated building to accommodate bins is not proposed in this instance. Instead, the bins would be positioned within the shared private yard serving the proposed flats, which would be expected of a development of this size. As the applicant and the agent confirmed during the site inspection, the bins would either be moved through the communal hallway to Hectorage Road or taken over the right of way that exists to the rear of the neighbouring property at 84 Goldsmid Road. How the bins are moved to the public highway and back on the day of collection is not a material planning consideration but is, rather, a logistical one for the occupiers of the dwellings to resolve. Private access rights are not something that can be controlled by the planning system.
- 3.6 Members were usefully able to stand in the neighbouring garden and take the opportunity to view the application site from that vantage point. This raised questions regarding the impact of the development upon the amenity of this neighbour in terms of both overshadowing and overlooking. The development proposed would bring the amount of built form marginally closer to the boundary shared with this neighbour and it would also be marginally higher. Furthermore, Members noted that the end house (Unit 4) would extend some 3m back towards the neighbouring garden, effectively wrapping around the neighbouring land. This would change the aspect from the neighbouring private garden but would not, in my view, result in such an unacceptable overbearing or dominating impact adversely affecting the enjoyment of this private space to such an extent to justify the refusal of planning permission. This is directly attributable to the fact that the development will only be marginally closer and taller than the existing store building.
- 3.7 The ground floor windows proposed to serve Flat 2 would be positioned lower down on the rear elevation than the existing windows in the rear elevation of the storage building. This is accounted for by the fact that the ground floor level of the new units would be lower than that of the existing storage building by approximately 0.5m. Specific details of the finished floor levels can be required

by condition. With this change in land levels in mind, I am satisfied that the reduced height of the ground floor level within the proposed dwellings would be similar to the level of the neighbour's garden. The proposed ground floor rear facing windows would, therefore, look onto the existing boundary fence that encloses that neighbouring garden. Accordingly, the private garden of 84 Goldsmid Road would not be overlooked by these particular windows.

- 3.8 As was clarified during the site inspection, the roof light windows located within the rear roof slope of the building serving Flat 3 would be positioned a minimum of 1.7m above the floor level of the room they would be located within. This is the height accepted by the Government to be the minimum necessary to safeguard the privacy of neighbouring properties when windows would face towards the private gardens of neighbouring properties. The rear facing window in the end unit (Unit 4) at first floor level would not look into this private garden either.
- 3.9 Officers explained that the nearest window within the neighbouring building serves the stairwell rather than a habitable room. Such windows are not directly considered for the purposes of assessing the impact on residential amenity, meaning that the impact of the development on the amount of light received to habitable room windows would be acceptable and there would be no grounds to refuse planning permission on this matter.
- 3.10 The owner of the neighbouring property did ask for clarification as to who would be liable should she fall down the stairs as a result of less light being received to the stairwell window. This is not a matter which the planning Committee can take into consideration, given the analysis above. However, it is noted that there would be no liability on the Council in such an event.
- 3.11 In light of the above, I consider that the proposed development meets the requirements of the NPPF and LDF. I therefore recommend that planning permission be granted.

4. Recommendation:

- 4.1 **Grant 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 F dated 17.03.2015, Email dated 12.02.2015, Letter dated 19.01.2015, subject to the following conditions:

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 be 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@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
2. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
3. 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

Report from 26 February 2015

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

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 Hectorage 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 Hectorage 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. 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

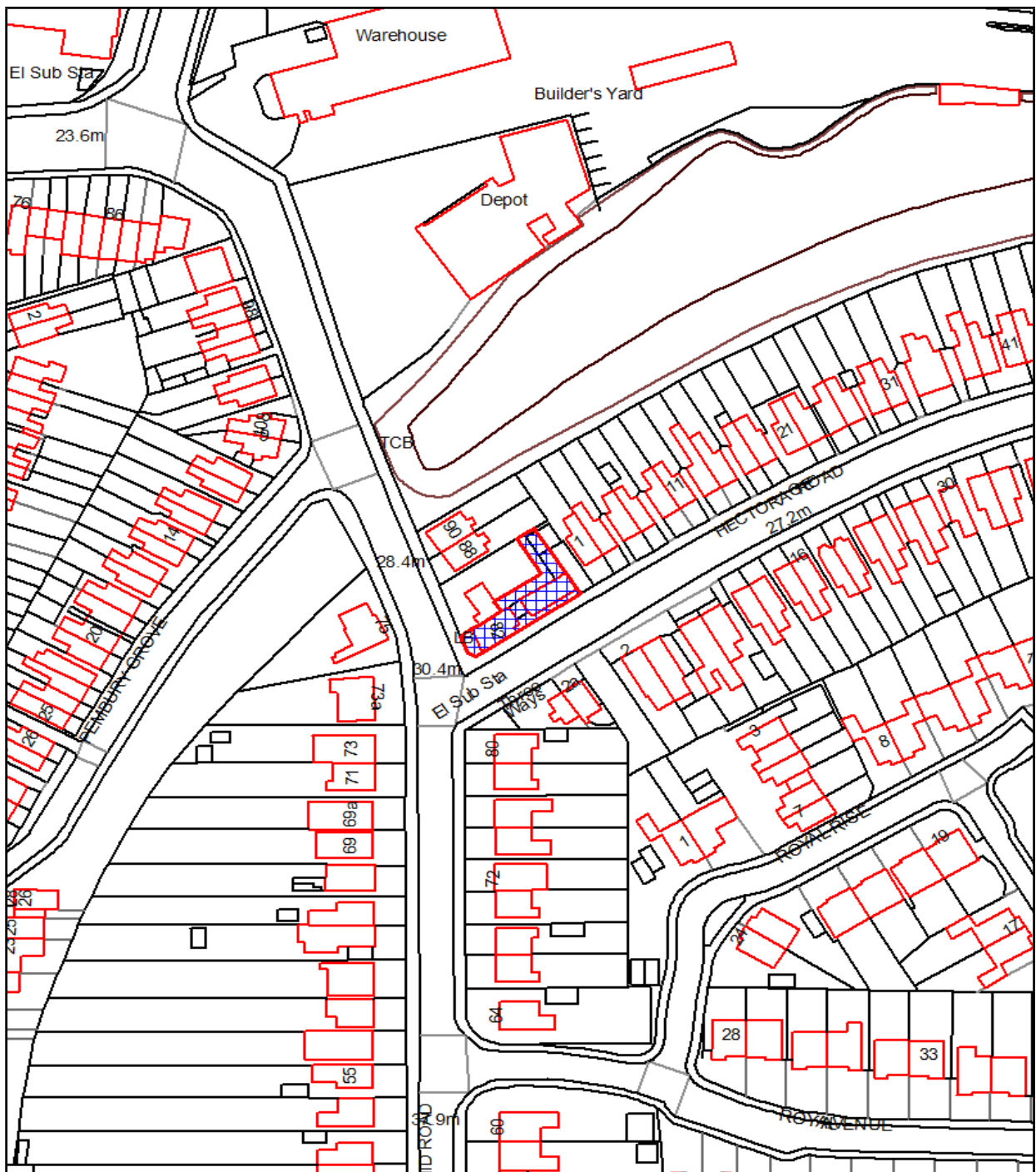
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TM/14/02628/OA

82 Goldsmid Road Tonbridge Kent TN9 2BY

Outline Application: Demolition of garage to rear. Change of use of existing retail shop to a 1-bed flat. Extension and conversion of storage building to form 2no. 1-bed flats and 1no. 2-bed dwelling house

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Tonbridge **558650 145487** **20 April 2015** **TM/15/01266/FL**
Vauxhall

Proposal: Demolition of existing buildings and the erection of a residential unit to provide a one bed bungalow and two bed semi-detached property with parking and landscaping
Location: Rear Of 105, 107 And 109 St Marys Road Tonbridge Kent TN9 2NL
Applicant: D B Design And Build Ltd

1. Description:

- 1.1 This application seeks planning permission for the demolition of a group of existing single storey commercial buildings on land to the rear of 105 – 109 St Marys Road and the redevelopment of the site for residential purposes. The replacement building is proposed to comprise a 1 bedroom bungalow and a 2 bedroom two storey dwellinghouse.
- 1.2 The existing access drive serving the site is to remain, but would be resurfaced, with the existing building to the northern end of the site being retained (subject to some minor works) to provide a new car barn for the parking of two cars, resulting in 1 parking space being available for each of the units.
- 1.3 This submission follows two earlier schemes to develop the site, which were both refused for the following reason:

“The proposed development by virtue of its size, massing and bulk combined with its close proximity to the boundary shared with the immediate neighbours (107 and 109 St Marys Road), and when considering the very limited size of these neighbouring rear gardens would result in a dominant and oppressive form of development when viewed from the main private garden areas enjoyed by those neighbours, to the serious detriment of their residential amenities. The proposal is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and Environment DPD 2010 and saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998”.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Maria Heslop due to the level of local concern that the previous planning applications generated.

3. The Site:

- 3.1 The site lies within the urban confines of Tonbridge, within a predominantly residential area, comprising St Marys Road to the east and Woodside Road and White Oak Close to the west. It is located within relatively close proximity to Tonbridge Town Centre.

- 3.2 The site currently contains a cluster of small, single storey commercial units, which are rather derelict and dilapidated in nature and have been out of use for some time. The last known use of the site was for a small printing business, which ceased to operate some time ago.
- 3.3 The area is characterised by steeply sloping streets running parallel to Quarry Hill, benefiting from long views northwards across Tonbridge towards Sevenoaks Ridge.
- 3.4 The access driveway into the site, which has been established for many years, is positioned between 105 and 107 St Marys Road.

4. Planning History (relevant):

TM/66/10260/OLD grant with conditions 3 March 1966

Re-building of store and lavatory accommodation.

TM/70/10139/OLD grant with conditions 14 December 1970

Rebuilding of workshop and garage.

TM/79/11132/OLD Application Withdrawn 3 March 1979

Section 53 determination for use of premises for the operation of a small printing business.

TM/79/11286/FUL grant with conditions 29 August 1979

Rebuilding of workshop.

TM/14/00943/FL Refuse 26 August 2014

Demolition of existing buildings and construction of 2 no. dwellings with associated parking and landscaping

TM/14/03340/FL Refuse 19 November 2014

Demolition of existing buildings, erection of 2 x one and a half storey dwellings, with associated parking and landscaping

5. Consultees:

- 5.1 KCC Highways: No objections.

5.2 Private Reps: 15/0X/2R/0S. Objections are raised on the following grounds:

- Reducing the size of one property to a bungalow appears to be to placate the properties on the St Marys Road side, with the hope that they will get one big house at least – it may be easier to get away with impacting the life of an elderly couple with a house built next door to their garden fence.
- The second application reduced the size of both proposed properties, whilst this application now reverts to one of the properties going back to the size of the original application – surely this is bordering on madness?
- Any properties built above bungalow size have a huge environmental effect on neighbouring properties.
- Although it makes more sense for this area to be used for commercial rather than residential I could see a couple of bungalows as a compromise.
- The proposed development by virtue of its size, massing and bulk combined with its close proximity to the boundary shared with the immediate neighbours (107 and 109 St Marys Road), and when considering the very limited size of these neighbouring rear gardens would result in a dominant and oppressive form of development when viewed from the main private garden areas enjoyed by those neighbours, to the detriment of their residential amenities.

6. Determining Issues:

- 6.1 The delivery of new housing lies at the heart of the NPPF, with the supply for housing to meet need expressed as one of the core roles which the planning system must perform to achieve sustainable development. It states that best use should be made of opportunities within existing urban areas to meet housing need by encouraging the effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value (paragraph 111). This is generally supported by policy CP1 of the TMBCS which states that development should be concentrated at the highest density compatible with the local built and natural environment, mainly on previously developed land and served by sustainable modes of transport. Policy CP11 of the TMBCS states that development should be concentrated in urban areas where there is greatest potential for the re-use of previously developed land. Development in urban areas can also minimise the need to travel by being located close to existing services, jobs and public transport. Annex 2 of the NPPF defines, for planning purposes, that previously developed land is “land which is or was occupied by a permanent structure; including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure...”. The land therefore constitutes previously developed land (PDL).

- 6.2 This part of St Marys Road is predominantly characterised by semi-detached and terraced dwellinghouses of a mixture of designs and styles. Many of these, including the properties located directly to the east, have very small rear garden spaces measuring approximately 5m at the shortest section, increasing to a maximum of approximately 8.7m. With this in mind, I do not consider that the proposed density of development and the relatively compact private curtilage areas proposed are out of keeping with the prevailing pattern of development in the locality. I am also satisfied that the proposed development would not represent an overdevelopment of the site.
- 6.3 With these factors in mind, the broad principle of development of this nature is acceptable, having regard to the specifics of the scheme which need consideration.
- 6.4 Policy CP24 of the TMBCS requires good design and quality in new developments, and a respect for the site and its surroundings. This is supported by policy SQ1 of the MDE DPD 2010, which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
 - the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.5 It is my view that the proposed development has been carefully considered in order to address the previous refusals of planning permission, particularly bearing in mind the constrained nature of the plot. The creation of a building which is single storey at the point closest to the nearest neighbours, stepping up to two storey, acknowledges those constraints well and, whilst representing a somewhat unusual design approach, reflects the height and scale of the existing buildings at this point within the site. I therefore consider that the proposed building is acceptable in visual terms.
- 6.6 The proposed two storey element of the semi-detached pair is proposed to be located approximately 1m from the boundary with the rear gardens of the neighbouring properties in White Oak Close. The degree of separation at this point ensures that the building at its highest point would not have an overbearing or dominant impact on these neighbouring properties, particularly when considering that the most direct relationship will be with the very end portions of the gardens in question.
- 6.7 No first floor flank windows are proposed which could have the potential to create overlooking meaning there would not be any loss of privacy arising from the proposal.

- 6.8 The previous refusals of planning permission centred on the impact on the residential amenities of the properties fronting St Marys Road and these refusals form an important material planning consideration. This latest scheme has significantly reduced the scale of the proposed development at the point closest to these neighbours in an attempt to overcome these concerns. At this point, the development now reflects the siting and height of the existing building on site and would, in my view, have no more of an impact on outlook than the existing building. The taller part of the building, which is still substantially reduced in overall height when compared to the refused schemes, is significantly set away from the boundary shared with these properties which ensures that it would not be an oppressive form of development.
- 6.9 Policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. Paragraph 32 of the NPPF requires that decisions should take account of whether a safe and suitable access to the site can be achieved for all people and states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposals include the retention of the existing access way and arguably would be used on a less intensive basis than might have historically occurred when the site was operating on a commercial basis (or certainly if it was operating at capacity within its lawful planning use). In terms of parking provision to serve each of the units, IGN3 requires 1 space per unit, which has been achieved by this scheme.
- 6.10 It must be acknowledged that the previous commercial uses of the site have resulted in the potential for land to have become contaminated. I am also aware that highly fragmented asbestos sheeting with visible fibres has been identified on site. This requires careful management which can be secured by planning condition to ensure that any necessary remediation is undertaken in a controlled manner.
- 6.11 In light of the above considerations, I consider that the proposed scheme responds positively to the constrained nature of the site in order to successfully overcome the previous reasons for refusal and meets the requirements of the NPPF and LDF. As such, the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Proposed Plans and Elevations DHA/10755/07 Car barn dated 05.06.2015, Site Layout DHA/10755/03 Proposed dated 17.04.2015, Proposed Floor Plans DHA/10755/04 dated 17.04.2015, Proposed Elevations DHA/10755/05 dated 17.04.2015, Section DHA/10755/06 dated 17.04.2015, Section DHA/10755/06 dated 27.04.2015, Planning, Design And Access Statement dated 17.04.2015, Contaminated Land Assessment dated 17.04.2015, Location Plan

DHA/10755/01 dated 17.04.2015, Block Plan DHA/10755/02 Existing dated 17.04.2015, subject to the following conditions:

Conditions

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

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

2. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

3. The car barn shown on plan number DHA/10755/07 shall be kept available at all times for the parking of private motor vehicles.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

4. No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C and D of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

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

6. No development shall take place until details of the finished floor levels of all buildings hereby approved have been submitted to and approved by the Local Planning Authority and the work shall be carried out in strict accordance with those details.

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

7. No development shall be commenced until:

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

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

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

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

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

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

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

Reason: In the interests of amenity and public safety.

8. The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in accordance with the approved plans.

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. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained.
2. The development involves demolition and owing to the likelihood of the existing

building containing or being constructed of asbestos the applicant is advised to contact the Health and Safety Executive for advice. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.

3. The applicant is advised that the proposed hardstanding is to be constructed of porous material or provision should be made to direct water run-off from the hard surface to a permeable or porous area within the curtilage of the dwellinghouse(s).
4. No waste material should be burnt on site.
5. Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the nearest point to the public highway on the collection day.
6. With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety.
7. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

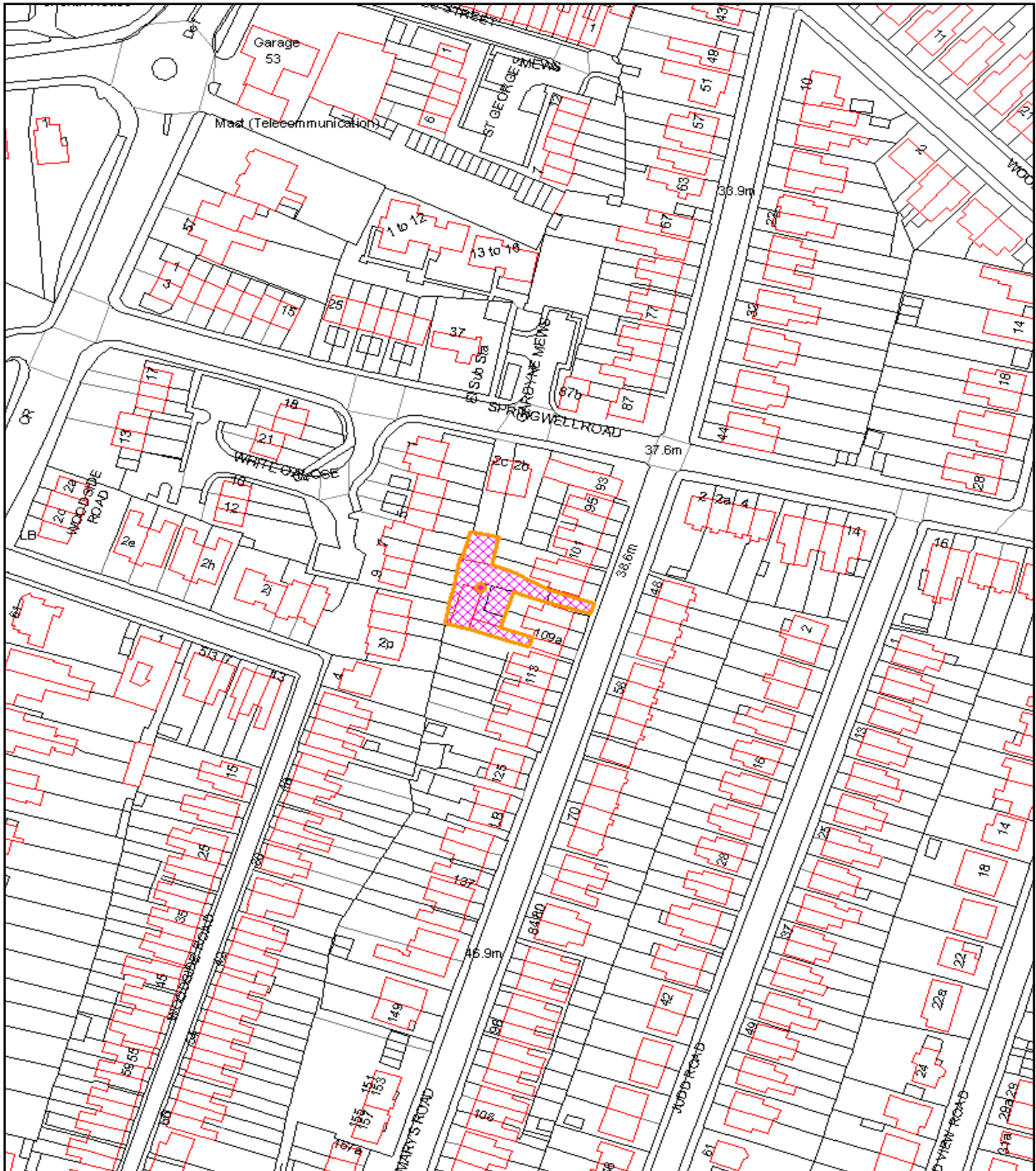
Contact: Vicky Bedford

TM/15/01266/FL

Rear Of 105, 107 And 109 St Marys Road Tonbridge Kent TN9 2NL

Demolition of existing buildings and the erection of a residential unit to provide a one bed bungalow and two bed semi-detached property with parking and landscaping

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Tonbridge **559476 145238** **5 January 2015** **TM/14/04177/FL**
Medway

Proposal: Construction of a 4 court badminton sports and gymnastics facility with associated wc/changing rooms, office, social lounge, dance studio and 14 car parking spaces
Location: Weald Of Kent Girls Grammar School Tudeley Lane Tonbridge Kent TN9 2JP
Applicant: Mrs Clair Wilkins

1. Description:

- 1.1 It is proposed to construct a sports building for use by the school and community groups (outside of school hours). It would be located on the existing grassed sports pitch, to the east of the existing complex of school buildings on land close to the Tudeley Lane site frontage.
- 1.2 The building would measure 47m in length, 36m in width and would stand 10.5m high. The majority of the external walls would be built from yellow stock brickwork, with panels of translucent and opaque cladding used at first floor level. The curved roof would be clad with profiled metal cladding. The proposed form and design is quite typical for modern buildings used for sports purposes.
- 1.3 The building would contain a central hall that could accommodate 4 badminton courts or one full size basketball court as well as a gymnasium area. The building would also contain 2 changing rooms, dance studio, social lounge and office accommodation.
- 1.4 The rationale for the building is that the existing gymnasium (the school's only indoor sports facility) is not large enough to cope with the current number of pupils attending the school. It was built in the 1960s as part of the original school complex when the number of pupils was at 400. The school currently has 1170 pupils. The existing gymnasium does not have adequate space for storing sports equipment which reduces the amount of space for PE classes.
- 1.5 The school also states that it cannot provide dedicated changing facilities for all pupils and, as a result, pupils have to change in classrooms or the gymnasium itself. The school states that it cannot provide Ofsted acceptable PE lessons when bad weather prevents use of the school's outdoor sports facilities.
- 1.6 The proposed development also involves the extension to the existing car park located to the east of the proposed building. An additional 14 car parking bays are proposed to be created here.

- No analysis has been undertaken as to the impact upon the character of the area.
- No analysis has been undertaken as to why this site has been chosen when the school could remove some of the older ugly buildings.
- The design of the building is basic and utilitarian and not of a high quality.
- The community use of the hall would add to the existing traffic congestion already present in the area.

6. Determining Issues:

- 6.1 Current Government guidance concerning development within the Green Belt is contained within Section 9 of the NPPF. It states at paragraph 79 that its openness and permanence are its essential characteristics. Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate development unless they fall within certain stipulated exceptions. The NPPF goes on to state that inappropriate development should not be approved except in very special circumstances and that such very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.2 Policy CP3 of the TMBCS states that development within the Green Belt has to comply with national Green Belt policy.
- 6.3 The proposed sports hall does not fall within any of the exceptions set out at paragraph 89 of the NPPF and therefore constitutes inappropriate development, which is considered to be harmful to the Green Belt by definition. Additionally, the overall footprint, height and associated bulk of the sports hall building would have a clearly material impact on levels of openness of the Green Belt at this point.
- 6.4 With these factors in mind, it is necessary to give careful consideration as to whether any very special circumstances exist that outweigh the harm caused to the Green Belt by virtue of its inappropriateness (by definition) and the material physical impact the building would have on openness.
- 6.5 In this regard, a key material consideration is the Government's "Policy Statement – Planning for Schools Development" - a joint statement issued by the then Secretaries of State for Education and Communities and Local Government. It is the clear intention of Government to support the development of state funded schools. It states:

"The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both

demographic needs and the drive for increased choice and higher standards.” (My emphasis.)

6.6 It goes on to state:

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

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

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

6.7 Paragraph 72 of the NPPF states that LPAs should take a positive and proactive approach to development that will widen choice in education and should give great weight to the need to create, expand or alter schools.

6.8 The rationale for the development is that the existing sports facilities within the school are inadequate for the school to use when bad weather prevents the use of the outdoor pitches/facilities. The number of pupils has increased over the years from 400 when the school was originally built to over 1100 now. It is not the school that sets the number of pupils that it receives each year but the local education authority. The school cannot, therefore, control how many pupils it has to plan for during each academic year. The school considers that pupil numbers will increase over time based on current trends. The existing arrangements do not comply with Ofsted’s requirements for PE provision. There is also no provision for sixth form PE/games. The proposed sports hall would enable the school to provide a broader range of sports than is currently available (including cricket, volleyball, basketball, gymnastics, tennis etc). It is clearly apparent that the school does not have an adequate provision of indoor PE/sports facilities to cater for the current number of pupils it has and that, with pupil numbers forecast to increase in line with recent trends, this situation will only get worse over time.

6.9 The school has considered several options as alternatives to the current proposal. One option that has been considered and discounted is to extend the existing

gymnasium. However, there is insufficient room to do this. Another option is to pursue an alternative position for the new sports hall building, which was the subject of a planning permission granted in 2010 by the County Council. This development was, like the current proposal, within the Green Belt but very special circumstances were considered to be present which gave rise to the grant of planning permission.

- 6.10 It has been suggested by one of the local residents that consideration should be first given to replacing some of the existing older buildings within the site to make way for the new building. However, if this was a viable option, the school would have considered this instead of the proposed development. The school is not proposing such a scheme and as such, irrespective of whether some might *prefer* an alternative solution, the scheme put forward must be assessed on its own merits.
- 6.11 The school has also stated that it has a partnership with the Weald of Kent Gymnastics Club. The Club would make use of the proposed building outside of school hours. The club currently operates between 4.30 pm and 9.30 pm Mondays to Fridays and between 8am and 5pm on Saturdays and Sundays. Further information is currently being prepared by the school in order to further explain how it envisages this being managed in a suitable fashion, details of which will be set out in a Supplementary report.
- 6.12 It is apparent that a need exists to improve the inadequate sports facilities within this school and that an opportunity exists to enable the building to be used by community groups when the school is not using it. With regard to the latter point, it is another aim of Government policy to create healthy communities. The NPPF states at paragraph 70 that planning decisions should plan positively for the provision of shared space, community facilities and other local services to deliver social, cultural and recreational facilities that the community needs.
- 6.13 The siting of the proposed building undoubtedly assists in the building appearing as part of the established existing school campus rather than as a remote satellite building. Furthermore, regard must be had to the fact that the proposed development is of a similar scale to a sports building granted planning permission by the County Council in 2010.
- 6.14 In light of these considerations, I consider that there is a clear, demonstrable need to provide additional sports facilities for the school to enable it to deliver a curriculum that complies with Ofsted's requirements and which would provide essential facilities for all pupils attending the school. Coupled with this is the clear policy support from Government regarding the improvement and expansion of existing state funded schools and the provision of community facilities.
- 6.15 It should also be noted that the onus is not on the applicant to demonstrate that very special circumstances exist; such circumstances simply must be present and

I consider that, in this particular case, very special circumstances do exist that outweigh the identified harm to the Green Belt.

- 6.16 Turning to other matters, the site is located within an open space to which policy OS1 of the MDE DPD applies. This policy seeks to protect a range of open spaces across the Borough including the outdoor sports facilities identified at the Weald of Kent Grammar School. The policy states that development that would result in the loss of or reduce the recreational value of this land will not be permitted unless a replacement site is provided of equal or better quality.
- 6.17 The proposed development seeks to improve the recreational facilities within the school and to enable community groups to make use of the facility as well. Part of the rationale for the development is that the outdoor sports fields cannot be used during bad weather which limits the range of sports/PE activities that the school can currently provide to its pupils. The development would require the existing running track in this playing field to be reduced in size, but it would still be provided and the other (lower) playing field located to the east of the proposed building would not be affected by this development. The proposed building would be located right on the periphery of the existing playing fields and would not result in the loss of useable sports pitches. It would not, therefore, result in the loss or reduction in the recreational value of the existing playing field. By contrast, the development would actually increase the range of sports/recreation activities that the school can provide albeit on an indoor basis. Consequently, I do not consider that the proposed development would conflict with the requirements of policy OS1 of the MDE DPD.
- 6.18 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its surroundings. Policy SQ1 of the MDE DPD supports this and states that developments should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.
- 6.19 As has been discussed earlier in this report, the building would be sited in relatively close proximity to the existing complex of school buildings. The size of the building is dictated by its intended use as a sports hall. The form and detailed design of the building are quite typical for modern sports centre buildings. It would be of brick construction with contrasting panels of cladding used at first floor level, which would help to break up the visual mass of the building. The building would have the scale, form and appearance of an institutional/sports building that would respect its location within recreational school land. The school currently contains a range of buildings that vary greatly in terms of size, form, design and external appearance given that the complex to some extent has evolved over the years. The land within the wider school site contains a series of terraces that descend in height from west to east along Tudeley Lane. The proposed building would stand at a level that is significantly lower than the terrace where the existing buildings

are located and would, therefore, appear significantly lower than the existing group of buildings which, in addition to reducing its prominence in Green Belt terms, also assists in allowing the building to be seen against the backdrop of the main school complex. For all of these reasons the proposed development is considered to fit comfortably within the immediate and wider surroundings, ensuring there would be no harmful visual impact arising from the proposed development.

- 6.20 The existing group of trees and shrubs that stand between the site of the proposed building and the bus layby are proposed to remain, which would help to soften the appearance of the proposed building. This retention can be secured by planning condition.
- 6.21 Given the particular siting of the building, well separated from the nearest residential properties, it would not appear unduly overbearing or cause any harm to residential amenity.
- 6.22 Concern has been expressed by residents regarding the community use of the proposed building and its impact upon highway safety. It has been suggested that the school presently does not allow the use of its car parks outside of school hours when the existing facilities are being used by external groups.
- 6.23 The development includes the provision of 14 additional car parking spaces within the lower car park located to the east of the existing school building. The creation of the sports facility for use by the school in itself does not generate a need to provide additional car parking spaces and the highway authority has not objected to the development for this use.
- 6.24 It is evident from the submissions received from third parties that traffic congestion is an issue that affects the local area and there are concerns that this would simply get worse under the proposal, were community groups allowed to use the proposed facilities. Current Government guidance contained within paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the cumulative impacts of the development are severe. The use of the sports facilities by external groups outside of school times (week day, evenings and weekends) would introduce more trips to and from the site, but these are unlikely to coincide with peak school traffic movements. (There may be some overlap in the afternoon.) However, it is apparent that the local highway authority does not consider the development to cause a severe impact upon highway safety.
- 6.25 The community use of the facility would, by its nature, occur outside of school opening times and is likely to be used on weekday evenings and at the weekend. This, of course, has the potential to cause disturbance to local residents, particularly those living in Tudeley Lane, depending upon how many people are using the facility at any one time and what time of the day/night it is used, as a result of increased activity, noise or disturbance that might be attributed to general comings and goings or activities on the site itself. However, the building itself is

set well back from the Tudeley Lane frontage, over 70m away from the nearest residential properties. I consider it unlikely that activities within the building would cause unacceptable noise disturbance to local residents. A condition can be used to require the community use of the building to cease at a particular time of the day.

6.26 Traffic movements to and from the site outside school hours could potentially cause disturbance to local residents. The Weald of Kent Gymnastics Club, which is looking to use the proposed facilities, currently operates between 4.30pm to 9.30pm Monday to Friday and 8am to 5pm during the weekends. The advantage of having such an agreement in place is that the local planning authority already knows the identity of this community group and when it is likely to make use of the facilities. Using the facilities at these times would avoid the majority of school traffic movements. Given the separation between the intended parking spaces to be used by the community groups and the nearest residential properties on the north side of Tudeley Lane, I consider it unlikely that such an out of school hours use would cause unacceptable disturbance to local residents at unsociable hours. However, whilst I support the principle of community use, I consider it would be entirely appropriate to seek a detailed strategy from the school as to how it would manage the use of the proposed facility by third parties. A condition can be used to achieve this.

6.27 In conclusion, the development is one that would provide the school with a much needed facility that would improve the range and amount of physical education and sports activities available to its pupils. It would also provide a new recreational facility that could be utilised by community groups when the school is not using it. The provision of such a facility for both education and community uses is greatly supported by current Government guidance as explained earlier in this report and all of these factors lead me to conclude that very special circumstances exist that outweigh the identified harm to the Metropolitan Green Belt that would be caused by this proposal. The location of the building has been carefully considered to minimise its impact upon the Green Belt, avoid the loss of valuable sports pitches, and to minimise its impact upon residential amenities meaning that there would be no other harm arising from the proposal. The development would deliver a valuable asset that, for the reasons set out in this report, should be supported and I recommend accordingly.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement received 12.12.2014, Proposed Roof Plan 22202A/06 received 12.12.2014, Section 22202A/09 A-A _ B-B received 12.12.2014, Supporting Information received 06.02.2015, Email received 13.03.2015, Supporting Information received 13.03.2015, Location Plan 22202A/01 Rev A received 13.03.2015, Site Survey 22202A/02 Rev A received 13.03.2015, Site Plan 22202A/03 Rev A received 13.03.2015, Proposed Floor

Plans 22202A/04 Rev A received 13.03.2015, Proposed Floor Plans 22202A/05 Rev Az received 13.03.2015, Proposed Elevations 22202A/07 Rev A received 13.03.2015, Proposed Elevations 22202A/08 Rev A received 13.03.2015, subject to the following conditions:

Conditions

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

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

- 2 No development shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

- 4 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 5 The building shall only be used by the applicant until such time as details of how the community use of the approved building would be managed have been submitted to and approved by the Local Planning Authority, and the use shall be carried out in strict accordance with the approved details. Specifically, the details shall include the identities of all community groups using the building, the times of the day and the days of the week when they will be using the building and

measures to be used by the school to control access by the approved community groups to and from the site.

Reason: To ensure that the development does not harm the amenities of neighbouring residential properties or the safe and free flow of traffic in the locality.

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

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

- 7 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

- 8 No external lighting shall be attached to the building hereby approved or installed within its curtilage without first being approved in writing by the local planning authority.

Reason: In the interest of residential amenity.

- 9 No development shall take place until details of surface water drainage 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 an adequate drainage system is installed in the interests of flood prevention.

- 10 The use of the building by community groups shall not be carried out outside the hours of 08.00 to 22.00 Monday to Friday and 08.00 to 18.00 on Saturdays, Sundays, Bank and public holidays.

Reason: To ensure that the development does not harm the amenities of neighbouring residential properties.

Informatives:

- 1 With regard to condition 5 above the applicant is advised that, when submitting the necessary details, these should include the documentation to demonstrate that the Traffic Regulation Order relating to the layby located in Tudeley Lane to the north of the application site has been amended to enable it to be used for car parking outside of normal school operating hours.
- 2 With regard to condition 9 above, the applicant is advised to first consider a SUDS system to deal with surface water drainage arising from this development.

Contact: Matthew Broome

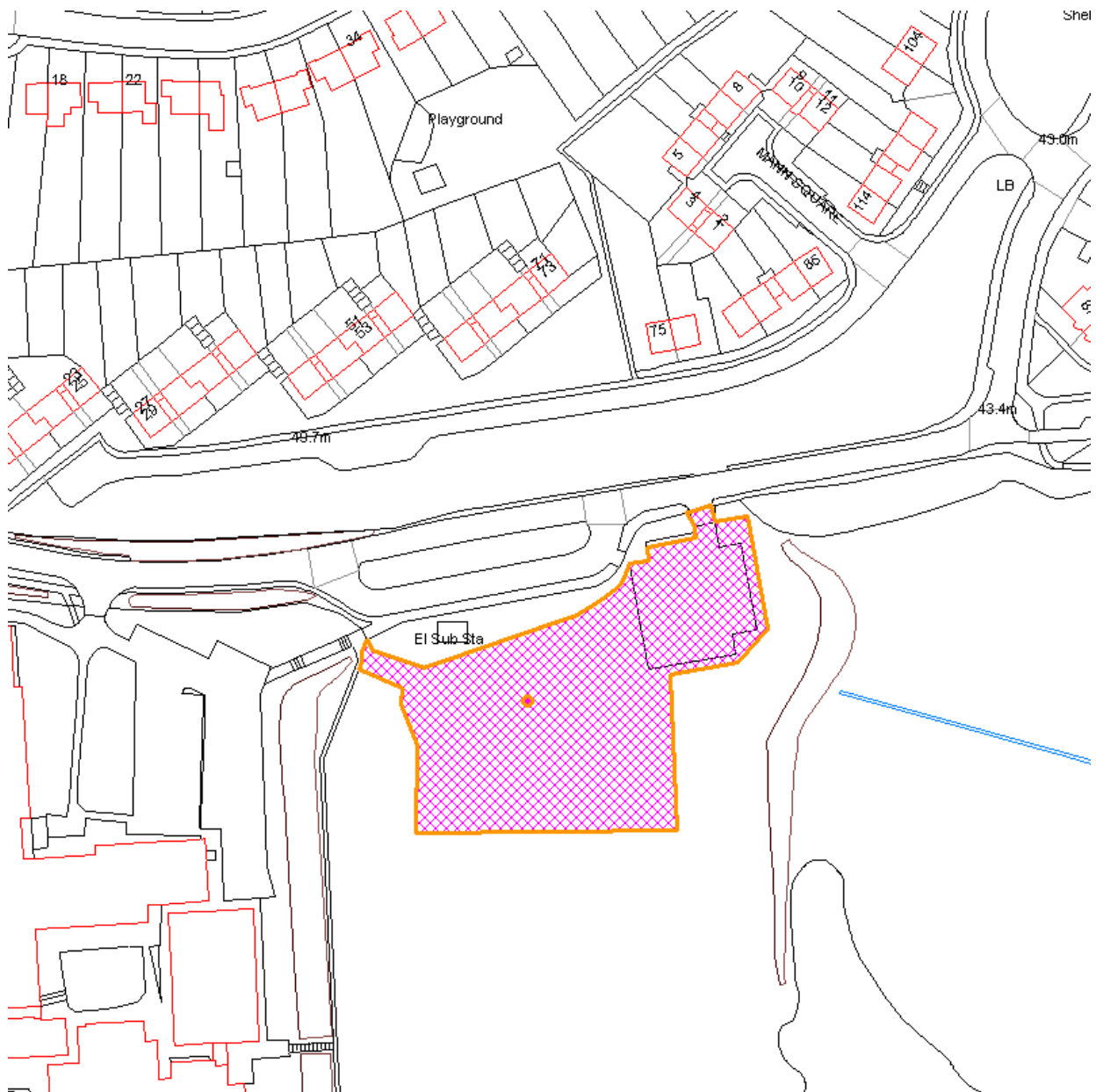
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TM/14/04177/FL

Weald Of Kent Girls Grammar School Tudeley Lane Tonbridge Kent TN9 2JP

Construction of a 4 court badminton sports and gymnastics facility with associated wc/changing rooms, office, social lounge, dance studio and 34 car parking spaces

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Alleged Unauthorised Development

Tonbridge
Cage Green

14/00326/WORKM

559312 148087

Location: Public Convenience The Ridgeway Tonbridge Kent TN10 4NL

1. Purpose of Report:

- 1.1 To report an unauthorised means of enclosure adjacent to a public highway used by vehicular traffic that exceeds one metre in height above ground level.

2. The Site:

- 2.1 The site lies adjacent to the junction of The Ridgeway and Shipbourne Road. It is bordered by residential properties to the north and the east, and public highway to the west and the south.
- 2.2 It forms a strip of land that accommodates a small building (formerly a Council owned public convenience), with the remainder of the land comprising a relatively narrow strip of grass.

3. Alleged Unauthorised Development:

- 3.1 Without the benefit of planning permission, the construction of a means of enclosure which is adjacent to the highway used by vehicular traffic and exceeding one metre in height above ground level.

4. Determining Issues:

- 4.1 On the 09 September 2014 it was brought to Officers attention that works were commencing on site following the sale of the land at auction earlier that year.
- 4.2 The site was inspected on the 11 September 2014 and at that time a hoarding was being erected to secure the site. The hoarding has been erected on the southern and western boundary of the site and measures around 3 metres in height.
- 4.3 Members will be aware that Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 allows for the construction of buildings, movable structures, works, plant or machinery temporarily in connection with and for the duration of operations to be carried out on, in, under or over that land or on land adjoining that land. This allows for hoardings to be erected around sites for the duration of building works.
- 4.4 At the time of the original inspection, Officers understood that the submission of a formal planning application for the development of the site was imminent. A planning application was subsequently received for a new 3 bedroom house under application reference TM/15/00430/FL. Planning permission was subsequently refused for on the

17 April 2015. The owner has submitted an appeal against the refusal of planning permission and this is currently with the Planning Inspectorate for consideration.

- 4.5 The hoarding has a clear impact on the visual amenities of the locality by virtue of its overall height, length and general appearance and it clearly forms a prominent and obtrusive feature within the street scene on the corner of The Ridgeway and Shipbourne Road. As a result, the development that has taken place conflicts with the requirements of paragraph 58 of the NPPF, Policy CP1 and CP24 of the TMBCS, and Policy SQ1 of the MDE DPD.
- 4.6 Conversely, following a more recent assessment of the site itself, I do not consider that the removal of the hoarding would result in any visual harm. Aside from the need to remove some remaining debris (bags of sand), the site itself is not in a poor condition. At this time there has been no further works undertaken on site since the initial ground works to discover utility services running across the site and the building itself remains intact. As such, in my view there are no overriding Health and Safety considerations present that might reasonably warrant the retention of the hoarding at this time. The owner has advised that he has concerns about the security of the site in relation to fly tipping or unauthorised access if the hoarding was to be removed. The general upkeep of the building and wider site to prevent vandalism or fly tipping is something the owner will need to consider but this will require some degree of management that does not in itself have a harmful impact on visual amenity.
- 4.7 The owner has also suggested that he does intend to remove the hoarding but to date no firm commitment has been given as to when that might occur. The situation has been ongoing for some time now and it has not been possible to secure removal of the hoarding by informal means. With that in mind, and given the current planning status of the site, it is considered necessary to seek authorisation from members for the service of an Enforcement Notice requiring the removal of the hoarding and any remaining debris on the land.

5. Recommendation:

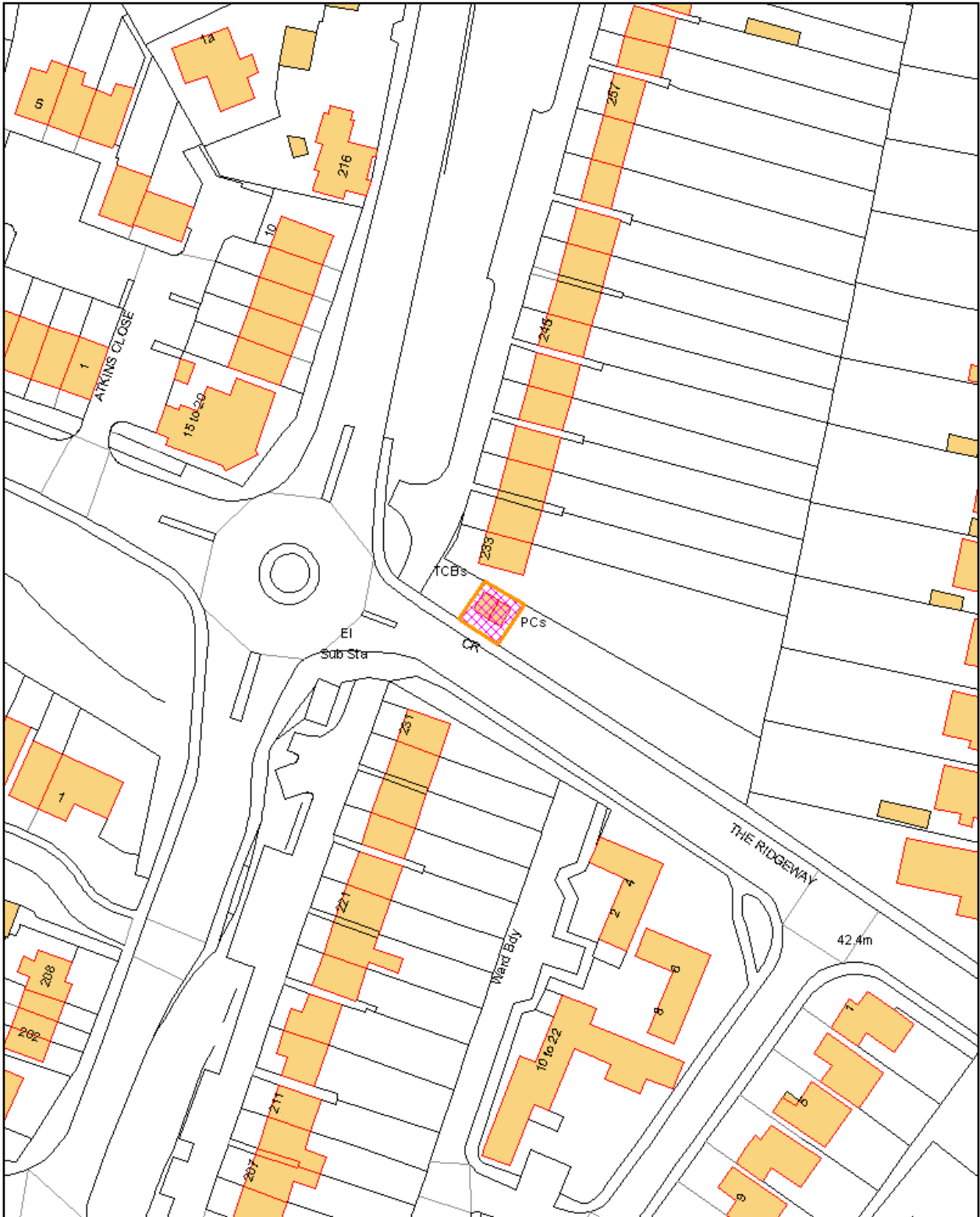
An Enforcement Notice **BE ISSUED**, the detailed wording of which to be agreed with the Director of Central Services, requiring the removal of the hoarding and any debris remaining on the land.

Contact: Paul Batchelor

14/00326/WORKM

Public Convenience The Ridgeway Tonbridge Kent TN10 4NL

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