

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

21 July 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, 30th 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

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To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 2 July 2015

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

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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, 2nd July, 2015

Present: 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 and Cllr F G Tombolis

PART 1 - PUBLIC

AP1 15/17 DECLARATIONS OF INTEREST

The Chairman, Councillor R Lancaster, declared an Other Significant Interest in Application TM/14/04177/FL in that his daughter attended the Weald of Kent Girls Grammar School. He withdrew from the meeting during consideration of this item and the Chair was taken by the Vice-Chairman, Councillor V Branson.

AP1 15/18 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 9 April 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 15/19 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 15/20 TM/14/02628/0A - 82 GOLDSMID ROAD, TONBRIDGE

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 2 no. 1-bed flats and 1 no. 2-bed dwelling house at 82 Goldsmid Road, Tonbridge.

RESOLVED: That the application be APPROVED in accordance with the details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health subject to the substitution of the plan/document list in the pre-condition as follows:-

'Design and Access Statement received 29.07.2014, Email received 23.06.2015, Street Scenes received 23.06.2015, Existing Plans and Elevations 1196 P001 C received 23.06.2015, Proposed Plans and Elevations 1196 P002 G received 23.06.2015, Sections 1196 P003 received 23.06.2015, Letter received 19.01.2015'

[Speakers: Ms T Jackson – member of the public; and Mrs O Clinker – Applicant]

AP1 15/21 TM/15/01266/FL - REAR OF 105, 107 AND 109 ST MARYS ROAD, TONBRIDGE

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 at Rear of 105, 107 and 109 St Marys Road, Tonbridge.

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

[Speakers: Ms L Hales – member of the public; and Mr M Garvey – Agent to the Applicant]

AP1 15/22 TM/14/04177/FL - WEALD OF KENT GIRLS GRAMMAR SCHOOL, TUDELEY LANE, TONBRIDGE

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 at Weald of Kent Girls Grammar School, Tudeley Lane, Tonbridge.

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

- Consultation with Sport England and no adverse comments received;
- Referral of the application to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009;
- The conditions set out in the main report, and any others required by Sport England.

(1) The amendment of conditions 9 and 10 to read:

9. No development shall take place until details of surface water drainage and measures for rainwater harvesting 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 adequate drainage 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 21.00 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.

(2) The addition of Informative:

3. With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.

4. The applicant is asked to put in place procedures to notify local residents of community uses intended to take place on Sundays and Bank and Public Holidays. In connection with Condition 5, details of how this aspect will be managed should be provided. The applicant is

strongly encouraged to avoid community use of the new building on Bank and Public Holidays and in the event that such occasions cannot be avoided notification of local residents should take place.

[Speakers: Mr L Prebble – member of the public; Mrs C Wilkins and Ms J Leman – on behalf of the Applicant]

AP1 15/23 14/00326/WORKM - PUBLIC CONVENIENCE, THE RIDGEWAY, TONBRIDGE

The report advised of an Alleged Unauthorised Development, namely an unauthorised means of enclosure adjacent to a public highway used by vehicular traffic that exceeded one metre in height above ground level.

RESOLVED: That 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.

AP1 15/24 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.09 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

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

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

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

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

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

Tonbridge Castle **558625 146195** **12 January 2015** **TM/14/04251/FL**

Proposal: Demolition of buildings known as Enterprise House 1 and Enterprise House 2 and the construction of a total of 44 residential units (including 7 units to provide specialist accommodation for women who have suffered domestic violence along with ancillary support facilities), associated parking, landscaping, refuse storage and cycle storage

Location: Enterprise House Avebury Avenue Tonbridge Kent TN9 1TL

Applicant: Circle Housing Russet

1. Description:

- 1.1 The application seeks planning permission for the redevelopment of an existing commercial site comprising two blocks of offices known as Enterprise House. It is proposed to replace these with residential development in the form of three blocks of 44 flats, with associated parking at one space per unit plus visitor space. Cycle parking is also to be provided at 1 space per flat. The buildings would range from four storey fronting onto Avebury Avenue to two storeys on Holford Street.
- 1.2 The flats would be split into 20 x 1 bed flats and 24 x 2 bed flats for shared ownership, 7 of which would be specialist supported accommodation. The 7 rented flats would provide accommodation, refuge and ancillary support for victims of domestic abuse. This accommodation would be housed in the two storey block fronting onto Holford Street.
- 1.3 Access points will be retained on both Avebury Avenue and Barden Road

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Cure in light of local concerns regarding car parking, flooding and drainage.

3. The Site:

- 3.1 The site is 0.33 hectares in size and is situated just beyond the Tonbridge town centre boundary but lies within the Tonbridge Central Area Action Plan boundary. It lies 250m from the High Street, the commercial, social and leisure facilities found there, and 300m from Tonbridge station. It fronts onto Avebury Avenue where the main vehicle and pedestrian access points are situated. There is secondary access onto Barden Road which bounds the rear of the site. Holford Street bounds the eastern side boundary of the site, with dwellings and commercial properties adjacent to the west.
- 3.2 Within the wider locality is the River Medway to the north with Green Belt land beyond this, and the Tonbridge Conservation Area is to the north east of the site.

The surrounding land uses include a mix of commercial and residential including a Ford garage adjacent to the east, small business premises to the west and south, and the station a short distance away. The residential character is also mixed with the majority of surrounding housing in the form of two storey Victorian terraced and semi-detached properties, and more modern blocks of four storey flats situated opposite.

3.3 The buildings on site comprise of two large three storey brick built office buildings with flat and mansard roof designs. The access runs between the buildings and leads to an area of surface parking. There is a change in land levels on site with a gradient running from north to south so Avebury Avenue is approximately 700mm higher than the southern part of the site at the junction with Holford Street and Danvers Road.

3.4 The site also lies within Flood Zones 2 and 3.

4. Planning History (relevant):

TM/75/10837/OLD grant with conditions 17 December 1975

Office development with ancillary car park

TM/77/10097/FUL grant with conditions 8 December 1977

Office development with ancillary car parking.

TM/77/11020/FUL grant with conditions 4 February 1977

Office development with ancillary car park

TM/79/11054/FUL grant with conditions 12 February 1979

Extension to offices and erection of new front entrance lobby

TM/82/10704/FUL grant with conditions 17 February 1982

Renewal of planning permission TM/77/1007 for three storey office development and ancillary car parking.

5. Consultees:

- 5.1 KCC (H+T): The access points are acceptable; the anticipated traffic accessing the site will be reduced from the previous office use. The proposed parking provision of 1 space per flat meets the guidance in Kent Design Guide IGN3, and 44 cycle spaces are also provided. There is also sufficient space on site to manoeuvre vehicles. The parking survey indicates sufficient space on surrounding roads, the availability of which is a matter of convenience rather than a discernible highway safety issue. Refuse vehicles will enter the site from Avebury Avenue and exit onto Barden Road with adequate manoeuvring space on site. The proposal to use lockable bollards will be helpful in preventing unauthorised parking occurring on site. No objection therefore, subject to requested conditions.
- 5.2 Environment Agency: No objection subject to imposition of conditions.
- 5.3 Southern Water: Discussions have taken place with Southern Water throughout the course of the application. These have culminated in an agreement that they have no objection to the proposal. Written confirmation of this is expected imminently and will be reported as a supplementary matter.
- 5.4 Kent Police: Supportive of scheme as it meets the requirements of Secure by Design.
- 5.5 NHS: A contribution is sought by the NHS towards improvements in primary care to provide the required capacity in relation to the additional residents the development will bring to the area.
- 5.6 Private Reps: 95 + site notice/0X/36R/0S. Objections and comments summarised as follows:

General

- Support for women's refuge
- Support for affordable housing
- The women's refuge would attract unwelcome visitors to the area posing a danger to neighbouring families
- Disruption during demolition and concern that construction works will impact upon car and pedestrian access to dwellings opposite
- Increased demand for contractor vehicles to park during construction phase, leading to increased risk to school children using these roads
- It will lead to increased pressure on local schools, doctors etc

- Opening up the site to Holford Street will increase crime and anti-social behaviour
- Insufficient time to comment following the applicants meeting with local residents
- The development will devalue neighbouring properties
- The site is not included in the TCAAP and the aims of this document to provide more housing are 10 years old and not relevant in support of this application
- Regeneration of the station area is not a reason to support the application
- A scheme of reduced density and size would be more appropriate

Character and design

- Overdevelopment of the site
- The development is too big, too high and will dominate the location
- Proposal is out of character with the area due to scale and design, particularly with properties in Holford Street.
- Poor design due to need to maximise commercial profit
- Poor choice of materials which will look old and dirty in a short time

Flooding and Drainage

- Increased likelihood of future flooding which will not be accommodated by Environment Agency flood defence proposal
- Flooding analysis is inaccurate and not detailed enough, the area can be cut off by flooding for a number of days. It does not accurately reflect the amount of floodwater experienced in December 2013, and does not report the flood data from December 2013 floods
- Existing old Victorian foul and storm water drainage cannot cope at present so additional pressure will make this worse, it should be improved
- No assurances are made to guarantee no increased risk of flooding to neighbouring properties as a result of the development
- Likelihood that disabled residents would occupy ground floor and therefore be more vulnerable to flooding

- Increased flooding as a result of the development would be contrary to NPPF requirements
- FRA and supporting statement are inaccurate as they do not state the depth of flooding in 2013 which was up to 10 inches on the application site car park which would leave new residents stranded. It did not give details of the flooding in Holford Road, making its support for the application unsuitable
- Harmful impact on existing inadequate drainage system, which lead to increased flooding of the area and residential properties with water and sewage, in December 2013
- Rather than the 100 year + climate change target, it would be preferable to implement the 200 year + climate change
- The application was submitted without the benefit of EA data regarding the 2013 floods
- New homes in an area which floods cannot be sustainable
- Access to the women's refuge is at the point of worst flooding in 2013, this will be unacceptable to vulnerable women

Parking and Traffic

- Traffic impact analysis is not detailed enough and is inaccurate, whilst the proposed use generates less traffic, the current traffic is in and out in the morning and evening, the proposed will be all day
- Appendices to the Transport statement were blank (*These have subsequently been submitted*)
- Increased traffic and pressure on already congested local roads and junctions and on the zone D parking permit area which is already full to capacity
- Hazard to highway safety and poor visibility from egress from Barden Road and from proposed car parks
- Inadequate traffic survey as no time of day given as to when it was carried out. Parking pressure changes throughout the day. Concern it was not a thorough enough survey. It was carried out when many residents had vacated properties due to flooding (*a second survey was carried out in May to ensure a more accurate reflection*)
- A parking survey of one day only does not reflect the true situation and at 3am parking here is at 100% capacity. There is no survey at weekends when parking is at its worst

- The parking survey is inaccurate as it includes spaces in River Lawn car park, bays restricted to 30mins, and single yellow line spaces which residents cannot use (*These are available to residents in the evening and this is referred to in the survey results*)
- The survey does not take account of vehicle size when counting spaces along the road, some parking is pay and display
- Lack of speed control measures makes already hazardous driving conditions
- Inadequate parking provision of 1:1 ratio will add to existing parking pressure in surrounding roads. This would be from new residents, commercial vehicles using residential on street spaces, and commuters using the station. Should be at least 2 spaces per flat
- There is a lack of visitor parking on site
- If permission is granted then yellow lines should be removed or local residents be able to use the new parking spaces provided too, and increased traffic warden presence
- Transport statement says provision of 43 spaces yet the plan shows 44, both of which fall below KCC standards
- Egress onto Barden Road will add to the traffic already at this junction.
- Inadequate D&A statement as it does not cover how the design fits the area sufficiently
- Question whether the access road is sufficient to allow refuse vehicles or fire engines onto the site
- Holford street only has parking bays down one side, not both as stated by the applicant
- If new residents are able to apply for on street permits this will make the current demand for these spaces even worse
- The supporting statement inaccurately refers to Barden Road as one way
- If charging new residents for their spaces, this should be less than a permit on the road
- The scheme to lease spaces to residents is unsustainable
- Some residents move their cars within Zone D from one end to the station causing a lack of parking for those living near Enterprise House

- Many surrounding residents already have 2 cars and have to use on street parking in addition to their allocated bays

Residential Amenity

- Harm to residential amenity, by way of lighting, loss of privacy and overlooking
- Overlooking will be more harmful than current overlooking during office use hours as it will be all day every day, which will reduce amenity of neighbouring garden
- Overlooking from proposed balconies to neighbouring windows and gardens
- Overbearing impact on neighbouring properties due to bulk and height of building
- Overshadowing and loss of light to neighbouring properties due to increased scale of new building compared to existing
- Increased noise and disturbance as a result of change of use from office to residential, particularly at evenings and weekends
- Visual intrusion if balcony use is un-restricted and can be used for hanging washing
- Proposed new trees for privacy to properties in Barden Road will not be mature enough for a long time to prevent overlooking

6. Determining Issues:

- 6.1 One of the core principles set out within the NPPF is that the planning system should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. It also encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.2 This is supported by policy CP11 of the TMBCS which states development should be concentrated at the urban areas where there is the greatest potential for re-use of previously developed land and other land damaged by former uses. Development at the urban areas can also minimise the need to travel, by being located close to existing services, jobs and public transport.
- 6.3 The site falls within the TCAAP boundary. The TCAAP aims to promote regeneration of the town centre and to encourage new residential development to help support the regeneration of the town.

- 6.4 The proposed development on a previously developed site within a town centre location is therefore acceptable in principle and would accord with the broad principles set out within the NPPF.
- 6.5 The proposed development would provide 44 affordable units, including the 7 units that comprise the domestic abuse units. The proposal is for flats with a mix of 1 and 2 bed units. These will sit well within the surrounding area and would not be out of character with the mix of flats and housing in the locality. Town centre flats such as these proposed provide a much needed type of accommodation in the area and are wholly appropriate for this site.
- 6.6 The 37 flats will be for the shared ownership tenure, (part rent part buy). These will likely be in high demand given the town centre location, based upon our experience of very similar equivalent schemes in recent years in Tonbridge.
- 6.7 The proposed flats to be provided in Block D will be specialist accommodation for women who have suffered domestic abuse. These seven one bedroom self-contained flats will have ancillary administrative facilities to provide the appropriate level of support for this particular needs group. The support service will be commissioned by Kent County Council to provide holistic support to vulnerable women and their children for a temporary period, to rebuild their lives to enable them to move on to independent living. Generally women would stay here a matter of months, (with an average staying between 6-18 months), before moving on into settled safe accommodation elsewhere.
- 6.8 As with all other refuges in Kent and elsewhere, this scheme will operate as part of a national network with the allocation of these units to women and children in need of shelter by way of a co-ordinated national helpline. Each woman will have a personal safety plan and risk assessment which is regularly reviewed. No one is able to come to the refuge without a prior and planned appointment. Once living at the refuge, tenants are helped to get their lives back on track. CCTV and camera door entry will be in place to ensure no unauthorised person can gain entry.
- 6.9 At present Tonbridge and Malling is the only Borough within Kent not to have a women's refuge. The delivery of a supported scheme has long since been a strategic aspiration for the Borough dating back to 2007, and the requirement for these units was again recently evidenced in the Needs Analysis which was undertaken in 2013 by Kent Commissioned Services, which was endorsed by the Council. This identified a significant need for this client group and the provision of the scheme is strongly supported by TMBC and KCC's local commissioning team.
- 6.10 The proposed development therefore would meet an important strategic aspiration for the Council and provide much needed accommodation for women suffering domestic abuse.

- 6.11 One of the key concerns for local residents surrounding this scheme centres on parking provision and the impact on the local highway network. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. 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.
- 6.12 The NPPF also encourages the use of sustainable transport modes. The site has good accessibility to local facilities, bus services and the train station. It is therefore very sustainably located in this respect. Policy CP1 of the TMBCS also seeks the location of development which will reduce the need to travel, again highlighting the benefits of this edge of town centre location for new residential development.
- 6.13 The scheme proposes parking provision at a ratio of 1 space per shared ownership flat. This level of provision accords with the adopted standard set out in IGN3. For the 37 shared ownership flats, these spaces will be leased to residents by Circle Russet, for an annual fee. The parking area will be managed by a lockable bollard system. Three further spaces will be allocated to the women's refuge in a similar way. The remaining 4 spaces would be visitor spaces, as would any of the other spaces not taken up by occupants of the flats. The proposed use of lockable bollards is considered to be an acceptable method to prevent unauthorised parking occurring on site and would be managed by the applicant who would retain the freehold of the site.
- 6.14 The applicant, in seeking to address the concerns of existing local residents in this regard, has agreed that future residents of the proposed flats will not be eligible for residents parking permits. They have stated that new residents will be made aware of this upon securing occupancy through information provided within the conveyancing pack. As a result, if future residents own more than one car, they will not be able to park in any of the roads covered by this permit scheme during the hours restricted by the scheme. Outside of these hours there would be no restriction on such on street parking, as is the case currently for anyone wishing to park in the surrounding roads. This would be secured by the applicant entering in to a Unilateral Undertaking.
- 6.15 Notwithstanding this arrangement, which in my view is a positive reaction by the applicant to recognise the concerns of local residents, it should be noted that the parking surveys (the first undertaken prior to the submission of the application, the second in response to local representations in May) results do conclude that there is capacity for overnight parking which is when pressure outside of the parking permit restrictions is likely to be high. This is discussed in more detail below.

- 6.16 Notably for example, the 32 pay and display parking bays on River Lawn Road are also available for free unrestricted parking overnight. The survey results show that only 3 were occupied at 3am leaving 29 spaces available for overnight parking.
- 6.17 In general, the surveys showed some, albeit limited, spare capacity overnight when there is a peak demand for residential parking. They showed good availability during the day.
- 6.18 It is acknowledged that Zone D of the CPZ does experience some problems relating to the movements within the zone. I understand that some residents located towards the edge of Zone D, at the furthest point from the town centre, are driving from here to a point much closer to the station to park, yet still within Zone D. This does however impact on the parking availability for those living close to the station within this zone. Whilst this particular issue is not directly related to the current proposal or the determination of this application, it is an issue which is recognised and the Council is currently looking at what might be done to resolve this matter. I would stress that any work in this regard would be undertaken separately rather than in conjunction with the determination of this current application.
- 6.19 It is also considered that the proposed residential use of the site will generate a lower level of person and vehicular trip generation and servicing demand when compared to the existing office use.
- 6.20 Regard must also be had to the fact that Enterprise House in its current form could be converted into residential units without the need to obtain planning permission from the Council, using relatively new permitted development rights. This would significantly reduce the amount of control the Council could have on the development, particularly with regards to parking. There would also be no scope to require the applicant to enter into a Unilateral Undertaking as described above.
- 6.21 To conclude matters in terms of highway safety and parking provision, the scheme accords with the adopted parking standards, the site is in a sustainable location with accessibility to a choice of travel modes and the anticipated impact of the development on the parking availability in surrounding streets is not considered severe. Additionally, the applicant is willing to enter into a Unilateral Undertaking which ensures future residents of the development would not be eligible for residents parking permits. The development is therefore acceptable in terms of paragraph 32 of the NPPF and policy SQ8 of the MDE DPD.
- 6.22 Another key concern of local residents is the potential impact of the development on flooding, surface water drainage and the capacity of the drainage network.
- 6.23 The site lies within Flood Zones 2 and 3; however the existing buildings were not flooded during the recent floods in the area. The site is also identified as being within an identified area of low hazard as indicated on the flood hazard map which is produced by the TMBC SFRA. A detailed Flood Risk Assessment (FRA) has

been submitted to support the application. The proposed redevelopment will include surface water drainage to be disposed of by the main sewer and the provision of a sustainable urban drainage system on site. Foul water drainage to be disposed of by the main sewer.

- 6.24 The proposed development, given its detailed design and most notably the inclusion of voids below the buildings, would actually improve flood storage capacity within the site when compared to the existing situation. At present the existing office buildings have not been designed to allow any floodwater to flow beneath the ground floor slab, and the majority of the site is impermeable apart from three isolated flower beds. In contrast, the proposed development would allow for flood water to flow freely via the below slab voids to all Blocks, without the need for pumping. Discrete openings to the voids have been integrated into the elevation designs, located below windows openings. The design also accommodates access for inspection and maintenance. The existing car parking levels will remain and permeable surfacing to the car parking can be required.
- 6.25 In terms of flood compensation, a detailed ground modelling exercise was undertaken. The results of this demonstrate that by allowing the floodwater to flow freely below Blocks, and by reducing the ground levels below the ground floor slabs by 250mm, there will actually be a slight increase in available flood volume of 30cubic metres for floods up to the 1% + climate change event. This represents an improvement on the existing situation.
- 6.26 The new underground drainage system to be provided will link into the existing sewer network. At present the surface water systems which drain the office buildings connect to the adopted sewers in Avebury Road via 150mm diameter pipes, and 100mm ones to Holford Street. Foul water drainage is currently via a 150 diameter pipe to Avebury Avenue. This site does not therefore have combined foul and surface water sewers, which are generally associated with sewer flooding where the capacity of the pipes is exceeded during periods of heavy rainfall. The existing car park is drained separately into a surface water sewer situated in Holford Street.
- 6.27 When considering surface water attenuation, the EA has requested that surface water is removed from the site as quickly as possible to enable it to discharge into the River Medway via the Southern Water sewerage system before the river level reaches a peak. Surface water attenuation will be provided in addition to the two existing surface water outfalls to accommodate a 1 in 100 year pluvial event which includes a 30% allowance for climate change. This will be in the form of attenuation on the roof of the blocks with a specialist roof deck system to restrict the outflow from each block. As a consequence the proposed development will result in a reduction in surface water flows into the Holford Street and Avebury Avenue adopted surface water sewers. Below ground attenuation will be provided in the car park to accommodate at 30 year event. Any event beyond this would be

accommodated within the car park with an anticipated maximum flood depth here of 150mm.

- 6.28 With these considerations in mind, it is clear that the proposed development would improve upon the existing flood storage capacity on site. The drainage systems to be put in place as part of the development will be managed and maintained by Circle Russet.
- 6.29 In addition to above improvements that the proposal will bring to drainage in the local area, it should be noted that the EA are carrying out improvement works in the local area.
- 6.30 In terms of the potential impact to future occupants of the development in terms of flood risk, it is recognised that the proposed use of the site for residential purposes is classed within the NPPF as being “more vulnerable” than the existing use. In response to EA requirements, the finished floor level of the proposed flats would achieve 24.00m AOD, which is higher than the required 23.45m AOD. The ground floor level of the flats will therefore be raised above pavement level with level access provided to each of the blocks on Avebury Avenue into the lobby area. Lifts will provide access from the lobby to the flats above. In the event of a flood the lobby is considered to be a ‘sacrificial’ area that could be cleaned and restored after a flood event with minimal effort. The flats would be above this level and so remain unaffected by floodwater in accordance with EA flood level predictions. There are no lifts provided in block D fronting Holford Street, however ramps would provide level access from Holford Street and the car park at the rear. Steps would provide access to the first floor flats in this block. It is therefore considered unlikely that all but the most severe exceedance flood event would reach the upper ground floor level of proposed flats.
- 6.31 A Flood Evacuation Plan has been developed as, due to the topography of the area, it may not be possible to ensure a dry means of escape is provided from the buildings in the event of a flood. This gives advice and guidance to future residents on the matter. It also provides information on the flood warning and how the plan is triggered etc. Residents will be encouraged to sign up to the EA floodline warning system. It should be noted that the motors and control panels to the lifts to the flats in Blocks A-C would be located at a high level to ensure they continue to work in the event of a flood. Float switches would also ensure that lifts did not go below the upper ground floor level.
- 6.32 The risk from groundwater flooding is considered to be low for this site. The Tonbridge and Malling Stage 1 Surface Water Management Plan (SWMP) dated October 2013 does not highlight the area which surrounds the site as being particularly susceptible to sewer flooding, however it does include a recorded incident of a sewer flooding event in Holford Street which was the result of blocked drains/gullies rather than insufficient capacity. Surface water flooding was also recorded in Barden Road due to blocked drains/gullies. The risk of further

events such as this would be reduced as a result of the surface drainage which would restrict the discharge rate of surface run off from the site to reduce flooding beyond the site.

6.33 In accordance with the NPPF the Sequential Test and if necessary the Exception Test should be applied as the area is known to be at risk of flooding. Due to the location of the site within Flood Zones 2 and 3a it is appropriate in this case due to the 'more vulnerable use' to apply the Exception Test, in line with table 3 of the NPPF Technical Guidance document. For the Exception Test to be passed, it must be demonstrated that:-

- *the proposed development provides wider sustainability benefits to the community that outweigh flood risk;*
- *a site specific FRA must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

6.34 The proposed development will provide a community benefit by the provision of sustainably located accommodation to meet an identified need in this area for a vulnerable section of the community with regards to the domestic violence units. The flats will also provide much needed affordable small unit accommodation in this sustainable location. The improvement to storage capacity and on site drainage will all help to reduce flood risk overall. The development has also been designed to be safe for its lifetime in terms of flood risk, and the Flood Evacuation Plan will advise on safe access and escape routes. I am satisfied therefore that in this case the Exception Test has been passed.

6.35 Overall the proposal is considered to represent an improvement to the existing drainage on site. The proposed voids below Blocks A, B and C will result in increased capacity in floodplain volume and allow free flow of flood water. The surface water discharge will be restricted to reduce the risk of sewer flooding beyond the site. It is recognised that the proposed development of 44 flats will result in a minimal increase in foul flows at peak times from that generated by the existing offices. However this will drain into the adopted sewer which is not recorded as being susceptible to sewer flooding. Southern Water has indicated that they are satisfied that their existing adopted sewerage network has sufficient capacity to accommodate the proposed flats. The EA has also confirmed that they have no objection to the proposal, subject to the imposition of certain planning conditions.

6.36 With these considerations in mind, and when acknowledging that there would be an overall improvement to drainage and run off when compared to the existing office site, the proposed development is considered to be acceptable in these regards.

- 6.37 Turning to the physical impacts of the proposed building, policy CP24 of the TMBCS states that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.38 The proposal will replace the existing 3 storey office blocks with 4 storey and 2 storey residential blocks. The proposed layout for the two 4 storey blocks very much mirrors the footprint of the two existing office blocks, with the 2 storey block fronting Holford Street introducing new built form to the site. The overall design of the buildings is a modern approach with flat roofs to Blocks A-C and a parapet wall hiding a shallow pitched roof to Block D. A mix of brick and white render has been used and windows of a vertical emphasis. The permeability of the site is retained with the access link retained from Avebury Avenue to Barden Road, and some pedestrian access from Holford Street. Parking provision has been re-designed to make best use of the car park area with landscaping proposed to soften the appearance where possible. Bin stores and cycle stores have been incorporated into the building fabric of blocks A and B and are sympathetically located outside of blocks C and D. Details of these would be secured by condition.
- 6.39 The four storey design of Blocks A, B and C mirror the heights of the blocks of flats opposite in Avebury Avenue, and the two storeys to Block D mirror the two storey heights of the semi-detached and terraced properties in Holford Street. In this respect I am satisfied that the proposal is in keeping with the surrounding character and that the scheme represents an acceptable design solution to this corner plot. The blocks have been set back from road frontages an appropriate distance to prevent them appearing over dominant within views of the street scene.
- 6.40 The blocks have been designed to provide active street frontages with multiple residential entrances and they successfully 'turn' the corner to provide a visual link between Avebury Avenue and Holford Street. Corner balconies have also been used here to accentuate the corner. The development will have a softer appearance within the street scene and improve views into and out of the site. Block D would follow the building line of the adjacent dwellings in Holford Street. The use of mixed materials and the central entrance design break up the frontage of Block D into widths similar to those of plots to neighbouring dwellings.
- 6.41 The site is surrounded by residential properties and with this in mind the potential impact of the development on residential amenity requires careful consideration. The proposed blocks have been designed and sited to minimise impact on the amenities of neighbouring dwellings. The size and scale of the blocks is not considered to represent an overbearing relationship given the distances involved between them and existing dwellings. In the case of Blocks A-C this is not dissimilar to the relationship with the existing office blocks on site. Block D is of course new built form but it is on a much smaller scale and relates to the scale of the buildings in Holford Street. It would be in line with the front and rear building

line of the dwelling immediately adjacent and the central section which projects slightly beyond the rear is set away from the side boundary with no.4 Holford Street to prevent any overbearing impact.

- 6.42 When considering the impact of the development on the privacy of existing residents, the applicant has positively responded to some early concerns of residents and has amended the scheme including the removal of certain balconies and the introduction of screening to remaining balconies where appropriate. The properties with the closest relationship in terms of privacy are no.4 Holford Street and nos. 90, 92 and 94 Barden Road.
- 6.43 Screening has been added to the terrace and balcony in Block D adjacent to the side boundary with no.4 Holford Street. This will prevent overlooking of the rear garden to this property from both the balcony and terrace, and also from glazed doors providing access to these areas. Similar screening has been proposed to the handed flats in this block to protect the privacy of new occupants as these are close to the ramped access points to Blocks C and D.
- 6.44 Juliet balconies are now proposed to flats in Block A closest to rear boundaries with properties in Barden Road. Screening is also to be added to restrict views from the remaining balconies. The existing boundary wall which forms the rear boundary to these gardens in Barden Road is 2.7m high and is to be retained and repaired with new trellis would be added bringing it to a total height of 3m to improve privacy. Three new trees will be planted adjacent to this boundary to add further natural screening. A landscaping condition can be used to secure the appropriate height of trees to provide effective screening.
- 6.45 The distances that would be achieved between rear facing windows in Block A and rear windows to houses in Barden Road would be between 18m and 34m. The shortest distance is where the proposed new trees are to be planted to enhance screening. Such distances would not be considered harmful in terms of relationships between dwellings to the point of justifying a refusal of permission. There are a number of outbuildings located within the rear gardens of nos. 84-88 Barden Road which screen the rear garden areas from views from the new flats. The above features in conjunction with the slightly lower ground level of rear gardens in Barden Road will ensure no harmful overlooking to rear gardens or properties as a result of the development.
- 6.46 I am of the view that whilst the proposed relationship would change from that experienced between office users and neighbouring residents, this is not an unusual relationship in a town centre location and is acceptable in planning terms. Again, it should be remembered that the existing office buildings could be converted to residential accommodation without the need for a planning application and the Council would at that point have no ability to consider impact on residential amenity.

- 6.47 Turning to other matters, the Energy Statement submitted with the application confirms that the design of the proposal has been formed around energy efficiency. The elevational design aims to achieve the right balance between daylight, solar gains and heat losses. The proposed energy strategy would comply with the require regulations without additional PV panels, however these are proposed in addition on the roofs of each block.
- 6.48 The proposal will result in the loss of three trees of poor or fair condition. However it is proposed to replace these in a different location with 4 new trees and extensive shrub planting which will improve the sustainable quality of tree cover across the site.
- 6.49 I am aware that there is the presence of contamination of site which prevents significant alterations to land levels. However these levels are not considered harmful and management of this would be controlled by condition in the normal way.
- 6.50 A contribution has been sought by the NHS towards improvements in primary care. In this particular case the proposed development brings with it considerable benefits of improved on site drainage and flood storage capacity which reduces the risk of flooding in the local area and is an improvement to the existing situation, and would bring about the provision of the much needed women's refuge units. Requiring the developer to make a contribution towards primary health *care in this particular instance* is not appropriate as it would render the scheme unviable and undeliverable.
- 6.51 It is clear that local residents have strong concerns as to how the proposed development will impact on their existing quality of life, mainly by way of anticipated parking problems or flooding impacts. The applicant has responded positively to these where possible and the imposition of conditions plus the Unilateral Undertaking would give clear control over the way in which the development comes forward and integrates into the established community.
- 6.52 With the above assessment in mind, I consider that the proposal is acceptable in terms of the requirements of the NPPF and the adopted LDF policies and as such the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Site Plan PL_1000 D dated 02.07.2015, Proposed Floor Plans PL_1001 D dated 02.07.2015, Proposed Floor Plans PL_1002 F dated 02.07.2015, Proposed Floor Plans PL_1003 F dated 02.07.2015, Proposed Floor Plans PL_1004 E dated 02.07.2015, Proposed Elevations PL_3000 D dated 02.07.2015, Street Scenes PL_3001 C dated 02.07.2015, Street Scenes PL_3002 D dated 02.07.2015, Street Scenes PL_3004 C dated 02.07.2015, Proposed Roof Plan PL_1005 D dated 09.07.2015, Street Scenes PL_2000 C dated 09.07.2015, Schedule

DRAWING REGISTER dated 09.07.2015, Email PARKING dated 27.05.2015, Email PARKING SURVEY dated 29.05.2015, Survey PARKING dated 29.05.2015, Flood Risk Assessment SUPPLEMENTARY REPORT ON DRAINAGE dated 16.06.2015, Drawing ADD INFO 3RD FLOOR LEVEL dated 09.07.2015, Drawing ADD INFO LONGITUDINAL SECTION dated 09.07.2015, Drawing ADD INFO 2ND FLOOR LEVEL dated 09.07.2015, Drawing ADD INFO 1ST FLOOR LEVEL dated 09.07.2015, Report Desk study dated 29.01.2015, Transport Statement dated 04.02.2015, Email Fm agent- KCC statement dated 09.04.2015, Schedule of accommodation dated 22.12.2014, Statement Affordable Housing dated 22.12.2014, Details Engineering issues dated 22.12.2014, Design and Access Statement dated 22.12.2014, Flood Risk Assessment dated 22.12.2014, Energy Statement dated 22.12.2014, Ground Investigation Report dated 22.12.2014, Method Statement Remediation dated 22.12.2014, Tree Report dated 22.12.2014, Drainage Layout FRA700 dated 22.12.2014, Topographical Survey 3520-1 dated 22.12.2014, Elevations 3520-2 dated 22.12.2014, Elevations 3520-3 dated 22.12.2014, Tree Plan R482TCP dated 22.12.2014, Tree Protection Plan R482TPP dated 22.12.2014, Location Plan 0100 dated 22.12.2014, Drawing ADDENDUM TO D_A dated 16.04.2015, subject to:

- 7.2 The applicant entering into a Unilateral Undertaking concerning the eligibility of future residents to the Council's residents parking scheme and;
- 7.3 The following conditions, the detailed wording to be agreed with the Director of Central Services:

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 Within one month of the commencement of development details and samples of materials to be used externally shall be submitted the Local Planning for approval, and the development shall be carried out in accordance with the approved details.
- Reason: To ensure that the development does not harm the visual amenity of the locality.
- 3 Within two months of the commencement of development, details shall be submitted to the Local Planning Authority of a scheme of hard and soft landscaping and boundary treatment. The car park surfacing shall be constructed of permeable material. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously

damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

- 4 The units shall not be 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 Prior to the commencement of development a demolition method statement shall be submitted to and approved by the Local Planning Authority and the demolition works thereafter undertaken will be in strict accordance with the approved details.

Reason: In order to prevent any harmful impact on the flood plain during construction of the development.

- 6 The Flood Evacuation Plan hereby approved shall be complied with and details of this shall be provided to every new occupant of the approved flats prior to occupation.

Reason: In the interests of the health and safety of occupants of the development in the event of a flood.

- 7 Within two months of the commencement of development, details and samples of the balcony screening hereby permitted shall be submitted to the Local Planning Authority for approval.

Reason: In the interests of residential and visual amenity.

- 8 The development shall be carried out in strict accordance with the approved Flood Risk Assessment (FRA), 15th December 2014, 11085, Issue 2, (Tully De'Ath consultants), the additional information to this dated 16th June 2015 (Tulley De'Ath consultants), and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 24.0 m above Ordnance Datum (AOD), as detailed in Section 4.0

Limiting the surface water run-off generated by the 100 critical storm, plus a 30% allowance so that it will not exceed the run-off from the existing site and not increase the risk of flooding off-site, as detailed in section 8.0.

Provision of suitable compensatory flood storage as detailed in section 8.0 and the Drainage Plan in Appendix H.

Demonstration within the FRA (Section 10.0) that the maintenance of the drainage system will be provided for the lifetime of the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority

Reason: In the interests of preventing flood risk.

No external lighting shall be installed in connection with the development unless approved by the Local Planning Authority.

Reason: In the interests of visual and neighbour amenity

- 9 Prior to the occupation of the development hereby approved, details of the lockable bollards to be installed to the approved parking spaces shall be submitted to and approved by the Local Planning Authority. These shall be installed as approved and retained at all times thereafter.

Reason: To prevent unauthorised use of the spaces leading to increased pressure for on street parking.

- 10 No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority

(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning

permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 11 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 12 Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and

a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 13 Prior to the development hereby approved commencing, details of the slab levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of visual and residential amenity.

- 14 Before any works commence on site, arrangements for the management of demolition and construction traffic to and from the site (including hours of operation and deliveries of materials to the site) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless any variation has been agreed by the Local Planning Authority in writing beforehand.

Reason: In the interests of residential amenities and highway safety in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

Informatives:

- 1 With regard to the demolition and construction phases of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.

- 2 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners
- 3 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.
- 4 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
- 5 The applicant is reminded that land contamination risk assessment is a step by step process. During the course of the risk assessment process set out in the above condition(s) it may become clear that no further work is necessary to address land contamination risks. Where this is agreed to be the case the condition(s) may be discharged by the Local Planning Authority without all the steps specified having been completed or submitted for formal approval. In all cases, written confirmation should be obtained from the Local Planning Authority confirming that the requirements of the condition(s) have been met. The Local Planning Authority would like to take the opportunity to remind the applicant that it is their responsibility to ensure the site is safe and suitable for its end use.
- 6 The applicant is reminded that a suitably qualified and competent person shall fulfil the requirements of the condition(s) pertaining to contaminated land remediation. In seeking to discharge the condition(s) pertaining to contaminated land remediation, the applicant is advised that all studies and assessments submitted must be carried out by a competent person and conform to CLR11: Model Procedures for the Management of Land Contamination (DEFRA 2004).
- 7 The applicant is advised that the drainage system on site be inspected and cleared by a suitable trained person every six months for at least the first two years of operation to establish the long-term inspection/cleaning interval appropriate for this site. Inspections should also be carried out after every major storm event. The petrol interceptor will require regular maintenance to ensure it continues to work as designed. Details of the manufacturer's maintenance requirements should be included within the Development Management Strategy document.
- 8 Tonbridge and Malling Borough Council operate a two wheeled bin and green box refuse recycling collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the boundary

of the property at the nearest point to the public highway on the relevant collection day.

- 9 All power and utility infrastructure should be placed above flood level or at least be made flood resistant to ensure the continuity of supply during a flood event.
- 10 The applicant is advised to consult the Environment Agency if the proposal to discharge foul and surface water into the mains drainage changes.
- 11 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipe work should be protected from accidental damage. Below ground pipe work should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Contact: Holly Pitcher

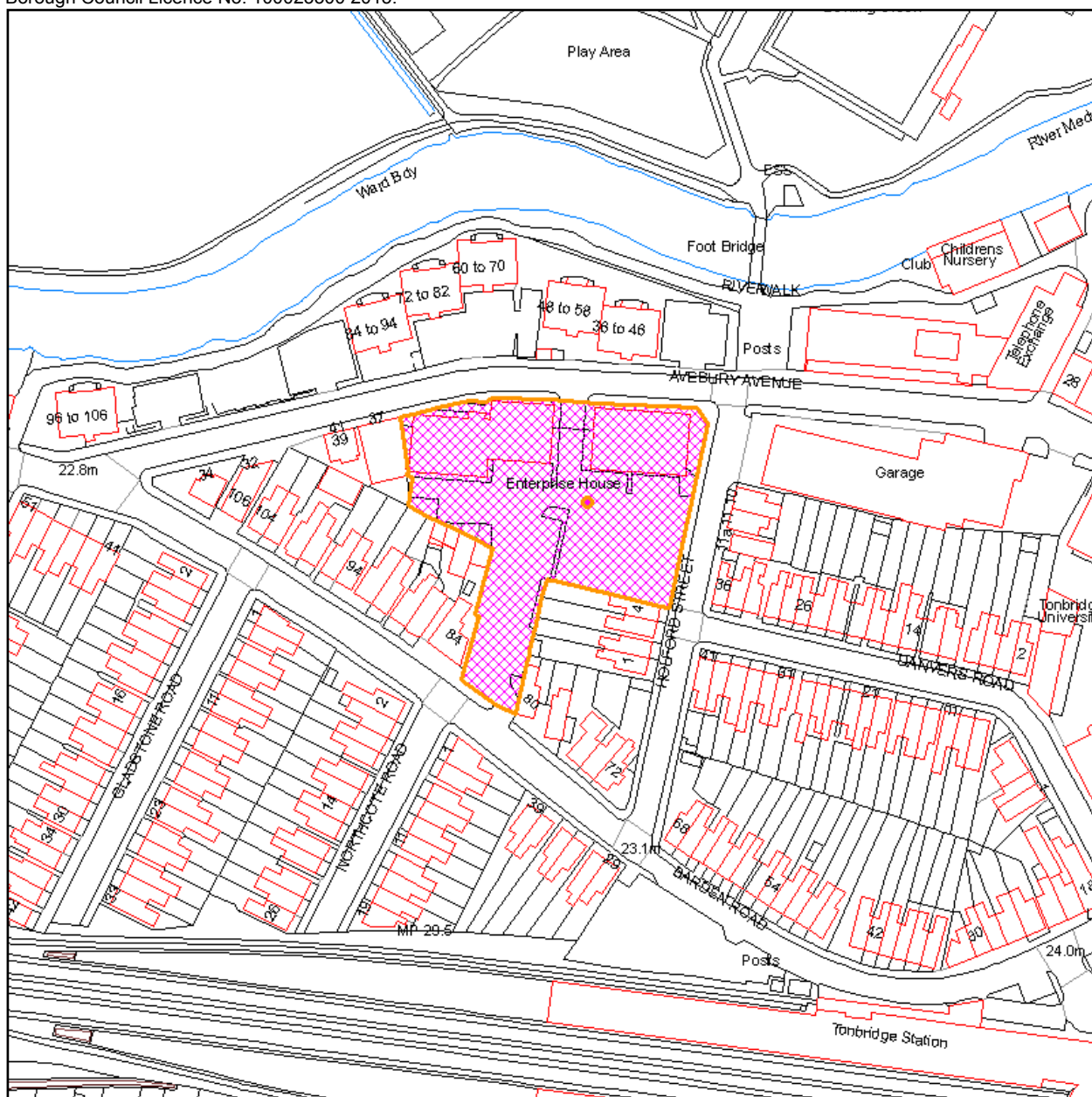
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TM/14/04251/FL

Enterprise House Avebury Avenue Tonbridge Kent TN9 1TL

Demolition of buildings known as Enterprise House 1 and Enterprise House 2 and the construction of a total of 44 residential units (including 7 units to provide specialist accommodation for woman who have suffered domestic violence along with ancillary support facilities), associated parking, landscaping, refuse storage and cycle storage

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Hadlow (Hadlow) **562446 149512** **29 May 2015** **TM/15/01777/FL**
 Hadlow And East
 Peckham

Proposal: Variation of conditions 1 and 6 to planning permission
 TM/14/02774/FL (Demolition of goat shed and siting of two
 new temporary buildings onsite, move proposed school fence
 south into Faulkners Farm courtyard (amended scheme to that
 previously approved under planning permission
 TM/14/00114/FL)) to enable the temporary school to operate
 until 30th December 2016 and to increase the number of pupils
 attending it from 158 to 185

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

Applicant: Hadlow College

1. Description:

1.1 This application seeks planning permission to extend the time the temporary school can operate at the Faulkners Farm site from 30 September 2015 until 30 December 2016, allowing for the permanent school on the main campus to be constructed and ready for use. The applicant has stated that:

“The construction programme suggests that the permanent school will be ready 14 months after final confirmation of funds. It should therefore be ready by September 2016. For reasons of flexibility it is suggested that this final period be extended to 30 December 2016.”

1.2 The application also seeks planning permission to increase the number of pupils on the school roll during this period from 158 to 185, an increase of 27. An additional 5 members of staff would be employed to cater for the enlarged pupil roll (3 teachers and two administration staff).

1.3 No new buildings are proposed to be constructed in connection with the increased time period and in this regard the applicant states that:

“For cost reasons HRCS has decided not to increase its temporary accommodation at Faulkners Farm in its third year starting in September 2015 but to use the buildings more intensively and if necessary to use existing College classroom accommodation on a pre-booked basis. The third year will need closer timetabling in order to manage the increased numbers.”

1.4 The submitted layout plan shows the same provision and arrangement of car parking spaces (54). A bus drop off zone is also still shown to be retained alongside the south east side of the lambing shed.

2. Reason for reporting to Committee:

2.1 Significant local interest and complex planning history.

3. The Site:

3.1 Faulkners Farm currently accommodates the Hadlow College AMU, a lambing shed, various outdoor animal enclosures, an atrium and other outbuildings in addition to additional teaching accommodation used by the College.

3.2 Faulkners Farmhouse belongs to Hadlow College but is privately let for office use.

3.3 Immediately adjacent to Faulkners Farm are four maisonettes (let to Hadlow College staff) and two privately owned semi-detached cottages (3 and 4 Faulkners Farm Cottages).

3.4 The Hadlow Grill restaurant (previously known as the Spice Lounge and before that the Rose Revived Public House) is located on the opposite side of Ashes Lane (to the west of the application site) and is a Grade II listed building. Old Chegs (also Grade II Listed) is located some distance to the north of Faulkners Farm. To the south lies The Ashes, a detached private dwellinghouse.

3.5 Access to the site is taken from Ashes Lane via the A26 to the south. The site currently has a separate 'in/out' access.

3.6 Hadlow College facilities are provided, in addition to Faulkners Farm itself, within the main campus to the north east and Blackmans Dairy to the south east.

4. Planning History (most recent/relevant):

TM/13/01705/FL Approved 10 October 2013

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

TM/14/01114/FL Approved 23 June 2014

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

TM/14/02774/FL Approved 27 October 2014

Demolition of goat shed and siting of two new temporary buildings onsite, move proposed school fence south into Faulkners Farm courtyard (amended scheme to

that previously approved under planning permission TM/14/00114/FL)

5. Consultees:

5.1 PC: Object for the reasons previously set out in respect of the temporary school.

5.2 KCC (H+T): No objections.

5.3 Private Reps: 92 + site notice/1X/0S/19R. The objections focus on the following issues:

- Impact upon the Green Belt.
- Absence of very special circumstances.
- The college has a history of failing to carry out their commitments in relation to planning permissions.
- Please re-assess the highway safety concerns in light of the significant increase in road traffic incidents that have occurred in the vicinity – namely Ashes Lane and the A26.
- Further extension/expansion will make a mockery of the process.
- Residential amenity has been greatly impacted by the temporary school for the past 2 years and no end is in sight.
- This is a delaying tactic by the college.
- There is no sign of building activity for the permanent school.
- It is feared that the permanent school will never be built and the college will gradually enlarge the temporary one and then ask to make it permanent.
- This proposal is directly contrary to the views of Council members when determining the original application for the temporary school, which was granted reluctantly.
- If there is the ability to use college classrooms as suggested, this should be the solution, not an option.
- We challenge the traffic survey that states that only 9% of pupils travel by car. The level of vehicle disruption and noise do not match this.
- Coaches are too large for Ashes Lane and are a significant highway hazard.

6. Determining Issues:

6.1 Members will be acutely aware of the recent planning history in respect of this site. The key consideration in respect of this latest application is whether the development is, *in its own right*, acceptable in terms of its impact and not whether specifically it is materially different in its impact when compared to the last scheme approved for this site. It is quite correct that the earlier temporary permission does set a datum for acceptability but ultimately this scheme must be judged on its own merits. In this regard, Members will also be familiar with the overt Government support for the development of schools, including paragraph 72 of the NPPF which states:

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

6.2 Further national policy guidance is contained within 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. I am conscious that I have referred to this in previous reports on applications concerning this site but it must be emphasised that it states:

6.3 *“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.”

6.4 It is apparent that a significant concern of local residents is the fear that the Faulkners Farm site is turning into a permanent rather than a temporary site for the school and that there is no guarantee that the permitted site of the permanent

school will be developed. At the time of writing this report, I have not been provided with documentary evidence from the applicant that unequivocally confirms that the full funding of the permanent school development has been secured. However, I have been assured that the confirmation of this is imminent and I hope to report further on this matter in a supplementary report. Furthermore, works have actually commenced on the construction of the permanent school within the College grounds. Specifically, the access route is in the process of being created. Trenches have been dug for foundations and drainage for the school building and, and, I understand, foundations have also now been laid. An area shown on the approved plan to be used for vehicle car parking has been laid with tarmac over a sub base.

- 6.5 It is my view that the commencement of construction works for the permanent school shows, albeit frustratingly later than originally envisaged/intended, a clear commitment to this development by the applicant and, if the school is built as currently planned, this would be the last application to extend the life of the temporary school.
- 6.6 I am advised that, in relation to the new crossing, the school will be providing across the A26, that Kent County Council (as local highway authority) is currently processing a Traffic Regulation Order and a S278 agreement with the applicant to provide this crossing facility. I am advised that approval for this work should be granted by the end of July and I understand that 3 separate contractors have now been approached for expressions of interest regarding this work. Again, I consider this demonstrates a clear commitment to the provision of the permanent school. Any further updates regarding the crossing will be reported as a supplementary matter.
- 6.7 The main issues to consider in connection with this application are the impacts arising from the proposed increase in pupil numbers and prolonging the temporary school use upon the openness of the Green Belt, the residential amenities of the nearby neighbours and on highway safety. I will address each of these issues in turn.
- 6.8 Dealing firstly with the potential impact on the Green Belt and the principle of the increased time period proposed, it is important to recognise that there are no additional new buildings proposed to be constructed in connection with the continued temporary use of the site by the school. This means that there would be no further physical impact upon the Green Belt beyond that previously assessed and deemed to be found acceptable. Of course, prolonging the temporary period of operation for the school would mean that the buildings already in situ (and due to be removed once the temporary use ceases) would continue to be present for a longer period but that would not cause any further harm to the Green Belt such as to prevent the continued use of the site by the school, given the previous conclusions drawn in respect of the physical impact of the school buildings on the Green Belt. There would still be a requirement for the buildings to be removed

after this further temporary period in the interests of preserving the openness of the Green Belt.

- 6.9 I appreciate that the school has previously submitted applications for additional buildings on site to allow for ease of operation and timetabling issues and the suggestion by the school now that they do not require any additional buildings to accommodate the increase in pupil numbers may be questioned. However, the current application must be judged on its own merits and no additional buildings are proposed.
- 6.10 I will now turn to matters of residential amenity and highway safety which are related to the increased numbers of pupils and staff and the associated levels of activity on the site and the surrounding road network.
- 6.11 The continued use of the site for the temporary school until December 2016 would add a further 27 pupils and 5 staff into the existing situation. It is my view that it would be very difficult to discern the additional activity arising from the additional 27 pupils for this period from the activity arising from the existing number of pupils attending this school currently. Consequently, I do not consider that the proposed increase in pupil numbers would cause harm to residential amenities in terms of general activity taking place across the site.
- 6.12 The majority of the school pupils arrive by coach and this arrangement will continue to operate if permission is granted for the current application. Furthermore, the applicant considers that only 5 of the additional 27 children would travel by car to the school. Local residents have referred to a significant increase in accidents in the locality, most notably within Ashes Lane and the A26. However, no documentary information has been submitted to corroborate this and Kent (H+T) has not objected to this planning application.
- 6.13 Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. With this in mind, the proposed increase in pupil numbers, when compared to the current numbers, would not cause a severe impact upon highway safety. There is sufficient space within the Faulkners Farm site to accommodate the car parking associated with the 5 additional members of staff.
- 6.14 In conclusion, whilst I can fully appreciate the frustrations felt by local residents regarding the protracted delay in providing the permanent school and the other concerns they have expressed regarding the continued use of the site for the temporary school, these are not considered to be sound reasons for refusing planning permission on this occasion. The absence of additional demonstrable harm to residential amenity and highway safety, coupled with the strong support from central Government to school development, all point towards a recommendation to grant permission. The fact that physical works have commenced on the construction of the permanent school only strengthens this

position. In light of these considerations, the following recommendation is put forward:

7. Recommendation:

7.1 Grant Planning Permission in accordance with the following submitted details: Planning Statement dated 29.05.2015, Proposed Layout DHA/10125/03 C dated 29.05.2015, Location Plan DHA/10125/01 A dated 29.05.2015, subject to the following conditions:

Conditions:

- 1 The temporary school use hereby permitted shall be discontinued, the buildings hatched on plan number DHA/10125/03 C attached to this decision notice removed from site, and the land restored to its former use on or before 30 December 2016 or at the opening of any permanent school at Hadlow College, whichever is the earlier.

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

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

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

- 3 No external lighting shall be installed in connection with the buildings, car park or associated areas until such details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

- 4 The staff parking spaces shall be kept available for such use for the duration of the use of the site for the temporary school and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

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

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

- 6 The number of pupils shall not exceed 185 at any time.

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

Informatives:

- 1 The applicant is strongly encouraged to liaise with local residents on an ongoing basis regarding on-site school activities should the need arise.
- 2 The applicant is asked to regularly update the Local Planning Authority with regards the construction timetable concerning the provision of the permanent school.

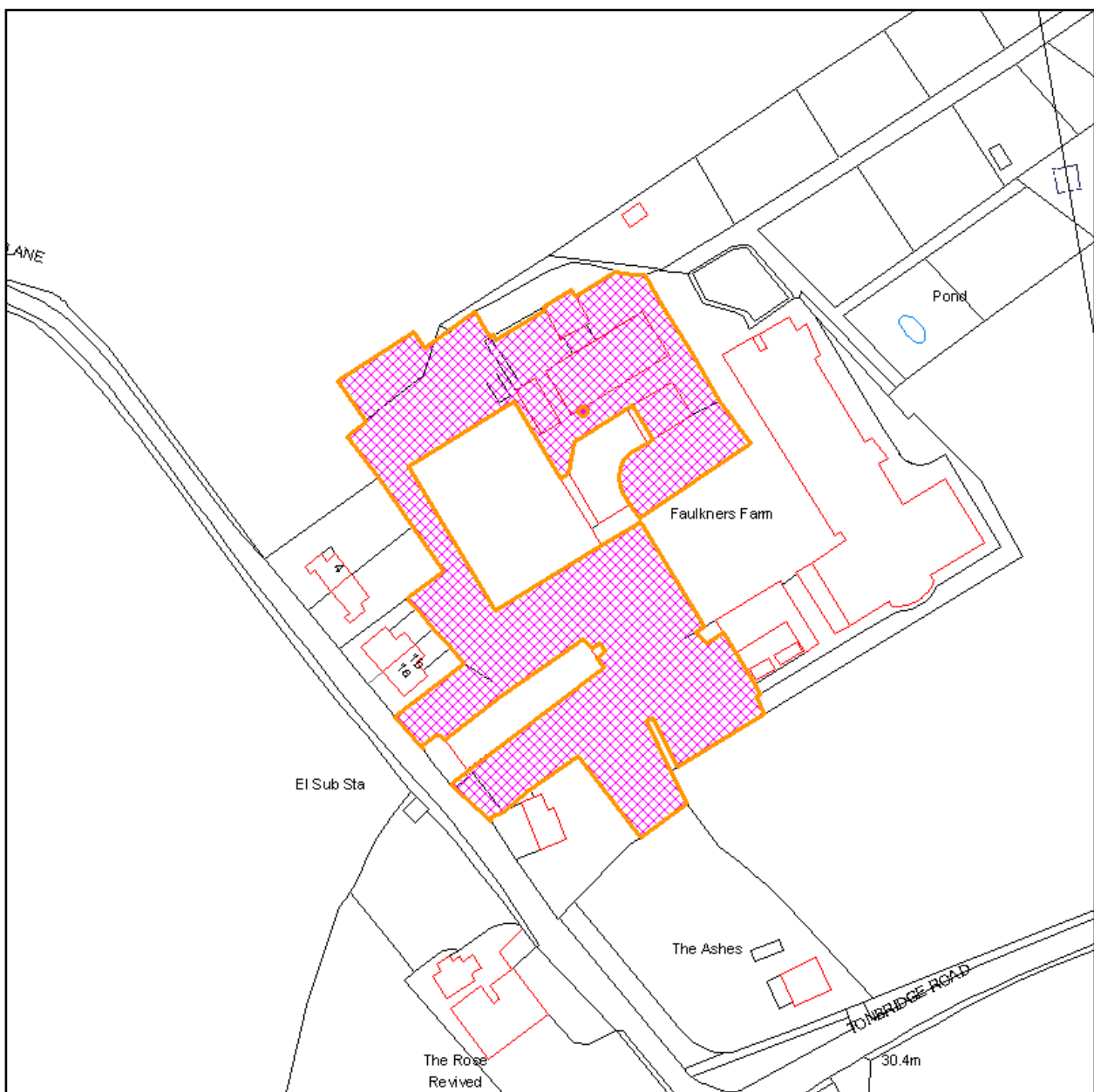
Contact: Matthew Broome

TM/15/01777/FL

Faulkners Farm Ashes Lane Hadlow Tonbridge Kent TN11 9QU

Variation of conditions 1 and 6 to planning permission TM/14/02774/FL (Demolition of goat shed and siting of two new temporary buildings onsite, move proposed school fence south into Faulkners Farm courtyard (amended scheme to that previously approved under planning permission TM/14/00114/FL))

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Alleged Unauthorised Development

Tonbridge

14/00193/COM

558742 147587

Castle

Location:

Hilden Grange School 62 Dry Hill Park Road Tonbridge Kent
TN10 3BX

1. Purpose of Report:

- 1.1 To report works not in accordance with plans approved under planning reference TM/10/03506/FL insofar as the approved drop off area with visitor and disabled parking bays to the front of the main school building has not been provided. Instead, the area remains in use for general staff parking.

2. The Site:

- 2.1 The new school buildings granted planning permission in 2010 have been completed and are now in use.
- 2.2 The main access to the school is gained from Dry Hill Park Road through two entrance gates, one of which leads to the forecourt parking and the other allows access to the rear of the school.

3. Planning History:

TM/10/03506/FL Approved 4 April 2011

Erection of detached ground, first and second floor building at rear of the site to provide additional school accommodation

TM/11/01119/NMA Approved 25 May 2011

Non-Material Amendment to planning permission TM/10/03506/FL being addition of a condition to the decision listing the approved drawings

TM/11/01658/FL Approved 5 September 2011

Section 73 application to vary condition 13 of planning permission TM/10/03506/FL (condition added by Non Material Amendment TM/11/01119/NMA). Minor amendment to approved scheme that consists of alterations to the multi use games area (MUGA)

TM/11/01659/FL Approved 5 September 2011

Section 73 application to vary condition 13 of planning permission TM/10/03506/FL (condition added by Non Material Amendment

TM/11/01119/NMA). Minor material amendment to approved scheme that consists of removal of staff block and SEN rooms, removal of entrance ramp. Amendments to the roof form of the eastern wing, changes to the materials used on the west wing, reduction in the number of windows and roof lights within the new building, relocation of nursery entrance and alterations to parking and access arrangements

TM/11/02773/RD Approved 10 January 2012

Details of construction phasing submitted pursuant to condition 14 of planning permissions TM/11/01658/FL and TM/11/01659/FL

TM/11/03163/NMA Approved 24 November 2011

Non-Material Amendment to alter wording of conditions 2 and 8 of planning permission TM/11/01658/FL and TM/11/01659/FL

TM/11/03413/RD Approved 8 March 2012

Geotechnical and environmental assessment submitted pursuant to parts A and B of condition 4 of planning permission TM/11/01658/FL

TM/11/03419/RD Approved 8 March 2012

Geotechnical and Environmental Assessment Report submitted pursuant to parts A and B of condition 4 of planning permission TM/11/01659/FL

TM/11/03487/NMA Approved 28 March 2012

Non material amendment altering the profile of the assembly hall roof and elevational changes

TM/11/03502/RD Approved 30 March 2012

Details of materials, external decoration and joinery submitted pursuant to condition 2 of planning permission TM/11/01658/FL (Section 73 application to vary condition 13 of planning permission TM/10/03506/FL (condition added by Non Material Amendment TM/11/01119/NMA). Minor amendment to approved scheme that consists of alterations to the multi use games area (MUGA))

TM/11/03505/RD Approved 30 March 2012

Details of hard and soft landscaping and tree management details pursuant to condition 8 of planning permission TM/11/01658/FL (Erection of a building within

the grounds of Hilden Grange School to provide additional school accommodation)

TM/11/03506/RD Approved 30 March 2012

Details of hard and soft landscaping and tree management details submitted pursuant to condition 8 of planning permission TM/11/01659/FL (Erection of a building within the grounds of Hilden Grange School to provide additional school accommodation)

TM/11/03516/RD Approved 30 March 2012

Details of materials, external decoration and joinery submitted pursuant to condition 2 of planning permission TM/11/01659/FL

TM/12/01091/FL Approved 28 May 2012

Variation of planning condition 13 to increase height of eastern block on planning permissions TM/11/01658/FL and TM/11/01659/FL (erection of detached ground, first and second floor building at rear of the site top provide additional school accommodation) along with changes to landscaping and materials to eastern block to allow for wildflower planting on roof

TM/12/01766/RD Approved 17 July 2012

Amended hard and soft landscaping scheme submitted pursuant to condition 7 of planning permission TM/12/01091/FL (amended scheme to that previously approved under TM/11/03505/RD and TM/11/03506/RD)

TM/12/02048/RD Approved 17 September 2012

Details of biodiversity management plan submitted pursuant to condition 06 of planning permission TM/12/01091/FL (Variation of planning condition 13 to increase height of eastern block on planning permissions TM/11/01658/FL and TM/11/01659/FL (erection of detached ground, first and second floor building at rear of the site top provide additional school accommodation) along with changes to landscaping and materials to eastern block to allow for wildflower planting on roof)

TM/12/02703/RD Approved 16 October 2012

Details of remediation scheme having been implemented and details of plant, machinery and equipment to be installed submitted pursuant to conditions 3 and 9 of planning permission TM/12/01091/FL

TM/12/02989/FL Approved 23 November 2012

Installation of climbing frames and associated play equipment

TM/12/03076/NMA Approved 18 October 2012

Non-Material Amendment to planning permission TM/12/01091/FL being retention of toilet block previously shown to be demolished

TM/12/03077/RD Approved 4 February 2013

Details of external lighting submitted pursuant to condition 4 of planning permission TM/12/01091/FL

TM/12/03464/RD Approved 29 January 2013

Proposal: Amended hard and soft landscaping scheme to allow the creation of a path along the western side of the main school building and an additional path to serve the car park

TM/13/01213/AT Refuse 24 June 2013

Installation of signage to the front elevation of the new school building

TM/14/03412/FL Withdrawn 09 April 2015

Variation of planning condition 11 to submit a revised Travel Plan on planning permission TM/12/01091/FL (Variation of planning condition 13 to increase height of eastern block on planning permissions TM/11/01658/FL and TM/11/01659/FL (erection of detached ground, first and second floor building at rear of the site to provide additional school accommodation) along with changes to landscaping and materials to eastern block to allow for wildflower planting on roof)

4. Alleged Unauthorised Development:

- 4.1 Works not in accordance with plans approved under planning reference TM/10/03506/FL insofar as the approved drop off/visitor/disabled parking area to the front of the main school building has not been provided.

5. Determining Issues:

- 5.1 Planning permission was granted for the construction of a new building to the rear of the historic school building to provide additional school accommodation under application reference TM/10/03506/FL. It should be noted that the original planning permission has been amended in various ways (as set out in Section 3) but the

forecourt area as described has remained a consistently proposed element of the scheme.

- 5.2 The planning permission was subject to a number of planning conditions controlling various aspects of the development, including parking and drop off arrangements within the grounds of the school. These were considered to be crucial to the acceptability of the scheme given that Dry Hill Park Road experiences high volumes of traffic, particularly at the beginning and end of the school day and that parent parking along Dry Hill Park Road and the surrounding roads is regularly problematic.
- 5.3 Condition 11 specifically required that, *'The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.'*
- 5.4 The approved plans indicated that a new staff car park would be provided to the north of the sports hall building, accessed via a vehicular access running along the eastern boundary of the school site. The plans also indicated that the area of hardstanding to the front of the school (historically used for staff parking) would be laid out to provide a forecourt area specifically to be used as a drop off point and for a small proportion of visitor and disabled parking. The new staff parking area behind the sports building is now in situ but the changes to provide the drop off area and associated parking bays have not been undertaken. Instead, staff continue to use this area to park their cars.
- 5.5 Hilden Grange School has been approached a number of times and requests have been made that the drop off area be provided as shown on the approved plans. They have advised that between the submission of the application in 2010 and the operation of the school in its extended form other arrangements have been made to manage pupil movements to and from the school as follows:
- Agreement with Tonbridge School which allows Hilden Grange parents to use the its 'Lower Fields Car Park' (assessed off B245 London Road – to the south of the school) as a Park and Stride location.
 - Agreement with Tonbridge Angels Football Club to use their car park as an alternative Park and Stride location for those parents coming from the North or who like to make use of the school run for a slightly longer walk, accessing the school through the rear playing fields.
 - As a result of these alternative measures, the school believes there is no need for the drop off area to be provided and therefore wishes to retain the area for additional staff parking.

- 5.6 In an attempt regularise this position, the school sought to vary the planning condition controlling parking provision last year (our reference TM14/03412/FL) and provided an alternative travel plan emphasising the new park and stride locations as a way of managing daily drop off at the school. However, shortly after the submission of this application, the Tonbridge School Park and Stride location became unavailable due to building works at Tonbridge School at which point Hilden Grange School suggested that alternative arrangements could be made using the car park at the Hilden Manor Restaurant. The application was however subsequently withdrawn.
- 5.7 It must be noted that since the original grant of planning permission, the policy context has shifted with the publication of the NPPF (2012) and with it the tests surrounding highway safety impact. Policy CP2 of the TMBCS, against which the original scheme was assessed, states that development should be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are *severe*. The NPPF also emphasises the importance of travel plans in facilitating opportunities for sustainable modes of transport.
- 5.8 Although the Park and Stride schemes should undoubtedly be encouraged and are in accordance with the requirements of the NPPF, there is no control that the Council as Local Planning Authority could put in place to *require* parents to utilise the schemes put forward by the school. Indeed, the evidence suggests that the pressure along Dry Hill Park Road and the surrounding roads remains as it was at the time the planning permission was originally granted and that there have been a number of incidents involving children which bring into question matters of safety, particularly when considering the nature of this particular area which is characterised by educational facilities.
- 5.9 It should also be mentioned that the retention of the 12 staff parking spaces in addition to the new car park behind the sports hall would not, in my view, meet the objectives in reducing traffic generated by the school and lowering levels of car trips outlined within the approved Travel Plan.
- 5.10 I therefore consider that, in these circumstances, the need for the provision of the forecourt area remains and that further action should be taken to secure its provision. As such, the following recommendation is put forward:

6. Recommendation:

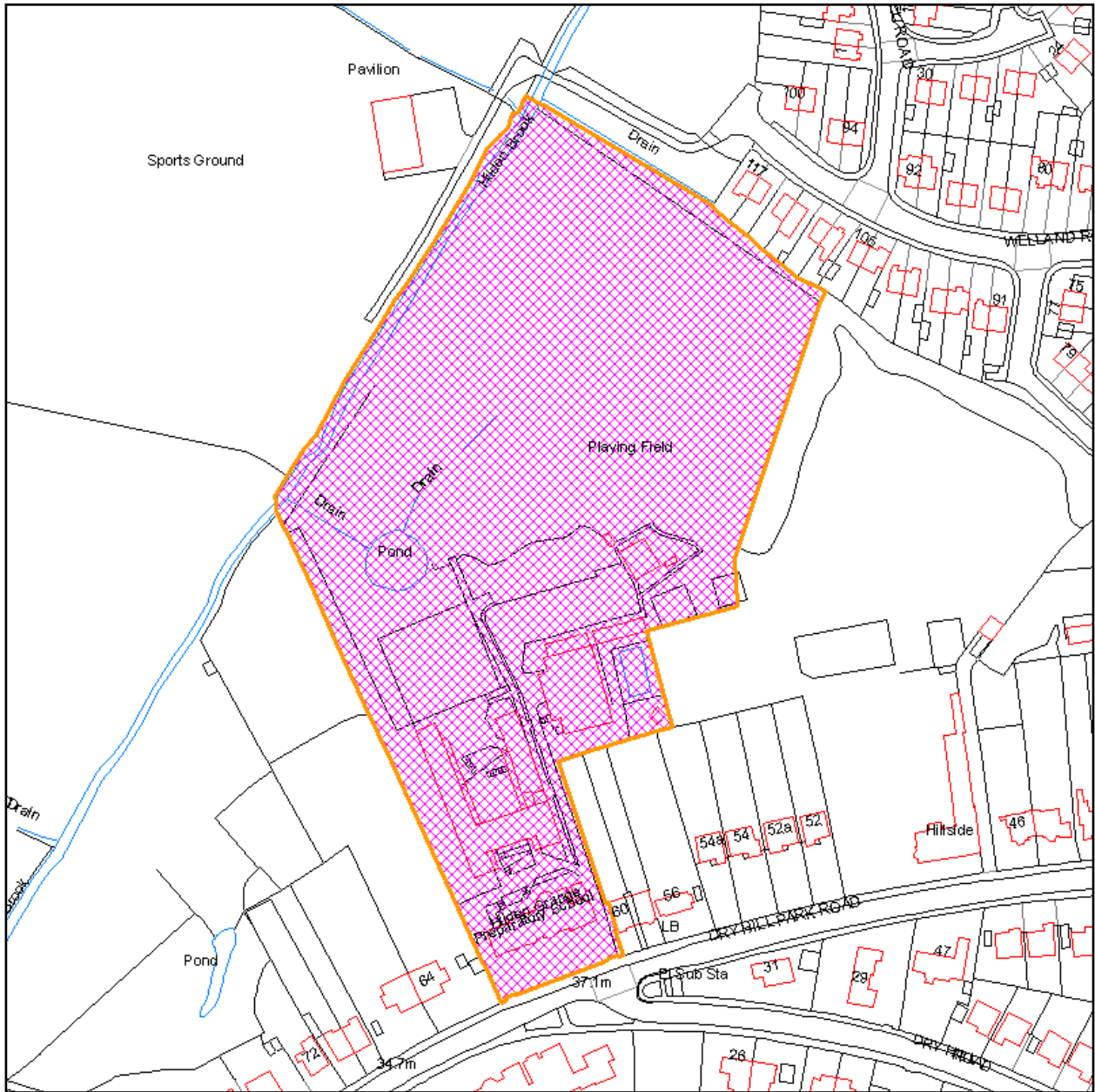
- 6.1 An Enforcement Notice **BE ISSUED**, the detailed wording of which to be agreed with the Director of Central Services, requiring the provision of the forecourt area in accordance with the previously approved plans.

Contact: Paul Batchelor

14/00193/COM

Hilden Grange School 62 Dry Hill Park Road Tonbridge Kent TN10 3BX

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

30 July 2015

Report of the Director of Central Services

Part 1- Public

Delegated

1 DIVERSION OF PUBLIC FOOTPATH MU93 (PART) TONBRIDGE

Introduction

- 1.1 Members will be aware of the scheme to refurbish the Town Lock area of Tonbridge which is now on site. The scheme will amend the route of the path that leads through the site and therefore it is necessary to divert part of public footpath MU93. It is also proposed to extend the path by 155 metres.
- 1.2 The existing route is shown on the plan attached as Appendix 1 by a solid black line and the diverted route is shown as a broken black line between points A –B, with the extension shown as a continuation of the broken line to point C. The new route will have a minimum width of 2 metres and be surfaced with block paving.

Procedure

- 1.3 Tonbridge and Malling Borough Council may make an order under section 119 of the Highways Act 1980 to divert a Public Right of Way where it is shown that it is in the interests of the landowner, lessee or occupier of land or the public to do so, but only where the diverted route would not be substantially less convenient to the public; and the diversion would not alter any point of termination of the path, other than to another point on the same highway or a connected highway.
- 1.4 In assessing whether the diverted path will not be substantially less convenient to the public, the Authority has to consider a number of factors including:
 - **Physical features.** The physical features of the new route should be similar to the original route, including:
 - surface;
 - gradient; and
 - path width

- **Directness.** The new route should not unreasonably lengthen the path
- **Landscape character.** The new route should not result in lower quality or diversity of views for the path user.
- **Features of Interest.** The new route should not move the path away from significant features of interest.
- **Financial.** The new route should not result in any increased maintenance costs.
- **Safety.** The new route should not subject users to any potential dangers or hazards.
- **Needs of all users.** The new route should include features to improve access for the mobility impaired user, (for example, gates rather than stiles and ramps, rather than steps.

If the Authority is satisfied that these grounds are met, it can make the order.

- 1.5 Once the order is made the Authority is under a duty to publish a notice in a local newspaper, serve a copy of the notice and order on owners/occupiers of the affected land and on specified persons set out in Schedule 3 to the Public Path Order Regulations 1993, and display a notice at each end of the footpath section to be diverted. The notice will specify that any person may object to the making of the order to the Secretary of State, within a minimum period of 28 days following the date of publication of the order.
- 1.6 Providing no objections have been made the order can be confirmed. If objections are raised the order must be submitted to the Secretary of State for confirmation who will appoint an Inspector to either hold a hearing, inquiry or deal with the matter through written representations.

2. Recommendations

- 2.1 The Committee are recommended to authorise the making of an order to divert part of public right of way MU93 Tonbridge and if there are unresolved objections, to submit the order to the Secretary of State for confirmation.

Background papers:

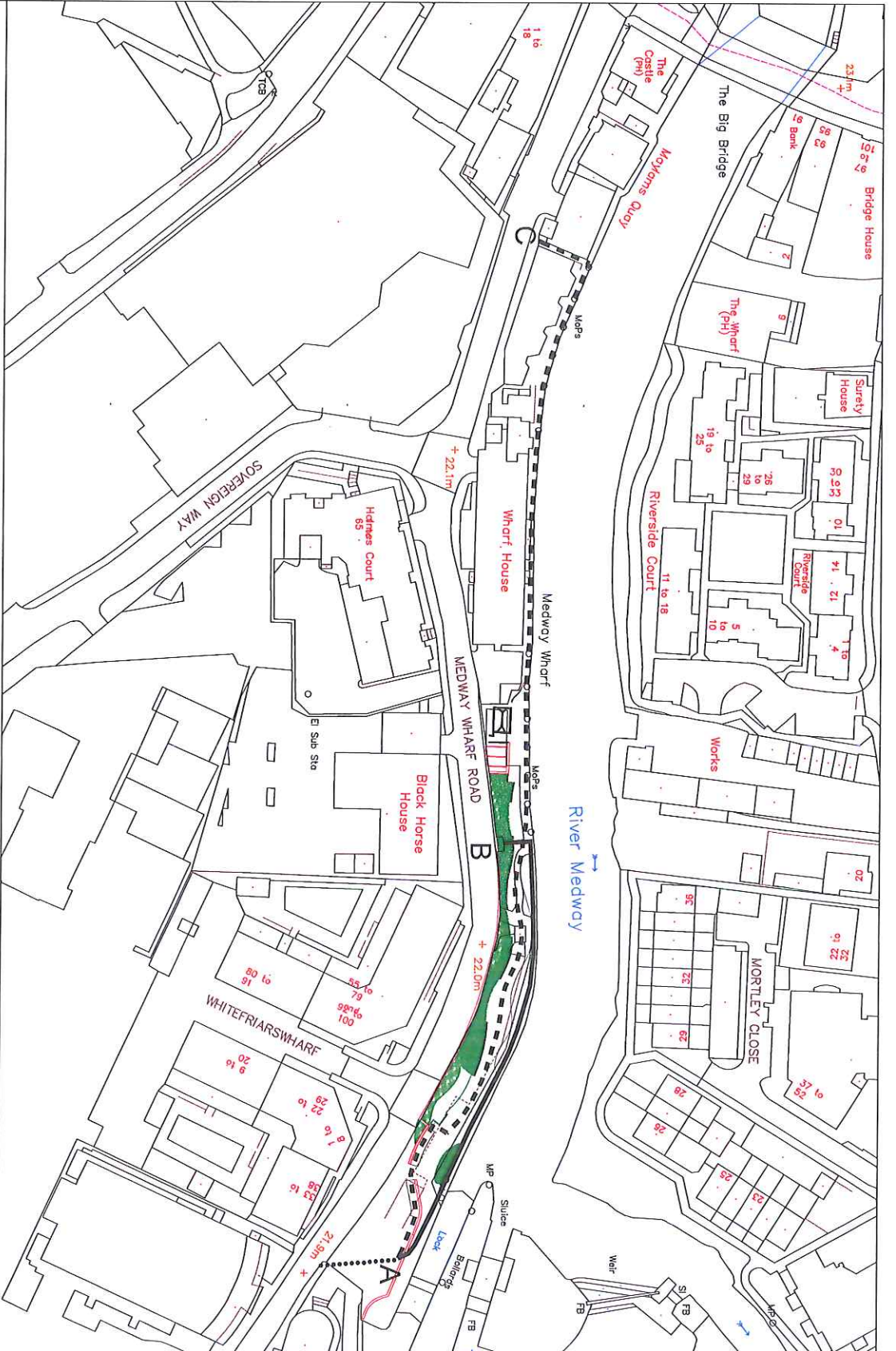
File TM –H2-05

contact: Lynn Francis

Principal Solicitor

Adrian Stanfield

Director of Central Services



KEY

———— MU93 Existing footpath to be diverted

- - - - - MU93 Proposed new footpath

..... MU93 Existing footpath unaffected

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Stone



PLANNING, HOUSING & ENVIRONMENTAL HEALTH

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Revision	Date	
<p>Chief Engineer Mike O'Brien BSc(Hons) C Eng MICE Gibson Building Gibson Drive Kings Hill West Malling Kent ME19 4LZ Tel: 01732 844522 Fax: 01732 876317</p>		
<p>Project Title Division of Public Right of Way MU93 Medway Wharf Road Tonbridge</p>		
<p>Drawing Title Site Plan</p>		
Drawn SDW	Checked	Date March 2015
<p>Scale 1:1000</p>		
Drawing No.	Rev	
DD 414/4		

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Agenda Item 10

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.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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