

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

21 June 2017

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, 29th June, 2017 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 30 March 2017

**Decisions to be taken by the Committee**

4. Development Control 9 - 12

Introduction and Glossary

5. TM/17/00525/FL - Tonbridge Grammar School for Girls, Deakin Leas, Tonbridge 13 - 30

6. TM/16/03530/FL - Land North and South of Woodgate Way, Tonbridge 31 - 66

7. Alleged Unauthorised Development 16/00385/WORKM – 11 Barchester Way, Tonbridge 67 - 70

8. Urgent Items

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

**Matters for consideration in Private**

9. Exclusion of Press and Public

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

**PART 2 - PRIVATE**

10. 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 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 Miss G E Thomas  
Cllr F G Tombolis

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 1 PLANNING COMMITTEE

Thursday, 30th March, 2017

**Present:** Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs P A Bates, Cllr P F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr B T M Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Ms S V Spence, Cllr Miss G E Thomas and Cllr F G Tombolis

Apologies for absence were received from Councillors M O Davis, T Edmondston-Low and H S Rogers

### PART 1 - PUBLIC

#### **AP1 17/7 DECLARATIONS OF INTEREST**

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

#### **AP1 17/8 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 19 January 2016 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 17/9 DEVELOPMENT CONTROL**

Decisions were taken on the following applications subject to the prerequisites, 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 17/10 TM/16/03716/FL - FORMER PRIORY WORKS, TUDELEY LANE, TONBRIDGE**

A hybrid planning application comprising 1) application for outline planning permission for a permanent primary school including means of access from Tudeley Lane (all other matters reserved) 2) application for full planning permission for the installation of 1no temporary building to provide 2 form entry primary school, 1no administration block, hard standing including car parking, drop off / pick up, and erection of boundary fence at the former Priory Works, Tudeley Lane, Tonbridge,

**RESOLVED:** That planning permission be granted in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Additional Conditions:

18. Prior to the commencement of the permanent school buildings, a detailed sustainable surface water drainage strategy shall be submitted to and approved by the Local Planning Authority. The detailed drainage scheme shall be based on the recommendations of the Level 2 Flood Risk Assessment prepared by Robert West (February 2017) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of to the adjacent watercourse at a maximum rate of 2.82l/s without exacerbating the flood risk to or from the site.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

19. Prior to the first occupation of the permanent school buildings, details of the implementation, maintenance and management of the sustainable drainage scheme (as approved pursuant to condition 18) have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- (i) a timetable for its implementation; and
- (ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

[Speaker: Mr Bauckham – on behalf of the applicant]

**AP1 17/11 TM/17/00139/FL - 49 BRINDLES FIELD, TONBRIDGE**

Proposed two storey side extension with integral garage, canopy porch and internal alterations. Re-submission of TM/16/03008/FL at 49 Brindles Field, Tonbridge.

**RESOLVED:** That planning permission be granted in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mr P Rogers – member of the public and Miss O Culmer on behalf of the applicant]

**AP1 17/12 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.28 pm

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

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

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

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

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

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

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

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#### GLOSSARY of Abbreviations and Application types

#### used in reports to Area Planning Committees as at 23 September 2015

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
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
DMPO	Development Management Procedure Order
DPD	Development Plan Document
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 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
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
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
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
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

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
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 (as amended)
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
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**  
Vauxhall

**7 March 2017**

**TM/17/00525/FL**

Proposal: Development of an artificial turf playing field including fencing and floodlights, car parking and pavilion and land grading  
Location: Tonbridge Grammar School For Girls Deakin Leas Tonbridge Kent TN9 2JR  
Applicant: Tonbridge Grammar School  
Go to: [Recommendation](#)

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## 1. Description:

- 1.1 It is proposed to re-grade the majority of the existing playfield site in order to create two separate plateaus. One would measure 70m x 52m and would be topped off with grass. This would provide a more level playing pitch. This would stand 80m east of the boundary with the residential properties within Deakin Leas. The second, larger plateau would contain an artificial, all weather pitch to be used primarily for hockey. This would measure 95m x 66m and would stand between 15m and 20m from the eastern boundary of the site. The all weather pitch would be located between 30m and 40m away from the northern boundary of the school grounds (the boundary with the residential properties within Taylor Close and Pembury Road).
- 1.2 A four lane 100m running track and a two-lane long jump track/pit would be built to the north side of the proposed hockey pitch. Being longer than the proposed hockey pitch, this would stand 8m from the eastern boundary of the site.
- 1.3 A 2m high acoustic barrier is proposed to be erected along the north side of the running track and east side of the running track/hockey pitch.
- 1.4 As part of the proposed works, a brick built pavilion building would be located immediately to the north of the proposed acoustic barrier to be used in connection with the proposed all-weather pitch and athletics tracks. The submitted floor plan shows this to include changing facilities and W.Cs. This building would measure 16m in length, 5m in width and 3m in height.
- 1.5 Adjacent to the pavilion and north of the proposed all weather pitch, a new car park is proposed for parking 55 cars. This would replace existing car parking that takes place further west in front of the main school building. The car park would now be finished with permeable block paving. This would be located between 14 and 24m from the north boundary of the site and 9-10m away from the east boundary of the site.
- 1.6 The all-weather pitch would be illuminated by flood lighting consisting of 8 no. 13m high columns. Four would be located along each side of the proposed hockey pitch. The pitch would be enclosed by weld mesh fencing which would stand 3m high except behind the goals where it would stand 4.5m high.

- 1.7 Initially, the application sought permission for the all-weather pitch to be used not just by the school, but by community groups as well. However, the community use has now been omitted from the proposal and the development would be used only by the school.
- 1.8 The school is seeking permission to use the proposed all weather pitch until 6.30pm Mondays to Saturdays, with no use on Sundays. Further information has been submitted in order to clarify the nature of use on Saturdays. The school anticipates that 5-6 matches would be played on Saturdays during the hockey season (September to April). The school considers it likely that the use of the pitch on Saturdays would be irregular and games would end around 4pm, but occasionally it may be later. Games would not start before 10.00am, but would mainly start at 12.00 noon.
- 1.9 Additional drainage details have been submitted since the application was originally submitted. It is proposed to make use of pitch drains, flow control outlets, permeable surfacing and porous sub-base with this proposal. The submitted drainage report states that the overflow discharge rate from the development will be less than the Greenfield run off rate for the existing site.
- 1.10 Members will be aware that the application puts forward a revised scheme to that previously refused under planning reference TM/13/03128/FL. The previous reason for refusal was as follows:

*“The proposed use of the hockey pitch, when taken cumulatively with the existing range of uses that already take place at the school, would further intensify the overall levels of activity within and around the site and increase the comings and goings to and from the site, which is served only by a single vehicular access and surrounded by residential properties. This intensification in activity within and around the site would cause an unacceptable level of disturbance to the surrounding residents at times when they could reasonably expect a certain level of peace and quiet. Furthermore, the proposed level of illumination, by virtue of the siting of the floodlights and their proximity to the nearby dwellings would be intrusive and harmful to the enjoyment of those properties. For these reasons, it is considered that the proposal would cause an unacceptable level of harm to the residential amenities of the surrounding residential properties and is therefore contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD 2010.”*

- 1.11 The main differences between the two schemes are:

- No community use of the all-weather pitch is currently proposed
- The weekday finishing time has been reduced from 8pm to 6.30pm
- The all-weather pitch will not now be used on Sundays

- The flood lighting columns have been reduced in height by 2m
- The position of the proposed all weather pitch has moved 60 metres further east than as previously proposed.

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

- 2.1 At the request of Cllr Mrs Heslop in light of the substantial local interest the application has generated.

**3. The Site:**

- 3.1 The site is located within the urban confines of Tonbridge, on the east side of Deakin Leas. The proposed works affect the existing grassed school playing field located to the south of the existing school buildings. The land within the playing field slopes considerably down from west to east (by 11-12 metres). There is a reasonably level plateau located at the western end of the playing field to the rear of the Deakin Leas properties. An access runs from the Deakin Leas entrance along the northern edge of the playing fields to a gated emergency access to the adjacent Taylors Lane developments. Four separate areas of car parking are located on either side of this access road and are currently laid with grasscrete.

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

TM/13/03128/FL      Refuse      28 February 2014

Construction of a floodlit synthetic turf pitch, including fencing, on school playing fields

TM/14/00575/FL      Approved      23 June 2014

New build two storey Sixth Form Centre and associated landscaping on the existing disused outdoor swimming pool site. Demolition of existing changing room block

**5. Consultees:**

- 5.1 KCC (H+T): No objections

- 5.2 KCC (SUDS): Initial comments:

- 5.2.1 The indicative drainage plan suggests that the proposed pitch would be drained by perimeter and lateral perforated drains, with the excess surface water disposed of via a soakaway. The ground conditions beneath the site are the Wadhurst Clay Formation which generally offers low permeability.

- 5.2.2 Artificial sports pitches can lead to an increase in flood risk elsewhere where large drainage areas are introduced into a greenfield site. It is, therefore, important that

a robust drainage strategy is in place to ensure surface water is controlled adequately. Where infiltration is proposed, it must be backed up by site specific infiltration tests of a depth appropriate to the proposed area.

5.2.3 Unfortunately, we currently object to the proposals pending the receipt of further information to determine that surface water can be managed adequately. Given the lack of other suitable outfall for surface water from the proposed pitch, we would recommend ground investigations are undertaken to determine whether the ground is sufficiently permeable for infiltration to occur directly below the pitch or via other soakaways to replicate greenfield conditions as far as possible.

*Additional comments are awaited from KCC (SUDS) at time of writing this report regarding revised drainage proposals. Further comments received from KCC will be contained within a supplementary report.*

5.3 Sport England: Sport England's statutory role within the planning system is to protect playing fields and that is starting point when Sport England considers any application that seeks to lose all or part of a playing field or prejudices the use of it. This application is seeking to lose roughly a third of the playing field. It is Sport England's policy to object to the loss of playing field unless one of five exceptions are met which in this scenario would be Exception E5 that can be summarised as follows:

*The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.*

5.3.1 The proposed Artificial Grass Pitch will be designed and constructed to accommodate hockey which, although can be played on grass, is a sport that should be played on an artificial surface especially at a higher level. However, this would be to the detriment of most other sports that could be played on this area of playing field where natural turf is a more suitable surface, would prevent some sport pitches being marked altogether and would limit where the pitches that would remain on the rest of the playing field could be marked (thereby restricting the ability to shift playing pitches to limit wear and tear of the same area of land). It is also unclear if the school has a maintenance and management plan in place for the AGP, including measures for a 'sink fund' to ensure the long term sustainability of the proposed facility. This of course, is in the context that the school does have access to offsite local facilities for hockey albeit these arrangements are not ideal.

5.3.2 It should also be noted that whilst poor quality might affect how part of the playing field is used, the quality of playing field can be improved through re-soil, improved drainage etc.

5.3.3 While Sport England welcomes the school's ambitions to provide a good quality facility, taking all the above considerations into account, in this circumstance it is



difficult to conclude that the proposed development, which also includes a car park on playing field (which is for the main school's benefit rather than sport), is of benefit to sport to outweigh the loss of playing field which is a finite resource. It is unfortunate that the community use has been completely omitted from the proposals now as this would have the potential to provide a wider sporting benefit and could have been considered to outweigh the harm to the playing field. This community use could have been restricted to, for example, local hockey clubs.

5.4 Private reps: 122 + site + press notice:1X/220S/89R.

5.4.1 To clarify, the Borough Council conducted two separate consultations with local residents and contributors: the first when the application was initially received and the second in May 2017 when the applicant amended the application to omit the community use of the proposed all weather pitch. The following summarises all of the comments received to both rounds of consultation.

5.4.2 The 89 objections received from local residents raise the following concerns/issues:

- The community use of the proposed pitch will cause detriment to the amenity of local residents in terms of noise, disturbance and light pollution.
- The development would increase road traffic and, therefore, congestion in the locality.
- People will arrive earlier and leave later than the specified times with potential for disruption for local residents.
- The pavilion will be built close to housing. If this is to be used only by the school, why is it even required?
- The tarmac car park will be built close to residential properties. Headlights will flash into the adjacent houses.
- The lighting of the car park will also be unlimited and could stay on well into the night.
- The flood lighting will dominate the skyline in a quiet residential area.
- A 2m high sound barrier is not high enough.
- The development will cause a loss of view from the neighbouring residential properties.
- Landscaping is deciduous and offers no protection during the winter months when lighting and usage will be at the highest level.

- The impact of lighting around the pitch will be severe to neighbouring residential properties despite what the technical report states. It will be invasive.
- There is no consideration of peak noise levels (not just averages) that the sports played on the pitch will generate.
- Loss of space for local wildlife.
- Many of the letters supporting the application are not from local residents and are from people who either work for the school or have children attending it.

5.5 Of the 220 responses supporting the application, many have been submitted by parents of children attending the Grammar School or from its employees. All consider the proposed development to be a significant benefit to the children attending the school.

## **6. Determining Issues:**

### Principle of development:

- 6.1 Members will be aware that this development is a revision to a scheme previously refused by the Borough Council. Section 1 of this report sets out the previous reason for refusal and highlights the changes that have been made to the proposed development in an attempt to overcome that reason for refusal. Chiefly, the proposed facilities will not now be used by community groups but only by the school itself. The revised siting of the all-weather pitch and reduced height of the floodlighting surrounding will also be considered.
- 6.2 The school's playing field is located within the urban confines of Tonbridge where the principle of the proposed development is acceptable under Policy CP 11 of the TMBCS.
- 6.3 The existing playing field is designated within policy OS1 of the MDE DPD as an outdoor sport facility but which is not publicly accessible. This policy relates to a wide range of open spaces and, in the case of the application site, seeks to protect its recreational value. The primary purpose of the proposed development is to create an all-weather sports pitch for use by the school and improve an existing grass pitch by the creation of a level plateau that can then be marked out for a number of different sports. The proposed pavilion building would serve as changing and toilet facilities principally serving the all-weather pitch. The proposed works also involve the creation of a car park to accommodate car parking that would need to be moved to accommodate the proposed new pitches. Given the interconnected nature of all of the proposed works, and that the primary purpose is to improve the existing sports facilities within the site, the development is considered to comply with policy OS1 of the MDE DPD.

- 6.4 The nature of the proposed development has changed since the application was originally submitted. Sport England is an important consultee for this type of development and is clearly disappointed that the scope of use of the proposed facility has been reduced so that it will only be for the use of the school and not the wider community as originally envisaged.
- 6.5 The development would result in the loss of an area of grass playing field within the site. However, the development is for an all-weather pitch that could be used by the school throughout the year. The pitch would be mainly used for hockey, a sport which, as Sport England notes, should be played on an appropriate artificial surface instead of grass and the proposal would be a significant investment in the school's ability to teach and play hockey within its own grounds rather than having to travel away to other venues. However, it must be noted that the scheme also provides for a 4 lane 100m running track and 2 long jump runways/pits as well. Furthermore, whilst the pitch is specifically designed for hockey use, this would not preclude its use for other sports activities, such as tennis or netball, for example. A range of sport activities would, therefore, be able to take place on the artificial pitch all year round. From a broader planning perspective, whilst the disappointment of Sport England is noted, I do not believe that the proposal would result in the degradation of the school's existing sports provision for its pupils. Indeed I consider that this proposal, whilst resulting in the loss of grass playing field, would none-the-less be a net improvement for sport provision within this site. Of course, this must also be balanced against the wider planning considerations operating in a case such as this particularly in light of the previous refusal of planning permission.

Visual impact:

- 6.6 Policy CP24 of the TMBCS requires all developments to be well designed and through such matters as scale, siting, character and appearance be designed to respect the site and its surroundings.
- 6.7 The proposed development would be located within the grounds of a school on land that is currently marked out and used as sports pitches and currently as a 200m running track. The pitch would also be located within an area of the school grounds that is not visually prominent from public vantage points. In this context, the proposed all weather pitch, means of enclosure and the associated pavilion building would not cause unacceptable harm to the visual amenity of the locality in my opinion. Furthermore, whilst the floodlight columns would measure 13m in height, in the context of an established high school site containing large buildings, I do not consider their impact would be significantly detrimental upon the character of the wider area. Indeed due to the siting of the flood lighting and the proposed land levels within the site, they are unlikely to be visually prominent when viewed from the surrounding streets.

Residential amenity:

- 6.8 Policy CP1 of the TMBCS states that when considering planning applications residential amenity will be preserved. With this particular proposal several aspects need to be carefully considered including impacts from noise arising from the proposed pitch, car park and pavilion and light pollution arising from the flooding light of the pitch, the lighting of the car park and car lights shining into neighbouring properties.
- 6.9 A significant factor that has to be considered is that the development will now only be used by the school and will not be used by community groups. Whilst this is, from a wider sports provision point of view, unfortunate, it must be weighed against the benefits arising from limiting the use of the pitches: reducing the amount of time the pitch would be used and indeed the amount of comings and goings from the users of the pitch and associated facilities. The school is seeking to use the pitch until 6.30pm Mondays to Fridays. Whilst a start time has not been specified, it is unlikely that hockey will be played earlier than normal school start times. However, a condition can be used to limit the start time that the pitch could be used, should planning permission be granted.
- 6.10 The use until 6.30 pm on weekday evenings would mean that activity would cease at a reasonable hour of the day. Whilst pupils will need to change after matches or practice sessions, the proposed finishing time for the use of the pitch is considered to be entirely reasonable and would allow neighbouring residents to have a reasonable level of amenity during working weekday evenings. Of course there will be noise associated with the use of the pitch during the evenings, but this would be curtailed to an acceptable time. The proposed acoustic barrier will also help to mitigate some of the noise impacts arising from the use of the pitch as well. Whilst this would not eliminate all noise from being heard by neighbouring properties, it would reduce the levels of noise heard by residents from the use of the proposed pitch. It should also be borne in mind that the unrestricted use of the existing school playfield creates noise and indeed local residents have referred to this in their submissions. The existing noise climate has to be taken into consideration when assessing the impacts of the proposed development. In light of all of these factors the use of the proposed all-weather pitch by the school is considered to be acceptable in terms of noise impacts upon local residents.
- 6.11 The pitch would be used on Saturdays by the school. However, the school considers it unlikely that the pitch would be used every Saturday throughout the year. When used for matches these would typically start mid to late morning and be finished around 4pm. However, the school considers it necessary to allow for additional usage as matches could take longer to play. Using the pitch by the school on Saturdays typically between the hours of 10am and 6.30pm is not considered to be unreasonable or result in significant detriment to residential amenity in terms of noise and disturbance. It has to be considered that there are no restrictions on the use of the current playing field. Consequently, school

activities can currently take place throughout the weekend without needing the approval of the Borough Council as local planning authority. Taking these into account together with my comments regarding the proposed acoustic barrier, I am satisfied that the limited weekend use by the school of the proposed all-weather pitch would not cause unacceptable detriment to residential amenity in terms of noise impacts.

- 6.12 The proposed car park would be located closer to residents within Taylor Close and Pembury Road than the existing car parking arrangements within the site. However, the use of the car park in connection with the school is unlikely to create additional car movements during normal school hours. Its availability for use in the evenings and on Saturdays during the times applied for is also unlikely to cause undue detriment to local residents. The applicant has indicated that low level bollard lighting would be used within the car park which would not cause unacceptable light pollution to local residents. Whilst the school has installed weld mesh fencing around the periphery of the playing field, some residential properties (including those within Taylors Close) also have close boarded fencing erected just behind the weldmesh which provides a privacy screen. The dwellings located within Pembury Road and Vauxhall Gardens that back onto the school site would also be located a considerable distance away from the car park (at least 50m) and mature deciduous trees stand between the car park and the houses. Taking all of these factors into account (and noting that the properties to the east and north east of the proposed car park are on lower ground than the proposed car park), I am satisfied that its use by the school would not cause unacceptable detriment to the amenity of neighbouring properties. However, I am mindful that the car park would be located closer to properties within Taylor Close and Pembury Road than the car parking bays to be removed. Whilst the use of the car park by the school is unlikely to cause undue detriment to residential amenity, this will require management by the school in order to minimise nuisance to the neighbouring residential properties. A condition can be used to required details of a management strategy for the use of the car park as part of the overall parking arrangements within the school to be approved by the LPA before it is used.
- 6.13 Use of the proposed pavilion building by the school, primarily as a changing room and W.C., during the times proposed would not cause significant additional noise disturbance to neighbouring residential properties than the existing use of the playing field and wider site by the school, given the position of the building and the fact that any activities would be contained within it in any event.
- 6.14 Turning now to the flood lighting of the all-weather pitch, this is a significant concern of local residents. As with the issue of noise, several different aspects of the lighting have to be considered. Firstly, the use of the lighting would coincide with the use of the pitch itself. This would be limited to 6.30pm Mondays to Saturdays. The main hockey season runs from September to April according to the applicant so the flood lighting would be required during the winter months. However, as has been stated earlier the use of the pitch will finish at 6.30pm and,

therefore the flood lighting will be switched off accordingly. The all-weather pitch will not, therefore, be illuminated late at night. Whilst the hockey season ends in April, no doubt the school will wish to make use of the pitch for other sports during other times of the year. Of course between May and July the sun sets later than 6.30pm and indeed only at the end of September will the sun set at around 6.30pm. For these times of the year, the flood lighting will not actually be required. Even in the middle of winter, the flood lighting will only need to be on for around 3 hours of the day and that will be late afternoon, early evening; not a time that would result in detriment to local residents.

- 6.15 The information submitted by the applicant demonstrates that the lighting used is specifically designed for the hockey pitch and will, therefore, illuminate that to the required level and not the neighbouring properties. The intensity of light drops rapidly off the further you are away from the pitch itself. The result is that the flood lighting would not shine directly into the neighbouring properties. Of course, I have no doubt that some neighbouring residents will see the extent of the illuminated pitch from their properties. However this is not the same as glare from the lighting itself, which might cause undue disturbance and therefore harm amenity, and would only be for a short time during the autumn and winter months.
- 6.16 In light of the above, I am also satisfied that the proposed development would not cause unacceptable detriment to residential amenity by virtue of flood lighting.
- 6.17 I appreciate that concerns have been expressed by some residents regarding harm to the open view across the school fields they currently enjoy. However, there is no right to a view in planning terms and, as has been stated earlier, the development is considered to be acceptable in terms of its visual amenity impacts.

Highway safety and parking provision:

- 6.18 Paragraph 32 of the NPPF states that developments should only be refused on transport grounds when the impacts arising from a proposed development would be severe. Using the proposed pitches during school time by the school itself would not attract any additional traffic movements. Matches between the school and others after school hours during the week and on Saturdays would attract some additional vehicle movements to and from the site, but these would be outside the school peak dropping off and pick up times. The development would not result in a reduction of parking spaces within the site as those that would be removed to accommodate the new pitches would be replaced with the new car park at the eastern end of the site. Consequently the proposed development would not cause a severe additional impact upon highway safety in the locality and this view is supported by KCC (H+T).

Landscape and ecology considerations:

- 6.19 The proposed development would not require the removal of any trees within the site and the pitch would stand outside the Root Protection Area of the trees that stand along the southern and western boundaries of the site. The submitted arboricultural assessment recommends that tree protection fencing be erected during the course of construction.
- 6.20 It is acknowledged that the trees surrounding the site may be used by bats for roosting or foraging. Bats, of course, are a protected species but neither the site nor the surrounding area is designated as a protected habitat. Furthermore, as none of the trees within/around the periphery of the site would need to be removed under this proposal, the impacts upon bat roosts or foraging habitat is likely to be very limited.

Drainage:

- 6.21 Revised drainage details submitted during the course of the application have been sent to KCC (SUDS) for formal comment. The applicant is proposing drainage methods that will not exceed the run off levels that currently occur within the existing playing field. As such, the details are likely to be acceptable and a condition is recommended accordingly. Of course, if there a technical aspect of the submitted details that KCC (SUDS) does not consider to be acceptable a revised condition could be imposed instead to require further details to be submitted. In either case, I consider that an acceptable, technical, drainage solution exists that would allow the proposed development to drain at a rate no greater than that of the existing playing field. Any further representations made by KCC (SUDS) will be reported as a supplementary matter.

Conclusions:

- 6.22 In conclusion, it is considered that the proposed development satisfactorily overcomes the previous refusal of planning permission given the revised siting of the proposed pitch/floodlighting and the nature/hours of the intended use. Furthermore, the scheme complies with development plan policy and its benefits would not be significantly or demonstrably outweighed by any adverse effects. Consequently, the development is considered to be acceptable in planning terms and, as such, I recommend that permission be granted subject to the imposition of conditions affording adequate control on the use of the development and the implementation of suitable mitigation measures to ensure the impact is not harmful.
- 6.23 In terms of procedure, it should be noted that a duty under the Town and Country Planning (Consultation) (England) Direction 2009, exists whereby in the event that a development would result in the loss of a school playing field, Sport England objects to that development and the LPA is minded to approve it, it must be referred to the Secretary of State before the LPA can make the final decision. Given the representations received to date, Sport England has been asked to

clarify whether it is overtly objecting to the development for the purposes of applying the requirements of the Direction. In the absence of any clarification to the contrary at this time, I would view the representations received as an objection and therefore I would recommend that if Members are minded to grant this application it should first be referred to the Secretary for State. This is reflected in the recommendation that follows but if Sport England provides any further clarification, this will be reported as a supplementary matter.

**7. Recommendation:**

**7.1 Grant planning permission** in accordance with the following submitted details:

Details 1641/07 floodlight columns dated 27.02.2017, Planning Layout 1641/09 cut and fill plan dated 27.02.2017, Drainage Layout 1641/03 dated 27.02.2017, Section 1641/05 pitch dated 27.02.2017, Elevations 1641/06 Proposed pitch dated 27.02.2017, Drawing 1641/04 fence detail dated 27.02.2017, Lighting HLS02239/REV3 floodlighting dated 27.02.2017, Landscape Layout L1 dated 27.02.2017, Drawing view of pitch dated 27.02.2017, Drawing all-weather pitches dated 27.02.2017, Other car parking figures dated 27.02.2017, Section 1641/11 existing dated 27.02.2017, Section 1641/10 proposed dated 27.02.2017, Sections 1641/02 existing/proposed dated 27.02.2017, Section 1641/08 lightspill dated 27.02.2017, Drawing 1641/012 team shelter dated 27.02.2017, Drawing astroturfs in Tonbridge dated 27.02.2017, Topographical Survey dated 27.02.2017, Statement school dated 27.02.2017, Arboricultural Survey dated 27.02.2017, Noise Assessment dated 27.02.2017, Statement Community Involvement dated 27.02.2017, Design and Access Statement dated 27.02.2017, Transport Statement dated 27.02.2017, Sections 1641/13 across pitches dated 02.03.2017, Section 1641/01 across field dated 02.03.2017, Location Plan dated 07.03.2017, Drainage Statement dated 30.05.2017, Drawing EPG/8667/SD/01 dated 30.05.2017, Lighting Philips Optivision dated 17.05.2017, Proposed Plans and Elevations 1273-P-101 P5 dated 28.04.2017, Email dated 16.05.2017, Email dated 17.05.2017, Drawing Car parking dated 17.05.2017, Email dated 24.05.2017, subject to:

**7.2 Referral of the application to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 and;**

**7.3 The following conditions:**

**Conditions:**

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



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

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

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

3. The flood lighting of the all-weather pitch shall be installed in strict accordance with the plans and details hereby approved, and shall be retained and maintained in accordance with the approved details at all times thereafter.

Reason: In order to minimise lightspill outside the site in the interests of visual and residential amenity.

4. The flood lighting hereby approved shall be switched off between the hours of 18.30 - 08.00 Monday to Saturdays and shall not be switched on at all on Sundays, Bank or public holidays.

Reason: In the interests of residential amenity

5. The all-weather pitch shall be used only by the applicant (but which shall include matches played between a team representing the applicant and a visiting team) and shall not be used (whether for hire or free of charge) by other groups/organisations/associations.

Reason: In the interests of residential amenity.

6. The all-weather pitch shall be used only between the hours of 08.30 to 18.30 Mondays to Fridays, 10.00 to 18.30 on Saturdays and shall not be used on Sundays, Bank or public holidays.

Reason: In the interests of residential amenity.

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

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

8. The pavilion building hereby approved shall be used only by the applicant and shall not be used (whether for hire or free of charge) by any other groups/organisations/associations.

Reason: In the interests of residential amenity.

- 9 The use of the all-weather pitch shall not commence until the acoustic barrier has been installed in accordance with details that have first been submitted to and approved by the Local Planning Authority. Thereafter the acoustic barrier shall be maintained as such in perpetuity.

Reason: In order to protect the residential amenity of the neighbouring properties.

- 10 The use of the car park shall not commence until details of bollard lighting within it have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: In order to protect the residential amenity of the neighbouring properties.

- 11 The development shall be carried out in accordance with the approved sustainable drainage strategy dated 26.05.2017 and as shown on drawing no EPG/8667/SD/01 and no subsequent development shall be undertaken that prejudices the approved drainage scheme at any time.

Reason: In order to ensure that the development incorporates appropriate surface water drainage measures.

- 12 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

- 13 The car park hereby approved shall not be used until such time as details for the management of its use as part of the overall parking provision within the school site have been submitted to and approved by the Local Planning Authority and it shall be used only in accordance with the details so approved.

Reason: In the interests of residential amenity.

**Informative:**

1. 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 Protection Team on [pollution.control@tmbc.gov.uk](mailto:pollution.control@tmbc.gov.uk) in advance of the commencement of works to discuss this further. The applicant is also advised not to undertake construction works outside the hours of 08:00 - 18:00 Monday to Friday, 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.

Contact: Matthew Broome

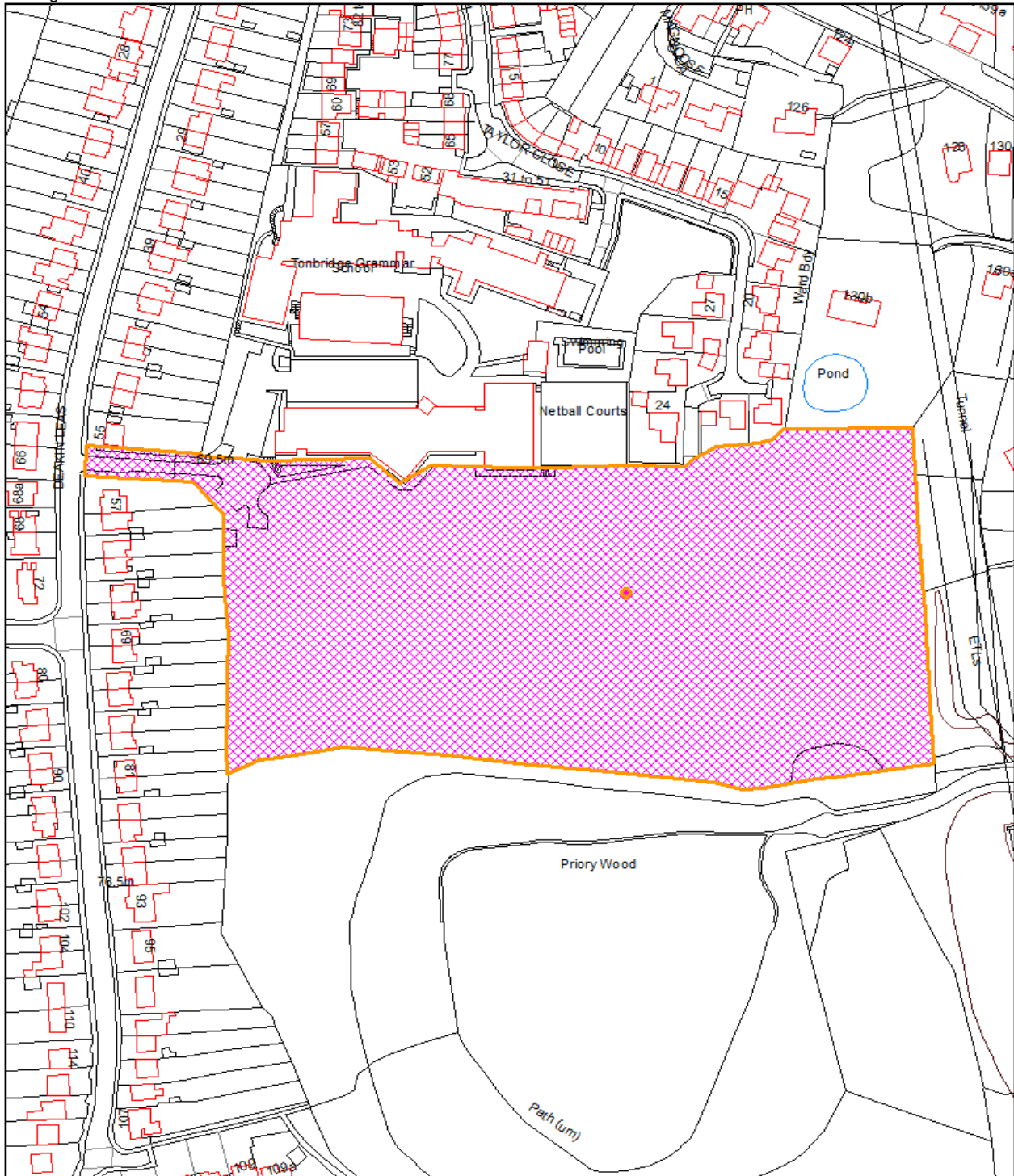
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**TM/17/00525/FL**

Tonbridge Grammar School For Girls Deakin Leas Tonbridge Kent TN9 2JR

Development of an artificial turf playing field including fencing and floodlights, car parking and pavilion and land grading

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**Tonbridge**  
Medway

**30 November 2016**

**TM/16/03530/FL**

Proposal: New build Jaguar Land Rover showroom and aftersales facility. The application includes a new showroom, drive-in service lane, 20 bay workshop with MOT facility, external valet structure and associated external works

Location: Land North and South of Woodgate Way Tonbridge Kent

Applicant: Mr Stephen Pettyfer & Mr Harry Teacher

Go to: [Recommendation](#)

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## 1. Description:

- 1.1 Detailed planning permission is sought for the development of a purpose built 'Jaguar' and 'Land Rover' car showroom and after sales facility. This includes car showroom space, a drive-in service lane, a 20 bay workshop with MOT facility, external valet facilities and other associated external works including new means of access from both Woodgate Way (A26) and Tudeley Lane, together with surface level and roof level parking for customers, staff and display vehicles.
- 1.2 The proposed development includes an 18 car showroom at ground floor with associated offices and handover bays divided between the two brands. To the rear of the showroom and on the first floor is office and amenity accommodation for staff, with a customer drive-in facility located to the rear of the showroom. The workshop provides separate bays for vehicles, an MOT bay and a speciality services and parts department. The roof of the building above the workshop would be utilised for additional car parking and is accessed via a ramp on the north elevation of the building.
- 1.3 New vehicle access points into the site are proposed from both Tudeley Lane to the north and Woodgate Way (A26) to the south.
- 1.4 By way of background, these proposals arise from a decision made by Jaguar and Land Rover to combine brands – something that is happening nationally and even globally – and following the applicant's (Jardine Motors Group) successful acquisition of the Tonbridge Land Rover business currently located at Vale Rise. It is understood that the applicant has undertaken an extensive site selection process covering the Sevenoaks, Tonbridge and Tunbridge Wells areas to identify a suitable and developable new dealership site for these combined brands. The application documents detail that both the current Jaguar (Sevenoaks) and Land Rover (Tonbridge) sites have proved to be congested and not able to fulfil customer expectations. The applicant has therefore chosen to locate a new site with a purpose built dealership facility combining both brands; a model that has been rolled out elsewhere.

1.5 The application documents detail that the current Land Rover (Tonbridge) premises would continue to trade as a luxury vehicle centre bringing premium brands to Tonbridge, and ensuring that existing employment at the site remains. In terms of the proposed dealership, it is outlined that the proposals would generate new employment opportunities for approximately 111 staff, including a mix of both full and part-time staff, employed by the proposed dealership. These include a mix of skilled personnel, together with apprenticeship training opportunities run by the applicant, Jardine Motors Group.

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

2.1 Locally significant development and departure from policies contained within the Development Plan.

**3. The Site:**

3.1 The site comprises a parcel of land measuring approximately 1.29 hectares in size and is located on the south-eastern tip of Tonbridge, within the urban confines as defined by TMBCS Policy CP11. The land is currently in an open agricultural use and is surrounded by relatively mature vegetation (primarily trees and hedgerow) principally to the northern and southern boundaries.

3.2 The site is designated as safeguarded employment land by virtue of policies E1(k) and E3(m) of the DLA DPD.

3.3 The site lies within Flood Zones 2 and Zone 3a (in part), with the Somerhill Stream broadly defining the eastern boundary of the site. To the western boundary is the recently constructed 'Barnes Lodge' Care Home, to the north Tudeley Lane (a PROW and Bridleway) with the recently constructed Redrow Homes 'Somerhill Green' residential development beyond, and further to the east the office complex of 'Somerhill Business Park' and Porsche and Mini car dealerships. The A26 Woodgate Way lies immediately to the southern boundary of the site with Somerhill Park, a Grade II Listed Registered Historic Park and Garden beyond.

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

TM/95/50998/OA      Refuse      1 December 1995

Outline Application: Demolition existing buildings, erection retail store including bakery, coffee shop, crèche, pharmacy, petrol filling station, car wash, ancillary offices, storage, servicing and access

**5. Consultees:**

5.1 TWBC (neighbouring Authority): No response received.



- 5.2 KCC (H+T): Notes from the traffic data submitted and the estimates of traffic generation from TRICS comparisons that this proposal is expected to generate about 2 to 2.5% of traffic volumes on Woodgate Way. This level of additional movement is within daily traffic flow variations noted from the automatic count data and could not be asserted to constitute a severe impact.
- 5.2.1 The alignment of Woodgate Way is good offering good forward visibility. Visibility from the new access junction proposed similarly allows for appropriate splay lengths to be provided proportionate with observed through traffic speeds. The level of traffic activity to the site does not warrant the need for a right turning lane. Woodgate Way is 7.3m wide between the edge lines; the proposed access is on the northern side approx. 280m from the roundabout with Tudeley Lane. The car parking proposed is commensurate with adopted car parking standards, the operation of the proposals expected from the clients experience and accumulation profiles obtained from the TRICS analysis.
- 5.2.2 Notes that the tracking analysis provided for car transporter deliveries and use of the alternative egress onto Tudeley Lane. It is considered that use of this procedure for deliveries should be secured and maintained by condition to any planning approval so that any other possible but potentially undesirable manoeuvres are made contrary to any approval notice. Loading and unloading activities undertaken on Woodgate Way or Tudeley Lane should not be needed from this proposal and should therefore not be permitted.
- 5.2.3 The exit tracking analysis sweeps to the northern side of Tudeley Lane. It is further considered that should this application be approved, that as part of the necessary agreement with the Highway Authority for works to be undertaken in the highway, the applicant is required to implement parking restrictions on Tudeley Lane to enable manoeuvring to be undertaken satisfactorily and unhindered.
- 5.2.4 No objections to this application are raised, subject to the imposition of conditions.
- 5.3 Highways England: Is satisfied that on the basis of the information supplied, trips generated will be of a level and distribution that will not materially affect the safety, reliability and/or operation of the Strategic Road Network. Therefore, confirm that there are no objections to the proposal.
- 5.4 EA: Due to the vulnerabilities of the developments immediately downstream from the site, including the proposed [now permitted] school, it is essential that no works are undertaken that could increase the flood risk to this area.
- 5.4.1 Based on the modelling undertaken by the applicant, the proposed site is shown to only be at risk from flooding following extreme events greater than the 100yr return period, or in the event of culvert blockages. However, there is a degree of uncertainty in flow estimation for this watercourse and so minor increases in the design flow would indicate a greater flood risk.

5.4.2 The applicant has reiterated that site levels will be kept as existing. However drawing 3199-018A illustrates two cross sections across the site which indicate changes to site levels. These changes in ground level are not quantified but both cross sections indicate minor increases in ground level. Consequently, if flooding of the watercourse should occur, the proposed development would result in a small loss of flood storage if levels are to be raised as indicated on drawing 3199-018A. This would place the downstream school site and residential development at a slight increased risk of flooding.

5.4.3 If having undertaken the Sequential Test the local authority are minded to grant planning consent for this development, the area of the site at greatest flood risk is to be allocated for car parking and so represents a less vulnerable use as indicated by Table 2 of the Technical Guidance to the NPPF. On this basis there is no objection to the proposal subject to inclusion of the following condition.

- The development hereby permitted shall not be commenced until such time as a scheme to ensure a suitable flood compensation strategy will be implemented to offset raising of ground levels in the area shown to be within Flood Zone 3 of the Environment Agency Flood Map, has been submitted to, and approved in writing by the Local Planning Authority.

5.4.4 For information, the Somerhill Stream adjacent to the site is a designated 'main river' and under the jurisdiction of the EA for its land drainage functions. As of 6 April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Any activities in, over, under or within eight metres of the top of the bank may require a permit with some activities excluded or exempt. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

5.5 KCC (LLFA): Confirms that provided the EA is satisfied with the further information submitted in relation to flood model extends and blockage scenario, and that the blockage scenario is accepted as "low" risk, we accept that the drainage measures as proposed provide appropriate attenuation of surface water generated within the site with an appropriate discharge rate.

5.6 Natural England: Comments in relation to this application are provided in the following sections:

5.6.1 *Statutory nature conservation sites – no objection.* Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

5.6.2 *Protected landscapes.* The proposed development is for a site within or close to a nationally designated landscape namely High Weald AONB. Natural England advises that the planning authority uses national and local policies, together with

local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

- 5.6.3 In this respect a decision should be guided by paragraph 115 of the NPPF which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.
- 5.6.4 Alongside national policy landscape policies set out in the development plan, or appropriate saved policies, should be applied. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.
- 5.6.5 *Protected species.* Natural England has published Standing Advice on protected species which should be applied to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.
- 5.6.6 *Local sites.* If the proposed site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.
- 5.6.7 *Biodiversity enhancements.* The application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

- 5.6.8 *Site of Special Scientific Interest Impact Risk Zones*. The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires LPAs to consult Natural England on development in or likely to affect a SSSI.
- 5.6.9 Natural England has been re-consulted on further information (including a Landscape and Visual Impact Assessment report (LVIA)) and the above advice remains valid.
- 5.7 AONB Unit: The applicant's Planning Statement at 6.1.7, 6.1.30 and 6.1.31 says that the AONB boundary has not been 'updated' to take account of the employment allocation, the site does not functionally relate to the AONB and that the scope of the LVIA has been agreed by the AONB Unit. None of these statements are correct. The AONB boundary does not need to be updated, rather the allocation needs to be reviewed in the light of the designation since this AONB status appears to have been missed by error at the time of the employment allocation. Lastly the summary of relevant policies in the Planning Statement ignores the relevance of AONB policies, and in particular paragraphs 115 and 116 of the NPPF. The latter requires that planning permission will be refused for major development other than in exceptional circumstances. This test is not addressed at all in the Planning Statement.
- 5.7.1 Turning to the LVIA, the AONB Unit has no previous sight of the scope of this work and does not endorse it. As a nationally designated landscape the site should automatically be assessed as having high value, albeit that localised factors could in theory reduce its sensitivity. In paragraph 5.18 and the summary the site is described as not displaying any of the landscape characteristics of the AONB and not playing an intrinsic role in the AONB. This misses the point that the site was included in the AONB in 1983 because it was considered to meet the very high designation standard, and that any degradation since should be seen as an opportunity for enhancement not an excuse to develop.
- 5.7.2 Issue is also taken with the statement in 5.45 that "from a visual perspective, there are no opportunities for long ranging views of the site (and therefore development upon it) from the wider High Weald AONB". The site is an open green space which contributes positively to the setting of the A26, itself also within the AONB. The proposed development, with its open aspect to the A26, would have a significant visual impact on the AONB within and around the site which has not been taken into account at all by the LVIA.
- 5.7.3 In summary, the AONB unit feels that plans for this development do not appear to have been amended at all with respect to the impact on the AONB, and in particular the loss of vegetation along the A26 and its consequential increased visual impact on the AONB. I therefore continue to object to this proposal for the reasons set out in my letters of the 10<sup>th</sup> and 27<sup>th</sup> January 2017 – [those being] the proposed development would have a significantly damaging impact on the setting of the AONB by virtue of the visual prominence of the development from the

AONB boundary, the loss of the natural flood plain function and the detrimental impact on the habitat alongside the Somerhill Stream. This would be contrary to the objectives of the High Weald AONB Management Plan and paragraph 115 of the NPPF which requires that great weight be given to conserving and enhancing the AONB.

5.7.4 A further response from the High Weald AONB Unit has been received which notes the addition of 'new native hedgerow' along the boundary of the site with the A26. This addition is an improvement from the original drawings and will help to screen the open car parking provided it is well maintained and kept at a reasonable (2m) height. However, it is still proposed to remove the existing foliage on the highway boundary which will significantly open up views of this site, and of course instead of these views being of an open field as at present, they will be of car parking, hard-surfacing and buildings. This could not be said to either conserve or enhance the character of the AONB. I therefore continue to object to this proposal for the reasons set out in my earlier letters.

5.8 KWT: Notes that the revised plans now show the River Bank and its existing shrub vegetation will be retained within an additional 3m native vegetative buffer creating an 8.5m buffer between any hard-standing areas and the water's edge. These revisions are welcomed, albeit that this eastern boundary represents just a small percentage of the total length of the site boundary.

5.8.1 However, it is not accepted that the Planning Statement claim (para. 6.1.68) that 9 new trees to be planted (in extremely small planting beds) along the northern and southern boundaries will compensate for the loss of trees and the mature hedgerow along the Woodgate Way boundary. This structured 'edge' habitat contributes to an extensive network of corridors that connect South Tonbridge suburbs with the wider countryside. The eastern boundary trees, alongside the stream, connect to the Somerhill Park Local Wildlife Site to the south as well as countryside, a short distance away, to the north. Such attributes are likely to make these corridors important for many small mammals, including hedgehogs, and for foraging and commuting bats.

5.8.2 It is believed that the site is more valuable for wildlife than the protected species assessment suggests and that proposals to remove a large proportion of the boundary vegetation will weaken significantly the wildlife benefits of the wider network of vegetated corridors. The removal of all vegetation along the Woodgate Way boundary is particularly striking given the retention of edge habitat on recently developed sites immediately east and west of the application site.

5.8.3 The form and scale of the proposed development represents an over-development of the site. It will significantly detract from (if not sever completely) the site's role as an important element of a connected network of corridor habitats linking suburbs with the wider countryside. The development of the site for employment purposes and the retention of strong boundary habitat features are not mutually exclusive.

5.9 Southern Water: Should the LPA be minded to approve the application, recommend the imposition of a condition requiring details of foul and surface water sewerage disposal to be submitted to and approved by the LPA. It is also recommended that an informative is included stating the need for a formal application to Southern Water for connection to the public sewerage system.

5.10 Private Reps: 19 + site + press notice/0X/12R/0S. The representations received can be summarised as follows:

- Concerns with an increase in traffic on Tudeley Lane which is already a narrow road, serving the growing Somerhill Green development, the small Business Park, Mini/Porsche showrooms and new Primary School;
- Increased off-site car parking and the introduction of car transporters will only congest Tudeley Lane further. Notes that car transporters regularly park in the main road outside the existing Land Rover dealership at least once a week (sometimes more often) between 06:30 and 07:30 increasing the risk of accidents for road users;
- Consideration must be given to ensuring that car transporters be prevented from stopping on main A26 – particularly when the site is closed;
- Concerns with proposed new access onto A26 where traffic is moving at fast speeds;
- Cycling in the area is dangerous – there are no cycle paths nearby and a lot of fast moving traffic surrounds the area;
- Increase in noise from the proposed development (in terms of vehicle traffic and car servicing, repair and maintenance) which will have an effect on surrounding residents, including those in the new Abbeyfield Care Home (Barnes Lodge);
- Increased light pollution from intrusive site lighting;
- Surface water and flooding concerns from hard-surfacing an entirely greenfield site;
- Significant loss of natural habitats and wildlife through removal of trees and boundary vegetation;
- The development proposals are not sustainable – it does not contribute to the protection and enhancement of the natural environment and does not help (but actually diminishes) biodiversity and fails to adapt to climate change in a positive manner;

- The Government attached great importance to design and good design (in the NPPF) which is a key aspect of sustainable development – the proposed scheme fails in this respect and detracts from the locality by not protecting the character/appearance of the area, maintaining hedgerows and biodiversity;
- The submitted LVIA fails to take proper account of the locality, specifically in respect to the level of ‘tranquillity’ of the site. The document is selective and therefore incomplete; and
- Questions whether there will be any charging points for electric vehicles.

5.10.1 An objection has also been received from TCS based on the inappropriate use of the site which is not zoned for this purpose. It cites dangerous access onto Woodgate Way, generation of excessive traffic particularly in the context of the new Primary School (Bishop Chavasse), loss of trees and an adverse impact on a registered/listed Park and Garden and High Weald AONB. It considers that a more appropriate siting for the proposed development would be the former “Colas” site.

## **6. Determining Issues:**

6.1 This application seeks detailed planning permission for the development of a purpose built joint venture car dealership (serving both Jaguar and Land Rover brands) including showroom and after sales facility, service and MOT facilities, together with associated external works including new means of access, landscaping and parking. The main issues raised by the proposal are:

- Principle of development (including employment land allocation);
- Impact on the character of the area and the High Weald AONB;
- Impact on the setting of Somerhill Park;
- Highways and parking considerations;
- Flooding and drainage considerations;
- Design and amenity considerations;
- Ecology, trees and proposed site landscaping; and the
- Overall planning balance and conclusions.

### *Principle of development (including employment land allocation):*

6.2 The site is safeguarded for employment purposes by Policies E1(k) and E3(m) of the DLA DPD. These policies state that except where otherwise specified, proposals for non-employment uses, i.e. uses other than Business Use (B1), General Industrial Use (B2), or Storage and Distribution Uses (B8) will not be

permitted. The application proposes that the site will be used as a car dealership and servicing facility, a use which is considered to be Sui-Generis use under the Town and Country Planning (Use Classes) Order 1987 (as amended). On this basis, the proposals represent a Departure from the adopted Development Plan since the proposed use does not fall within the safeguarded B1, B2 or B8 land use allocation.

6.3 It is important to remember that the Council, in its role as Local Planning Authority, is required to determine planning applications in accordance with the Development Plan in force unless material considerations indicate otherwise.

6.4 Paragraph 22 of the NPPF, an important consideration in the determination of this application, advises that:

*“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. [...] Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”*

6.5 With this in mind, whilst the proposals do not relate to a typical traditional-sense employment “B” type land use, they do nonetheless offer a significant degree of employment potential. The application documents indicate that the proposals would generate in the region of 111 jobs with a mix of full and part time staff. The application details that the applicant, Jardine Motors Group, is one of the largest automotive retailers in the UK who are dedicated to delivering exceptional opportunities for employees – those covering a wide range of service sectors including sales, administration, management, finance, vehicle technicians, parts operatives, valet staff and drivers. A number of these roles require skilled workers with previous experience. However many do not and therefore the proposals represent a significant opportunity to secure a good range of jobs for the local labour market. It is understood that the applicant, through its Jardine Academy programme, is committed to apprenticeships including those training as vehicle technicians and all other areas of the business. In addition to the direct employment opportunities, the proposals also offer indirect employment through subcontracted roles such as site maintenance and cleaning.

6.6 Arguably, the proposals put forward for this site could offer a greater degree of employment opportunities – and including a greater spread of employment from skilled workers to apprenticeships – than could arise through a traditional “B” type employment land use such as storage or distribution warehouse, for example. I recognise the high level of employment offered by the proposed scheme and accordingly, afford this factor significant weight in my assessment of the prevailing development plan employment land allocation.



- 6.7 Moreover, I am mindful that whilst the application site has been allocated for similar employment-type land uses for the last 24 years (since 1993) within the Council's successive development plan documents, no firm employment prospects have been forthcoming. On the basis of these key market signals over that considerable period of time, I find that for the purposes of applying the guidance within paragraph 22 of the NPPF there is no reasonable prospect of the site being used for the allocated "B" type employment land use. It is therefore entirely reasonable, in my view, to consider a more flexible approach towards the development of this site, taking into account the broad objective of securing economic development and investment in the area and an ongoing supply of local jobs.
- 6.8 The application details that the applicant has undertaken an extensive site selection process covering the Sevenoaks, Tonbridge and Tunbridge Wells areas in order to identify a suitable and deliverable new dealership site for these combined brands. Existing Jaguar (Sevenoaks) and Land Rover (Tonbridge) sites have proved to be too small/congested and not able to fulfil customer demands from a modern dealership facility. Within Tonbridge, I am aware that there are very few sites which could reasonably be developed for such facility, with the only real contender being the former "Colas" site off Vale Road/Vale Rise (A26) and opposite the new Mercedes dealership. It is understood however that this site is not readily available for such development and therefore does not form a realistic alternative to the proposed site.
- 6.9 Whilst I accept that these proposals represent a technical departure from the adopted development plan in so far as the proposals do not relate to a "B" class land use, I have found that the proposals include a significant amount (and wide range) of employment opportunities. In light of this, the proposals do reflect the key spirit of the original employment land allocation so far as it relates to the creation of jobs that would contribute to the local economy, and in turn the wider economic and social objectives of sustainable development. I am satisfied on the evidence available that there are no realistic prospects of this site coming forward for a traditional "B" type employment land use and that these proposals could not be located on an alternative, or sequentially preferable, site within Tonbridge. Taking these factors into consideration, and having regard to the emphasis the NPPF places on not seeking to protect allocations in the long term, I do not consider there to be any justification to resist the principle of this proposal within the context of safeguarded employment land in this instance.

*Impact on the character of the area and the High Weald AONB:*

- 6.10 The application site comprises land which has most recently been used for agricultural purposes. It is free from any built structures and has not been the subject of previous built development despite it being safeguarded as employment land within the Council's development plan for circa 24 years. It contains boundary vegetation, comprising a mix of varying quality trees and hedgerows, those

principally forming its northern and southern boundaries with Tudeley Lane and Woodgate Way (A26) respectively.

- 6.11 The statutory duty to define the boundary of the High Weald AONB lies with Natural England, with the most recent statutory designation in this area being in 1983 by the then Countryside Commission (now Natural England). AONB boundaries were historically mapped at quite low resolution (for example an inch to the mile or 1:50,000) and therefore their definitive boundaries cannot be practically identified to closer tolerances. With that said, having reviewed the definitive map of the High Weald AONB (produced by the Countryside Commission in 1983), and having discussed the matter direct with NE, it now seems beyond reasonable doubt that the application site, together with surrounding land to the east (Somerhill Business Park – which falls within Tunbridge Wells Borough) and to the west (Barnes Lodge residential care home) falls within the designated High Weald AONB. This is explained in more detail below for the avoidance of any doubt:
- 6.12 In reviewing the Council's Development Plan Proposals Map, it has become clear that there has been a policy mapping inconsistency in so far as the land to the north of Woodgate Way – including the application site and the adjacent Barnes Lodge care home – have been shown outside of the AONB designation. In fact, upon further review it has been identified that the land has been shown outside the AONB for some 24 years within earlier adopted development plans. A similar policy mapping error is understood to have also occurred with the adjoining land to the east (Somerhill Business Park) which falls within Tunbridge Wells Borough (who we sought to notify of the issue once it was discovered). Although it cannot be ascertained why or how this has happened, several factors – including the construction of Woodgate Way in the late 1980's and the low resolution of the definitive 1983 map – are likely to have contributory factors.
- 6.13 Notwithstanding this now apparent long-standing position which has occurred in this part of South Tonbridge, it is important to note, as explained above, that the statutory duty to designate (and ultimately re-define) the boundary of an AONB lies with Natural England and not the Borough Council in its plan making function. With this in mind and upon identifying the error in question, immediate steps were taken to liaise with Natural England in order to establish the most appropriate way forward. Natural England advised that the current AONB boundary within this part of South Tonbridge is that shown on the definitive 1983 map produced by the then Countryside Commission and that the boundary of the High Weald AONB in this locality has not been reviewed or amended since. However, they also recognised that part of the AONB between its boundary and Woodgate Way has become affected by building development over time (post designation) to such a degree that the designation has become effectively meaningless within the developed area. This is not a common situation but similar examples do exist elsewhere. It could be argued that development control decisions in the past have not been taken having regard to the purpose of conserving and enhancing the natural

beauty of the AONB, but there is little to be gained from dwelling on the matter. Nevertheless, there is no doubt that the application site lies within the High Weald AONB, and ultimately these proposals must be considered as such, albeit recognising the actual context that has arisen adjacent to the site in recent decades.

6.14 First and foremost, Section 85 of the Countryside and Rights of Way Act 2000 places a duty on the Council (in this case in its role as Local Planning Authority) that in exercising or performing any of its functions in relation to, or so as to affect, land in an AONB, it shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

6.15 The development plan, by virtue of TMBCS Policy CP7, requires that:

*“Development will not be proposed in the LDF, or otherwise permitted, which would be detrimental to the natural beauty and quiet enjoyment of the Areas of Outstanding Natural Beauty, including their landscape, wildlife and geological interest, other than in the exceptional circumstances of:*

*(a) major development that is demonstrably in the national interest and where there are no alternative sites available or the need cannot be met in any other way; and*

*(b) any other development that is essential to meet local social or economic needs.*

*Any such development must have regard to local distinctiveness and landscape character, and use sympathetic materials and appropriate design.”*

6.16 The NPPF, a material consideration in the determination of this application, recognises the importance of AONB's, stating at paragraph 115 that:

*“Great weight should be given to conserving landscape and scenic beauty in [...] Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.”*

6.17 The NPPF goes on to state at paragraph 116 that:

*“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*

- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

- 6.18 The application proposals relate to the development of a purpose built car dealership centre comprising the main showroom and servicing building, a car valet building, bin storage building, surrounding surface level car parking, landscaping and new vehicle entrances from Woodgate Way (A26) and Tudeley Lane. The proposed main dealership and service building would stand at approximately 8m tall (to the roof parapet level) and occupy a broadly central location within the site orientated with its front entrance façade facing south towards Woodgate Way. The remainder of the site would be occupied by a car park for use in connection with new and used car display vehicles, customer/visitor and staff parking. A second building, comprising car valet bays with an overall height of 4m would be situated on a north-south axis and be located close to the western site boundary with Barnes Lodge care home.
- 6.19 It is crucial to consider the prevailing site context, including surrounding land uses and associated built form, as part of the consideration of the proposals. In this locality, the character of the AONB is defined by its proximity to the urban edge of South Tonbridge. It is recognised that the tranquillity of parts of the AONB within the vicinity of the site, including the site itself, are affected by the edge of the established urban settlement and the presence of Woodgate Way (A26) which provides an important strategic road link around Tonbridge to the A21.
- 6.20 It is also important to note that the application site remains the last parcel of land within this southern belt of the Tonbridge urban confines, contained by Woodgate Way, that is undeveloped despite its longstanding employment allocation. Within recent years the surrounding area in the immediate vicinity of the application site has changed quite considerably owing to the presence of a number of key developments. Those include the construction of a large 3 storey care home building immediately west of the application site (which stands at circa 13m high), the former Priory Works industrial site being redeveloped for housing development including a mix of 2½ and 3½ storey buildings (with the higher buildings being located closest to the site entrance adjoining Tudeley Lane), the two storey office development of Somerhill Business Park just to the east of the site (situated within Tunbridge Wells Borough), and development at two car dealerships (Mini and Porsche) slightly further to the north-east of Tudeley Lane. Over a greater timescale, it must also be noted that the construction of the A26 Woodgate Way bypass in the 1980's considerably changed the character of the application site, including severing the AONB land to the north of the by-pass, including the application site, from the more open and tranquil landscape that is found to the south of the by-pass within Somerhill Park.

- 6.21 In order to assess the wider visual impact of this proposal upon the important landscape, the applicant has undertaken a Landscape and Visual Impact Assessment (LVIA). This provides evidence to support how the proposals are likely to sit within the wider AONB landscape as well as the more localised setting and surrounding built context the application site finds itself in today.
- 6.22 The landscape around Tonbridge is predominantly shaped by the River Medway with much of the town lying in the lower lying and broad Medway valley, with the southern part of the town occupying the gently rising land on the edge of the High Weald. The site itself is generally level (at around 30m AOD) and broadly follows a consistent level with immediately adjoining land, albeit the care home land to the west is on slightly elevated ground. To the north, the landform gently rises within the vicinity of the residential area of Lodge Oak Lane, whilst the topography rises more markedly at Somerhill Park (rising steeply from 35 to 80m AOD). The Park forms part of a localised ridge of higher land than Tonbridge, stretching to The Brakes (100m AOD) and Castle Hill (125m AOD) further south. This rising topography to the north and south, together with the existing tree cover and the built-up area of Tonbridge, effectively provide a significant degree of visual containment of the application site from the wider landscape.
- 6.23 The submitted LVIA includes an assessment of the key visual receptors from where views of the proposed development are likely to be obtained. These key visual receptors are then broken down into 3 categories: residential receptors (including residents within Somerhill Green, Barnes Lodge Care Home and the properties that back onto Tudeley Lane); rights of way users (including from Tudeley Lane bridleway and the Tunbridge Wells Circular Walk which runs directly through Somerhill Park); and highway users (including the A26 Woodgate Way, Tudeley Lane and the B2017 Tudeley Road). This is considered to be a robust assessment of key visual receptors where I would expect localised views of the site, and therefore the proposals, to be obtained. The applicant's work has similarly demonstrated that there are no opportunities for longer-ranging views of the site owing to the natural containment of the site by virtue of the surrounding site topography.
- 6.24 Dealing firstly with localised views upon nearby residential receptors, filtered views of the proposed development would be gained by residents within the frontage of Somerhill Green and those that back onto Tudeley Lane. These views would be filtered owing to the presence of strong intervening mature trees along Tudeley Lane (northern side) and those within the application site which flank this lane; a number of which would be retained as part of the proposals. The overall change for these residents would not be significant, in my view, owing to this intervening vegetation and importantly would not be substantially different from the general glimpse views of the new Barnes Lodge care home.
- 6.25 Owing to the proximity of the newly constructed Barnes Lodge care home to the application site, close range views of the development would be gained for those

residents who directly overlook the site. The proposed development would, therefore, represent a markedly different change for those residents. However I am mindful that with the development of the care home site, along with other nearby sites that I have mentioned above, the characteristics of the locality have changed significantly to become more of a part of the general urban area of this part of Tonbridge. Moreover, the application site itself has been long allocated for employment development. The eastern flank boundary of the care home site has now been planted (in accordance with the terms of its planning permission) and in time, this new planting, once fully established, should help to mitigate views between the care home and the application site. It is also important to note that the care home land is situated on slightly higher ground (circa +1m) and therefore the overall height and bulk of the proposed development is, to a slight extent, reduced owing to this level change.

- 6.26 In terms of Tudeley Lane public footpath users, this route falls within the urban area of Tonbridge and is largely flanked by built development further west and east beyond the application site boundary. There would, inevitably, be some full views of the proposed development as people pass the site alongside its northern boundary, although views would be to some extent filtered by existing trees shown to be retained as part of the proposals. Proposed new planting along the northern site boundary would clearly be beneficial in softening the visual impact of the proposals from this public footpath.
- 6.27 The Tunbridge Wells Circular Walk runs broadly centrally on an east-west axis through Somerhill Park. As noted earlier, Somerhill Park topography rises steeply from its northern boundary flanking the A26 to the south (with a level increase between 35 – 80m AOD). Somerhill Park contains many interspersed mature trees as well as planting flanking its northern boundary with the A26, all of which assist in the screening of the application site and also the urban edge of Tonbridge, from this historic park and garden. Whilst I acknowledge there would be some partial views of the proposal from this right of way, any such views would be seen within the wider backdrop of the built-up area of Tonbridge which forms an integral component of any view when looking north. The applicant's submitted photomontage view demonstrates that, in this context, glimpse views can be obtained of the Barnes Lodge care home building, the taller (Oast house) buildings in Somerhill Green and the slightly elevated residential area of Tonbridge beyond.
- 6.28 In terms of views from highway users, it is accepted that the proposals would inevitably result in a visual presence from the A26. These views would, however, be filtered by proposed new 'heavy standard' instant hedgerow planting and intermittent 'heavy standard' broadleaved trees. Once established, this would assist in filtering and 'softening' views of the proposed built form and would largely reflect the character and appearance of surrounding tree and hedgerow site boundaries which flank the A26. Similarly, views of the proposals from Tudeley Lane road users would be filtered by existing and proposed boundary vegetation and, ultimately, the proposals would not be seen as uncharacteristic in the context

of other built form which flanks the sides of Tudeley Lane i.e. Somerhill Green residential development, Somerhill Business Centre, Barnes Lodge Care Home and the existing Porsche and Mini dealerships.

- 6.29 The showroom building (which comprises the southernmost section of the overall built form) is to be clad in a combination of dark and light grey metal cladding panels, together with large areas of glazing. The workshop building and additional valet bay building (both located towards the north and west of the site) would be clad in a light grey metal trapezoidal cladding system. The proposed external cladding colours/materials are considered to represent an appropriate choice for the proposed building, and will ensure that the built form is not visually harmful to the surrounding character of the area and the wider landscape setting of the AONB.
- 6.30 The application is accompanied by a lighting plan for the site, including details of column mounted lights that would illuminate the site and car parking areas. This information demonstrates that the proposals would, by-and-large, result in the containment of light spill within the application site, with sections of between 1-5 lux falling slightly beyond the application site to all boundaries. Luminaires and columns will be strategically located to achieve the required lighting levels for safety and operation, but will be designed and located so as to minimise light spillage beyond the site. The proposed site lighting is considered to be appropriate for this location.
- 6.31 The LVIA has been subject to review by consultees and third parties, with views being received from Natural England and the High Weald AONB Unit. Importantly, Natural England has offered no objections to the proposals, noting that these proposals should be determined by applying national and local policies, together with local landscape expertise and by seeking advice from the AONB Unit. The AONB Unit has provided a number of responses on this application – based on changes to the scheme and the submission of a LVIA – but has maintained an overall position of objection to the scheme. The response is set out in paragraph 5.7 above, in which the unit states it remains concerned that the applicant's LVIA plays down the implications of the site's location within the High Weald AONB. More recently, and in light of amended proposals by the applicant for more mature (i.e. 'extra heavy' standard) hedgerow and tree planting along the southern site boundary, the Unit has recognised that this represents an overall improvement to the scheme which will help screen the open car park provided it is well maintained and kept at a reasonable height.
- 6.32 Whilst I acknowledge the comments provided by the AONB Unit, along with our statutory duty and the need to give great weight to conserving the landscape and scenic beauty of the AONB (as set out in paragraph 115 of the NPPF), I take the view that the prevailing site circumstances and that of the immediately adjoining built form provide an important context against which to determine this application. As discussed above, the site is physically defined by the A26 and surrounding built

form, all of which add to the overall urbanised characteristics of the locality. The site currently comprises an agricultural field which is, to a large degree, affected by the urban development of Tonbridge including the adjoining Barnes Lodge care home, Somerhill Green residential development and the Somerhill Business Centre (within Tunbridge Wells Borough). I have already concluded that from a wider visual perspective, opportunities for longer-ranging views of the site and the proposed development are limited owing to the surrounding site topography and intervening vegetation.

6.33 To conclude, based on the prevailing site circumstances and the character of surrounding developments which have come forward in recent years, and the particular characteristics of the proposed development including mitigation planting to the southern frontage, I am satisfied that these proposals can be absorbed within the landscape to a degree which would ensure the development would not be detrimental to the natural beauty and quiet enjoyment of the High Weald AONB. I therefore find that the proposed development is not contrary to the objectives of TMBCS Policy CP7 in relation to development within the AONB. Returning to the requirements of paragraph 116 of the NPPF, I consider there to be exceptional circumstances in the wider public interest that weigh in favour of the grant of planning permission. These are set out in detail in the preceding assessment but are centred on the broader economic benefits arising from the development taking place combined with the site specific context that has a crucial bearing on the landscape beauty of the AONB at this point. Although the physical presence of a building of this size and scale at this point within the landscape would have an impact on the landscape, this must be assessed within the wider context of the immediate surroundings and backdrop of nearby development. This is an important material consideration that has a direct bearing on the resultant impact of the development.

*Impact on the setting of Somerhill Park:*

6.34 Somerhill Park is a Grade II registered park and garden. The Park also contains a Grade I Listed Building (Somerhill) located to the south-east of the Park, and two Grade II Listed Buildings (Lake Cottage and Lake Bridge) located to the south side of the Park.

6.35 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires (inter alia) that an LPA shall have special regard to the desirability of preserving the setting of a listed building.

6.36 Registration of a park/garden is a material consideration in planning terms meaning that regard must be given as to whether the development would affect the park.

6.37 In these respects, paragraph 132 of the NPPF states that:



*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of Grade II listed building, park or garden should be exceptional [...]”*

6.38 As required, the applicant has provided a heritage assessment for these proposals, assessing the proposed development in the context of the significance of the heritage assets affected. I have already provided commentary above covering the extent of the overall visual impact of the proposed development from within the Park. As noted, the land within Somerhill Park rises steeply to the south of the site, and views of the application site (and ultimately the proposed development) are limited owing to the filtering of views by virtue of the existing trees and landscaping within the park and along its northern boundary with the A26. Furthermore, any glimpse views of the proposals would be seen against the prevailing urban edge of southern Tonbridge, including the existing built form within Barnes Lodge care home, Somerhill Green residential development, Somerhill Business Park and the backdrop of two further Mini and Porsche car dealerships.

6.39 On the basis of the submitted information, and my assessment of the prevailing circumstances, I conclude that these proposals would not result in any discernible detrimental impacts on the significance of the heritage assets, including the Park and further afield listed buildings within it.

Highways and parking:

6.40 The application site is currently accessed via a simple maintenance-type access from Tudeley Lane, used predominately to maintain the land for agricultural purposes. The proposals seek to construct a new principal means of access from Woodgate Way (A26); a single carriageway road which is subject to a 60mph speed limit with street lighting. It is also proposed to construct a secondary means of access from the site on to Tudeley Lane; a single carriageway road which is subject to a 30mph speed limit with street lighting.

6.41 Tudeley Lane currently serves a number of developments including the Somerhill Business Centre, two car dealership garages (Mini and Porsche), the new Redrow Somerhill Green residential development and the recently permitted Bishop Chavasse Primary School. Tudeley Lane has been permanently stopped-up along much of the northern boundary of the application site between the entrance to the new Somerhill Green residential development at Barnes Lodge Care Home; this former highway now forms a bridleway and footpath.

6.42 The application includes a Transport Statement (TS) which models existing and proposed traffic flows on Tudeley Lane and Woodgate Way, taking into account a

2018 baseline that includes the consented Redrow housing development at Somerhill Green. The submitted TS includes sections covering personal injury traffic accident data, accessibility of the site (in terms of pedestrian, cycle and public transport modes) and proposed development site traffic generation including proposed traffic movements, parking and access arrangements for Woodgate Way and Tudeley Lane, a traffic impact assessment, stage 1 road safety audit and travel plan.

6.43 The submitted TS notes the following key information:

- The existing peak hour traffic on the A26 is 1,429 two-way vehicle movements (morning) and 1,657 two-way vehicle movements (afternoon) – this data being collected via an Automatic Traffic Count undertaken in September 2016;
- Personal injury accident records indicate no highway safety issues in the vicinity of the site;
- It is proposed to construct a new simple priority all movements' access on to the A26 and a secondary means of access from Tudeley Lane for service vehicles (such as car transporters). The Tudeley Lane access would be located in the same position as the existing maintenance access but it would be widened to accommodate car transporter vehicles;
- The site would have 119 parking spaces for staff and customers/visitors and 189 spaces for the storage of vehicles. The submitted documents indicate that the proposed maximum parking demands for the site would be 75 vehicles and therefore the proposed 119 spaces would accommodate the sites operational requirements and meet with adopted parking standards; and
- The proposed development would generate 41 two-way vehicle movements (morning) and 31 two-way vehicle movements (afternoon) on the A26;

6.44 The applicants TS has been reviewed by KCC (H+T), responsible for the surrounding Local Highway Network, and Highways England who are responsible for the strategic road network (i.e. the A21). KCC Highways consultee comments are set out in full at para. 5.2 above: however, to summarise it has not raised an objection to these proposals. It has noted that based on the estimated traffic generation from TRICS comparisons the proposal is expected to generate about 2 to 2.5% of traffic volumes on A26 Woodgate Way; this level of additional movement being within daily traffic flow variations noted from the applicant's automatic traffic count and would therefore not be asserted to constitute a severe impact.

6.45 It further notes that the alignment of Woodgate Way is good in offering good forward visibility. Visibility from the new access junction proposed similarly allows for appropriate splay lengths to be provided proportionate with observed through traffic speeds. Furthermore, it considers that the level of proposed traffic activity to

the site does not warrant the need for a dedicated right turning lane from Woodgate Way (A26) and that the proposed level of car parking is commensurate with adopted parking standards, in line with that expected from the applicants own experience of similar sites elsewhere and accumulation profiles obtained from the TRICS analysis.

- 6.46 In terms of the proposed secondary means of access onto Tudeley Lane, KCC (H+T) notes the submitted tracking analysis provided for car transporter vehicles. It has suggested that the use of the exact procedure for deliveries (by car transporter) be secured and maintained by condition of any planning permission. Whilst technical tracking details do show that car transporter vehicles can egress the site onto Tudeley Lane, and therefore such movements are capable of working in principle, the request from the Highway Authority for securing detailed arrangements for site deliveries by car transporters is a reasonable and proportionate approach in this instance; something that is possible to secure via planning condition. Moreover, I consider that these delivery arrangements are necessary in light of the proximity of the proposed secondary means of access onto Tudeley Lane to the recently permitted Bishop Chavasse Primary School and the under-construction homes at Somerhill Green. Such a scheme will also need to include arrangements for out-of-hours delivery arrangements to the site, such that car transporter vehicles do not park on the surrounding roads of Tudeley Lane or Woodgate Way (A26) during early hours before the site opens.
- 6.47 KCC (H+T) has noted that should the application be approved, it will be necessary for the applicant to enter into a S278 Agreement with the Highway Authority. At this stage I understand that such an agreement would need to cover junction works to be undertaken in the highway, parking restrictions on Tudeley Lane (to ensure car transporter vehicle tracking can be achieved at all times), and a review of boundary treatment, street lighting and crash barriers along the site frontage and highway verge with Woodgate Way (A26).
- 6.48 Highways England has confirmed that, on the basis of the information supplied, trips generated will be of a level and distribution that will not materially affect the safety, reliability and/or operation of the strategic road network. Therefore, it has not raised any objections or requested any requirements to the proposals.
- 6.49 I am mindful that the NPPF makes it very clear (at paragraph 32) that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst I appreciate that this site does not benefit from any extant planning permission – it is quite simply an undeveloped site – in light of the consultee views of both KCC Highways and Highways England, I have no grounds to conclude that the development would result in a severe residual cumulative transport impact such that a refusal of planning permission on this basis could be justified.

- 6.50 As outlined above, the proposals do include a significant degree of employment; up to 111 jobs, of which the applicants estimate that around 69 staff could be on the site at any one time. Whilst the site is some distance from the main town centre, there are nonetheless footpaths running along the side of the A26 and Tudeley Lane meaning that the site is accessible by foot from the surrounding residential areas to the north, also linking into public transport bus services from Lodge Oak Lane. It is also proposed to provide 10 cycle parking spaces within the site and the application includes a travel plan setting out the applicant's intentions for reducing dependence on staff car journeys. These proposed measures will assist in integrating the proposed dealership into the locality, including the potential for reducing the dependence on private staff car journeys.
- 6.51 I am satisfied that the proposed level of on-site customer and staff parking is acceptable, a position that has been accepted by the Highway Authority in its consultee response. The level of parking has been dictated through an assessment of adopted parking standards, together with the experience of the applicant found at similar joint-dealership sites around the country. In the latter respect, the applicant quite rightly notes that there is a degree of flexibility in terms of customer parking in so far as some customers will be arriving by courtesy vehicle (which would have their own dedicated parking areas) or, once dropped over in the hand over bays, customer vehicles would be moved to the service/workshop/valet areas (where there would again be dedicated spaces for these functions).
- 6.52 In conclusion, I have no objections to these proposals based on highway and parking matters subject to the imposition of conditions covering the provision of the agreed number of vehicle and cycle parking spaces within the site, together with a condition requiring delivery arrangements for car transporter vehicles covering both proposed movements in and out of the site and the arrangements for out-of-hours deliveries.

*Flooding and drainage:*

- 6.53 The application site lies within Flood Zones 2 and in part Zone 3a, with the Somerhill Stream broadly defining its eastern boundary. The site is currently an undeveloped/greenfield site, currently used for agricultural purposes.
- 6.54 The aim of national flood risk policy, as set out in the NPPF and the accompanying Technical Guidance, seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The overall aim is to steer new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, LPAs determining planning applications for development at any particular location should take into account the flood risk vulnerability of the proposed land use and consider reasonably available sites in Flood Zone 2. Only where there are no reasonably available sites in Flood

Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses.

6.55 In this instance, I have already outlined elsewhere in the report that there are a lack of suitable and deliverable sites for such facility within the urban confines of Tonbridge, with low flood risk areas. The only site which could be considered suitable is the former “Colas” site on the junction of Vale Rise/Vale Road, however it is understood that this is not available at this point in time for this development. Quite simply, it is accepted that there are no alternative sites within the locality that could be suitable for the proposed car dealership. On this basis, I must conclude that there are no reasonably available sequentially preferable sites for the proposed development within Flood Zone 1. Moreover, it must also be remembered that this site is allocated within the Development Plan for employment purposes under DLA DPD Policies E1(k) and E3(m) – a key material consideration in so far as it has already established the sequential preference of this site being developed for employment land use purposes.

6.56 The proposed development of the car dealership falls into the “less vulnerable” flood risk classification (as set out in the national Technical Guidance) where development in Flood Zones 2 and 3a is acceptable. NPPF paragraph 103 states that:

*“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment flooding the Sequential Test [...], it can be demonstrated that:*

- *within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and gives priority to the use of sustainable drainage systems.”*

6.57 The application has prepared a site specific flood risk assessment which has been reviewed by the EA. Following discussions between the applicant and the EA, and on the basis of further flood modelling work, the EA has confirmed it is prepared to remove its earlier objection to the proposal subject to the inclusion of the following condition with any permission:

*“The development hereby permitted shall not be commenced until such time as a scheme to ensure suitable flood compensation strategy will be implemented to offset raising of ground levels in the area shown to be within Flood Zone 3 of the Environment Agency Flood Map, has been submitted to, and approved in writing by the Local Planning Authority.*

*Reason: To prevent an increased risk of flooding elsewhere.”*

- 6.58 The imposition of this condition as requested by the EA is considered to be crucial in ensuring that flood risk beyond the site, most notably the Somerhill Green residential development and the recently permitted Primary School, are not placed at an increased risk of flooding, something that NPPF advice clearly seeks to prevent. Whilst the applicant has maintained that proposed site levels will be kept as existing, the EA has noted that there are some minor changes of levels shown within the submitted cross-section drawings. Consequently, if levels were to be increased within the application site by a minor degree, and flooding of the watercourse should occur, the proposed development is likely to result in a small loss of flood storage space and therefore could place development downstream at a slight increased flood risk.
- 6.59 The proposed condition therefore ensures that final consideration of proposed site levels, and as necessary suitable on-site compensation storage, is reserved for further consideration by both the EA and Planning Authority. In light of the advice from the EA I am confident that a technical solution can be found to ensure that the proposed development does not give rise to increased flood risk elsewhere, including the nearby residential and Primary School developments.
- 6.60 In accordance with the requirements of the NPPF, it will be necessary to secure the submission of a flood evacuation plan by condition. This can be appropriately conditioned as a technical detail which can be submitted to and approved before first occupation of the dealership, and thereafter maintained as approved for the life of the development.
- 6.61 Consultations have been carried out with KCC Flood and Water Management Team (as the Lead Local Flood Authority) who have confirmed that provided the EA is satisfied with the flood model extents and blockage data [which they are], it accepts that the drainage measures proposed in Appendix J and K of the submitted FRA prepared by WSP (November 2016) provide appropriate attenuation of surface water generated within the site with an appropriate distance rate. On this basis, no further conditions are required in respect with surface water drainage matters.
- 6.62 In conclusion, I am satisfied that the proposals are acceptable in the context of flooding and drainage matters, subject to the imposition of the condition covering site levels and on-site compensation storage space, as requested by the EA.

*Design and amenity:*

- 6.63 A core principle contained within the NPPF centres on the need to always seek high quality design and a good standard of amenity for all existing and future occupants of land. Chapter 7 of the NPPF broadly requires that planning decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings and materials, whilst not preventing or

discouraging appropriate innovation. Similarly, TMBCS Policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surrounding and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by MDE DPD Policy SQ1 which states that all new development proposals should protect, conserve and where possible enhance:

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

6.64 The proposals represent a functional building, based upon a joint venture proposal to deliver two premium brand car dealerships to Tonbridge. It is, of course, important to remember that the site is allocated for employment purposes and therefore could, in theory, be developed for general warehousing (or other employment-type uses) in accordance with that policy which would result in the site being occupied by most likely a series of industrial units.

6.65 The proposed built form would sit comfortably within the site and, although the main building is quite large (with an overall height of 8m to roof parapet), it would not appear incongruous when considered against the larger 3 storey (circa. 13m high) care home development to the west. The location of the main building within the central part of the site seeks to ensure a suitable relationship with the care home (a distance of at least 22m for the closest part of the main building) and indeed the residential dwellings situated within the newly constructed Somerhill Green residential estate (a distance of at least 35m for the closest part of the main building). Long cross-sections have been provided demonstrating that the proposed building will sit below the ridge height of the adjacent care home building by some 6m owing to the slightly elevated land levels (+1m) within the care home site.

6.66 The proposed development also involves the provision of a smaller, car valet building to be situated near to the western site boundary. This building has an overall ridge height of 4m and an overall length of 35m. Owing to the change in land levels between the application site and care home on higher ground (circa +1m) sectional drawings indicate that the proposed car valet building would appear as a typical 1 storey building (at around 3m in height) from the adjoining care home. Whilst the proximity of the valet building to the care home would be relatively close (circa 8m) owing to the valet buildings typical 1 storey height and that this part of the care home comprises by-and-large the ground floor commercial kitchen area and the external bin storage area, I find this relationship to be acceptable.

6.67 The main showroom and workshop building are to be clad in a combination of dark and light grey metal cladding panels, together with large sections of open glazing (for the car showroom area). The valet building and also the bin storage building would be similarly be clad in light grey metal cladding panels. The proposed external cladding colours/materials are considered to represent an appropriate choice for the proposed building, and will ensure that the built form is not visually harmful to the surrounding character of the area.

6.68 In conclusion, I consider that these proposals represent an appropriate, albeit functional, form of development for this particular site. In my view the proposed development represents a better form of development than could otherwise be secured through the site's employment land allocation, for example in connection with a storage/distribution building. I have also found that the proposed built form does not result in an unacceptable amenity impact for surrounding residential receptors, including those of Barnes Lodge care home, Somerhill Green or those properties slightly further afield which back onto Tudeley Lane.

Ecology, trees and proposed landscaping:

6.69 The application is accompanied by an Ecological Appraisal. This makes various recommendations including: that on the basis of proposed tree removal, clearance works should be undertaken outside of the bird breeding season (March-August inclusive); the retention of Somerhill Stream buffer landscaping (as requested by the EA); and that ecological enhancement measures such as bat boxes and native tree and hedgerow planting be incorporated as part of the development. These measures can be appropriately secured via planning condition.

6.70 The application is also accompanied by an Arboricultural report which identifies proposed tree removal as part of the development, trees which can be retained and pruned, and also tree protection measures to be employed during construction works to safeguard those trees within the site which are to be retained.

6.71 Overall, the report identifies that there are 21 trees within the site; this includes a mix of Oak, Beech, Ash, Horse Chestnut and Cherry trees. Of these, it is proposed to remove a number of which are immediately under the development footprint or very close to it such that they could not be retained. The table below indicates the trees which are proposed to be removed and their British Standard Classification:

	British Standard Category			
	A (High quality)	B (Average quality)	C (Low quality)	U (Lowest quality)
<b>Trees to be removed as part of proposed</b>		Tree 3 (Oak) Tree 6 (Beech)	Tree 1 (Beech) Tree 2 (Ash) Tree 8 (Ash) Tree 9 (Ash) Tree 10 (Horse Chestnut) Tree 12 (Ash) Tree 16 (Ash)	Tree 19 (Ash)



development		Total 2 x B Category tree	Tree 18 (Ash) Tree 20 (Cherry) Tree 21 (Oak)  Total 10 x C Category trees	
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- 6.72 The trees to be removed are predominately situated along the northern site boundary with Tudeley Lane (8 in total), with a further 2 trees located on the eastern boundary with the Somerhill Stream and a further 2 trees on the southern site boundary with A26 Woodgate Way.
- 6.73 Whilst tree loss within the site is unfortunate, this must be balanced against the wider benefits identified arising from the development taking place, as set out earlier within this report. Additionally, it should be acknowledged that the application does include retention of 9 trees within the site which include a mix of Oak, Ash and Beech. Several of these trees would be pruned back, and all are shown to be afforded appropriate protection during construction activities.
- 6.74 Detailed planting plans have been provided for the entire site, including the proposed strengthening of site boundaries to the north, east and south. Generally, the northern site boundary is shown to be strengthened with a mix of extra heavy standard (minimum 450cm high) common oak (*quercus robur*) and field maple (*acer campestre*) trees, together with new native hedgerow planting. Under existing trees which are shown for retention there would be new under storey planting with shade tolerant ground cover plants. Existing vegetation alongside the eastern site boundary adjoining the Somerhill Stream is shown to be retained, and strengthened with extra heavy standard (minimum 450cm high) common alder (*alnus glutinosa*) trees.
- 6.75 The proposals include the removal of the front boundary hedgerow alongside the A26 Woodgate Way and its replacement with a new native hedgerow planted with extra heavy standard 'instant' hedging plants (with minimum heights of 1m). The proposed native hedgerow is shown to be interspersed with a mix of extra heavy standard (minimum 450cm height) common oak and field maple trees. On the roadside of the proposed new hedge, the highway verge is shown to be turfed.
- 6.76 The remainder of the site would be planted with a range of landscape planting between parking bays and the proposed buildings. This includes a mix of common box (*buxus sempervirens*) hedgerows, shrub and herbaceous planting, and ornamental tree planting.
- 6.77 The proposed site planting is considered to be entirely appropriate and assist in the filtering of views of the development in the short, medium and longer-term. In respect of the removal of existing hedgerow along the southern site boundary (with the A26), whilst it is unfortunate to see existing vegetation removed, I am satisfied that the proposed replacement planting would secure a high-quality and

appropriate replacement which would assist in screening the development from more open land to the south.

Overall planning balance and conclusions:

- 6.78 It is well established that the weight to be afforded to relevant material planning considerations in the determination of an application is one for the decision maker and, as such, it will inevitably require the exercising of planning judgement. In coming to a view on these proposals I am mindful that there are, quite clearly, a number of significant planning issues at play and it is therefore necessary to balance these factors accordingly as part of the final recommendation before Members.
- 6.79 In this instance and notwithstanding the sites designation as AONB – which dates back to and has remained unaltered since 1983 – I am mindful that the fundamental character of the surrounding area has markedly changed in recent years. The application site, whilst being an undeveloped parcel of land, very much has the sense of being within an urban area as a result of its visual containment on three sides by built development and being flanked along its southern boundary by the main Tonbridge by-pass (A26), a key strategic link route around Tonbridge Town Centre to the A21. In my view the site no longer possesses a sense of tranquillity and natural beauty that it once did before the development of the by-pass and the other surrounding developments; this is quite clearly in stark contrast to the prevailing landscape character of the more open land which rises steeply to the south of the application site within Somerhill Park.
- 6.80 I am mindful that the site has a long-standing employment land use allocation, dating back some 23 years within successive development plan documents. It has to be recognised, therefore, that there is a realistic expectation that some form of urbanising development could be expected on this site as a result of that land use allocation. Whilst I accept that the proposals do not represent a typical “B” type employment land use, and therefore depart from the development plan allocation, for those reasons identified above, I consider the proposals provide a realistic opportunity to secure high-quality development which will lead to the creation of a significant number of jobs; those being a mix of full and part-time working, skilled jobs and apprenticeships.
- 6.81 As I have recognised earlier within this report, this opportunity actually represents a higher and indeed broader range of employment opportunities than could otherwise be realised from the development of this site in connection with a storage/distribution (B8) land use, which would be entirely permissible within the context of the land use allocation. I therefore afford the proposed level of employment generation significant weight in my assessment of this application. Supporting economic development and job creation is, quite rightly, one of the key thrusts of current Government policy as contained within the NPPF.

- 6.82 Whilst the proposals do inevitably result in the development of substantial built form, and there will be key visual presence from the A26, these factors can to some degree be mitigated by securing an appropriate landscaping scheme along the site frontages with the A26 and Tudeley Lane. Negotiations have taken place with the applicant to secure an appropriate planting scheme along the southern site frontage and I am confident that these measures will secure an acceptable replacement frontage to the site.
- 6.83 The proposals have been assessed in relation to highways and parking impacts, in connection with flood risk, ecology and trees and in respect of surrounding amenity, and for those reasons identified earlier in my report, I find the proposals to be acceptable in these respects subject to, as appropriate, the imposition of suitable planning conditions. Accordingly, there are no grounds in these circumstances to weigh heavily against the grant of planning permission.
- 6.84 In conclusion, I consider that the overall benefits of these proposals and other material considerations in terms of the context of the site outweigh the degree of harm which would be caused to the AONB and the setting of Somerhill Park such that my judgement falls in favour of a recommendation to grant planning permission, subject to those conditions listed below.

## **7. Recommendation:**

### **7.1 Grant Planning Permission** in accordance with the following submitted details:

Technical Specification dated 07.02.2017, Other APPENDIX 1 dated 30.11.2016, Planting Plan 16-61-PL-201-D dated 04.04.2017, Planting Plan 16-61-PL-202-D dated 04.04.2017, Site Plan 3199-010 Existing Site Plan dated 30.11.2016, Existing Elevations 3199-015 Existing Site Sections dated 30.11.2016, Sections 3199-019 Proposed Building Section dated 30.11.2016, Proposed Elevations 3199-020 Proposed Valet \_ Bin Store Elevations dated 30.11.2016, Proposed Plans and Elevations 3199-021 Bin Store dated 30.11.2016, Proposed Floor Plans 3199-040-H Proposed Ground Floor dated 30.11.2016, Proposed Floor Plans 3199-041-H Proposed First Floor dated 30.11.2016, Proposed Roof Plan 3199-042-E Proposed Roof Plan dated 30.11.2016, Proposed Floor Plans 3199-045-C Floor Plan Areas dated 30.11.2016, Proposed Elevations 3199-061-D Proposed South and East dated 30.11.2016, Proposed Elevations 3199-062-D Proposed North and West dated 30.11.2016, Topographical Survey CM/16639 dated 30.11.2016, Location Plan 3199-001 dated 30.11.2016, Letter STAGE 1 ROAD SAFETY AUDIT LETTER dated 01.12.2016, Acoustic Assessment BS4142 ASSESSMENT REPORT dated 30.11.2016, Report STAGE 1 ROAD SAFETY AUDIT V1 dated 01.12.2016, Flood Risk Assessment NOVEMBER 2016 dated 30.11.2016, Transport Statement ADL/CC/3329/04A April 2017 dated 04.04.2017, Travel Plan ADL/CC/3329/04A April 2017 dated 04.04.2017, Tree Report TCL-K2-TL/AIA dated 06.04.2017, Ecological Assessment EXTENDED PHASE 1 Final Report V5 31.3.17 dated

06.04.2017, Other LANDSCAPE AND VISUAL IMPACT April 2017 dated 10.04.2017, Archaeological Assessment REPORT NO 17/14 dated 10.04.2017, Planning Statement 12479 dated 10.04.2017, Design and Access Statement APRIL 2017 dated 10.04.2017, Lighting 50707-E01 T3 dated 07.04.2017, Lighting 50707-E02 T3 dated 07.04.2017, Proposed Elevations 3199-016 B Context South \_ East Elevations dated 10.04.2017, Sections 3199-018 B Proposed Site Sections dated 10.04.2017, Parking Layout 3199-030 M Proposed Site Plan dated 10.04.2017, subject to:

**Conditions:**

General Controls

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

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

2. The development shall be carried out in accordance with the following approved plans and documents:

Technical Specification dated 07.02.2017, Other APPENDIX 1 dated 30.11.2016, Planting Plan 16-61-PL-201-D dated 04.04.2017, Planting Plan 16-61-PL-202-D dated 04.04.2017, Site Plan 3199-010 Existing Site Plan dated 30.11.2016, Existing Elevations 3199-015 Existing Site Sections dated 30.11.2016, Sections 3199-019 Proposed Building Section dated 30.11.2016, Proposed Elevations 3199-020 Proposed Valet \_ Bin Store Elevations dated 30.11.2016, Proposed Plans and Elevations 3199-021 Bin Store dated 30.11.2016, Proposed Floor Plans 3199-040-H Proposed Ground Floor dated 30.11.2016, Proposed Floor Plans 3199-041-H Proposed First Floor dated 30.11.2016, Proposed Roof Plan 3199-042-E Proposed Roof Plan dated 30.11.2016, Proposed Floor Plans 3199-045-C Floor Plan Areas dated 30.11.2016, Proposed Elevations 3199-061-D Proposed South and East dated 30.11.2016, Proposed Elevations 3199-062-D Proposed North and West dated 30.11.2016, Topographical Survey CM/16639 dated 30.11.2016, Location Plan 3199-001 dated 30.11.2016, Letter STAGE 1 ROAD SAFETY AUDIT LETTER dated 01.12.2016, Acoustic Assessment BS4142 ASSESSMENT REPORT dated 30.11.2016, Report STAGE 1 ROAD SAFETY AUDIT V1 dated 01.12.2016, Flood Risk Assessment NOVEMBER 2016 dated 30.11.2016, Transport Statement ADL/CC/3329/04A April 2017 dated 04.04.2017, Travel Plan ADL/CC/3329/04A April 2017 dated 04.04.2017, Tree Report TCL-K2-TL/AIA dated 06.04.2017, Ecological Assessment EXTENDED PHASE 1 Final Report V5 31.3.17 dated 06.04.2017, Other LANDSCAPE AND VISUAL IMPACT April 2017 dated 10.04.2017, Archaeological Assessment REPORT NO 17/14 dated 10.04.2017, Planning Statement 12479 dated 10.04.2017, Design and Access Statement APRIL 2017 dated 10.04.2017, Lighting 50707-E01 T3 dated 07.04.2017, Lighting 50707-E02 T3 dated 07.04.2017, Proposed Elevations 3199-016 B Context South \_ East Elevations dated 10.04.2017, Sections 3199-018 B Proposed Site Sections dated 10.04.2017, Parking Layout 3199-030 M Proposed Site Plan dated 10.04.2017.

Reason: To ensure that the development is carried out in accordance with the plans and documents hereby approved.

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

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality including the High Weald Area of Outstanding Natural Beauty.

4. The development shall be undertaken in strict accordance with the Recommendations (Chapter 8) as set out in the Extended Phase 1 Ecological Habitat Survey Report prepared by Hone Ecology, dated 31 March 2017.

Reason: In accordance with the requirements of the National Planning Policy Framework 2012 and the Managing Development and the Environment DPD 2010.

5. The existing trees and shrubs shown in the Arboricultural Assessment (prepared by Tree Craft Ltd, reference TCL-K2-TL/AIA, dated 4 April 2017), other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or within such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of 10 years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990.

6. The development hereby permitted shall be carried out in accordance with the tree protection measures set out in the Arboricultural Assessment (prepared by Tree Craft Ltd, reference TCL-K2-TL/AIA, dated 4 April 2017) so as to avoid damage to the existing trees, including their root systems as part of the landscaping scheme.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990.

7. The scheme of landscape planting detailed on 'Landscape Planting Plan 1 of 2' (drawing 16-61-PL-201 Revision E) and 'Landscape Planting Plan 2 of 2' (drawing 16-61-PL-202 Revision E) shall be carried out in the first planting season following occupation of the building or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

8. The development hereby permitted shall be carried out in strict accordance with the details contained in the Flood Risk Assessment (prepared by WSP dated November 2016) and the Technical Note (prepared by WSP dated 1 February 2017) and as

subsequently approved by the Local Planning Authority pursuant to the requirements of condition (9) in respect of on-site flood compensation strategy.

Reason: To prevent an increased risk of flooding elsewhere beyond the application site, in accordance with the guidance contained in the National Planning Policy Framework (paragraph 103).

Pre-Commencement

9. The development hereby permitted shall not be commenced until such time as a scheme to ensure suitable flood compensation strategy will be implemented to offset raising of ground levels in the area shown to be within Flood Zone 3 of the Environment Agency Flood Map, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To prevent an increased risk of flooding elsewhere beyond the application site, in accordance with the guidance contained in the National Planning Policy Framework (paragraph 103).

Before First Occupation

10. The development hereby permitted shall not be first brought into use until details of the arrangements for deliveries to the site by car transporter vehicles has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include movement of such vehicles entering and exiting the site, together with management measures in the event of out-of-hours deliveries to prevent parking on the adjoining highway. Thereafter, deliveries by car transporter vehicles shall only take place in accordance with the approved details.

Reason: In the interests of highway safety and to ensure a successful integration of the development within the surrounding highway network including adjacent Primary School and Somerhill Green residential development.

11. The development hereby permitted shall not be first brought into use until the vehicular accesses and routes within the site and any associated engineering operations have been constructed in accordance with the approved drawings.

Reason: In the interests of highway safety.

12. The development hereby permitted shall not be first brought into use until the area shown on 'Proposed Site Plan' drawing 3199-030-M as staff, visitor and customer parking and turning areas have been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking and turning area.

Reason: In the interests of highway safety.

13. The development hereby permitted shall not be first brought into use until 10 cycle parking spaces for staff and visitors as detailed in paragraph 3.3.6 of the Transport Statement Revision A (prepared by ADL Traffic Engineering, reference ADL/CC/3329/04A, dated April 2017) and as shown on 'Proposed Site Plan' (drawing 3199-030-M) has been provided on site. Thereafter, the installed cycle parking facilities shall be retained at all times for the life of the development hereby permitted.

Reason: In order to encourage more sustainable modes of transport to/from the site by staff and visitors.

14. The development hereby permitted shall not be first occupied or first brought into use until details of a Flood Evacuation Plan including means of safe access and egress to/from the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved Flood Evacuation Plan shall be implemented as approved at all times for the life of the development hereby permitted.

Reason: To reduce the risk and impact of flooding on the proposed development, in accordance with Tonbridge and Malling Borough Core Strategy 2007 Policy CP10 and paragraphs 100-104 of the National Planning Policy Framework 2012.

15. Before the installation of any fencing or gates surrounding the perimeter of the site details shall first be submitted to and approved in writing by the Local Planning Authority. Thereafter, perimeter fencing and gates shall only be erected in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in order to protect the character of the High Weald Area of Outstanding Natural Beauty.

16. The development hereby permitted shall not be first brought into use until details relating to when the external lighting will be in use has been submitted to and approved in writing by the Local Planning Authority. Thereafter the external lighting shall only be operated in accordance with the approved details.

Reason: In the interests of visual amenity and in order to protect surrounding residential amenity and the character of the High Weald Area of Outstanding Natural Beauty.

**Informatives:**

1. 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 Protection Team on [pollution.control@tmbc.gov.uk](mailto:pollution.control@tmbc.gov.uk) in advance of the commencement of works to discuss this further. The applicant is also advised not to undertake construction works outside the hours of 08:00 - 18:00 Monday to Friday, 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.

2. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) in order to progress the required infrastructure.
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](mailto:addresses@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Julian Moat

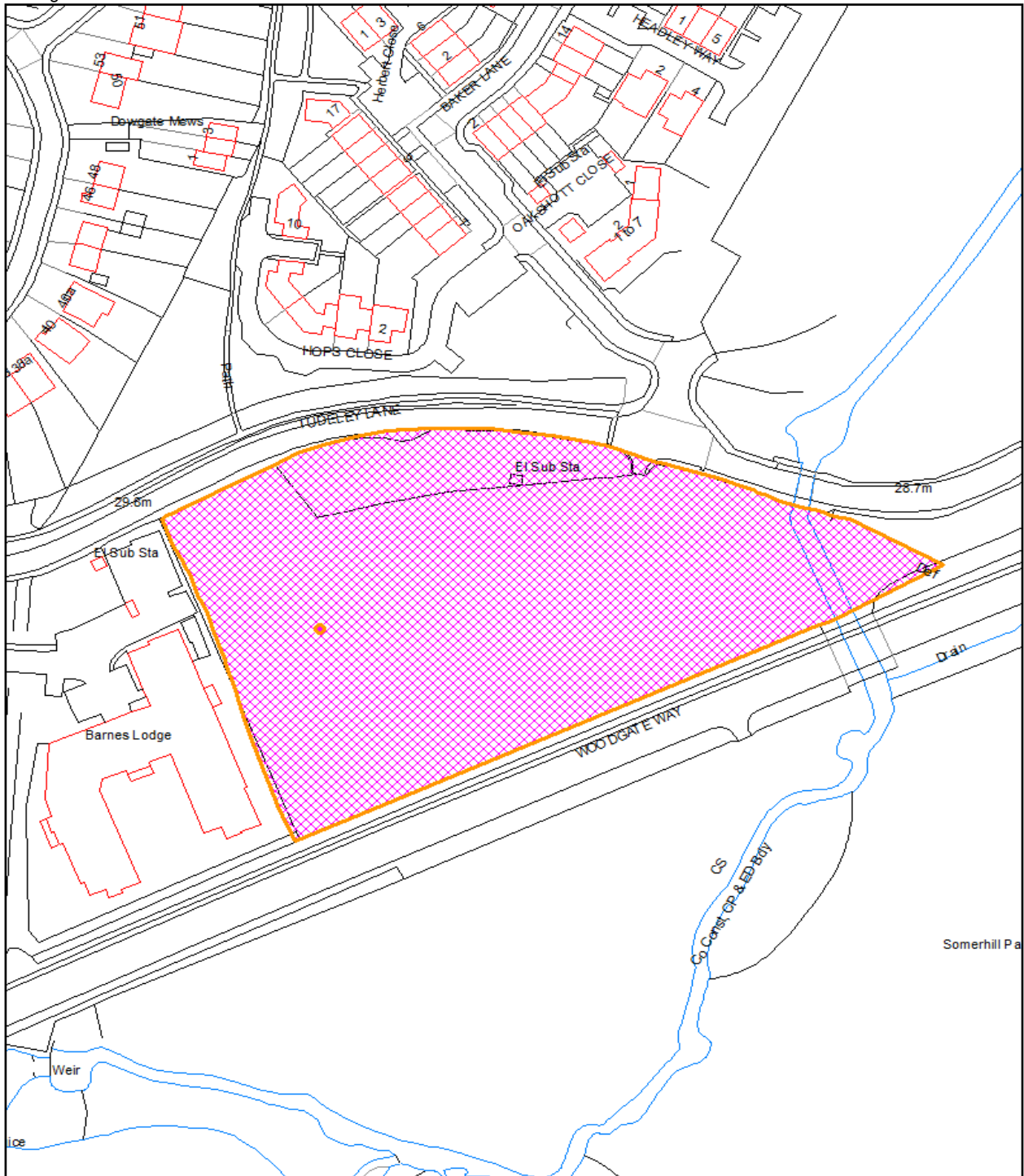


**TM/16/03530/FL**

Land North And South Of Woodgate Way Tonbridge Kent

New build Jaguar Land rover showroom and aftersales facility. The application includes a new showroom, drive-in service lane, 20 bay workshop with MOT facility, external valet structure and associated external works

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**Alleged Unauthorised Development**  
**Tonbridge**                      **16/00385/WORKM**  
Higham

Location:                      11 Barchester Way Tonbridge Kent TN10 4HP

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**1. Purpose of Report:**

1.1 To report the erection of an unauthorised structure situated within the front curtilage of 11 Barchester Way, Tonbridge.

**2. The Site:**

2.1 The property is a detached two-storey dwelling with an integral garage that lies within the urban confines of Tonbridge.

2.2 Barchester Way is characterised by open plan frontages with low level landscaping.

**3. Planning History:**

3.1 No relevant planning history.

**4. Alleged Unauthorised Development:**

4.1 Without the benefit of planning permission, the erection of a structure within the front curtilage of 11 Barchester Way, Tonbridge. It is understood that the structure is used to store a classic motor car.

4.2 Section 55 of the Town and Country Planning Act sets out the definition of development as meaning “*the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land*”. Although the building in question has an appearance of being a structure with a heavy canopy laid over it and therefore “tent like” in appearance, it has been engineered to be permanently affixed to the ground and therefore constitutes development within the meaning of Section 55.

**5. Determining Issues:**

5.1 TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:

- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;

- the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views

5.2 I consider that the structure in situ, given its prominent position within a predominately open plan residential area and its particular appearance, represents an obtrusive feature within the street scene, causing visual harm to the appearance of the street and wider locality. As such, the development is contrary to the requirements of policies CP24 and SQ1 as set out above.

5.3 Although attempts have been made to engage with the owner of the property to seek removal of the structure through informal negotiations, these have been unsuccessful. At this time, I can see no obvious way to mitigate the harm arising from the building other than its removal from the site.

5.4 With this in mind, I recommend that it is necessary to seek authorisation from Members for the service of an Enforcement Notice requiring the removal of the unauthorised development.

## **6. Recommendation:**

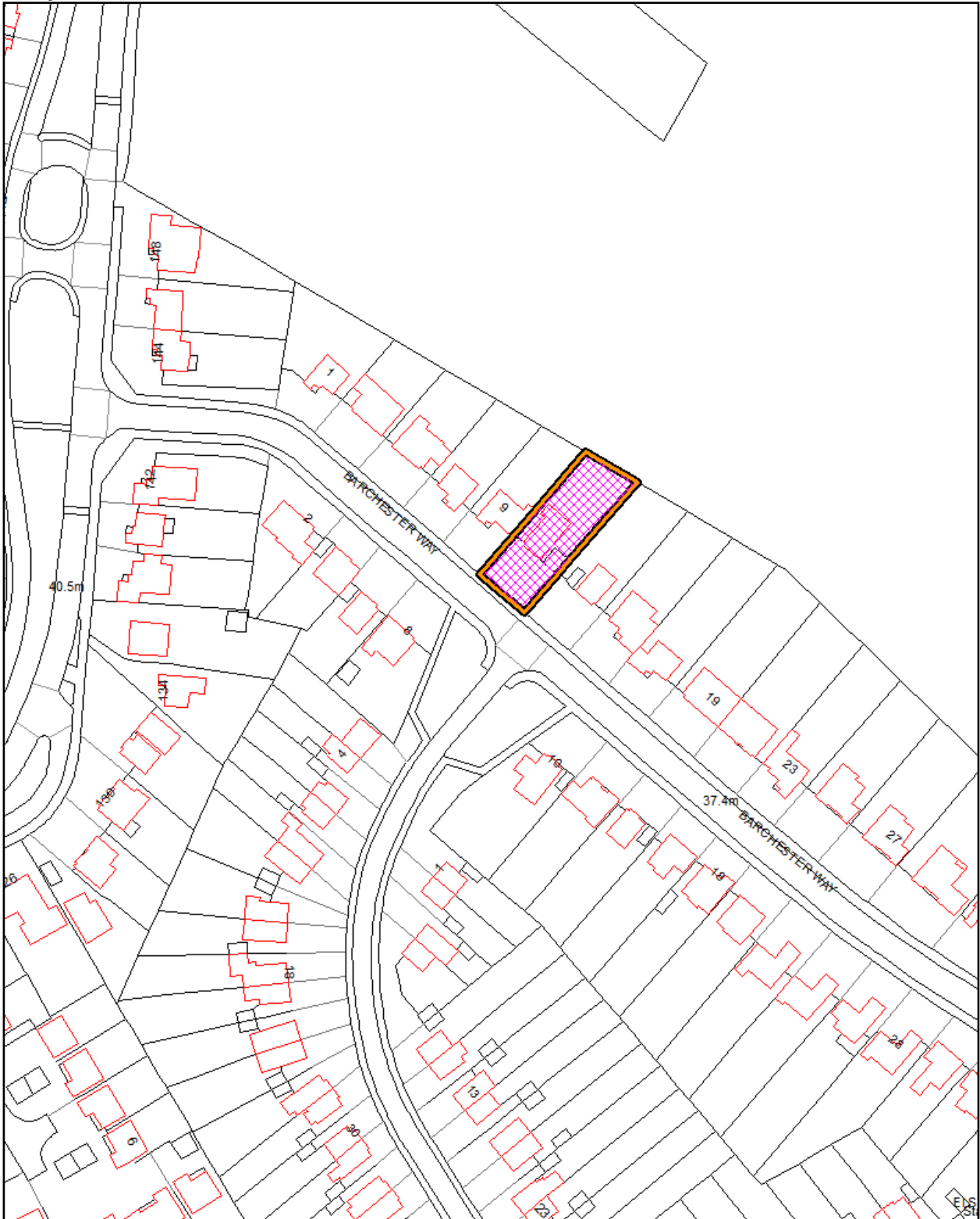
6.1 An Enforcement Notice **BE ISSUED** to seek the removal of the unauthorised development, the detailed wording of which to be agreed with the Director of Central Services.

Contact: Sam Chalmers-Stevens

**16/00385/WORKM**

**11 Barchester Way Tonbridge Kent TN10 4HP**

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