

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

18 October 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, 26th October, 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 - 10

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 29 June 2017

Decisions to be taken by the Committee

4. Development Control 11 - 14

Introduction and Glossary

5. TM/17/01977/FL - 335-337 Shipbourne Road, Tonbridge 15 - 28

6. TM/17/02233/FL - Riverbank House, Angel Lane, Tonbridge 29 - 40

7. 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

8. 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

9. Urgent Items

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

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, 29th June, 2017

Present: Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr P F Bolt, Cllr J L Botten, 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 and Cllr F G Tombolis

Apologies for absence were received from Councillors Mrs P A Bates, D J Cure and M O Davis

PART 1 - PUBLIC

AP1 17/13 DECLARATIONS OF INTEREST

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

AP1 17/14 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 30 March 2017 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 17/15 DEVELOPMENT CONTROL

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

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

AP1 17/16 TM/17/00525/FL - TONBRIDGE GRAMMAR SCHOOL FOR GIRLS, DEAKIN LEAS, TONBRIDGE

Development of an artificial turf playing field including fencing and floodlights, car parking and pavilion and land grading at Tonbridge Grammar School for Girls, Deakin Leas, Tonbridge.

RESOLVED: That, subject to referral to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, planning permission be granted in accordance with the submitted details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health, subject to the amendment of conditions 4 and 6, the deletion of condition 10 and subsequent renumbering of conditions 11 to 13 as 10 to 12 and the addition of Informatives 2, 3 and 4 as follows:

Conditions

4. The floodlighting hereby permitted shall be completely extinguished when the facilities are not in use and, when the all-weather pitch is in use, shall be completely extinguished no later than 18:30 hours Monday to Friday and 14:30 hours on Saturday.

Reason: In the interests of residential amenity.

6. The all-weather pitch shall be used only between the hours 08:30 and 18:30 hours Monday to Friday, 10:00 to 14:30 hours on Saturday and shall not be used on Sundays, Bank or Public Holidays and the all-weather pitch shall be vacated by all persons using it by the times specified within this condition.

Reason: In the interests of residential amenity.

Informatives

2. The applicant is advised that the permitted hours of use of the all-weather pitch does not prohibit use of the facility by the school outside of term time (i.e. within school holidays).

3. The applicant is requested to ensure that a suitable switch mechanism is installed within the floodlighting system to ensure that the lights are only illuminated during the permitted hours.

4. The applicant is advised that all means of access to the facilities hereby permitted shall be via the main school entrance in Deakin Leas (with access from Taylor Close remaining for emergencies only).

[Speakers: Mr G Hellyer, Mrs J Disbrey, Ms A Foreman, Ms J Gooden, Mr I Terry, Dr A Green, Mr T Holbrow, Mr C Payne, Mr J Thatcher, Ms J Gibbs, Mr A Hughes, Mr P Ingrams, Mr S Disbrey, Mr N Hebditch, Ms D Willcock, Ms L Jaques, Mr D Salako, Mr E Lukes, Mrs S Lukes

and Ms C Warren-Smith on behalf of Mr and Mrs J Hateley – members of the public; and Mrs R Joyce, Head Teacher, Tonbridge Grammar School for Girls (Applicant)]

AP1 17/17 TM/16/03530/FL - LAND NORTH AND SOUTH OF WOODGATE WAY, TONBRIDGE

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 at Land North and South of Woodgate Way, Tonbridge.

RESOLVED: That planning permission be granted in accordance with the submitted details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health, subject to the amendment of conditions 2, 9 and 10, the addition of condition 17 and the addition of Informatives 4, 5 and 6 as follows:

Conditions

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

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

Lighting 50707-E02 T3 received 07.04.2017, Proposed Elevations 3199-016 B Context South _ East Elevations received 10.04.2017, Sections 3199-018 B Proposed Site Sections received 10.04.2017, Parking Layout 3199-030 M Proposed Site Plan received 10.04.2017, Planting Plan 16-61-PL-202 REV E received 09.06.2017, Planting Plan 16-61-PL-201 REV E received 09.06.2017.

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

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

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).

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, arrangements for the management of entrance gates, together with management measures in the event of out-of-hours deliveries to prevent parking on the adjoining highway. Thereafter, the site shall be operated at all times in strict 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.

17. The development hereby permitted shall be constructed at the levels details on 'Proposed Site Sections' (drawing 3199-018B).

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

4. The applicant is reminded that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 (as amended) relating to the protection of species and habitats. The applicant is recommended to seek further advice from the Natural England, County Hall, Spetchley Road, Worcester, WR5

2NP or via <https://www.gov.uk/topic/planning-development/protected-sites-species>

5. The applicant is strongly encouraged to avoid the internal illumination of the building outside of operating hours.

6. The applicant is strongly encouraged to consider the possibility of further supplementing and strengthening the planting along the southern boundary (with the A26) and the western boundary (with Barnes Lodge Care Home) wherever possible.

[Speakers: Ms D Huntingford, Chair of Governors, The Schools at Somerhill; Mr L Prebble and Ms D Huntingford on behalf of Tonbridge Civic Society – members of the public, and Mrs S Page on behalf of the Applicant]

AP1 17/18 ALLEGED UNAUTHORISED DEVELOPMENT 16/00385/WORKM - 11 BARCHESTER WAY, TONBRIDGE

Alleged Unauthorised Development at 11 Barchester Way, Tonbridge.

RESOLVED: That 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.

AP1 17/19 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.45 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 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
Cage Green

14 July 2017

TM/17/01977/FL

Proposal: Revisions to approved detached house at rear of site (as approved under TM/09/00951/FL) to create a pair of the semi-detached units as approved under TM/17/00137/FL

Location: 335 - 337 Shipbourne Road Tonbridge Kent TN10 3EU

Applicant: Prolem Limited

Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought to construct a pair of semi-detached houses towards the rear of this site in place of the single detached dwelling that was granted planning permission under ref. TM/09/00951/FL. That permission is remains extant.
- 1.2 The proposed pair of dwellings would be located in the same position within the site as the single house the subject of the extant permission. The proposed building measures 14m in length and 11.7m in width and would stand 6.8m high at ridge level. The dwellings have been designed to accommodate much of the first floor accommodation within the roof space. The proposed dwellings would also include two storey front and rear projecting gables.
- 1.3 The dwellings would be formed from facing brickwork at ground level (Red stock brickwork) and white rendered walls at first floor level. Plain tiles coloured dark red would be used to clad the roof of the dwellings. Two parking spaces are to be provided for each dwelling accessed off a central spine access road that would also serve the 4 no. dwellings approved (under ref. TM/17/00137/FL) to be located at the front of the site in place of the two existing bungalows.
- 1.4 The detached garage that forms part of the previously approved (and extant) schemes to develop this site does not form part of the current proposal.
- 1.5 It should also be noted that this planning application does not relate in any way to the redevelopment of the front part of the site which relates to the construction of two pairs of houses replacing the two existing bungalows. That development was granted planning permission earlier this year under TM/17/00137/FL. The current scheme therefore relates only to the substitution of the single dwelling and garage approved under ref. TM/09/00951/FL (as amended by TM/13/00137/FL) with a pair of semi-detached dwellings.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Heslop in light of the extensive planning history of the site.

3. The Site:

- 3.1 The site lies on the eastern side of Shipbourne Road. It currently comprises two detached bungalows and their rear gardens. To the north lie the rear boundaries of the dwellings in White Cottage Road and the private clinic in Shipbourne Road; to the east the rear gardens of the dwellings in Thorpe Avenue; and to the south the long gardens of the dwellings in Shipbourne Road. There are also residential properties to the west on the other side of Shipbourne Road.
- 3.2 This eastern side of Shipbourne Road is characterised by mainly detached bungalows and chalets and those along Shipbourne Road have substantial gardens to the rear.

4. Planning History (relevant):

TM/06/01702/FL	Refuse Appeal dismissed	5 December 2006
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Demolition of two bungalows and erection of 5 detached dwellings

TM/08/00806/FL	Refuse Appeal dismissed	30 July 2008
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Demolition and replacement of 2 no. residential units and provision of 1 no. residential unit to rear

TM/09/00951/FL	Approved	28 July 2009
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Demolition and replacement of 2 no. residential units and provision of 1 no. residential unit to the rear

TM/11/02362/FL	Refuse	25 October 2011
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Demolition of two dwellings and erection of six three bed roomed dwellings

TM/12/00551/FL	Refuse Appeal dismissed	14 May 2012
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Demolition of two existing dwellings and the erection of four semi-detached three bedroom houses and one detached four bedroom house

TM/12/01089/FLX	Refuse	9 July 2012
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Extension of time to implement planning permission TM/09/00951/FL (Demolition and replacement of 2 no. residential units and provision of 1 no. residential unit to the rear)

TM/12/01747/RD	Approved	9 July 2012
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Details of external materials, acoustic protection, hard and soft landscaping and sustainability measures submitted pursuant to conditions 2, 3, 12 and 15 of planning permission TM/09/00951/FL (Demolition and replacement of two residential units and provision of one residential unit to the rear)

TM/13/02172/FL Approved 28 October 2013

Construction of two replacement dwellings on frontage and detached garage to rear (to serve detached dwelling approved under planning ref TM/09/00951/FL)

TM/17/00137/FL Approved 20 March 2017

Construction of 4 semi-detached dwellings on frontage and detached garage to rear to serve detached dwelling approved under planning permission TM/09/00951/FL

5. Consultees:

5.1 KCC (Highways): Over successive applications, proposals for this site have extended from

- Replacement 2 bungalows to 2 dwellings with 1 additional to the rear
- Replacement of 2 frontage dwellings to 4 with 1 additional to rear
- And now replacement of frontage dwellings to 4 with 2 additional to rear

5.1.2 The proximity of the access to the formal pedestrian crossing on the A227 remains a concern to me although I note the existing arrangement with an adjacent access (to 1 property) has been in existence for at least 14 years. Crashmap.co.uk indicates that there have been no injury crashes on the road link between Trench Road and White Cottage Road (which includes the crossing) for at least the last 18 years. I also note a planning Inspector's appeal comment that 'In the current absence of substantive evidence to the contrary, it is not clear that highway safety interests would be materially harmed'. Also helpfully, arrangements for parking at the frontage properties have improved over the various applications.

5.1.3 On behalf of the highway authority I have no objection to this application.

5.2 Southern Water: A connection to the public sewer will be required

5.3 Private reps: (10/0X/0S/9R): The nine responses raise the following objections to this development:

- The footprint of the house and parking/turning area is substantially larger than in the approved application. It will be overbearing
- Overdevelopment of the site

- An earlier scheme was refused in 2008 because the footprint was too big. Now we are almost back to the footprint of the 2008 scheme
- The semi-detached houses would be harmful to the character and environmental quality of the local area as would the creation of the extensive parking court
- The parking court will be harmful to the amenity of the neighbouring properties by reason of noise and disturbance
- Replacing one 4 bedroom house with two no 3-bedroom houses will only increase traffic movements at this location
- There is no provision for a boundary fence between the site and the neighbouring properties at 331 and 333 Shipbourne Road
- There is insufficient parking for each dwelling
- This will cause a danger to pedestrians, including school children
- Loss of green space, a haven for wildlife
- The access road to the rear makes existing properties less secure
- Lights will shine from vehicles into neighbouring properties and noise disturbance will increase from additional vehicles turning
- The open space left within the site is not protected. If permission is granted safeguards should be put in place against further developments within the site including extensions and outbuildings.

6. Determining Issues:

Principle of development:

- 6.1 It has now been established that TMBC can no longer demonstrate a five year supply of housing. Whilst this will be addressed through the local plan, it has clear implications for decision making in the immediate term. In this respect, paragraph 49 of the NPPF states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

- 6.2 Paragraph 14 of the NPPF sets out the presumption as follows:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;*
- or specific policies in this Framework indicate development should be restricted.”*

6.3 In this respect, policy CP11 of the TMBCS seeks to locate development within the Tonbridge (and other) urban areas. Therefore, the development of this site for housing purposes broadly accords with the development plan in terms of principle and regard must be had to paragraph 14 which states that such proposals should be granted without delay.

6.4 In more general terms, the core principles of the NPPF seek to support sustainable economic development, to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings, and to encourage the effective use of land by reusing land that has been previously developed. In light of the site’s urban location and the existence of the extant planning permission to build one house and detached double garage on the same site, the principle of the development sits comfortably with the wider aims of the NPPF as well.

6.5 The main issues to consider with this proposal are what additional impacts would the development have over and above those associated with the extant permission to build one house on the same part of this site. These will primarily be the impact upon the character of the site and wider locality, and impacts upon residential amenity and highway safety.

Built form and visual amenity:

6.6 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must be designed to respect the site and its surroundings in terms of scale, layout, siting, character and appearance. It further states that development that would, by virtue of design,

be detrimental to the built environment, amenity or functioning and character of a settlement will not be permitted.

- 6.7 The proposed dwelling would have a larger footprint than that the subject of the extant planning permission. However, the scheme would not now include the garage that formed part of the scheme the subject of the extant permission (or the garage that formed part of the scheme granted planning permission granted earlier this year). Therefore, the current proposal would result in a similar amount of built form within the site to that already considered acceptable. The proposed development would also be of a more consolidated form, given the omission of a detached garage. In light of this and given the plot size for both dwellings, the proposal would not result in an unacceptable over development of the site.
- 6.8 The proposed pair of houses has the same width of frontage (11.7m) as the approved single dwelling and would be located in the same position within the site. The proposed dwellings would have similar design characteristics to the approved dwelling in terms of the chalet style form and inclusion of two storey front and rear projecting gables. The overall height of the proposed dwellings as shown on the submitted drawings is 100mm taller than the height of the approved dwelling. Due to these design similarities and the distance the dwellings would be set back from the highway, there would be no harm arising to the character of the street scene. Furthermore the dwellings would be of the same size, form and design as the two pairs of dwellings approved earlier this year under TM/17/00137/FL that will replace the existing bungalows on the site frontage. The proposal would, therefore, be in keeping with the character of the site and wider locality.
- 6.9 The details show the retention of the protected Oak located along the southern boundary of the site and this tree will not be adversely affected by the proposed development. A group of trees located within the north east corner of the site is also shown to be retained under this proposal, as will existing boundary hedges and shrubs. The retention of these trees/shrubs is welcomed and will maintain a degree of mature landscaping within the site. These matters can be secured by planning condition.
- 6.10 In light of the above, in terms of local character and visual impact, I consider that the development complies with the requirements of policy CP24 of the TMBCS.

Residential amenity:

- 6.11 Policy CP1 of the TMBCS states that when considering applications, residential amenity will be preserved or, wherever possible, enhanced. The dwellings would be located over 9m away from the northern boundary of the site and between 7m and 8m away from the southern boundary of the site. The dwellings would stand approximately 11m away from the east (rear) boundary of the site. This level of separation is considered to be sufficient to avoid causing the neighbouring residential properties unacceptable overshadowing to either the dwellings themselves or their private garden areas. Furthermore, this degree of separation is

also considered sufficient to avoid appearing overbearing from the neighbouring properties as well.

- 6.12 The only flank windows to be located within the dwellings above ground level would serve bathrooms. Due to this and the location of the dwellings within the site, these windows would not cause unacceptable overlooking to the neighbouring residential properties. The windows located within the rear elevation of the dwellings would not look directly towards the private garden area or habitable room windows of the dwelling at 2 White Cottage Road. The particular siting and design of the proposed dwellings are such that they would not cause a greater impact upon the amenity of this neighbouring property than the approved scheme for one dwelling.
- 6.13 The proposed development would create a larger extent of hardstanding within the site than as shown in the approved scheme for one dwelling (for car parking) and would result in additional activity associated with the one additional dwelling. However the additional amount of movements to and from the site and general activity within it are considered to be very minor compared to that associated with the approved scheme for this site. Furthermore, the site is of a size that includes appropriate provision for parking and turning arrangements within it. This would ensure that vehicles would not have to undertake numerous manoeuvres to enter or leave the site in a forward direction. Furthermore the parking areas have not been positioned immediately adjacent to the boundaries of the existing, neighbouring residential properties; areas of soft landscaping would be located in between and would act as a buffer.
- 6.14 Taking all of these factors into account, the proposed development would not cause unacceptable noise disturbance to either the existing or the approved neighbouring residential properties.

Highway safety and parking provision:

- 6.15 The additional movements associated with this development have been considered by the local highway authority which has not objected to this application. Paragraph 32 of the NPPF clearly states that developments should only be refused on transport related grounds if the impacts would be severe. In light of the minor increase in traffic associated with this development, the provision of appropriate turning facilities and the response from the highway authority, the proposed development would not result in a severe impact upon highway safety.
- 6.16 Each of the dwellings would be served by two parking spaces which accords with the standard set out in KHS IGN 3: Residential Parking.

Conclusions:

- 6.17 In light of the above, whilst the scheme would in essence increase the number of units provided on this site by one, the site is located within the urban confines of

the town and the built form required to accommodate the additional unit would not overtly increase beyond that previously approved. The creation of an additional unit beyond that already approved would not, for the reasons set out above, result in any harm to residential amenity, highway safety or the character of the locality that would warrant a recommendation to refuse permission. I therefore recommend that, subject to the imposition of appropriate conditions controlling the manner in which the development takes place and the site is subsequently used, planning permission be granted.

6.18 I would also remind Members of the requirement, in the absence of a five year housing supply, to apply the presumption in favour of sustainable development (paragraphs 49 and 14 of the NPPF respectively), which for the purposes of determining this planning application, given that it accords with the development plan in all respects, means that planning permission should be granted without delay.

6.19 The following recommendation is therefore put forward:

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Location Plan dated 15.09.2017, Arboricultural Survey dated 13.07.2017, Drawing bin store dated 13.07.2017, Landscape Layout sr.p14 landscaping layout dated 13.07.2017, Design and Access Statement dated 13.07.2017, Block Plan sr.p13 dated 13.07.2017, Proposed Elevations sr.p11 dated 13.07.2017, Proposed Floor Plans sr.p10 dated 13.07.2017, Site Plan sr.p09 dated 13.07.2017, Proposed Elevations sr.p12 dated 13.07.2017, Site Survey p148-125 dated 13.07.2017, subject to the following conditions:

Conditions:

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

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

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

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

3. This permission shall be an alternative to planning permission TM/09/00951/FL (dated 29 July 2009) and planning permission TM/17/00137/FL (dated 20 March 2007) (in so far as planning permission TM/17/00137/FL relates to the detached garage identified on plan number SR.P01) and shall not be exercised in addition thereto, or in combination therewith those permissions.

Reason: The exercise of more than one permission would result in an overintensive use of the land.

4. The development shall be built in accordance with the levels shown on plan no. SR.P14 entitled "Proposed Landscaping Layout".

Reason: In the interests of residential and visual amenity.

5. If, during the implementation of this permission, contamination not previously identified, is found to be present at the site then, unless otherwise agreed in writing with the Local Planning Authority, no further development shall be carried out until details of how that contamination shall be dealt with have been submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

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

Reason: In the interests of amenity and public safety.

6. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

7. The access drive shall be constructed no steeper than 1 in 14.3 for the first 4.5 metres from the edge of the highway and no steeper than 1 in 8 on any other part.

Reason: To ensure the safe and free flow of traffic.

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

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

9. The access shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of

the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

10. The dwellings shall not be occupied until the area shown on 'Proposed Landscaping Layout' (Drawing No. SR.P14) as vehicle parking and turning 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 to preclude vehicular access to this reserved parking and turning space.

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

11. The scheme of landscaping and boundary treatment shown on 'Proposed Landscaping Layout' (Drawing No. SR.P14) shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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 windows located at first floor level on the north and south (flank) shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the extension is occupied and shall be retained thereafter.

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

- 14 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed above ground level in the north or south (flank) elevations of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

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

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

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

Informatives:

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

Contact: Matthew Broome

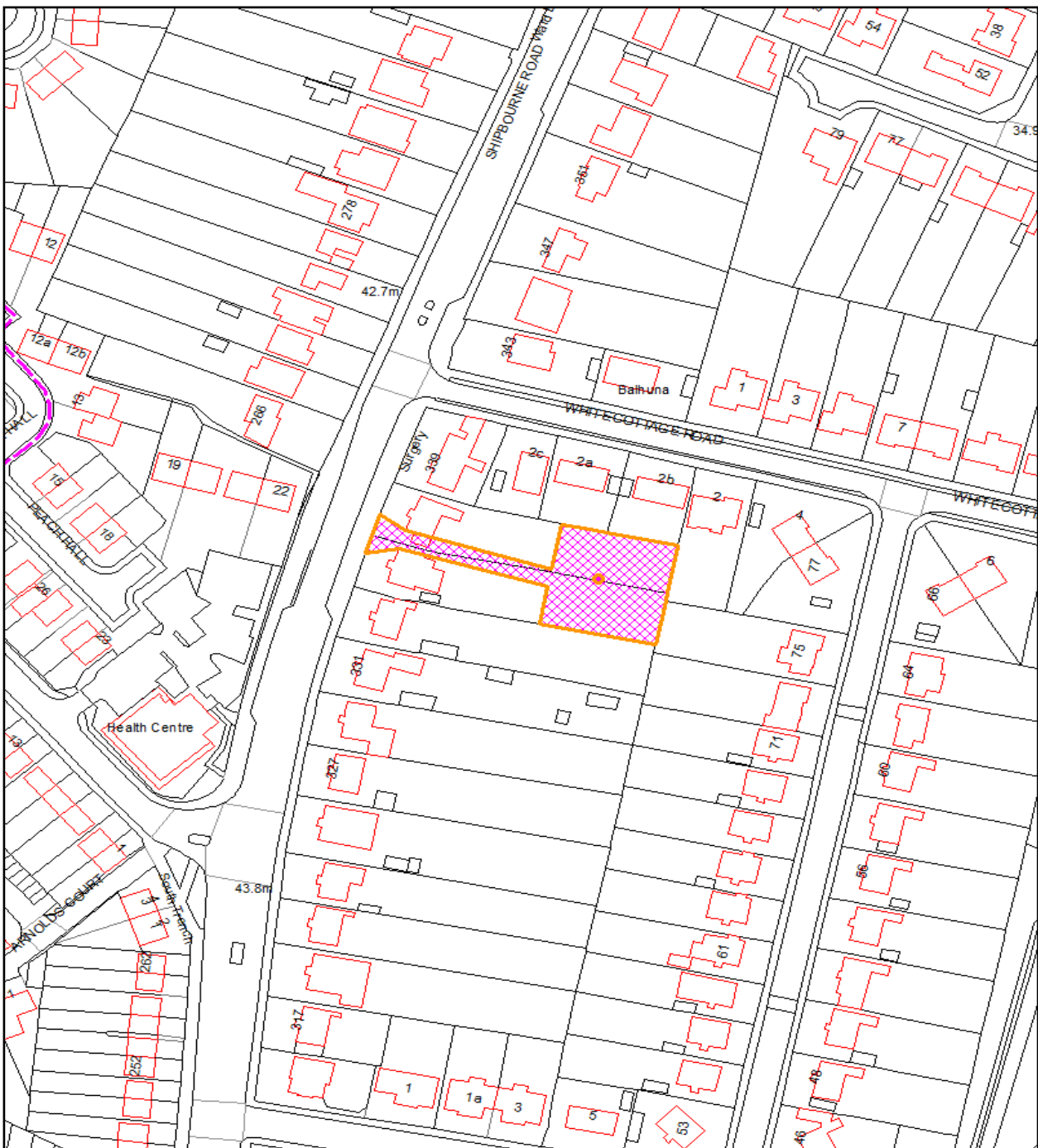
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TM/17/01977/FL

335 - 337 Shipbourne Road Tonbridge Kent TN10 3EU

Revisions to approved detached house at rear of site (as approved under TM/09/00951/FL) to create a pair of the semi-detached units as approved under TM/17/00137/FL

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Tonbridge
Medway

9 August 2017

TM/17/02233/FL

Proposal: Erection of 2 additional floors of accommodation to provide 2 x 1 bedroom, 10 x 2 bedroom and 2 x 3 bedroom flats with roof balconies at fourth floor. The new floors to be arranged over 3rd and 4th floors

Location: Riverbank House Angel Lane Tonbridge Kent TN9 1GF

Applicant: Riverbank House (Tonbridge) Ltd

Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought for the construction of an extension to the existing three storey building known as Riverbank House, vertically by adding two more floors of accommodation that will accommodate a further 14 flats. The third floor would be of the same form and similar design as the existing building and be finished with matching materials. This floor would contain 8 no. 2-bedroom flats. The fourth floor would be set back from the edge of the existing building (and proposed third floor level) and would contain 2 no. 1-bedroom flats; 2 no. 2-bedroom flats and 2 no. 3-bedroom flats. Each of the fourth floor flats would have an external terrace/balcony. The fourth floor level of the building would be finished with matching stock brickwork, grey coloured render and zinc cladding.
- 1.2 Refuse and cycle stores are to be provided at ground level adjacent to serve this development. Provision is made for 38 car parking spaces in total to serve the building.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Lancaster in light of the objections expressed by existing residents of the building.

3. The Site:

- 3.1 The site is located within Tonbridge town centre at the north end of Angel Lane. The existing building contains car parking and commercial (office) use at ground floor level with two floors containing residential flats above (24 in total). A basement level contains further car parking (28 spaces) to serve all of the residential properties within the building.
- 3.2 The retail shops fronting the High Street are located immediately to the west of the site. The Botany Stream adjoins the site to the north, beyond which lies Sovereign House, a residential development.

4. Planning History (relevant):

TM/15/01736/PDV Prior Approval Not 17 July 2015
OR Required
Prior Notification of Change of Use of the upper two floors from (Class B1) to 16
no. residential units (Class C3) (Class O)

TM/15/01770/PDV Prior Approval Not 17 July 2015
OR Required
Prior Notification: Change of use of upper two floors from office (Class B1) to 24
no. residential units (Class C3) (Class O)

5. Consultees:

5.1 KCC (Highways): I note under the proposals both the two and three bedroom flats will be allocated a space in the existing basement parking as shown in drawing, '12865-211 Rev B,' titled 'Proposed Basement Plan,' and stated on page 8 of the Design and Access Statement. It is acknowledged that there may be some overspill parking on the surrounding streets; however, the site is within close proximity of a variety of public transport provision and the standards set out in Kent Design Guide Review: Interim Guidance Note 3 (IGN3) are a maximum, rather than a minimum. In addition, it is pleasing to see a secure cycle store has been provided to encourage the use of sustainable transport methods.

5.1.1 The refuse strategy proposed as part of the development is clear from drawing, '12865-212 Rev B,' titled 'Proposed Ground Floor Plan,' with a refuse and recycle bin store shown at the rear of the development. It is considered these arrangements are adequate for the scale of the proposals.

5.1.2 Crash records for the area within the immediate proximity of the proposed development have been checked via crash map (www.crashmap.co.uk) and I can confirm there are no crash patterns or clusters the proposals are likely to exacerbate.

5.1.3 The anticipated amount of traffic that will be generated as a result of the development is not considered to be severe and I therefore write on behalf of the highway authority that I have no objection to this application

5.2 KCC (LLFA): No objection

5.3 EA: No objection

5.4 Private reps (including site and press notices): 34/0X/0S/1R. The one response received raises the following objections to this development:

- Existing residents of Riverbank House are unable to register with any of the local doctors surgeries. This indicates that there is insufficient community infrastructure to support the additional apartments

- The height, scale and appearance of the extension will not be in keeping with the character of the surrounding buildings, Conservation Area, High Street and Botany Stream
- The cycle store will be created by reducing the size of the existing refuse store, which is inadequate for the current number of flats
- The development contravenes the adopted parking standards and will add to congestion.
- The residents of the existing top floor flats will experience noise and disturbance arising from the additional flats above.

6. Determining Issues:

Principle of development:

- 6.1 It has now been established that TMBC can no longer demonstrate a five year supply of housing. Whilst this will be addressed through the local plan, it has clear implications for decision making in the immediate term. In this respect, paragraph 49 of the NPPF states that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

- 6.2 Paragraph 14 of the NPPF sets out the presumption as follows:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;*
- *or specific policies in this Framework indicate development should be restricted.”*

- 6.3 In this respect, policy CP11 of the TMBCS states that development will be concentrated within the urban areas of the Borough including Tonbridge. Policy TCA4 of the TCAAP allows for the use of upper floors within the Primary Shopping Area for residential purposes providing that would be compatible with other development plan policies. The principle of the proposed extension is, therefore, acceptable in terms of the development plan.
- 6.4 The core principles of the NPPF seek to support sustainable economic development, to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings, and encourage the effective use of land by reusing land that has been previously developed. In light of the site's urban and central location, the principle of the development sits comfortably with the core aims of the NPPF as well.

Built form and visual impact:

- 6.5 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must be designed to respect the site and its surroundings in terms of scale, layout, siting, character and appearance. It further states that development that would, by virtue of design, be detrimental to the built environment, amenity or functioning and character of a settlement will not be permitted.
- 6.6 In the locality of this site, the surrounding buildings vary in terms of height, scale, form and design. The existing shopping centre to the south of the site is a large, sprawling, late 20th century, two storey building. The buildings that front on to the High Street (and which back onto the site) are 2 to 3 storeys in height (due to a difference in land level between the High Street and the application site). Sovereign House, on the north side of The Botany Stream, contains 6 storeys of accommodation. In this particular context, the addition of two more storeys of accommodation on Riverbank House would not detract from the character of development in the locality or cause any visual harm.
- 6.7 The proposed third floor of the building takes design references directly from the existing building in terms of form, design and use of materials. The proposed fourth floor would be set well back from the edge of the existing building which would help to reduce its visual bulk and mass. Whilst this has been designed to contrast with the lower floors of the building in terms of detailed design and use of external materials (grey render, zinc), brick columns rising from the lower floors would continue into the top floor to provide a design reference to the existing building. The extension as a whole is considered to be respectful to the character of the building and wider locality.
- 6.8 For the avoidance of doubt, the site does not lie within the Tonbridge Conservation Area or immediately adjacent to it.

Residential amenity:

- 6.9 Policy CP1 of the TMBCS states that when determining applications, residential amenity will be preserved. The adjacent buildings to the application site (to the west and south) are not in residential use. The nearest residential properties are located within Sovereign House to the north of the Botany Stream. Given the separation between these two buildings (in excess of 25 metres), the proposed extension would not cause these neighbouring properties a loss of light or privacy.
- 6.10 Additionally, the building is located a sufficient distance from the nearest commercial activities along the High Street to ensure no adverse noise conditions arise that could affect future residents of the building.
- 6.11 In terms of the potential for the development to affect the existing residents of Riverbank House, I am mindful that the Building Regulations will ensure appropriate means of insulation between the residential units to prevent unacceptable levels of noise transmission.
- 6.12 In most circumstances, noise and disturbance impacts arising from construction works and associated logistics surrounding the construction phase would not be addressed through a planning permission. However, there are particular circumstances where it is appropriate to secure detailed methodologies for means of construction (and where applicable demolition) to ensure no adverse impacts arise. I consider that, given the constrained nature of the site and the circumstances involved, in particular the prior occupation of the existing building, the limited size of the site, the proximity to Angel Lane and the flood zone designation, it would be appropriate to require such details to be submitted for formal approval prior to any works commencing on site. This can be secured by planning condition in the event that the Planning Committee was minded to grant planning permission.

Highway safety and parking provision:

- 6.13 With regard to car parking, the adopted parking standards require a maximum of 1 space to be provided per dwelling in this locality, irrespective of size. In this case the development will be served by the existing parking spaces located at basement level. Whilst these would serve all of the residential units (existing and proposed) the resulting parking ratio of 0.7 spaces per dwelling complies with the adopted parking standards for this town centre location. The site is located within a highly sustainable location with easy access to shops services and public transport. Furthermore, the development includes the provision of a secure cycle store at ground floor level. This is to be encouraged as it would facilitate travelling to and from the site by means other than the private motor car.
- 6.14 Paragraph 32 of the NPPF advises that applications should only be refused on transport grounds if the impacts would be severe. Given that the development complies with the adopted parking standards, has easy access to public transport

and an objection has not been received from the local highway authority, I do not consider that the development would result in a severe impact upon highway safety.

Flooding considerations:

- 6.15 The site is located within flood zones 2 and 3a which has a medium to high probability of flooding. However, the proposed development, being a vertical extension to the existing building, would not create residential properties that would be prone to flooding. The development would also not increase risk of flooding elsewhere within the locality. The submitted FRA states that the water supply and electrics box will be located above the indicated flood level so residents will have a safe refuge and will not need to leave the building should a flood event occur. Residents of the building will also join the EA's flood warning scheme for the Tonbridge area.
- 6.16 The EA has not objected to the proposed development but advises that the LPA must be confident that safe access and egress can be achieved during a severe flood event. The submitted FRA considers that in a severe event (1 in 100 event plus climate change) the access to the site would be submerged by 200mm of water. The FRA considers this to be ponding and unlikely to have a current to it so would be safe to cross should residents need to evacuate. However, as has been stated earlier, residents will join the EA's early warning system and would be able to leave the building should they need/wish to do so prior to a flood event occurring. Alternatively safe refuge can be provided within the flats as they will be located well above the predicted flood level, as will the utilities servicing them. In light of the above, the development is acceptable in terms of flood risk.

Planning obligations:

- 6.17 As the development proposes more than 5 new flats, there is a requirement for open space provision in accordance with policy OS3 of the MDE DPD. In this case it would be impractical to provide open space within the site. Accordingly, it would be appropriate for the applicant to make a financial contribution towards enhancing existing open spaces in the locality in order to comply with the requirements of this policy. The applicant has agreed in principle to do so and negotiations are ongoing at the time of writing this report regarding the level of the contribution which must comply with the requirements of the policy. Any further information on this matter will be reported as a supplementary matter. Any such obligation will need to be secured by a Section 106 agreement, the detailed wording of which has yet to be agreed.
- 6.18 Although the resultant development will form part of a larger building which has been converted for residential purposes, the scheme subject of this planning application is only for 14 units. As such, there is no policy requirement for any affordable housing provision.

6.19 Equally, I appreciate that existing residents have raised a concern that they have been unable to register with doctors in the town and question the amount of community infrastructure available to meet the demand of further residential units. There has been no request from KCC or the NHS for obligations to be sought in order to mitigate the impact of this development specifically and in the absence of any such requests there would be no ability for the LPA to seek to secure them.

Refuse storage:

6.20 The comments of the local resident are noted. However the proposed refuse storage arrangements are considered to be acceptable for a development of this size.

Conclusions:

6.21 In light of the above, the proposed development is considered to be acceptable in all respects. Given the nature of the site itself, and the presence of existing residents and commercial uses within the building, it is considered necessary and appropriate to impose a condition upon any planning permission granted to require a scheme setting out the construction methodology in order to ensure residential amenities are not harmed and there is no obstruction to traffic.

6.22 I would also remind Members of the requirement, in the absence of a five year housing supply, to apply the presumption in favour of sustainable development (paragraphs 49 and 14 of the NPPF respectively), which for the purposes of determining this planning application, given that it accords with the development plan in all respects, means that planning permission should be granted without delay.

6.23 The following recommendation is therefore put forward:

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Existing Elevations 12865-104 dated 09.08.2017, Block Plan 12865-201 dated 09.08.2017, Existing Floor Plans 12865-202 dated 09.08.2017, Existing Floor Plans 12865-203 dated 09.08.2017, Site Plan 12865-204 dated 09.08.2017, Existing Roof Plan 12865-205 dated 09.08.2017, Existing Floor Plans 12865-208 dated 09.08.2017, Existing Floor Plans 12865-209 dated 09.08.2017, Proposed Floor Plans 12865-211B dated 09.08.2017, Proposed Floor Plans 12865-212B dated 09.08.2017, Proposed Floor Plans 12865-215E dated 09.08.2017, Proposed Floor Plans 12865-216D dated 09.08.2017, Proposed Elevations 12865-217D dated 09.08.2017, Proposed Roof Plan 12865-219A dated 09.08.2017, Location Plan 12865-200 dated 09.08.2017, Certificate A dated 09.08.2017, Design and Access Statement dated 09.08.2017, Flood Risk Assessment dated 09.08.2017, Planning Statement dated 09.08.2017, Letter dated 09.08.2017, subject to:

- The applicant entering into a Section 106 planning obligation to make a financial contribution towards enhancing existing open space(s) in the locality in accordance with policy OS3 of the MDE DPD, and;
- 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 character and appearance of the existing building or visual amenity of the locality.

3. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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.

4. The development will be carried out in accordance with the recommendations set out in chapter 12 of the Flood Risk Assessment prepared by ELLUC Projects Ltd received on 9.08.2017, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise the risk to human health and property during a flood event.

5. Before any works commence on site, arrangements for the management of construction traffic to and from the site (including hours of operation and deliveries of materials to the site) shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in full compliance with the approved scheme.

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

Informative:

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbs.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Matthew Broome

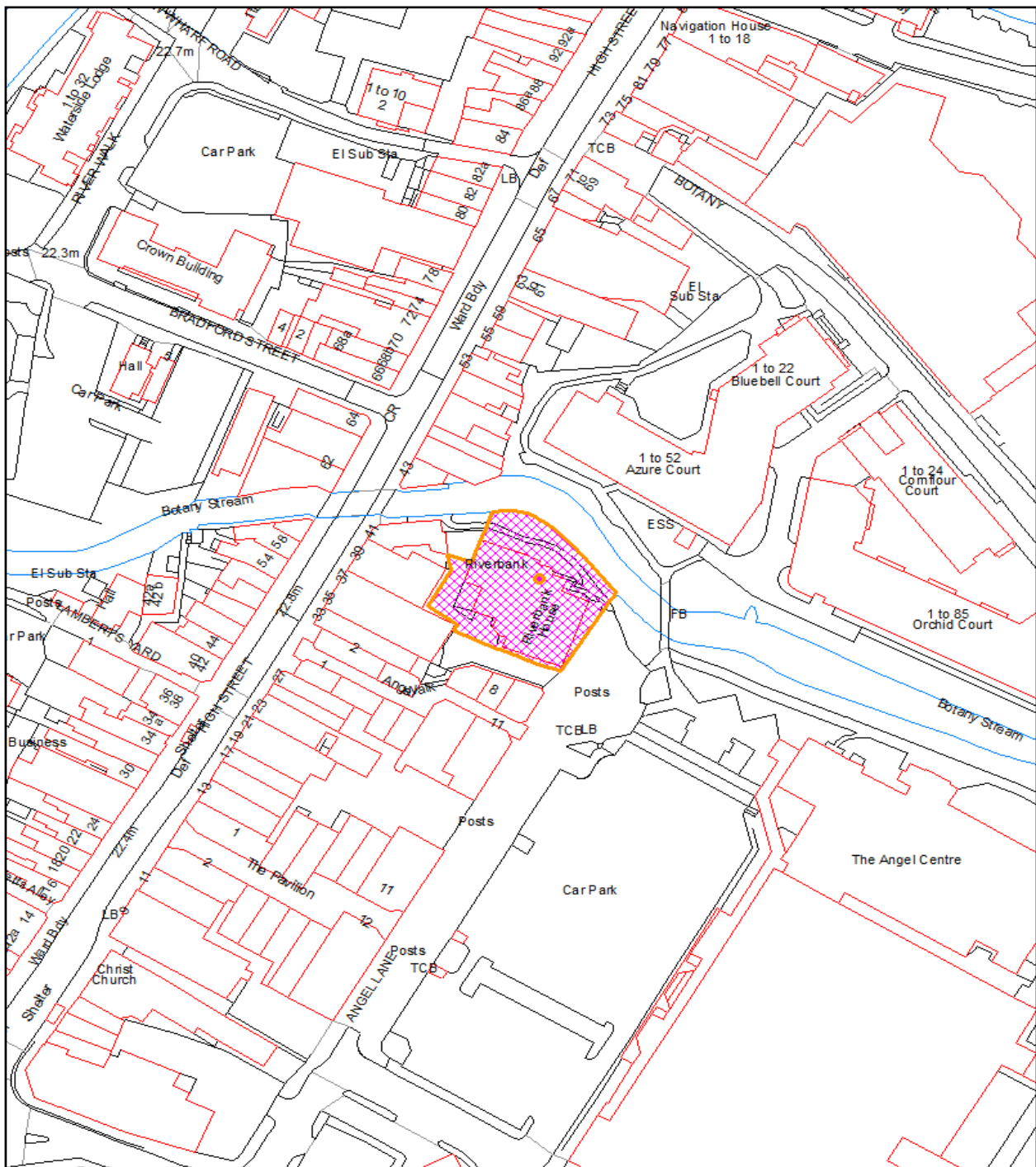
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TM/17/02233/FL

Riverbank House Angel Lane Tonbridge Kent TN9 1GF

Erection of 2 additional floors of accommodation to provide 2 x 1 bedroom, 10 x 2 bedroom and 2 x 3 bedroom flats with roof balconies at fourth floor. The new floors to be arranged over 3rd and 4th floors

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