

# 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)

9 January 2019

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, 17th January, 2019 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 5 April 2018

**Decisions to be taken by the Committee**

4. Development Control 9 - 12

Introduction and Glossary

5. TM/18/02488/FL - Primrose Inn, 112 Pembury Road, Tonbridge 13 - 24

6. TM/18/02222/FL - Riverbank House, Angel Lane, Tonbridge 25 - 36

7. TM/18/02684/FL - Hilden Oaks School, 38 Dry Hill Park Road, Tonbridge 37 - 44

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, 5th April, 2018

**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 M O Davis, Cllr Edmondston-Low, Cllr N J Heslop, Cllr M R Rhodes, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Ms S V Spence and Cllr Miss G E Thomas

Apologies for absence were received from Councillors Mrs M F Heslop and F G Tombolis

### PART 1 - PUBLIC

#### **AP1 18/7 DECLARATIONS OF INTEREST**

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

#### **AP1 18/8 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 22 February 2018 be approved as a correct record and signed by the Chairman; subject to noting that Councillor Sarah Spence had submitted apologies to the meeting which had not been recorded. The website would be amended to reflect this.

### DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

#### **AP1 18/9 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 18/10 TM/18/00173/FL - 36 DRY HILL PARK ROAD, TONBRIDGE**

Change of use from residential dwelling to caring staff training centre at 36 Dry Hill Park Road, 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) Amended Conditions:

3. The use hereby permitted along with any associated activities connected with that use shall not be carried on outside the hours of 0800 to 1800 Mondays to Fridays, with no working on Saturdays, Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

4. This consent shall enure only for the benefit of Consultus Care and Nursing Ltd (the applicant) and it shall not enure for the benefit of the land or any other person, persons, organisation or company for the time being having an interest therein.

Reason: To enable the Local Planning Authority to assess the impact of another user of the land in the interests of amenity.

5. The site identified in red on drawing number 18002/SP01 shall be used for a centre for training carers and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In order to enable the Local Planning Authority to assess the impacts of alternative uses falling within the same use class upon residential amenity and highway safety.

6. The use shall not commence until details comprising a scheme of acoustic protection and noise insulation measures throughout the building (including but not limited to those along the party wall with 36A Dry Hill Park Road) have been submitted to and approved by the Local Planning Authority. The scheme shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In the interests of residential amenity.

(1) Additional Conditions:

8. The use of the site hereby approved shall not commence until a Travel Plan covering all staff, training attendees and any other visitors to the site has been submitted to and approved by the Local Planning Authority. Thereafter, the Travel Plan shall be implemented in full and monitored to ensure strict compliance with the approved scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of amenity.

9. The use of the site hereby approved shall not commence until details of a site and operational management plan have been submitted to and approved by the Local Planning Authority. The plan shall specify the arrangements for how the use will operate and how the site (inclusive of the building, terrace and garden) will be managed on a day to day basis. The plan shall set out specific details of measures and procedures to be put in place to ensure the use operates in an acceptable manner and should include (but not limited to) the following:

- Procedures for the processing and management of all visitors to the site;
- Measures and guidelines for use of all external spaces by staff and visitors;
- Procedures for liaising with local residents in the event of any issues arising;
- Procedures for the management of emergency events outside the approved hours of operation.

The plan should also detail how it would interact with the travel plan where applicable.

The use shall thereafter be undertaken in strict accordance with the approved plan.

Reason: In the interests of residential amenity.

10. The windows on the rear elevation of the building at first floor level shall be fitted with obscured glass. This work shall be affected before the use of the building commences and shall be retained at all times thereafter.

Reason: In the interests of residential amenity.

(3) Additional Informative(s):

1. The applicant is reminded of the need to fully comply with the requirements of the Building Regulations in respect of fire safety.

[Speakers: John Barr, Kirsten Barr, Petra Sulka, Lisa Gibbard (represented by Petra Sulka), Ian Gibbard (represented by Steven Johnston), Cheryl Farrar, Mark Farrar, David Mote, Rachel Barr, Steven Johnston and Sam Veitch – members of the public; and Peter Seldon – applicant]

**AP1 18/11 ALLEGED UNAUTHORISED DEVELOPMENT 17/00361/WORKM - PEAR TREE FARM, MATTHEWS LANE, HADLOW**

The report of the Director of Planning, Housing and Environmental Health advised of an alleged unauthorised construction of a new building within the grounds of Pear Tree Farm.

Attempts to resolve the breach through informal means had been explored and plans had been provided indicating alterations the owner would be prepared to make to resolve the situation. However, the plans still allowed for a building larger than approved under planning reference TM/14/03862/FL. In addition, a different use from the building previously approved was indicated.

Members were advised that formal action was now required for the owner to make the necessary changes to the building so that it met the terms of the otherwise implemented planning permission.

**RESOLVED:** That an Enforcement Notice BE ISSUED to seek all physical alterations to the unauthorised building to conform to the plans approved under planning reference TM/14/03862/FL.

**AP1 18/12 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.15 pm



## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

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

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

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

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

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

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

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#### GLOSSARY of Abbreviations and Application types

#### used in reports to Area Planning Committees as at 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

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<b>Tonbridge</b> Vauxhall	<b>17 October 2018</b>	<b>TM/18/02488/FL</b>
Proposal:	Demolition of the existing Primrose Public House and redevelopment of the site to provide 4 no. dwelling houses and 2 no. apartments with associated access, parking, infrastructure and landscaping	
Location:	Primrose Inn 112 Pembury Road Tonbridge Kent TN9 2JJ	
Go to:	<a href="#">Recommendation</a>	

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## 1. Description:

Planning permission is sought to demolish the existing Public House on this site and replace it with four dwellings and two flats with associated landscaping, access and parking.

The terraced houses will comprise 2.5 storey, 3 bedroom town houses, each with garden. The two apartments are located on the first and second floor of the building and both have a small south facing balcony from the lounge away from the road. Materials to be used include slate tiles for the roof, and a mix of render and bricks for the walls.

Access will be from the front of the site via Pembury Road through an archway to a car parking area for 9 cars to the rear of the site.

## 2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Sarah Spence in order to consider the principle of the loss of the public house and potential for its retention in any scheme for redevelopment.

## 3. The Site:

- 3.1 The site is located within the confines of Tonbridge. It contains the Primrose Inn which is a Public House and its car park. The existing car park is situated to the east of the pub; the rear area is split by a fence to separate the pub garden from the car park area serving the pub. There is a large pergola/wooden structure to the rear of the pub in the garden area. The building sits towards the front boundary with a low wall abutting the footpath along Pembury Road. The site is adjoined on all sides by residential properties. There is a high bank to the rear of the site with residential properties overlooking the site being set at a higher level.

## 4. Planning History (relevant):

TM/64/10059/OLD    grant with conditions    6 October 1964

Formation of car park.

TM/77/10773/ADV grant with conditions 7 September 1977

Erection of illuminated double sided projecting sign.

TM/88/10273/FUL grant with conditions 21 November 1988

Single storey cellar, bottle store, kitchen and bar alterations.

## 5. Consultees:

5.1 KCC (Highways) : No objections subject to conditions

5.2 Private Reps: 28 + site notice/0X/7R/0S. Objections raised on the following grounds:

- Pub is a local landmark that deserves to be preserved
- The Public House is described in TMBC Character assessment as “an attractive group of buildings that enlivens the townscape with traditional Kent Materials” and “the two story public house with slate roof is a local landmark as a result of its distinctive white weatherboarding, use and signage”
- Tonbridge is flooded with flats
- Proposed buildings are cramped and too high – balcony on second floor at rear is unacceptable
- The front line of the buildings is not in line with neighbouring properties – should be set back to allow for front gardens
- Should be solar panels in the roofs
- Neighbouring properties have a history of subsidence
- Development will block light to properties to the rear.

## 6. Determining Issues:

### Principle of Development and policy considerations:

6.1 Overall, in respect of this development the general thrust of government guidance is that the presumption in favour of sustainable development needs to be applied in the absence of a five year supply of housing. The precise wording is contained at paragraph 11(d) of the NPPF and sets out that because the Council cannot demonstrate an up to date five year supply, much of the development plan is considered to be out of date for the purposes of determining applications which propose new housing development such as this.

- 6.2 The development plan must remain the starting point for determining any planning application (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006) which is overtly reiterated at paragraph 12 of the NPPF; the consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the scheme for determination.
- 6.3 In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities. Policy CP11 of the TMBCS states development should be concentrated at the urban areas where there is the greatest potential for re-use of previously developed land and other land damaged by former uses. Development at the urban areas can also minimise the need to travel, by being located close to existing services, jobs and public transport.
- 6.4 TMBC cannot presently demonstrate a five year supply of housing when measured against its objectively assessed need (OAN). Whilst this will be addressed through the local plan, it has clear implications for decision making in the immediate term, in particular the presumption in favour of sustainable development set out in the NPPF (July 2018) at paragraphs 75 and 11(d) apply.
- 6.5 One of the core principles set out within the NPPF is that the planning system should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. It also encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.6 The proposed development on a previously developed site within an urban location is therefore acceptable in principle and would accord with the broad principles set out within the NPPF. No restrictive policies apply in this case and the presumption in favour of sustainable development therefore applies.

Loss of Public House:

- 6.7 Turning to more detailed considerations on the scheme itself, there are local objections to the demolition of the former Primrose PH building itself. Policy CP26 of the TMBCS seeks to resist the loss of a leisure/community facility if an alternative facility is identified and the applicant has proved that there is an absence of need or adequate support for the facility. The Public House has been closed since the summer but trading figures have been submitted that satisfy the requirement to show that there is no reasonable prospect of the facility being offered as a viable concern. Additionally the application has been accompanied by a report that shows other public houses within the local area that are adequate alternative facilities available to local residents. There are also services available

in the town centre itself which meet the needs of local residents with regard to this type of leisure facility. I consider this to be a material planning consideration that overrides the requirements of TMBCS Policy CP26.

- 6.8 Comments have been made regarding the retention of the building itself and incorporating it within the redevelopment scheme. The Agents have commented that the building itself is in a poor state of disrepair both internally and structurally and significant expense would be required to upgrade the building for residential purposes. The building itself is considered to have low historical or architectural merit and it would be difficult to justify why it would need to be incorporated into a redevelopment scheme.
- 6.9 It is noted that the Primrose Inn is mentioned in the Tonbridge Character Areas assessment as a landmark building that has distinctive white weatherboarding and signage. Whilst this building is included within this commentary, this does not mean that the building should be retained in perpetuity.

*Impact on visual amenity and street scene:*

- 6.10 Policy CP24 of the TMBCS states that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.11 Paragraphs 127 and 130 of the NPPF state that planning decisions should aim to ensure that developments respond to local character and quality of an area; development should reflect the identity of local surroundings/history and materials, while not preventing or discouraging appropriate innovation. The NPPG recognises that achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place.
- 6.12 The overall design of the development is of a high quality and the siting echoes the staggered building line in Pembury Road. The overall character of the area is mixed and the scale, form and design of the proposed houses are considered to be in keeping with the street scene. In this respect I am satisfied that the proposal is in keeping with the surrounding character and that the scheme represents an acceptable design solution to this plot.
- 6.13 The development has been designed to provide an active street frontage. The development will utilise the land available, have a softer appearance within the street scene and improve views into and out of the site. The use of mixed materials with slate tiles, render and bricks, together with window and door detailing, false windows and small front garden areas all assist to break up the frontage.



- 6.14 I consider that the proposed development would be of a standard that would accord with the requirements of the various qualitative elements of the relevant development plan policies and overall would represent a clear enhancement to the appearance of the street scene in accordance with adopted policy and NPPF requirements.

Impact on residential amenity:

- 6.15 The site is set well away from nearby residential properties so the impact on the amenities of neighbouring dwellings is minimal. The houses to the rear are set on top of a bank that overlooks the site and are a minimum of 22m back of the dwelling to front of nearest house. The size and scale of the overall proposed dwellings are not considered to be overbearing within the street scene and relate well to the scale of the buildings in the nearby vicinity.

Highway safety and parking provision:

- 6.16 Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. The NPPF also encourages the use of sustainable transport modes.
- 6.17 The parking standard for this scheme when applying IGN3 (edge of centre) is 1 space per unit – 6 units proposed, 6 spaces required, plus visitor spaces 0.2 per unit, equals 2 spaces; totalling 8 spaces for the development. As 9 parking spaces are provided, the development accords with IGN3.
- 6.18 KCC Highways is raising no objections to the proposed scheme. The site is located within an urban location, within a short distance of public transport links. It is therefore very sustainably located in this respect. The impact of the development on the parking availability in surrounding streets is not considered to be severe. The development also includes an area for cycle storage. The development therefore accords with the adopted standard set out in IGN3, policy SQ8 of the MDE DPD and paragraph 32 of the NPPF.

Other environmental considerations:

- 6.19 Paragraph 178 of the NPPF comments that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. The site has historically had other structures on it and the proposed gardens are within the current parking area. There is potential for contamination in the underlying soils so contamination conditions are proposed.

6.20 With regard to noise impact, it is considered that the noise assessment proposes acceptable noise mitigation measures which can be secured by planning condition.

Planning obligations:

6.21 Policy OS3 in the MDE DPD requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards in Policy Annex OS3. Annex D to the MDE DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal. The applicant is being asked to provide a financial contribution to enhance existing off site open spaces through a legal agreement.

6.22 The local open spaces identified for improvement are:

- Parks and Gardens: Hayesden Country Park and/or Tonbridge Castle
- Amenity Green Spaces: Hilltop
- Outdoor sports facilities: Tonbridge Racecourse Sportsground
- Children/young people play equipment: Tonbridge Racecourse Sportsground
- Natural and Semi Natural Green Spaces: Quarry Hill Wood

6.23 The applicant has agreed in principle to make the financial contribution 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 such obligation will need to be secured by a Section 106 agreement, the detailed wording of which is being finalised. Any update on this will be reported as a supplementary matter.

Conclusions:

6.24 Returning to the need to apply the presumption in favour of sustainable development, the scheme proposes new housing development within an urban area in accordance with the policies contained within the NPPF (and policy CP11 in terms of the broad principles rather than the specific requirements for net gains) and therefore planning permission should be granted (paragraph 11d).

6.25 Moreover, it should be recognised that the NPPF overtly sets out that where there is an existing shortage of land for meeting identified housing needs (i.e. where an LPA cannot demonstrate an up to date five year supply) it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site (paragraph 122). It goes on to state that applications should be refused where it is considered that proposals fail to make efficient use of land.

- 6.26 In this context, the development has been assessed in the local context and the quality of the resultant development in terms of the requirements of CP24 of the TMBCS and the policies contained within the Framework concerning the need to achieve high quality design. With the above assessment in mind, I consider that the proposal is acceptable in terms of the requirements of the adopted LDF policies and Framework as a whole.
- 6.27 I therefore recommend that planning permission be granted subject to the applicant entering into a legal agreement securing a contribution towards public open space.

## 7. Recommendation:

7.1 **Grant planning permission** in accordance with the following details: Letter dated 17.10.2018, Other design proposals dated 17.10.2018, Other part superseded design strategy dated 17.10.2018, Other draft unilateral undertaking dated 17.10.2018, Other profit and loss dated 17.10.2018, Other supplementary information dated 17.10.2018, Planning Statement dated 17.10.2018, Noise Assessment dated 17.10.2018, Email dated 14.11.2018, Site Plan (03)-P-S001 PL1 dated 14.11.2018, Proposed Floor Plans (03)-P-0G0 PL1 dated 14.11.2018, Proposed Floor Plans (03)-P-001 PL1 dated 14.11.2018, Proposed Floor Plans (03)-P-002 PL1 dated 14.11.2018, Proposed Roof Plan (03)-P-ORO PL1 dated 14.11.2018, Proposed Elevations (03)-E-002 PL1 dated 14.11.2018, Drawing (03)-P-S003 dated 14.11.2018, Sections (03)-X-001 PL1 dated 14.11.2018, Proposed Elevations (03)-E-001 PL2 dated 23.11.2018, subject to the following:

- The applicant entering into a planning obligation under s106 of the Town and Country Planning Act 1990 (as amended) to make a financial contribution towards public open space; and
  - The following conditions
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.
  2. Within one month of the commencement of development details and samples of materials to be used externally shall be submitted the Local Planning for approval and the development carried out in strict accordance with the details approved.  
  
Reason: To ensure that the development does not harm the visual amenity of the locality.
  3. The residential units hereby approved shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and

drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space

Reason: In the interests of highway safety.

- 4 The measures for mitigation of noise as set out in the Acoustic Assessment (received on 17 Oct 2018) hereby approved shall be fully adhered to.

Reason: In the interests of the protecting the amenities of the future residents of the dwellings.

- 5 No ground work shall take until the following have been submitted to and approved by the Local Planning Authority:

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

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

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2018

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

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include

details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

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

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2018

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

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2018

- 8 The access shall not be used until pedestrian vision splays of 2m x 2m behind the footway on both sides of the access 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.

- 9 No obstruction to vision exceeding 0.9 metres in height above the carriageway level within the splays shown on plan (18032 03-P-S003 received 14.11.2018) shall be placed. The vision splays so created shall be retained at all times thereafter.

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

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

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

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

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

### **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](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

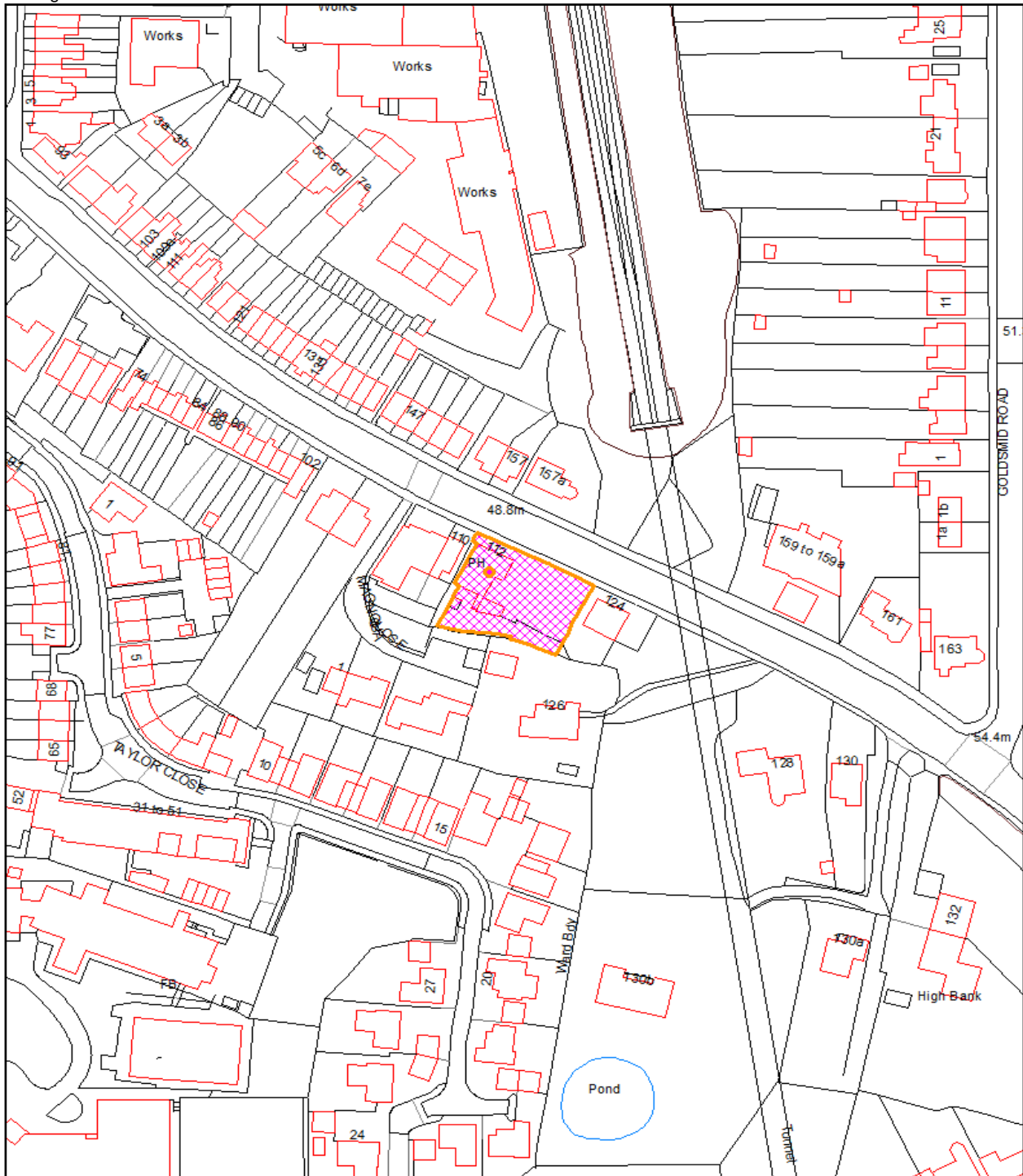
Contact: Rebecca Jarman

**TM/18/02488/FL**

Primrose Inn 112 Pembury Road Tonbridge Kent TN9 2JJ

Demolition of the existing Primrose Public House and redevelopment of the site to provide 4 no. dwelling houses and 2 no. apartments with associated access, parking, infrastructure and landscaping

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**Tonbridge**  
Medway

**1 October 2018**

**TM/18/02222/FL**

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Proposal: Rooftop extension to provide 8 additional 2 bed flats  
Location: Riverbank House Angel Lane Tonbridge Kent  
Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 The proposed development comprises an alteration and extension to the roof of the existing building and increases its overall height by 1.3m in order to accommodate 8 additional flats within the roof structure. The existing roof contains hipped (sloping) elements surrounding flat roof sections. It is proposed to increase the pitch of the sloping roof sections to create a steeply pitched mansard style of roof that would contain windows to serve the proposed additional flats.
- 1.2 The enlarged roof would be clad with slate tiles, the same as the existing roof materials.
- 1.3 The existing parking arrangements would not be affected by the proposed development. 32 no. car parking spaces are provided within the basement of the building for use by the residential properties.
- 1.4 This application comprises a revised scheme to that refused under planning reference TM/17/02233/FL to extend the existing building vertically by approximately 5m overall with two additional storeys of accommodation. This addition would have accommodated 14 additional flats. The reason for the Council refusing permission was:

*“The proposed development, by virtue of its overall height, scale, bulk and massing would appear as an incongruous feature within the immediate locality and would be harmful to the visual amenities of the locality. For these reasons, the proposed development would be contrary to the requirements of policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Tonbridge and Malling Managing Development and the Environment DPD 2010 and paragraphs 17, 56, 57, 58, 60 and 64 of the National Planning Policy Framework 2012.”*

- 1.5 The appeal against this refusal was subsequently dismissed.

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

- 2.1 At the request of Cllr Lancaster in light of the concerns expressed by local residents to the proposed development and because the previous proposal to extend this building was also reported to APC1.

**3. The Site:**

- 3.1 The site is located within the urban confines of Tonbridge, within its central area. The site contains a 3 storey building containing offices at ground floor level and two stories of residential accommodation above (24 no. flats).
- 3.2 The site lies at the northern end of Angel Lane, immediately to the rear of the buildings that front onto the east side of the High Street. The Botany stream lies to the north of the site, beyond which 5-storey apartment buildings are located. The site lies within Flood Zone 3.

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

TM/15/01736/PDVOR     Prior Approval Not                      17 July 2015  
   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/PDVOR     Prior Approval Not                      17 July 2015  
   Required

Prior Notification: Change of use of upper two floors from office (Class B1) to 24 no. residential units (Class C3) (Class O)

TM/17/02233/FL                      Refuse    27 October 2017  
   Appeal dismissed                                      27 April 2018

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

**5. Consultees:**

- 5.1 KCC (H&T): No objections
- 5.2 KCC (SUDS): This is a low risk development as there is no increase in impermeable areas and the drainage for the site will remain the same.
- 5.3 EA: Providing the footprint of the building remains the same as is stated in the FRA, there are no concerns from a flood risk point of view. Undercroft parking must remain to allow unimpeded flow routes in a flood event. The LPA must be confident that access and egress from this development can be achieved in the event of a severe flood.
- 5.4 Private reps: 35/0X/0S/3R: Objections can be summarised as follows:
- The extension will dominate the surrounding buildings and would be harmful to visual amenity

- There is a lack of parking for existing residents which would be made worse by the proposed additional flats.
- There is a lack of health facilities/public amenities in Tonbridge.
- The development would harm the well-being of the existing residents within Riverbank House

**6. Determining Issues:**

*Principle of the development and policy considerations:*

- 6.1 As Members will be aware, all planning applications have to be considered on their individual merits and what happened previously on a site will not set a precedent for considering a subsequent application. This application has to be assessed on its individual merits against relevant development plan policies and material considerations but the Inspector's decision regarding the previously refused scheme is, of course, a material consideration.
- 6.2 Since the last application (and appeal) were determined the NPPF has been revised. Overall, in respect of this development, the general thrust of government guidance has not altered and the presumption in favour of sustainable development still falls to be applied in the absence of a five year supply of housing, which it is accepted the Council cannot currently demonstrate. The precise wording which sets out the "presumption" is now contained at paragraph 11(d) of the NPPF and states that, in effect, because the Council cannot demonstrate an up to date five year supply, much of the development plan is considered to be out of date for the purposes of determining applications which propose new housing development such as this.
- 6.3 The development plan must remain the starting point for determining any planning application (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006) which is overtly reiterated at paragraph 12 of the NPPF; the consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the scheme for determination.
- 6.4 Paragraph 11 (d) of the NPPF states that where a 5 year housing supply cannot be demonstrated, planning permission should be granted unless (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The policies to which this applies are set out in footnote 6 and includes those relating to areas of flood risk, which are particularly relevant to the current proposal as the site lies within Flood Zone 3.
- 6.5 Section 14 of the NPPF deals with matters of flood risk. Paragraph 155 states:

*“Inappropriate development in areas of flood risk should be avoided by directing development away from areas at highest risk...Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flooding elsewhere.”*

- 6.6 Paragraph 157 states that all plans should provide a sequential risk based approach to the location of development, so as to avoid, where possible, flood risk to people and property.
- 6.7 The site is located within flood zone 3a which has a 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.
- 6.8 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.
- 6.9 In light of the above considerations, the development is considered to be compliant with NPPF policies concerning flood risk.
- 6.10 In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities. Policy CP11 of the TMBCS states that development will be concentrated in the confines of urban areas including Tonbridge. Continuing to concentrate new housing development within identified and established settlement confines such as this (and therefore also conforming with development plan policy CP11) wholly accords with this aim.
- 6.11 As such, returning to the need to apply the presumption in favour of sustainable development, the scheme accords with both the development plan and policies contained within the Framework and therefore planning permission should be granted (paragraph 11d).

6.12 Moreover, it should be recognised that the new version of the NPPF now overtly sets out that where there is an existing shortage of land for meeting identified housing needs (i.e. where an LPA cannot demonstrate an up to date five year supply) it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site (paragraph 122). It goes on to state that applications should be refused where it is considered that proposals fail to make efficient use of land. Furthermore, the NPPF now positively advocates the upward extension of buildings. Paragraph 118 states at point (e) that planning decisions should:

*“support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene...”*

6.13 In light of the above, the principle of the proposed development is considered to be acceptable.

*Impact on visual amenity:*

6.14 Policy CP24 of the TMBCS requires all developments to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its surroundings.

6.15 MDE DPD Policy SQ1 states that, inter alia, proposals for development will be required to reflect the character and local distinctiveness of the area including its historical and architectural interest as well as the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.

6.16 Paragraph 122 of the NPPF states that planning decisions should support development that makes an efficient use of land, but take into account the desirability of maintaining an area’s prevailing character and setting.

6.17 At paragraph 4 of the Inspector’s decision, he stated:

*“The proposal would provide an additional two floors of accommodation with a flat roof replacing the existing pitched roof. This would result in a significant increase in the height and bulk that, within the context of Angel Lane and adjacent development, would appear incongruous and discordant.”*

6.18 The proposed development seeks to extend the existing building upwards by no more than 1.3m. Whilst the neighbouring buildings in Angel Lane to the south and the High Street to the west are lower than the existing building, the proposed increase in height would not be readily discernible from ground level. Unlike the previously refused scheme, the current proposal would retain a pitched roof, albeit

one that is steeper than the existing one it would replace. The increased roof pitch would alter this aspect of the building, but it would not appear out of keeping with the proportions or character of the existing building. Whilst adding a modest amount of additional bulk to the building, it would not result in an incongruous or discordant development within the street scene.

*Impact on residential amenity:*

- 6.19 Before considering the impact of the current proposal, it should be noted that the previous (larger) scheme to extend this building was not refused permission on the grounds of harm to residential amenity. The inspector determining the subsequent appeal also considered that development to be acceptable in this regard.
- 6.20 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), and the modest height increase proposed, the development would not cause these neighbouring properties a loss of light or privacy.
- 6.21 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.
- 6.22 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.
- 6.23 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:

- 6.24 As with the issue of residential amenity, the previous application was not refused permission (nor the appeal dismissed) on highway safety grounds or the amount of parking to be provided to serve the development.
- 6.25 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 1 space 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.
- 6.26 Paragraph 109 of the NPPF advises that applications should only be refused on highways grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts upon the road network 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.

Planning obligations:

- 6.27 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 local open spaces identified for improvement are:
- Parks and Gardens: Haysden Country Park and/or Tonbridge Castle
  - Outdoor sports facilities: Tonbridge Racecourse Sportsground
  - Children/young people play equipment: Tonbridge Racecourse Sportsground
- 6.28 The applicant has agreed in principle to make the financial contribution 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.

6.29 Although the resultant development will form part of a larger building which has been converted for residential purposes, the scheme the subject of this planning application is only for 14 units. As such, there is no policy requirement for any affordable housing provision.

Conclusions:

6.30 The proposed development, in all respects, would comply with current adopted development plan policies and national planning policies that seek to make an efficient use of a previously developed site in a highly sustainable location. The development would make use of airspace above existing residential units without causing material harm to the character of the existing building, which is supported by national planning policy.

6.31 The development would not cause an unacceptable impact upon highway safety given the level parking provision proposed and the sustainable town centre location.

6.32 In light of the above, the development, unlike the previously refused scheme, would not result in a significant increase in the height or bulk of the building and would not appear as an incongruous and discordant feature in Angel Lane. Consequently, the current proposal is considered to be acceptable in planning terms having regard to the relevant Development Plan policies, the NPPF and has successfully overcome the previous reason for refusal (and associated dismissed appeal).

**7. Recommendation:**

7.1 **Grant planning permission** in accordance with the following submitted details Block Plan 12865-201 received 19.09.2018, Existing Roof Plan 12865-205 received 19.09.2018, Existing Floor Plans 12865-208 received 19.09.2018, Existing Floor Plans 12865-209 received 19.09.2018, Existing Elevations 12865-210 received 19.09.2018, Proposed Floor Plans 12865-211B received 19.09.2018, Proposed Floor Plans 12865-212B received 19.09.2018, Proposed Floor Plans 12865-215E received 19.09.2018, Proposed Elevations 12865-217D received 19.09.2018, Proposed Roof Plan 12865-219A received 19.09.2018, Site Plan 12865-218 received 01.10.2018, Location Plan 12865-200 received 19.09.2018, Letter received 19.09.2018, Flood Risk Assessment received 27.09.2018, Planning Statement received 27.09.2018, email received 06.12.2018 subject to the following:

- The applicant entering into a planning obligation under s106 of the Town and Country Planning Act 1990 (as amended) to make a financial contribution towards the improvement of existing open spaces within the local area
- 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.

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 27.09.2018.

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@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.

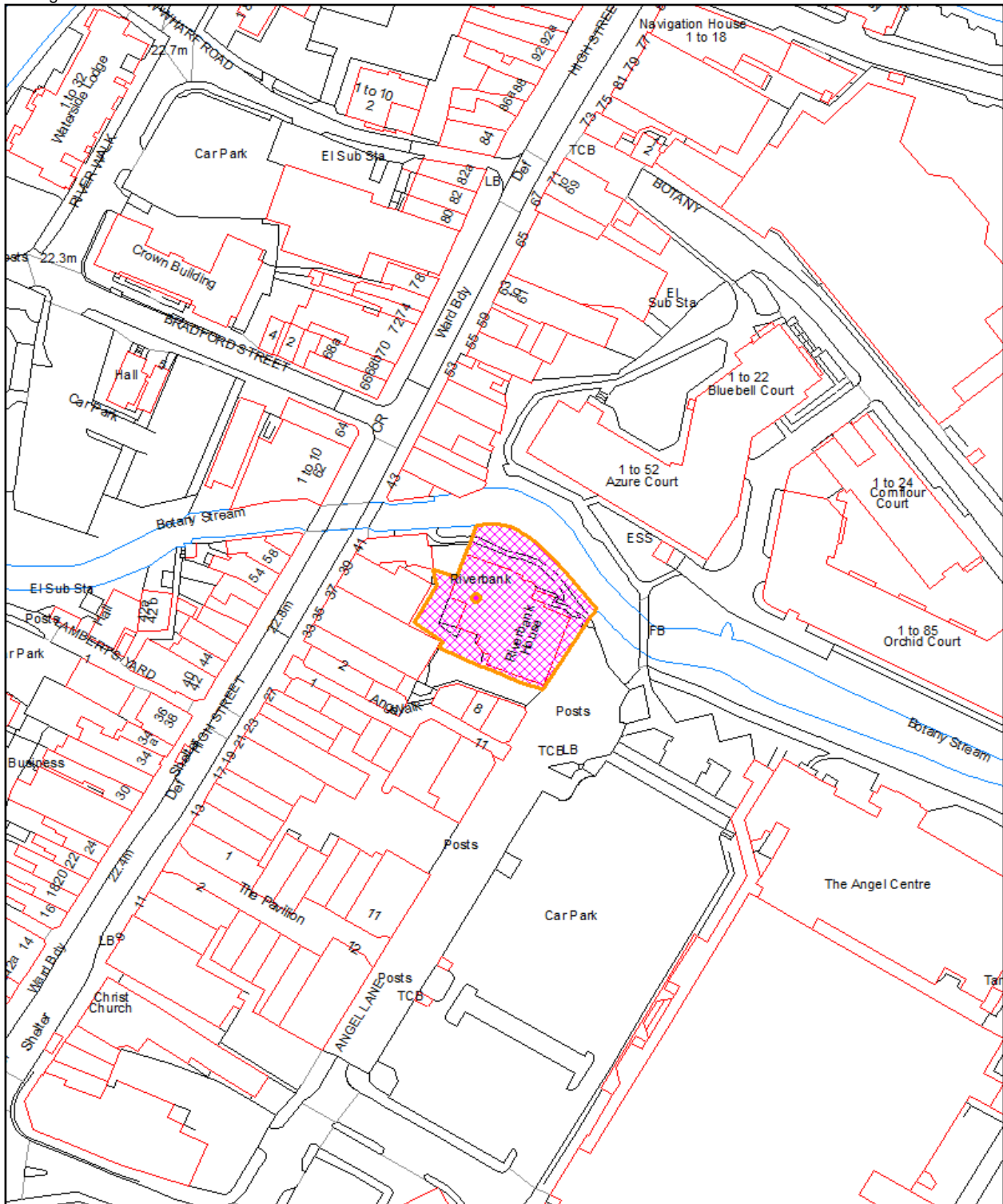
Contact: Matthew Broome

**TM/18/02222/FL**

Riverbank House Angel Lane Tonbridge Kent

Rooftop extension to provide 8 additional 2 bed flats

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**Tonbridge**  
Castle

**13 November 2018**

**TM/18/02684/FL**

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Proposal: Retrospective application for erection of a canopy attached to the Acorn building  
Location: Hilden Oaks School 38 Dry Hill Park Road Tonbridge Kent TN10 3BU  
Go to: [Recommendation](#)

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## **1. Description:**

- 1.1 Planning permission is sought retrospectively for the erection of a white finished metal framed canopy attached to the south elevation of the Acorn building which is located within the central part of the site. The canopy measures 8.6m in length, 5.6m in width and stands 3.5m high at its highest point. The canopy has a mono-pitched roof and is supported on columns.
- 1.2 The purpose of the canopy is to provide a sheltered external area for children to play. This enables children to play outside even when the weather would normally dictate that they would stay inside the building.
- 1.3 At the time of writing this report, arrangements are being made for a Members' Site Inspection (MSI) to take place before the date of this committee meeting. Arranging the MSI prior to the date of the committee meeting complies with the Council's protocol for these inspections and will enable Members to see the context of the development prior to debating the merits of it during the committee meeting itself. Any issues arising from the Members' Site Inspection will be reported as a supplementary matter.

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

- 2.1 At the request of Cllr Branson in response to the widespread local interest in this application.

## **3. The Site:**

- 3.1 The site is located within the urban confines of Tonbridge on the north side of Dry Hill Park Road. It is located within the Tonbridge Conservation Area and is occupied by a school, contained within 4 main buildings. The site slopes down considerably from the south (Dry Hill Park Road frontage) to the north (rear) of the site where it adjoins Welland Road.

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

TM/11/00221/FL      Approved                              22 March 2011

Demolition of existing shed and replacement with a new shed in amended location for the continued general storage use.

TM/14/00216/FL      Approved                              12 March 2014

Relocation of an existing cabin within the site and construction of new timber building

TM/18/02933/FL      Pending consideration

Erection of a freestanding single storey building providing additional educational facilities at Hilden Oaks School

TM/18/02934/FL      Pending consideration

Erection of single storey timber clad extension to Hilden Oaks School Hall

**5. Consultees:**

5.1 Private reps (including site and press notices): 26 + site + press notice/0X/0S/4R. Objections raised on the following grounds:

- The documents are inaccurate. The canopy is not a replacement for one that were there before. The statement that the previous canopy was approved is misleading.
- The canopy is in no way sympathetic to the landscape or area and has no architectural merit.
- The applicant states that the canopy appears innocuous against the backdrop of the larger building it has been attached to. However, the canopy does not look innocuous when viewed from the neighbour's house.
- The structure does not conform to the guidance contained within the Tonbridge Conservation Area Appraisal for this sub area of the Conservation Area.

**6. Determining Issues:**

6.1 Policy CP11 states that development will be concentrated within the urban areas of the Borough, which includes Tonbridge. As such, the principle of the proposed development is acceptable in broad policy terms.

6.2 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.

6.3 Policy SQ1 of the MDE-DPD echoes policy CP 24 and states that development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.

6.4 Bearing in mind that the site lies within the Tonbridge Conservation Area, regard must be given to current national planning guidance concerning development and the historic environment, which is contained within section 16 of the NPPF. It states at paragraph 192 that when determining applications, LPA's should take account of the desirability of sustaining and enhancing the significance of heritage assets (in this case the CA itself).

6.5 Paragraph 193 states:

*“When considering the impact of a proposed development on the significance of a 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.”*

6.6 Consideration must also be given to the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). This states that when exercising powers within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

6.7 When considering the above statutory, adopted development plan and national requirements, it is crucial to consider the context for any planning application. In this case, the context is a site used as a school containing four main school buildings. A red brick former dwelling dating from the early 20<sup>th</sup> Century fronts onto Dry Hill Park Road. Two more modern, two storey buildings known as the Acorn and Salmon buildings are located more centrally and to the rear of the site respectively. Both are of red brick construction under pitched, tiled roofs and contain white UPVC windows. A single storey, brick and tiled roof building is located along the eastern boundary of the site, approximately half between the front and rear of the site.

6.8 The canopy is attached to the Acorn building, a red brick building that is less than 20 years old and which, whilst it is of a traditional form and design, has a simple and plain appearance. The canopy is predominantly a translucent structure although the frame for the side wall is constructed from white, powder-coated aluminium. This materials is similar in appearance to the white UPVC windows located within the building. In light of these factors and given the small scale of the canopy, it does not detract from the character of the Acorn building itself.

- 6.9 Views into the site from Dry Hill Park Road are prevented by the older building fronting onto the road. Similarly, views into the site from Welland Road are obscured by the Salmon Building. Given the particular arrangement of buildings within the site and its sloping ground levels, the canopy is not visible from public vantage points within the Conservation Area or indeed views into it from Welland Road. In light of this, and given my assessment in the preceding paragraph, the canopy does not fail to preserve the character of the Conservation Area and nor does it cause any harm the character of the street scene.
- 6.10 Whilst it is clearly visible from neighbouring residential properties, a private view of a structure is not a material planning consideration even for a structure within a Conservation Area.
- 6.11 For the above reasons, the canopy complies with development plan policies CP 24 and SQ 1, as well as national planning guidance concerning development and the historic environment.
- 6.12 Due to the position of the canopy within the site and its limited size, it does not cause any demonstrable harm to the amenities of the neighbouring properties in terms of loss of light or overshadowing. The development also raises no highway safety issues either, due to its nature and position within the site.
- 6.13 Comments have been submitted regarding an application in 2003 (Ref: TM/03/02764/FL). This related to the erection of the Acorn building itself and included the provision of a canopy that wrapped around the front and side elevations of the building. The Council, as Local Planning Authority, granted permission for this canopy as part of the building under the terms of the 2003 planning permission. Following the issuing of that planning permission, amended plans were approved by the Borough Council which did not include the canopy. However, it is a fact that the Borough Council has previously granted planning permission for a similar canopy structure to the one the subject of the current application. Whilst national planning policy has changed over time since this decision was made in 2003 (the replacement of PPSs/PPGs with the NPPF), the content of that policy has not significantly changed in terms of how to assess the impact of development upon the historic environment. Furthermore, the statutory requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) have not changed since the time this previous application was approved.
- 6.14 Taking all of the above into consideration, the canopy does not fail to preserve the character or appearance of the Conservation Area and complies with the relevant development plan and national planning policies concerning development and the historic environment. It causes no more harm to the character of the Conservation Area than a similar structure the Borough Council has previously approved for the same part of the site. The canopy does not cause any detriment to residential



amenity or highway safety. Consequently, I recommend that retrospective planning permission be granted.

**7. Recommendation:**

- 7.1 **Grant retrospective planning permission** as detailed in: Other Canopy details dated 13.11.2018, Existing + Proposed Plans and Elevations 01 dated 13.11.2018, Photograph dated 13.11.2018, Design and Access Statement dated 13.11.2018, Location Plan P-010 dated 13.11.2018

Contact: Matthew Broome

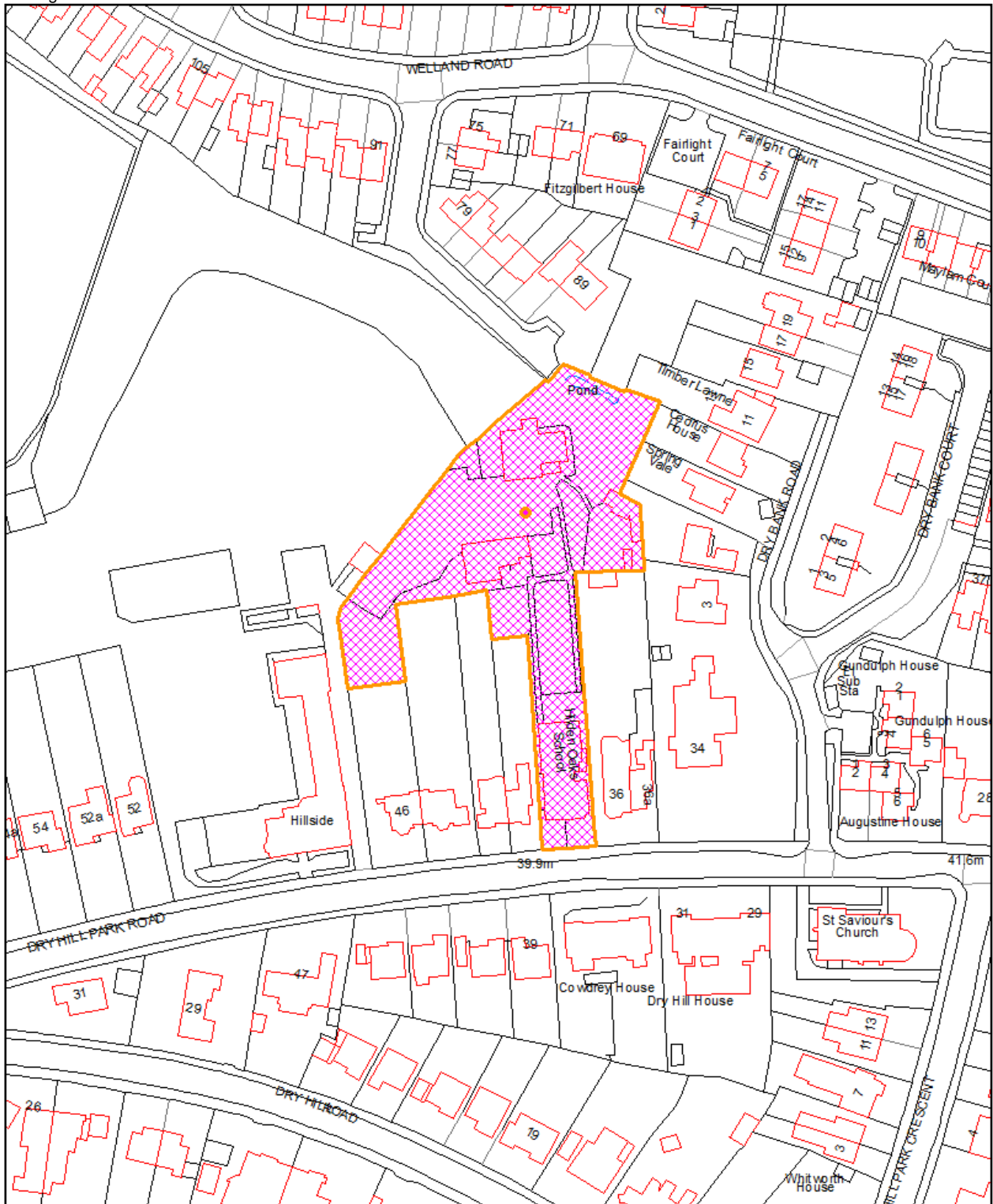
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**TM/18/02684/FL**

Hilden Oaks School 38 Dry Hill Park Road Tonbridge Kent TN10 3BU

Retrospective application for erection of a canopy attached to the Acorn building

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