



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

12 February 2020

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, 20th February, 2020 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 19 September 2019

Decisions to be taken by the Committee

4. Development Control 9 - 12

Introduction and Glossary

5. TM/19/01108/FL - 1-4 River Walk, Tonbridge 13 - 46

Construction of building comprising 36 apartments including access and ground floor and undercroft parking, following demolition of existing built form on site

6. TM/19/02277/FL - High Hilden Home, High Hilden Close, Tonbridge 47 - 70

Change of use of former residential care home to form 12 self-contained residential units, erection of two detached dwellings together with associated access, parking, landscaping and amenity space

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 V M C Branson (Chairman)
Cllr M D Boughton (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr Mrs P A Bates
Cllr J L Botten
Cllr G C Bridge
Cllr A E Clark
Cllr M O Davis
Cllr N Foyle
Cllr N J Heslop
Cllr M A J Hood

Cllr F A Hoskins
Cllr D W King
Cllr K King
Cllr J R S Lark
Cllr M R Rhodes
Cllr H S Rogers
Cllr J L Sergison
Cllr Miss G E Thomas
Cllr F G Tombolis

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 12th September, 2019

Present: Cllr V M C Branson (Chairman), Cllr M D Boughton (Vice-Chairman), Cllr G C Bridge, Cllr A E Clark, Cllr N Foyle, Cllr N J Heslop, Cllr M A J Hood, Cllr F A Hoskins, Cllr D W King, Cllr K King, Cllr J R S Lark, Cllr M R Rhodes, Cllr J L Sergison, Cllr Miss G E Thomas and Cllr F G Tombolis.

Apologies for absence were received from Councillors Mrs J A Anderson, Mrs P A Bates, J L Botten and M O Davis.

PART 1 - PUBLIC

AP1 19/27 DECLARATIONS OF INTEREST

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

AP1 19/28 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 1 August 2019 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

AP1 19/29 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 19/30 TM/19/01632/FL - DEVELOPMENT SITE, SOUTH PART OF WEST KENT COLLEGE, BROOK STREET, TONBRIDGE

Demolition of existing buildings and development of 51 dwellings along with associated vehicular and pedestrian access, car parking and

landscaping at development site, south part of West Kent College, Brook Street, Tonbridge.

RESOLVED: That planning permission be GRANTED, subject to

- (1) The applicant and West Kent College entering in to a planning obligation with the Borough Council to agree to undertake measures set out in the Travel Plan;
- (2) The applicant entering into a planning obligation with the Borough Council to make financial contributions towards the enhancement of existing open spaces within the local area;
- (3) The applicant entering into a planning obligation with Kent County Council to make financial contributions towards the enhancement of Judd School, local library provision and adult education services;
- (4) The submitted details, conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health;
- (5) The amended conditions set out in the supplementary report of the Director of Planning, Housing and Environmental Health (set out below);

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 in respect of the dwellings within plots 1-8 inclusive shall be carried out within Classes A,B,C or E of Part 1: of Schedule 2 of that Order

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

17. The development shall be undertaken in accordance with the details shown on the following drawings:

Sections 2675.1-A-1011-A received 10.07.2019, Sections 2675.1-A-1012-A received 10.07.2019, Existing Plans and Elevations 2675.1-A-1100-A Nursery received 10.07.2019, Existing Plans and Elevations 2675.1-A-1101-A Oaks building received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3000-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3005-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3010-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3015-B received 10.07.2019, Proposed Floor Plans 2675.1-A-3700-B received 10.07.2019, Proposed Elevations 2675.1-A-3701-A received 10.07.2019,

Site Layout 2675.1-A-1005-J received 18.07.2019, Sections 2675.1-C-1210.1-PL-A received 10.07.2019, Street Scenes 2675.1-C-1211-PL-A received 10.07.2019, Street Scenes 2675.1-C-1212-PL-A received 10.07.2019, Sections 2675.1-C-1213-PL-G received 18.07.2019, Section 2675.1-C-1216-PL-A received 10.07.2019, Site Layout 26751A1004A received 10.07.2019, Plan 26751A1006A Separation distance received 10.07.2019, Section 26751A1010A Existing received 10.07.2019, Proposed Elevations 2675.1-A-3702-A received 12.07.2019, Tree Protection Plan ASH21697-03C SHEET 1 OF 2 received 16.07.2019, Tree Protection Plan ASH21697-03C SHEET 2 OF 2 received 16.07.2019, Landscape Layout 1534/001 M received 18.07.2019, Plan 2675.1-A-1005.1-E Site Analysis received 18.07.2019, Location Plan 2675.1-A-1000-A received 10.07.2019

Reason: To ensure the development is undertaken in accordance with the approved drawings.

(6) The following additional Condition:

18. No above ground works shall take place save for the works to Dame Kelly Holmes Way as detailed on Drawing 2017/4089/004 Rev E Proposed Access Arrangements (contained within the Transport Assessment) until details of external lighting within the development have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be installed in accordance with the approved scheme prior to the first occupation of any dwelling within the development hereby permitted.

Reason: To ensure that appropriate lighting is provided as an integral part of the development in the interests of amenity.

[Speakers: Tracy Puttock, applicant and Simon Moon, agent who shared the speaking time allocation]

AP1 19/31 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.30 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 Castle	13 May 2019	TM/19/01108/FL
Proposal:	Construction of building comprising 36 apartments including access and ground floor and undercroft parking, following demolition of existing built form on site	
Location:	1 - 4 River Walk Tonbridge Kent	
Go to:	Recommendation	

1. Description:

- 1.1 Planning permission is sought for the demolition of the existing building and the construction of a single building comprising a total of 36 residential units, to be set over 3 floors. The development would comprise a total of 15no. 1-bed units and 21no. 2-bed units.
- 1.2 A parking area, comprising a total of 36 spaces, along with cycle and bin storage and servicing is to be provided at ground floor level in an undercroft arrangement, with a single point of vehicular access from New Wharf Road. The car park is also proposed to be accessed on foot from the northern end of the site off River Walk.
- 1.3 Access to the upper floors from the undercroft is proposed to take place via a single core. The upper (residential) floors can also be accessed on foot via this single core from River Walk, on the western elevation of the building.
- 1.4 The building is proposed to be constructed from a range of materials including buff brickwork. The use of contrasting materials, along with gabled recesses and the use of balconies, is intended to delineate different elements of the building visually and provide some relief to the overall massing of the building.
- 1.5 Some, limited, hard and soft landscaping is proposed to be incorporated within the development. This includes the provision of a small area of private space at ground floor level to the east of the building, accessed via the car parking area. This is shown to be an area of paving, with raised planters and a fountain. Access is also provided to the communal gas meter cupboard from this space.
- 1.6 In addition, a roughly triangular piece of land to the north of the building is proposed to be landscaped, with a footpath leading from River Walk to the northern (pedestrian) entrance to the car park (referenced at paragraph 1.3 of this report). Two Hawthorn trees within this part of the site are to be removed, with others shown to be retained but subject to pruning and management.
- 1.7 The principal (western) boundary of the site, onto River Walk, is proposed to be hard landscaped, with new planting and a series of benches placed intermittently along the frontage with the boundary itself denoted by a "white cross" timber fence shown at a height of 0.9m.

1.8 In support of the planning application, the following documents have been submitted. These have been referred to and discussed where applicable and necessary within the assessment that follows:

- Archaeological Desk Based Assessment and Heritage Statement, prepared by Amour Heritage Planning dated April 2019;
- Design and Access Statement, prepared by OSP architects dated November 2019;
- Planning Statement, prepared by Rapleys dated April 2019;
- Arboricultural assessment & method statement, prepared by Barrell Tree Consultancy dated May 2019;
- Sunlight and Daylight Assessment, prepared by Herrington Consulting Limited, dated May 2019;
- Preliminary Ecology Appraisal, prepared by Chris Blandford Associates dated April 2019;
- Desk Study Appraisal, prepared by Crossfield Consulting dated March 2019;
- Flood Risk Assessment, prepared by Herrington Consulting Limited, dated May 2019;
- Affordable Housing Statement and Schedule, prepared by S106 Management;
- Transport Assessment, prepared by Origin dated July 2019;
- Travel Plan (and Welcome Pack), prepared by Origin dated July 2019.

1.9 Since the original submission was made, amendments to the design of the proposed development, use of external materials and landscaping strategy have been received and have been the subject of reconsultation. Similarly, ongoing work has taken place concerning the viability of the proposal in connection with policy requirements concerning the provision of affordable housing, public open space and necessary infrastructure. It is on the basis of these amendments and additional supporting information that the following assessment and recommendation is made.

1.10 For the avoidance of any doubt, matters concerning land ownership are not material to the consideration of the application. However, I can confirm that formal Notice in accordance with Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has been served on the landowner and that is all that is required.

2. Reason for reporting to Committee:

- 2.1 In order to consider the impact of the proposed development on the functioning of the town centre, in particular given the balance to be struck between diverging and significant policy considerations.

3. The Site:

- 3.1 The site lies within the urban confines of Tonbridge, within the central area as defined by the TCAAP. It lies to the west of the High Street, behind buildings which front it.
- 3.2 The existing building, formerly used by the Citizens Advice Bureau (B1 use class), occupies a large proportion of the site. It is a detached, two-storey building. The ground floor is faced in red brick, first floor rendered with boarding detail under a red clay tile roof.
- 3.3 Tonbridge Castle, a Grade I listed building and Scheduled Ancient Monument, is located to the north of the site. The site lies within the Conservation Area (CA), which extends to the north, west and south also.
- 3.4 Waterside Lodge is located to the south-west of the site. The ground floor of this building is occupied by undercroft parking and servicing, with three-storeys of residential (assisted living apartments) above. The external materials used here are a combination of red brick, weatherboarding and render. Some variation to the elevations is provided for by balconies, recesses and gable detailing.
- 3.5 Land to the immediate east of the application site is formed of a car parking area and a pub garden. 2 New Wharf Road, a predominately 3-storey building constructed from red brick with some weatherboard detailing, is located further to the east of the application site.
- 3.6 The ground level car park which serves Poundland (a retail unit which fronts onto the High Street) is located to the south of the application site. It is acknowledged that this is currently a detracting feature within the locality and provides some of the further context for the application site.
- 3.7 The River Medway is located to the west of the site, on the opposite site of River Walk, and as such the entirety of the site lies within Flood Zone 3.

4. Planning History (relevant):

- 4.1 None relevant.

5. Consultees:

- 5.1 KCC (H+T): Original representation requested a TA and Travel Plan to be submitted. Upon receipt, further representations set out as follows:

5.1.1 The assessment confirms that the traffic generated would not constitute a severe impact on the public highway. The level of car parking proposed is also within standards. Particularly helpful is the Travel Plan and example Travel Welcome Pack submitted and I am pleased to note that the applicant is willing to include introductory financial incentives to encourage residents to consider use of sustainable transport options. The incentives include (I quote from the Travel Plan):

- Cycle - A contribution of £100 towards a bicycle from a local cycle store for each apartment to be reimbursed by the developer;
- Bus - A one-month bus pass for 'Tonbridge and Tunbridge Wells' travel zone for each apartment to be reimbursed by the developer; and
- Rail - A one-month rail pass for each apartment up to 25 miles from Tonbridge or a 2-week rail pass for each apartment up to 50 miles from Tonbridge to be reimbursed by the developer

5.1.2 All apartments will be entitled to all three Sustainable Travel Financial Incentives. The incentives are per apartment not per person. The incentives will be offered to residents upon completion and exchange of contracts. Should the property be purchased as a buy to let property then the incentives will be passed onto the tenants whom the property is let to.

5.1.3 The Travel Welcome Pack is also one of the more clearly laid out and easily understandable I have seen; other details include:

- Details of the Kent Connected journey planner;
- Walking times to local facilities;
- Information on local cycle groups, cycle hire and bicycle stores;
- Information on local cycle training courses;
- Local rail information including details of the South Eastern railways 'On Track' app;
- Local bus information;
- Walking and cycling route maps with distances in metres, and times showing safe pedestrian and cycle routes to the site, local bus stops and Tonbridge railway station;
- Website addresses for public transport providers, taxi services and pedestrian routes in the area; and

- Promotional material for local car share schemes including <https://liftshare.com/uk>.

5.1.4 Confirms no objections subject to the imposition of the following conditions:

- Submission of a Construction Management Plan before the commencement of any development on site.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Demonstration that the financial incentives are offered to residents and submission of a short report on full occupation, of the take up by residents.

5.1.5 Note that planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

5.2 EA: Initial objections removed. Confirms no objections subject to the imposition of conditions.

5.3 KCC (LLFA): Agrees with the proposals to greatly reduce run off leaving the site. We do advise CCTV analysis is undertaken to confirm where surface water is currently discharging to unless a new outfall is provided directly to Main River. We would advise a pre-commencement condition attached to any planning permission. It is essential that further details of the drainage scheme including the final outfall are provided before any new development should commence.

5.3.1 Recommends the imposition of conditions requiring sustainable urban drainage scheme details for submission and approval along with subsequent submission of verification report.

5.4 SWS: No objections subject to the imposition of conditions.

5.5 NE: No comments to make. Directed to Standing Advice.

5.6 KCC (Economic Development): Seeks financial contributions towards:
Secondary Education - £21,609 (expansion of Judd School);
Libraries - £1,728.57 (additional books at Tonbridge Library)

5.7 KFRS: Means of access is satisfactory.

5.8 Kent Police: Comments and advice concerning designing out crime provided.

5.9 Environmental Protection (TMBC): Further information sought in respect of noise mitigation; conditions recommended in respect of contaminated land.

5.10 Leisure Services (TMBC): Financial contributions sought in accordance with policy OS3 of the MDE DPD.

5.11 Private Reps: 42 + site + press notice/0X/116R/0S. Objections summarised as follows:

- Detrimental increase in traffic;
- Localised problems with parking will be made worse;
- Unacceptable flooding impact;
- Drainage system will be unable to cope;
- Impact of demolition and construction work;
- Current building should be retained;
- Site should be put to an alternative use for the benefit of the community and town;
- There are opportunities for better use of this part of River Walk;
- Visually unacceptable;
- Poor design;
- Poor use of materials;
- Building is too high;

- Building more identical apartment blocks;
- Views of the Castle will be ruined;
- More should be made of the riverside setting with a better, more appropriate type of development;
- If the site has to be redeveloped it should be with something of a better quality;
- Overshadowing to River Walk will occur to the river;
- No affordable housing proposed;
- Existing infrastructure cannot cope with more housing;
- Already too much residential development in Tonbridge;
- Flats will back onto the pub garden and so will not be acceptable for new residents given noise and disturbance.

6. Determining Issues:

Five year housing land supply and the presumption in favour of sustainable development:

- 6.1 In the absence of a five year housing land supply, there is a requirement to apply the presumption in favour of sustainable development, which for decision making purposes is set out at paragraph 11 (d) of the NPPF. This sets out that planning permission should be granted unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.2 In respect of paragraph 11 (d) (i), the policies protecting areas or assets of particular importance are provided for within Footnote 6 of the Framework and relevant to this scheme are those relating to designated heritage assets and areas at risk of flooding. It is therefore necessary to firstly assess whether the application of the relevant policies in these respects would provide a clear reason for refusing the development proposed, and each are considered in turn below.

Impact on the setting of designated heritage assets:

- 6.3 The application is accompanied by a Design and Access Statement, but it should be noted that it is very limited in its discussion of the significance of the heritage assets affected, and therefore the impact of the proposals on this significance (as required by paragraph 189 of the NPPF). Notwithstanding this, a detailed assessment has taken place in order to establish the impacts of the development on the various heritage assets involved in this case and this is set out as follows.
- 6.4 Dealing first with the relevant restrictive policies within the Framework, paragraph 196 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 197 goes on to state that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.5 Members should also consider the statutory duty set out in s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 6.6 The existing building on site is a typical 'Tudorbethan' interwar suburban house, which was built as two houses and more latterly in use as offices. Whilst it has some aesthetic merit and its architectural style is similar to other properties of the same period within the town, it does not meet the suggested Historic England criteria for local listing and has a neutral contribution to the Conservation Area. It is not, on this basis, considered to be a non-designated heritage asset (referring to paragraph 197 of the NPPF) as it is a typical style for this period and there are several examples of this. It should also be recognised that it is located in a somewhat incongruous location for a former dwelling with a suburban appearance, given that this is historically a semi-industrial wharf area, set apart from the higher density buildings fronting High Street and making a short return onto River Walk. As a result, there can be no justifiable objection to the demolition of the building within the Conservation Area although it is equally recognised that such demolition should only take place where there is an acceptable and programmed scheme for the redevelopment of the site.
- 6.7 Moving on to the setting of the castle and the character and appearance of the Conservation Area, Tonbridge Castle is a Scheduled Ancient Monument and includes the grade I listed gatehouse, office building and walls within the scheduled site. Furthermore, the site falls within sub-area A1 of the CA as set out by the Conservation Area Appraisal (the CAA). This, unsurprisingly, highlights the

importance of the Castle, Motte and Bailey and identifies key views and vistas to and from these as being of principal importance. The application site crucially sits within these viewpoints. In particular the CAA notes:

“The three tier topography of the River Walk, Castle Bailey and Castle Motte provides a series of vantage points from which to view the town and the surrounding landscape setting. From the River Walk level there are views westwards of the diverging arms of the Medway against a backdrop of trees which screen views of the recreation ground beyond. A house at the fork in the river provides a visual focal point. To the east, the white ironwork of the Big Bridge is an attractive feature. To the north the mellow weathered castle walls and grassed motte enclose the space but between the two a vista of the castle gatehouse opens up.

In this sub-area, the River Medway wraps around the southern and western sides of the raised castle and gives the feeling of space around the mound. The natural beauty and tranquillity of the river can be appreciated from both the riverside and from higher on the castle.”

6.8 The CAA identifies key features of this sub area as being:

- Unique town centre feature of castle in this elevated, prominent position forms a dominant landmark and important link with the past, the River Medway, River Walk and moat provide an important open aspect to this part of the conservation area and setting for the castle;
- Sandstone symbolising an important building;
- Mellow appearance of the weathered sandstone and cream render;
- Peaceful, landscaped setting with quality street furniture;
- Changes in elevation creating a sense of separation from surrounding uses and changing vistas and views of the countryside setting of the town and fascinating roofscapes;
- Mature trees screen development, enclose space and provide visual amenity.

6.9 Given the location of the site, its position relative to the Castle and grounds and its prominence overall, it is clear that its redevelopment has the potential to have a positive or negative impact on these characteristics, which are so intrinsic to the town in terms of its history, evolution, function and appearance.

6.10 The Design and Access Statement notes that the site is within the urban area, but does not discuss the historic uses on the site or the immediate surroundings. The significance of this area in regards to the contribution to the conservation area is similar to its role in the setting of the castle, as a former industrial area relating to

the riverside location. The appraisal notes the spaciousness and quality of landscape on the castle side of the river, and also notes that the offices and car parking south of New Wharf Road, just to the south of the site, are detractors.

6.11 Two perspectives are provided in the application illustrating the views to and from the castle from the site, but there is no discussion of this set out within the design and access statement, which again is lacking in the assessment of significance as required by the NPPF. However, from our own work, we know that the site was historically industrial in character with wharfs and yards relating to the river. The 1867 OS maps show buildings lining the stream which entered the site, disappearing from maps by the 1930s, and then as an open yard, probably for storage or other industrial purposes, again related to the river transport. This formed part of the setting of the castle complex for some time and the open nature of it is part of that character, much of this deriving from the relationship of the town with the river as it developed, and in contrast to the high density of High Street. This allowed for the dominance of the castle, again an important part of its character. The use of sandstone sets it out, as well, as an important building. 20th century changes to the yard and wharf area greatly changed the industrial character and this is well-established, but River Walk itself maintains the open space from which to appreciate the castle and separate it from the town, along with the river on this side. There are some elements to the existing site that detract from the setting of the castle, including the incongruous hedge and suburban, impermeable close boarded fences, and unsatisfactory “leaked spaces” created by the existing building and its curtilage. Important views from the castle towards the side include longer distance views, which would not be affected by this proposal, and views of the varied roofscape of the town, which this proposal is consistent with. The use of buff brick to reflect the palette of the area would ensure that there would not be any visual “competition” with the dominance of the sandstone castle.

6.12 Having considered all of these factors, it is considered that the proposal will preserve the character and appearance of the Conservation Area and sustain the significance of the Conservation Area and the setting of the listed structures, as no important views will be impeded upon, and it is not necessary to keep the site open, given the long term change in character from the industrial use illustrated in 19th century maps. The openness will also be maintained by River Walk, and the boundary treatment and landscaping will improve the current appearance. It is unfortunate that the design of the proposed building does not take the opportunity to better reflect the historic character of the site as a wharf area as this could also have been considered an enhancement, and there are some awkward elements to the composition of the building as proposed. However, overall the gable ends of the façade and the proposed complementary palette of materials should assist with the building blending in with the appearance of the CA, subject to appropriate conditions that would ensure high quality materials are used.

- 6.13 On this basis, it can be concluded that no harm will be caused to the significance of the listed structures of the castle, or the Conservation Area as a result of the proposed development. There is therefore no need to undertake the second part of the tests set out at paragraph 196 of the NPPF.

Flooding and drainage:

- 6.14 Paragraph 6.2.29 of the TMBCS recognises that some redevelopment sites within the built-up areas, including in the central area of Tonbridge, are likely to be identified for redevelopment, or will come forward as windfalls, within areas which are at medium to high risk of flooding, such as this. In these cases, the TMBCS sets out that the economic, social, environmental and regeneration benefits of redevelopment have to be weighed, as part of the PPS25 sequential test (since replaced by the NPPF and the associated technical guidance), against the actual risk of flooding. In these locations it states that the aim should be, in consultation with the EA, to minimise and manage any flood risk in the detailed design of such developments. In association with this, policy CP10 states that within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk, where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development. Development which is acceptable (in terms of PPS25) or otherwise exceptionally justified within areas at risk of flooding must:

(a) be subject to a flood risk assessment; and

(b) include an appropriately safe means of escape above flood levels anticipated during the lifetime of the development; and (c) be designed and controlled to mitigate the effects of flooding on the site and the potential impact of the development on flooding elsewhere in the floodplain.

- 6.15 The NPPF and associated technical guidance has replaced PPS25 as cited in the policy above and are therefore material considerations. The requirements for application of the sequential and exceptions tests are carried forward in these documents which are important material considerations. The location of the site within Flood Zone 3 and the nature of the use of the site being categorised as “more vulnerable” for the purpose of applying the requirements of the NPPF means that both tests must be applied in this instance.

- 6.16 The aim of the Sequential Test is to guide new development to areas with the lowest risk of flooding. The development should not be permitted if there are ‘reasonably available sites appropriate for the proposed development’ in areas with a lower probability of flooding. If, following application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding then the Exception Test can be applied.

- 6.17 For the Exception Test to be passed, it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh the flood risk, and a site-specific FRA must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce the overall flood risk. Both elements of the Exception Test must be satisfied for development to be permitted and the FRA suitably addresses these, including a series of mitigation measures and strategies to appropriately manage flood risk.
- 6.18 Representations received from the EA and KCC (LLFA) have been set out in some detail within Section 5 of this report. Ultimately, the conclusions reached are that the development can be undertaken in an acceptable manner subject to the imposition of appropriate conditions in the event that planning permission is granted.
- 6.19 In applying the presumption in favour of sustainable development, I have considered whether or not the application of the relevant restrictive policies within the Framework would lead to a clear reason to refuse planning permission and the preceding assessment indicates that this would not be the case. As such, it is necessary to establish whether there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (paragraph 11 (d) (ii)). It is on this basis that the remainder of my assessment follows.

Principle of proposed development and relevant policy considerations:

- 6.20 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. This is reiterated at paragraph 47 of the NPPF.
- 6.21 The site lies within the urban confines of Tonbridge, within the designated Central Area as defined by the TCAAP. It forms part of the defined secondary retail area within the central area. A number of policies contained within the adopted Development Plan are directly applicable and are to be considered within the context of this proposed development. The development strategy unpinning the TCAAP centred on addressing the future development needs and potential of the Central Area, including proposals to achieve a diverse range of activities to enhance choice and vitality for all sections of the community; and mixed-use development to work towards a more sustainable pattern of land use and activities in the centre.
- 6.22 In the broadest terms, policy CP1 of the TMBCS states that development should be concentrated at the highest density compatible with the local built and natural environment mainly on previously developed land and served by sustainable modes of transport. Policy CP11 goes on to state that development should be concentrated in urban areas where there is greatest potential for the re-use of

previously developed land. The policy also recognises that development in urban areas can minimise the need to travel by being located close to existing services, jobs and public transport. These policies remain consistent with the overarching principles of the NPPF.

- 6.23 This site is occupied by an existing building and therefore constitutes previously developed land for the purposes of applying the above policies. It is centrally located within the defined town centre, in close proximity to existing services and transport links. As such, the redevelopment of this site as proposed in terms of broad principles accords with adopted policies CP1 and CP11 of the TMBCS.
- 6.24 Turning to the specific allocations relevant to the application site itself, TCAAP policy TCA11 sets out a number of sites which are allocated for a mix of town centre uses (with the primary uses specified in respect of each site) including retail (A1, A3, A4 subject to policies TCA3, TCA4, TCA6, TCA7 and TCA8), business/commercial, community, cultural, leisure, hotel and residential use. The policy states that these sites should be developed in accordance with the criteria identified in respect of each site and all general policy requirements, including any necessary contributions towards the provision of recreation, education and other community facilities.
- 6.25 Policy TCA11(d) expressly allocates this site for development, setting out that it is:
- “suitable for redevelopment for primarily residential development at a density appropriate to a town centre location (6 dwellings), with the potential for retail or commercial office space at ground floor level in accordance with policy TCA7, subject to public realm enhancements along River Walk and New Wharf Road in accordance with policy TCA10.”*
- 6.26 Clearly the development proposed by this application is not at a quantum or density as envisaged by the Action Plan at the time of adoption. Although it is acknowledged that this allocation is generally encouraging of residential development primarily here, it recognises the potential for other uses too, in recognition of its position within the secondary retail area, again which are not incorporated into these plans. However, it should be noted that the TCAAP was adopted prior to the publication of the NPPF, which contains a number of important principles in these respects and is a material consideration in determining this application. Those most applicable in these respects are set out below in full.
- 6.27 Paragraph 85 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 6.28 Paragraph 117 sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living

conditions. Linked to this, paragraph 118 goes on to state that planning policies and decisions should (inter alia):

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

6.29 Paragraph 122 states that planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

6.30 Furthermore, paragraph 123 requires that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances (in respect of decision making), paragraph 123 (c) states that local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. In this context, when considering applications for housing, authorities are further advised that they should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

6.31 As such, whilst the proposed development does not strictly accord with the development plan allocation in terms of the amount of residential development it would contain, there is a need to make the best and most efficient use of land in urban areas such as this. On this basis, there should be no objection solely to the

amount of development proposed on this site. However, when reading these paragraphs collectively, it is clear that a suitable amount of residential development on any site must be guided and ultimately achieved at the same time as suitably reflecting and enhancing the urban environment and this is addressed in more detail in the following sections of the report.

- 6.32 In terms of other policy requirements, policy CP23 of the TMBCS sets out that the policy for Tonbridge Town Centre is to provide for a sustainable development pattern of retail, employment, housing and leisure uses, and a range of other services to regenerate and enhance the vitality and viability of the Town Centre. It then goes on to set out a number of specific ways by which this can be achieved although in terms of principle, the introduction of residential units onto this site can be seen to enhance the vitality of the town centre, being the core aim of CP23 for the reasons set out above.
- 6.33 The site also falls within the defined secondary retail area of the town, the function of which is addressed through policies TCA5, TCA6 and TCA7 of the TCAAP. In general terms, these policies seek the retention of A1 uses to ensure the retail function of the area. This part of the town centre actually contains a mixture of uses. The proposed development would not involve the loss of any retail use. As such, overall I do not consider the scheme to conflict with the aims of the secondary retail area designation.
- 6.34 In light of these considerations, it is recognised that the vitality of the Tonbridge Town Centre as a whole rests with the creation of a vibrant mixed use town centre, rather than necessarily requiring a mixture of uses to be contained within each individual site that comes forward for development or to rely so predominately on residential uses coming forward to create such vitality in support of that aim. The principle of the redevelopment of this site as proposed is acceptable in principle on this basis.
- 6.35 I understand that a number of representations from the local community have, in objecting to the proposed development, suggested that alternative forms of development might be more appropriate in improving the vitality of the town and make better use of River Walk as a public space. This view is appreciated, but in dealing solely with the planning application before APC1 it is necessary to assess the scheme as proposed and on its own merits in light of adopted policy and other material planning considerations.

Loss of B1 office use:

- 6.36 The proposed redevelopment would notably result in a change of use of the land from B1 office to C3 residential. In this respect, it must be recognised that the existing building is now vacant, with the CAB having been successfully relocated within the town. There is no policy basis upon which to seek to retain the existing use of the site. Indeed, permitted development rights would allow for the change of

use of the existing building for residential purposes, subject to a prior notification process.

Urban design and quality of development:

- 6.37 This section of the report should be read in conjunction with the assessment regarding the impact of the development on designated heritage assets. That part of the assessment necessarily took place at the start of this report given the need to apply the presumption in favour of sustainable development in a correct manner. In addition to the requirements of the policies already cited above insofar as they relate to quality of development, policy TCA1 of the TCAAP requires that development within the central area of Tonbridge satisfies a tranche of requirements, including providing a well-designed, animated frontage adjoining all streets and public spaces. It also requires that the design of a new development, including scale, layout, orientation, external appearance and materials, suitably respects the character of the part of the town centre in which it is situated. Additionally, the TCAAP outlines specific “site design components” for a number of key sites allocated for development. Policy SD3 deals (inter alia) with this site, setting out that any development coming forward should include active frontages with River Walk and New Wharf Road and include improvements to the adjacent public realm (reaffirming the policy position of TCA10 and TCA11).
- 6.38 More generally, TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
 - the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.39 A key material consideration which supports the development plan in these respects is that another of the core principles contained within the NPPF centres on the need to always seek high quality design. In particular, paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

6.40 Paragraph 127 goes on to state that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.41 Paragraph 130 goes further still by stating that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

6.42 Associated with the above, paragraph 91 requires that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

- 6.43 The planning practice guidance 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. The importance of this is further highlighted by the publication of the National Design Guide which is also a material consideration for decision making purposes.
- 6.44 The proposal has been amended since the original submission of the application following negotiations between officers, the developer and his architects in order to seek improvements to the design of the building since its original inception. This was considered to be particularly important given the highly prominent location of the site, its relationship with the Castle and Conservation Area (as discussed earlier in this report specifically) and the need for any development of this site to positively interact with the adjacent public realm. It is on the basis of the final plans submitted and subject of reconsultation that the assessment on such matters follows.
- 6.45 It is appreciated that to a certain extent the layout and design of the building has been shaped by the size and shape of the plot and relevant environmental constraints, most notably the flood plain. This means that it would not be possible to introduce residential use at ground floor level which has been the leading factor in the provision of car parking within an undercroft. This is a relatively commonplace feature within the town and was accepted at Waterside Lodge to the immediate south-west of the application site. Notwithstanding this constraint, it is still necessary to ensure that any such areas maintain a suitable level of activity in the interests of high quality design and given the overt policy requirements of the TCAAP, associated SDC3 and the NPPF which all seek to secure safe, accessible and integrated urban environments.
- 6.46 The apartments themselves are proposed to be accessed on foot via River Walk, with the western elevation of the building providing an entrance foyer. The southern elevation of the building is necessarily less “active” in terms of its public realm function given the overall layout of the development and because it contains the vehicular access from New Wharf Road leading into the undercroft car park.
- 6.47 The site can also be accessed from River Walk to the north by pedestrians, through a small triangular landscaped area but this only leads to the car park, not the residential units above.
- 6.48 The corner of River Walk and New Wharf Road is delineated in visual terms by what the architect calls a tower, seeking to allow the building to “turn the corner” in a cohesive manner without appearing disjointed.

- 6.49 In terms of landscaping along River Walk; this was an aspect subject to some negotiation as it is critical to ensure that the redevelopment of this site takes place in a manner that allows it to be viewed as a cohesive part of River Walk, rather than as a physically separate entity. The developer has sought to achieve this by including landscaping and benches and a low level open fence along the western boundary with River Walk. In addition, the small landscaped area to the north of the building incorporates low level planting and a footpath and appears as a visual link between the site and the public realm at this point.
- 6.50 When these features are taken cumulatively, I consider that the development would adequately create an active frontage with River Walk and New Wharf Road in a manner that would not cause any overt visual harm to the urban environment when applying the policies set out above.
- 6.51 Similarly, when considering the height and associated bulk and massing of the proposed building, this must be viewed within the context of the other built development in the immediate vicinity. These are all broadly commensurate with that proposed here and as such the building would not appear obtrusive particularly given its town centre context and in light of the specific design characteristics of the building combined with the use of materials, balconies and recesses to enable some relief in the overall built form.
- 6.52 For these reasons, I conclude that the development sufficiently meets the requirements of adopted policy and the NPPF.

Residential amenity:

- 6.53 Policy CP24 of the TMBCS requires that development be designed in such a way that respects the site and its surroundings. Paragraph 127 (e) of the NPPF requires that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.54 The submitted Sunlight and Daylight Assessment indicates that two neighbouring properties should be considered as sensitive receptors; Waterside Lodge and 2 New Wharf Road. An assessment has been undertaken to establish the impacts arising from the redevelopment of the site as proposed on these neighbouring properties using recognised BRE methodologies. The conclusion of the assessment being that whilst there would be a reduction in the amount of daylight and sunlight to windows in these neighbouring buildings this would be within acceptable limits prescribed by the BRE guidelines.
- 6.55 Similarly, the position of the building relative to the nearest neighbouring buildings would ensure that there would be no harmful level of overlooking arising as a result of the proposal particularly in a town centre location such as this.

6.56 Policy SQ6 of the MDE DPD previously set out the standards in respect of impacts from noise sources on new development but this has been considered out of date since the first publication of the NPPF in March 2012. It is therefore necessary to rely on the policies in the Framework to assess the application in respect of potential noise impacts, as follows:

6.57 Paragraph 180 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

6.58 Equally, paragraph 182 states that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.

6.59 I note that TMBC’s Environmental Protection Officer initially suggested that further details be required concerning internal noise levels and any necessary mitigation measures to ensure an acceptable aural environment. However, it is necessary to establish whether the imposition of planning conditions would provide the necessary mitigation and in these circumstances, given that there is modern residential development prevalent to the immediate south-west and east of this site, I am satisfied that suitable levels could be met using high quality construction methods, details of which could reasonably be required by condition in the event that permission is granted. This is also noted by the submitted Design and Access Statement which references that suitable sound insulation can be provided for within the construction of the building.

6.60 I note that a small area of private amenity space is shown to be provided between the building and the eastern boundary. The neighbouring car park and pub garden lie immediately beyond this shared boundary. However, this is a small and contained space and I would suggest that in practical terms it is far more likely that residents would seek to make use of the high quality public open spaces in the immediate vicinity. As such, there would be no overriding conflict with the relevant policies cited above.

Highway safety and parking provision:

6.61 Policy SQ8 of the MDE DPD states that

1. Before proposals for development are permitted they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided.
2. 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.
3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.
4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

6.62 Additionally, policy TCA12 of the TCAAP (insofar as it is relevant to this development) states that the mix of town centre development will be aimed at reducing the need to travel and each development site will be required to bring forward proposals that are complementary to the Transport Strategy. The emphasis will be on measures to support sustainable forms of transport. These requirements are broadly consistent with those contained within the NPPF, those relevant to the determination of this application set out as follows:

6.63 Paragraph 108 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.64 Paragraph 109 goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.65 Linked to this, paragraph 110 sets out that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.66 Finally, paragraph 111 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

6.67 When considering these requirements in the round, KCC (H+T) have confirmed via their formal representations that the vehicular access arrangements to serve the site from New Wharf Road are acceptable in highway safety terms. They have also commended the submitted Travel Plan (paragraph 5.1.1 onwards).

6.68 KCC IGN3: Residential Parking sets out the parking standards for new residential developments and is adopted as a material consideration for decision making

purposes. This sets out that in town centre locations such as this, a maximum of 1 space per unit should be provided for 1 and 2 bed flats. The scheme as proposed therefore accords with the maximum requirement.

- 6.69 I note that KCC (H+T) have suggested that a number of conditions be imposed on any planning permission granted. Where the statutory and policy tests are met in these respects, these would be carried forward in any such recommendation in order to ensure that the development accords suitably with the policies and requirements cited above.

Ecology and biodiversity:

- 6.70 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Policy NE3 of the MDE DPD addresses impact of development on biodiversity, requiring that any impacts arising from development on biodiversity or the value of wildlife habitats be mitigated appropriately through planning conditions. More generally, paragraph 170 (d) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.71 The submitted Preliminary Ecology Appraisal provides an assessment of the site and its immediate surroundings in order to establish any habitats of principle importance and the presence of any protected species. It notes that the condition of the existing building, in particular missing, broken or lifting roof tiles and tile roof vents have potential to enable access to the roof void for bats. It also sets out that the site has limited ecological value due to a lack of suitable habitat capable of supporting either a diverse range of species or species considered to be of nature conservation importance. This is further supported by the location of the site in an urban setting and limited connectivity with semi-natural habitats.
- 6.72 On this basis, the appraisal recommends that a bat survey be commissioned in order to establish whether the building supports bats within its roof. Other than this, no further survey work is recommended but some precautionary measures are proposed to be incorporated during demolition and construction as well as some enhancement measures within the completed site.
- 6.73 In terms of the potential presence of bats within the building, the application is not accompanied by the recommended further survey work but this could adequately conditioned, along with the other suggested measures in the event that planning permission were to be granted.

Contaminated land:

6.74 Paragraph 170 (e) states that planning policies and decisions should seek to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

6.75 Paragraph 178 goes on to state that planning policies and decisions should ensure that:

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

6.76 Paragraph 179 makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

6.77 Representations received from the TMBC officer responsible for such matters confirm that these requirements can all be adequately met by the imposition of a series of conditions requiring investigations, any subsequent remediation and verification that the site is suitable for its end residential use. Members will be aware that this is a common approach in such circumstances.

Air quality:

6.78 Policy SQ4 of the MDE DPD states that development will only be permitted where all of the following criteria are met:

(a) the proposed use does not result in a significant deterioration of the air quality of the area, either individually or cumulatively with other proposals or existing uses in the vicinity;

(b) proposals would not result in the circumstances that would lead to the creation of a new Air Quality Management Area;

(c) proximity to existing potentially air polluting uses will not have a harmful effect on the proposed use; and

(d) there is no impact on the air quality of internationally, nationally and locally designated sites of nature conservation interest or appropriate mitigation is proposed to alleviate any such impact.

6.79 Paragraph 181 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

6.80 The designated AQMA in Tonbridge lies to the south of the junction of New Wharf Road with the High Street and as such the application site itself falls some distance from it. During the course of the application, it has been confirmed by the Council's Environmental Protection Team that the additional vehicle movements arising from the proposed development would not be significant enough to increase air pollution in a material way.

Climate change and renewable technologies:

6.81 Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

6.82 Section 7 of the submitted Design and Access Statement sets out the range of measures that are intended to be incorporated into the building including ensuring air tightness standards, thermal detailing, insulation measures and provision of double glazing. These are all matters that would be addressed via the Building Regulations in any event. It also summarises how the building has been designed to maximise solar gain, the fact that there will be an integrated approach to water disposal via a SUDS scheme along with strategies for waste management and

lighting. There is no further detail as to how these might be implemented in practice and the developer should be encouraged to incorporate measures to support renewable technologies wherever possible.

Planning obligations:

6.83 Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

6.84 These tests are repeated in paragraph 56 of the NPPF. In addition, paragraph 57 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

6.85 In this respect, the planning practice guidance is unequivocal, stating that:

“Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policy compliant in decision making means that the development fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.”

6.86 A development of this quantum would normally be expected to provide an element of affordable housing provision, with Policy CP17 requiring that 40% of the units overall should be affordable. In this instance a policy compliant development would provide 14 units of affordable housing. The policy goes on to state that in exceptional circumstances, it may be agreed that affordable housing may be provided on another site or by means of a commuted sum.

- 6.87 This planning application, at the time of receipt, provided for no affordable housing on site, in conflict with adopted the policy. A simple schedule was submitted indicating that all of the 36 units were intended for market sale and that this was for reasons of viability connected to the scheme. Since the submission was first made, officers have attempted to have meaningful negotiations with the developer to resolve this (advised by the Council's own viability consultant). Notwithstanding ongoing areas of disagreement between the parties on certain areas and acknowledged deficiencies in the developer's consultants own work, the Council's own consultant has advised, based on the evidence available and when assessed using the applicant's own assumptions but in line with the planning practice guidance, that the scheme could bear 20% affordable housing provision (when also accounting for the total contribution required towards open space/public realm enhancements). This is broadly consistent with the local plan viability work undertaken by the same consultants insofar that it showed that in this higher value area, certain typologies tested were able to bear less affordable housing than other sites. That analysis suggested that a maximum level of 25% affordable housing would be appropriate on the development typology most akin to that proposed by this application. This must be a material consideration in the assessment of this planning application.
- 6.88 The developer was made aware of the outcomes of the Council's assessment in this respect and they were advised to put forward Heads of Terms addressing the requisite obligations (20% affordable housing provision and the public open space contribution). However, even on this reduced basis the only response to these findings has been a further piece of work from his consultants simply asking for the position to be revisited.
- 6.89 In addition, and notwithstanding the fact the ability to provide any affordable housing continues to be disputed by their consultant (without further evidence), the developer has sought to justify why if any provision were to be made, it could not be made on site. This is linked solely to the fact that the building is proposed with a single core which purportedly makes it less attractive for providing an element of affordable housing. Two brief emails from Clarion and Town and Country Housing Group in response to direct approaches by the developer set out this position. In my view, this does not amount to enough to justify exceptional circumstances as required by the terms of the policy particularly given that the scheme could very well benefit in urban design terms from more than one core (a matter that was raised by officers during the negotiations concerning the design of the building in an attempt to improve the frontages and relationships with the public realm and not taken up by the developer). The simple fact that this would necessitate reconfigurations of layouts and potentially the loss of some units is not, in my view, reason enough to dismiss such a solution, but it has been.
- 6.90 It is clear from the culmination of the discussions on such matters that the developer is quite unprepared to provide affordable housing on site or by way of a commuted sum (should exceptional circumstances be properly demonstrated).

Officers have repeatedly made clear the requirements of adopted policy in this respect and that there is a need to provide affordable housing in order to make the development acceptable in planning terms. These requirements have not been met and it does not appear that there is any real prospect of this changing through further negotiations with the developer, which have already been lengthy and protracted. As such, the proposal remains contrary to the requirements of the adopted development plan policy seeking the provision of affordable housing and there are no material planning considerations present that indicate the position of the developer should be accepted in this respect.

- 6.91 Moving on to other mitigation required, policy CP25 of the TMBCS states that development will not be permitted unless the service, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.
- 6.92 As set out earlier within the assessment, a contribution will be required towards public open space/realms enhancements in accordance with policy OS3 of the MDE DPD and policy TCA10 of the TCAAP. This has been successfully secured as part of the redevelopment of the Teen and Twenty Club further south and the intention would be to link the improved part of River Walk, via the Memorial Gardens further south to link the footpath to the north of the medical centre terminating at the Avebury Avenue bridge. Discussions with the Council's Leisure Services team indicate that a proportion of the contributions that would be secured via policy OS3 of the MDE DPD could reasonably be used towards this project. Since the viability work has taken place, it has also been recognised that KCC have requested contributions towards secondary education and libraries. I acknowledge that this would need to be factored into the work already undertaken (and at the time of writing this report the Council's consultant has been made aware of this).
- 6.93 It is plain from the communications concerning affordable housing provision that there is in all likelihood no intention to meet these requirements, with no material planning considerations justifying why this should be the case and for which there arise very real planning harms in terms of infrastructure provision but also in terms of requiring a cohesive and integrated form of development in physical terms. Furthermore, no evidence has been provided that indicates any intention to meet the requirements of policy OS3 of the MDE DPD or policy TCA10 of the TCAAP. The work undertaken to date has not factored in the contributions sought by KCC in respect of secondary education and libraries but, given the dialogue that has taken place to date, it can be reasonably assumed that the same arguments would be forthcoming in this respect too. In any event, the statutory test does not allow for obligations to effectively be "cherry picked" but rather there is a need to start with the development plan and establish whether there are any material

considerations which indicate a move away from those adopted policies (s38 (6) of the Planning and Compulsory Purchase Act 2004).

- 6.94 Therefore, and notwithstanding the conclusions drawn throughout the preceding assessment, there remains a fundamental conflict with the adopted development plan (the relevant policies of which are in conformity with those in the NPPF) and for which there are no material considerations identified that would indicate a divergence from the adopted policy position.

Benefits of the scheme:

- 6.95 Given the preceding assessment, I consider that the only benefit arising from the development is through the provision of 36 residential flats (market sale) and the limited contribution they would make to the five year housing land supply position at this time. Of course, I appreciate that there would be limited further benefits arising in economic terms arising from construction (through short term employment gains) and in the longer term through expenditure arising from the increased population but again these would be only limited in nature.
- 6.96 Similarly, the improvements to drainage across the site and opportunities for ecological enhancement amount to nothing more than seeking to ensure the development is acceptable in planning terms in respect of the relevant policies governing such matters. As such, they cannot be seen as a tangible benefit arising from the development. Moreover, not to incorporate them in the manner proposed would simply lead to further conflict with adopted policy and thus further grounds to resist the development.

Conclusions and the overall planning balance:

- 6.97 It is clear that consideration of this case requires a careful balance between various issues to be struck. On one hand there is the central thrust of TCAAP in encouraging the regeneration of the town centre, with the aim of promoting a vibrant mixed use community, the acknowledgement that residential developments have a part to play in achieving such aims, making the best and most efficient use of previously developed land such as this. Conversely, there remain stark omissions from the proposals that would see the resultant development providing no (much needed) affordable housing within the town, no contributions towards necessary infrastructure improvements and no enhancements to the public realm. The proposal is therefore contrary to a number of adopted development plan policies which remain entirely consistent with the requirements of the NPPF. This is set against only very limited benefits that would arise from the provision of 36 market units within the town, the benefits of which would be all but negated in tangible terms by the harms arising by the failure to comply with those policies.
- 6.98 In applying the presumption in favour of sustainable development, it is necessary to establish whether the grant of planning permission in this case would give rise to any adverse impacts that would significantly and demonstrably outweigh the

benefits when assessed against the NPPF taken as a whole. It is accepted that the benefit arising from the provision of 36 residential units on a brownfield site in an urban location carries significant weight but there are no wider benefits arising from the development if permission were to be granted. Moreover, there are significant and demonstrable adverse impacts that would prevail as a result of such a grant, being the lack of any affordable housing to be provided, the lack of any local infrastructure provision (in this case a secondary school and libraries contribution) to mitigate the impact of the development and the lack of any contribution to comply with policy TCA10 to ensure public realm enhancements to create meaningful linkages across the town can take place. The adverse impacts arising from the direct conflict with adopted policy would significantly and demonstrably outweigh the limited benefits are justifiable grounds to refuse the scheme in its current form.

- 6.99 I return to the fact that officers and the applicant have been involved in lengthy negotiations in attempts to arrive at an acceptable scheme for this sensitive site. In this respect, I am mindful that national policy and practice guidance encourages positive engagement between LPAs and developers. However, given the length of time already involved in those negotiations which have not brought to fruition a scheme that is acceptable in all respects, it is clear from the communications that have taken place to date that there is no further reasonable scope to seek to negotiate in a positive manner. As such, I now consider it appropriate to recommend that planning permission be refused.

7. Recommendation:

7.1 Refuse planning permission for the following reason:

Reason:

- 1 The redevelopment is proposed to take place absent any on-site provision for affordable housing which is a clear divergence from adopted policy and for which there has been no reasoned evidence or justification put forward to the satisfaction of the Local Planning Authority. Moreover, no case has been put forward to the satisfaction of the Local Planning Authority to suggest that in place of a suitable level of on-site provision, exceptional circumstances exist to allow for a commuted sum to be provided for in place of on-site provision, which is further contrary to the requirements of policy CP17 of the Tonbridge and Malling Borough Core Strategy 2007. Furthermore, the proposed redevelopment fails to mitigate against its direct impacts meaning that the scheme does not meet the requirements of policy CP25 of the Tonbridge and Malling Borough Core Strategy 2007, policy OS3 of the Managing Development and the Environment DPD 2010 and policy TCA10 of the Tonbridge Central Area Action Plan 2008 in the following ways:
 - There is a lack of any provision towards identified and evidenced secondary education and libraries arising from the increased population associated with the residential units;

- There is a lack of any provision towards identified and evidenced public open space and public realm provision and enhancements

Moreover, latterly this would fail to incorporate opportunities to improve and enhance the public realm within the town and provide key and cohesive linkages from the site to the immediate environs which would also be contrary to the requirements of paragraphs 127 and 130 of the National Planning Policy Framework 2019.

Contact: Emma Keefe

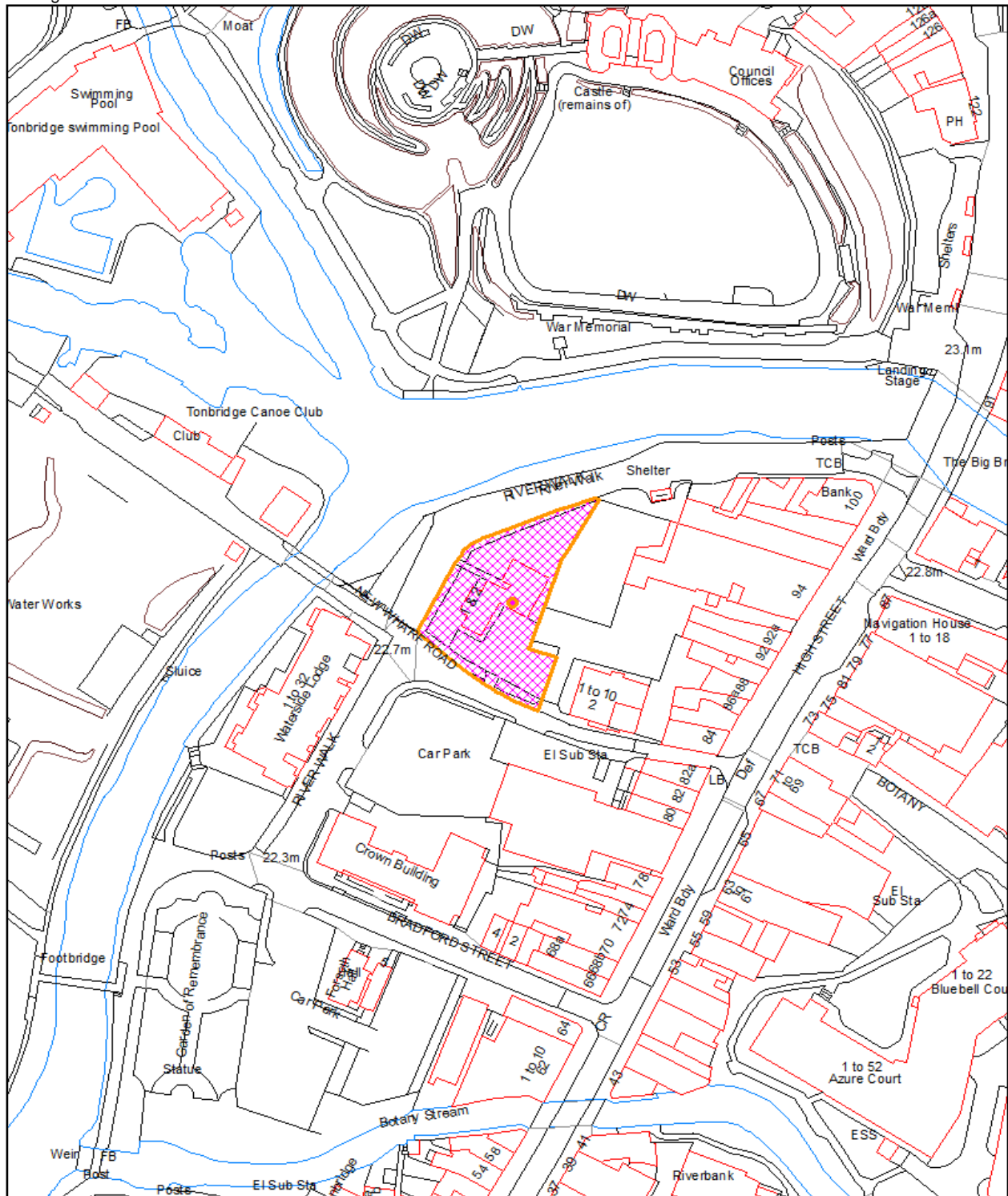
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TM/19/01108/FL

1 - 4 River Walk Tonbridge Kent

Construction of building comprising 36 apartments including access and ground floor and undercroft parking, following demolition of existing built form on site

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Tonbridge Castle	30 September 2019	TM/19/02277/FL
Proposal:	Change of use of former residential care home to form 12 self-contained residential units, erection of two detached dwellings together with associated access, parking, landscaping and amenity space	
Location:	High Hilden Home High Hilden Close Tonbridge Kent TN10 3DB	
Go to:	Recommendation	

1. Description:

- 1.1 This is an application for planning permission for the change of use and conversion of the existing care home (use class C2) to 12 self-contained residential dwellings (use class C3), part demolition of a modern wing of the building and the erection of a further 2 detached dwellings, along with associated access, parking, landscaping and amenity space.
- 1.2 The conversion of the care home would necessitate some external changes, including the demolition of the modern wing on the north elevation. Two modern conservatories would also be removed; one would be replaced with a small extension. The principle elevations of the building including the entrance and the elevation facing the open garden area would otherwise remain unchanged.
- 1.3 Parking for 26 cars would be provided for occupants, inclusive of 4 garage spaces which would be provided for each detached dwelling.
- 1.4 Gardens would be laid out to the rear of each detached dwelling, whilst some of the converted units would benefit from small courtyard areas or otherwise utilise the large communal garden. Small detached buildings would be erected to provide closed bin and bike stores in discreet locations.
- 1.5 The scheme has been subject to three previous pre-application meetings with officers and the design and layout of the detached houses has evolved significantly. The key consideration for officers has been preserving the original character of the building and ensuring its long term retention.
- 1.6 As provided for within our procedures, a Members' Site Inspection has been arranged to take place on 07 February, ahead of the Area 1 Planning Committee taking place. Any matters arising from that inspection will be reported as a supplementary matter.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Branson in order to consider impact on neighbouring amenity.

3. The Site:

- 3.1 The site is High Hilden, a former care home that is currently vacant. It was originally an Edwardian house built in 1906, understood to be a single residential dwelling for a local family, before it was converted to a home for the elderly in 1946.
- 3.2 Over the years the grounds of the house have been sold off for residential development and the setting of the building is now largely comprised of the retained communal garden with mature trees and landscaping that provides a pleasant setting for the building. The communal garden is a key part of this setting that reflects the building's original purpose as a country manor.
- 3.3 The building is in the style of a traditional Edwardian county manor house and has a high degree of aesthetic, with a strong contribution to the character and appearance of the area. A new wing was added to provide additional accommodation and various extensions have also been added over the years including a conservatory.
- 3.4 Whilst the building is not on the statutory List (unlisted), it is nonetheless an outstanding example of an early 20th century Edwardian manor house. Key features of the original building include the chimneys stacks in the style of Tudor architecture, stone set bay windows and the prominent Dutch gable ends with fine parapet roofs.
- 3.5 Because of its local historic interest and attractive character the building is capable of being considered a non-designated heritage asset.

4. Planning History (relevant):

TM/01/01931/OA Grant With Conditions 2 November 2001

Outline Application for a detached dwelling

TM/67/10139/OLD grant with conditions 9 November 1967

External lift shaft.

TM/86/10044/FUL grant with conditions 6 October 1986

Two storey extension and alterations.

TM/88/10033/FUL grant with conditions 21 March 1988

New car port and enlarged parking area.

TM/98/00215/FL Grant With Conditions 28 May 1998

extension of existing lift shaft and provision of additional parking space

TM/02/02291/FL Grant With Conditions 8 November 2002

Detached dwelling and garage

TM/02/02447/FL Grant With Conditions 10 January 2003

Extension to existing car park (8 car parking spaces)

TM/02/03375/RD Grant 11 December 2002

Details of refuse storage submitted pursuant to condition 7 of consent ref:
TM/02/02291/FL (detached dwelling and garage)

TM/04/01366/OA Refuse 3 February 2005

Outline Application for detached dwelling with vehicular access from Oast Lane

TM/04/02095/RD Grant 28 July 2004

Details of landscaping submitted pursuant to conditions 4 and 6 of permission
TM/02/02291/FL (granted for detached dwelling and garage)

TM/04/04263/FL Grant With Conditions 31 January 2005

Variation of condition 2 of planning permission TM/02/02447/FL (Extension to
existing car park (8 car parking spaces). to not install the 1.5m high fence along
north east boundary)

TM/05/03404/RD Grant 8 December 2005

Variation of condition 6 of permission TM/04/02095/RD being removal of Pine
tree in back garden and additional proposed planting

TM/07/01881/FL Approved 10 July 2007

Conservatory

5. Consultees:

- 5.1 Southern Water: Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. Request informative added.

5.2 KCC (LLFA): Having reviewed the latest information provided KCC are satisfied with the principles of the design and as such remove our objection to this application. Should you as LPA be minded to grant permission we would recommend a condition be applied.

5.3 KCC (Economic Development): Request contributions for education, community learning, youth services, library book stock, social care, waste and broadband.

5.4 KCC (H+T):

Introduction

5.4.1 The proposals are for the change of use of former residential care home to form 12 self-contained residential units, and the erection of two detached dwellings together with associated access, parking, landscaping and amenity space. No transport statement (TS) has been submitted in support of the application.

Access

5.4.2 Access to the development is proposed via the existing private residential access road known as 'High Hilden Close,' it should be noted that this is a private road and does not therefore form part of the publicly maintainable highway. The 5-year personal injury collision record for the access covering the period up to 31st December 2018 has been checked via crashmap, www.crashmap.co.uk, and I can confirm that no collisions have been recorded. Therefore, both the existing access and its immediate proximity have a good personal injury collision record.

Sustainable Transport

5.4.3 The nearest public bus stop is situated directly outside the frontage of the proposals. This stop is primarily served by the route number 402 bus, which provides a service between Sevenoaks and Tonbridge at 20-minute intervals between 10:00 and 14:40 Monday to Friday. However, only a limited range of facilities are within the maximum recommended walking distance of 1.2 kilometres (km), with both Tonbridge town centre and its associated facilities, as well as Tonbridge train station located approximately 2 km south of the site. It is therefore anticipated that sustainable modes of transport will have a limited role in meeting the travel needs of the proposal's future occupants, should they be granted consent.

Traffic Impact

5.4.4 In this instance the proposals are not of a large enough scale for a transport statement (TS) or transport assessment (TA) to be required. In addition, it is acknowledged that the site enjoys an existing lawful (extant) use that could be implemented without the need for any further planning permission and would have to be accounted for in any traffic impact analysis. Given the limited scale of the

proposals (12 flatted units and 2 detached dwellings) it is not anticipated that they will generate a significant amount of traffic, and therefore have an impact on the local highway network that could be described as 'severe.'

Parking

5.4.5 The applicant has proposed to provide 26 car parking spaces, inclusive of 4 garage spaces. Kent Design Guide Review: Interim Guidance Note 3 (IGN3), Residential Parking states that 4 bedroom houses in a suburban edge/village/rural location should be provided with a minimum of 2 independently accessible spaces per unit and 1 and 2 bedroom flats a minimum of 1 space per unit, with no standard given for 3 and 4 bedroom flats. It would therefore be appropriate to use the standard for a 3- and 4-bedroom house. In addition, IGN3 states that visitor parking should be provided at a rate of 0.2 spaces per unit with garages only counted as additional to the overall required provision. Therefore, based on the applicant's housing schedule a total of 22 car parking spaces are required, inclusive of visitor parking provision. Consequently, a provision of 26 car parking spaces is in accordance with this authority's requirements, even when the 4 garage spaces are discounted.

5.4.6 Nine cycle parking spaces for the 12 flatted residential units have been proposed, this represents a shortfall of 3 spaces when compared to this authority's adopted guidance (Supplementary Planning Guidance SPG4, Kent Vehicle Parking Standards), which requires flats and maisonettes to be provided with a minimum of 1 space per unit. Additional secure cycle parking should therefore be provided. I note the required level of cycle parking for the detached dwellings will be provided in their allocated garages, this approach is acceptable to this authority.

Turning and Servicing

5.4.7 I note from the applicant's block plan that a refuse store will be provided adjacent to the site's existing shared access with 6A High Hilden Close. As a result, a hammer head type turning area is available for larger vehicles, such as a refuse freighter, to manoeuvre and egress back onto the public highway in a forward motion. In summary, it is accepted that there is sufficient circulatory space for the turning requirements of both private cars and service vehicles.

Summary

5.4.8 I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority subject to conditions.

5.5 TMBC Environmental Protection (Contaminated Land): Due to the age of the part of the building proposed to be demolished, I would recommend conditions.

5.6 TMBC Leisure Services: Request open space contributions.

5.7 Private Reps: 11 + site notice/0X/11R/0S. Objections summarised as follows:

- Object to aspects of the scheme
- Concern on road safety
- Private road is narrow
- No opportunities to promote walking or cycling
- Environmental impacts not identified
- Likely to generate significant volumes of traffic
- If it goes ahead we need to educate buildings, property managers and future tenants about road safety
- Should be 12 spaces
- Conversion will need to adequately safeguard privacy
- Bungalows must not be multi storey
- Will cause disruption
- Loss of trees
- Object to bin store
- Object to two new dwellings
- Loss of privacy
- Risk of drainage problems
- Access to bin store will result in loss of privacy
- Bin store will result in loss of trees
- Ugly surroundings to beautiful manor house
- Detract from neighbourhood
- Object location of bin store
- No regard to our visual amenity
- Road guttering is poor
- Additional long term traffic
- Concern on lorry manoeuvring
- Junction will be dangerous
- Noise, disturbance and smell from bin store
- No regard to nature conversation
- Significant impact and destruction proposed
- Unsympathetic layout

- Will not add to the quality of the area
- Loss of community facility
- Note comments from Highways & Transportation but reiterate highways concerns
- Query adequacy of SUDS report
- Object to detached houses
- Loss of privacy
- Overbearing
- Overdevelopment
- Hedge should be retained
- Houses would dominate
- Out of character
- Impact on neighbouring amenity
- New dwellings unacceptably close
- Overshadowing
- Poor quality design

6. Determining Issues:

Principle of Development:

- 6.1 The site lies within the settlement boundary of Tonbridge, an urban area as defined by policy CP11, in which there is no objection in principle to new development. It is considered that policy CP11 is wholly consistent with the Framework in directing development towards sustainable locations within urban areas and also requiring proposals to make the most efficient use of land as set out at paragraph 122.
- 6.2 The key issues are therefore the impact on the character and appearance of the area and the non-designated heritage asset, loss of community facility, neighbouring amenity, ecology, highways and parking, drainage and trees.

Character & Appearance:

- 6.3 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

- 6.4 These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 127 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 6.5 Paragraph 197 of the NPPF concerns non-designated heritage assets and explains that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. It is important to note that no public benefits balancing exercise is required if harm is identified to a non-designated heritage asset, instead an overall balanced judgement must be made.
- 6.6 As noted the building has a high degree of aesthetic value and forms an important part of the history of the area. It is prominent from surrounding locations and gardens and contributes positively to the character and appearance of the area.
- 6.7 At the same time the building is not wholly in its original condition and has been altered as part of its use as care home. Some of these extensions are not particularly sympathetic including the modern conservatories. The most recent large addition is the wing on the north east elevation that is designed in a similar style to the main building, but does not appear as an authentic period extension; it is clearly a more recent addition. Other infrastructure such as an enclosed fire escape has also detracted from its original character.
- 6.8 All these elements are proposed to be removed which would have a positive effect on the character of the building. Where alterations are required it is considered that these are sympathetic and would retain its original character of the building. A replacement single storey extension is proposed on the south elevation where one conservatory is removed; this has been designed to reflect the architecture of the main building.
- 6.9 In terms of the setting of the building, the land associated with it has greatly diminished over the years. Originally the building stood isolated in large grounds, but residential development has infilled much of its former setting. Land was further parcelled off for individual residential development by the former care home owners to release equity to contribute towards the up keep of the building. The building's setting is now largely restricted to the open communal garden to the south and some smaller garden areas surrounding it on the western elevation.
- 6.10 The scheme proposes to erect two detached dwellings in place of the demolished rear wing, within the remaining side garden areas on the west elevation. This would serve to further change the setting of the building. However, this would

accord with previous development patterns in which land around the building was split off for residential development and, furthermore, the area does not form such a strong part of the setting of the building, being located effectively at the back of the property. The front elevation and the open communal garden would be retained and the primary means in which the building is appreciated would be preserved.

- 6.11 The two detached dwellings are considered to be of a high standard of design and reflect the appearance of the main building whilst appearing subservient to it, which is appropriate here. They are laid out in an intimate mews-style courtyard and relate to the detached residential dwellings behind the site. They would sit comfortably within their plots within this context.
- 6.12 Overall the alterations to the building itself would have a positive impact on its character and appearance; the erection of the two detached dwellings would have a minor adverse impact on the setting of the building but this is tempered by their high quality design and the continuation of previous development patterns.
- 6.13 Drawing these factors together it is considered that the scheme as a whole would ensure the long term retention of the building thereby contributing positively to the character and appearance of the area. Officers would not wish to see the building demolished or unsympathetically altered and the benefits of preserving it in its original state are considered to be substantial.
- 6.14 As such, the proposal is considered to comply with policies CP24 of the TMBCS, SQ1 of the MDEDPD and paragraph 127 of the NPPF.

Loss of community facility:

- 6.15 Policy CP26 of the TMBCS seeks to safeguard community facilities. Proposals for development that would result in the loss in whole or part of sites and premises currently or last used for the provision of community services or recreation, leisure or cultural facilities will only be proposed in the LDF or otherwise permitted if:
- (a) an alternative facility of equivalent or better quality and scale to meet identified need is either available, or will be satisfactorily provided at an equally accessible location; or
 - (b) a significant enhancement to the nature and quality of an existing facility will result from the development of part of that facility; or
 - (c) the applicant has proved, to the satisfaction of the Council, that for the foreseeable future there is likely to be an absence of need or adequate support for the facility.
- 6.16 This policy is consistent with the Framework at paragraph 83 that sets out that planning decisions should enable the retention and development of accessible

local services and community facilities, and paragraph 92 that explains that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

- 6.17 As a care home offering a specialised type of accommodation to meet local needs, the building is considered to be a community facility as envisaged by policy CP26. Therefore sufficient justification needs to be provided to permit the loss of the specialised community facility.
- 6.18 The applicant has set out a detailed case explaining why the care home closed and the difficulties with this use continuing. This is set out as follows:

“High Hilden Limited (HHL) was established in 2005 and is a registered charity (1107818). HHL is a company limited by guarantee (5310102) and was formed to incorporate an existing Charity, High Hilden Home, that had been operating since 1946.

HHL owned and operated a 34-bed residential home for the elderly. Charitable status was afforded by virtue of the Home providing subsidised accommodation to at least 6 residents, the other residents being full fee paying. The subsidised residents were funded by Local Authorities (principally Kent County Council).

However, over the last 25 years, various parcels of surplus land surrounding the Home have been sold to provide funding for various upgrades and expansions to the designated C2 use class residential accommodation.

In addition, within the last 5 years a confluence of factors impacted the viability of residential care homes throughout the UK. HHL were not immune to these headwinds and financial resources gradually depreciated.

Key factors to influence this viability included rising cost base caused by the increasing minimum wages, widespread use of agency staff and associated fees caused (in part) by permanent staff leaving the profession, increasing burden of regulation (CQC) and associated direct and indirect costs, and an inability to increase fees from Local Government supported residents.

These factors combined with both planned and unplanned capital expenditure negatively impacted the viability of the HHL. In this respect High Hilden Limited took the reluctant decision to close High Hilden as a residential care home after considering all options to remain open, and after advice from their financial trustee that the economic future of the Home was in serious jeopardy. The options included:

- Taking on a loan for future upgrading to make letting rooms easier*
- Investing in marketing to increase enquiry levels*

- *Employing a marketing manager to develop charitable gifts and income*
- *Upgrading rooms to en-suite to make them more marketable*

Since the HHL had no financial capital resources to cover the cost of these options, none was taken forward and the financial position of the Home continued to deteriorate such that the monthly income did not cover the costs of running the home on a month to month basis, and the forecast for the financial year was a substantial loss.

The financial trustee of HHL further advised that in the forthcoming twelve-month period, considerable sums would be needed to upgrade the fire alarm system, the computers and lift maintenance, running to some tens of thousands of pounds. High Hilden could not find that expenditure.

As a result of the above, the trustees took the formal decision to move to close the Home, and it was closed on 31st August 2018 with the remaining residents re-located”

- 6.19 It is acknowledged that smaller care homes now struggle to compete with the larger bespoke care home model delivered by the major developers in this sector. The age of the building causes problems in terms of bringing it up to compliance with modern building regulations as well as the need to upgrade fire alarms and the lifts. The applicant has explained the limitations of the site and it is acknowledged that even if significant investment was found to support a continued C2 use this would likely necessitate major changes to the existing building to facilitate a greater number of rooms. This could result in detrimental impacts to the existing building or its loss for replacement with a bespoke designed care home. Neither of these options are considered to be desirable.
- 6.20 It is therefore considered that for the foreseeable future there is likely to be an absence of adequate support for the facility and so the loss of the C2 community facility should not be resisted under policy CP26. Accordingly no objections are raised against this policy or paragraph 92 of the NPPF.

Neighbouring Amenity:

- 6.21 Third party comments concerning the impact on neighbouring amenity are noted and in response the applicants revised the plans, received in December. A further consultation was conducted for neighbours to consider if these plans represented an improvement. In terms of changes, the two detached dwellings (Unit 13 and 14) were re-orientated further away from the neighbouring properties. Furthermore existing planting and hedges are now proposed to be retained to provide effective established screening.
- 6.22 Unit 13 is now roughly 15m away at first floor level from the garden boundary of number 2 Oast Lane behind; Unit 14 is also 15m at first floor from the boundary of

number 4 Oast Lane. It is also noted that these properties are not directly in alignment and there is no overlooking between windows of the properties. As such whilst the relationship between the new houses and the gardens is around 15m, this is not uncommon given the suburban setting.

- 6.23 Furthermore it is worth noting that the existing relationship of the building is also one of a degree of compromised privacy given that the modern side wing is currently just 4.5m from the garden boundary of number 3 Oast Lane and looks directly across 3 and 4 Oast Lane with windows on the side elevation. The removal of this wing would therefore offer some benefits to neighbouring amenity, particularly number 3 and 4.
- 6.24 Overall it is considered that whilst there would be a change in the relationship between the existing building and the proposed new dwellings and the neighbouring properties behind, it is not considered that this would be harmful. Privacy would still be unaffected within the neighbouring dwellings themselves and the change in position within parts of the gardens would not be significant.
- 6.25 Both new dwellings have sufficient separation to avoid any harmful overshadowing or overbearing effects, again in consideration that the existing building was significantly closer to adjoining properties.
- 6.26 The conversion of the building itself would not have any greater impact on neighbouring amenity given it was already in habitable use and no changes are proposed that would decrease separation from the remaining neighbours. Although some first floor balconies are proposed in parts of the building these would not offer vantage points into adjacent properties.
- 6.27 It is therefore considered that the impacts on neighbouring amenity would be acceptable.

Ecology:

- 6.28 Paragraph 175 of the NPPF requires developments to not harm biodiversity or protected species. This is consistent with the aims of policy NE3 of the MDEDPD that seeks to avoid harm to biodiversity.
- 6.29 Given the age of the building a bat survey was conducted to consider if the property provided a habitat for protected species.
- 6.30 The submitted ecology survey confirms that no signs of roosting bats were identified within any of the areas of the main building on site. The potential for roosting bats within any of the building areas on the site is therefore negligible. Externally the roof tiles of the main (Edwardian) building supported some potential for roosting bats, although no signs of bats were observed. There is therefore a low potential for bats roosting beneath roof tiles where there are suitable gaps left by missing or broken tiles on the main building. No signs or roosting bats were

identified within the extension to the north west of the main building. Externally the roof tiles of this section supported no potential for roosting bats, and no signs of bats were observed. There is therefore a negligible potential for roosting bats in this section of the building on site.

- 6.31 The report makes a series of recommendations including the provision of bat boxes on the new development to improve biodiversity. Subject to the recommendations within the report being followed it is considered that the scheme would safeguard protected species and no objections are raised under paragraph 175 of the NPPF or policy NE3.

Highway safety and parking provision:

- 6.32 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 goes on to state that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

- 6.33 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided.

It goes on to state 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.

Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

- 6.34 Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied. The aims of Policy SQ8 in requiring safe and suitable access to and from the highway are consistent with the aims of the Framework at paragraphs 109 and 110.
- 6.35 The scheme intends to provide 26 parking spaces, including 4 garage spaces for the detached dwellings. KCC Highways & Transportation, as the Council's statutory consultee on matters of highways safety, considers this to be in accordance with the adopted parking standards set out in Interim Guidance Note 3 (IGN3). The IGN3 standards would be for 22 car parking spaces therefore, even when the garages are discounted, the proposal meets required parking standards.
- 6.36 They further note that the site benefits from an established access point and a lawful existing use (as a care home) and in consideration of the existing junction onto the main road and the likely additional trips from the proposed use, no unacceptable highways impacts would arise. Furthermore, the cumulative impacts of new traffic on the road network would not be severe.
- 6.37 As such, whilst third party comments are noted with regards to concerns over traffic generation and road safety, there is no technical evidence to support a refusal on highways grounds.
- 6.38 It is considered that parking and the impact on the highways network would be acceptable and no objections are raised under policy SQ8 of the MDEPDD or paragraphs 109 and 110 of the NPPF.

Flood Risk & Drainage:

- 6.39 Policy CP10 of the TMBCS seeks to ensure developments are safe from flooding as well as directing proposals to areas with a low risk of flooding in the first instance. This is wholly consistent with the aims of the framework at paragraphs 155 – 165.
- 6.40 The site is in a Flood Zone 1 indicating low probability of flooding. A drainage strategy has also been submitted to consider how water runoff will be dealt with across the site. KCC as Lead Local Flood Risk Authority have reviewed the

drainage strategy and consider it acceptable subject to conditions. As such it is considered that the scheme would provide suitable drainage and therefore no objections are raised under policies CP10 of the TMBCS or paragraph 165 of the NPPF.

Trees & Landscaping:

- 6.41 The site contains a number of tree specimens with varying degree of amenity value. The T9 Atlas Cedar to the front of the property is a particularly good specimen with a high degree of amenity value. This is proposed to be retained. Some smaller specimens of low amenity value are proposed to be removed but the Council's Trees and Landscaping Officer has reviewed the plans and is satisfied that no harm would result to important specimens. A condition will be attached ensuring these trees are safeguarded during the construction process.
- 6.42 Indicative landscaping is shown on the plans and a detailed scheme can be provided prior to occupation of the units to ensure the new development is properly landscaped.

Five year housing land supply and the presumption in favour of sustainable development:

- 6.43 Tonbridge and Malling Borough Council cannot currently demonstrate a 5 year housing supply. In such circumstances paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development applies and the provision of new housing carries significant weight. This presumption is only disengaged if the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. There are no policy designations on the site that would disengage the presumption in favour of sustainable development. Furthermore, there are not considered to be any adverse impacts that would significantly and demonstrably outweigh the benefits. As such paragraph 11(d) (ii) is not engaged and therefore the provision of 14 new homes in a sustainable location carries further weight in favour of the scheme.

Planning Obligations:

- 6.44 Policy CP25 of the TMBCS explains that development will not be permitted unless the service, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions. This policy is broadly consistent with the objectives of the Framework at paragraphs 54 and 56 which explain that planning obligations can be used where justified to mitigate development impacts.
- 6.45 KCC has requested a number of contributions to mitigate the additional pressure on local services as a result of the development. The Planning Act 2008 and the

Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) and paragraph 56 of the NPPF require that requests for development must comply with three specific legal tests, namely that they must be (1) necessary, (2) related to the development, and (3) reasonably related in scale and kind. It is considered that the contributions being sought meet these tests. They are set out as follows:

- Secondary Education - £20,578.00 towards the expansion of Judd School.
- Community Learning - £455.96 towards additional services and equipment for new learners at Tonbridge Adult Education Centre from this development.
- Youth Service - £917.00 towards additional resources for the Tonbridge Youth Service.
- Library Bookstock - £776.30 towards additional services and bookstock at Tonbridge Library for the new borrowers generated by this development.
- Social Care - £2,056.32 towards Specialist Care provision in Tonbridge & Malling Borough.
- Waste - £3,325.56 new HWRC to serve Tonbridge and Malling to mitigate housing growth.

6.46 On developments proposing a net increase of 5 dwelling houses, policy OS3 of the MDEDPD requires a contribution to be made for the upkeep of local open space, to mitigate increased usage from future occupiers of the development. As above, this is considered to be consistent with the objectives of the Framework and would meet the three tests.

6.47 In respect of policy OS3 the Council's Leisure Services Team have requested a financial contribution to mitigate the additional pressure on local open space. The amount requested for this is £40,473. The funds will be used for the upkeep and enhancement of the following open spaces as follows:

- Parks & Gardens – Haysden Country Park, Tonbridge Cemetery
- Outdoor Sports Facilities – Tonbridge Farm Sportsground
- Children's and Young People's Play Areas – Tonbridge Farm Sportsground
- Natural and Semi Natural Green Spaces – Land Rear of Hamble Road

6.48 The applicant will be required to pay these contributions via a Section 106 agreement subject to a resolution to grant planning permission by APC1.

6.49 The development does not trigger the requirements for affordable housing under policy CP17 of the TMBCS since the threshold is for sites of 15 dwellings or above, or site size of 0.5ha or above.

Conclusions and overall planning balance:

6.50 The scheme would ensure the long term preservation of the building and offer improvements to its character through the removal of unattractive modern extensions and alterations. There would be some harm to the setting of the

building through the erection of the detached dwellings but this is tempered by the high quality design and the location of the houses to the rear of the building away from its principle elevations. The loss of the community facility has been justified and parking provision and highways impacts are considered to be acceptable. The impact on neighbouring amenity is considered to be acceptable.

- 6.51 Overall the scheme would provide 14 new dwellings towards existing shortfall and, although the C2 use would cease, the building would be put to a new use in a viable way that would ensure its preservation as a non-designated heritage asset. The benefits of this are considered to attract substantial weight and there are no harms identified that would provide sufficient justification to refuse permission. The application is therefore recommend for approval.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Report SUDs survey dated 26.11.2019, Location Plan 18268 001 P1 dated 30.09.2019, Topographical Survey 18268 002 P1 dated 30.09.2019, Existing Floor Plans 18268 003 P1 dated 30.09.2019, Existing Floor Plans 18268 004 P1 dated 30.09.2019, Existing Roof Plan 18268 005 P1 dated 30.09.2019, Sections 18268 006 P1 dated 30.09.2019, Existing Elevations 18268 007 P1 dated 30.09.2019, Existing Elevations 18268 008 P1 dated 30.09.2019, Existing Floor Plans 18268 009 P1 Proposed demolitions dated 30.09.2019, Block Plan 18268 010 P1 dated 30.09.2019, Proposed Floor Plans 18268 014 P1 dated 30.09.2019, Proposed Elevations 18268 016 P1 dated 30.09.2019, Proposed Roof Plan 18268 017 P1 dated 30.09.2019, Planning Statement PP-08182400 dated 30.09.2019, Design and Access Statement 18268 dated 30.09.2019, Bat Survey 18268 E1718 dated 30.09.2019, Arboricultural Assessment 18268 dated 30.09.2019, Proposed Elevations 18268 443 P1 unit 14 dated 20.12.2019, Block Plan 18268 411 P1 dated 20.12.2019, Proposed Elevations 18268 415 P1 dated 20.12.2019, Proposed Plans 18268 440 P1 unit 13 dated 20.12.2019, Proposed Elevations 18268 441 P1 unit 13 dated 20.12.2019, Proposed Plans 18268 442 P1 unit 14 dated 20.12.2019, Other supplementary document dated 20.12.2019, subject to

- The applicant entering into a planning obligation with the Borough Council to provide financial contributions towards public open space provision and enhancement;
- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards the provision of education facilities and community services.
- It is expected that the section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay.

Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 20 August 2020, a report back to the Area 1 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- 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 This decision refers to the red edge site location plan, drawings numbered Report SUDs survey dated 26.11.2019, Location Plan 18268 001 P1 dated 30.09.2019, Topographical Survey 18268 002 P1 dated 30.09.2019, Existing Floor Plans 18268 003 P1 dated 30.09.2019, Existing Floor Plans 18268 004 P1 dated 30.09.2019, Existing Roof Plan 18268 005 P1 dated 30.09.2019, Sections 18268 006 P1 dated 30.09.2019, Existing Elevations 18268 007 P1 dated 30.09.2019, Existing Elevations 18268 008 P1 dated 30.09.2019, Existing Floor Plans 18268 009 P1 Proposed demolitions dated 30.09.2019, Block Plan 18268 010 P1 dated 30.09.2019, Proposed Floor Plans 18268 014 P1 dated 30.09.2019, Proposed Elevations 18268 016 P1 dated 30.09.2019, Proposed Roof Plan 18268 017 P1 dated 30.09.2019, Planning Statement PP-08182400 dated 30.09.2019, Design and Access Statement 18268 dated 30.09.2019, Bat Survey 18268 E1718 dated 30.09.2019, Arboricultural Assessment 18268 dated 30.09.2019, Proposed Elevations 18268 443 P1 unit 14 dated 20.12.2019, Block Plan 18268 411 P1 dated 20.12.2019, Proposed Elevations 18268 415 P1 dated 20.12.2019, Proposed Plans 18268 440 P1 unit 13 dated 20.12.2019, Proposed Elevations 18268 441 P1 unit 13 dated 20.12.2019, Proposed Plans 18268 442 P1 unit 14 dated 20.12.2019, Other supplementary document dated 20.12.2019. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

- 3 All materials used externally shall accord with the approved plans.

Reason: In the interests of visual amenity.

- 4 The dwellings hereby approved shall not be occupied until the area shown on the submitted layout for vehicle parking has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that

Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

- 5 Before the development hereby approved is occupied a detailed scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. 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. 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: In the interests of visual amenity.

- 6 The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

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

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread.

(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.

Reason: In the interests of visual amenity.

- 8 Prior to the commencement of the development hereby approved, arrangements for the management of all demolition and construction works shall be submitted to and approved by the Local Planning Authority. The management

arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the demolition and construction works will be limited to and measures to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

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

- 9 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 10 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.
- (b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

- 11 The garages shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

- 12 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 Class A, B, C, D or E, of Part 1; of Schedule 2 of that Order.

Reason: To prevent overdevelopment of the site and preserve the character of the area.

- 13 The use shall not be commenced, nor the premises occupied until full details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 14 The use shall not be commenced, nor the premises occupied until full details of a scheme for the storage of cycles has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the storage of cycles and preserve visual amenity.

- 15 The development shall be carried out in accordance with the recommendations in the submitted Ecology Survey 18268 E1718 submitted on 30th September 2019.

Reason: to ensure the development proceeds with regard to protected species and provides a net gain to biodiversity.

- 16 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure safe disposal of foul and surface water sewerage.

- 17 Before the development hereby approved is occupied, details of the installation of car charging points shall be submitted to and approved in writing by the Local

Planning Authority. The charging points shall be installed in accordance with the approved and retained thereafter.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with paragraph 110(e) of the NPPF.

Informatives

- 1 A formal application for connection to the public sewerage system is required in order to service this development. More information is available on Southern Water's website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>. The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:
 - a) An adequate soakaway or some other adequate infiltration system.
 - b) A water course.
 - c) Where neither of the above is practicable: a sewer.
- The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.
- 2 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 e-mail to addresses@tmhc.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.
- 3 The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.

Contact: Adem Mehmet

TM/19/02277/FL

High Hilden Home High Hilden Close Tonbridge Kent TN10 3DB

Change of use of former residential care home to form 12 self-contained residential units, erection of two detached dwellings together with associated access, parking, landscaping and amenity space

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