



TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

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: Democratic Services
committee.services@tmbc.gov.uk

29 July 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 online via Microsoft Teams on Thursday, 6th August, 2020 commencing at 7.30 pm. Information on how to observe the meeting will be published on the Council's website. Deposited plans can be viewed online by using [Public Access](#).

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 25 June 2020

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 - 62

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

6. TM/20/00597/FL - Land South of Hoath Cottage, Carpenters Lane, Hadlow 63 - 86

Erection of 25 dwellings comprising of 2 x one bed apartments, 8 x two bed apartment and dwellings, 11 x three bed houses and 4 x four bed houses and associated development

7. TM/20/01289/FL - 22 Hadlow Road, Tonbridge 87 - 98

Demolition of existing dwellinghouse, and development of 2no. 5 bedroom semi-detached houses with parking

8. TM/19/01632/FL - Development site, south part of West Kent College, Brook Street, Tonbridge 99 - 144

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

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.

Matters for consideration in Private

10. 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

11. Urgent Items

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

MEMBERSHIP

Cllr 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

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 25th June, 2020

Present: Cllr V M C Branson (Chairman), Cllr M D Boughton (Vice-Chairman), Cllr Mrs J A Anderson, 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 and Cllr Miss G E Thomas

Councillor Mrs A S Oakley was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs P A Bates and F G Tombolis

PART 1 - PUBLIC

AP1 20/6 DECLARATIONS OF INTEREST

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

AP1 20/7 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 21 May 2020 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 20/8 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 circulated in advance of the meeting and published to the website.

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 20/9 TM/20/00341/FL - 140 TONBRIDGE ROAD, HILDENBOROUGH

Demolition of existing garage and associated buildings and structures and the erection of a 75-bed care home (use class C2) with car parking at 140 Tonbridge Road, Hildenborough.

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

(1) The amendment of condition 16 to read:

16. The effectiveness of the remediation scheme shall be verified in two phases.

(a) The first phase will cover the removal of the fuel storage infrastructure and associated contamination as carried out pursuant to Condition 15 (b) and will be submitted prior to commencement of the development.

(b) Following completion of the remainder of the approved remediation strategy, and prior to the first occupation of the development, a final verification report shall be submitted.

In each case, the verification report shall scientifically and technically demonstrate the effectiveness and completion of that phase of the remediation scheme at above and below ground level and shall be submitted for the information of the Local Planning Authority.

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

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

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

(2) The addition of conditions 19 and 20 as follows:

19. Any first and second floor windows serving the stairwell in the northernmost corner of the building shall be fitted with obscured glass prior to the first occupation of the building and retained at all times thereafter.

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

20. Prior to the first occupation of the development hereby approved, a scheme for any ventilation system to serve the kitchen and any air conditioning units, ducts, fans or similar apparatus to serve the development as a whole, including their location on the building, appearance and technical specifications shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be fully installed before first occupation of the building and shall thereafter be maintained in strict accordance with the approved details.

Reason: In the interests of the amenities of nearby properties.

[Speakers: A written statement was read by the Democratic Services Officer on behalf of Hildenborough Parish Council; Mr K Bird (member of the public) and Mr D Bond (Agent) addressed the Committee via video-conferencing.]

AP1 20/10 TM/20/00098/FL - LAND FRONTING VALE RISE AT COLAS ROADS LTD, VALE ROAD, TONBRIDGE

Development to provide 15 industrial units for use in association with Use Class B1(c) (light industrial), B2 (general industrial) and B8 (storage and distribution) with ancillary trade counters and associated servicing, parking and landscaping at Land fronting Vale Rise at Colas Roads Limited, Vale Road, Tonbridge.

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

(1) The amendment of the Plans List to cite:

Flood Risk Assessment 19-046R-003 REV2 dated 20.04.2020
Proposed Floor Plans C-355-TP-03-B dated 23.03.2020

(2) The amendment of conditions 16 and 20 to read:

16. The development hereby approved shall be undertaken in strict accordance with the measures and recommendations set out in the Flood Risk Assessment prepared by Bradbrook Consulting Rev 2 dated April 2020

Reason: In the interests of flood prevention

20. Prior to the commencement of any above ground works, a scheme of hard and soft landscaping incorporating how the footway along the site frontages on Vale Road and Vale Rise can, where practicable, be

widened to up to 3m in order to make provision for a future footway/cycleway shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with that scheme, with the associated planting scheme carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and promoting and facilitating sustainable modes of transport in the locality.

(3) The addition of Informatives 7 and 8:

7. The applicant is reminded that pursuant to the requirements of Condition 20 it will be necessary for them to enter into a Section 278 agreement with Kent County Council.

8. The applicant is strongly encouraged to consider opportunities for incorporating additional renewable energy technologies into the building which Units 5 – 11 will occupy where possible and for measures to support biodiversity including the incorporation of swift boxes where possible within the construction of the buildings.

[Speakers: A written statement was read by the Democratic Services Officer on behalf of Mr S Bowler (member of the public); Mrs F Long on behalf of Tonbridge Bicycle Users Group (member of the public) addressed the Committee via video-conferencing; and a video statement, provided by Mr J Lee (Agent) in advance of the meeting, was presented to the committee.]

AP1 20/11 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.24 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

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

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

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

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

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 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 This application was originally due to be reported to APC1 on 20 February 2020, with a recommendation to refuse planning permission. Following publication of the agenda papers, the developer made contact with officers setting out that he considered the ground of refusal cited could be successfully overcome and requesting that he be afforded the opportunity to provide further evidence to that effect. On that basis, the application was withdrawn from the February agenda.
- 1.2 Subsequently, an Affordable Housing Statement was submitted which sets out the exceptional circumstances considered by the developer to be present that would ultimately prevent affordable housing delivery from occurring on site, for both feasibility and viability reasons. The document sets out as follows (summarised):
- Engagement has taken place with a range of Registered Providers, the conclusion being that none of those approached would take on the site. Full explanation of the liaison that has taken place has been provided within the Statement, including a detailed synopsis explaining why they would not take up units on this development;
 - Commentary provided on design issues, specifically the advantages of a single core approach in addition to the disadvantages of building layouts utilising two stair cores which would be necessary in the event affordable housing were to be provided on site;
 - Conclusion that exceptional circumstances do exist and that a commuted should be made in lieu of on or off site provision.
- 1.3 In addition, the developer has taken the opportunity to revisit certain aspects of the detailed design of the proposed building and incorporated amendments to the River frontage and south-west corner element in order to incorporate active frontages and improve the quality of the scheme overall. Specifically, the amended Design and Access Statement sets out as follows:

Live frontage to River Walk:

Active frontage to River Walk is provided by several elements of the proposed scheme. The following have already been included within the proposals:

- *Main entrance to the building is located on River Walk;*
- *Hard landscaping and public seating is provided;*
- *All flats facing the River have generous living room windows which overlook the riverside and provide natural surveillance;*
- *The ground floor of the building provides appropriate car parking for residents, which is well screened from view. Due to flooding constraints, no other use can be successfully incorporated within the development.*

The following additional features have been included in the latest proposals which contribute to the provision of active frontage and good quality public realm

- *All flats facing River Walk now have wide, glass fronted balconies which are easily accessible from living rooms and designed to be utilised as outdoor rooms. These will create a populated building frontage at a variety of times during the day. In particular the first floor balconies will have a very good sense of contact with the riverside.*
- *The distribution of materials aims to create a domestic scale by breaking the elevation into smaller elements, to create an attractive back drop to the public realm.*
- *The height of the openings to the car park has been reduced to the equivalent of a normal doorway to reduce the scale as seen from River Walk.*

Corner Bay Study

The bays have been re-designed to provide more strongly defined elements, which stand out from the main building facades and successfully turn the important corners. The following changes have been made to strengthen the design:

- *Roof pitch increased to give additional emphasis to the corner elements.*
- *The corner bay roof apexes have been raised so that they are higher than the adjacent roof ridge level.*
- *The main material of the corner bays has been changed from brick to ragstone to differentiate them from the main elevations.*
- *The reconstructed stone window surrounds have been increased in width to give more presence to the paired window elements.*
- *Moulding details have been added to the surrounds to give a more traditional appearance and greater interest to the feature bay windows.*

- *A contrasting dressed stone band with a projecting string course above has been added to define the base of the corners.*
- *Profile revised to reconstructed stone coping at third floor to provide shadow line.*
- *Metal spandrel panels added to link paired windows at 1st and 2nd floor and provide visual link with roof/wall cladding.*

1.4 A period of reconsultation has taken place in light of this additional and amended information, the results of which are summarised at Section 2 of this report.

1.5 For ease of reference, the February committee report is reproduced in full at Annex 1 and should be read in conjunction with this report. Other than the matters discussed in detailed at Section 3 below, the policy framework, and material considerations and associated assessment set out within the February report stands.

2. Consultees (since 20 February 2020):

2.1 Private Reps: A total of 49 further objections have been received, reiterating those previously summarised and further objecting as follows:

- Social and affordable housing should be built here;
- Trivial sum offered to offset failure to provide affordable housing on site.

3. Determining Issues (to be read in conjunction with Annex 1):

Planning Obligations:

3.1 The statutory and policy tests concerning the need to provide planning obligations in order to meet adopted policy requirements and ensure developments are acceptable in planning terms are cited in detail within the February report and are not repeated here. The most recently submitted Affordable Housing Statement sets out a case of exceptional circumstances for providing a commuted sum in lieu of on or off-site affordable housing provision as being (summarised at Section 1 of this report).

3.2 It is my view, on this basis, that a sufficiently robust case has been advanced to meet the requirements of adopted policy CP17 of the TMBCS, when taking into account all other material planning considerations. The total amount of the commuted sum in this case is agreed at £441,000, being the value calculated on the basis of 20% provision, which was the level already accepted through preceding viability work that has taken place. Whilst I appreciate that representations received consider this to be too little, it is the amount verified as being acceptable in this case and it will assist the Council in meeting its own evidenced need across the Borough.

- 3.3 Alongside this, the submitted information now seeks to provide for a policy compliant amount of £76,151 towards improvements to the public realm within the vicinity of the development. The finalised legal agreement will enshrine that this contribution will be put towards improvements and linkages through this part of the town and the new medical centre, where a contribution of £16,100 has already been secured for associated works to the public realm along the footpath to the north up to the Avebury Avenue bridge, in accordance with policy TCA10. The broader intention being that these developments, combined with others coming through the system within the locality, will be combined to ensure a cohesive, well designed improvement can come forward.
- 3.4 KCC through its representations requested contributions towards secondary schools and libraries in accordance with its own projections for further demand based on the additional demand arising from the development. These contributions were required at £21,609 towards the expansion of Judd School and a total of £1,728.57 towards book stock at Tonbridge Library. The latest information submitted by the developer includes this provision and KCC are actively involved in finalising the legal agreement to secure these contributions.
- 3.5 The Section 106 legal agreement which will set out the precise nature of the obligations placed on all three parties (the developer, Borough and County Councils) is in a substantively finalised form subject to all parties agreeing finer drafting details.

Design and appearance:

- 3.6 As set out in Section 1 of this report, the developer has taken the opportunity to make amendments to the design of the building since February. These are minor, aesthetic changes from that previously assessed within the previous report and the conclusions drawn in that respect stand. I would however highlight the importance of ensuring the palette of materials proposed here (which in principle are considered acceptable) should be subject to further, more detailed assessment in the event that planning permission is granted.
- 3.7 The use of appropriate, high quality materials can make a valuable contribution to the quality of a building. In this case, specific attention has been given to the palette of materials as a way of ensuring that a suitable amount of visual variation and relief can be incorporated into the building whilst maintaining an appropriate amount of cohesion. I consider that the materials to be utilised could contribute greatly to the overall quality of the building on this basis. Ensuring this will, inevitably, be down to the precise nature of the finish of the materials, bonds and joints between materials and building junctures. The execution of this finish can be properly addressed through planning condition and I would suggest that this could be secured through a requirement that sample panels be provided on site for formal approval to ensure the precise nature of this detail is controlled.

- 3.8 Similarly, whilst the nature of the landscaping around the edges of the building is acceptable in an urban environment such as this, quality will be key and landscaping conditions should seek to adequately control the detail of the scheme, including the precise location, size and species of all new planting, particularly between the building and the public realm. I would also suggest that it would be appropriate and necessary for the landscaping scheme to require specimens which are appropriately mature and commensurate with the location be planted in order that future occupants of the flats would not be compelled to seek to remove or reduce their height in future years to increase light to windows or preserve views thus having a consequence on the visual quality of the site in the longer term. Again, this can adequately be secured by planning condition.

Other considerations:

- 3.9 Members will be aware that since February an application proposing the redevelopment of the Poundland site immediately to the south of 1 – 4 River Walk has been submitted for consideration. The assessment in connection with that application will be reported to APC1 in due course but for the purposes of considering *this* application, it is important to recognise that the proposed development at Poundland is not committed and therefore there is no requirement to assess relative impacts between the two schemes at this stage. Conversely, in the event that planning permission is granted for the redevelopment of 1 – 4 River Walk, there will subsequently be a need for the assessment of the Poundland scheme to have regard to the impacts on this development.

Benefits:

- 3.10 Given the above considerations, it is necessary now to re-establish the presence of any benefits of the scheme given the presumption in favour of sustainable development (paragraph 11(d) (ii) of the NPPF). There remain benefits arising from the provision of 36 residential flats (for market sale) and the contribution they would make to the five year housing land supply position, in a sustainable urban location. Similarly, benefits would be derived from the provision of a commuted sum towards much needed affordable housing within the Borough. The scheme would bring about an opportunity to bring forward meaningful public realm enhancements within the immediate vicinity and contribute positively to improved linkages and an enhanced urban environment within this part of the town centre, a long standing aspiration in policy terms. There would also 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.
- 3.11 As set out in my previous report, 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.

Conclusions and overall planning balance:

- 3.12 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 benefit arising from the provision of 36 residential units on a brownfield site in a highly sustainable, urban location carries significant weight and there are other benefits to be derived from the development coming forward now that the remaining necessary obligations are coming forward in a manner that can be deemed to be acceptable. In applying the presumption of sustainable development as required by paragraph 11 (d) (ii), it is my conclusion that there are now no significant and demonstrable adverse impacts arising from the development that would outweigh the wider benefits of the scheme when assessed against the policies contained within the Framework as a whole.
- 3.13 On this basis, the previous ground of refusal set out in the February papers has, in my view, been successfully overcome and all other matters remain as per the previous assessment. The proposed development is, now, acceptable in all respects subject to the legal agreement being finalised in strict accordance with the obligations set out above and a tranche of conditions formulated to ensure the development comes forward in a high quality manner. This is reflected in the recommendation that now follows:

4. **Recommendation:**

- 4.1 **Grant planning permission** in accordance with the following submitted details: Landscaping IJ166-01 A Soft dated 25.10.2019, Proposed Elevations 18322-P105C dated 06.05.2020, Site Layout 18322-P101J dated 06.05.2020, Site Layout 18322-P102E dated 06.05.2020, Elevations 18322-C104D dated 06.05.2020, Artist's Impression 18322-C107 dated 06.05.2020, Artist's Impression 18322-C108 dated 06.05.2020, Artist's Impression 18322-C109 dated 06.05.2020, Proposed Floor Plans 18322-P110B dated 06.05.2020, Proposed Floor Plans 18322-P111B dated 06.05.2020, Proposed Floor Plans 18322-P112C dated 06.05.2020, Proposed Floor Plans 18322-P113C dated 06.05.2020, Materials Schedule 18322-C106 dated 06.05.2020, Design and Access Statement 18322 dated 06.05.2020, Statement Affordable housing dated 20.04.2020, Design and Access Statement 18322-PART 1 dated 06.05.2020, Design and Access Statement 18322-PART 2 dated 06.05.2020, Travel Plan dated 19.07.2019, Desk Study Assessment dated 03.06.2019, Transport Statement dated 19.07.2019, Other Travel Welcome Pack dated 19.07.2019, Site Survey 18322 - S102 dated 13.05.2019, Location Plan 18322 - S101 dated 13.05.2019, Statement Archaeology & Heritage dated 13.05.2019, Assessment Daylight & Sunlight dated 13.05.2019, Ecological Assessment

dated 13.05.2019, Flood Risk Assessment dated 13.05.2019, Planning Statement dated 13.05.2019, Arboricultural Assessment dated 13.05.2019 subject to the following:

- The applicant entering into a planning obligation with the Borough Council to provide financial contributions towards affordable housing and public realm/open space enhancements;
- The applicant entering into a planning obligation with the County Council to provide contributions towards secondary education and library book stock

It is expected that the legal agreement will be completed by the time of the Planning Committee taking place. If this is not the case, it should be completed within 6 weeks 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 17 September 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 The development hereby approved shall take place in strict accordance with the following plans and drawings:

Landscaping IJ166-01 A Soft dated 25.10.2019, Proposed Elevations 18322-P105C dated 06.05.2020, Site Layout 18322-P101J dated 06.05.2020, Site Layout 18322-P102E dated 06.05.2020, Elevations 18322-C104D dated 06.05.2020, Proposed Floor Plans 18322-P110B dated 06.05.2020, Proposed Floor Plans 18322-P111B dated 06.05.2020, Proposed Floor Plans 18322-P112C dated 06.05.2020, Proposed Floor Plans 18322-P113C dated 06.05.2020, Materials Schedule 18322-C106 dated 06.05.2020, Site Survey 18322 - S102 dated 13.05.2019, Location Plan 18322 - S101 dated 13.05.2019,

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

- 3 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 general amenity and highway safety.

- 4 Prior to the commencement of development a demolition method statement shall be submitted to and approved by the Local Planning Authority (including but not limited to a strategy for storing demolition waste on site and how it will be disposed of) and the demolition works thereafter undertaken will be in strict accordance with the approved details.

Reason: In order to prevent any harmful impact on the flood plain during construction of the development and in the interests of general amenity and highway safety

- 5 No above ground development shall take place until sample panels have been constructed on site demonstrating (where applicable) the colour, texture, bond, pointing, and fixtures of all brickwork, cladding and external treatments of the building and approved by the Local Planning Authority. The sample panels shall be retained on site until the details have been approved by the Local Planning Authority and the development undertaken in strict accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the quality of the development that takes place.

- 6 No above ground development shall take place until full detailed plans and sections of all proposed windows and balconies at a scale of 1:20 together with details of proposed finishes have been submitted to and approved in writing by the

Local Planning Authority. The development shall be undertaken in strict accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the quality of the development that takes place.

- 7 No external lighting shall be installed in connection with the building until such details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: In the interests of visual amenity and biodiversity.

- 8 The use of the development hereby approved shall not commence until the areas shown on the approved layout as vehicle parking and turning areas have been provided, surfaced and drained. Thereafter these areas shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these areas.

Reason: In the interests of highway safety.

- 9 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 details and maintained and retained at all times thereafter.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with paragraph 110(e) of the National Planning Policy Framework 2019.

- 10 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a plan showing the proposed finished floor levels, eaves and ridge levels of the building and finished ground levels in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the local planning authority. The works shall be carried out in strict accordance with the approved details.

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

- 11 The use of the development hereby approved shall not commence until the vehicular accesses and routes within the site and any associated engineering operations have been constructed in accordance with plan numbers 18322 P101 Rev. J and 18322 P110 Rev. B

Reason: In the interests of highway safety.

- 12 The measures for implementation and monitoring arrangements as set out in the Travel Plan prepared by Origin, dated July 2019 hereby approved shall be fully adhered to.

Reason: In the interests of the proper management of traffic and highway safety and in order to encourage more sustainable modes of transport to/from the site by staff and visitors.

- 13 The use of the development hereby approved shall not commence until the 36 cycle parking spaces as shown on plan numbers 18322 P101 Rev. J and 18322 P110 Rev. B have been provided on site in accordance with the approved plan. Thereafter, the installed cycle parking facilities shall be retained at all times for the life of the development hereby permitted.

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

- 14 The use of the development hereby approved shall not commence until the area shown on plan numbers 18322 P101 Rev. J and 18322 P110 Rev. B to be reserved for the provision of refuse facilities has been provided on site in accordance with the approved plan. Thereafter, the installed facilities shall be retained at all times for the life of the development hereby permitted.

Reason: In the interests of general amenity.

- 15 The existing trees and shrubs shown on the approved plan (Drawing IJ166-001 Rev. A) other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of five years.

Reason: In order to protect the appearance and character of the site and locality.

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

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

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

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

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

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

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

Reason: In order to protect the appearance and character of the site and locality.

- 17 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a full scheme of hard and soft landscaping along the River Walk frontage of the site has been submitted to and approved by the Local Planning Authority. The scheme shall include full details of the species and size of all new tree and shrub planting proposed along the frontage. All planting, seeding and turfing comprised in the approved scheme for the River Walk 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.

In all other respects, the scheme of hard and soft landscaping and boundary treatment shown on plan number IJ166-001 Rev. A shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity

- 18 The development hereby approved shall be undertaken in strict accordance with the Recommendations set out in the Preliminary Ecological Appraisal prepared by Chris Blanford Associates dated April 2019.

Reason: In the interests of conserving biodiversity.

- 19 The development hereby approved shall be undertaken in strict accordance with the Recommendations set out in the Flood Risk Assessment and Drainage Strategy prepared by Herrington Consulting Limited dated May 2019.

Reason: In the interests of flood prevention.

- 20 No above ground development shall take place until a detailed sustainable surface water drainage strategy has been submitted to and approved by the Local Planning Authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment by Herrington Consulting Limited (May 2019, Issue 2) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters;
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

- 21 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, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and 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.

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

Reason: To ensure safety in times of flood.

- 23 The use of the building hereby approved shall not commence until works for the disposal of foul and surface water drainage have been provided on the site to serve the development, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of pollution prevention.

- 24 No development shall be commenced other than as required as part of any site investigation works until a remediation strategy to address the risks associated with contamination of the site has been submitted to and approved by the Local Planning Authority. The strategy must include:

1) A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

2) A site investigation based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected including those off-site.

3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of pollution prevention

- 25 The use of the building hereby approved shall not commence until a verification report demonstrating the completion of the remediation strategy and its effectiveness has been submitted to and approved by the Local Planning

Authority. The report shall include results of sampling and monitoring undertaken in accordance with the approved verification plan.

Reason: In the interests of pollution prevention.

- 26 If, during development work, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: In the interests of protection of the environment and harm to human health

- 27 No infiltration of surface water drainage into the ground shall take place without a scheme having first been submitted to and approved by the approval of the Local Planning Authority. Any such works shall be undertaken in strict accordance with the scheme approved.

Reason: In the interests of pollution prevention.

- 28 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters, including ground water.

Informatives:

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

Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.

- 2 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners
- 3 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
- 4 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@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.
- 5 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: Emma Keefe

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**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

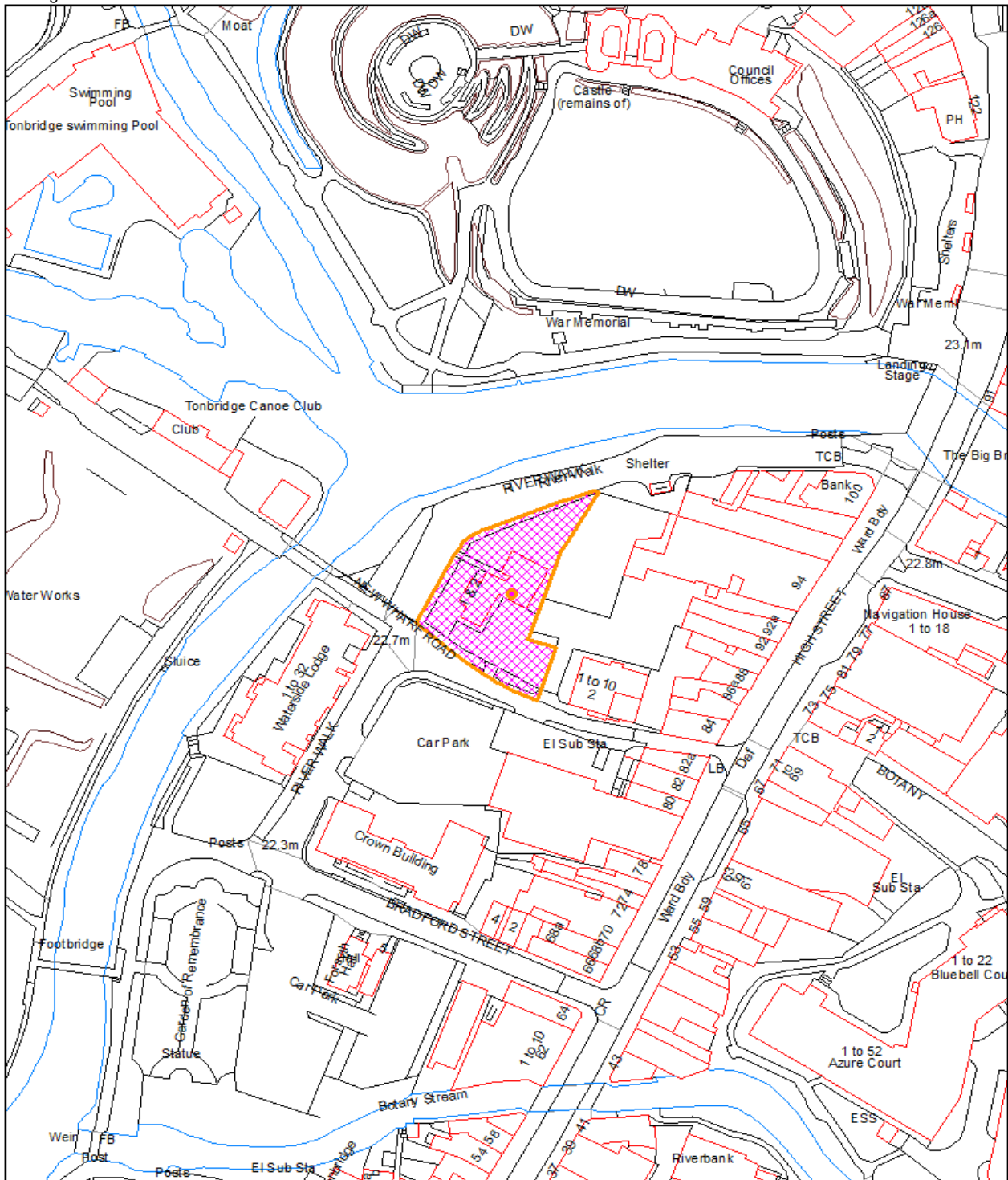
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TM/19/01108/FL

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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Hadlow (Hadlow) Hadlow And East Peckham	13 March 2020	TM/20/00597/FL
Proposal:	Erection of 25 dwellings comprising of 2 x one bed apartments, 8 x two bed apartment and dwellings, 11 x three bed houses and 4 x four bed houses and associated development	
Location:	Land South Of Hoath Cottage Carpenters Lane Hadlow Tonbridge Kent	
Go to:	Recommendation	

1. Description:

- 1.1 This application seeks planning permission for the construction of 25 dwellings on the site located to the east of Carpenters Lane. The development is to comprise the following:
 - 2 x one bed apartments;
 - 8 x two bed apartment and dwellings;
 - 11 x three bed houses; and
 - 4 x four bed houses.
- 1.2 The dwellings are to be contained within two storey buildings, either as a single dwellinghouse or individual apartments set at ground and first floor. This allows the apartments to match the appearance of the houses providing consistency in appearance and style across the development. A total of 10 of the units are proposed to be provided for affordable housing which equates to 40% of the total number.
- 1.3 The site is to be accessed from a new single vehicular access off Carpenters Lane which will lead into a series of internal parking areas. The layout has been designed specifically to ensure the dwellings to the west front Carpenters Lane in order to create an active frontage. In addition, a landscape buffer is proposed between the houses and Carpenters Lane, incorporating planting and a footpath. The existing hedgerow along the northern site boundary is to be retained.
- 1.4 All dwellings are proposed to be two-storey in scale and are to be constructed from a mix of brick, weatherboarding and tiles.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllrs Anderson and Rogers to allow for consideration of impacts on the highway network, heritage assets, the street scene and character and appearance.

3. The Site:

- 3.1 The site consists of a parcel of land located to the east of Carpenters Lane. At present the site is an open paddock. It is relatively flat in nature with views available from the highway across the site. The southern boundary of the site is demarcated by a post and rail fence. A mature hedge sits on the northern, north-eastern and north-western boundaries of the site. A close boarded fence demarcates the eastern boundary of the site between the adjacent residential properties. There are a number of semi-mature trees on the site predominately located towards and within boundaries of the site. The site abuts the settlement confines of Hadlow to the east.

4. Planning History (relevant):

TM/84/11026/OUT Refuse

23 January 1984

Outline application for residential development of 25 dwellings, access road and drainage.

5. Consultees:

- 5.1 PC: Hadlow Parish Council do not object to the principle of residential development on this site, but we do object to this specific application on the following grounds.
- The proposed scheme represents an over-development of the site in terms of the density and number of units, which is significantly greater than the surrounding properties in this part of Hadlow.
 - The parking provision is inadequate for the number of units proposed, which will result in owners/tenants parking on roads within the site, on Carpenters Lane and on other surrounding roads. There is insufficient provision for visitors parking. Parking on Carpenters Lane adjoining the site must be avoided for safety reasons. Most residents lodging objections to the proposed development mention traffic as a major consideration.
 - The internal roads in the proposed development are too narrow. Congestion will be inevitable, particularly when delivery lorries or service vehicles arrive. Parking on the internal roads should be avoided.
 - The building line for plots 1-3 inclusive and 15-21 inclusive is not consistent with others in the area and is too close to Carpenters Lane, which is a narrow road. This will result in inadequate sight lines for traffic travelling both northwards and southwards on Carpenters Lane. The 30mph speed limit on Carpenters Lane should be extended northwards.

- The potential impact and harm to the Grade II listed properties (Hope Farm and Hoath Cottage) should be properly assessed, with appropriate mitigating action taken as required. Setting back the building line of properties fronting onto Carpenters Lane will help to alleviate the harm to Hope Farm and the landscaping between the site and Hoath Cottage needs to be carefully considered, retaining as much of the existing mature trees as possible and planting new mature trees as necessary.
- At present, the primary and secondary schools and the doctor's and dentist's surgeries in Hadlow are full. Hadlow Parish Council accepts that this site cannot provide a solution to these issues, but any developer contributions and/or S.106 monies should be directed at supporting and extending these local facilities rather than elsewhere in the Borough.
- Most residents of the proposed development would naturally use the sports and leisure facilities at the Williams Field Recreation Ground. Any developer contributions and/or S.106 monies should again be used to support and extend these local facilities in the future.
- If a scheme is permitted, careful consideration should be given to minimising the impact of construction and worker traffic during any development, particularly on Carpenters Lane and nearby roads.

5.2 KCC (Heritage): The site is within an area of post medieval agrarian activity and settlement. Hoath Cottage may be of 17th century or earlier date. Remains associated with post medieval activity may survive on the site and I recommend a condition is placed on any forthcoming consent.

5.3 KCC (H+T): In the context of national policy, it is not considered that a highway reason for refusal could be sustained. I write to confirm therefore that, subject to conditions, I have no objection to this proposal.

5.4 KCC (LLFA): Representations awaited.

5.5 KCC (Economic Development): Contribution sought for secondary education (£69,957.00), community learning (£410.50) youth services (£1637.50), Library Stock (£1386.25), Social Care (£3672.00) and Waste (£5548.00) totalling £82611.25.

5.6 Environmental Protection: No comment relating to contaminated land. Suggested informatives relating to hours of works and disposal of waste by incineration.

5.7 Leisure services: Contribution sought for parks and gardens, outdoor sports facilities and children's and young people's play areas totalling £82,236.

5.8 Kent and Medway CCG (NHS): Contribution sought for healthcare totalling £22,896 towards refurbishment, reconfiguration and/or extension of Hadlow Medical Centre or Hildenborough Medical Group.

5.9 Private Reps: 17 + site + press notice/2X/46R/0S. Objections summarised as follows:

- Highway Safety- traffic on Carpenters Lane and A26/ pollution/sightlines/ parking/insufficient parking provided/danger to pedestrians
- Extra pressure on services - dentist/school
- Overdevelopment of site
- Impact on Heritage
- Impact on neighbours (amenity/overlooking)
- Harm to countryside/Green Belt- urban sprawl
- Harm to character of area – scenic area/quiet
- Development not sustainable
- No strategy for ongoing maintenance of landscaping/planting
- Impact on biodiversity/wildlife

6. Determining Issues:

Principle of development:

6.1 At this time TMBC cannot demonstrate a five year housing supply. In the absence of a five year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the NPPF. For decision making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraph 12 asserts that it *'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'*.
- 6.3 The site is designated as safeguarded land by adopted Policy CP4 of the TMBCS, which lists a series of sites that are defined as such and thus reserved for future development. The policy sets out that the listed sites will not be released for development before 2021 other than through a review of the LDF and only then if there is a demonstrable shortfall of housing land relative to the prevailing requirements of the South East Plan.
- 6.4 Policy CP14 of the TMBCS seeks to restrict development in the designated countryside unless for specific purposes, none of which apply in this instance.
- 6.5 Policy CP12(2) of the TMBCS states that development adjoining these settlements will only be proposed in the LDF, or otherwise permitted, where there are no suitable sites within their built confines and where there is a local justification related to the housing, employment, community or social needs of the settlement and its environs.
- 6.6 These are the policies that are the most important to the determination of this application as they address matters of principle for development of this nature. However, in the absence of a five year housing land supply they are considered to be out of date and the weight to be afforded to them is substantially diminished.
- 6.7 With the above established, it is now necessary to determine whether there are any restrictive policies (as set out in Footnote 6 of the Framework) that provide a clear reason for refusal (the test at paragraph 11(d) (ii)). In this case, this requires an assessment related to the Green Belt and setting of designated heritage assets. I will address each of these in turn, before going on to consider whether the presumption in favour remains to be applied.

Development within the Green Belt:

- 6.8 A small section of the south-west of the site is located within the Green Belt. The Green Belt designation follows the line of Carpenters Lane, covering a 3m – 9m wide strip of the site opposite Hope Farm and around 3m further north. The layout proposed incorporates a set back of the buildings from the edge of the carriageway of Carpenters Lane, ranging from 8.5m at Plots 15 and 16 to 4m at Plot 20, which lies closest to the carriageway. As such, whilst the majority of the development would fall outside of the Green Belt boundary, the way in which it has been defined means that a small proportion of Plots 16 – 20 are partially located

within the Green Belt and those aspects of the development must be assessed accordingly.

- 6.9 Policy CP3 of the TMBCS sets out that national Green Belt policy will be applied. At paragraph 143, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.10 Paragraph 145 of the NPPF sets out that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this (for the purposes of this assessment) include paragraph 145(e) which provides for limited infilling in villages.
- 6.11 Paragraph 146 sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Relevant to this application, paragraph 146(b) provides for engineering operations in such circumstances.
- 6.12 It should be noted that on the ground there is no clear physical distinction or demarcation of the Green Belt boundary although in terms of the applicable policy that does not alter the assessment that must take place. What this does mean however is that in physical terms the site is already bordered by existing built development to the north, east and south, with Carpenters Lane itself running to the west. The physical characteristics of the site when viewed in this context and in this location means that the site can reasonably be said to fall within the village of Hadlow and the small amount of built development falling within the Green Belt is limited infilling within the village.
- 6.13 Similarly, the remaining development proposed within the slither of Green Belt, being the landscaping, footpaths and access road, amount to engineering operations that would not, in my view, result in a greater impact on openness or conflict with the purposes of including land within the Green Belt.
- 6.14 As such the exceptions to inappropriate development provided for at paragraphs 145(e) and 146 (b) respectively apply and there is no requirement for very special circumstances to be demonstrated, nor are there any policies pertaining to the Green Belt providing a clear reason to refuse the development.

Impact on designated heritage assets:

- 6.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development

which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 6.16 Similarly, Section 72 of the Act requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of these areas, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 6.17 Paragraph 189 of the NPPF requires LPAs, in determining applications to require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- 6.18 Paragraph 190 of the NPPF requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.19 Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.20 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.21 Paragraph 194 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development

within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

6.22 Paragraph 196 requires that when 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.

6.23 It is important to note that even when harm to the significance of a heritage asset has been identified as less than substantial harm it must be considered by the decision maker where within category the identified harm would lie. This is done on a sliding scale allowing for differentiation between less than substantial harm on the lower end for very minor harm to less than substantial harm on the higher end of the scale for more modest harm. Further guidance on such matters can be found in the NPPF and Historic England's The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) 2017. This is a material planning consideration and has been taken into account in the assessment that follows.

6.24 To accord with Paragraph 189 of the NPPF the applicant has provided a Heritage Statement produced by Orion dated July 2019. This statement seeks to identify and assess the significance of the heritage assets which could be impacted by the proposal. It identifies Hoath Cottage, Hope Farmhouse and the Hadlow and The Freehold Conservation Areas as being the designated heritage assets which have the potential to be impacted by the proposed development. None of these heritage assets lie within the site so therefore any impact on significance would be to the setting of these heritage assets. I agree that these are the key heritage assets to consider in this case and will make an assessment as to the impact of the proposal on the setting of each of these heritage assets.

6.25 Firstly, I consider that the intervening residential development that already exists between the site and the Hadlow Conservation Area means that there is no scope for this development to impact upon its setting.

6.26 I note that "The Freehold" Conservation Area lies in closer proximity to the site, at around 45m to the south. This area is characterised by more traditional brick built buildings around a central open space and the Rose and Crown PH occupies a prominent position on the corner of the Freehold and Carpenters Lane. Whilst the application site has historically formed part of the open fields setting which has

surrounded the more historic built form along Carpenters Lane this has already been significantly eroded over the years with the modern residential development now surrounding the Conservation Area. As a result, the application site and this Conservation Area only have very limited inter-visibility. There are no key views or important views from the site into the Conservation Area. Any view to or from the site in relation to the Conservation Area is seen in context with the remainder of the residential development which surrounds the Conservation Area. I am therefore of the view that the proposed development would not cause any harm the setting of the Freehold Conservation Area either.

- 6.27 Moving on to the settings of each of the listed buildings identified, Hoath Cottage lies to the north of the application site. It is an interesting example of a circa 1700 building. Although modified over the years it contains a number of exterior architectural and interior features which contribute to its significance as outlined in the list description. Its later use before being converted to a residential dwelling was as a doctor's surgery which also adds some significance relating to the historic functioning of the building. As outlined within the applicant's Heritage Statement, it is likely that the historic curtilage of Hoath Cottage was significantly larger than it is now, likely to include some of the wider open space including that which is now occupied by residential development to the north and east of the listed building. I understand that the site, in part, may have also formed part of the historic curtilage or added to its setting historically. However, any such link has long since been severed.
- 6.28 The boundary treatment to the north of the application site itself is well established and provides a physical barrier between the two parcels of land. This is proposed to be retained and the layout of the development would also ensure that the built form would be set back from this boundary. Whilst these layout and design characteristics have assisted in minimising the impact to the setting of this listed building, it is acknowledged that the scheme would still enclose a previously open area which contributes to the wider setting of the listed building. There would therefore be some, albeit very limited, harm to the significance of the heritage asset in this respect. In applying the specific NPPF requirements, this is considered to be less than substantial and towards the lower end of the scale given the other existing buildings within close proximity to the heritage asset.
- 6.29 Turning to the final heritage asset; Hope Farmhouse lies to the west of the site. As with Hoath Cottage, the significance of Hope Farmhouse as a heritage asset can be derived from the architectural detailing, internal fabric and plan form as an example of a farmhouse of its time. Although it has been altered over the years, this significance still remains. Hope Farmhouse lies within a cluster of development which includes the former Oasts and stable buildings now understood to be occupied as independent residential properties. The current curtilage of Hope Farmhouse and wider setting of this farm complex is considered to most significantly contribute to the understanding of the former farm complex and contribute to its significance as a heritage asset. The application site lies to

the east of Carpenters Lane which already provides a physical separation between this curtilage and the application site. Whilst the application site would have been open agricultural land contributing to the wider setting of Hope Farmhouse these historic links are severed by Carpenters Lane as a thoroughfare as well as the mature boundary treatment on the eastern boundary of Hope Farmhouse itself. In further altering the historic setting by virtue of the proposed development enclosing the open site there would be some, again albeit limited, harm to the heritage asset however this would again be less than substantial in nature and again towards the lower end of the scale of harm.

6.30 Paragraph 196 requires that in circumstances where less than substantial harm is identified to designated heritage assets, this harm should be weighed against the public benefits of the proposal. The harm in this case would be less than substantial harm to the relative settings of Hoath Cottage and Hope Farmhouse both at the lower end of the scale of harm (when taking into account Historic England guidance on the matter). The public benefits of the proposal predominately relate to the provision of new housing at a time when the Council cannot demonstrate a five year supply of housing, in a sustainable village location alongside the provision of 40% affordable housing. Equally, there will arise other localised economic benefits during the construction phase and also as a result of the additional population within the village. I therefore consider that these benefits in this case outweigh the minimal harms identified. The proposal is therefore considered to comply with the requirements of paragraph 196 of the NPPF.

6.31 As such, there are no policies within the Framework pertaining to designated heritage assets indicating a clear reason to refuse planning permission in this case. This means that the presumption in favour of sustainable development re-emerges to be applied in this instance and it is therefore necessary to establish whether there are any significant and demonstrable adverse impacts that would arise from granting planning permission that would outweigh the wider benefits of granting permission when assessed against the relevant policies within the Framework as a whole. It is on this basis that the remainder of my assessment takes place.

Impact on character and appearance:

6.32 Policies CP24 of the TMBCS sets out a number of key objectives in terms of design. It requires that:

1. All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.

2. All development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and other Supplementary Planning Documents such as Village Design Statements and Planning Briefs and, wherever

possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.

3. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.

6.33 Policy SQ1 of the MDE DPD is also relevant to design and requires that;

1. Proposals for development will be required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD.

2. All new development should protect, conserve and, where possible, enhance:

(a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;

(b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and

(c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.

6.34 Paragraph 127 sets out 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);

6.35 Paragraph 130 of the NPPF sets out 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.

6.36 The layout is designed around a central access road which provides for the single vehicular access point to the site. The development seeks to concentrate the higher density of built form within the central and eastern areas of the site with lower density to the west and south allowing for larger spacing between dwellings. Each of the dwellings are to be two storey with single storey car ports proposed.

Parking is to be located within the central areas of the site. The proposed layout makes good use of the site in a sustainable location on the edge of Hadlow. It would reflect the density and overall scale of the adjacent residential development in a manner that would ensure it does not appear out of character with the prevailing pattern of development.

- 6.37 The dwellings are proposed to be a mix of detached, semi-detached and maisonette style dwellings over car ports. Materials and the architectural detailing has been chosen to reflect those already prevalent in the locality which is appropriate in visual terms.
- 6.38 I do appreciate that the development will represent a change to the appearance of the street scene along this part of Carpenters Lane, where it transitions from a suburban to more rural character travelling northwards. I consider that the layout, scale and detailed design of the development all contribute positively to ensuring that the resultant appearance will be acceptable in this location. The landscaped edges will also contribute to this and in this respect I would note that the detailed hard and soft landscaping scheme should suitably reflect the transitional status of the site. For example, the footpaths should be constructed from a material such as bonded gravel rather than tarmac and hedges should be of native species. This can suitably be controlled by planning condition to ensure the specific details are acceptable.
- 6.39 With these factors in mind, and subject to the imposition of conditions, I consider that the development is of a high quality in visual terms, reflective of the prevailing character and appearance of the locality and thus meets the requirements of adopted policy and relevant paragraphs of the NPPF.

Residential amenity:

- 6.40 The application site is bordered by residential properties to the east along Hope Avenue and South/South-East along Carpenters Lane. There are also other residential properties on the opposite side of Carpenters Lane to the west. Due to the position of the application site relative to the neighbours and the separation distance of a minimum of 14m to the closest neighbour, I do not consider the proposal would harm the residential amenity of the neighbours in terms of loss of light or being overbearing.
- 6.41 The proposed dwellings to the east of the site have their rear elevations facing those in Hope Avenue. Whilst the rear gardens in these plots are modest there is a 24m minimum separation distance to the closest neighbours dwelling. I therefore do not consider the proposal would adversely impact on the residential amenity of those neighbouring properties. The closest neighbour to the proposed dwellings is 88 Carpenters Lane. The closest plot (Plot 15) is proposed with one south facing flank wall window serving a hallway. The next closest (Plot 25) is proposed with two first floor windows facing south serving the kitchen and living area. Given the relationships here and the fact that there are a number of existing windows within

the flank wall at 88 Carpenters Lane, I consider it would be appropriate to require these windows to be obscure glazed and non-opening. This can be secured by way of condition. With the suggested condition in place the proposal would have no adverse impact on the privacy of 88 Carpenters Lane.

Highway safety and parking provision:

6.42 It is proposed to create a new vehicular access off Carpenters Lane located centrally within the site. A footpath is to be included along the western boundary of the development to allow the formation of a street frontage onto Carpenters Lane and to integrate pedestrian access to and from the site into the existing road network.

6.43 Policy SQ8 of the MDE DPD requires 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.*

6.44 Paragraph 109 of the NPPF sets out 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.

6.45 Paragraph 110 of the NPPF 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.

6.46 Paragraph 111 is also relevant and requires 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.

6.47 In support of the proposal on highways grounds the applicant has provided a Transport Statement produced by Waterman Infrastructure and Environment Limited dated July 2019. This Statement provides assessment into accessibility, public transport connections, local accident records, existing traffic flows and trip generation along with highway safety in relation to the new access. The Statement concludes that:

- There are a range of facilities and services within walking and cycling distance that would be able to support and sustain the proposed residential development, which include a local neighbourhood centre, situated approximately 800m walking distance to the south east from the Site. It is suggested that these facilities and services would reduce the need to travel outside of Hadlow by car.
- It outlines that access to the development is to be taken from Carpenters Lane via a priority junction arrangement which they consider demonstrates suitable visibility in accordance with accepted standards.
- that parking is to be provided within the development in line with KCC guidance, with a turning head on-site to allow for refuse and servicing vehicles to enter and exit in a forward gear.
- the development will not have a material impact on the surrounding highway network and can be accessed safely via sustainable modes of travel.

- 6.48 Dealing firstly with sustainable modes of transport, I note that the site lies within approximately 800m walk from a local centre (Hadlow High Street). Guidance provided by the Institution of Highways and Transportation (appended at Table 1 of the Transport Statement) sets out that this would be the maximum preferred distance. Whilst at the maximum of the *preferred* standard, the distance does fall within this threshold and I can therefore conclude that the site is adequately connected to the local services within Hadlow. Furthermore, the Transport Statement sets out that there are public transport routes available which provides further choice in terms of sustainable modes of transport.
- 6.49 In terms of highway safety expressly arising from the creation of the new access onto Carpenters Lane, the applicant has undertaken a road safety audit (Appendix F of the Transport Statement). Tracking plans have also been provided indicating access to the site for various vehicle types including refuse vehicles, pumping appliances and standard vehicles. The submitted plans also indicate that acceptable visibility splays can be provided either side of the proposed junction. The development therefore does not raise highway safety concerns, subject to compliance with the submitted details which can be secured by planning conditions.
- 6.50 Turning to traffic generation arising from the additional units, the Transport Statement provides an estimation of the likely trip rates for the development; indicating that the development would generate 16 two-way trips in the AM peak and a further 16 two-way trips during the PM peak. It is considered that this is low and not readily discernible from existing background traffic, with less than 1 two-way trip every 3 minutes during the peak hours.
- 6.51 In terms of vehicle parking provision to serve each of the units, the proposed layout would provide for a total of 42 allocated parking spaces predominately located in open car ports, with a further 5 spaces given over to visitors (total of 47 spaces). This level of provision is on the following basis:
- 1 space per 1 and 2-bed apartments;
 - 1.5 spaces per 2-bed houses; and
 - 2 spaces per 3 and 4-bed houses.
- 6.52 This level of provision complies with the adopted minimum parking standards set out within KHS IGN3: Residential Parking. On this basis, there are no justifiable grounds to resist the development on lack of parking provision.
- 6.53 KCC (H+T) have raised no objections through their formal representations based on a full consideration of the evidence and proposals set out above. Taking all of above considerations into account, the proposal would accord with the requirements of relevant adopted policy and the NPPF paragraphs cited above.

Surface Water Drainage:

- 6.54 Paragraph 165 of the NPPF sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 6.55 The application is accompanied by a drainage layout plan along with details contained within the Design and Access Statement. Surface water drainage is to be accommodated by porous roadway which would direct surface water into below ground storage tanks. This is then discharged by a surface water drain to discharge outside the site to the rear of The Oast House.
- 6.56 At the time of writing this report, representations from KCC as the Lead Local Flood Authority are still awaited and will be reported as a supplementary matter along with any conditions they recommend as being necessary to make the development acceptable in planning terms.
- 6.57 I am aware that there are local concerns that the existing sewer network is at capacity and that further development would place further demand on this in terms of foul water drainage. It would be for the developer to ensure a suitable connection to the sewerage network could be provided in liaison with the provider and in order to meet the requirements of the Building Regulations in the event that planning permission is granted.

Archaeology:

- 6.58 Paragraph 193 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This includes non-designated heritage assets such as below ground archaeological remains.
- 6.59 KCC Heritage have made representations indicating that the site is within an area of post medieval agrarian activity and settlement. Hoath Cottage may be of 17th century or earlier date. Remains associated with post medieval activity may survive on the site and therefore they recommend a condition relating to a phased programme of archeologic work be imposed on any permission. I consider this condition would be reasonable given the potential for buried archaeology on the site and this is reflected in the recommendation that follows.

The Draft Local Plan:

- 6.60 Members may be aware that this site has been allocated for residential development (25 units) within the draft local plan which was submitted to the Secretary of State for examination on 23 January 2019 (draft policy LP25(u)).
- 6.61 Paragraph 48 of the NPPF sets out that a local planning authority can give weight to relevant policies in an emerging plan according to (1) the stage of preparation of the plan, (2) whether there are unresolved objections to the relevant policies and (3) the degree of consistency of the relevant policies with the NPPF.
- 6.62 Paragraph 49 then advises that this, when taken in the context of the NPPF and “in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission.
- 6.63 As such, whilst the draft local plan has been submitted to the Secretary of State for examination, this has yet to be taken forward and therefore limited weight can be given to the allocation at this point in time.

Planning obligations:

- 6.64 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.
- 6.65 Paragraph 62 of the NPPF sets out that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
- 6.66 Policy CP17 requires that in the rural area, affordable housing provision will be sought on all sites of 5 dwellings or above, or 0.16ha or above, at a level of 40% of the number of dwellings in any scheme. The NPPF and associated PPG are material considerations that have changed that threshold to schemes above 10 units in rural areas such as this. However, the scheme proposes 25 units and therefore a requirement of 40% affordable housing provision is in place. The application proposes a policy compliant level of affordable housing (totalling 10 units), with a mix of 2no 1 bed houses, 4no 2 bed houses and 4no 3 bed houses. This will be secured by legal agreement.

- 6.67 Policy CP25 of the TMBCS states that development will not be permitted unless the servicing, 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.
- 6.68 Planning obligations have been requested by Kent County Council's Economic Development team towards Secondary Education, Community Learning, Youth Services, Library Book stock and Social Care totalling £82,611.25. Kent and Medway CCG have also requested £22,896 toward refurbishment, reconfiguration and or extension of the Hadlow Medical Centre of Hildenborough Medical Group.
- 6.69 Policy OS3 of the MDE DPD requires that on all residential developments of 5 units or above (net), there will be a requirement for open space provision in accordance with the quantitative standards set out in Policy Annex OS3. There will therefore be a requirement for an open space provision. Each of the units is to be provided with an element of private amenity space but public open space will not be provided on site and therefore will be secured by way of a contribution towards Hayesden County Park and Williams Field Recreation Ground.
- 6.70 The financial contributions will also be secured by legal agreement.

Conclusions and overall planning balance:

- 6.71 In returning to the presumption in favour set out within paragraph 11(d) (ii) of the NPPF having undertaken an assessment of the application we are required to reach a view whether any adverse impacts of granting planning would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.72 The preceding assessment sets out the impacts and benefits arising from the proposed development and on this basis I can conclude that there would be no adverse impacts arising that would significantly or demonstrably outweigh the identified benefits arising from the development when assessed against the policies in the NPPF taken as a whole.
- 6.73 As such, subject to the planning obligations being secured by legal agreement and the imposition of conditions required to control the quality of the development coming forward, planning permission should be granted and I recommend accordingly.

7. Recommendation:

- 7.1 Grant planning permission** in accordance with the following submitted details:
Site Layout 151-FA-02 1 received 13.03.2020, Floor Plan 151-FA-03 received 13.03.2020, Parking Layout 151-FA-04 received 13.03.2020, Drawing 151-FA-05 received 13.03.2020, Drawing 151-FA-06 received 13.03.2020, Tree Removal Plan 151-FA-07 received 13.03.2020, Drawing 151-FA-08 received 13.03.2020, Floor Plan 151-FA-10 PLOT 1 received 13.03.2020, Street Scenes 151-FA-100 received 13.03.2020, Elevations 151-FA-11 PLOT 1 received 13.03.2020, Floor Plan 151-FA-12 PLOT 2 received 13.03.2020, Elevations 151-FA-13 PLOT 2(1) received 13.03.2020, Floor Plan 151-FA-14 PLOT 3(2) received 13.03.2020, Elevations 151-FA-15 PLOT 3(2) received 13.03.2020, Floor Plan 151-FA-16 PLOT 4(2) received 13.03.2020, Elevations 151-FA-17 PLOT 4(1) received 13.03.2020, Floor Plan 151-FA-18 PLOT 5(1) received 13.03.2020, Elevations 151-FA-19 PLOT 5 received 13.03.2020, Floor Plan 151-FA-20 PLOTS 6 AND 7 received 13.03.2020, Elevations 151-FA-21 PLOTS 6 AND 7 received 13.03.2020, Floor Plan 151-FA-22 PLOT 8 received 13.03.2020, Elevations 151-FA-23 PLOT 8 received 13.03.2020, Floor Plan 151-FA-24 PLOTS 9 AND 10(1) received 13.03.2020, Elevations 151-FA-25 PLOTS 9 AND 10 received 13.03.2020, Floor Plan 151-FA-26 PLOTS 11 AND 12(2) received 13.03.2020, Elevations 151-FA-27 PLOTS 11 AND 12(1) received 13.03.2020, Elevations 151-FA-28 PLOTS 11 AND 12(1) received 13.03.2020, Floor Plan 151-FA-29 PLOTS 11 AND 12(1) received 13.03.2020, Elevations 151-FA-30 PLOTS 13 AND 14(2) received 13.03.2020, Floor Plan 151-FA-31 PLOTS 15 AND 16 received 13.03.2020, Elevations 151-FA-32 PLOTS 15 AND 16(1) received 13.03.2020, Floor Plan 151-FA-33 PLOTS 17 AND 18 received 13.03.2020, Elevations 151-FA-34 PLOTS 17 AND 18 received 13.03.2020, Floor Plan 151-FA-35 PLOT 19 received 13.03.2020, Elevations 151-FA-36 PLOT 19 received 13.03.2020, Floor Plan 151-FA-37 PLOT 20(4) received 13.03.2020, Elevations 151-FA-38 PLOT 20(2) received 13.03.2020, Floor Plan 151-FA-39 PLOT 21 received 13.03.2020, Elevations 151-FA-40 PLOT 21 received 13.03.2020, Floor Plan 151-FA-41 PLOTS 22 AND 23 received 13.03.2020, Elevations 151-FA-42 PLOTS 22 AND 23 received 13.03.2020, Floor Plan 151-FA-43 PLOTS 24 AND 25 received 13.03.2020, Elevations 151-FA-44 PLOTS 24 AND 25 received 13.03.2020, Parking Provision 151-FA-45 PLOTS 1 AND 2 received 13.03.2020, Parking Provision 151-FA-46 PLOT 4 received 13.03.2020, Parking Provision 151-FA-47 PLOTS 9 AND 10(1) received 13.03.2020, Parking Provision 151-FA-48 PLOTS 19 AND 21 received 13.03.2020, Site Survey CLH-702-1 OF 3B received 13.03.2020, Site Survey CLH-702-2 OF 3B received 13.03.2020, Site Survey CLH-702-3 OF 3B received 13.03.2020, Location Plan 151-FA-01 received 13.03.2020, Drainage Layout 6181.402A received 13.03.2020, Report DBA received 13.03.2020, Ecological Assessment received 13.03.2020, Statement Planning received 13.03.2020, Statement Heritage received 13.03.2020, Landscape Statement 1 OF 2 received 13.03.2020, Landscape Statement 2 OF 2 received 13.03.2020, Arboricultural Assessment Revised received 13.03.2020, Transport Statement received 13.03.2020,

Statement WASTE/LIGHTING & UTILITIES received 13.03.2020, Design and Access Statement received 11.06.2020, subject to the following:

- The applicant entering into a planning obligation with the Borough Council to provide on-site affordable housing and financial contributions towards public open space provision and health care;
- The applicant entering into a planning obligation with the County Council to provide contributions towards secondary education, community learning, youth services, library book stock, social care and enhancement

The applicant has agreed in principle to the contributions outlined within this reports. A S106 agreement is currently being drafted with the triggers to be agreed. It is suggested that the S106 should be completed within 3 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 06 November 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 All materials used externally shall accord with the approved plans.

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

- 3 The development hereby approved shall not be occupied until the areas shown on the submitted layout for a vehicle parking spaces 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.

- 4 No above ground development shall take place until a scheme of hard and soft landscaping and boundary treatment has been 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, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

- 5 The development hereby approved shall not be occupied until 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.

- 6 Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a phased programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with National Planning Policy Framework 2019.

- 7 The first floor windows on the south elevation of Plot 15 and Plot 25 as shown on drawings no 151-FA-32 & 151-FA-44 shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the buildings are occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining properties

- 8 No above ground works shall take place in respect of any of the dwellings hereby approved until details of the finished floor, eaves and ridge levels for that particular dwelling in relation to the existing and proposed ground levels adjacent to it have first been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with the approved details.

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

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A and E

of Part 1; of Schedule 2 of that Order to enclose the car barns hereby approved.

Reason: In order to enable the car barns to be kept available for car parking.

- 10 None of the dwellings shall be occupied until a scheme to incorporate electric vehicle charging points within the development has been submitted to and approved by the Local Planning Authority. The work shall be carried out in strict accordance with those details prior to the occupation of any of the dwellings within the site and the points maintained and retained at all times thereafter.

Reason: In order to encourage the occupation of the dwellings by people using electric vehicles to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 110 of the National Planning Policy Framework 2019

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: In the interests of amenity and public safety

Informatives:

- 1 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbs.gov.uk. To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 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.

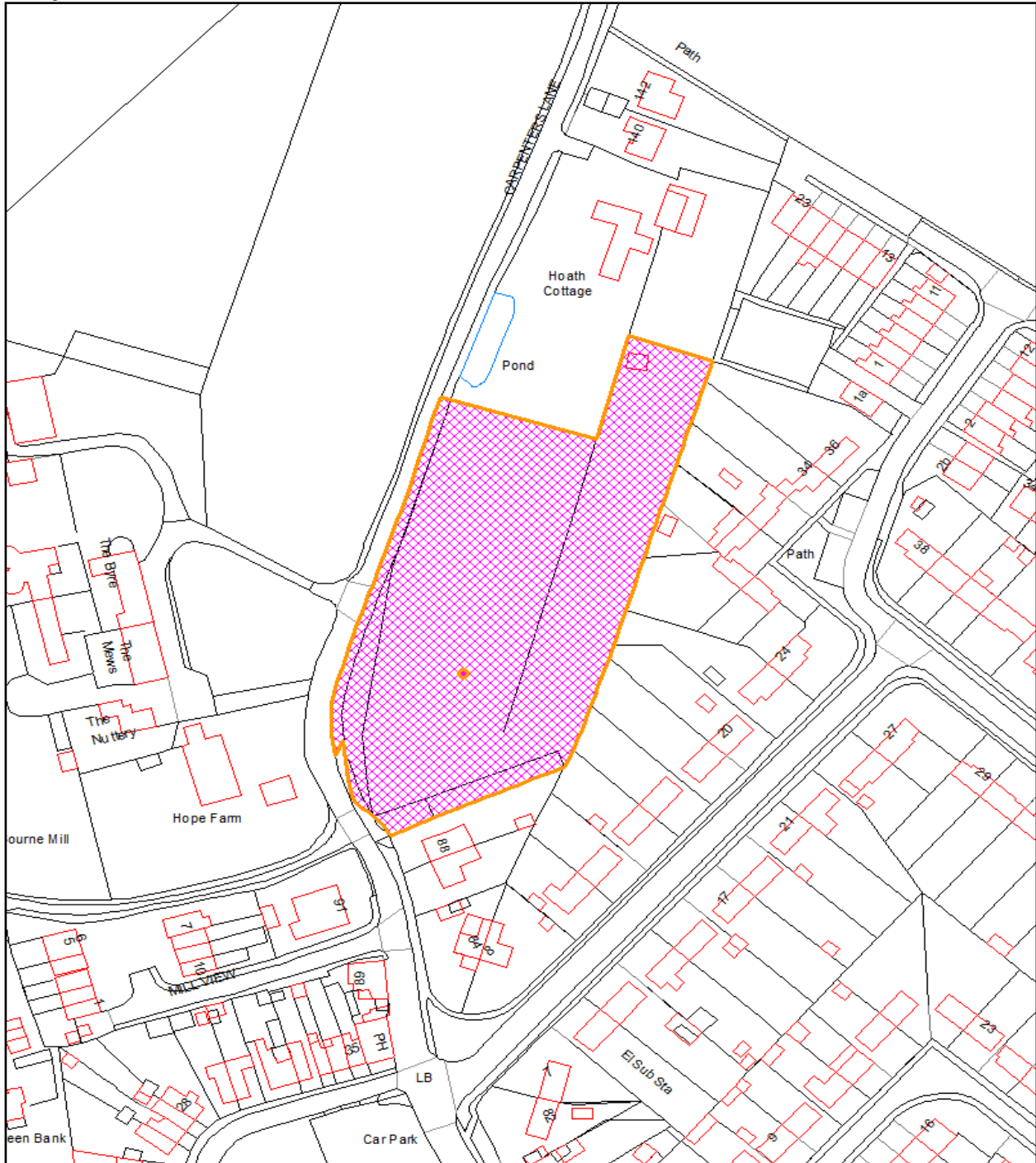
Contact: Paul Batchelor

TM/20/00597/FL

Land South Of Hoath Cottage Carpenters Lane Hadlow Tonbridge Kent

Erection of 25 dwellings comprising of 2 x one bed apartments, 8 x two bed apartment and dwellings, 11 x three bed houses and 4 x four bed houses and associated development

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Tonbridge Medway	22 June 2020	TM/20/01289/FL
Proposal:	Demolition of existing dwellinghouse, and development of 2no. 5 bedroom semi-detached houses with parking	
Location:	22 Hadlow Road Tonbridge Kent TN9 1NY	
Go to:	Recommendation	

1. Description:

- 1.1 Planning permission is sought of the demolition of the existing dwelling occupying 22 Hadlow Road and the construction of a pair of 5 bedroom semi-detached properties (2 dwellings total). Accommodation to both dwellings is proposed to be set over three floors, but the top floor would be contained within the roofspace.
- 1.2 The dwellings are proposed to be constructed from red brickwork, under a tile roof and would incorporate features including bay windows, chimneys, brick quoins, decorative brick details, and ornate arched entrance porches. To the rear a proportioned parapet rear gable with decorative brick features have been proposed.
- 1.3 The plot would be subdivided to create the two new planning units, with the front curtilages each providing for two independent car parking spaces set off a central shared drive onto Hadlow Road. Rear gardens to serve each of the properties would be provided, separated by a 1.8m high close boarded fence. The existing boundary walls would otherwise be retained.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Boughton in order for the committee to consider whether the scale and bulk of the application is in keeping with the local area, as well as to assess the highway implications of the proposals and impact on neighbours in Hadlow Road, Mitre Court and Kendal Drive.

3. The Site:

- 3.1 The site is a detached dwelling located on the eastern side of Hadlow Road within the urban confines of Tonbridge. It lies outside of the Conservation Area which ends further to the south, but could be considered to have a small part in forming its wider setting as the building and some of its neighbours share a similar 19th century vernacular. This property has some resemblance of group value with the adjacent dwelling of a similar form and design, although the neighbouring property is slightly more ornate with brick detailing and slate roof.
- 3.2 The area has a strong residential and suburban character with a mix of designs, including more modern development behind the site and across the road. The site is not subject to any further designations.

4. Planning History (relevant):

TM/64/10050/OLD Refuse 6 October 1964

Outline application for the erection of one house and garage.

TM/04/00234/FL Grant With Conditions 7 May 2004

One pair of 4 bedroom semi detached dwellings with covered parking area and access from Mitre Court

TM/05/01315/RD Grant 8 June 2005

Details and samples of materials submitted pursuant to condition 2 of Consent ref: 04/00234/FL (One pair of 4 bedroom semi detached dwellings with covered parking area and access from Mitre Court)

TM/05/02197/RD Grant 31 August 2005

Details of boarding submitted pursuant to condition 2 of Consent ref: 04/00234/FL (One pair of 4 bedroom semi detached dwellings)

TM/06/03589/RD Approved 12 December 2006

Details of landscaping and boundary treatment submitted pursuant to condition 6 of planning permission TM/04/00234/FL (One pair of 4 bedroom semi detached dwellings with covered parking area and access from Mitre Court)

TM/20/00436/FL Application Withdrawn 3 April 2020

Demolition of existing dwelling and erection of 3 no. 4 bedroom terraced houses with associated parking

5. Consultees:

5.1 KCC (H+T): No objections subject to the imposition of planning conditions

5.2 Private Reps: 4 + site notice/1X/3R/0S. Objections summarised as follows:

- Traffic dangerous and new houses would contribute to more traffic;
- Pavements are narrow and dangerous;
- Impact during construction phase;
- No residents permits so driveway only would be available for parking;
- Existing property should be refurbished, opportunity for conversion into flats whilst retaining the existing building;

- Question why town house could not be constructed in garden along with retention of existing building

6. Determining Issues:

- 6.1 The site lies within the urban confines of Tonbridge where there is no objection in principle to new development. The key issues are the impact on the character and appearance of the area, neighbouring amenity, and parking and highways safety.

Character and appearance:

- 6.2 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.
- 6.3 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).
- 6.4 It is accepted that the existing dwelling has some character and makes a positive contribution to the appearance of the street scene. It shares group value with similar period buildings that sit adjacent and on the corner of Kendall Drive.
- 6.5 South of the site, the Tonbridge Conservation Area finishes at Mill Lane, but the dwelling and its neighbours loosely form part of its wider setting, as they are buildings of character that provide a transition from the more modern new builds around Mitre Court into the historic buildings within the CA. However, views from the site into the CA and vice versa are very limited, and therefore it is considered that the contribution the site makes towards the setting of the CA is negligible. Accordingly, demolition of the existing building would not result in harm to its setting, and whilst there would be a change in the character and appearance of the area, it is considered that there are insufficient grounds to require its retention.
- 6.6 The proposed replacement dwellings are designed to reflect the key characteristics of the existing building and adjacent properties from this era, through the use of bay windows, the ornate porch, brick detailing, quoins and the chimneys. Because of the slight increase in height of the proposed dwellings, a smoother transitional effect would be provided between the properties on Mitre Court and the adjacent neighbouring dwellings than currently exists.

- 6.7 Overall given the mix of dwelling types on the street scene, and the faithful recreation of the features of the existing property, it is considered that the new development would achieve a good standard of design and respect the character and appearance of the area. Accordingly, no objections are raised under policies CP24 of the TMBCS and SQ1 of the MDEDPD.

Residential amenity:

- 6.8 In terms of neighbouring amenity, the new building sits closer to both adjacent properties. In the case of the neighbour on the southern boundary it would not extend beyond the rear building line of that property and therefore it is considered that no unacceptable overbearing or overshadowing effect would arise. In the case of the dwelling at 6 Mitre Court, whilst the new building would slightly extend beyond the rear building line, this would not be significant and in consideration of the baseline position in which there is a building on site already, it is considered that on balance the impact on that property would not be harmful by reason of an overshadowing or overbearing effect.
- 6.9 All side windows can be obscure glazed by condition to prevent any loss of privacy. The development is therefore considered to be acceptable in terms of neighbouring amenity.

Highway safety and parking provision:

- 6.10 Paragraph 108 of the NPPF 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.
- 6.11 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.

6.12 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.

6.13 The policy also sets out that 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.

6.14 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 in respect of these matters.

6.15 Parking would be provided for 2 spaces for each dwelling to a total of 4 spaces. KHS IGN3: Residential Parking sets out the adopted standards for parking levels to serve new developments. It states that for 4+ bedroom dwellings in edge of centre or suburban locations 2 independently accessible spaces should be provided. The development would therefore accord with these standards.

6.16 In terms of highways safety, KCC (H+T) have raised no objections subject to conditions including the installation of the revised access arrangements prior to

occupation, construction management plan and permanent retention of the parking and turning areas. Given the busy road and the need to ensure the construction of the development does not prejudice highways safety, this is considered reasonable and necessary. It is also noted that the number of additional vehicle trips from one house to two houses is unlikely to be significant and as such there is no evidence that the development would result in an unacceptable or severe highways safety impact. Accordingly no objections are raised under policy SQ8 of the MDEDPD, or paragraphs 109 and 110 of the NPPF.

Other material considerations:

- 6.17 The site is not within a flood zone and given the urban location, would not be considered likely to harbour protected species. Accordingly no objections are raised under policies CP10 of the TMBCS or NE3 of the MDE DPD.
- 6.18 Given the proximity of the road it is considered that noise could potentially impact future occupiers unless mitigation measures are installed. The level of noise is not likely to be so significant that acceptable noise climate could not be achieved, particularly given that the site is already in residential use, and therefore in the circumstances of this case it is considered that this can be satisfactorily addressed by condition.

Conclusions and overall planning balance:

- 6.19 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.
- 6.20 Whilst harm to designated heritage assets could provide a clear reason to disengage the presumption, the development is not considered to have a harmful impact in respect of nearby heritage assets like the Tonbridge Conservation Area for the reasons set out within the preceding assessment. Furthermore, there are not considered to be any adverse impacts that would significantly and demonstrably outweigh the benefits of an additional dwelling in the context of a 5 year housing supply shortfall. This is the specific test provided for at paragraph 11 (d) (ii) of the NPPF in terms of applying the presumption in favour of sustainable development.
- 6.21 My conclusion is that there are no adverse impacts arising, moreover none that would outweigh the benefits of the scheme proposed. In all respects, the development is acceptable when assessed against adopted development plan policy and having regard to all other material planning considerations, subject to the imposition of planning conditions. I therefore recommend as follows:

7. Recommendation:

- 7.1 Grant Planning Permission** in accordance with the following submitted details:
Block Plan 2003/D dated , Site Plan 2003/D REV E dated , Proposed Floor Plans 2003/D/200F dated , Proposed Floor Plans 2003/D/210G dated , Proposed Floor Plans 2003/D/220H dated 22.06.2020, Existing Floor Plans 2003/D/250 dated 22.06.2020, Existing Floor Plans 2003/D/260 dated 22.06.2020, Existing Roof Plan 2003/D/270 dated 22.06.2020, Proposed Elevations 2003/D/400G dated 22.06.2020, Proposed Elevations 2003/D/410H dated 22.06.2020, Proposed Elevations 2003/D/420B dated 22.06.2020, Existing Elevations 2003/D/450 dated 22.06.2020, Existing Elevations 2003/D/460 dated 22.06.2020, Location Plan 2003/S/Location dated 22.06.2020, Plan Flood map dated 22.06.2020, Design and Access Statement dated 22.06.2020.

Conditions

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.
- 2 All materials used externally shall accord with the approved plans.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.
- 3 All windows on the first floor flank (side) elevations shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the building is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining properties.
- 4 The development hereby approved shall not be occupied until the areas shown on the submitted layout for a vehicle parking spaces, turning and access onto the highway 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 and access onto the highway is provided safely.
- 5 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.

- 6 Before the development hereby approved is occupied a noise report shall be submitted to and approved in writing by the Local Planning Authority, setting out how the following noise levels can be achieved:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 of BS8233:2014 which states a desirable limit of 50dB LAeq, 16-hour, and a maximum upper limit of 55dB LAeq, 16-hour; and

2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided

The report should also detail any mitigation/attenuation measure needed to attain the abovementioned noise levels which shall be fully implemented as approved.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby approved.

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

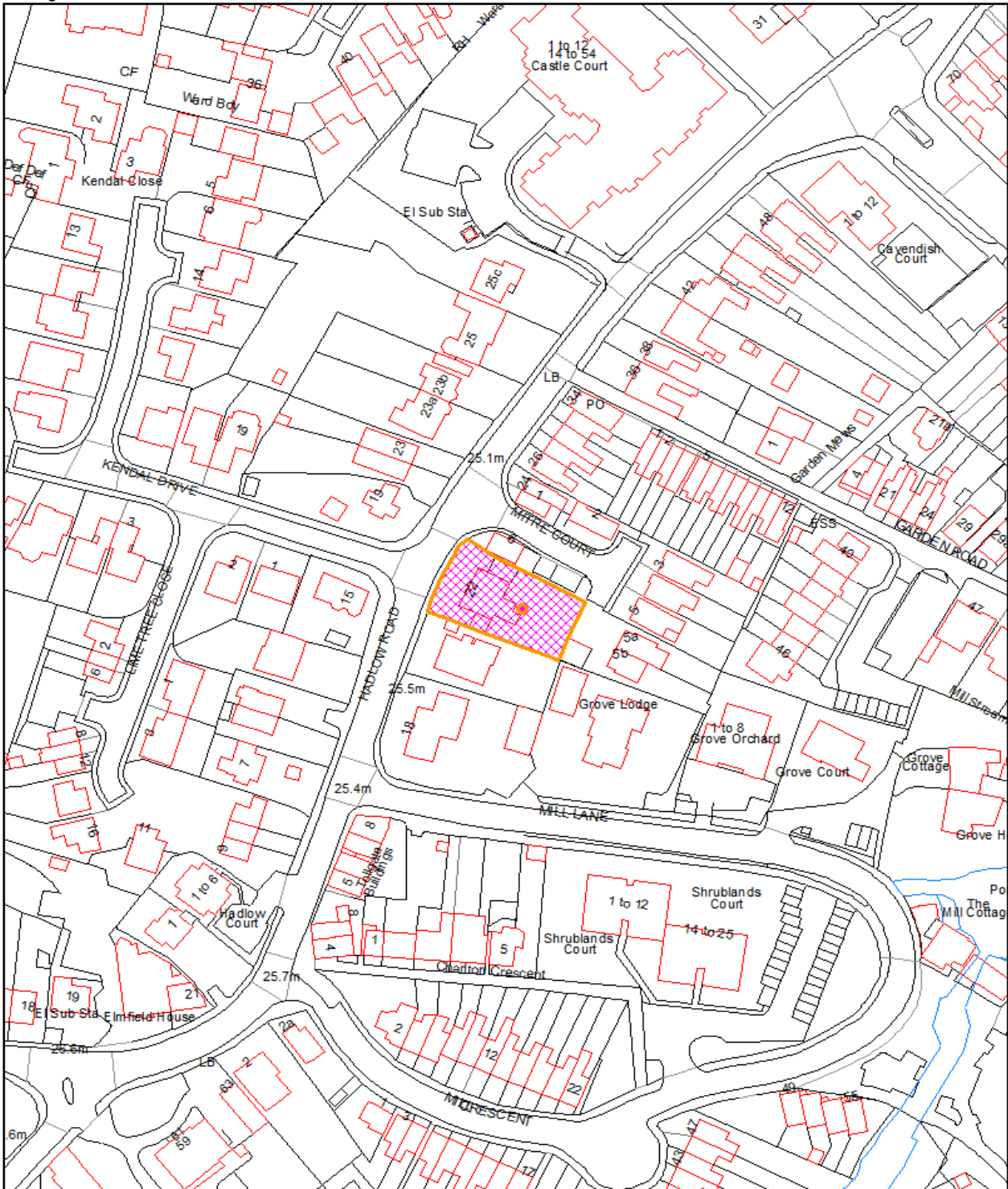
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TM/20/01289/FL

22 Hadlow Road Tonbridge Kent TN9 1NY

Demolition of existing dwellinghouse, and development of 2no. 5 bedroom semi-detached houses with parking

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Tonbridge Judd	16 July 2019	TM/19/01632/FL
Proposal:	Demolition of existing buildings and development of 51 dwellings along with associated vehicular and pedestrian access, car parking and landscaping	
Location:	Development Site South Part Of West Kent College Brook Street Tonbridge Kent	
Go to:	Recommendation	

1. Description:

- 1.1 This planning application was reported to APC1 in September 2019 where Members resolved to grant planning permission subject to conditions and the applicant entering into a Section 106 legal agreement with the Borough and County Councils to secure various planning obligations. During the course of finalising the legal agreement, the applicant advised officers that the College required a change to the Travel Plan from that previously assessed by Members in reaching the resolution to grant planning permission.
- 1.2 The Travel Plan is proposed to be amended through the omission of the mini-bus collection service that the College had previously undertaken to provide. The information submitted in support of this revision cites two reasons for the change; being:
 - The service would not be practicable
 - The service is not financially viable
- 1.3 These matters will be explored further in the main body of this report.
- 1.4 The September 2019 committee report and supplementary papers are reproduced in full at Annexes 1 and 2 respectively for ease of information. I would make clear that consideration of this amendment to the Travel Plan does not provide an opportunity to reassess the scheme as a whole afresh, but only to determine whether the omission of the minibus service from the Travel Plan has a material impact. It is this matter the assessment that follows focuses on.

2. Reason for reporting to Committee:

- 2.1 To consider an amendment to the scheme which has been forthcoming since APC1 resolved to grant planning permission.

3. Consultees: (solely in respect of change to Travel Plan)

3.1 KCC (H&T):

Introduction:

3.1.1 The proposals seek an amendment to the Travel Plan for West Kent College which was approved under TMBC reference: 19/000614/FD. This amendment seeks the removal of the requirement for the college to provide a mini-bus service due to it not being financially viable or practical.

3.1.2 I note that the consultants RGP have provided a letter dated 30th March 2020 (*RGP reference: ASHL/4089*) outlining why they consider that the provision of the aforementioned service is not required in highway or transportation terms. It should be noted that RGP were also the authors of the Transport Assessment (TA) submitted in support of the planning application for the redevelopment of the existing car parking area with residential dwellings (*TMBC reference: 19/01632/FL*).

Discussion:

3.1.3 As highlighted in the applicant's letter of 30th March 2020 the TA submitted in support of the residential redevelopment proposals included junction capacity assessments for two local junctions, these being Dame Kelly Homes at its Junction with Upper Haysden Lane and the Brook Street roundabout. Importantly, any reduction in vehicular trips from the site because of the proposed mini-bus service was not accounted for within the capacity assessments in question. The applicant's conclusion that the results of the capacity assessments within the original TA represent a 'worst case' scenario is therefore considered reasonable. It should also be noted that the residential proposals are anticipated to lead to a reduction in traffic from the site at peak times, when compared to the sites extant (*lawful*) use; with both of the assessed junctions continuing to operate within acceptable levels during the AM and PM peak periods in the future year scenario.

3.1.4 In respect of the college car parking provision the applicant has also highlighted the fact that this was also assessed as part of the residential development proposals, via surveys undertaken on the 28th March 2018 and 6th March 2019. Again, the results of this analysis did not take into account any reduction in car parking demand as a consequence of the mini-bus service proposed within the college's Travel Plan. Consequently, the applicant's conclusion that the college's Travel Plan, subject to its implementation and success, would serve to reduce parking demand and improve parking conditions locally is also considered reasonable.

3.1.5 Finally, as highlighted in Kent County Council's previous consultation responses it is acknowledged that the area within the vicinity is subject to extensive existing on street parking controls. The presence in such restrictions reduces the likelihood of

errant parking on the public highway that could be considered prejudicial to highway safety. A mixture of double and single yellow line restrictions already exist on nearby streets such as Dame Kelly Holmes Way, Shakespeare Road and Burns Crescent, which will or are subject to parking controls by Tonbridge and Malling Borough Council's Parking Services Department or the appointed representatives; dependent upon the status of the road. 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.

3.2 Private Reps: 79: 0X/0S/3R. Objections (3) received are made on the following grounds:

- The amendments to the Travel Plan will only make the traffic situation worse in the locality;
- More students will seek to park on local streets;
- The loss of the mini bus service will add to congestion on local roads;
- Additional car parking should be provided for the college and local residents;

4. Determining Issues:

Background Information:

- 4.1 Since the time the application was last reported to this Committee the College went into administration and is due to be taken over by another institution. As part of that process, the administrators have scrutinised the College Travel Plan and found the mini bus service to be unviable, costing up to £120,000 per year.
- 4.2 The practicalities of this service have also been considered further. The purpose of the service is to collect students from areas less well served by public transport. Collecting them has been estimated to be a 2-3 hour trip each way because of the dispersed location of students. Arranging to have them at college in time for a 9.00 am start would mean that some students could be picked up as early as 6.00am (and of course would be dropped off as late as 8.00pm assuming the minibus leaves site at 5.00pm). It is conceivable, therefore that some students could be subject to a 12+ hour day factoring in journey time to and from college. This only serves to highlight that the scheme, when first proposed for the Travel Plan, was not well thought through in this respect.
- 4.3 Whilst these factors give important context explaining how this change has come about, the main issue for the Planning Committee to now consider is whether the proposed amendment to the Travel plan would result in such unacceptable impacts upon the highway that it would now be necessary to refuse the development as a whole.

Highway safety and parking considerations:

- 4.4 It is clear from the representations made by KCC (H+T) that when the Transport Assessment (TA) in support of this application was prepared on behalf of the applicant, specific account was not taken of the provision of a minibus service. The measure was subsequently incorporated as part of a package within the Travel Plan but it was not tested as part of the Transport Assessment or expressly considered necessary on that basis. Moreover, any vehicle movements to and from the site that this service would have displaced, were not taken into account when the TA was made and then assessed by the highway authority as statutory consultee. Therefore, whilst the minibus scheme would have taken some of the planned for car journeys off the road, that level of traffic generation had already been accounted for and been found to be acceptable when assessing against adopted policy and having regard to all other material planning considerations including the requirements of the NPPF (which are set out in full within the September 2019 and not repeated here).
- 4.5 As such, the removal of the minibus service as part of the package of measures within the Travel Plan would not cause any additional impacts upon the highway network beyond those impacts considered in the TA for the development as a whole (which have been found to be acceptable by both the highway authority and this Authority when resolving the grant permission last September). Furthermore, on this basis, it is not considered that any additional measures are required to be included within the Travel Plan to offset the loss of the minibus service.
- 4.6 The main function of the college Travel Plan is to promote the use of more sustainable transport choices for students and staff (such as travelling by bus, train cycling or walking) as well as car sharing. This will be achieved through various means including a dedicated part of the college web page, welcome packs for new students and will be overseen by the Travel Plan co-ordinator. It is still intended for a forum to be created in order to promote the measures within the Travel Plan and review their effectiveness on an ongoing basis.
- 4.7 Taking all of the above into account, I consider that the omission of the minibus scheme from the Travel Plan would not render the development unacceptable in highway safety terms. Similarly, the omission would not undermine the fundamental purpose of the Travel Plan which would still promote the use of means of transport to and from the college other than the private motor car. Consequently, there are no justifiable or reasonable grounds to now resist the development, which as a whole remains acceptable in planning terms (and I reference the September 2019 report accordingly) and I therefore recommend as follows.

5. Recommendation:

- 5.1 **Grant planning permission** in accordance with the following submitted details:
Letter DHA LETTER TO TMBC dated 28.04.2020, Letter FINAL SUBMISSION

LETTER dated 28.04.2020, Letter RGP LETTER TO KCC dated 28.04.2020, Travel Plan dated 28.04.2020, Management Plan Parking dated 28.04.2020, Site Layout 2675.1-C-1005-PI J dated 18.07.2019, Sections 2675.1-C-1213-PI G dated 18.07.2019, Proposed Plans 2675.1-A-1006-PI B dated 10.09.2019, Site Layout 2675.1-A-1004 B dated 10.09.2019, Sections 2675-A-1012-B dated 13.07.2020, Transport Assessment Part 1 dated 10.07.2019, Transport Assessment Part 2 dated 10.07.2019, Environmental Assessment Geo dated 10.07.2019, Environmental Assessment Figures dated 10.07.2019, Statement Community Involvement dated 10.07.2019, Drainage Statement dated 10.07.2019, Noise Assessment dated 10.07.2019, Other Addendum Appendices July 2019 dated 10.07.2019, Other Appendices SCI 2018 dated 10.07.2019, Arboricultural Assessment dated 10.07.2019, Letter Revised Cover dated 18.07.2019, Schedule of accommodation dated 30.07.2019, Artist's Impression 2675.1-3D-5001-D(1) dated 10.07.2019, Artist's Impression 2675.1-3D-5002-D(1) dated 10.07.2019, Artist's Impression 2675.1-3D-5003-D(1) dated 10.07.2019, Sections 2675.1-A-1011-A dated 10.07.2019, Existing Plans and Elevations 2675.1-A-1100-A Nursery dated 10.07.2019, Existing Plans and Elevations 2675.1-A-1101-A Oaks building dated 10.07.2019, Proposed Plans and Elevations 2675.1-A-3000-B dated 10.07.2019, Proposed Plans and Elevations 2675.1-A-3005-B dated 10.07.2019, Proposed Plans and Elevations 2675.1-A-3010-B dated 10.07.2019, Proposed Plans and Elevations 2675.1-A-3015-B dated 10.07.2019, Proposed Floor Plans 2675.1-A-3700-B dated 10.07.2019, Proposed Elevations 2675.1-A-3701-A dated 10.07.2019, Sections 2675.1-C-1210.1-PL-A dated 10.07.2019, Street Scenes 2675.1-C-1211-PL-A dated 10.07.2019, Street Scenes 2675.1-C-1212-PL-A dated 10.07.2019, Section 2675.1-C-1216-PL-A dated 10.07.2019, Section 2675.1-A-1010A Existing dated 10.07.2019, Proposed Elevations 2675.1-A-3702-A dated 12.07.2019, Tree Protection Plan ASH21697-03C SHEET 1 OF 2 dated 16.07.2019, Tree Protection Plan ASH21697-03C SHEET 2 OF 2 dated 16.07.2019, Landscape Layout 1534/001 M dated 18.07.2019, Plan 2675.1-A-1005.1-E Site Analysis dated 18.07.2019, Location Plan 2675.1-A-1000-A dated 10.07.2019, Flood Risk Assessment dated 10.07.2019, Supporting Statement WKC dated 10.07.2019, Planning Statement dated 10.07.2019, Design and Access Statement dated 18.07.2019, Ecological Assessment dated 10.07.2019, Transport Assessment Addendum dated 18.07.2019, Statement Sustainability & Energy dated 10.07.2019, subject to:

- 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
- 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

- 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

It is expected that the section 106 agreement (for which the principles have already been agreed with the applicant) should be completed within 3 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 6 November 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. 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 all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. 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 there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any

boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

4. The relevant unit shall not be occupied until the relevant parking space for that unit shown on plan no. 2675.1-C-1005-J as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

5. The bathroom window on the rear elevation at first floor level of unit 2 shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the extension is occupied and shall be retained thereafter.

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

6. No development shall take place other than as required as part of any relevant approved site investigation works 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 the following have been submitted to and approved by the local planning Authority:

(a) results of additional gas monitoring at WS 4 and a risk assessment of the degree and nature of an contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

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

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

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

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

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

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

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

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: In the interests of amenity and public safety

9. 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 measured 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;

- Procedures for notifying the existing residents of properties in Dame Kelly Holmes Way, The Spinney, Hillside and Quarry Bank which adjoin the application site as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and

- The specific arrangements for the parking of contractors' 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.

10. Other than the demolition of the existing buildings, development shall not begin 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 a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

11. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components

- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 165 of the NPPF (July 2018) and the Non-Statutory Technical Standards for Sustainable Drainage.

12. No dwelling within the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

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

13. No above ground works shall take place in respect of any of the dwellings hereby approved until details of the finished floor, eaves and ridge levels for that particular dwelling in relation to the existing and proposed ground levels adjacent to it have first been submitted to and agreed in writing by the Local Planning Authority.

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

14. The development shall be undertaken in accordance with the in tree protection measures shown on plan ASH21697-03B Sheets 1 and 2.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C or E of Part 1; of Schedule 2 of that Order.

Reason: In order to protect the residential amenity of the neighbouring residential properties and to enable the car barns to be kept available for car parking

16. None of the dwellings shall be occupied until details of a scheme to install electric vehicle charging points within the development has been submitted to and approved by the Local Planning Authority. The work shall be carried out in strict accordance with those details prior to the occupation of any of the dwellings within the site.

Reason: In order to encourage the occupation of the dwellings by people using electric vehicles to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 110 of the National Planning Policy Framework 2019

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-B received 13.07.2020, 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-C-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-E received 10.07.2019, Section 2675.1-C-1216-PL-A received 10.07.2019, Site Layout 26751A1004 B received 10.09.2019, 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 in undertaken in accordance with the approved drawings.

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.

Informatives

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

Contact: Matthew Broome

Report from 12 September 2019

Tonbridge
Judd**16 July 2019****TM/19/01632/FL**

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

Location: Development Site South Part Of West Kent College Brook Street Tonbridge Kent

Go to: [Recommendation](#)

1. Description:

- 1.1 This application is a revision to one refused permission earlier this year under reference TM/18/02206/FL. That previous scheme was refused permission for the following reason:

“The proposed development, by virtue of the siting, scale, massing and height of Plots 3 - 8 combined with The Spinney, would result in an intrusive and dominant form of development when viewed from that neighbouring property, which would cause harm to outlook and the residential amenities of the occupants. The development is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and the requirements contained at paragraphs 127 (c and f) and 130 of the National Planning Policy Framework 2018.

- 1.2 The reason for refusing the previous application for a residential development of this site is an important material consideration to take into account when determining the current application, bearing in mind the nature and scale of the development and that the site extent mirrors that of the previous application.
- 1.3 The layout of the proposed development within the south west corner of the site has been redesigned in order to seek to overcome the reason for refusing permission previously. The changes can be summarised as follows:
- Replacing two terraces, each with three dwellings and a pair of semi-detached dwellings, with three pairs of semi-detached houses (plots 3-8) shown on the submitted layout plans.
 - The height and form of those dwellings has changed with an overall reduction of the ridge height to 9m and an eaves of 5m.
 - The dwellings within these plots (3-8) would be located between 2 and 3m further north (forward) than the dwellings previously found to be unacceptable. This has increased the back to back distance between them and the existing dwellings within The Spinney to more than 22 metres.

- The dwellings within plots 3-8 do not have single storey rear outshoots.
 - The dwellings within plots 3-8 have hipped roofs to the rear, facing the dwellings within The Spinney and do not contain dormer or roof light windows within the roof slopes.
- 1.4 The remaining dwellings (the pairs of semi-detached dwellings within plots 9-14, the terrace of dwellings within plots 15-18 and the block of flats (units 19-51)) remain the same as shown in the previously refused scheme.
- 1.5 The proposed access arrangements (from Dame Kelly Holmes Way) remains the same as shown in the previously refused scheme.
- 1.6 Parking for the apartments would take place on the basis of 1 dedicated space per apartment. These spaces would be provided in bays to the front of the building and within a shared parking court behind the apartment building.
- 1.7 Car parking for the proposed dwellings would be on the basis of at least two spaces per dwelling. The dwellings within plots 4-14 inclusive would each have three car parking spaces, with one per dwelling being provided within a car barn. Twelve no. parking spaces would be provided for visitors as part of the overall development.
- 1.8 A total of 17 units within the apartment block are proposed to be provided as affordable housing. This equates to a provision of 33%. The proposed tenure is 12 units for shared ownership and 5 units for affordable rent.

2. Reason for reporting to Committee:

- 2.1 In light of the recent planning history connected to the site and proposed development

3. The Site:

- 3.1 The site is located within the urban confines of Tonbridge and forms part of the existing campus site of West Kent College. The site is located at the southern end of the campus site and is accessed from Dame Kelly Holmes Way. Currently, the site contains two buildings: one used by the college and the other a former children's day nursery. The site also contains car parking areas currently associated with the college and the nursery building.
- 3.2 The site of the proposed development is surrounded predominantly by residential areas (to the north east, east, south and west). The streets and dwellings vary in age and in terms of layout, form, design and use of materials. The dwellings in Dame Kelly Holmes Way fronting the access road consist mainly of terraced and semi-detached, two storey dwellings of red brick construction with cream weather boarding detailing at first floor level. These dwellings contain rooms within their

roofs, with some of the dwellings presenting dormer windows within the front roof slope.

- 3.3 The dwellings within The Spinney are arranged on both sides of a cul de sac and date from the 1980's. The dwellings are detached and larger than the terraced dwellings located in Dame Kelly Holmes Way and have been developed at a lower density than that newer development. The dwellings in the Spinney are constructed from buff and red brickwork under pitched roofs clad with grey concrete tiles.
- 3.4 Quarry Bank to the south east of the site is a clustered cul-de sac development. It has a tighter, more densely built feel than The Spinney and contains detached dwellings formed predominantly from red/brown brickwork, although buff brick and render also feature. The dwellings are detached and have more steeply pitched roofs than those in The Spinney.
- 3.5 In terms of the West Kent College campus itself, the building located closest to the siting of the proposed dwellings is a part three storey, part four storey, flat roofed building finished externally from black brickwork and contrasting white render. This faces directly onto the access road, opposite the position of the proposed flatted building. To the south of this building a buff brick building with a pitched roof stands side on to Dame Kelly Holmes Way.
- 3.6 The land levels change significantly across the site. A steep bank is located between the accessed road the position of the former nursery building. The land continues to slope up towards the rear (southern) boundary.
- 3.7 A woodland Tree Preservation Order includes part of the south east corner of the site (between the college land and properties in Quarry Bank).

4. Planning History (relevant):

TM/18/02206/FL

Refuse

3 June 2019

Demolition of existing buildings and development of 53 dwellings comprising; 10 x 1 bed and 23 x 2 bed apartments in a part 3/4 storey building and 12 x 3 bed and 8 x 4 bed houses in part 2.5/3 storey buildings along with associated vehicular and pedestrian access, car parking and landscaping

5. Consultees:

- 5.1 KCC (H&T): No written response has been received at the time of writing this report; however officers have discussed the application with KCC and it is understood that a detailed written response will be provided shortly, to be reported as a supplementary matter.

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- 5.2 KCC (SUDS): In principle, we are satisfied with the drainage design and associated discharge rates and have no objection to this application. Please be aware that the side slopes of any drainage basin should normally be no steeper than 1:3 to allow for vegetative stabilisation and for public safety reasons. Should your local authority be minded to grant permission for this development, we would recommend conditions [regarding the submission of a detailed drainage system and subsequent verification report].
- 5.3 KCC (Economic Development): Financial contributions are being sought to the enhancement of existing community services as follows:
- Secondary Education enhancement: £97,737 (Phase 1 Judd School expansion).
 - Community Learning: £1661.05 (Tonbridge Adult Education Centre)
 - Youth: £686.97 (Towards South Tonbridge Children's Centre)
 - Library bookstock: £2448.81 (Towards Tonbridge Library bookstock)
 - Social Care: £2753.49 (Towards Tonbridge Derwent Day Centre for older people – kitchen improvements)
- 5.4 NHS: Financial contributions are being sought for the enhancement of existing GP practices to serve the proposed development. A sum of £42,408 is sought for the refurbishment, reconfiguration and/or extension of Warders Medical Centre and/or Hildenborough Medical Group.
- 5.5 EA: The application has been assessed as being of low environmental risk so we have no comments to make.
- 5.6 Southern Water: A formal application will be required for a connection to be made from the development to the public sewer. The application makes reference to drainage using SUDS. SUDS are not adopted by sewerage undertakes so arrangements for the long term maintenance and management of the SUDS will need to be put in place.
- 5.7 Kent Fire and Rescue: No objections
- 5.8 TMBC Leisure Services: Financial contributions are being sought for the enhancement of existing open spaces within the local area that will be required to meet the demands placed upon those facilities by the proposed development. The contributions sought are as follows:
- Parks and Gardens (Hayesden Country Park): £48,556
 - Outdoor Sports Facilities (Tonbridge Racecourse Sportsground): £89,084

- Children's and Young People's Play Areas (Hayesden Country Park and Tonbridge Racecourse Sportsground): £11,697
- Natural and Semi Natural Green Spaces (Quarry Hill Wood): £4,858

5.9 TMBC Environmental Protection: Contaminated land: Based on the review of Geo-environmental Site Assessment (RSK, February 2018)

5.9.1 The report presents the findings of a combined preliminary risk assessment and limited intrusive investigation. The history and environmental setting of the site is reviewed and forms the basis of the intrusive investigation.

5.10 Soil samples did not indicate any significant contamination. Ground gas monitoring was undertaken with a single location showing elevated carbon dioxide. The report states that gas protection is not required based on a single marginally elevated concentration of carbon dioxide, however the data shows WS4 to have consistently elevated concentrations during all 3 monitoring visits. Industry guidance states where concentrations of carbon dioxide exceed 5%v/v, a classification of CS2/Amber 1 should be given. There does not appear to be any significant flow or source of gas, however due to the consistently elevated concentrations, I would suggest further monitoring or proposals for gas protection within the buildings near WS4. I would therefore recommend specific conditions [to ensure that appropriate remediation is carried out at the appropriate time].

5.11 Private Reps: 76 + press and site notices: 3X/0S/3R. Objections (3) received are made on the following grounds:

- More traffic will queue on the local roads.
- Additional queuing means that air pollution will be made worse on a street used by many children to walk to school.
- The resulting number of parking spaces for use by the college is derisory.
- The suggestion that students will use public transport is unrealistic.
- Overflow parking will take place in neighbouring streets.
- The Council should seek to use brownfield sites across the town first to resolve the housing requirements.
- The needs for residents of Dame Kelly Holmes Way are still not met. Residents should be allowed to park within the college grounds by way of parking permits.

5.11.2 Letters making comments on the application (3) are summarised as follows:

- The revision to plots 3-10 (old application) (3-8 new application) are far more sensitive to the neighbouring properties in The Spinney and are a welcome improvement.
- Request that Permitted Development rights are removed for works to the rear of plots 1-8.
- Remain sceptical that the Travel Plan will not result in parking over-spilling into the neighbouring streets.
- In the event that the travel plan fails, what sanctions will be imposed to ensure the surrounding area is not blighted?
- The scheme will only be supported if some of the 3 or 4 bedroom dwellings will be affordable.

6. Determining Issues:

Principle of the development:

- 6.1 The development plan is the starting point for determining all planning applications, (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006), and this is reiterated in paragraph 12 of the NPPF.
- 6.2 The site lies within the urban confines of Tonbridge. Development plan policy CP11 of the TMBCS seeks to ensure that development is concentrated within such areas in order to accord with the principles of sustainability set out in policies CP1 and CP2 of the TMBCS. The proposal accords with the requirements of this policy. In all respects the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards the supply and maintain and enhance the vitality of existing communities. Therefore policy CP11 by continuing to ensure that development is concentrated within the established settlement wholly accords with the aims of the NPPF in this regard.
- 6.3 The Council is, at present, unable to demonstrate an up to date five year supply of housing when measured against its objectively assessed need and as such the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF falls to be applied. For decision making this means:
 - c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.4 In the context of point (i) the protected areas and assets of particular importance are listed in footnote 6, none of which apply to this site and as such the presumption in favour of sustainable development falls to be applied. In the context of point (ii) it is therefore necessary to assess whether any adverse impacts resulting from the proposal would significantly and demonstrably outweigh the benefits of the proposal when assessed against the NPPF as a whole. The assessment will therefore balance the benefits against the potential adverse impacts of the proposal in order to ascertain whether planning permission should be granted.

Effective use of land:

6.5 The NPPF seeks to make the effective use of land. Paragraph 117 requires decisions to promote an effective use of land in meeting the need for homes and other uses. Paragraph 118 of the NPPF recognises the value of using undeveloped and suitable brownfield land. In particular point (d) of paragraph 118 states that planning decisions should promote the development of under-utilised land particularly where this would meet an identified housing need. Notwithstanding the footnote to this paragraph states that the provision of point d) should be applied except where this would conflict with other policies in the Framework.

6.6 In addition, paragraph 122 of the NPPF states that planning decisions should support developments that make an efficient use of land, taking into account a number of issues. Of particularly relevance are points d) and e)

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.

6.7 Therefore whilst there is Government support for the efficient re-use of previously developed land, this must clearly not be at the expense of the character of the area within which the development would be located. Consequently the application must be assessed with regard to the overall impacts that may arise, and particularly within the context of the previous reason for refusal.

Impacts upon residential amenity:

- 6.8 Policy CP1 of the TMBCS states that when determining applications, residential amenity will be preserved and, where possible enhanced. Paragraph 127 of the NPPF echoes this policy by requiring planning decisions to ensure that developments have a high standard of amenity for existing and future users.
- 6.9 The amended scheme now for determination, which has reduced the overall number of units in the south-west corner along with associated changes to their layout and built form, has resulted in a more spacious layout that respects the pattern of development within the locality. The previous development was refused permission because the dwellings within this part of the site would, by virtue of their siting, scale, massing and height, be intrusive and dominant when viewed from the dwellings within The Spinney they would back onto. The revised layout provides smaller blocks of buildings with greater spacing between them, located further away from The Spinney than previously proposed. The proposed units would not have the slab-like appearance of the two terraces of dwellings previously considered unacceptable and overly dominant. The layout, form and design of the dwellings now proposed in this part of the site would not result in the development appearing intrusive or dominant when viewed from the neighbouring properties within The Spinney, or indeed any of the other neighbouring properties bordering onto the site. Consequently, I consider that the development would not give rise to the same harm to residential amenity that was present within the previously refused scheme and overcomes the previous reason for refusing permission.
- 6.10 As with the previous scheme the development would avoid causing an unacceptable loss of privacy to the existing residential properties that adjoin the site. This is due to the positioning and orientation of the proposed dwellings and also the separation between them and the existing residential dwellings that surround the application.

Similarly, the position, size and design of the proposed buildings, in all respects, are such that the scheme would not cause an unacceptable loss of light or overshadowing to the existing dwellings adjoining the site as well.

Taking all of the above into account, the development is acceptable in terms of its impacts upon residential amenity and complies with policy CP 1 of the TMBCS and paragraph 127 of the NPPF. The development proposed successfully overcomes the previous ground for refusing permission for the earlier iteration of this development and, in this regard, the development would not result in significant or demonstrable harm.

Impact upon the character of the locality and visual amenities:

- 6.11 Policy CP1 of the TMBCS requires all new development to result in a high quality sustainable environment. Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. Policy

SQ1 of the MDE DPD requires all development to reflect local distinctiveness and to protect, conserve and, where possible enhance the character of the area and be sensitive to change of the local character areas.

6.12 The above local plan policies do not conflict with the relevant policies of the NPPF and accord with section 12 which provides guidance on the importance of good design. In particular, paragraph 127 of the NPPF states that planning 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 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.

6.13 Paragraph 130 of the NPPF states 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.

6.14 The character and layout of buildings surrounding the site varies considerably and it is in this particular context that the layout and form of the development has to be considered.

6.15 The development can be considered in three distinct elements as far as the layout is concerned. Each will be considered in light of its immediate context as well as the development as a whole.

6.16 A terrace of four dwellings would be built on the south east side of Dame Kelly Holmes Way and would follow the alignment of the existing dwellings fronting onto this road, although the proposed dwellings would be set further back from the road

to allow for frontage car parking. This terrace would have a similar scale the existing dwellings within Dame Kelly Holmes Way and would incorporate pitched roofs sloping the same direction (front to back). The proportions of each dwelling including the size of the roof would be similar to those of the existing neighbouring dwellings, although it is noted that they would stand taller, being located on higher land. The dwellings would have a more contemporary external appearance than the existing dwellings, due to the size of the window openings, but they would none the less respect the pattern and scale of development in Dame Kelly Holmes Way. For the avoidance of doubt this element of the scheme has not been altered since the earlier scheme was determined.

- 6.17 The element of the scheme next to this terrace of dwellings is the proposed apartment building located approximately in the position of the existing nursery building. This would be finished externally with similar brickwork to the proposed terraced building, as well as white rendered panelled walls and panels of cladding. This building would stand opposite the part 3, part 4 storey college building located at the southern end of the site and would have a form, design and height that has been clearly influenced by this building. Again, this part of the scheme remains unaltered from that previously considered by the committee.
- 6.18 These two elements of the development have been designed to respect their particular context in terms of overall scale, height, form and design. These buildings would not appear incongruous when viewed from Dame Kelly Holmes Way, or indeed other vantage points.
- 6.19 The third element of the scheme is the row of semi-detached dwellings that would extend across the southern part of the site, extending from West Rise in the west, to Quarry Bank in the east and standing behind the dwellings on the north side of The Spinney. This arrangement respects the patterns of the existing adjacent residential developments in The Spinney, West Rise and Quarry Bank. Whilst this element of the development contains semi-detached rather than the detached dwellings found in The Spinney and Quarry Bank, the arrangement and scale of the dwellings are such that they would not be an incongruous form of development when considering the layout of existing dwellings in the locality. It is this part of the scheme that the previous ground of refusal focused on and that has been subject to the amendments that are now for determination within the context of this fresh planning application.
- 6.20 Reducing the amount of dwellings in this part of the site by two and locating only semi-detached dwellings along the southern part of the site provides a uniformity of plot width, which is in keeping with the width of plots in The Spinney and provides a more open and spacious form of development within the south west corner of the site than was found in the previously refused scheme. Whilst these changes seek to overcome the residential amenity reason for refusing permission previously, they inevitably alter the appearance of the development.

- 6.21 The dwellings located within plots 3-8 have been reduced in height from the scheme refused permission. These would stand lower than the dwellings to the rear in The Spinney. At ridge level they would now be 9m in height compared to 10.5m as previously proposed. They would be seen as being a similar overall height as the neighbouring dwellings to the rear in The Spinney and the proposed dwellings within plots 1 and 2, located immediately to the west. The proposed dwellings within these plots would also have a different external appearance to the proposed dwellings located on either side of them. However due to their appropriate scale, height, positioning and use of features common to the wider development, such as external materials and roof forms, they would integrate well within the scheme as a whole and provide a harmonious street frontage.
- 6.22 The pairs of semi-detached dwellings located within plots 9-14 remain the same in terms of position, form, size and design as previously proposed. These would stand 7m high at eaves level and 10.5m at ridge level and would have gables facing the communal access road to the front and facing towards The Spinney dwellings to the rear. The relationship of these particular dwellings to the neighbouring properties was not considered to be unacceptable in the previously refused scheme and it must follow, therefore, that it remains acceptable as part of the current proposal.
- 6.23 Land levels change quite significantly across and beyond the site. The land generally rises from south to north as the site is located on a (Quarry) hill, although level plateaus have been cut into the land to provide the car parks and site of the two existing buildings within the site that will be removed under this proposal. The land steps up significantly in the location of the proposed apartment building which is why it contains an additional storey facing the access road and existing college buildings to the north. The drawings show that this building would be built at levels very similar to those of the prevailing ground level. The highest part of the site (the south east corner) is shown to have its level reduced by between approx. 400mm and 1000mm where it will accommodate units 9 to 14. In the area of plot 18 (the end terraced unit near the entrance to the development), part of the land level would be reduced by over 1000mm to create a level floor level for the terrace as a whole. In other parts of the site the land levels would be raised to provide a level base for the dwellings and access road. For example, in the area that will contain the dwelling in plot 5, the sloping ground would be raised at the southern end by approx. 600mm to provide a level base for that dwelling. However, the proposed floor level for this unit is still shown to be approx. 400mm lower than the rear garden of no. 19 The Spinney which is located to the rear of that plot.
- 6.24 It is not uncommon on sites that vary in level as much as this one does that the proposed development will require re-profiling to provide flat/flatter areas for the buildings, access roads, footpaths, gardens and car parks. The general arrangement of the proposed re-profiling as proposed when considered as part of the development as a whole would provide the dwellings at an appropriate level in relation to the existing neighbouring buildings and garden areas. However, it would

still be reasonable and necessary, given the topography of the local area, to require specific details to be provided of the finished floor level of each plot in relation to the prevailing and proposed ground levels. This can be required by a condition attached to a planning permission.

- 6.25 The development has been laid out to safeguard the protected trees located along the south east boundary of the site. The development would not include the erection of new buildings in this part of the site. Instead it would be laid out with car parking and rear gardens. The development would be undertaken with appropriate tree protection measures in place for the duration of the demolition and the construction works.
- 6.26 Trees that are not the subject of the Tree Preservation Order are shown to be removed as part of this development. One such tree is an Oak adjacent to the boundary with no.4 Hillside on the west side of the site. Officers have assessed whether it is worthy of retention as part of the overall development. The tree has lost its top in the past and now has an unbalanced crown. There are major cavities in the trunk where branches have broken out or been removed. It is not considered to be of such worth to the amenity of the locality that would warrant its protection with a TPO and retained as part of the development. The indicative landscaping plans show that numerous trees would be planted in the communal areas and between the parking bays that would front onto the access roads. The replacement indicative tree planting as part of the overall development would offset the impact of removing the existing trees shown to be removed.
- 6.27 A variety of materials have been used in the surrounding developments, but include different colours of brickwork, rendered walls and concrete tiles. Given this mixed context, it would not be appropriate to introduce all of these materials into the proposed development. Instead it is proposed to make use of a more limited palette including brickwork, rendered walls, grey external window/door openings, cladding and roof materials. Specific details of materials can be required by a condition attached to a permission. However the development as a whole would have a coherent identity and would not appear incongruous in this locality.
- 6.28 The site lies approx. 400m north of the boundary of the High Weald AONB with the A21, woodland and the urban area of south Tonbridge standing between it and the application site. In light of these factors and that the development would be surrounded by existing buildings, it would not have an impact upon the setting of the High Weald AONB.
- 6.29 In conclusion, the development would be of a well-conceived layout that would safeguard the existing protected trees and be of a density, form and scale that would respect the layout and scale of buildings that surround the site.
- 6.30 In light of all of these factors, the development is considered to comply with development plan policies CP1, CP 24 and SQ 1, as well as current relevant national policy contained within the NPPF.

Highway safety and parking provision:

6.31 Policy CP 2 of the TMBCS requires developments that are likely to generate a significant number of trips to meet a number of requirements that includes:

- Be well located to public transport, cycle and pedestrian routes and with good access to local services
- Minimise the need to travel through the implementation of a Travel Plan
- Provide, make use of or enhance a choice of transport modes, including public transport, cycling and walking

6.32 Policy SQ 8 of the MDE DPD states that developments will only be permitted where they would not significantly harm highway safety or where traffic generated by such developments can adequately be served by the highway network. It also states that development will not be permitted which involves the increased use of an existing access onto the primary or secondary road network where a significantly increased risk of crashes or traffic delays would result.

6.33 Paragraph 102 of the NPPF states that transport issues should be considered from the earliest stages so that the potential impacts of development on transport networks can be addressed and that opportunities to promote walking, cycling and use of public transport can be pursued.

6.34 Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in order to support the objectives set out in paragraph 102. It further states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

6.35 Paragraph 108 of the NPPF states that when assessing specific planning applications, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- Safe and suitable access to the site can be achieved for all users; and
- 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 level.

6.36 Paragraph 109 states that developments should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

- 6.37 The Council's development plan policies, whilst predating the NPPF by a considerable time, clearly have the same objectives and are, therefore, considered to be consistent with national planning policy concerning the highway safety impacts of development.
- 6.38 As acknowledged at Section 5 of this report, written representations of KCC (H+T) are still awaited. However, it is still possible to make an informed assessment on the application as it currently stands given that it proposes a net reduction in overall residential units, access arrangements are to remain as previously considered and detailed representations have previously been provided (raising no objections to the larger scheme). Awaited representations will be reported in a supplementary report. Of course, if any new issues arise concerning highway safety matters, these will be considered fully by officers prior to the commencement of the Committee meeting.
- 6.39 The proposed development, like the previously refused scheme, has the potential to give rise to impacts in two ways. Firstly, as a result of the traffic generation and need for car parking arising from the residential development itself. Secondly, the implications for college car parking arising from the reduction in spaces to serve the campus. These are addressed in turn below.

Impacts concerning traffic generation/junction capacity and car parking provision:

- 6.40 The following assessment is based upon the previous assessment provided by the local highway authority and, of course, taking into account the updated Transport Assessment provided by the applicant in light of the fact that the development has been reduced in scale by two houses.
- 6.41 With regard to the forecast trip generation, the development was considered by the applicant's consultant against the baseline situation which includes the children's day nursery which has now ceased operation.
- 6.42 The proposed development would increase the overall number of traffic movements across the site across a daily period, but would result in a reduction in the number of trips during the AM and PM peak periods. Therefore the anticipated increase in traffic movements to and from the site would occur where there is a greater amount of capacity within the highway network. When considering the impact of additional traffic movements upon the local highway network, the AM and PM peak times are used to consider the 'worst case' scenario of a particular development proposal. In this particular case the evidence provided demonstrates that, during these peak times, the proposed development would generate less movements to and from the site than those associated with the former children's day care nursery and the college building to be removed as part of the proposed development. Therefore, whilst the development would cause a greater number of

vehicle movements during the day as a whole, the impacts upon the local road network are not considered to be unacceptable.

- 6.43 Junction capacity assessments have been undertaken of the Brook Street/Dame Kelly Holmes Way junction and at the Brook Street/A26 roundabout. The assessments conclude that both junctions will continue to operate with either no additional queuing (Brook Street/A26) or minimal additional queuing (Brook Street/Dame Kelly Holmes Way). These assessments take account of background future growth.
- 6.44 The local highway notes that the junction of Brook Street/A26 would be over capacity in the forthcoming local plan period due to planned and background growth. However it notes that the currently proposed development would not lead to a worsening of the conditions at the junction itself or an overall increase in traffic movements during both the AM and PM peaks. In any event, I must make clear that the junction would not be over capacity once the mitigation coming forward as part of the local plan process is implemented. As such, the local highway authority does not consider that contributions should be sought from the developer for improvements to highway infrastructure. The issue of the capacity of the Brook Street/A26 junction is correctly being considered through the local plan process and as and when applications are submitted for those planned sites. Consequently, no mitigation is needed in relation to this particular scheme in order to make it acceptable in planning terms.
- 6.45 With regard to the proposed car parking provision, 92 spaces are to be provided to serve the proposed 51 dwellings. This overall number complies with the Council's adopted parking standards set out within the adopted parking standards contained within the IGN 3. The plans show that each of the houses will have at least 2 car parking spaces (some would have three) and the flats would have 1 space each. 12 visitor parking bays would also be provided.
- 6.46 The development has been designed with secure cycle storage provision within the apartment building. Bus stops are readily accessible in Brook Street with links to the High Street and Tonbridge railway station. A section of cycle lane runs along the north side of Brook Street between the Judd School and the junction with Quarry Hill. The scheme is located within a highly sustainable location and is readily accessible by means other than the private motor car.
- 6.47 In terms of the impacts arising from the occupation of the proposed dwellings, the development would be focused in an area that is sustainable and would be accessible by a range of modes of transport. The traffic generation created by the development would not result in an unacceptable impact upon highway safety and the residual cumulative impacts on the road network would not be severe. Consequently, the development in terms of the impact of the new dwellings themselves is considered to be compliant with nation and development plan policies concerning highway safety matters.

Impacts arising from the loss of car parking within the college campus:

- 6.48 The adopted car parking standards demonstrate that following the demolition of the Oaks Building as part of this development, a maximum of 396 car parking spaces would be required to serve the college (my emphasis). The current proposal would result in the college having 350 car parking spaces available for its use. As it noted in the response from KCC (H&T), this provision accords with the adopted parking standards as they are expressed as a maximum amount that could be required.
- 6.49 Parking surveys undertaken by the applicant in respect of the previously refused scheme show that the level of car parking within the college site did not exceed the amount of car parking proposed to be left within the college campus. The peak parking observed amounted to 342 vehicles. It should be noted that these observed levels of parking occurred at a time when the college is not actively monitoring or controlling how its students travel to the college. Furthermore, this lack of monitoring/control of the college car parks has also enabled non-college users to park within the college campus occupying spaces that could otherwise be used by students, college staff or visitors.
- 6.50 Consequently, the evidence indicates that there will still be sufficient car parking available to serve the college following the proposed development. It is, of course possible that if students cannot find a parking space within the campus, they will seek to find parking elsewhere within the locality. There are of course parking restrictions in some of the local roads (including Brook Street, College Avenue, Shakespeare Road and Burns Crescent) that would prevent parking that would cause hazards to road safety, in the opinion of the highway authority.
- 6.51 The expression of car parking standards for education establishments (and other uses) as the maximum that could be sought is to ensure that such facilities are located in areas that are accessible by modes of transport other than the private motor car. As has been set out earlier in this report this part of Tonbridge is considered to be readily accessible by public transport with the railway station being only a short walk away, and bus stops located nearby. Wide pavements are located along each side of Brook Street, one of which now also contains a cycle lane along part of its length. The college is, therefore, well placed, in planning terms, to take advantage of a range of transport choices for students, staff and visitors.
- 6.52 A Travel Plan has been submitted in support of the current application, which updates the existing one relating to West Kent College. As a direct consequence of the proposed development, the college and the applicant would be bound to work collaboratively to undertake certain measures to manage more proactively the way in which students and staff travel to the college, with the intention to

reduce car travel and make more use of more sustainable travel measures. These include:

- Installing barriers at the entrance to the college car park and introducing a permit based parking scheme that will limit the number of cars entering the car park to those that are available. The entrance barrier will be placed within the access to the car park located on the north side of the college campus, off Dame Kelly Holmes Way. The exit barrier will be located on the access road located on the west side of the campus, to the north of the buildings. The barriers will be erected prior to the first occupation of any dwellings within the residential development proposed.
- The permit system will be means tested by the college based upon the distance a student will have to travel and the needs of the student (such as any accessibility requirements).
- The college will monitor student parking that occurs off site in the locality. Members of staff will monitor students parking during the morning and afternoon dropping off/picking up times.
- A mini bus service will be used to bring students to and from the site.
- Public transport choices will be promoted by the college to students. This will be achieved through measures including providing a welcome pack, displaying travel information on communal information boards, publication of a six monthly newsletter and the provision of a dedicated page for the Travel Plan on the College's website.
- A forum consisting of the college, local residents, KCC and TMBC councillors will be formed to review the effectiveness of the Travel Plan going forward. This forum will convene at least twice a year to discuss these matters.

6.53 In order to ensure that the measures contained within the Travel Plan are effective, both the applicant and the College have agreed to sign up to a s.106 planning obligation, which will set out certain obligations that both parties will be bound to undertake regarding certain measures that will be set out within the Travel Plan. This means that the measures agreed to within the planning obligation can be enforced against should either party breach the terms of the obligation.

6.54 Taking the above into consideration, there is no evidence to demonstrate that the development either in terms of the amount and nature of traffic it would generate or through the loss of the existing car parking spaces within the college site would cause unacceptable impacts upon highway safety by itself or would cumulatively result in a severe impact upon the highway network. The measures to be undertaken by the developer and the college as set out in the Travel Plan will help to manage better the demands placed upon the remaining car parking within the

college site and will be enforceable by the Borough Council. The site is located within an area that is accessible by means other than the private motor car, conveniently located accessible from Tonbridge town centre. Taking all of these factors into account, the development would not be contrary to development plan policies CP 2, SQ 8 and national planning policies contained within paragraphs 102, 103 108 and 109 of the NPPF.

Air Quality:

- 6.55 Policy SQ 4 of the MDE DPD states that developments will only be permitted where they would not result in a significant deterioration of the air quality of the area and where they would not result in the creation of a new AQMA. There must also be no impact upon the air quality of internationally, nationally or locally designated sites of nature conservation interest. Paragraph 181 of the NPPF states that planning decisions should contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of AQMAs and the cumulative impacts from individual sites.
- 6.56 Understandably, impacts upon the highway (in terms of traffic generation) interrelate with those concerning air quality. As has been found in the preceding section of this report, there is likely be a reduction in the number of vehicle trips during the AM and PM peaks times compared to the baseline situation. It therefore follows that due to such a reduction in vehicle trips, there would not be an unacceptable impact upon air quality during the same times of the day. Whilst vehicle trips would increase across the day as a whole, it has been found that this would not result in additional queuing at the Brook Street roundabout and only minimal additional queuing at the junction of Dame Kelly Holmes Way and Brook Street.
- 6.57 The following information in this section of my report was received from the Council's Environmental Protection Team concerning how the Council monitors air quality in the Borough and, specifically, in this part of Tonbridge and why the development is unlikely to cause demonstrable harm in terms of air quality.
- 6.58 TMBC, of course, has a duty to review air quality in the Borough and this is undertaken primarily by means of installing a diffusion tube network for the pollutant Nitrogen Dioxide, to establish the annual average mean of Nitrogen Dioxide levels for comparison to the annual objective limit of 40ug-3. However Statutory Guidance states this objective should only apply at locations where members of the public might be regularly exposed, including the building facades of residential properties, schools, hospitals etc. For this reason where diffusion tubes are located at the kerbside or roadside for practicality, a distance correction will always be applied to establish the pollution level at the closest relevant building façade.

- 6.59 In choosing the placement of the diffusion tube network in areas where the objective limit may be exceeded, regard is given to a number of factors including, but not exclusively, the volume of traffic, the likelihood of traffic queueing (stationary traffic will generate more pollution), and whether there are any factors such as the existence of a street canyon which may inhibit pollution dispersal.
- 6.60 In the case of the junction at Dame Kelly Holmes Way/Brook Street several factors indicate the objective level for NO₂ will not be exceeded and that monitoring at this time is not warranted in this location. These include:
- The volume of traffic/likelihood of queueing is unlikely to exceed other major junction areas where monitoring is already undertaken and the objective not exceeded, such as Cannon Lane/Hadlow Road (21.4ug-3 in 2017) and Bordyke/High Street (29.3ug-3 in 2017).
 - The area around the Dame Kelly Holmes Way/Brook Street junction is very open giving a greater amount of pollution dispersal.
 - In relation to point 2 above, monitoring at the kerb/road side would require significant distance correction meaning exceedance at relevant receptors is unlikely.
- 6.61 In light of the above, the proposed development is not considered to cause demonstrable harm to air quality in the locality. Additionally, it must follow that the development would not prejudice the delivery of the allocated sites in south Tonbridge. Of course, any applications coming forward in respect of these sites will also need to take into account the impacts of the development currently proposed upon air quality should permission be granted. The development therefore complies with Development Plan policy SQ 4 and paragraph 181 of the NPPF.

Ecological impacts:

- 6.62 Policy NE2 of the MDE DPD states that the bio-diversity of the Borough and in particular, priority habitats, species and features will be protected, conserved and, where possible, enhanced.
- 6.63 Policy NE3 of the MDE DPD states that development that would adversely affect the biodiversity value of the wildlife habitats will only be permitted if appropriate mitigation measures are provided.
- 6.64 Current national planning policy concerning ecological issues is contained within section 15 of the NPPF. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by a range of measures including protecting and enhancing sites of bio-diversity value and minimising impacts on bio-diversity. Clearly the development plan policies relating to bio-diversity remain consistent with national planning policy.

- 6.65 There are no designated sites located within or directly adjacent to the site. The habitat within the site is of low value to wildlife. The trees within the site have potential to support low numbers of common nesting birds. The belt of protected trees located along the south eastern boundary of the site will not be affected by this proposal and will continue to provide suitable habitat for nesting birds. Trees within the site have also been assessed for their potential to support roosting and foraging bats. The site is considered to have a low ecological value for roosting bats due to the lack of appropriate nesting cavities or other features within the trees. The site is considered too small to support foraging bats in isolation. Similarly due to the small size of the site it is considered to have negligible value for reptiles as well, although two small woodpiles within the site could provide shelter for grass snakes and slow worms.
- 6.66 Good quality landscaping could help to improve the bio-diversity of the site. The submitted landscaping Masterplan show that compensatory tree planting will be taken place as part of the development together with the retention of the mature belt of protected trees. A detailed landscaping scheme is something that is normally required by a condition to be submitted for approval by the LPA.
- 6.67 Given the limited value of the existing site in ecological terms and that comprehensive soft landscaping will be taking place as part of the development, the development is considered to be acceptable in terms of its ecological impacts. Consequently the development complies with policies NE2 and NE 3 of the MDE DPD and national planning policy contained within section 15 of the NPPF.

Drainage:

- 6.68 Due to the scale of the development, surface water will need to be managed by a Sustainable Urban Drainage System (SUDS). KCC (SUDS) is satisfied that such a system can be designed into the development scheme subject to the detailed design of that being approved beforehand. A suite of conditions can be used to require such details to be submitted for approval by the Borough Council, before the scheme is installed and for arrangements to be put in place for the long term maintenance of the SUDS once it has been installed.

Planning obligations:

- 6.69 Policy CP17 of the TMBCS states that within urban areas of the Borough, affordable housing will be sought on all development with 15 dwellings or more at a level of 40%. The proposed development for 53 dwellings therefore triggers the requirement to provide affordable housing as part of the development.
- 6.70 In the previous scheme, following discussions between the applicant and the Borough Council (and an independent assessment for the Borough Council by viability consultants), an affordable housing provision of 17 units was agreed to, which equated to a 32% provision. This would consist of 12 of the flats for shared ownership and 5 for affordable rent. Whilst the current scheme is for two fewer

dwelling than previously proposed, the affordable housing provision remains the same (the overall percentage has now increased to 33%). This provision, whilst still falling short of the current policy requirement, has been demonstrated to be the most that could be delivered by this scheme and it is a provision that would be deliverable by a registered provider. Material considerations in the form of the NPPF, National Planning Guidance and the Council's current housing need indicate that the current proposal for affordable housing provision as part of this scheme is now acceptable. The applicant would be required to enter into a planning obligation with the Borough Council to deliver this affordable housing.

6.71 Due to the scale of the proposed development, open space has to be provided in accordance with policy OS3 of the MDE DPD. Whilst amenity green space will be provided on site, the applicant will be required to make a financial contribution of £154,195 for the enhancement of other types of public open space in the locality. This will include the enhancement of outdoor sports facilities at Tonbridge Racecourse sportsground, children's play equipment at Haysden Country Park and Tonbridge Racecourse sportsground, and the enhancement of the wider Haysden Country Park as well as the natural green space at Quarry Hill Wood.

6.72 The applicant will also be required to make a financial contribution to Kent County Council in respect of the following:

- Judd School Phase 1 expansion £97,737.00
- Improvements to south Tonbridge Children's centre £686.97
- Improvement to Tonbridge library book stock £2,448.81
- Improvements towards Tonbridge Derwent Day Care Centre £2753.49

6.73 With the exception of the request concerning the Derwent Day Care Centre, the request for the monies in respect of above projects meets the tests set out in Regulation 122(2) of the CIL Regulations 2010 (as referenced in paragraph 56 of the NPPF). As such it is considered to be necessary to seek these contributions from the applicant and they will also need to be dealt with by way of a s.106 planning obligation. The project concerning the Derwent Day Centre (improving the kitchen facilities) whilst desirable is not considered to meet the tests in Regulation 122(2) of the CIL Regulations. This element of the contribution, whilst offered by the applicant, will not be sought by the Borough Council. The development will, therefore, accord with the requirements of policy CP25 of the TMBCS which requires the necessary service, transport and community infrastructure to be provided at the time it is needed.

Conclusion and overall planning balance:

6.74 The site lies within the confines of the existing urban settlement and comprises a highly sustainable location. The proposal has been designed to remove any

unacceptable impact on levels of adjacent residential amenity and there would be no unacceptable impacts in any other respect.

- 6.75 Consequently there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the provision of 51 residential units, when assessed against the NPPF as a whole, particular when there is an acknowledged shortfall of housing in the Borough. Therefore the presumption in favour of development falls to be applied, there are no substantial adverse impacts that outweigh the benefits of the proposed development and accordingly I recommend planning permission is granted subject to the following planning conditions and planning obligation(s).

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Travel Plan received 19.08.2019, Management Plan parking received 19.08.2019, Transport Assessment Part 1 received 10.07.2019, Transport Assessment Part 2 received 10.07.2019, Environmental Assessment Geo received 10.07.2019, Environmental Assessment Figures received 10.07.2019, Statement Community Involvement received 10.07.2019, Drainage Statement received 10.07.2019, Noise Assessment received 10.07.2019, Other Addendum Appendices July 2019 received 10.07.2019, Other Appendices SCI 2018 received 10.07.2019, Arboricultural Assessment received 10.07.2019, Letter Revised Cover received 18.07.2019, Schedule of accommodation received 30.07.2019, Artist's Impression 2675.1-3D-5001-D(1) received 10.07.2019, Artist's Impression 2675.1-3D-5002-D(1) received 10.07.2019, Artist's Impression 2675.1-3D-5003-D(1) received 10.07.2019, 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-C-1005-G received 10.07.2019, 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-E received 10.07.2019, Section 2675.1-C-1216-PL-A received 10.07.2019, Site Layout 2675.1-A-1004A received 10.07.2019, Plan 2675.1-A-1006A Separation distance received 10.07.2019, Section 2675.1-A-1010A 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, Flood Risk Assessment received 10.07.2019, Supporting Statement WKC received 10.07.2019, Planning Statement received 10.07.2019, Design and Access Statement received 10.07.2019, Ecological Assessment received 10.07.2019, Transport Assessment Addendum received 10.07.2019, Statement Sustainability & Energy received 10.07.2019, subject to:

- 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
 - 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
 - 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
 - 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. 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 all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the visual amenity of the locality.
 3. 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 there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and

species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

4. The relevant unit shall not be occupied until the relevant parking space for that unit shown on plan no. 2675.1-C-1005-G as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

5. The bathroom window on the rear elevation at first floor level of unit 2 (as shown on drawing no. 3000 rev B) shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the extension is occupied and shall be retained thereafter.

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

6. No development shall take place other than as required as part of any relevant approved site investigation works 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 the following have been submitted to and approved by the local planning Authority:

(a) results of additional gas monitoring at WS 4 and a risk assessment of the degree and nature of an contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

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

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

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

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

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

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

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

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: In the interests of amenity and public safety

9. 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 measured 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;

- Procedures for notifying the existing residents of properties in Dame Kelly Holmes Way, The Spinney, Hillside and Quarry Bank which adjoin the application site as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and

- The specific arrangements for the parking of contractors' 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.

10. Other than the demolition of the existing buildings, development shall not begin 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 a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

11. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components

- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 165 of the NPPF (July 2018) and the Non-Statutory Technical Standards for Sustainable Drainage.

12. No dwelling within the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

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

13. No above ground works shall take place in respect of any of the dwellings hereby approved until details of the finished floor, eaves and ridge levels for that particular dwelling in relation to the existing and proposed ground levels adjacent to it have first been submitted to and agreed in writing by the Local Planning Authority.

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

14. The development shall be undertaken in accordance with the in tree protection measures shown on plan ASH21697-03B Sheets 1 and 2.

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, or E of Part 1; of Schedule 2 of that Order.

Reason: In order to protect the residential amenity of the neighbouring residential properties and to enable the car barns to be kept available for car parking.

16. None of the dwellings shall be occupied until details of a scheme to install electric vehicle charging points within the development has been submitted to and approved by the Local Planning Authority. The work shall be carried out in strict accordance with those details prior to the occupation of any of the dwellings within the site.

Reason: In order to encourage the occupation of the dwellings by people using electric vehicles to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 110 of the National Planning Policy Framework 2019

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-C-1005-G received 10.07.2019, 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-E received 10.07.2019, 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 in undertaken in accordance with the approved drawings.

Informatives

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

Contact: Matthew Broome

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SUPPLEMENTARY REPORTS

AREA 1 PLANNING COMMITTEE

DATED 12 SEPTEMBER 2019

**Tonbridge
Judd****TM/19/01632/FL****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 Kent**

KCC (H&T):

This response should be read in conjunction with this authority's consultation responses to the previous application associated with the site for 53 dwellings (*TMBC reference: 18/02206/FL*), as the comments relating to the application for 53 dwellings remain pertinent and valid.

As highlighted within the executive summary of the applicant's Transport Assessment this application is seeking permission for 2 fewer dwellings than the previous application. The same site layout (*except for plots 3-8*) and access arrangements proposed for the 53 dwelling application are also proposed in this new application for 51 units. It is accepted that the revised proposals will offer further benefit in highway capacity terms given the lesser number of dwellings now proposed. 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 the use of appropriate conditions].

I can confirm that KCC Highways are satisfied with the measures described in the travel plan that supports the application. Whilst the target date for each action is given as 'ongoing' it is accepted that these could be determined post completion of the base line travel surveys.

DPHEH: The comments received from KCC do not raise any new issues that require further assessment to that set out in my main report.

The list of conditions attached to my main report has been revisited since it was prepared and it is proposed to amend condition 15 which withdraws certain permitted development rights. The purpose of the condition is to protect the amenity of the neighbouring residential properties by requiring a planning application to be submitted for certain works to the consented dwellings that could otherwise be undertaken under permitted development rights. The use of such a condition must meet the relevant tests set down in paragraph 55 of the NPPF which include being necessary, relevant to the development and reasonable. The dwellings within plots 1-8, whilst now acceptable would have a different relationship with the neighbouring dwellings (within the Spinney) than those within the remainder of the development. It is still considered necessary to exercise control over certain works that could place in the future to the dwellings within plots 1-8 to ensure they

would not cause unacceptable harm to the neighbouring residential properties. As such, it is considered reasonable to remove permitted development rights only for the dwellings within plots 1-8 and I recommend that condition 15 should be amended accordingly.

Some typographical errors have been found in the list of the submitted drawings referred to in condition 17 of my main report. As such it is recommended to amend condition 17 to refer to the correct versions of the drawings, accordingly.

AMEND RECOMMENDATION

Amend conditions 15 and 17

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 2675.1-A-1004A received 10.07.2019, Plan 2675.1-A-1006A Separation distance received 10.07.2019, Section 2675.1-A-1010A 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

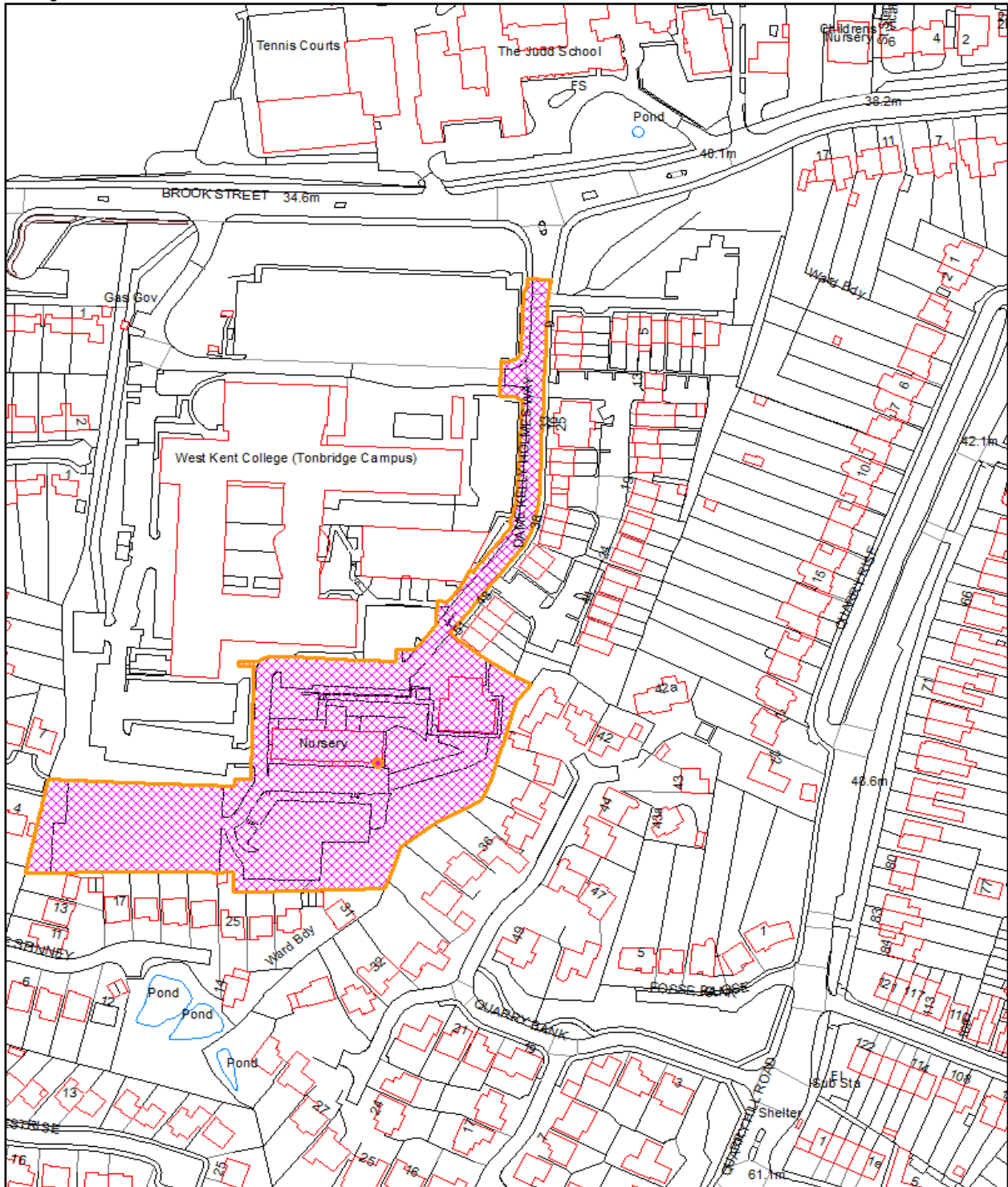
Reason: To ensure the development is undertaken in accordance with the approved drawings.

TM/19/01632/FL

Development Site South Part Of West Kent College Brook Street Tonbridge Kent

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

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