



# TONBRIDGE & MALLING BOROUGH COUNCIL

## EXECUTIVE SERVICES

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**Chief Executive**

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

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

2 September 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, 10th September, 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 - 10

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 6 August 2020

**Decisions to be taken by the Committee**

4. Development Control 11 - 14

Introduction and Glossary

5. TM/20/01122/FL - 78C High Street, Tonbridge 15 - 66

*Development of the rear car park to form a 70 room hotel (Use Class C1); 10 residential units (Use Class C3); retention of the existing retail unit (Use Class A1); associated car parking, landscaping, refuse and cycle storage*

6. 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**

7. 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**

8. Urgent Items

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

## **MEMBERSHIP**

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

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

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

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## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 1 PLANNING COMMITTEE**

**Thursday, 6th August, 2020**

**Present:** 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 and Cllr F G Tombolis

Councillors D Lettington and Mrs A S Oakley were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor Miss G E Thomas

### **PART 1 - PUBLIC**

#### **AP1 20/12 DECLARATIONS OF INTEREST**

With regard to Planning Application TM/19/01108/FL – 1-4 River Walk, Tonbridge, Councillor N Heslop declared that, as Leader of the Borough Council, he had been involved in the proposals to sell the land which was the subject of this application. He advised that it would not be appropriate that he participate in the determination of the application and he withdrew from the meeting during consideration of this item.

#### **AP1 20/13 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 25 June 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 20/14 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 20/15 TM/19/01108/FL - 1 - 4 RIVER WALK, TONBRIDGE**

After careful consideration of the points raised by members of the public and the agent and the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, the Committee was minded to refuse planning permission. Therefore, in accordance with Committee Procedure Rule 15.25 Part 4 (Rules) of the Borough Council's Constitution it was

**RESOLVED:** That consideration of the application be DEFERRED for a report from Legal Services on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health.

[Speakers: Members of the public - Mr J Wilson, Ms D Huntingford, Ms S Bevan and Ms E Hood made verbal statements; the written statement of Mrs J Hood was read out by the Democratic Services Officer and Mr P Dallain (agent) addressed the Committee via video-conferencing.]

**AP1 20/16 TM/20/00597/FL - LAND SOUTH OF HOATH COTTAGE, CARPENTERS LANE, HADLOW**

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

(1) the amendment of condition 4 to read as follows:

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. The scheme shall include appropriate measures to ensure all hard surfacing is reflective of the rural character of the locality whilst being of a suitable type to withstand vehicle movements including refuse vehicles and maintain its quality in the long term. 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.

(2) the addition of conditions

12. Prior to the commencement of the development hereby approved, arrangements for the management of all 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 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 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.

13. Development shall not begin in any phase 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 (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. 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.

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

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

[Speakers: Mr M Harvey, Hadlow Parish Council, made a verbal statement; the written statements of members of the public Mr K Mason, Mr L Gee, Mrs M Gee and Ms P Gee were read out by a Democratic Services Officer and Mr S Bayley made a verbal statement on behalf of Mr and Mrs N Bayley. Mr C Hough, agent, addressed the Committee via video-conferencing]

#### **AP1 20/17 TM/20/01289/FL - 22 HADLOW ROAD, TONBRIDGE**

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



In accordance with CPR 8.6, Part 4 (Rules) of the Constitution, Councillors M Boughton, N Foyle and J Lark requested that it be recorded that they had voted against approval of the planning application and Councillor Mrs P Bates requested that it be recorded that she had voted for approval of the application.

[Speakers: Ms M Miall and Mr C Richardson, members of the public, made verbal statements.]

**AP1 20/18 TM/19/01632/FL - DEVELOPMENT SITE, SOUTH PART OF WEST KENT COLLEGE, BROOK STREET, TONBRIDGE**

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

3. The applicant is strongly encouraged to engage with the Travel Plan Steering Group at the earliest opportunity in order to ensure the Travel Plan suitably addresses likely changing ways in which educational institutions will operate as a result of current national circumstances with a view to ensuring it remains fit for purpose going forward.

[Speakers: Members of the public – Mr N Rawlings made a verbal statement and the written statement of Mr J Leach was read out by the Democratic Services Officer. Mr P Lulham (agent) made a verbal statement on behalf of the applicant]

**AP1 20/19 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 11.25 pm

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

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

##### Part I – Public

##### Section A – For Decision

##### DEVELOPMENT CONTROL

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

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

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

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

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##### GLOSSARY of Abbreviations and Application types

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

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent

LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

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<b>Tonbridge Castle</b>	<b>8 June 2020</b>	<b>TM/20/01122/FL</b>
Proposal:	Development of the rear car park to form a 70 room hotel (Use Class C1); 10 residential units (Use Class C3); retention of the existing retail unit (Use Class A1); associated car parking, landscaping, refuse and cycle storage	
Location:	78C High Street Tonbridge Kent TN9 1EE	
Go to:	<a href="#">Recommendation</a>	

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## 1. Description:

- 1.1 This is an application for planning permission for the part demolition of the existing buildings on site, and the erection of a new building comprising a 70 room hotel (Use Class C1); 10 residential units (Use Class C3); and a renovated A1 retail unit with an entrance on the frontage of Tonbridge High Street. As part of the works, 35 new car parking spaces would be provided in under crofts below the building, along with new landscaping and public realm improvements, and refuse and cycle storage.
- 1.2 The building is proposed to be split across a number of levels, being 3 storey on the corner with River Walk and New Wharf Road, then set back and rising to part 4, part 5 and finally a small 6<sup>th</sup> storey set well into the building footprint. The retail building on the High Street would be 3.5 storeys, with the top level set into a mansard style roof. The rear of the retail storey would remain single storey as existing.
- 1.3 The hotel is proposed to be accessed from New Wharf Road but the lobby and rooms are located on the first - third floors via a lift and stairs. Car and cycle storage, bin storage and servicing for the retail stores and hotel would be located at ground floor. New landscaping and pedestrian footpaths would be laid out around the building.
- 1.4 The design is contemporary with large floor to ceiling windows and a mix of brick and zinc cladding. Hit and miss brickwork on the ground floor would help to screen the car parking areas without the elevations appearing monolithic.
- 1.5 The applicants undertook public consultation events in February 2020, attended by 56 people. Revisions were made following feedback received at the public consultation events before the formal submission of the application. Pre-application discussions were also held with TMBC Officers and Members.

## 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 currently formed of a retail unit fronting the High Street and an associated car park to the rear. The buildings that are present on site, particularly to the rear, are not sympathetic in design and detract from the character of the wider area. It falls within the wider Tonbridge Central Area, designated under the TCAAP. The frontage falls within the Primary retail area, with the rear comprising the secondary retail area.
- 3.2 The site lies within the Tonbridge urban area, but also due to the proximity of the River Medway, within a Flood Zone 2 and 3. Adjacent to the site is the River Walk development site, and a wide variety of land uses including both residential flats and other commercial and retail uses, the latter mostly concentrated within the High Street frontage. As a result the overall character is reflective of its town centre location.
- 3.3 North of the site is Tonbridge Castle, a designated heritage asset of the highest importance as a Scheduled Ancient Monument and a Grade I Listed building. The Tonbridge Conservation Area wraps around the site but excludes it, covering 1 & 2 River Walk and the flats opposite. The site forms part of the setting of the CA, and although much more loosely, forms a minor part of the setting of the castle through medium to longer range views.

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

TM/70/10093/OLD grant with conditions 6 October 1970

Erection of a supermarket with car parking at rear.

TM/70/10287/OLD grant with conditions 7 April 1970

Demolition of existing and hall, and erection of supermarket with car park at rear.

**5. Consultees:**

- 5.1 **Historic England** (30 June 2020): Thank you for your letter of 15 June 2020 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

- 5.1.1 The proposal is for the development of a 70 room hotel, 10 residential units and the retention of an existing retail unit. The development site is currently occupied by a retail unit and a car park. It sits just outside the Tonbridge



Conservation Area and within proximity of the scheduled monument of Tonbridge Castle which is a nationally important heritage asset. It also sits in an area which is known to have a high potential for buried archaeology.

Setting of Tonbridge Castle

- 5.1.2 Contrary to the statement made within the Design & Access Statement, we consider that the proposed development does within lie the setting of Tonbridge Castle. When the Castle was originally constructed, the land to the south of the river would have sat outside the town, but intentionally retained as clear open space - as a way of ensuring an enemy could be easily spotted and defended against. Therefore, this land was integral to the Castle's overall defensive design.
- 5.1.3 Development to the south of the river did not commence until the post-medieval period. As such, the spread of buildings that now exists here should be considered intrusive within the castle's original setting, and detrimental to an understanding of the monument's original function and place within the landscape. Nevertheless, this development does contribute to an understanding of the Castle's later life, including its relationship and place within the developing post-medieval town and how its importance and function changed with these developments.
- 5.1.4 Whilst it is rather the long-range views from the Castle that contribute most to its heritage significance (as highlighted within the Design & Access Statement), these shorter views onto and across the existing roof-scape do therefore contribute to some degree to its heritage significance.
- 5.1.5 In principle we do not have an objection to a new building in the proposed location, as it would sit within an already developed area, amongst a mix of both historic and new builds. We are however concerned that its massing and height (particularly the 5 storey roof element) would appear quite present in views from the Castle. We are concerned that this would detract from the overall aesthetic of the townscape as seen from, and understood in terms of, the Castle; and also intrude into some (more significant) longer views from across the river and in high vantage points (such as the pathway up the motte; and possibly from the top of the motte in winter due to less tree cover).
- 5.1.6 Tonbridge, as seen from the motte and the castle grounds, is characterised by largely brick buildings along the High Street/A26 with pitched, largely tiled or slate, roofs which rise up to the brow of the hill to the south towards Southborough. Larger accommodation blocks such as that on Sovereign Way do not sit as comfortably within this townscape, in part due to the material palette, but also due to the overly cuboid roof design and lack of detailing. We are pleased that bricks are being used as a material palette here, but feel that the design could be altered slightly to improve and soften the roof line.

- 5.1.7 Additionally, we note that while wireframes have been submitted in this application, these do not always provide as accurate a sense of the scale and massing of proposals as rendered images. Inclusion of rendered images in this application would allow us to better assess the level of harm caused to the castle and other adjacent designated heritage assets.

#### Undesignated Archaeology

- 5.1.8 We note that the development site also sits within a known area of high archaeological potential; and thus that it has the potential to cause irreversible harm to such deposits. Your main advisor for undesignated archaeology would be the KCC Heritage Conservation Team; however Historic England would become further involved if nationally important undesignated archaeology, or the potential for such, were revealed within the site.

#### Policy

- 5.1.9 Heritage assets should be conserved in a manner appropriate to their heritage significance, and great weight should therefore be given to their conservation within the planning system. This includes conservation of their setting, where this makes a contribution to an asset's significance (NPPF, paragraphs 184, 190 & 193). In determining applications, local planning authorities should also take account of the desirability of sustaining and enhancing the significance of heritage assets (including through conservation/enhancement of their setting); and the desirability of new development making a positive contribution to local character and distinctiveness (NPPF, paragraph 192). You should also look for opportunities for new development in the setting of heritage assets which enhance or better reveal their significance (NPPF, paragraph 200).
- 5.1.10 Any planning application should therefore in the first respect seek to avoid or minimise any conflict between a heritage asset's conservation and any aspect of a proposal (NPPF, paragraph 190). If harm remains following this process, then this harm would only be acceptable in planning terms if it is both clearly and convincingly justified (paragraph 194), and outweighed by the public benefits of the scheme (paragraph 196).
- 5.1.11 The effect of an application on the significance of non-designated heritage assets should also 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 (NPPF, para. 197).

#### Position & Recommendations

- 5.1.12 We do not think that the proposed development will cause a high level of harm to the significance of Tonbridge Castle; however we do think it will cause some harm through impact upon its setting. Notably, the building's height (particularly

its upper two storeys), massing and (cuboid) roof design are considered likely to cause harm; detracting from the general aesthetic and understanding which views across the existing townscape lend to the Castle, and also from some important long-views from the scheduled site.

5.1.13 In line with paragraph 190 of the NPPF, we would therefore encourage the applicant to reconsider the design and height of the building in an attempt to avoid or minimise the harm that these elements of the proposal would cause to heritage significance. Rendered images rather than wireframes would also be most helpful in assessing the final impact of the scheme upon the castle and other adjacent heritage assets.

5.1.14 Following any revisions to the proposal, your authority should assess whether conflict between heritage significance and any aspect of the proposal has been minimised as far as viably possible (NPPF, para. 190). If it has, you should then assess whether any remaining harm is both clearly and convincingly justified and outweighed by the public benefits of the proposal (NPPF, paras. 194 & 196). The application would only be acceptable in planning terms if it meets these requirements.

5.1.15 Finally, you should consult the KCC Heritage Conservation Team and the Tunbridge Wells Conservation Officer if you have not already done so, with regards to the proposal's impact upon undesignated archaeology and the Tonbridge Conservation Area, respectively.

5.2 **Historic England further comments** (28<sup>th</sup> July 2020): Thank you for sending over the written representation by Icení (7 July 2020) regarding the above application for planning permission. We understand that this is a response to our own comments on the application. We (Historic England) provide a response and further comments below.

### Summary

5.2.1 We think that the development does pose some harm to the heritage significance of Tonbridge Castle through impact upon its setting; however we acknowledge that the level of harm is low. We appreciate that our own views on this matter do conflate with those of your own Conservation Officer, and we acknowledge that it is for yourself (i.e. the Local Authority) to reach a view on this application, taking account of the advice of your own specialist conservation advisor and statutory consultees, including Historic England.

5.2.2 If, however, you do agree with our assessment of the level of harm, we recommend that the next step would be to explore whether this harm can be avoided or minimised through alternative design options. This is in accordance with paragraph 190 of the NPPF. We provide what we hope are some constructive and helpful suggestions (in the letter below) as to how this might be pursued.

- 5.2.3 If, following this process, any harm still remains within the proposal, the you would need to be convinced that it is clearly and convincingly justified and outweighed by the public benefits of the scheme (NPPF, paras. 194 & 196).

Historic England Advice

- 5.2.4 Below, we provide more detailed comments on specific statements within Iceni's response, where we consider this to be relevant or helpful. We can confirm that we have indeed seen the Heritage Statement submitted with the application; and that we only chose to specifically highlight the statement within the D&A statement (i.e. that it is not considered that the development would fall within the setting of the castle (2.5)) because we were concerned that this was incorrect and indeed contradicted statements within the Heritage Statement.
- 5.2.5 Indeed, we note that even within the Heritage Statement itself there are contradictions regarding the stated degree of impact upon setting. For example, the Heritage Statement variously claims that the development "will enhance the setting of Tonbridge Castle" (para. 7.23) and at other times that it will have "no impact to the significance of the castle through change in its setting" (para. 7.17).
- 5.2.6 We accept Historic England's comments are not in line with those of the Conservation Officer, with regards to the development's impact upon the castle's setting, and thus also its significance. We therefore agree with Iceni and acknowledge that it is up to the Local Authority to weigh up the different views of your own specialist conservation advisors and statutory consultees when reaching a view on the proposal.
- 5.2.7 We would re-iterate that we do not think that the construction of a new building on the development site is harmful in itself. As we highlighted within our previous letter, it is rather certain elements of its design that we consider will cause harm to heritage significance, by impacting upon the Castle's setting.
- 5.2.8 We think the setting of the castle contributes to its significance: the surrounding historic townscape has a pleasing overall quality and is characterised by a varied and attractive roof-scape which has a good deal of aesthetic value which contributes to an enjoyment and appreciation of the scheduled castle. This can be appreciated in views out from the motte south towards the High Street (and including the site).
- 5.2.9 We think the pleasing aesthetic qualities of the townscape which contribute to significance would be harmed by the proposed building's height, massing and design which we think would be an incongruous addition to the existing townscape. We note some of that townscape is modern development. However, on the whole it responds thoughtfully to the prevailing character of historic townscape and is notable for its pitched roofs and smaller floor-plates which help knit it in to the townscape.

- 5.2.10 We think the harm to heritage significance is most noticeable in viewpoint 5 (as provided by Iceni within their letter). These photomontages also show that those views from higher elevations within the castle (e.g. near the top of the motte itself) will be affected more than those lower down, as the building's considerable massing and height in relation to the surrounding buildings is particularly noticeable and incongruous from these angles.
- 5.2.11 Paragraph 7 of Iceni's letter also notes that "development of scale" has existed in this area previously, however we do not find this a tenable basis on which to justify further buildings of scale, if they are harmful to heritage significance. This is in the light of paragraph 200 of the NPPF which notes that planning authorities should look for opportunities for new developments "to enhance or better reveal significance," rather than necessarily maintain or pursue the status quo.
- 5.2.12 Although we do think the proposal will have an impact upon the significance of the castle, we acknowledge that the level of harm will be low as these views onto the townscape are not integral to understanding the fundamental function and purpose of the castle.

If you agree with our assessment of the level of harm, we recommend that the next step (as highlighted within our original advice) would therefore be to explore whether this harm might be avoided or minimised (in accordance with paragraph 190 of the NPPF). We suggest that this might be achieved through a revised design of the building. We offer the suggestions below as possible re-design options that might allow this to be achieved:

- Remove one storey of the building;
- If it is not feasible to remove an entire storey, then introducing more variety in the roof form, perhaps by decreasing the scale of several bays;
- explore materiality to reduce overall visibility of the building
- reduce the size of glazed openings, or break up large areas of glazing

- 5.2.13 We would be pleased to explore our suggestions with your Council and the applicant if helpful. When this exercise is complete, if any harm remains, then you will need to ensure this has clear and convincing justification before weighing the harm against the public benefits (paras. 194 and 196).
- 5.2.14 Iceni also consider that Historic England's reading of the NPPF with regards to this case are flawed. In particular, they state that the reference to 'avoiding or minimising conflict' (para. 190) should only "relate to the process of identifying and assessing the significance of heritage assets;" and that the council has thus already fulfilled this step by receiving and considering the Conservation Officer's

advice. They thus consider that Historic England's recommendations that the applicant takes steps to actively avoid or minimise harm identified – is beyond the explicit requirements of this paragraph.

- 5.2.15 We disagree with this statement. The NPPF (para. 190) states that the local planning authority should take the significance of heritage assets into account when considering impact, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal." Clearly then, this paragraph requires that the planning authority understands the significance and impact of the proposal, but also seeks to avoid or minimise any such conflict that is identified as a result. This is the standard and accepted way of reading this paragraph of the NPPF, and it is also standard practice for the planning authority to discuss with the applicant any specific elements of a proposal which cause harm – in an attempt to find solutions which may avoid or minimise this.

### Conclusion

- 5.2.16 We hope that the above paragraphs explain the reasoning behind our previous advice on this scheme, and address some of the concerns and comments that Icenl have raised with regard to our response. However we would be very pleased to discuss any further questions this advice raises if helpful. To conclude, we still consider that the design of the proposed building (specifically, its height, massing, and design of the upper stories) does pose some harm to the heritage significance of Tonbridge Castle (through impact upon its setting) and we recommend exploring design changes to minimise harm as suggested in this advice. We do however acknowledge that the level of harm posed is low.
- 5.3 **Historic England** final comments (4<sup>th</sup> August 2020): Thank you very much for your email, and for liaising with the applicant regarding our comments. We are very pleased that the applicant has made these suggestions for a revised design to the upper stories, and we agree that this alternative design will reduce the 'blocky' appearance of the upper stories and thus allow the building to appear more in keeping with the existing roofscape.
- 5.3.1 We agree that this is an improvement on the design (with regards to its impact upon the castle's setting) and I am happy to confirm that we have no objections to this scheme. I hope that this is encouraging for the applicant and will allow you to make your decision on the application.
- 5.4 **Environment Agency:** Thank you for consulting us on the above application. We object to this planning application for the reasons set out below.

### Groundwater and Contaminated Land

- 5.4.1 We object to the planning application, as submitted, because the proposed development would pose an unacceptable risk of pollution of groundwater. We

recommend that planning permission should be refused on this basis, in line with paragraph 170 of the National Planning Policy Framework.

- 5.4.2 Reason(s): Controlled waters are particularly sensitive in this location as the proposed development is within a Source Protection Zone 1 with principal aquifers underlying the near surface deposit, which is itself a Secondary A aquifer. Although the previous land use identified in the desk study (Standtec, report 67470R1REV1, June 2020) for the site are low risk, the surrounding area has a history of industrial and commercial use with associated pollution incidents. These may present a risk of contamination that could be mobilised during construction to pollute controlled waters. In particular, we require further detailed information regarding any proposed piling or foundation works will be required before built development is undertaken, in particular details on any piling or foundation works.

Overcoming our objection

- 5.4.3 The applicant should provide a detailed report outlining proposed designs for any piling/foundation works including a risk assessment. This information must satisfactorily demonstrate to the local planning authority that the risks to controlled waters have been fully understood and can be addressed through appropriate measures.
- 5.4.4 Should the Local Planning Authority decide to issue planning permission before the additional details we request are provided, we would want the following conditions imposed on any permission. However, we are concerned about the public water supply and how this development may interact with historic serious underground contamination, so we would prefer to be sure of foundation proposals to ensure these are agreed as safe before permission is granted.
- 5.5 **Environment Agency:** Thank you for submitting the additional information addressing our objection. Having reviewed that document we are happy to withdraw our objection. We look forward to reviewing additional information provided by the site investigation.
- 5.5.1 We request that the following conditions imposed on any permission. However we are concerned about the public water supply and how this development may interact with historic serious underground contamination, so we would prefer to be sure of foundation proposals to ensure these are agreed as safe before permission is granted. *(Officer note: conditions located at the back of the report)*
- 5.6 **Kent Fire & Rescue:** I can confirm that on this occasion it is my opinion that the off-site access requirements of the Fire & Rescue Service have been met.

**Kent Police:** We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF). We note the following references within the

Design and Access Statement (DAS) indented in italics:

Paragraph 127 explains that planning decisions should aim to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being. Paragraph 127 (f) of the NPPF aims to 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.

- 5.6.1 Applicants/agents should consult us as local Designing out Crime Officers to address CPTED. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behavior (ASB), Nuisance and Conflict.
- 5.6.2 Secured by Design (SBD): [www.securedbydesign.com](http://www.securedbydesign.com) is the UK Police flagship initiative combining three differing levels of security: The highest level (Gold) incorporates the security of the external environment together with the physical security specification of the home. Silver offers those involved in new developments, major refurbishment and the individual the opportunity to gain an award for the level of physical security provided. Bronze offers a route to achieve a reasonable level of physical security for bespoke or refurbished properties where a traditional enhanced security product is not available, or for listed buildings and other conservation status.
- 5.6.3 To meet SBD physical security requirements, SBD require doorsets and windows to be certified by an approved independent third-party certification body e.g. (UKAS) in the name of the final manufacturer/fabricator. This requirement exceeds the requirements of Building Reg ADQ. Products that are independently certificated to recognised security standards have been responsible for consistently high reductions in crime as verified by numerous independent academic research studies. Details of how to ensure products are certified are on the SBD website.
- 5.6.4 If this application is to be approved, we request a Condition/Informative be included to address the points below and show a clear audit trail for Design for Crime Prevention and Community Safety to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

Having reviewed the application on-line the following issues need to be addressed including:

1. We recommend the use of the SBD Homes 2019, for the residential element and SBD Commercial 2015, for the hotel element, initiatives for this proposal.
2. Parking inc. visitor. We note the undercroft parking of 35 spaces for the use



of hotel guests, retail customers and residents, spaces and usage to be allocated. Undercroft parking areas can attract all kinds of crime and anti-social behaviour and ideally the undercroft parking area should be gated or roller shutters installed as added layers of security. Parking areas should be appropriately lit and CCTV installed (please see points 6 and 7 below).

3. Access Control. The lift and stair cores should be fully access controlled, including those within the undercroft parking area. The residential cores will require full audio visual access control and door entry systems

4. Mail delivery. We note that “utility meter positioning and mail delivery will be designed where feasible to omit the need for tradesmen to gain access to individual apartments.” No trades buttons should be installed. If external post boxes are to be installed, they should conform to the TS009 security rating. A through the wall system (if space allows) also negates the need for anyone delivering mail to enter the building. If post boxes are to be located in a lobby area, these post boxes should also be TS009 security rated and the lobby area protected with an inner access controlled doorset, to protect any stair or lift cores. It should not be possible for anyone delivering mail to access other parts of the apartment sections of the building.

5. Bin and bike store in undercroft area, secured with gates/doors. Hotel, retail and residential are separated.

6. Lighting. We note that lighting will conform to BS5489 (BS5489-1:2013) as per SBD guidance.

7. CCTV will be required to cover the undercroft parking areas, vehicle entrances/exits, stair and lift core entrances/exits, main reception and external fire escape areas as a minimum.

8. Doorsets. We note that the communal doors serving the residential will comply with PAS24 specifications. It is very important that these doorsets along with the individual front doorsets for each apartment are certified and not just tested, to PAS24:2016 specifications. I draw the applicant’s attention to the ‘Flat Entrance Doorset 2019’ guide, which can be downloaded from the SBD website at:

[https://www.securedbydesign.com/images/downloads/DOORSET\\_BROCHURE\\_update\\_25.3.19.pdf](https://www.securedbydesign.com/images/downloads/DOORSET_BROCHURE_update_25.3.19.pdf)

9. Windows. We note the use of laminated glazing for all ground floor windows. Any residential windows should be certified to PAS24:2016.

10. Fire escape doors should be alarmed to alert hotel staff if they are opened. Doorsets should be dual certified to meet both security and fire regulations.

11. CSE (Child Sexual Exploitation). Appropriate management policies and procedures should be in place to help hotel staff recognise, raise and escalate any possible CSE concerns.

12. Security Compartmentation. Security compartmentation should be considered for the hotel element. It should ideally only be possible for residents to access the floor where their room is located.

13. If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

5.6.5 We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing. This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

5.7 **KCC Archaeology Officer:** Thank you for your letter consulting us on the above planning application for development of the rear car park to form a 70 room hotel and associated works.

The site of proposed works lies in an area of potential associated with Early Prehistoric remains with Palaeolithic artefacts within the River Terrace Gravels, and Post Medieval to Modern industrial remains. As such I recommend the following condition is placed on any forthcoming consent:

*AR1b 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 NPPF*

5.7.1 I would be pleased to discuss any of the above further.

5.8 **KCC Economic Development:** We refer to the above planning application which concerns proposed residential development at 78C High Street, Tonbridge, Kent TN9 1EE and comprising: 10 new households.

5.8.1 The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an

additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

5.8.2 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

5.8.3 These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

5.9 **KCC Highways:** Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

#### Introduction

5.9.1 The proposals are for the redevelopment of the rear car park to form a 70 room hotel (Use Class C1); 10 residential units (Use Class C3); retention of the existing retail unit (Use Class A1) and associated car parking, landscaping, refuse and cycle storage. I note that a Transport Statement (TS) which was produced by the consultants 'Kronen' and is dated May 2020 has been submitted in support of the proposals. A Travel Plan (TP) has not been provided by the applicant.

5.9.2 I can also confirm that the proposals have been the subject of some pre-application discussions with Kent County Council (KCC) Highways, however, this authority's formal pre-application advice has not been appended to the TS.

#### Vehicular and Pedestrian Access

5.9.3 As highlighted in section 4.1 of the applicant's TS the site currently serves as a public pay and display car park, which is abutted by an existing retail unit that is occupied by the retailer 'Poundland.' The site benefits from two existing vehicular points of access, one of which provides access to the servicing area for 'Poundland' and is located off New Wharf Road and the other of which is located off 'River Walk,' and provides access to the existing pay and display car park. Both these accesses take the form of a standard priority junction. The existing access on 'River Walk' does benefit not from any dropped kerb facilities or tactile crossing provision, this should be something that the applicant is

required to provide as part of any works given the potential for increased pedestrian movements.

- 5.9.4 To access the development the applicant has proposed to revise the existing access arrangements via the creation of a one-way system. It is proposed to achieve this via the retention of the existing access on River Walk as a 'in only' and the creation of a new 'exit only' access on New Wharf Road. The new exit only access is to also double as a dedicated loading bay and shared surface environment for pedestrians. Should the proposals be granted consent, then any such works would need to be secured via a S278 agreement with this authority.
- 5.9.5 No independent stage 1 Road Safety Audit (RSA) or corresponding designer's response has been provided by the applicant. Given that the proposed access arrangements require amendments to the layout and configuration of the public highway an RSA and supporting designer's response is required. In addition, the applicant has not clarified what level of visibility will be provided from the new 'egress only' access; this confirmation is also required.
- 5.9.6 Finally, in respect of pedestrian access I note that the existing arrangements for the commercial element of the proposals will be retained, with access via the site frontage on Tonbridge High Street. Pedestrian access to the hotel and residential element of the proposals is to be provided via two separate pedestrian accesses within the site's internal configuration. Both these accesses are shown to have connections with the shared space/block paved area proposed as part of the reconfigured access arrangements, which links to the existing footways on River Walk and Bradford Street that provide suitable connections to Tonbridge High Street.

#### Sustainable Transport

- 5.9.7 Analysis of the sites sustainable transport credentials has been undertaken by the applicant. This analysis correctly identifies that the bus stops on Tonbridge High Street, as well as Tonbridge train station are within an acceptable walking distance of the site and can be accessed via the existing pedestrian networks and associated crossing facilities. Both Tonbridge train station and the bus stops on Tonbridge High Street provide services to a range of local and regional destinations at a reasonable level of frequency.

#### Traffic Impact/Traffic Generation

- 5.9.8 The proposals seek permission for a 70-bed hotel, 10 residential dwellings and the retention of the existing commercial unit. Whilst traffic generation forecasts have been provided for the hotel element of the development, none have been provided for the residential element. Traffic generation forecasts for the hotel element have been derived from TRICS, the national trip generation database.

- 5.9.9 KCC Highways do not consider that traffic generation forecasts could be reasonably required for commercial element, given that this an existing part of the site that will remain in situ; however, traffic generation forecasts should be provided for the residential element because this is an additional use/facility.
- 5.9.10 In respect of the hotel traffic generation forecasts KCC Highways have several concerns about two of the sites contained within the applicant's site selection parameters, these being the two located in or the edge of Cardiff town centre. KCC Highways do not consider these to be comparable to the development site for a number of reasons, these include: the fact that Cardiff is a capital city and Tonbridge is not; 3 train stations (Cardiff Central, Cardiff Queen Street and Cardiff Bay) providing a range of services are located within the accepted maximum walking for commuting/sightseeing and Cardiff has significantly larger populations (250,001 to 500,000 and 500,001 or more) within a 5 mile radius compared to Tonbridge. Consequently, KCC Highways require the applicant to submit revised, robust trip generation forecasts for agreement with this authority.

#### Capacity and Impact

- 5.9.11 Further assessment of the impact of the proposals on the local highway network has not been undertaken by the applicant. KCC Highways will consider the requirement for any further, more detailed assessment once agreement has been reached on the overall trip generation forecasts.

#### Personal Injury Collision (PIC)

- 5.9.12 No analysis of the PIC record of either the existing access or the area within the immediate proximity has been undertaken by the applicant. This is customary within any TS to identify if the proposals are likely to exacerbate any existing highway safety issues, up to date PIC data is available from KCC Highways Transport Intelligence Team, whose contact details can be found via the following link: <https://www.kent.gov.uk/roads-and-travel/road-safety/crash-and-casualty-data>.

#### Parking / Car Parking

- 5.9.13 The applicant has proposed to provide 35 car parking spaces. These are to be provided undercroft on the ground floor of the site and only for use by patrons and staff of the proposed hotel, with the residential and commercial elements having a zero-parking provision Supplementary Planning Guidance (SPG4), Kent Vehicle Parking Standards provides guidance on the authority's adopted parking standards. SPG4 states that hotels should be provided with a maximum of 1 space per bedroom and 1 space per 2 members of staff and 1- and 2-bedroom flats located in a town centre/edge of town centre location a maximum of 1 space per unit; with visitor parking to be provided via public car parks.

- 5.9.14 No details of the area, preferably in meters squared, of the existing commercial unit or the maximum number of staff anticipated to be on site at one time for the proposed hotel or existing commercial unit has been provided by the applicant. These details are required to allow an assessment of the proposed provision against the maximum parking provision, as identified in SPG4.
- 5.9.15 Analysis of the public car parks within a 10-minute walk distance of the site is contained section 4.3 of the applicant's TS. This analysis suggests that there are 2,200 public car parking spaces within a 10-minute walk of the proposals; however, it is unclear how this figure has been arrived at or what source it stems from. The applicant has also suggested that the car parks were visited on a weekday evening and had low levels of occupancy. This conclusion is not supported by any parking beat surveys. KCC Highways would also highlight the fact that the hotels anticipated check in times have not been provided by the applicant, meaning that it is not possible to tell if the photos contained in the applicant's TS coincide with the proposals time of peak parking demand i.e. check in time.
- 5.9.16 Finally, the applicant has not acknowledged the potential for any parking impacts because of the existing pay and display being reallocated for use by patrons and staff of the hotel only. KCC Highways are mindful that the proposals will cause some displacement and consequential increased parking demands on other nearby local streets and car parks.

#### Cycle Parking

- 5.9.17 The applicant has proposed to provide 21 cycle parking spaces. These are to be provided on the ground floor of the various units within the site. SPG4 states that hotels should be provided with a minimum of 1 space per 2 beds, flats and maisonettes a minimum of 1 space per unit and shops (A1 use class) a minimum of 1 space per 200 square meters. Consequently, the quantum of cycle parking is in accordance with SPG4 and acceptable to KCC Highways.

#### Turning and Servicing

- 5.9.18 As part of the revised site access arrangement the applicant has proposed to provide a dedicated loading bay on New Wharf Road. This bay will be 3 meters wide and 30 meters long. Supporting swept path analysis for a 12-meter-long rigid vehicle provided by the applicant demonstrates that such a sized vehicle can egress to and from the bay and onto the public highway in a forward motion.

#### Summary and Recommendation

- 5.9.19 KCC Highways wish to raise a holding objection to the proposals on the basis that the applicant should provide the following information/clarification:

- of the proposed level of visibility to be provided from the new egress only site access;
- An independent stage 1 RSA and corresponding designer's response;
- Trip generation forecasts for the residential element of the proposals;
- Revised, robust trip generation forecasts for the hotel element of the proposals;
- Confirmation of the maximum number of members of staff anticipated to be on site at one time;
- Analysis of the PIC record for the retained site access and its immediate proximity.

#### 5.10 **KCC Highways:**

5.10.1 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

##### Introduction

5.10.2 This response should be read in conjunction with this authority's initial consultation response dated 7th July 2020. I note that the applicant has produced a Transport Statement Addendum (TSA) in response to the comments raised by this authority.

##### Vehicular and Pedestrian Access

- 5.10.3 The applicant has confirmed that they are willing to provide the requested dropped kerb and tactile crossing provision at the River Walk site access. These works should be shown via amendments to the applicant's block plan (drawing number: JM065\_PL\_1100 titled 'Proposed Ground Floor Holistic East and West-All demise') to show the location of the pedestrian crossing point, or alternatively via an appropriately worded condition.
- 5.10.4 As requested by Kent County Council (KCC) Highways the applicant has also now provided an Independent Stage 1 Road Safety Audit (RSA) and corresponding designer's response. This audit was undertaken by Traffic Management Consultants and is appended to the applicant's TSA, alongside the designer's response. The audit has raised 10 problems in total. KCC Highways consider that the applicant has satisfactorily addressed all the problems in the RSA via the submission of additional information, contained in the TSA, or the provision of a reasonable explanation.
- 5.10.5 Problem 8.9 of the RSA highlights the need for an additional pedestrian crossing point across River Walk from the new development because of any

increased pedestrian demand caused by the proposals. KCC highways consider that these works could be secured within any future S278 agreement at any future detailed design stage, or via condition.

- 5.10.6 Finally, the applicant has also submitted an additional drawing (drawing title: 'Egress Visibility Plot') demonstrating the proposed level of visibility to be provided from the new egress only access. Visibility sight lines of 2.4 by 25 meters have been proposed, which is consistent with a design speed of 20 miles per hour (mph). This is acceptable given that New Wharf Road is subject to a posted speed limit of 20 mph.

#### Traffic Impact

- 5.10.7 Revised trip generation forecasts have now been provided by the applicant; importantly, those sites located, within or on the edge of Cardiff town centre have now been removed to ensure a robust assessment. The revised peak hour traffic generation forecasts contained within the applicant's TSA have been reproduced below for ease of reference.
- 5.10.8 As identified in table 1 the hotel element of the proposals is anticipated to generate 15 combined two-way movements in the AM peak and 13 combined two-way movements in the PM peak. No traffic generation forecasts have been provided for the residential element of the proposals.
- 5.10.9 This is on the basis that the applicant has sought advice from the TRICS Bureau Service, who have confirmed that there is insufficient data to provide a robust set of forecasts. Whilst KCC Highways would consider it preferable for forecasts to be provided for the residential element also; it is acknowledged that the site is situated in a very sustainable location, given its proximity to Tonbridge High Street and Tonbridge train station. In addition, it is accepted that the proposals are limited in scale (10 flats units) and that a zero-parking provision will have the effect of reducing likely car ownership levels for this element of the development, and therefore traffic generation, due to the zero-parking provision proposed.
- 5.10.10 Given the limited amount of traffic that the proposals are anticipated to generate in the peak periods it is not considered that the impact of the proposals on the local highway network, in traffic capacity terms, could be reasonably described as 'severe.'

#### Personal Injury Collision (PIC) Record

- 5.10.11 PIC for the 3-year period from 1st January 2017 to 31st December 2019 has now been obtained by the applicant for the existing access, as well as the area within the immediate proximity of the site. Review of the PIC record confirms that in the last 3-year period 2 collisions have been recorded, one of which



occurred at New Wharf Roads junction with Tonbridge High Street and the other of which occurred at Bradford Streets junction with Tonbridge High Street.

5.10.12 Both these collisions were slight in terms of severity. The first collision was as a result of a vehicle turning right out of New Wharf Road and colliding with a pedestrian crossing the junction, whilst the second occurred as a result of a vehicle turning into Bradford Street, cutting the corner and colliding with a mobility scooter that was crossing the junction. Neither the layout of the highway or any defects within it is listed as a contributory factor in either of the collision.

5.10.13 On this basis, KCC Highways do not consider that the proposals will exacerbate any existing highway safety issue.

#### Car Parking

5.10.14 Confirmation that the existing parking arrangements for commercial unit, which is currently occupied by the discount retailer 'Poundland,' will remain unchanged has now been provided, with a zero-parking provision maintained. Quantification of the maximum number of hotel staff expected to be on site at one time has not been provided by the applicant. This is on the basis that a hotel operator has not yet been confirmed and it is therefore not possible to confirm total staff numbers. Given the proposals are for a 'budget' type hotel and do not involve any additional facilities e.g. bar or restaurant facilities that are open to the public, it is accepted that the total number of staff on site at one time, and therefore staff parking demand, will be limited.

5.10.15 Finally, it is noted that the applicant's original Transport Statement (TS) included a parking accumulation exercise. Disappointingly, the applicant has not revised the parking accumulation exercise using the revised agreed trip generation forecasts; consequently, this has been reproduced below using the agreed trip generation forecasts.

5.10.16 As confirmed in table 2 peak accumulation occurs between 21:00-22:00 where a total of 16 vehicles are expected to accumulate within the car park. Importantly, this is not excess of the 35 spaces proposed, thereby supporting the conclusions contained within the applicant's original TS that the car park will be adequate for the operational requirements of the development.

5.10.17 It should be noted that from 07:00 to 11:00 this accumulation is given as 'intentionally left blank,' this is because the calculations would show a minus figure as there are more departures than arrivals, most likely due to people checking out between these times. In addition, the revised TRICS data does not contain data for the hours of 22:00 to 07:00 in order to provide a full accumulation profile for a 24 hour period. However, importantly full arrival and departure forecasts are available for the hours of 12:00-22:00, which are the

proposal's peak hours of operation, thereby ensuring a robust assessment of the adequacy of the proposed parking provision.

### Summary and Recommendation

5.10.18 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 following conditions. (*Officer note: conditions are contained at the back of the report*)

5.11 **TMBC Conservation Officer:** Thank you for consulting with us on this application for modifications to the existing retail unit at 78c High Street, Tonbridge, and the erection of a hotel and residential units to the rear, bordering New Wharf Road and River Walk. The existing building is not historic but is located just outside of the Tonbridge Conservation Area, with a car park to the rear where the hotel is proposed. To the north is the grade I listed Tonbridge Castle, which is a Scheduled Ancient Monument.

### DESIGN

5.11.1 The application proposes modifications to the retail unit fronting High Street, which is of poor architectural quality and does not contribute positively to the setting of the Conservation Area. The rear of the unit will then be incorporated into residential units, and finally a hotel, rising to six storeys at the centre of the building but with a three to four storey frontage. Materials were chosen to both draw in locally distinctive palettes but also utilise contemporary materials to break up the massing and create a new identity as well. The design has gone through several iterations through extensive pre-application consultation with various stakeholders, and I have been supportive of the changes throughout, which have improved mainly in terms of ensuring an active frontage and stitching together the built environment in this area, which currently is leaked space and a poor quality environment. It is noted as such in the Conservation Area appraisal, which is mentioned in the accompanying heritage statement. Whilst I feel that the ambient roof heights and the road widths here could have benefited from the earlier version with taller frontage, I note the concerns of other stakeholders in regards to the height and in particular the residents in nearby units. The design and access statement clearly sets out the well-conceived design process which, whilst not demonstrating a recognised assessment framework, nevertheless clearly articulates the components of good design and how these were taken into consideration in the design rationale, including the constraints (in particular flooding and the need for parking to be located at ground floor level). Thanks to the pre-application discussion and responses, and the coherent design and access statement, I do not have detailed comments to make but can generally support this from an urban design point of view as a positive addition to the townscape, subject to suggested conditions regarding hard and soft landscaping, including the green

wall on New Wharf Road, and external materials details. The brick type in particular will be very important in regards to referencing the local palette.

### HERITAGE

- 5.11.2 I will defer to the County Archaeologist's comments in regards to the archaeological desk based assessment, given the high potential for archaeology on the site. The heritage statement also includes an assessment of the significance of three heritage assets the development is considered to potentially effect, including the Conservation Area, Castle, and 73 High Street. The assessment of 73 High Street led to the conclusion that the site does not form a part of its setting that contributes towards its significance, and I agree with this. As discussed above, the site is noted as a detractor within the setting of the Tonbridge – Central Area Conservation Area, in the conservation area appraisal. The building and spaces relating to it have been designed in response to the local context, including architectural language and material, and massing. The landscaping and treatment of the ground floor will assist with re-creating a sense of place that has been lost. During the 20th century there was a large building here and the proposal will re-establish the street scene that forms part of the setting of the Conservation Area bordering the river.
- 5.11.3 I agree with the assessment of the significance of the Castle, as well, and the assessment of the impact of the proposal on its setting. As stated in the heritage report, its significance mainly lies in its prominence as a defensive structure with long range views, and more latterly as a cultural asset to the town. Its setting therefore is defined by its position within the main part of the settlement of Tonbridge. A new building in the foreground that does not compete with its prominence, which this would not, will therefore sustain its significance as it would have a largely neutral impact on that part of the setting of the castle which forms part of its significance. A views analysis has also been provided which helps to demonstrate this, though I would point out one key view that I took in on site that hasn't been included. You may feel it appropriate to ask the applicants to include this as well, which is to the right of viewpoint 4 where the tree in that view point is less dominant and there will be a clearly view of the massing of the building from the castle upper walkway.

### CONCLUSION

- 5.11.4 This site represents a good opportunity to contribute towards the regeneration of this area of Tonbridge and to improve the setting of the Conservation Area through additional built form of good quality and a good quality public/private realm. I can support this proposal in principle
- 5.12 **TMBC Environmental Health (Noise):** The Acoustic report submitted by Han Tucker in support of this application is noted. The report finds that securing internal noise levels in line with BS8233 will not be possible in the proposed residential units and enhanced glazing will be required. It should be a condition

that details of the proposed glazing should be submitted to the authority for approval prior to the first occupation of the premises. In addition the report suggests that with windows open for ventilation internal noise levels will also not be achieved. To allow for suitable ventilation the applicant will also need to submit details of suitable mechanical ventilation to allow whole house ventilation and purge ventilation without the need to open windows. Reason: In the interests of residential amenity.

5.13 **TMBC Environmental Health (Air Quality):** No comment

5.14 **TMBC Environmental Health (Contaminated Land):** Based on the review of:

- Phase 1 Land Quality Assessment (Stantec, 5th June 2020)
- Letter from RSK (17th July 2020)

5.14.1 The Phase 1 report presents the findings of a desk study. It adequately reviews the history and environmental setting of the site. No significant sources of contamination have been identified, however an intrusive investigation is recommended due to past surrounding uses. The letter was supplied in response to the EA's objection. It makes proposals for a site investigation with a focus on groundwater quality due to the long running investigation being undertaken by the EA and South East Water. I agree with the proposals and as such recommend the following conditions. (*Officer Note: see conditions at back of report*).

5.15 Private Reps: 3+ site notice/1X/1R/1S on the following summarised grounds:

Object:

- Height and bulk excessive
- Deleterious effect on important views across the Medway Valley from Tonbridge Castle

In support:

- Good quality building
- Will draw people to the town centre
- Reasonably priced hotel

Neither objecting or in support:

- Acceptance of 5<sup>th</sup> and 6<sup>th</sup> stories may set precedent
- Don't object but concern over increased vehicles using small access road
- Both buildings have been hit on multiple occasions, not serious but may be one day
- Concern over pedestrians not being seen by hotel guests unfamiliar with area

## 6. **Determining Issues:**

Principle of development:

- 6.1 The site lies within the settlement confines of Tonbridge and within the defined central area, as set out within the TCAAP development plan document. The additional policy context set by the TCAAP must be considered in order to determine whether this type of development is acceptable in this central area location.
- 6.2 Policy TCA1 of the TCAAP sets out a general policy that all development within the Central Area of Tonbridge will be required to satisfy the following requirements:
- a) on sites adjoining the River Medway, or its tributaries, proposals must positively address the water, to include the location of doors and entrances, principal windows, shop fronts, balconies or other features, and allow for unrestricted public access to the waterside through the provision of pedestrian and cycle links and enhancements to the public realm;
  - b) proposals must provide a well-designed, animated frontage adjoining all streets, squares, bridges, gateways and other public spaces through the location of doors and entrances, principal windows, shop fronts (or shop window displays where non-retail uses are accepted in retail units), balconies or other features, providing a clear definition, but seamless character between public and private space;
  - c) proposals must make provision for, or not prejudice the provision of, a connected network of streets, footpaths and cyclepaths, which is integrated within the existing street network, giving priority to pedestrians through the design and layout of all routes, width of pavements and positioning of crossings, and permitting appropriate access for service and emergency vehicles;
  - d) car, motorcycle and bicycle parking provision must be integrated into the design and layout of development, and minimise visual impact within the public realm;
  - e) the design of development, encompassing scale, layout, site coverage, and orientation of buildings, external appearance, roofscape (including any necessary provision for the screening of service plant), materials and hard and soft landscape, must respect the context of the site and the character of the part of the Town Centre within which it is located, especially when viewed from the Castle and from high view points to the south of the Town Centre, and facilitate the proper use of CCTV; and
  - f) a mix of land uses will be sought on individual sites where consistent with other policies in the plan, but regard should be had to the compatibility of neighbouring uses. New development should not cause harm to the amenities

or character of the area in terms of noise, vibration, smell, safety or health, traffic or other impacts.

6.3 This is expanded upon in policy TCA2, which sets specific requirements for mixed use development like the proposed scheme, as follows:

1. Within the Central Area planning permission will be granted for uses which support the regeneration of the Town Centre including, on identified sites, retail, business, leisure, cultural and community activities, entertainment, health services, education, offices, food and drink outlets and residential use.

2. Planning permission will be refused where the individual or cumulative effect of changes of use would detract from the vitality of shopping streets or have an unacceptable impact on the amenity of Town Centre residents.

3. Uses which will remain open and generate activity during the evening will be permitted where they are not detrimental to the safety and amenity of the Central Area, and where they will not prejudice opportunities for an activity during the daytime.

6.4 The site also lies within both the primary and secondary defined shopping areas. The existing retail building (which is to be retained) falls within the primary shopping area on the High Street frontage and some of the proposed flats would be located above it, whilst the car park to the rear and location for the hotel sit within the secondary shopping areas.

6.5 Policy TCA3 sets out the requirements for development in the primary shopping area as follows. The Primary Shopping Area, as defined on the Proposals Map, will be the preferred location for new and up-graded shopping development, subject to policies TCA1, TCA2 and TCA11. Within this area planning permission will be granted where this:

a) complements Tonbridge's role and function as an identified regional centre by adding to the quality or range of goods to be sold and/or adds to the quality and quantity of goods available and thereby contributes to the vitality and viability of the Town Centre;

b) maintains or enhances the proportion of retail use (A1) at ground floor level;

c) maximises use of all available space at ground floor and above, while limiting the impact of non-retail uses at ground floor level within a continuous block, as identified in Fig 5, when this will detract from the retail character of that block;

d) integrates the retail potential of the Botany Quarter with the High Street and its urban hinterland;

e) demonstrates that proposals which would result in the loss of retail (A1) and food and drink uses (A3/A4) at ground floor level within the Primary Shopping

Area would benefit the overall vitality and viability of the Town Centre as a whole in terms of its attractiveness and competitiveness;

f) involves redevelopment of existing retail premises in the High Street, where retail remains the primary use at ground floor level, and where the scale of redevelopment will maintain the overall range and variety of available retail premises and will not detract from the function and character of the Town Centre shopping areas due to prominence and/or length of frontage of the unit.

6.6 TCA4 expands on this for above ground floor level space:

1. Within the Primary Shopping Area existing and proposed floorspace above ground level should be used to its full potential.

2. Proposals for residential use will be permitted where they are compatible with other policies of the Plan. Retail (A1), Business (B1), Financial and Professional Services (A2) and Leisure uses (D2) on upper floors will be permitted except where this would involve the loss of existing residential accommodation or would result in an unacceptable loss of amenity to existing residential property adjacent or in close proximity.

3. Proposals which would result in the loss of existing residential accommodation within the Central Area must demonstrate that the property is no longer reasonably capable of being used for residential use or is needed for another use necessary to support the retail functioning of the town centre.

6.7 The development would provide a mixed use development, maintaining the retail frontage within the primary shopping area whilst developing additional flats above ground floor level, and the new hotel to the rear within the secondary shopping areas. It is considered that the development accords with the principles set out in policy TCA1, particularly by providing a mix of land uses that are considered to be compatible with adjacent neighbouring uses, including residential.

6.8 Furthermore, the development would comply with the aims of policy TCA2 by providing renovated retail offering, support for cultural and leisure uses with overnight accommodation and increased footfall to local food and drink outlets from guests and occupants of the development. It would not be detrimental to the safety and amenity of the Central Area, and neither would it prejudice opportunities for activity during the daytime.

6.9 It would also comply with policies TCA3 and TCA4 by maintaining the retail frontage within the central area whilst making best use of upper floor space with additional residential units. These in turn would help support the vitality of the central retail area, as previously noted.

- 6.10 It is therefore considered that the proposed mixed use development would accord with the principles set out in the TCAAP, providing a range of complimentary land uses and enhancing the vitality and viability of the central area. No objections are therefore raised to the principle of this mixed used development in this location. It is then necessary to consider whether the development is acceptable in all other respects, namely the impact on the character and appearance of the area, including on the nearby Tonbridge Castle as a Grade I Listed building and scheduled monument, and other nearby heritage assets like the Conservation Area, neighbouring amenity and the amenity of future occupiers, parking and highways, flood risk, contaminated land and air quality as well as consideration of the benefits of the scheme, including for the local economy and the provision of additional housing.

*Character and Appearance /Impact on heritage assets:*

- 6.11 Whilst the site itself is of no particular historic or architectural merit (indeed, its existing appearance is considered to represent a detrimental position), it lies immediately adjacent to the Tonbridge Conservation Area, and within the wider setting of Tonbridge Castle, a Grade I Listed building and scheduled ancient monument. Across the High Street is another Listed building, 73 High Street, that is Grade II listed. The site frontage forms minor part of this building's wider setting.
- 6.12 Whilst the Conservation Area, the castle and 73 High Street all represent designated heritage assets of great importance, the castle is an asset of the highest significance as both a scheduled monument and Grade I listed building. Therefore, the impact of the proposed development on these important heritage assets must be carefully considered, as well as the effect of the development on the wider street scene / townscape.
- 6.13 In terms of the policy context, 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.
- 6.14 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).



- 6.15 Paragraph 193 of the NPPF explains 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.
- 6.16 Furthermore paragraph 200 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 6.17 It is accepted that the development will mark a significant change in its surroundings, being of greater bulk and mass than existing structures. The building on the frontage will remain largely the same with renovation and a more modern and aesthetically pleasing exterior, whilst to the rear the previously open car park will see the erection of a building ranging from 3 – 6 storeys, staggered, and set back. The 6<sup>th</sup> floor at the very top is much smaller in footprint as a result, with the staggered massing designed to break up the bulk of the building.
- 6.18 The footprint curves at the junction of River Walk and New Wharf Road, effectively responding to the curve of the corner. The frontage of the site would be open, with increased public realm areas like improved and expanded footways and planting. Parking would be provided in an under croft, with the hotel accessed from New Wharf Road, and the retail unit continuing to be reached from the separate entrance on the High Street.
- 6.19 The choice of materials would utilise a mixture of brick, metal cladding and living wall systems. Overall the design is considered to be of a high quality, effectively responding to the varying heights and materials of adjacent buildings across the wider townscape. It would significantly improve the existing appearance of the site, and the appearance of the building on the High street frontage. The design is also supported by the Council's Conservation Officer, who has made the following comments regarding the design:

*"Materials were chosen to both draw in locally distinctive palettes but also utilise contemporary materials to break up the massing and create a new identity as well. The design has gone through several iterations through extensive pre-application consultation with various stakeholders, and I have been supportive of the changes throughout, which have improved mainly in terms of ensuring an active frontage and stitching together the built environment in this area, which currently is leaked space and a poor quality environment. It is noted as such in*

*the Conservation Area appraisal, which is mentioned in the accompanying heritage statement”*

- 6.20 It is also necessary to consider the impact on the setting of each of the identified heritage assets. In terms of the Conservation Area, its significance is centred on the castle and historic buildings of the older parts of town, including the industrial heritage of the use of the river and adjacent wharfs. New development has occurred within the CA, including the flats that are adjacent to the site, and these reflect the changing history of the town.
- 6.21 The site is excluded from the CA itself which instead wraps around it, and any meaningful contribution the site would once have had to the heritage value of the town has long since been eroded by the existing unsympathetic car park and retail buildings. Whilst the development would represent a significant introduction of built form next to the CA, it is also considered to be of a high quality design, and the public realm improvements would provide a more pleasant setting for the CA. The buildings of importance within the CA and the setting of the River would not be affected by the proposed development, and the change would simply reflect the continued evolution of the Tonbridge townscape. Accordingly, it is considered that the development would have a neutral impact on the CA itself, and offer slight improvements to its wider setting.
- 6.22 Turning then to the castle, a heritage asset of the highest significance, the site is much more disconnected with intervening development and the river before the Listed part of the building is sited. The scheduled monument however includes the land immediately on the north part of the river and the site is closer to this part of the heritage asset.
- 6.23 In the circumstances of this case, given the hotel element as well as the bulk and mass of the building and potential change in long range views from the castle, it was considered necessary to consult HE to seek their views on the proposed development. Additionally the scheme had the potential to increase footfall and visitors to Tonbridge Castle, and it was considered necessary to establish whether HE considered there to be any positive heritage implications by increasing public experience of the castle, linked to overnight stays at the hotel aspect of the development.
- 6.24 However, following initial objections by Historic England (HE) over the impact of the development on the setting of the castle, the applicant provided additional long range views from the castle towards the site, as well as an amended roof design, changing the blocky top floor of the upper levels to incorporate pitched and angled elements to better reflect adjacent roof forms within the townscape. These changes were reviewed by HE who revised their response, confirming that the amended scheme would have a neutral impact on the setting of the castle, as a scheduled monument and Grade I Listed building. Furthermore the

Council's Conservation Officer has expressed the view that the impact would be neutral.

- 6.25 Therefore, although the development represents a significant change in the setting of the asset, and having regard to its significance being of the highest tier, it is nonetheless considered that the impact would be neutral, due to the intervening distances and the site blending into the surrounding townscape through use of similar roof forms. No harm would arise to Tonbridge Castle or its setting.
- 6.26 Finally, in regard to the Grade II Listed 73 High Street, the contribution the existing site makes to this asset's setting is considered to be negligible. The Listed building already sits in the developed High Street surrounded by more modern retail and residential development, and the change in the exterior appearance of the new building would not demonstrably change this setting. Accordingly, the impact on this heritage asset is likewise considered to be natural, and its special character would be preserved.
- 6.27 Overall the development would achieve the high standard of design that would be expected for this site, given its proximity to important heritage assets. It would make a positive contribution to the character of the area and have a neutral impact on the three identified designated heritage assets, overall preserving their special character and setting or offering slight improvements. The proposal would therefore comply with policies CP24 of the TMBCS, SQ1 of the MDEDPD and paragraphs 127, 193 and 200 of the NPPF.

Neighbouring amenity/amenity for future occupiers:

- 6.28 A number of residential properties are located surrounding the site, albeit almost entirely residential flats rather than dwellings. North of the site across New Wharf Road is a flatted scheme, 1 – 10 New Wharf Road. A number of windows in flats within that development face towards the site. Part of the new building would come closer to these flats, although separation would still be provided by public realm areas plus the road. The units most affected would be those on the corner nearest to the new building, but these would still benefit from westerly aspects that would remain unaffected. Given the town centre location, closer proximity of buildings is not considered to be unusual, and in light of roughly 10m of spacing that would be maintained it is considered that the development would not have an unacceptable impact on occupiers of this building.
- 6.29 In terms of Waterside Lodge opposite the western elevation of the building, across River Walk, the building would again come closer to these flats. As before however the road itself would continue to provide a good degree of separation, as well as open public realm areas in front of the building, to around 15m. Given the town centre location, the separation is considered to be sufficient to avoid any harmful impact on occupiers of these flats.

- 6.30 Additional residential flats are contained above some of the retail buildings that front the High Street. Some of these have rear windows facing towards the site. However the amount of built form connecting the frontage retail building and hotel to the rear would not change significantly; the retail space would maintain a relatively low roof, before the height starts to climb at the back where the hotel would be sited. As a result separation distances of roughly 16m would be provided between the rear windows of the flats at 82, 80, 80 and 78 and the new three storey elements of the hotel. Additional separation on top of this is provided as the building steps up further, away from these residential units.
- 6.31 In terms of privacy, it is accepted that there will be changes due to the introduction of the hotel rooms, some of which are orientated towards the flats at Waterside Lodge. However, good separation would still exist as noted before, and given the town centre location and transient nature of the use of the rooms (in the sense that they would not be continuously occupied for long periods of time) it is not considered that any unacceptable loss of privacy would occur. Some of the windows on the New Wharf flatted block that is closest to the hotel block may experience some reduced privacy, but the westerly facing windows would be unaffected. The residential units would be further set back from the adjacent flats, so whilst overlooking from these new units would be more permanent, the greater separation would be sufficient to mitigate this. This is also applicable to the top floor balconies of the residential units that are set centrally within the site, further away from surrounding residential flats.
- 6.32 Given that the adjacent flatted building as a whole would be largely unaffected, and expectations of complete privacy are reduced within a busy town centre location, it is considered that on balance this reduction in privacy would be acceptable and not harmful to neighbouring amenity.
- 6.33 Furthermore the applicants have provided a Daylight and Sunlight assessment, to consider how the new development would change light levels to the windows or nearby residential properties. This includes the neighbouring properties at 55, 59, 61 to 63, 65, 70 to, 74, 76, 78, 80, 82, 82a, & 84 High Street, Job Centre Plus, 1 to 32 Waterside Lodge, 1 to 4 River Walk and 2 New Wharf Road.
- 6.34 The assessment concludes that the impact of the development on these residential dwellings would remain within best practice tolerances set out under numerical tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight. The evidence from this report is noted and further indicates that the building would not cause harm through overshadowing or loss of light. As a whole, whilst the development would result in a change in outlook for surrounding flats, it is not considered that this would be harmful, nor result in unacceptable levels of overshadowing, overbearing or loss of privacy.

- 6.35 In terms of living conditions for future occupiers, the new proposed residential units are located above the retail space on the High Street frontage (2 flats) with the remaining 8 at the back of the hotel block, over the second, third, and fourth stories. All units would be dual aspect, and all benefit from their own private balcony areas. Outlook from all units would be good, with many benefiting from attractive views towards the castle and across the town.
- 6.36 A submitted noise survey notes increased noise levels as would be expected in this town centre location. The Council's environmental health team have requested further details on mechanical ventilation and window glazing to ensure acceptable noise climates. This can be secured by condition and subject to this, it is considered that living conditions for future occupiers would be acceptable.

Parking and Highways:

- 6.37 When considering matters of parking and highways safety, it is first important to note that the site has an existing lawful use, i.e. as a commercial retail shop with associated parking. Such a use inevitably attracts some level of car movements (trips) from customers, staff, and deliveries (including HGVs associated with stock deliveries for sale). These would all cease upon commencement of the development. It should also be noted that the site already has a lawful access point onto River Walk, and onto Tonbridge High Street via New Wharf Road. With this in mind, the policy context is set out as follows.
- 6.38 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.
- 6.39 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.

6.40 Policy CP2 of the TMBCS advises that new development that is likely to generate a significant number of trips should:

(a) be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres;

(b) minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities;

(c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking;

(d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated;

(e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and,

(f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

6.41 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.

- 6.42 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 and CP2 in requiring safe and suitable access to and from the highway are consistent with the aims of the Framework in respect of these matters.
- 6.43 KCC (H+T) as the statutory authority on matters of highways safety have reviewed the plans, and previously requested additional information from the applicants to clarify a number of matters. This was subsequently provided by the applicants and reviewed by KCC.
- 6.44 It is the view of KCC H+T that the development would not pose an unacceptable risk to the safety and operation of the public highway including consideration of the narrow exit point from New Wharf Road onto Tonbridge High Street. They note the low accident record for this junction (of which recorded accidents were not related to the layout of the highway here) and further that the trip forecasts are low given the sustainable location, and well within tolerance levels and highways capacity, even at peak times.
- 6.45 They further note that pedestrian crossings from River Walk towards the site and associated public realm are likely to increase substantially, and therefore consider it to be reasonable and necessary to provide a new dropped kerb to facilitate safe access between these two routes. This can be secured by condition and delivered via a separate s278 agreement with the Highways Authority.
- 6.46 Subject to these, and the requested conditions, it is considered that the tests set out in national policy for a refusal on highways grounds "unacceptable" or "severe cumulative impact" would not be met. The sustainable location would significantly reduce reliance on cars to access the development. Overall therefore, no objections are raised under policy SQ8 of the MDEDPD or paragraphs 109 and 110 of the NPPF.
- 6.47 In terms of parking, 35 spaces are to be provided, for the use of hotel staff and guests only. The residential dwellings and commercial units are proposed to be car free, and will not be permitted to use the car park. Given the highly sustainable town centre location and proximity of train station and local bus services, it is considered probable that a significant percentage of guests, staff and future occupiers of the flats would be able to rely on public transport or live within walking distance. Furthermore KCC H+T have raised no objections on the level of parking provision, noting the more than sufficient capacity at all times of the day. Accordingly, parking provision is considered acceptable.

Flooding:

- 6.48 The site lies within a Flood Zone 2 and 3, due to its position close to the River Medway. Careful consideration must therefore be given to whether the proposal meets the tests set out in national and local policy with regards to development in Flood Zones, and whether the development would otherwise be acceptable in relation to flood risk to future occupants.
- 6.49 Policy CP10 of the TMBCS sets out 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. It adds that development which is acceptable 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.
- 6.50 Chapter 14 of the NPPF sets out the national policy on development within a flood zone. It explains at paragraph 163 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 6.51 Paragraph 158 of the NPPF defines the scope and purpose of the flooding sequential test as follows. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for



the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

- 6.52 Paragraph 159 adds that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.
- 6.53 Paragraph 160 explains that the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) 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 flood risk overall.
- 6.54 The aims and objectives of Policy CP10 are broadly consistent with the relevant sections of the NPPF, in seeking to minimise flood risk and directing development to areas outside of flood zones where possible.
- 6.55 Additionally, the PPG sets out a list of land use classifications that should be used to consider the vulnerability of potential development to flooding. The development is mixed use, being for a hotel, residential dwellings and commercial units, and these fall into different classifications. Commercial retail shops are classed as less vulnerable, whereas hotels and residential dwellings (including flats) fall into the more vulnerable class. Given the importance of ensuring that developments are safe from flooding, it is considered prudent to apply the policy tests for the most vulnerable aspects of the development.
- 6.56 The proposal must therefore meet the sequential and exceptions tests required by national policy, and if satisfactory in this respect, must also be confirmed as safe from flooding for the lifetime of the development, ideally reducing flood risk locally if possible.
- 6.57 When considered in the context of flood risk, the sequential test is a means to consider whether there are alternative sites available for the same type of development outside of the flood zone. The applicants have provided a Flood Risk Assessment (FRA) which has considered whether there are alternative sites available. The FRA notes that the entirety of the site is within a flood zone 3, so it is not possible to just develop less vulnerable parts.

- 6.58 Furthermore given the built up nature of the town centre and lack of available land, but the requirements for a reasonably central location given the hotel element of the development, it is not considered that any sequentially preferable sites exist. There are no alternative sites identified in the adopted Local Plan that are considered suitable and available for the same type of development, either with or without planning permission. Neither are there any identified windfall sites that could be used instead, particularly given the quantum of development proposed. Much of Tonbridge town centre is also within a flood zone 3, or further north directly in the Conservation Area and even less likely to be able to accommodate this type of development. Accordingly, it is considered that there are no sequentially preferable sites, and this test is therefore passed.
- 6.59 However, due to parts of the development being considered as most vulnerable, and the site lying within a flood zone 2 and 3, the exceptions test must also be passed. The NPPG explains that the exceptions test, as set out in paragraph 160 of the Framework is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.
- 6.60 Essentially, the 2 parts to the test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.
- 6.61 Within the applicant's FRA they set out a range of sustainability benefits in order to demonstrate that this aspect of the test is met. These include:
- The development will provide additional housing to the area in keeping with the local housing policies;
  - The new hotel will bring jobs to the area and encourage travel to the town;
  - The development will provide controls on surface water drainage, thereby reducing the risk of flooding to the surrounding area (see Section 7);
  - Housing within the Central Area can support sustainable regeneration and places homes in accessible areas without the need to consider releasing fresh land in the countryside; and
  - Mixed developments, including residential use, on brownfield sites within the central area will help to meet regeneration aims.
- 6.62 In consideration of the range of identified benefits put forward, the applicant's case on the wider sustainability benefits of the development is accepted. In particular, the additional housing and hotel parts of the development have significant benefits, through supporting the sustainability of the town centre and local economy with additional footfall and spending power, new jobs and enhancement to the public realm. In the context of the borough wide housing shortfall, constrained land supply and the economic downturn caused by the

recent pandemic, these are considered to be significant sustainability benefits that would outweigh the flood risk.

6.63 The second part of the test is to consider whether the development will be safe for its lifetime, without increasing the risk flooding elsewhere (i.e. off-site). The submitted FRA sets out the following in this respect:

- The design of the new development will incorporate mitigation measures (see Section 5 for details) which will improve flood risk on site;
- The development will result in a net reduction of 43m<sup>2</sup> of non-floodable built footprint, offsetting any potential impacts on floodplain storage and providing an improvement on the existing scenario;
- All residential and hotel accommodation will be set at first floor or above, above predicted flood levels, this ensures that all proposed development is acceptable in line with relevant guidance; and
- Safe refuge will be available at first floor or above within both elements of the scheme.

6.64 The Environment Agency (EA) and KCC as lead local flood authority have reviewed the FRA and raised no objections. Subject to the recommended measures in the FRA being followed, it is considered that the development would be safe for its lifetime from flooding, as well as having an additional benefit in reducing flooding locally and representing an improved position. Accordingly, the second element of the exceptions test is satisfied and the development passes all policy tests in relation to flood risk. No objections are raised under policy CP10 of the TMBCS, or paragraphs 158, 159, 160 and 163 of the NPPF.

#### Contaminated land:

6.65 In terms of contaminated land, the area has a history of elevated chlorinated solvents in the groundwater. The applicants provided further information in response to initial objections by the EA, and the documents have been reviewed by the Council's Contaminated Land Officer who has raised no objections, subject to conditions. The EA's follow up response confirmed their objections had been addressed and also requested conditions, to check piling methods and ensure potential underground contamination does not risk leaking into groundwater. Subject to these conditions, the development would not be at risk from contaminated land.

#### Air Quality:

6.66 Policy SQ4 of the MDEDPD sets out 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.

- 6.67 Adjacent to the site lies the end of the Tonbridge Air Quality Management Area (AQMA). The applicants have provided an air quality report to consider the potential impacts of the development on the AQMA, both in terms of the susceptibility of future occupants to poor air quality, as well as to consider whether the development would worsen the existing position. The conclusions of the report are that the development would have a negligible effect, but makes a series of recommendations to mitigate impacts further. The Council's Environmental Health Officer on Air Quality has reviewed the document and raised no objections. Subject to the recommendations being secured by condition, it is considered that the development would be acceptable with regards to air quality.

*Economic impact:*

- 6.68 As touched on previously, the development proposes new residential development and a 70 bed hotel within a key central location in Tonbridge High Street. Although not specifically quantified, it is considered that the economic benefits of the development are likely to be substantial, providing a significant boost to tourism and by association increasing spending in local attractions like the castle, shops, restaurants, cafes, and pubs and bars that would be visited by guests and new residents. A number of new jobs would be created at the hotel and the revitalised commercial unit offers further potential for job creation.
- 6.69 Even in ordinary circumstances, these benefits would attract significant weight. But as Members will be well aware, with the recent outbreak of Covid-19, circumstances are not ordinary, and local businesses on the High Street will have been particularly badly affected, including the hospitality sector that has seen trade drop severely during the recent lockdown. Job losses across the country are already substantial, and the country looks to be heading towards a recession.
- 6.70 Chapter 6 of the NPPF emphasises the importance of building a strong and competitive economy. Paragraph 80 sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to

build on its strengths, counter any weaknesses and address the challenges of the future.

- 6.71 In light of the recent pandemic, and the clear direction of national policy to counter any economic weaknesses and address the challenges of the future, it is considered that very substantial and decisive weight should be afforded to the economic benefits of the scheme, at a time when they are particularly desperately needed. It is hoped that when complete the new hotel would serve as a catalyst for local investment within the High Street, and help restore local business confidence. The degree of support that the scheme is considered to draw from the NPPF in these difficult and unprecedented times should not be understated.

Planning obligations:

- 6.72 Kent County Council's economic development team have requested a series of developer contributions to help mitigate the additional impacts of the development on local community services. This is focused on the impact of the additional residential units, with the contributions set out as follows:

## Request Summary

	Per 'applicable' flat (x8)	Total	Project
Secondary Education	£1,135.00	£9,080.00	Contribution towards the new accommodation at the Judd School
	Currently no Primary requirement		

'Applicable' excludes 1 bed units of less than 56 sqm GIA and sheltered accommodation

	Per Dwelling (x10)	Total	Project
Community Learning	£16.42	£164.20	Towards additional equipment for new learners at Tonbridge Adult Education Centre
Youth Service	£65.50	£655.00	Towards additional resources for the Youth Service in Tonbridge and Malling
Library Bookstock	£55.45	£554.50	Towards additional services and bookstock for the new borrowers at Tonbridge Library
Social Care	£146.88	£1,468.80	Towards Specialist care accommodation within the Tonbridge and Malling Borough
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£221.92	£2,219.20	Towards new WTS, a MRF and new and improved HWRC's to serve Tonbridge and Malling residents
Broadband:	<p>Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.</p>		
Highways	Kent Highway Services will respond separately		

6.73 The total contributions sought therefore amount to £14,141.70, to be spent on the following community infrastructure:

- £9,080.00 Contribution towards the new accommodation at the Judd School
- £164.20 Towards additional equipment for new learners at Tonbridge Adult Education Centre
- £655.00 Towards additional resources for the Youth Service in Tonbridge and Malling

- £554.50 Towards additional services and book stock for the new borrowers at Tonbridge Library
- £1,468.80 Towards Specialist care accommodation within the Tonbridge and Malling Borough
- £2,219.20 Towards new WTS, a MRF and new and improved HWRC's to serve Tonbridge and Malling residents

6.74 Furthermore, the Council's Leisure Team have requested additional contributions in recognition of the increased impact on public realm and open space in the town centre, as a result of additional occupants of the development. The contributions sought by the Leisure Team are set out as follows:

- Parks & Gardens – £8,253 towards Haysden Country Park works, Tonbridge Castle, Memorial gardens
- Amenity Green Spaces – £860 for the area next to memorial gardens and riverside open space improvements
- Outdoor Sports Facilities - £15,142 for Tonbridge Racecourse Sportsground
- Children's and Young People's Play Areas - £1,988 at Tonbridge Racecourse Sportsground

6.75 The level of contributions are set in the MDEDPD policy OS3, which requires 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. The form and level of provision of open space will be determined in accordance with the sequential approach and methodology set out in Annex D to the policy. As part of the contributions for amenity green spaces, improvements can be funded for public realm areas on the river frontage; this would further accord with the aims of policy TCA10 of the TCAAAP.

6.76 The applicant has agreed to pay these contributions in order to comply with the requirements of the adopted development plan. Work on a section 106 agreement is already underway and this can be finalised if Members are minded to resolve to grant planning permission.

Conclusions:

6.77 As noted above, the scheme carries with it significant benefits in terms of housing provision, employment, and support for the local economy. But in addition to these, the development is considered to be policy compliant in all

other respects, including the impact on the character and appearance of the area, the Tonbridge Conservation Area and other nearby heritage assets, neighbouring amenity, parking and highways, flood risk, contaminated land and on air quality. The development therefore has substantial benefits, with very little harm identified. Developer contributions, secured through a section 106 agreement, would help mitigate additional pressure on local services.

6.78 Finally, 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 (whatever the specific type or nature) 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. Whilst harm to designated heritage assets or potential risk from flooding could provide a clear reason to disengage the presumption, the development is considered to have a positive impact in respect of nearby heritage assets, and is compliant with the relevant policies in the NPPF and TMBCS in terms of flood risk. Furthermore, there are not considered to be any adverse impacts that would significantly and demonstrably outweigh the considerable benefits, which is the specific test provided for at paragraph 11 (d) (ii) of the NPPF for applying the presumption in favour of sustainable development.

6.79 I therefore conclude that there are no adverse impacts arising, moreover none that would outweigh the substantial benefits of the scheme. 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: Assessment Land Quality received 08.06.2020, Air Quality Assessment received 08.06.2020, Letter received 08.06.2020, Other Head of Terms received 08.06.2020, Assessment heritage and townscape received 08.06.2020, Noise Assessment received 08.06.2020, Transport Statement received 08.06.2020, Statement SCI received 08.06.2020, Other sustainability overview received 08.06.2020, Other drawings issue sheet received 08.06.2020, Flood Risk Assessment received 08.06.2020, Planning Statement received 08.06.2020, Design and Access Statement received 08.06.2020, Block Plan JM065\_PL\_0002 received 08.06.2020, Block Plan JM065\_PL\_0003 received 08.06.2020, Topographical Survey JM065\_PL\_0100 received 08.06.2020, Existing Floor Plans JM065\_PL\_0101 received 08.06.2020, Existing Floor Plans JM065\_PL\_0102 received 08.06.2020, Existing Roof Plan JM065\_PL\_0103 received 08.06.2020, Existing Elevations JM065\_PL\_0104 received 08.06.2020, Sections



JM065\_PL\_0105 received 08.06.2020, Proposed Floor Plans  
JM065\_PL\_1101 received 08.06.2020, Proposed Floor Plans  
JM065\_PL\_1102 received 08.06.2020, Proposed Floor Plans  
JM065\_PL\_1103 received 08.06.2020, Proposed Floor Plans  
JM065\_PL\_1104 received 08.06.2020, Landscaping JM065\_PL\_1110  
received 08.06.2020, Location Plan JM065\_PL\_0001 received 08.06.2020,  
Letter received 08.06.2020, Other PPA received 10.06.2020, Proposed Floor  
Plans JM065\_PL\_1100 A received 19.08.2020, Proposed Floor Plans  
JM065\_PL\_1108 A received 10.08.2020, Proposed Roof Plan  
JM065\_PL\_1109 A received 10.08.2020, Proposed Elevations  
JM065\_PL\_1202 A received 10.08.2020, Sections JM065\_PL\_1300 A received  
10.08.2020, Other Agent response received 03.08.2020, Proposed Floor Plans  
JMO65\_PL 1105 B received 14.08.2020, Proposed Floor Plans JMO65\_PL  
1106 B received 14.08.2020, Proposed Floor Plans JMO65\_PL 1107 B  
received 14.08.2020, Proposed Elevations JMO65\_PL 1200 B received  
14.08.2020, Proposed Elevations JMO65\_PL 1201 B received 14.08.2020,  
Artist's Impression CGI 1-3 received 14.08.2020, Other Additional Information  
received 21.07.2020, /subject to the following:

- The applicant entering into a planning obligation under section 106 of the Town and Country planning Act 1990 (as amended) with the Borough Council to make financial contributions towards public open space;
- The applicant entering into a planning obligation under section 106 of the Town and Country planning Act 1990 (as amended) with the County Council to make financial contributions towards education, communities, social services, libraries and waste

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 03 December 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:

### **Conditions**

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

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

- 2 This decision refers to the red-edged site location plan, drawings and reports numbered Assessment Land Quality received 08.06.2020, Air Quality Assessment received 08.06.2020, Letter received 08.06.2020, Other Head of Terms received 08.06.2020, Assessment heritage and townscape received 08.06.2020, Noise Assessment received 08.06.2020, Transport Statement received 08.06.2020, Statement SCI received 08.06.2020, Other sustainability overview received 08.06.2020, Other drawings issue sheet received 08.06.2020, Flood Risk Assessment received 08.06.2020, Planning Statement received 08.06.2020, Design and Access Statement received 08.06.2020, Block Plan JM065\_PL\_0002 received 08.06.2020, Block Plan JM065\_PL\_0003 received 08.06.2020, Topographical Survey JM065\_PL\_0100 received 08.06.2020, Existing Floor Plans JM065\_PL\_0101 received 08.06.2020, Existing Floor Plans JM065\_PL\_0102 received 08.06.2020, Existing Roof Plan JM065\_PL\_0103 received 08.06.2020, Existing Elevations JM065\_PL\_0104 received 08.06.2020, Sections JM065\_PL\_0105 received 08.06.2020, Proposed Floor Plans JM065\_PL\_1101 received 08.06.2020, Proposed Floor Plans JM065\_PL\_1102 received 08.06.2020, Proposed Floor Plans JM065\_PL\_1103 received 08.06.2020, Proposed Floor Plans JM065\_PL\_1104 received 08.06.2020, Landscaping JM065\_PL\_1110 received 08.06.2020, Location Plan JM065\_PL\_0001 received 08.06.2020, Letter received 08.06.2020, Other PPA received 10.06.2020, Proposed Floor Plans JM065\_PL\_1100 A received 19.08.2020, Proposed Floor Plans JM065\_PL\_1108 A received 10.08.2020, Proposed Roof Plan JM065\_PL\_1109 A received 10.08.2020, Proposed Elevations JM065\_PL\_1202 A received 10.08.2020, Sections JM065\_PL\_1300 A received 10.08.2020, Other Agent response received 03.08.2020, Proposed Floor Plans JMO65\_PL 1105 B received 14.08.2020, Proposed Floor Plans JMO65\_PL 1106 B received 14.08.2020, Proposed Floor Plans JMO65\_PL 1107 B received 14.08.2020, Proposed Elevations JMO65\_PL 1200 B received 14.08.2020, Proposed Elevations JMO65\_PL 1201 B received 14.08.2020, Artist's Impression CGI 1-3 received 14.08.2020, Other Additional Information received 21.07.2020. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

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

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

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

- 4 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.

- 5 All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

- 6 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.

- 7 Before the development hereby approved is occupied, details of the installation of car charging points shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed in accordance with the

approved and retained thereafter.

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

- 8 The development shall be constructed at the level indicated on the drawings referenced JM065\_PL 1201 REV B and JM065\_PL 1200 REV B dated 14.08.20.

Reason: To accord with the terms of the application and to protect the visual amenity of the area

- 9 Before the development hereby approved is occupied a noise report shall be submitted to and approved in writing by the Local Planning Authority. The report should consider the levels cited in BS8233:2014 for the residential dwellings, namely:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 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 above mentioned levels. It is important that the applicant's noise assessment includes specific data and details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation).

Reason: To safeguard future occupants from unacceptable noise impacts.

- 10 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 NPPF

- 11 Above ground works shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water.

Reason: To ensure safe and suitable disposal of surface water.

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

Reason: To ensure safe and suitable disposal of surface water.

- 15 No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A site investigation scheme, based on the conclusions and recommendations of the preliminary desk study (Standtec, report 67470R1REV1, June 2020) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.
3. 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 (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

- 16 Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is

complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- 17 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

- 18 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: Piling or other foundation designs using penetrative methods can mobilise contaminants within strata which could then migrate and pollute the Principal aquifer. Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

- 19 No infiltration of surface water drainage into the ground is permitted other than with the written consent 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 contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 20 The development shall be carried out in accordance with the submitted flood risk assessment (ref: 133819-R2(0)-FRA / RSK Group / Date: 17th April 2020) and the following mitigation measures it details:
- For the new hotel in the west of the site, Ground floor level will compromise only a hotel entrance to stairs and lifts, a linen store, bin store and bike store. The rest of ground floor area will comprise of undercroft parking (See section 5.3 of the FRA). This is shown in drawing ref: JM065\_PL\_1100, Date: 23/03/2020.
  - Plant room will be located at roof level (See section 2.2 of the FRA).

- The proposed bin stores and bike stores for both elements of the scheme, and undercroft parking are to be designed to flood to ensure there is no loss of flood storage (stated in section 5.4 of the FRA).
- All other hotel accommodation including reception, staff room, offices, and bedrooms will be placed at first floor level or above (See section 5.3 of the FRA). This is shown in drawing ref: JM065\_PL\_1101, Date 23/03/2020.
- Compensatory storage shall be provided to allow for the hotel entrance, linen store and bike store at ground level, by reducing the size of the existing commercial building (See section 5.4 of the FRA and Drawing ref: JM065\_PL\_1100, Date: 23/03/2020). This will deliver an overall net reduction in built footprint.
- For the commercial building to the east of the site, the ground floor and first floor will remain as commercial use, with a slight reduction in ground floor footprint. Residential units will be at second floor level and above (See section 5.3 of the FRA).
- Site owners must sign up to the Environment Agency Flood warning service
- An evacuation plan must be in place to be used in conjunction with the flood warning service. Safe refuge is available at first floor level or above for both elements of the scheme.
- We recommend the use of the SUDS as proposed in the FRA.
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 21 Before the development hereby approved is occupied the completion and maintenance of the access shown on the submitted plans (drawing number JM065\_PL\_1100 titled 'Proposed Ground Floor Holistic East and West-All demise') shall be installed and retained permanently thereafter, including:

- Provision and maintenance of the visibility splays shown on the submitted plans (drawing title:
- 'Egress Visibility Plot') with no obstructions over 0.6 metres above carriageway level within the
- splays, prior to the use of the site commencing.
- Provision and maintenance of 2 metres by 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Reason: to ensure safe and suitable access to the development.

- 22 The development shall be carried out in accordance with the recommendations

in the submitted Air Quality Assessment dated May 2020.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan in terms of impact on the Tonbridge AQMA.

### **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](mailto:addresses@tmhc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 3 The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.

Contact: Adem Mehmet

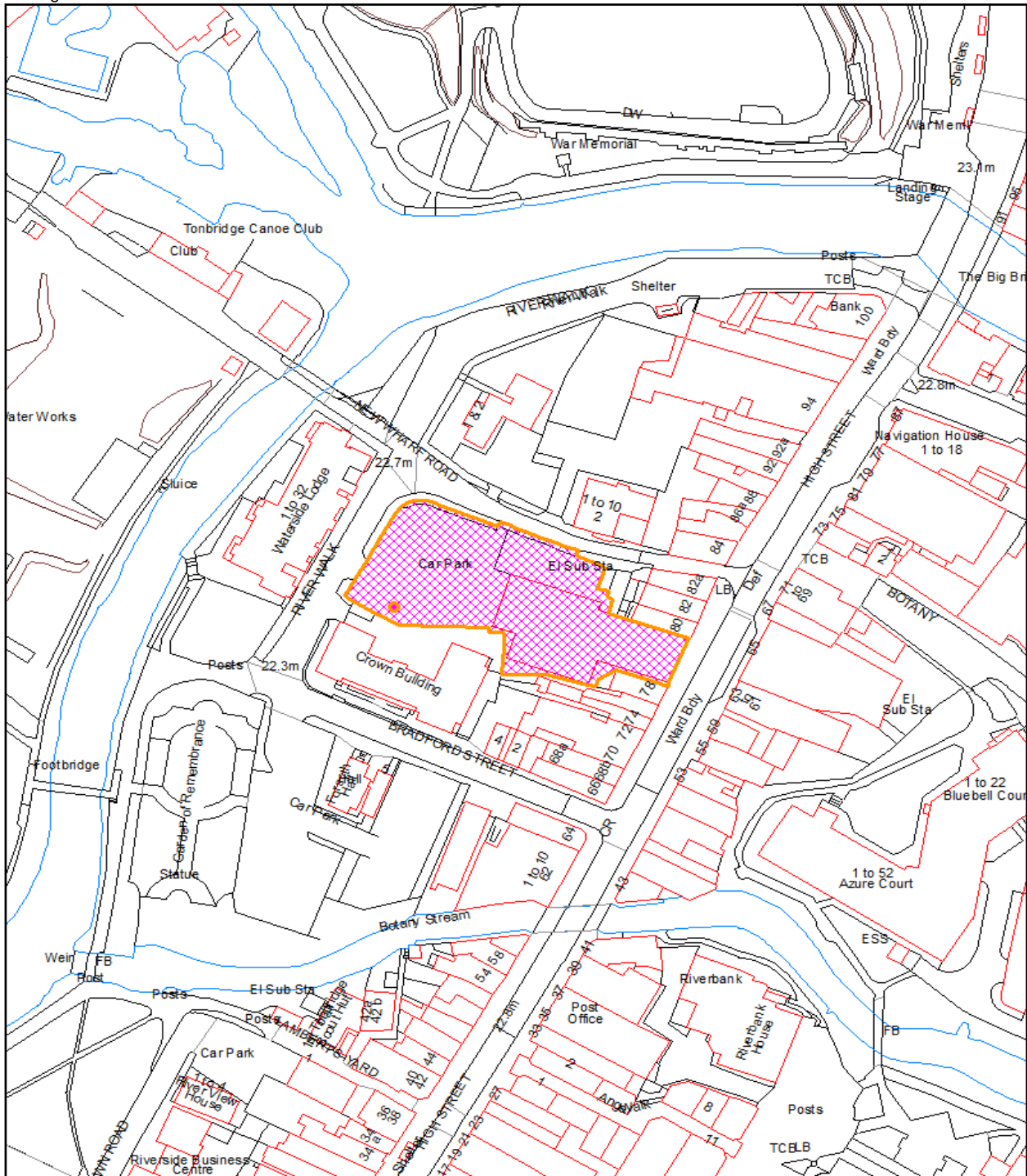


**TM/20/01122/FL**

78C High Street Tonbridge Kent TN9 1EE

Development of the rear car park to form a 70 room hotel (Use Class C1); 10 residential units (Use Class C3); retention of the existing retail unit (Use Class A1); associated car parking, landscaping, refuse and cycle storage

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