

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

---

### Chief Executive

Julie Beilby BSc (Hons) MBA

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

---

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

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

17 March 2021

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, 25th March, 2021 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

*Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting*

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 29 October 2020

4. Glossary and Supplementary Matters 9 - 14

*Glossary of abbreviations used in reports to the Area Planning Committee (attached for information)*

*Any supplementary matters will be circulated via report in advance of the meeting and published to the website.*

#### **Decisions to be taken by the Committee**

5. TM/20/02245/FL and TM/20/02246/LB - Oakhill House, 15 - 76  
130 Tonbridge Road, Hildenborough

*(A) Redevelopment of site to include conversion, extension and alteration of existing office buildings and conversion and alteration of Grade II listed office building to create 138 apartments and shared residents facilities, together with 27 houses within the grounds, including access, parking, hard and soft landscaping and areas of open space; and*

*(B) Listed Building Application: Redevelopment of site to include conversion, extension and alteration of existing office buildings and conversion and alteration of Grade II listed office building to create 138 apartments and shared residents facilities*

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

This page is intentionally left blank

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 1 PLANNING COMMITTEE

Thursday, 29th October, 2020

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

Councillors M C Base, M A Coffin, R W Dalton, D A S Davis, 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 Mrs P A Bates

### PART 1 - PUBLIC

#### **AP1 20/25 DECLARATIONS OF INTEREST**

Councillor N Heslop advised that, as Leader of the Council, he occupied a 'position of control' and had been involved in the proposals to sell the land which was the subject of Planning Application TM/19/01108/FL – 1-4 River Walk, Tonbridge. He declared an Other Significant Interest (OSI) in this item and withdrew from the meeting during its consideration.

#### **AP1 20/26 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 10 September 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 20/27 DEVELOPMENT CONTROL**

Decisions were taken on the following applications subject to the prerequisites, 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. There were no supplementary reports circulated in advance of the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the

Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**AP1 20/28 TM/19/01108/FL - 1-4 RIVER WALK, TONBRIDGE**

Construction of building comprising 36 apartments including access and ground floor and undercroft parking, following demolition of existing built form on site at 1 - 4 River Walk, Tonbridge.

**RESOLVED:** That planning permission be REFUSED for the following reason:

1. The site occupies a prominent and visually sensitive area within the town centre. The proposed development, by virtue of the specific design and form of the building at the corner of River Walk and New Wharf Road, would appear as a disjointed feature which does not treat the corner in an acceptable way and as a result would be visually harmful to the immediate street scene and wider views towards the site. Furthermore, by virtue of the design characteristics of the (southern) elevation of the building fronting New Wharf Road, the development would not create a suitably animated frontage and would not make a positive visual contribution to the street scene. The identified significant harm is not outweighed by the acknowledged benefits associated with the provision of 36 residential units. The proposal is therefore contrary to the requirements of policies CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy TCA1 of the Tonbridge Central Area Action Plan 2008 and paragraphs 127 and 130 of the National Planning Policy Framework 2019.

[Speakers: D Huntingford (on behalf of Tonbridge Civic Society) and J Wilson – member of the public]

In accordance with Committee Procedure Rule 8.6, Part 4 (Rules) of the Constitution, Councillors V Branson, G Bridge, A Clark, M Hood, F Hoskins, D King, K King and G Thomas requested that it be recorded that they had voted for refusal of the planning application.

**AP1 20/29 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information the following matters be considered in private.

**PART 2 - PRIVATE****AP1 20/30 TM/19/01108/FL - 1-4 RIVER WALK, TONBRIDGE**

**(LGA 1972 Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)**

The report of the Deputy Monitoring Officer outlined the potential consequences of taking decisions against the advice of officers (Minute AP1 20/28 refers).

**RESOLVED:** That the report be received and noted.

The meeting ended at 8.25 pm

This page is intentionally left blank



## **GLOSSARY of Abbreviations used in reports to Area Planning Committees**

AAP	Area of Archaeological Potential
AGA	Prior Approval: Agriculture (application suffix)
AGN	Prior Notification: Agriculture (application suffix)
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
AT	Advertisement consent (application suffix)
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area (designated area)
CCEASC	KCC Screening Opinion (application suffix)
CCEASP	KCC Scoping Opinion (application suffix)
CNA	Consultation by Neighbouring Authority (application suffix)
CPRE	Council for the Protection of Rural England
CR3	County Regulation 3 (application suffix – determined by KCC)
CR4	County Regulation 4 (application suffix – determined by KCC)
CTRL	Channel Tunnel Rail Link (application suffix)
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, Media and Sport
DEEM	Deemed application (application suffix)
DEFRA	Department for the Environment, Food and Rural Affairs
DEPN	Prior Notification: Demolition (application suffix)
DfT	Department for Transport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document

DPHEH	Director of Planning, Housing & Environmental Health
DR3	District Regulation 3
DR4	District Regulation 4
DSSLT	Director of Street Scene, Leisure & Technical Services
EA	Environment Agency
EIA	Environmental Impact Assessment
EASC	Environmental Impact Assessment Screening request (application suffix)
EASP	Environmental Impact Assessment Scoping request (application suffix)
EH	English Heritage
EL	Electricity (application suffix)
ELB	Ecclesiastical Exemption Consultation (Listed Building)
EEO	Ecclesiastical Exemption Order
ELEX	Overhead Lines (Exemptions)
EMCG	East Malling Conservation Group
ES	Environmental Statement
FRA	Flood Risk Assessment
FC	Felling Licence
FL	Full Application (planning application suffix)
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Impact Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GOV	Consultation on Government Development
GPDO	Town & Country Planning (General Permitted Development) Order 2015 (as amended)
HE	Highways England
HSE	Health and Safety Executive
HN	Hedgerow Removal Notice (application suffix)
IGN3	Kent Design Guide Review: Interim Guidance Note 3 Residential Parking

KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards: Supplementary Planning Guidance SPG 4
KDD	KCC Kent Design document
KFRS	Kent Fire and Rescue Service
KWT	Kent Wildlife Trust
LB	Listed Building Consent (application suffix)
LBX	Listed Building Consent: Extension of Time
LDF	Local Development Framework
LDLBP	Lawful Development Proposed Listed Building (application suffix)
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
LDE	Lawful Development Certificate: Existing Use or Development (application suffix)
LDP	Lawful Development Certificate: Proposed Use or Development (application suffix)
LP	Local Plan
LRD	Listed Building Consent Reserved Details (application suffix)
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDE DPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MHCL	Ministry of Housing, Communities and Local Government
MIN	Mineral Planning Application (application suffix, KCC determined)
MSI	Member Site Inspection
MWLP	Minerals & Waste Local Plan
NE	Natural England

NMA	Non Material Amendment (application suffix)
NPPF	National Planning Policy Framework
OA	Outline Application (application suffix)
OAEA	Outline Application with Environment Impact Assessment (application suffix)
OAX	Outline Application: Extension of Time
OB106D	Details pursuant to S106 obligation (application suffix)
OB106M	Modify S106 obligation by agreement (application suffix)
OB106V	Vary S106 obligation (application suffix)
OB106X	Discharge S106 obligation (application suffix)
PC	Parish Council
PD	Permitted Development
PD4D	Permitted development - change of use flexible 2 year
PDRA	Permitted development – change of use agricultural building to flexible use (application suffix)
PDV14J	Permitted development - solar equipment on non-domestic premises (application suffix)
PDV18	Permitted development - miscellaneous development (application suffix)
PDVAF	Permitted development – agricultural building to flexible use (application suffix)
PDVAR	Permitted development - agricultural building to residential (application suffix)
PLVLR	Permitted development - larger residential extension (application suffix)
PDVOR	Permitted development - office to residential (application suffix)
PDVPRO	Permitted development - pub to retail and/or office (application suffix)
PDVSDR	Permitted development storage/distribution to residential (application suffix)
PDVSFR	Permitted development PD – shops and financial to restaurant (application suffix)
PDVSR	Permitted development PD – shop and sui generis to residential (application suffix)
POS	Public Open Space
PPG	Planning Practice Guidance

PWC	Prior Written Consent
PROW	Public Right Of Way
RD	Reserved Details (application suffix)
RM	Reserved Matters (application suffix)
SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (background for the emerging Local Plan)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SW	Southern Water
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TEPN56/TEN	Prior Notification: Telecoms (application suffix)
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy 2007
TMBLP	Tonbridge & Malling Borough Local Plan 1998
TNCA	Notification: Trees in Conservation Areas (application suffix)
TPOC	Trees subject to TPO (application suffix)
TRD	Tree Consent Reserved Details (application suffix)
TRICS	Trip Rate Information Computer System
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WAS	Waste Disposal Planning Application (KCC determined)

(Version 1/2020)

This page is intentionally left blank

**Hildenborough**  
Hildenborough

**7 October 2020**

**TM/20/02245/FL  
&TM/20/02246/LB**

Proposal: (A) Redevelopment of site to include conversion, extension and alteration of existing office buildings and conversion and alteration of Grade II listed office building to create 138 apartments and shared residents facilities, together with 27 houses within the grounds, including access, parking, hard and soft landscaping and areas of open space

(B) Listed Building Application: Redevelopment of site to include conversion, extension and alteration of existing office buildings and conversion and alteration of Grade II listed office building to create 138 apartments and shared residents facilities

Location: Oakhill House 130 Tonbridge Road Hildenborough Tonbridge Kent TN11 9DZ

Go to: [Recommendation](#)

---

## 1. Description:

- 1.1 Planning permission and listed building consent are sought for the redevelopment of this site to include conversion, extension, alteration of existing office buildings and conversion, alteration of a Grade II listed office building, to create 138 apartments and associated shared residents' facilities, together with 27 houses within the grounds, including access, parking, hard and soft landscaping and areas of open space.
- 1.2 The proposal includes a mix of dwelling sizes. The apartments are mostly one and two bedrooms, whilst the houses comprise a mix of three, four and five-bedroom house types. A summary of the housing mix proposed is summarised below:
- 1 bed: 31
  - 2 bed: 95
  - 3 bed: 17
  - 4+ bedrooms: 22
- 1.3 The offices are to be converted to flat accommodation, including three storey extensions at either end of the existing building with a mansard roof extension across the entire block.

- 1.4 The proposed new build housing is proposed to be grouped into three parcels across the site to the northern, western and south eastern corners remaining in line with the surrounding residential development. Areas of open space have been included within the design, which are intended to aid the separation between each of the housing parcels and the main Grade II Oakhill House building, which retains its position centrally to the site and the landscaped grounds.
- 1.5 The proposed layout includes the provision of green corridors, created by the retention and enhancement of existing landscaping, trees and hedgerows on site. Varying character areas are proposed to be created through a varied combination of building scale, massing and material choice and the integrated landscaping approach. These varying house types and landscaping schemes are intended to provide visual interest and different identities within the new street scenes.
- 1.6 Access to the development will remain from the existing junction at Tonbridge Road, and a new pedestrian/cycle/emergency access route will be created further west of this existing access, also from Tonbridge Road. Several pedestrian footpaths will be provided throughout the development providing an interconnected network of routes. Access throughout the remainder of the site will be through shared surface and minor access ways providing access to the northern and eastern corners of the site.
- 1.7 In support of the planning application, the following documents have been submitted. These have been referred to and discussed where applicable and necessary within the assessment that follows:
- Planning Statement
  - Design and Access Statement
  - Ecological Appraisal
  - Energy Statement
  - Landscape and Visual Impact Assessment
  - Planning Noise Assessment
  - Statement of Community Involvement
  - Transport Assessment
  - Travel Plan
  - Waste Management Strategy



- Flood Risk Assessment
- Viability Report
- Arboricultural Implications Report
- Archaeological Desk Based Assessment
- Landscape and Ecology Management Plan
- Light Pollution Survey
- Flood Risk Assessment and Drainage Strategy
- Sustainable Design and Construction Strategy

1.8 A Members' site inspection has been arranged to take place on 15 March to give Members the opportunity to understand the key characteristics of the site. Any matters arising from the inspection will be set out in a supplementary report.

1.9 The proposed development was screened under TM/20/00700/EASC in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and found not to comprise EIA development. This does not mean however that the environmental impacts of the proposal will not be fully assessed and are done so later in this report.

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

2.1 At the request of Cllr Rhodes in order to consider houses on the car park in the Green Belt, impact on infrastructure, ratio of house types and local interest.

## **3. The Site:**

3.1 The application site is 6.8 hectares and comprises the Oakhill House office campus, which is located on the north side of Tonbridge Road Hildenborough.

3.2 The site has been in a commercial/office use which has developed over time since the 1960s. In the 1940s Oakhill House (Grade II Listed) accommodated insurance engineers evacuated from London during the Second World War and was then occupied and expanded by lampshade manufacturers Elliot & Spear who built a factory on the site. In 1986 the house was bought by Fidelity International and converted into office use, with additional office buildings, which include underground parking and servicing levels, constructed in the grounds following demolition of the lampshade factory complex. The existing office buildings on the site are now vacant with Fidelity leaving in September last year and the site has been bought by the applicants.

- 3.3 The buildings are located to the north of Oakhill House, approximately 150m away from Tonbridge Road (B245) and the vehicle and pedestrian main access.
- 3.4 The site landscaping has a wide variety of planting, with a significant number of mature trees. A number of trees on the site benefit from a Tree Preservation Order. The landscaping also includes several ponds. In addition, the site consists of considerable hardstanding car parks and existing campus buildings as well as service/maintenance facilities.
- 3.5 The topography is varied, but all level differences are gentle, with the highest levels to the north-west beyond the Green Belt boundary and lowest levels along the heavily wooded southern boundary with B245 Tonbridge Road.
- 3.6 The site is situated between the two-character area of the Hildenborough settlement, which are Hilden Park and the main settlement area of Hildenborough. The site boundary is irregular, abutting to the rear gardens of properties along Coldharbour Lane to the west, and Tonbridge Road and Woodfield Avenue to the south and east. To the north-east of the site is open countryside and an area of woodland extends south-west on the opposite side of Tonbridge Road.
- 3.7 Within the Development Plan the site is located partly within the Rural Service Centre of Hildenborough and partly within the Metropolitan Green Belt (with the Green Belt boundary following an irregular demarcation within the site).

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

- 4.1 Various planning applications determined over a lengthy period of time in connection with the commercial uses of the site, and most recently:

TM/06/00732/FLEA      Grant With Conditions      10 July 2006

Two storey office extension, basement data room, plant room and car park, landscaping and improvement to Tonbridge Road access

TM/06/00733/LB      Grant With Conditions      10 July 2006

Listed Building Application: Demolition of outbuilding. Two storey office extension, basement data room, plant room and car park, landscaping and improvement to Tonbridge Road access

TM/06/03448/FL      Approved      21 December 2006

Extensions and alterations to provide improved visitor, staff and goods reception facilities, staff changing, visitor parking area, staff bus lay-by and bicycle and motorbike covered parking areas with associated minor alterations to internal road layout and landscaping works, including restaurant terrace

TM/06/03450/LB

Approved

21 December 2006

Listed Building Application: Extensions and alterations including demolition of modern pavilion to provide for improved reception, access, servicing and staff welfare facilities

TM/07/00177/FL

Approved

26 February 2007

Construction of temporary roads in connection with development approved under planning permission ref. TM/06/00732/FLEA [two storey office extension, basement data room, plant room and car park, landscaping and improvement to Tonbridge Road access] (1) haul road from Tonbridge Road; and (2) access road within the site

TM/07/02350/FL

Approved

13 August 2007

Construction of gardener's compound with storage areas, machinery store, sheds, office/mess room and fuel facility

TM/20/00700/EASC

screening opinion EIA  
not required

14 April 2020

Request for Screening Opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017: proposed development of approximately 175 dwellings and associated access, landscaping and other works on land at Oakhill House, Hildenborough

## **5. Consultees:**

[DPHEH: Most of the representations made relate to both applications A and B. Where they relate only to one or the other, this is specified]

5.1 PC: Hildenborough Parish Council believe that any development within the Parish should be well designed with a positive change, adding a physical, economic, social or environmental benefit. We would therefore wish to comment on the proposed development in detail as a development of this size would have an enormous impact on the locality as well as the whole village. Summarised as follows:

- Impact on the Green Belt – redevelopment of the offices and Oakhill House are listed as acceptable development in the Green Belt but not the addition of 27 new houses; these houses cannot be considered as limited infilling and cannot be considered affordable housing – and would have a greater impact on the openness of the Green Belt;
- Medical Infrastructure in Hildenborough and Tonbridge is already at maximum capacity. In recent times the Coronavirus pandemic has illustrated the huge strain on the current medical infrastructure. The local medical practice, Hildenborough Medical Group, is at full capacity and is only accepting patients

who have been allocated by NHS England. With the addition of this proposed development and recent large development in the locality (The Care Home, 140 Tonbridge Road) the existing medical facilities will be under huge pressure. This pressure will therefore overflow into Tonbridge and the strained medical facility there. There is also a lack of NHS provision for dentistry in the area and patients are required to travel a distance to access this.

- Educational infrastructure, the two primary schools in the village are currently at full capacity and additional children would need to be allocated to other primary schools in Tonbridge or Sevenoaks. There is a lack of nursery facilities, those that exist in the village are already at full capacity. There is a lack of secondary school provision in Hildenborough, although there are schools in Tonbridge and Sevenoaks which have very limited capacity.
- The road access to the site also raises an issue for such a large development. Currently there is only one entrance and exit, which would be stretched to serve such a large development. Any additional access proposed would be appropriate as long as this didn't impact on the smaller roads such as Coldharbour Lane which is narrow and unsuitable to accommodate an access point from such a large development.
- The potential for flooding is also always a risk in Hildenborough, although the site itself is not at huge risk of flooding as described by the voluminous flooding risk assessments provided. We are always concerned about the impact development has on other parts of the village, in particular, both foul water and surface water provide a huge issue in Hildenborough. The sewage system runs down the B425 and eventually links to the Hawden pumping station behind Leybank. This is currently working at full capacity (as per Southern Waters admission to the local Flood Forum). We are, therefore, very concerned that the additional load of 165 homes will put a huge strain on the current infrastructure and lead to flooding in the Brookmead area. This issue combined with the huge amount of surface water runoff down the B425 (towards Tonbridge) only adds to the overloading of the system and provides an even greater potential for flooding, which has been a huge issue in recent times.
- The Parish Council would like to applaud the work the developer has done to assess the need for renewable energy sources. However, there is a lack of car charging points across the development and ask that there be an increased number to ensure all properties have access to one point. The Parish Council was also concerned with the installation of gas boilers which are to be banned from new developments by 2025, the installation of such boilers by the developer shows a lack of insight for the future and we hope they are able to install alternatives. We applaud also the use of solar type power sources, although these are minimal. We therefore request that different sources of energy be considered, especially innovative products such as solar shingles or underground heat pumps.

- On the note of refuse, we wish to ensure that there is ample space for the refuse lorry to navigate through the development to prevent congestion.
- The Parish Council are glad to see that the ecology of the site will be maintained. The loss of trees is always a concern, especially such a large quantity. We ask therefore that conditions are placed on the development to ensure the minimal habitat loss and minimal tree loss, especially in order to maintain: privacy, habitats, ecology and aesthetics. We would also request that the developer ensures all new tree planting is bio secure.
- The Parish Council would also like to raise concerns about potential light pollution from the site, in particular from the roadways and path lighting which has been an issue in the past with the previous site owner (Fidelity). We are particularly concerned that the lights would infringe on both residents in Coldharbour Lane but also Woodfield Avenue.
- The Parish Council also raised concerns with regards to the pond safety situation. Although the site only should have resident and services access we feel concerned that the ponds should not be left in an unsafe state in particular as there is a risk to children.
- The Parish Council has some concerns on the privacy impact on the local residents in Coldharbour Lane. Some of the proposed houses would have views directly into their gardens
- Noise has been an ongoing issue with the air conditioning units at the site prior to its closure. These systems are audible from both Coldharbour Lane, Knowsley Way and Woodfield Avenue
- Hildenborough Parish Council are enormously concerned that an agreement has not been made about the quantity of affordable housing that the site will have. This should be a key objective before any planning permission be granted.
- The Parish Council feel strongly that any S106 funding should be allocated directly to Hildenborough. Apart from the pressures exerted on the infrastructure mentioned above of medical, educational, and of particular concern drainage. The environmental impact of the population on the already busy highways and the current limited provision for cyclists, the Council believe that provision should be made to access Hildenborough station safely with a dedicated cycle way from the Brookmead area via Stocks Green Road as well as directly from Tonbridge Road for residents at that end of the Village. The existing cycle route between Hildenborough and Tonbridge is also in need of improvement and repair.

Additional representations received:

- Would like to put forward for consideration the needs of the local community with the prospect of increased population resulting from the proposed development. The PC notes from MDE DPD, Policy OS3 – Open Spaces Requirements, that provision should be made for open spaces to increase the provision of play space and that Hildenborough is currently inadequate for amenity green space and children’s play. It has been proposed that this provision should be at Tonbridge Farm which is over 3 miles distant, whilst Hildenborough had two recreation areas in need of development within less than half a mile. They are therefore asking for funding towards a number of projects listed below including:-
  1. The Parish Council has an 11 acre recreation ground which cannot usefully be used during many winter months due to the number of springs originating in the area. A drainage system had been installed but is not effective. The Council need to install a hard footpath around the perimeter to allow all ages, abilities as well as wheelchair users and disabled residents to access the ground for safe exercise. They would like to encourage the running club to use safe facilities during the dark evenings when street running is not desirable or safe along narrow lanes and highways with fast moving traffic. This footpath would be of the order of 500m in length. The importance of this provision is highlighted in the Infrastructure Plan, referencing TMBC’s Technical Reference Strategy as well as the Government’s recent publication, Improving Access to Greenspace a New Review for 2020. The cost of the footpath is of the order of £50,000.
  2. The Council is acutely aware that there is a lack of provision for disabled children within their play areas. They recently needed to replace an accessible roundabout due to wet conditions resulting in it seizing up with a model that is off the ground. This resulted in no provision for wheelchair users. They would like to extend the play areas by providing 4 pieces of suitable equipment and safety surface at a cost of approximately £30,000.
  3. The Council has provided a pump cycle track, at the request of local young cyclists in 2014 but this is now in need of resurfacing. The Council aims to keep this facility to challenge young cyclists in a safe environment. This is situated on their West Wood site, opposite to Oakhill House. The cost of this will be £3,250 approx. TMBC Cycling Strategy (2014-2019) outlines all the great benefits of safe cycling (see Infrastructure Plan).
  4. The Council is also acutely aware that many children are anxious when encountering dogs. The dog population seems to be increasing rapidly at the current time (PAW report PDSA) consequently the Parish Council would like to encourage dog owners to unleash their dogs away from the play areas within a proposed fenced Dog Exercise area on the West Wood Recreation site at an

initial cost of £5,520 and at a later date plant a boundary hedge at additional cost.

5. The Council is also aware of security issues in the car park during dark evenings. Incidents have been reported to the police with some consequential arrests. This area is currently unlit and it has been suggested this would help to address the problem and result in easier cctv identification for prosecution purposes. This would cost £6,000 to provide suitable non-invasive lighting for nearby residents.

## 5.2 KCC (H +T):

### Access:

5.2.1 There is an existing site access from B245 Tonbridge Road, the junction comprises of a separate right-turn bay from Tonbridge Road into the site, the bay will hold 5-6 vehicles before blocking of the straight ahead movement. The site approach arm has separate left and right turn marked lanes, the flare from the single lane is approximately 23 metres long. Good visibility from the site access onto Tonbridge Road.

### Internal site roads

5.2.2 I understand that the site roads will not be adopted. Through a condition, I will ask that scaled plans be provided to ensure the Kent CC design guide standards are met with regards to road widths.

### Emergency Site Access:

5.2.3 A pedestrian and cycle footway is planned between the site access and Coldharbour Lane, this will act as an site access for emergency vehicles, providing network contingency should the other access road be out of action for any reason.

### Cycle and Pedestrian Infrastructure:

5.2.4 A Toucan Crossing is located prior to B2027 Leigh Road, to help connectivity across Tonbridge Road. Zebra Crossing is located west of Coldharbour Lane, again enabling crossing of Tonbridge Road, north to south and vice versa.

5.2.5 Segregated off-road cycle and pedestrian lanes are provided along Tonbridge Road east to west, but it is not continuous throughout the entire route. Section 106 monies from the development would enhance the links and help serve connectivity for residents from the site to either Tonbridge Town Centre or Hildenborough Rail Station, aspirations shown within the Tonbridge and Malling Cycling Strategy and Network Rail have also improved cycle parking at Tonbridge Station.

5.2.6 Cycle storage facilities have been provided for each house dwelling and the various apartments, totalling 344 spaces (taken from drawing 01772\_MP\_08\_P01).

5.2.7 Consultation should take place with South Eastern/Network Rail in order to ascertain whether adequate cycle parking provision is available at Hildenborough station, especially with the increased influx from the development.

[DPHEH: Consultation has since been undertaken with Network Rail and the Developers have agreed to pay £60,000 towards a new cycle hub at Hildenborough Station.]

Bus Services:

5.2.8 The site has good sustainable bus links to Tonbridge and Sevenoaks, with two stops available, at each horizontal edge of the development, going in both directions. The bus services are frequent throughout the day.

Car Parking:

5.2.9 Car parking allocations have a total of 309 spaces, which is compliant with Kent Design Standards. 17 of the spaces have Electric Vehicle Charging Points. All dwellings with off-road parking should be provided with an electric charging point, and supply for 10% of communal parking areas, with another 10% passive provision.

[DPHEH: the developer has confirmed that all new dwellings will be provided with electric charging points.]

Trip Generation:

5.2.10 Predicted traffic numbers have been provided from similar developments through TRICS. The site access has been modelled with the junction operating well within capacity, with additional contingency on the network to cover any future traffic growth.

5.3 KCC (Heritage): No objections.

5.4 KCC (PROW): No objection and there are no PROW opportunities in the related area.

5.5 KCC (SUDS): Satisfied that the proposals, namely a system of attenuation prior to a controlled discharge, do not increase the risk of flooding. Recommend conditions are imposed.

5.6 NE: No comments to make.



- 5.7 KFRS: The off-site access requirements of the Fire & Rescue Service have been met.
- 5.8 Upper Medway Internal Drainage Board: The applicant intends to discharge surface water to a surface water sewer within the watershed catchment of the Board's IDD. They request that this discharge is facilitated in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly it is recommended that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.
- 5.9 Kent and Medway CCG (NHS): Request £128,880 contribution towards the refurbishment, reconfiguration and/or extension of Hildenborough and Tonbridge Medical Group.
- 5.10 KCC (Economic Development): Contributions requested as follows:
- Secondary Education: £249,700.00 towards expansion of the Judd School
  - Community Learning: £2,709.30 towards resources for Tonbridge Adult Education Centre
  - Youth Services: £10,807.50 towards Kent Youth Service in TMBC
  - Library Bookstock: £9,149.25 towards bookstock for Hildenborough Library
  - Social Care: £24,235.20 towards Specialist care in TMBC
  - Waste: £30,305.55 towards new WTS and new and improved HWRC's to serve TMBC residents
- 5.11 EA: Have assessed this application as having a low environmental risk and therefore have no comments to make.
- 5.12 Southern Water: No objections subject to conditions/informatives and the need to work with the Developer during any development programme. Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water and the Developer will need to work together in order to review if the delivery of the network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.
- 5.13 Waste Services: No objections – provided schedule for waste strategy

- 5.14 Landscape Officer: The landscape input into the scheme is extremely thorough. I am confident that the impact of development is clearly explained.
- 5.14.1 The Landscape and Visual impact Assessment demonstrates that the site is generally surrounded by densely vegetated boundaries which generally prevent views into the site.
- 5.14.2 However, more open views of the existing building are clear from the footpath to the north east (MT 38). Arising from this it is clear that there will be some from the phase 3 extension and Phase 3 enlargement, and the introduction of ground floor private terraces, although these can be screened by defensible planting. The impact of new housing to the east will not be great and can be further screened by additional boundary planting. In my view this will not cause substantial harm to the openness of the Green Belt.
- 5.14.3 I am disappointed that a significant area of ornamental planting will be lost during demolition and the construction of the new extension, particularly as this was designed by an eminent designer, Tom Stuart-Smith.
- 5.14.4 The Landscape and Ecological Management Plan has sound objectives and specifies that Berkeley Homes will be responsible for the maintenance of all the communal areas in the longer term, but should be sub-contracted to skilled horticulturalists and arborists. This needs to be secured in some way.
- 5.14.5 The Landscape Masterplan and details are good, creating and improving the ecological value of the site, and enhancing the historic water features on the site.
- 5.14.6 I am confident that they are retaining all the best trees on site and in particular the important boundary trees. I was also delighted to see that they have kept the Head Gardener on to continue maintaining the grounds. His knowledge and experience will be invaluable in maintaining the standards of the central gardens.
- 5.14.7 I have acknowledged that the loss of trees in the south eastern Green Belt area is acceptable as these are chiefly semi mature trees which have always struggled to do well on unsuitable ground. Important boundary trees and those at the entrance will be retained. Some protected trees in the northern area are proposed to be removed including a group of trees and a Blue Cedar. Although the Blue Cedar could be kept, the tree is not in great condition and Cedars are prone to shed branches in high winds and snow making them unsuitable for retention close to houses. Under the circumstances I accept it would be best to allow this tree to go with suitable replacement planting on the boundary. Although loss of trees here is a shame, in the overall scale of the development quality and need to develop this area, I would accept the loss. The access road that needs to be created close to some ancient Oaks close to the entrance to the underground car park, and service requirements will require arboricultural

supervision as stated. (This can be conditioned by reference to the arboricultural report.)

5.14.8 Loss of trees in the western section is quite acceptable and the best route has been chosen for the emergency access onto Tonbridge Road to minimise loss.

5.14.9 We discussed the proposed removal of some of the Gleditsias in front of the office building. This will be required to allow construction of the balconies on the building. One additional Robinia close to the building may have to be removed as it is also close and in relatively poor condition.

5.15 Environmental Protection:

Contaminated land:

5.15.1 The site appears to have gone through multiple phases of development over many years and is at times labelled as a factory on several historic maps. There is therefore the potential for contaminated made ground to be present on site. Conditions are recommended to address this.

Noise:

5.15.2 Planning Noise Assessment submitted by Cole Jarman and I have no comments or objections as to the recommendations/conclusions in Sections 7 and 8 in respect of noise from road traffic on the B245 and Patrons of the Flying Dutchman PH which have the potential to negatively impact on the proposed houses.

5.15.3 However, the applicant does not appear to have considered the potential impact on residents of the apartments (or properties close by), of the plant serving the main apartment building, including ventilation units, electrical sub stations and lift mechanisms all of which on the plans are shown in close proximity to apartments with likely loss of amenity due to noise/vibration including intrusive low frequency noise.

5.15.4 Revised details submitted to address the potential noise issue from the plant serve the apartment buildings. EP have commented that they have no objection to the contents. However, they are concerned that tonal noise from the internal electrical substation has not yet been considered. It is understood that it may be difficult to determine impacts at this stage so it is suggested that details of this and how any impacts will be mitigated should be controlled via a condition requiring submission for approval prior to first occupation of the apartments in order to control the risks of impacts on amenity.

5.16 Leisure Services: Contributions sought .

5.17 Application (B): TMBC retained Listed Building Advisors: Agree that the return to total residential use is a heritage benefit, as it is its optimum viable use, and

removal of some inappropriate internal partitions will be the result of this. However, I disagree that there will be no harm to the building. The harm is limited, however, and arises only from the removal of sections of the original circulation corridor walls on the ground, first and second floors. The plan form of the building is important to understanding its significance as a proportioned Regency house. However, the plan form can still be read even with the sections of wall to be removed, and the layouts of the building as proposed otherwise maintain this and restore it in some instances. The justification for this is clear, with the need to provide a bathroom, and would avoid carving up the rooms for en-suites, particularly those which have already been truncated for the modern staircases. Two roof lights are also proposed, but these are discreet and justified in regard to providing additional light to the attic floor. I also support the intention to refurbish the shutters as set out in this document. I can therefore support this proposal as sustaining the significance of the listed building.

With regard to the new housing and the impact on the setting of the Listed Building, the external materials for the proposed houses in "The Crescent" have altered to brick and this tonal change combined with the modern elements mixed with the Classical features help to distinguish them from Oakhill House; I am able to support them.

- 5.18 Kent Garden Trust: A large proportion of the new housing will lie within the Green Belt where one of the main purposes of the Green Belt is to prevent urban sprawl. This proposal is to partially infill the Green Belt land between Hildenborough and Hilden Park. Development within the Green Belt is only permitted in special circumstances, these have not been demonstrated.
- 5.18.1 This site is not included in the Local Plan as an area identified for local housing.
- 5.18.2 The Design and Access Statement states that "the landscape proposals incorporate and largely preserve the existing Tom Stuart Smith designed gardens within the masterplan (ref TM/09/00007)" and the key landscape principals are that "the existing landscape featured will be protected, conserved and enhanced where possible". In addition "high quality ornamental planting will remain.... and will be managed long term to ensure the ongoing beauty of the campus setting".
- 5.18.3 These proposals and principals are all very laudable, but KGT request that should you be mindful to grant this application then conditions are attached to ensure that they are upheld.
- 5.18.4 KGT would request that this site is given the status as a non-designated Heritage Asset on the local Heritage List for Tonbridge and Malling. We understand that a similar status has been granted to High Hilden House nearby.

5.19 Private Reps: 47 + press and site notices 0X/19R/1S. Objections raised to Application A are summarised below, no representations were made in respect of Application (B) directly:

- Want confirmation no access proposed to Coldharbour Lane;
- Houses in “Crescent” too close to Coldharbour Lane in terms of light pollution and biodiversity;
- Increase in height of office blocks – results in too much light – affects bats;
- Scale of development too big for Hildenborough;
- White House (was owned by Fidelity) should have original gardens restored as well;
- Scale/mass of office building - not acceptable in context of area;
- Should not have as many parking spaces – would encourage more parking at Hildenborough train station;
- Noise from air conditioning units;
- Removal of trees on site should be prohibited;
- Housing mix – too many 5 bed detached houses, should be a more even distribution;
- Want gardens to be given a non designated heritage asset status;
- Secondary access to the site should be provided for refuse and emergencies;
- Site should be public so everyone can enjoy the gardens;
- Need more solar panels for flats;
- More electric charging points are needed;
- Impacts on residents in Woodfield Avenue in terms of bulk, scale, massing and privacy;
- Local area lacks local facilities;
- Bus service in area infrequent/useless;
- Extra strain on road network;
- Increasing capacity at local schools and doctors;

- Affordable housing – want 40% on site – money in lieu not acceptable as want housing to go to locals in Hildenborough;
- Urban sites rather than Green Belt should be developed;
- Impact on Green Belt – joining of Hildenborough to Tonbridge And Malling Borough Council area flooding – issues in village – Hawden Pumping station at capacity;
- Green Belt land should not be developed – a car park is a temporary use.

Representations in support summarised as follows:

- Potential beautiful setting to be enjoyed by more people;
- Glad original gardens to remain;
- Proposal contributes to local infrastructure.

**6. Determining Issues:**

Preliminary matters:

- 6.1 Paragraph 48 of the NPPF states that a local planning authority can give weight to relevant policies in an emerging plan according to (1) the stage of preparation of the plan, (2) whether there are unresolved objections to the relevant policies and (3) the degree of consistency of the relevant policies with the NPPF.
- 6.2 Paragraph 49 then advises that this, when taken in the context of the NPPF and “in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”
- 6.3 When considering the requirements of the NPPF in this respect, it must be noted that the draft local plan was submitted to the Secretary of State for examination on 23 January 2019. Following an initial phase of hearings which took place in October 2020, the examining inspectors have written to the Council expressing serious concerns regarding the Duty to Cooperate (letter received December 2020). The Council is currently considering its position in this respect. It is accepted that a significant period of time has elapsed since the

Plan was originally submitted for examination. It is further accepted that, whatever the outcomes of the Inspector's latest letter, there will be a further delay to adoption (as yet unknown). The requirements of the NPPF are clear and are not predicated on the length of time the draft plan has been with the Secretary of State/his appointed inspectors, but rather how far it has advanced successfully through the examination process.

- 6.4 It is clear at this time, on the basis of our current position and the relevant NPPF paragraphs, that the draft local plan is not at an advanced stage (notwithstanding the timeframes involved) and therefore carries only limited weight for decision making purposes, certainly until it has progressed further through the examination process.
- 6.5 The LPA is under a statutory duty to determine planning applications in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Development Plan currently in force comprises the TMBCS (September 2007), the DLA DPD (April 2008), the MDE DPD (April 2010) and the saved policies of the TMBLP. The NPPF and guidance contained within the associated NPPG are material considerations.
- 6.6 At this time TMBC cannot demonstrate a five year housing supply. In the absence of a five year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the NPPF as follows:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
    - i. the application of policies within this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.7 The site lies between the two-character areas of the Hildenborough settlement, which are Hilden Park and the main settlement area of Hildenborough. Part of the site is within the rural service centre of Hildenborough and part of the site is in the designated countryside. Policy CP12 of the TMBCS allows housing development with settlement confines. Policy CP14 of the TMBCS seeks to restrict development in the countryside other than in limited, specified circumstances. The Borough Council has accepted on numerous occasions

when dealing with other planning applications for residential developments within the countryside that this policy is out of date with the NPPF and can, therefore, be attributed only limited weight.

6.8 It should also be noted that whilst historically used for employment purposes, the site is not allocated or safeguarded within the adopted development plan for such purposes. There is therefore no policy basis upon which to seek to require the site to remain in commercial use or to resist residential development on this basis.

6.9 With the above established, it is firstly necessary to determine whether there are any restrictive policies (as set out in Footnote 6 of the Framework) that provide a clear reason for refusal (the test at paragraph 11(d) (ii)). In this case, this requires an assessment related to the Green Belt and designated heritage assets. I will address each of these in turn in the first instance.

*Matters of principle and impacts on the Green Belt:*

6.10 Part of the site lies with the Rural Service Centre of Hildenborough and part of the site lies in the Metropolitan Green Belt. However, as explained in paragraph 3.6, the Green Belt boundary follows an irregular demarcation within the site so for clarity purposes the parts of the development in the Green Belt are as follows:

- Oakhill House and Phases 1 and 2 of the office development;
- The 18 houses to the south east of the site;
- The 5 houses in the “Crescent” (these are part in/part out – 2 of the houses are in the Green Belt and just the front part of the remaining 3 houses are in the Green Belt);

The remaining parts of the development lies within the settlement confines of the Rural Service Centre of Hildenborough and these are:-

- Phase 3 of the office development;
- The 4 houses to the north of the site
- The rear part of 3 of the houses in the “Crescent”.

6.11 Dealing with the elements of the development falling within the settlement confines first, Policy CP12 of the TMBCS allows housing development within settlement confines. In this case it is considered that the conversion to residential and an extension to Phase 3 of the office block, the erection of 4 houses in an open area to the north of the site and the rear part of the 3 houses in the Crescent is acceptable in broad principle by virtue of Policy CP12.



- 6.12 Returning to the elements of the development falling within the Green Belt, my assessment is as follows:

*Oakhill House and Office (Phases 1 and 2) - conversion and extension:*

- 6.13 It should be noted that on the ground there is no clear physical distinction or demarcation of the Green Belt boundary although in terms of the applicable of policy that does not alter the assessment that must take place.
- 6.14 Policy CP3 of the TMBCS sets out that national Green Belt policy will be applied. At paragraph 143, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 6.15 The NPPF then indicates that new buildings within the Green Belt are considered to be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are, however, specific exceptions to this position detailed in para 145 which include:
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- 6.16 The proposed extension to the south of the Phase 2 of the office building provides a reconfiguration of the current service yard arrangements that exist for the redundant office development. The works involve partial demolition of existing works and the nearby gardener's compound and an extension which will allow for additional residential units. Works to the office building also include a mansard roof extension. All of the proposed extensions to the office building (Phase 1, 2 and 3 - including elements in the settlement confines) amounts to a floorspace increase of 26% and a footprint increase of 32%. The part of the proposed extension to the office building in the Green Belt is not disproportionate to the main building and thus considered to fall within the exception provided at paragraph 145 (c) of the NPPF.
- 6.17 The NPPF states at paragraph 146 that other forms of development are also not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. Of relevance in this case is part (d) which allows for;

*the re-use of buildings provided that the buildings are of permanent and substantial construction.*

- 6.18 Oakhill House and Phases 1 and 2 of the adjoining office development are well constructed buildings. Oakhill House is a Listed Building and a case has been put forward that its conversion back to residential would be a suitable use to secure its long term future and yet still ensure that the majority of its historic fabric is retained. Phases 1 and 2 of the office development have been constructed to a high standard with existing services and parking in place; the conversion to residential ensures that the building and the infrastructure would not to be altered substantially to enable the proposed use to take place. On this basis it is considered that the proposed conversion to residential is a use that would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The conversion of Oakhill House and Phases 1 and 2 of the office development are therefore considered to fall within the exception afforded by paragraph 146(d).

*The 18 houses to the south east of the site – new builds:*

- 6.19 The NPPF indicates that new buildings within the Green Belt are considered to be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are, however, specific exceptions to this position detailed in para 145 which include (g):

- *Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
  - *not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development; or*
  - *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

- 6.20 The definition of PDL is contained at Annexe 2 of the NPPF, as follows:

*“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”*

- 6.21 As this site is an office campus it falls within the definition of PDL, although it is clear that the construction of new housing on this part of the site does have a greater impact on openness and so is inappropriate development by definition. I note that the agent has submitted in their supporting statement that this is not the case because the development would not cause substantial harm to the openness of the Green Belt as it is adjacent to existing settlements, but this is not the correct test to be applied as set out in the NPPF. There is no doubt that the proposal results in an increased and intensified level of development on this part of the site that exceeds the existing development (that of a surface level car park). This part of the scheme very plainly constitutes inappropriate development in the Green Belt, with overt harm to openness. The erection of eighteen dwellings of a suburban appearance with the associated residential paraphernalia would no doubt result in a further expansion of built form within this part of the site that would result in encroachment into the countryside, conflicting with the purposes of including land within it. As such, very special circumstances must be demonstrated that clearly outweigh this (and any other) identified harm before planning permission can be granted.
- 6.22 I am also mindful that the planning agents have also submitted that where substantial harm to the openness of the Green Belt has been identified, as in this case, they consider that the development could fall within the second bullet point of 145 (g) in that it is development that would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. Again, this is not a correct interpretation of the requirements of the NPPF and I remain of the view that very special circumstances are required for this element of the proposed development.

*The 5 houses in the "Crescent":*

- 6.23 Of the 5 houses that form the "Crescent" part of the development, the 2 southern most dwellings (plots 146 and 147) are in the Green Belt, whereas the Green Belt boundary for the remaining 3 houses (plots 143 to 145) runs through the front portion of the houses with the rear section within the settlement confines of Hildenborough.
- 6.24 As with the 18 houses within the south east corner of the site, it is clear that the development of housing in this part of the site cannot be viewed as appropriate within the Green Belt. There is again no doubt that the proposal results in an increased and intensified level of development on this part of the site that exceeds the existing development (that of shrubland/wooded area adjoining a surface level car park). Also, again this fails to meet an identified need of affordable housing.

*Very Special Circumstances:*

- 6.25 As explained above, there can be no doubt that the amount, footprint and scale of the development proposed by this application in the Green Belt would have a

greater impact on openness and as such the exception provided by paragraph 145 (g) cannot apply. The development therefore constitutes inappropriate development which is harmful by definition. Moreover, this also results in material harm to openness in spatial and visual terms. Specifically, the residential development proposed in the Green Belt would lead to built form spread over a wider area of the site. As advised by paragraph 144, this harm taken in totality (along with any other planning harm identified during the course of assessment) must be clearly outweighed by very special circumstances before planning permission can be granted.

6.26 In this instance, the applicant has sought to put forward a case of very special circumstances for the development. In summary, this case centres on the following:

- The current lack of housing land supply and unmet housing need;
- The unplanned vacancy of a strategic employment site of very high value and the need to find an alternative use;
- The lack of single occupancy alternative operator (as demonstrated by evidence of circa 18 months marketing);
- The unsuitability of the site for subdivision for employment users;
- The lack of evidence of demand by other employment generating uses (as demonstrated by evidence of circa 18 months marketing);
- The existing high environmental and biodiversity quality and the need to find a use that maintains it and the very high cost that is associated with this;
- The need to secure a viable re-use for the listed Oakhill House;
- The lack of visual impact on the open areas of the site.

6.27 Members will be aware that the Courts have held that the existence of very special circumstances must go beyond straightforward compliance with the normal development management policy requirements. I do not consider that all of the circumstances put forward in support of the application are applicable and as such I intend to focus solely on those which are capable of amounting to very special circumstances and discuss accordingly, as follows:

6.28 This site is not allocated or safeguarded in the adopted development plan for employment use, however Policy CP21 aims to safeguard employment areas that are well located to the main road and public transport network; provide (or are physically and viably capable of providing through redevelopment) good quality modern accommodation attractive to the market; and can meet a range of employment uses to support the local community. It is considered that this is

an employment site located close to good public transport, on a main road and has good quality accommodation. However, it has been found that this site is no longer attractive to the market for continued employment use.

- 6.29 The agents have explained the Oakhill House campus has been regenerated from a low-grade lampshade factory to a high-class office complex, with the emphasis always being placed on creating the highest quality environment possible for both staff, clients and visitors over wider operating costs. The maintenance of the high-quality landscape grounds alone attracts an annual cost of £250,000, whilst annual upkeep of the listed building also represents significant expenditure. Given the context, the potential re-use of the site by a single occupier tenant is reliant upon an organisation of similar status being identified and secured, which means the search criteria requires both national and international scale marketing. To this end, a comprehensive letting campaign was commenced in November 2018 and carried out by CBRE's specialist commercial team and there was no interest. Furthermore, the need for a campus style facility for a single occupier is a dwindling requirement especially since the outbreak of COVID-19. Indeed, the Council's own Employment Land Review ('ELR') recommends the provision of smaller scale office units, close to the main town centres, public transport and services and discourages the proliferation of small business relocating to out of town locations (such as Oakhill House). There is no substantiated requirement for offices of the nature and scale of Oakhill House, nor does there appear to be the desire to subdivide the existing units as this would likely draw occupants out of town centres. As part of the wider marketing campaign, alternative employment generating uses including education, healthcare and hotel and leisure were explored but with no offers forthcoming.
- 6.30 This is a highly sustainable brownfield site, which also has a high landscape and biodiversity value. The office buildings are built to a high specification and include three storeys of underground car parks and servicing. Due to the unique nature of the site, it commands a high service charge to maintain it. However, its use as an employment site has been found to be redundant in today's climate and there is thus a need to redevelop it for an alternative use. Moreover, within the grounds of the site is a Listed Building: There is a duty to secure a viable reuse and protect its fabric and setting. This is considered a unique site within the Borough which has many policy constraints, and it does appear that the proposal in front of Members is a sensible approach to redevelop it for an alternative use.
- 6.31 A detailed viability assessment has been undertaken and this has been reviewed for the Council by an independent Viability Consultant. It has concluded that to make the development viable there is a need to develop parts of the site for housing to off-set the costs involved in the overall redevelopment of the site.

- 6.32 It is my judgement that these are all aspects which are “very special” and clearly outweigh the identified harm to the Green Belt sufficient to ensure there is no clear reason to refuse planning permission on Green Belt grounds.

*Impact designated heritage assets and their settings:*

- 6.33 There is a statutory duty on decision-makers to have special regard to the desirability of preserving listed buildings and their settings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.34 Section 16 of the NPPF relates specifically to conserving and enhancing the historic environment. Applicants are required to describe the significance of any heritage assets affected, and LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal. The section clearly sets out what LPAs should take account of in decision making and that any potential impact is considered in relation to the significance of the heritage asset potentially affected. Paragraphs 194 – 196 and the NPPG provide further clarification on this method of assessment. The method requires potential harm to designated heritage assets to be categorised as either substantial (which includes total loss) or less than substantial harm, in order to determine which of the policy tests should be applied. However, within the category of “less than substantial harm” it is accepted in case law that a decision maker must take a view as a matter of planning judgement as to the level of harm within that category.
- 6.35 Oakhill House primarily derives its significance from the architectural and historic interest of its 19th Century fabric. In the first instance, conversion of the building may impact the building’s significance as a result of the removal of some surviving historic fabric or the alteration of original room layouts. However, there is limited internal historic fabric remaining and also very little of the building’s historic internal layout is thought to have survived. It is agreed that the return to total residential use is a heritage benefit, as it is its optimum viable use, and the removal of some inappropriate internal partitions will be the result of this. However, there will be limited harm caused to the building because of the planned conversion works, but the layouts of the building as proposed are able to maintain and restore it, in some instances. The justification for the alterations to be building is clear, and I can therefore support this proposal as sustaining the significance of the listed building.
- 6.36 In addition, the guidance makes it clear that the significance of a heritage asset derives not only from its physical presence but also from its setting. The site does contain a designated heritage asset, Oakhill House (Grade II listed), and

another six Listed Buildings that are in the immediate vicinity of the site. It is therefore important to determine whether the site impacts on the wider setting of these buildings.

- 6.37 Further guidance on such matters can be found in the NPPF and Historic England's The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) 2017. The guidance requires the identification of which heritage assets and their setting are potentially affected. For clarity the NPPF glossary states that - "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."
- 6.38 A Heritage Assessment has been submitted and this individually comments on the potentially relevant significant heritage assets that have been identified; these are The White House, Coach House, Oakhill Lawn, Quince Cottage 122 London Road and The Flying Dutchman (all Grade II Listed).
- 6.39 The proposed residential development within the site has been laid out to preserve the visual relationship of Oakhill House and White House and incorporates a high-quality landscaping scheme to ensure adequate levels of visual relief across the site. The proposals for residential development of the grounds of Oakhill House are considered to represent a neutral impact on the significance, and appreciation of the significance of the site's listed building, in the context of the site's current use as a modern employment space.
- 6.40 It is concluded in the Heritage Assessment that the proposed development falls beyond the setting of the heritage assets and therefore the heritage assets will not suffer any harm. This report and its conclusions have been agreed by the Council's retained Conservation Advisors. Consequently, it is not necessary to carry out any further analysis regarding levels of potential harm. Owing to the absence of any direct impact on any designated heritage assets or their wider setting there is no clear reason to refuse the proposed development on this basis.
- 6.41 As such, there are no policies within the Framework pertaining to the Green Belt or designated heritage assets indicating a clear reason to refuse planning permission in this case. This means that the presumption in favour of sustainable development re-emerges to be applied in this instance and it is therefore necessary to establish whether there are any significant and demonstrable adverse impacts that would arise from granting planning permission that would outweigh the wider benefits of granting permission when assessed against the relevant policies within the Framework as a whole. It is on this basis that the remainder of my assessment takes place.

Location of development:

- 6.42 Paragraph 79 of the NPPF states that “planning policies and decisions should avoid the development of isolated homes in the countryside”. Whilst the site is partly located within the designated countryside, it also lies immediately adjacent to a defined rural settlement and part of it is in a settlement boundary.
- 6.43 The site lies immediately adjacent to the settlement of Hildenborough. The pedestrian links to the site are good. The Hildenborough recreation ground is immediately opposite the entrance to the site, and the primary school and the church are within walking distance. There are bus stops outside the entrance to the site which is on a major bus route. There is a main line station located to the west of the site approximately 2.2km from the site. Future residents would not therefore be solely reliant on the private car as the primary mode of transport. The development is not therefore isolated in any way.
- 6.44 The NPPF states at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF states that the planning system has three overarching objectives to achieving sustainable development, these being an economic objective, such as ensuring adequate land is available to support growth and enable the provision of infrastructure; a social objective, such as ensuring a sufficient number and range of homes can be provided to meet the needs of present and future generations as well as accessible services and open spaces; and an environmental objective, ensuring that effective use is made of land, helping to improve biodiversity and protecting and enhancing the natural, built and historic environment.
- 6.45 It is considered therefore that the location of the site and the type of development proposed would be considered sustainable development under the relevant paragraphs of the NPPF.

Layout and density:

- 6.46 Paragraph 122 of the NPPF requires that planning policies and decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
  - b) local market conditions and viability;
  - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;



- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

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

6.48 Of course, the need to make the best and most efficient use of available land for housing provision must be measured against the need to ensure the development comes forward in an acceptable way, having full regard to local context and characteristics. In this respect, adopted policy CP24 of the TMBCS requires that all development must be well designed and of a high quality and must through (inter alia) its density be designed to respect the site and its surroundings. This is further supported by the express requirements of policy SQ1 of the MDE DPD. These policies are in broad conformity with the relevant policies of the Framework which, at paragraph 127, sets out that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 6.49 Paragraph 130 of the NPPF then sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
- 6.50 The development of this site with 165 residential units provides an overall density of 24 dwellings per hectare which is similar to prevailing density patterns of the locality. Given the nature of development proposed here, it is quite right that densities across the site will vary with high densities in the converted office development and lower in the surrounding housing. However, it is acknowledged that the outer edges of the development, particularly to the north, are at a lower density to ensure a suitable acknowledgement to the rural land beyond.
- 6.51 The layout of the proposed development responds to a number of factors, including: the Listed Building, protected trees, the topography, drainage/SUDs, biodiversity features and open space, and safe access to the site. The proposed housing is to be grouped into three parcels throughout the site to the northern, eastern and south eastern corners remaining in line with the surrounding residential development. Extensive areas of open space have been included within the design, which aid the separation between each of the housing parcels and the main Oakhill House building, which retains in its position centrally to the site and the landscaped grounds. The layout includes large areas of green corridors, created by the retention and enhancement of existing landscaping, trees and hedgerows on site. The varying character areas are created through a varied combination of building scale, massing and material choice and landscaping approach.
- 6.52 Access to the development will remain from the existing junction at Tonbridge Road, and a new pedestrian/cycle/emergency access route will be created further west of this existing access, also from Tonbridge Road. Several pedestrian footpaths will be provided throughout the development providing an interconnected network of routes. Access throughout the remainder of the site

will be through shared surface and minor access ways providing access to the northern and eastern corners of the site.

Detailed design: new houses:

- 6.53 The proposed houses are to be sited in three distinctive groups within the site: these are called “The Crescent” (5 houses), the “Northern parcel of Arcadian Edge Housing” (4 houses) and the “South Eastern parcel of Arcadian Edge Housing” (18 houses). The design of houses in these housing areas are described in greater detail below:-
- *Five dwellings in “The Crescent”*: this is a group of new plots which form a gentle crescent of detached Villas in a formal manner orientated eastwards towards the setting of the Listed Oakhill House. The rear gardens of the new houses which are west facing back onto the retained mature tree screen abutting Coldharbour Lane. The architecture and external materials of these houses is designed to complement the scale and formality of the Listed House and the stone commercial building. These characteristics are a deep eaves soffit to a shallow hipped roof in a slate effect roofing material. The storey heights will be enhanced to provide formal elevations of an appropriate scale and proportion with brickwork to complement the existing buildings and a stucco double bay projection with a first floor balcony above to take advantage of the considerable views to the front. These dwellings also include an annex above the garage that has an internal link to the main dwelling.
  - *Four dwellings on the northern parcel of Arcadian Edge housing*: this is a self-contained land parcel that sits entirely outside of the Green Belt boundary. It provides four detached houses carefully orientated to take account of retained trees, overshadowing and outlook. The materials and architecture for these houses reflect those of the surrounding properties which are characterised by Kentish plain tiled roofs, tile hanging and soft suburban vernacular styles from the early/mid twentieth century.
  - *18 houses on the south eastern parcel of Arcadian Edge housing*: this is a large section of the site that sits predominantly on extensive landscaped hardstanding car parking areas and the gardener’s maintenance compounds on the lower sections backing onto the rear gardens of Woodfield Avenue. This parcel provides 16 detached houses (including two link detached) and a pair of semi detached houses. As the surrounding older houses are either built in a traditional Kent vernacular palette of materials or later suburban imitations, as in those on Woodfield Avenue, brick and tile hung variants are proposed to complement the surroundings. The majority of roof finishes on neighbouring properties here are executed in plain tile.
- 6.54 Most of the dwelling types are two storeys with some having a ‘room within the roof’. During the course of the application process the design of the houses has

been amended and simplified so that they have a more timeless appeal with matching facias and guttering, and sage coloured windows. The houses all have a mix of materials including hanging tiles, weatherboarding, and brick elevations with solar panels on the roof.

Detailed design: office conversion and extension:

- 6.55 There are already two flats within Oakhill House which have been used by office staff. The proposed scheme aims to restore Oakhill House's original residential status and ensure the long term viability of this building. The conversion will accommodate 5 flats within the existing built fabric. Proposed works to the Listed building related predominantly to the internal space remodelling. External works will be minimal, limited to refreshing and enhancing original features to preserve the fabric of the listed building. To improve the usability of the existing floorspace and to improve daylight and sunlight within top floor rooms, two new conservation roof lights have been proposed on the northern side to minimise visual impact. For each of the lower ground floor apartments two single french-doors are also proposed to enable access onto the private terrace area. The existing terrace area has been re-modelled to enable ground and lower ground apartments private amenity space.
- 6.56 With regard to the office conversion, the design has been based on the retention of the existing elements, such as stair cores, lift shafts, load bearing walls and columns where possible. Internal apartment layouts have been created around existing openings with limited additional windows proposed. All of the apartments benefit from an area of private outdoor space with the exception of plots 71 and 84 in the main building (phase 2 building - southern end) and plots 136, 137 and 138 in the listed building. Plots 71 and 84 are situated within the 'turret' element that forms an attractive existing feature of the main building that was thought appropriate to retain and it was not possible to achieve balconies to that existing façade. Private space was not possible for the listed building with the exception of the two lower ground floor apartments which benefit from a sunken terrace. The apartments on the existing floors benefit from tall ceilings and spacious habitable rooms and flats have been created in the semi basement areas with outdoor areas being created by the removal of areas of soil. Within the data centre in the basement levels of the Phase 3 building, a residents' facility centre has been proposed which includes a gym, golf room, games room and cinema room.
- 6.57 The proposal includes a roof top extension to the existing buildings which are simple, lightweight structures; the proposed setbacks create the terraces for the residents, but also reduces the overall massing. The extensions at either end of the office block mostly all have individual terraces and are designed following the general form of the existing building on the site. The roof extension and the extensions proposed at either end of the office building also have a view to tie all three buildings together as part of a coherent design approach. The

extensions sit below the Oakhill House ridge height and as such they remain subservient to Oakhill House.

- 6.58 Overall, the design approach is considered to be of a high standard and on this basis, the amount, design and layout of the development proposed is considered to be acceptable. The development respects the site and conserves the character of its surroundings. The development created is an attractive, welcoming and safe environment and it accords with the relevant adopted policies Policy CP24 of the TMBCS, Policy SQ1 of the MED DPD and paragraphs 122, 127 and 130 of the NPPF.

*Impact on character and appearance of locality:*

- 6.59 Having regard to the adopted policy and NPPF requirements as already set out above, it is also necessary to make a more detailed assessment as to the potential impacts occurring on character and appearance arising from the proposed development. This is set out as follows:
- 6.60 To the north of the site are open fields, and to the south of the site is open recreational space. The western site boundary comprises Coldharbour Lane development beyond, and to the eastern boundary of the site is Woodfield Avenue and the Hilden Park development beyond. The illustrative masterplan has been designed to respond to the wider setting of the development site and comprises an area of housing in the south east of the site to reflect the adjoining development in Hilden park, and two smaller clusters of development to the west and north of the site to respond to the housing on Coldharbour Lane; the central area of the site contains the existing (and extended office block) and Oakhill House, with the southern side remaining relatively open with established trees and water features. The site maintains a more open aspect looking north-eastwards towards the open fields, where massed ornamental tree planting has been installed to frame views into and out of the site and reflect the open countryside beyond.
- 6.61 An Arboricultural report has been submitted which identifies the best quality trees. No trees of historic or significant tree cover, or of high arboricultural value in the landscape, are to be removed. Also, no veteran trees and none of the main arboricultural features of the site are to be removed. Within the site the highly managed 'grounds' exhibit a large number of high-quality native trees and an interesting selection of ornamental trees. The proposed removal of individuals and groups of trees will represent no alteration to the main arboricultural features of the site, will have only a minor impact on the arboricultural character of the site, and will not have a significant adverse impact on the arboricultural character and appearance of the local landscape. This is reflected in the rural layout and the trees which help to soften the visual impact of the overall proposed development.

- 6.62 None of the proposed dwellings or private gardens are likely to be shaded by retained trees to the extent that this will interfere with their reasonable use or enjoyment by incoming occupiers, which might otherwise lead to pressure on the Local Planning Authority to permit felling or severe pruning that it could not reasonably resist.
- 6.63 Additional tree planting is proposed throughout the scheme and this includes the incorporation of native species planting of local provenance, and those of known value to native wildlife.
- 6.64 A Landscape and Visual Appraisal has also been submitted as part of the planning application. The site is not the subject of any specific landscape designation. The report finds that there will be landscape and visual harm during the construction phase of the development, which is inevitable; however these effects will be short term and temporary in nature.
- 6.65 The northern plot on site is acknowledged to undergo change. This is however found to be softened and mitigated following the maturation of the proposed landscape features helping to assimilate the proposed built form into the surrounding area and be seen in a similar context to the dwellings which lie along Coldharbour Lane.
- 6.66 It is acknowledged that the introduction of new dwellings to the existing parking areas will permanently alter the site in this regard. The proposed landscape features, which will mature overtime, will absorb these new dwellings. The report mentions that most of these areas will however result in a low-adverse magnitude of change after 15 years and a slight, slight-moderate or minimal-slight level of effect from the 15th year. The northern plot is predicted to see a medium-adverse level of change.
- 6.67 The site is generally well-contained by mature and established vegetation. Visual effects would be contained and localised, with the most affected receptors within or immediately adjacent to the site, for example from nearby public footpath MT38 which would see views of the site from the intervening vegetation. However, through the introduction of landscape buffers and new tree planting, this will help to break-up the view of the development from the public footpath.
- 6.68 Views into the site from Coldharbour Lane are only possible through breaks in boundary planting, and views of the new detached houses are expected. These are proposed to be softened through the retention of the landscape buffer over time. From Tonbridge Road, the majority of receptors are likely to be vehicle users which will have a low sensitivity to change. The retention of a landscaping buffer will mitigate this.
- 6.69 Overall, the report concludes that the proposed development is found to result in moderate levels of landscape effect within the site; these are however limited

to the immediate vicinity of the site and likely to significantly reduce as the onsite buffers and planting matures. Only a limited number of views are possible from the surrounding area and the majority of which are either screened or glimpsed. If the landscape buffers are introduced and maintained the mid to long term visibility of the proposals is expected to be low. The landscaping on the site will be secured by condition.

- 6.70 Comments have been made by local residents about the potential of light pollution from the development especially with the addition of a mansard roof onto the former office block and the implications of this on the visual character of the area. To address this issue the applicants have undertaken a report into light pollution which has been submitted for consideration.
- 6.71 The report comments that LED lighting will be used internally and externally through the development, as this light source offers the most energy efficient solution whilst keeping the amount of ultraviolet light to a minimum as LED's have a much lower UV output than other sources.
- 6.72 The new external lighting to the site is to be sympathetic to the existing environment and the development's surroundings but providing enough illumination for the safe movement of pedestrians, enhancing the perception of security to the development through providing adequate and uniform illumination and safe vehicle access.
- 6.73 The report concludes that with the advancements in modern LED technology and internal/external luminaires, it is anticipated that the final lighting scheme will be compliant with all relevant lighting design standards and guidance documents. In addition, a considerate design solution to strategically locate the luminaires will further help to reduce the impact of artificial light on surrounding properties and ecology. This matter will be controlled by a suitably worded condition.

Landscaping:

- 6.74 The submitted Masterplan indicates the comprehensive soft and hard landscaping scheme that has been proposed throughout the site. This is discussed in depth within the accompanying Landscape and Ecology Management Plan (LEMP) and detailed landscaping plans. The LEMP has been brought forward and included within the Section 106 Agreement to ensure that the best practices for implementation and management required within the site, to balance the amenity value and provide ecological enhancement, are adhered to. The LEMP sets out a clear and comprehensive management framework for all landscape areas including the management of existing gardens, existing boundaries, existing trees, proposed/transplanted trees, meadows, waterbodies and swales. It sets out long term management objectives, management prescriptions and annual maintenance schedules for these areas. The LEMP states that Berkeley Homes will oversee the ongoing

management and maintenance of all public and communal areas within the grounds, outside of private gardens, following a minimum of 12 months of initial contract maintenance by the contractors responsible for implementing the soft and hard landscape scheme following practical completion. The sub-contractors to maintain the site following the withdrawal by Berkeley will be specialist landscape management and arboricultural contractors who work in line with the relevant British Standards and are on the Register of the British Association of Landscape Industries (BALI). This approach is consistent with that suggested by the Council's Landscape Officer with regard to the ongoing maintenance and future for the landscape on this site.

- 6.75 The report comments that the overall objective as part of the landscaping scheme is to protect, conserve and enhance the character of the landscape; ensuring that the change in use of the site maintains the historic character of the site, as well as the rural character of the wider area.
- 6.76 The landscaping scheme aims to retain and enhance existing vegetation and boundary treatments on site where possible using native species. A mix of perennial and evergreen planting will be used for screening within the residential areas, and planting throughout the site boundaries will be further enhanced to reduce visibility into the site from Coldharbour Lane/Tonbridge Road and be reflective of the prevailing characteristics of the area.
- 6.77 The existing wildflower meadow to the centre of the site is to remain, with the purpose of softening the transition from the ornamental perennial planting to the built form on site. Street planting will line the roads of the development and comprise a mix of shrub and perennial planting. To the site's north-eastern boundary, a larger area of semi-improved neutral grassland is proposed in order to aid the transition to the rural northern end of the site.
- 6.78 All amenity areas will be lawned and all existing areas of lawn and turf will be reinstated if they are impacted by the construction process. Likewise, the apartments will benefit from outside space in the form of a private terrace or balcony, with access to communal spaces.
- 6.79 It is also proposed to install a Paddle tennis court within the grounds close to the main site entrance. Paddle tennis courts are constructed of the same materials as tennis courts. The court measures 50 feet baseline-to-baseline and 20 feet across, with the service line 3 feet in from the baseline. The details of the fencing for the court have not been provided and will be agreed by a suitably worded condition to ensure that the landscape within this part of the site is suitably protected.

*Residential amenity:*

- 6.80 It is also vital to assess the proposed development in terms of its potential impact on the residential amenity of existing dwellings located close to the site



and, in addition, to ensure that suitable residential amenity can be achieved for future occupiers of the proposed development. This assessment will be made with regard to the relevant planning policies CP24 of the TMBCS, SQ1 of the MDE DPD and paragraphs 127 and 130 of the NPPF. These policies are detailed above in the preceding assessment.

- 6.81 However, it is important to consider the potential relationship between the proposed dwellings to be located in the north and west of the site and those existing dwellings on Coldharbour lane. The site plan shows a minimum distance of 26m between the opposing elevations of the existing and proposed dwellings.
- 6.82 With regard to the housing development proposed in the south eastern corner of the site, the houses that back onto the site from Coldharbour Lane benefit from large rear gardens (in excess of 40m); combined with the rear gardens of the proposed houses gives an overall separation of minimum 50m. The properties that front Tonbridge Road and back onto the site also have large rear gardens that provide good separation. However, the rear of the Flying Dutchman Public House has a 20m separation to the boundary with the site and a 30m separation to the nearest dwelling.
- 6.83 Due to these separation distances, I consider that the proposed development would not cause any overt harm to the residential amenity of the existing dwellings to the north, west and east. Whilst the proposal will alter the outlook from these residential dwellings, the separation distances and the use of established and enhanced landscape buffers will ensure no loss of privacy, light or general amenity. Accordingly this relationship will also ensure a suitable level of residential amenity for future occupiers of the proposed development.
- 6.84 Policy SQ6 of the MDE DPD relates to noise. However, this policy has been out of date since the publication of the NPPF in 2012. Therefore, for decision making purposes, it is necessary to refer to paragraph 180 of the NPPF. This paragraph requires planning decisions to mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life. A Noise Assessment has been submitted as part of the planning application. The report comments that persons using seating in the external terrace and garden areas of the nearby public house (The Flying Dutchman) will generate noise and the potential impact of these on the proposed dwellings needs to be considered. Due to Covid 19 restrictions a full noise survey was not able to be undertaken yet it was agreed with the Environmental Protection Department that they could use noise data from a neighbouring site at 140 Tonbridge Road (TM/20/00341/FL) for this assessment. Using these levels, a noise break-in assessment into the proposed habitable rooms has been undertaken to show that standard thermal double glazing and trickle ventilators should be suitable to achieve the internal noise levels provided within BS 8233:2014. However,

screening with a solid 1.8m garden fence will be required to the southern boundary of plot 147 to meet the external noise limits (this can be required by condition). No form of other screening is assessed to be required elsewhere. The assessment concludes is suitable for residential development in terms of noise.

- 6.85 EP raised concerns that tonal noise from the internal electrical substation has not yet been considered and has been also identified as a concern by the residents of a neighbouring property. It is understood that it may be difficult to determine impacts at this stage so it is suggested that details of this and how any impacts will be mitigated should be controlled via a condition requiring submission for approval prior to first occupation of the apartments in order to control the risks of impacts on amenity.

*Ecology and biodiversity:*

- 6.86 In accordance with section 40 of the Natural Environment and Rural Communities Act 2006, in decision making LPAs must have regard to conserving biodiversity. Policy NE2 of the MDE DPD requires that the biodiversity of the borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 states that development which would adversely affect biodiversity or the value of wildlife habitats across the borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement. The policy continues to state that proposals for development must make provision for the retention of the habitat and protection of its wildlife links. Opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value will be sought.
- 6.87 Policy NE4 further sets out that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network. These are all in general conformity with the policies in the Framework. In particular, paragraph 170 of the NPPF states that planning policies and decisions should contribute to, and enhance, the natural and local environment by (inter alia) protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.88 An Ecological Assessment has been submitted in support of the application by BSG ecology. The assessment was carried out in accordance with the guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM). The assessment includes full details of how the surveys were carried out and references the appropriate methodologies. Bat activity

surveys were carried out concentrating on the existing trees at the site. Further surveys relating to great crested newts and other amphibians, badgers, reptiles, birds, invertebrates and dormice were also carried out. The assessment did not discover any roosting of bats but foraging was recorded. Great Crested Newts were present in the ponds on the eastern boundary, a grass snake was found and slow worms are present in the wider locality. I therefore conclude that the proposed development will not adversely affect any protected species or damage any special habitat.

- 6.89 Nevertheless legislation, development plan policies and the NPPF seek to enhance the biodiversity value of sites. Accordingly the Ecological Assessment recommends a series of mitigation and enhancement measures. The measures include the provision of Schwegler bird boxes and sparrow terraces (Schwegler is a supplier of good quality woodcrete nesting boxes), Schwegler bat boxes and tubes and log piles. These recommendations, in conjunction with those already made in the submitted Arboricultural Report, will ensure an overall enhancement to biodiversity and wildlife habitat, particularly through the introduction of ponds associated with the SUDs and wildlife rich species planting. I am satisfied therefore that the proposed development accords with the requirements of the relevant policies in this regard.

Highway safety, capacity and parking provision:

- 6.90 Policy SQ8 of the MDE DPD sets out that:

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

- 6.91 This is consistent with the relevant policies of the Framework which state as follows.
- 6.92 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.
- 6.93 Paragraph 111 then sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 6.94 In accordance with paragraph 111, a detailed Transport Assessment and a Framework Travel Plan have been submitted as part of the planning application.
- 6.95 There is an existing access to the site from Tonbridge Road B245 which is to be used for the whole development. The junction comprises a separate right-turn bay from Tonbridge Road into the site; the bay will hold 5-6 vehicles before blocking of the straight-ahead movement. The site approach arm has separate left and right turn marked lanes, the flare from the single lane is approximately 23 metres long. There is good visibility from the site access onto Tonbridge Road.
- 6.96 A second pedestrian and cycle footway is planned between the site access and Coldharbour Lane. This will act as an site access for emergency vehicles,

providing network contingency should the other access road be out of action for any reason.

- 6.97 In this respect, KCC have confirmed that the arrangements are acceptable.
- 6.98 Turning now to traffic generation arising from the proposed development, predicted traffic numbers have been provided from similar developments through TRICS. The site access has been modelled with the junction operating well within capacity, with additional contingency on the network to cover any future traffic growth. KCC have also confirmed that this is acceptable.
- 6.99 Segregated off-road cycle and pedestrian lanes are provided along Tonbridge Road east to west, but it is not continuous throughout the entire route. Section 106 monies from the development would enhance the links and help serve connectivity for residents from the site to either Tonbridge Town Centre or Hildenborough Rail Station, especially as cycle storage facilities within the development have been provided for each house dwelling and the various apartments, totalling 344 spaces.
- 6.100 Consultation has taken place with South Eastern/Network Rail in order to ascertain whether adequate cycle parking provision is available at Hildenborough station, especially with the increased influx from the development.
- 6.101 In these respects, it is considered that section 106 contributions should be allocated towards a new cycle hub at Hildenborough Station which has been identified as being that of the greatest need to serve the cyclists who would live at the development. The developers have therefore agreed to pay £60,000 towards this facility. The contribution and its purpose will be enshrined within the section 106 legal agreement.
- 6.102 IGN3 recommends for suburban edge and village settlements a provision of 1 space per 1 and 2 bed flats, 1.5 spaces for 1 and 2 bed houses, and 2 spaces for 3 and 4 + bed houses. In terms of parking provision to serve the development, the adopted parking standards require a minimum provision of 196 car parking spaces. The development proposals conform to the adopted standards above, with a total of 309 car parking spaces provided (including garages, carports, and communal parking). The proposed development meets these recommendations.
- 6.103 Paragraph 91 of the NPPF requires the aims of planning policies and decisions to achieve healthy, inclusive and safe places. In particularly section c) requires policies and decisions to enable and support healthy lifestyles and (inter alia) layouts that encourage walking and cycling.
- 6.104 The proposed development is capable of making suitable provision for alternative modes of transport owing to the locality of the site. The provision of

electric vehicle charging points is proposed for every dwelling and flat and this can be ensured by planning condition. Consequently, both I and the highway authority conclude that the proposed development will not have a severe adverse impact in either capacity or safety terms on the wider highway network. The application is therefore acceptable in this regard. It also remains appropriate however to minimise any highway disruption during construction. It will therefore be necessary to agree a Construction Management Plan and, again, this can be ensured by planning condition.

*Renewable technologies and climate change:*

- 6.105 This application is accompanied by an Energy Statement. The purpose of the strategy has been to reduce the overall energy demand as far as possible with regards to the practicality and economic factors, by implementing energy efficient measures and introducing low carbon and renewable technologies.
- 6.106 The report comments that there is very limited opportunity for making carbon reductions to the existing buildings on the site, either due to their listed status and heritage value in the case of Oakhill House or the pre-existing building set to be converted into flats, meaning there is very little scope for alterations to the fabric or appearance of the facades. However, they are proposing the following measures:
- Deliver a high-performance building fabric with air tightness and ventilation;
  - Energy efficient lighting and controls, high efficiency gas boilers (for the houses) and enhanced heating controls, Mechanical Ventilation/Heat Recovery;
  - Every new house will have a PV array of 0.9kWp and solar panels to be fitted to the northern and southern new build elements of the apartments;
  - Each house and flat will have an electric car charging point; plus, there are charging points on the access road within the development;
  - 344 cycle bays proposed within development plus the applicants are paying £60,000 to a new cycle hub at Hildenborough Train Station;
  - Each home will meet the water efficiency requirement of 105 litres/person/day. All houses will include rainwater butts and apartments will incorporate an appropriate system for collecting rainwater for use in the homes or landscaped areas;
  - All living spaces and bedrooms will be provided with Cat 5/6 cabling;
  - Each home will have fixed units within the kitchen to store recyclable waste;

- Scheme proposes the sustainable restoration of the Grade II Listed Building and adaptive re-use of the existing buildings. Existing building materials as well as external hard landscaping materials will be re-used where possible;
- Planning permission has recently been granted under ref TM/20/02441/FL for the re-location of approximately 7,750m<sup>3</sup> of clean soil produced as a result of the campus site redevelopment. A typical 8-wheel, 20 tonne vehicle required for the off-site movement of this type of material on the highway can transport 15m<sup>3</sup> at any one time. The movement of the surplus soil would therefore equate to circa 1,032 trips (516 each way) on the local highway network, were it to be transported off site. If the soil were transported to the nearest known landfill sites (Borough Green or Maidstone) this would be a distance of approximately either 9 or 19 miles each way. By contrast the soil subject of the application would constitute a trip of under 1km, none of which would be on the public highway. The 516 trips would produce between 6,000 and 12,500kg of CO<sub>2</sub>, depending on if the soil went to Borough Green or Maidstone. This is the equivalent CO<sub>2</sub> emitted from heating the average family home for between 2.2 and 4.5 years (according to statistics for 2017 from the energy saving trust). The proposed soil movement will therefore lead to a significant net reduction in greenhouse gas emissions and a resulting impact on climate change.

6.107 The applicants have been asked to look at other sources of alternative energy to heat the flats and houses. With regard to the apartments they comment that a fully electric energy strategy is proposed for the apartments. The implementation of heat pumps was explored; however in order to maximise the sustainable re-use of the existing building the existing generator was proposed to be retained which limits the plant space available for heat pumps. Due to the quantum of apartments proposed, the size of the heat pump farm required would be significant and therefore not feasible on the roof (also reducing space for solar photovoltaic arrays). The logistics of replacing the current generator with heat pumps, running the required pipework and mechanical equipment throughout the building to serve the apartments, and replacing the existing services throughout the building would be prohibitive in cost terms.

6.108 With regard to the houses the use of heat pumps was explored. However due to the current cost of the systems, it was deemed prohibitively expensive and therefore not viable. There is also not the available land area required to install a large enough ground source heat pump to serve the development.

6.109 With regard to solar shingles they have assumed photovoltaic panels are to be installed on roofs to all houses and the northern and southern new build elements of the apartments instead of solar shingles, as this technology is still relatively new and PV panels are more readily available and widely used

Ground conditions and drainage:

- 6.110 Paragraph 178 of the NPPF states that planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
  - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
  - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 6.111 Paragraph 179 makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 6.112 Ground conditions are addressed in the submitted reports. The site appears to have gone through multiple phases of development over many years, and there is therefore the potential for contaminated made ground to be present on site
- 6.113 Flood Risk Assessment and Drainage Strategy reports have been submitted. As this is an existing developed site which is currently benefiting from a restricted discharge to a sewer in Tonbridge Road, it is proposed to construct a SUDs system with a discharge limited. The surface water drainage strategy utilises pre-existing attenuation ponds that served the former office buildings and associated car parks, together with some supplementary attenuation. The site is broken down into seven catchments with attenuation devices and storage capacity arranged in a cascade system prior to final discharge from the site. KCC SUDs have agreed that assessment demonstrates that SUDs proposed that do not increase the risk of flooding or cause pollution to groundwater.
- 6.114 It is therefore necessary to attach planning conditions to deal with any potential land contamination/flooding issues.

Planning obligations:

- 6.115 To reiterate, Members will be aware that the NPPF requires the Council to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Regulation



122 of the CIL Regulations requires conditions and obligations to be necessary to make the development acceptable in planning terms; be directly related to the development; and be fairly and reasonably related in scale and kind to the development.

6.116 Policy CP25 of the TMBCS relates to the mitigation of development impacts and states:

1. Development will not be proposed in the LDF or permitted unless the service, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions and/or land to secure such infrastructure or service provision at the time it is needed, by means of conditions or a planning obligation.

2. Where development that causes material harm to a natural or historic resource is exceptionally justified, appropriate mitigation measures will be required to minimise or counteract any adverse impacts. Where the implementation of appropriate mitigation is still likely to result in a residual adverse impact then compensatory measures will be required.

6.117 Policy CP17 of the TMBCS states that in urban areas affordable housing provision will be sought on all sites of 15 dwellings or above at a level of 40% of the number of dwellings within that scheme (70% affordable rent, 30% shared ownership). Only in exceptional circumstances should off-site provision be secured or a commuted sum provided in lieu of on-site provision.

6.118 The application does not propose the on-site provision of affordable housing. Consequently, the application includes a viability report and lengthy discussions have taken place between parties with advice being sought on behalf of the Council from an independent viability consultant. It has been agreed that due to the unique nature of the site, with an existing office building and listed building (which are hard to adapt for affordable housing), together with high service charges being commanded for the intended residents due to the landscape grounds and proposed facilities, this development would not be suitable for affordable housing on site nor would shared ownership apartments be viable. The discussions have concluded that an offsite housing contribution of £1,281,500 be paid. The contribution will be secured by legal agreement.

6.119 Policy OS3 of the MDE DPD requires all developments of 5 units or more to provide open space provision in line with Policy Annex OS3. The policy sets out that, where possible to do so, open space should be provided on-site. The development does include a large area of open space and a form of tennis court (paddle court) within the site but this does not meet the requirement for on-site provision for parks and gardens or outdoor sports facilities. The developers have commented that the grounds have an established landscape value and

they consider that, as there is a recreation ground sited opposite the entrance to the site, it is not necessary to provide one on the site. After careful consideration I have formed the view that there is a need to protect the setting of the Listed Building which is centrally located within the site, together with the mature landscaped grounds that were designed by a renowned landscape designer. It would therefore make it difficult to provide an onsite play facility to meet the requirements of Policy OS3. Consequently, a financial contribution of £257,840 is sought towards open space provision (specifically Tonbridge Farm Sports Ground) and £33,856 towards off site play equipment in the local area.

- 6.120 However, Hildenborough PC have identified particular projects in respect of open space provision and contributions that they would like as a result of the development. The PC have identified that their recreation ground at Riding Lane cannot usefully be used during many winter months due to the number of springs originating in the area, and that they need to install a hard footpath around the perimeter to allow all ages, abilities as well as wheelchair users and disabled residents to access the ground for safe exercise. Quite reasonably, this proposed development could increase demand and use for this ground and therefore utilising a proportion of the outdoor sports facilities contribution of £257,840 (totalling £50,000 as set out above) could reasonably be earmarked to possibility be spent on this project. This can be reflected within the final section 106 legal agreement and, when the contribution triggers are met, officers would liaise with the PC further on their specific requirements in this respect.
- 6.121 With regard to the offsite play equipment, the PC have also requested that consideration be given to the lack of provision for disabled children within their play areas. They would like to extend the play areas by providing 4 pieces of suitable equipment and safety surface at a cost of approximately £30,000; the location of this play equipment has yet to be agreed by the PC but it should be split between the two recreation grounds under their control (West Wood and Riding Lane). The PC also has commented that the pump cycle track is now in need of resurfacing; they aim to keep this facility to challenge young cyclists in a safe environment. This is situated on their West Wood site, opposite to Oakhill House. The cost of this will be £3,250 approx. It is considered that the £33,856 off site leisure contribution towards off site play equipment in the local area could be spent on these two identified local needs. Again, this can be reflected within the final section 106 legal agreement and, when the contribution triggers are met, officers would liaise with the PC further on their specific requirements in this respect.
- 6.122 Lastly, the PC have raised concerns with officers regarding the lack of local infrastructure and the further demands placed on local services that will arise from the proposed development. Members will appreciate that evidence is provided from KCC and the CCG in connection with such matters in order that suitable provision and enhancement of facilities can be secured where

necessary to do so. In this case, KCC have not advised that there is a need to contribute towards primary schools in the area. They have however commented that the proposed development will give rise to up to 11 additional secondary school pupils and this need can only be accommodated through the provision of new accommodation at the Judd School in Tonbridge. Therefore a contribution will be sought of £249,700.00 towards expansion of the Judd School

6.123 KCC also advise that in order to mitigate the additional impact arising from the proposed development on the delivery of its community services, the payment of the following sums is sought:

- Community Learning: £2,709.30 towards resources for Tonbridge Adult Education Centre
- Youth Services: £10,807.50 towards Kent Youth Service in TMBC
- Library Bookstock: £9,149.25 towards bookstock for Hildenborough Library
- Social Care: £24,235.20 towards Specialist care in TMBC
- Waste: £30,305.55 towards new WTS and new and improved HWRC's to serve TMBC residents

6.124 The NHS CCG advise that the proposed development will generate 358 new patient registrations and, in order to mitigate this impact, a sum of £128,880 will be sought towards the refurbishment, reconfiguration and/or extension at Hildenborough and Tonbridge Medical Group Practices.

6.125 Finally, as outlined above, it is considered that Section 106 monies should be allocated towards a new cycle hub at Hildenborough Station which has been identified as being that of the greatest need to serve the cyclists who would live at the development. The developers have therefore agreed to pay £60,000 towards this facility.

6.126 I am satisfied that the off-site provision of affordable housing, and the financial sums sought towards off site open space and play equipment, education, community facilities and a cycle hub at Hildenborough Station, are all necessary to make the development acceptable, are directly related to the development, and are fair and reasonable and related in scale and kind to the proposed development. Consequently, the relevant tests have been met. The off-site affordable housing contribution and other financial contributions comprise the S106 agreement.

*Benefits arising from the proposed development:*

6.127 The application of the presumption in favour of sustainable development at paragraph 11 (d) (ii) of the NPPF requires that development proposals be

granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

- 6.128 Firstly, the proposed development would provide 165 new homes on an edge of settlement site in a sustainable location, which carries substantial weight given the overarching need to deliver a sufficient supply of homes and particularly the fact that the objective of significantly boosting the supply of homes is a key government objective (paragraph 59 of the NPPF).
- 6.129 Whilst a number of the benefits put forward in support of the application are required by policy (affordable housing, open space and infrastructure contributions) it is clear that these individually all amount to substantial and important benefits arising from the scheme and this is an approach that Inspectors consistently adopt in such circumstances.
- 6.130 The proposed mix of housing would be compatible with the local surroundings that consist of small, medium and larger sized family homes.
- 6.131 In respect of wider matters, the development involves the re-use of a redundant site, refurbishing a listed building and, moreover, mitigation measures will also be incorporated with the landscaping proposals to deliver net gains in biodiversity.
- 6.132 Household expenditure generated by future residents will also help to support economic activity locally, including businesses providing household goods and services, transport service providers and the leisure industry. Increased household expenditure will flow to the retail and food and accommodation businesses present in the locality, helping to sustain the jobs and services which these facilities provide into the future. Household expenditure will also be captured by businesses further afield.

Procedural matters:

- 6.133 Section 77 of the Town and Country Planning Act 1990 allows the Secretary of State to give directions requiring applications for planning permission, or for the approval of any local planning authority required under a development order, to be referred to her instead of being dealt with by local planning authorities
- 6.134 I have referred to the Town and Country Planning (Consultation) England Direction 2009 and paragraph 4 of this legislation comments:-

*“For the purposes of this Direction, “Green Belt development” means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan document and which consists of or includes- (a) the provision of a building or buildings where the floor space to be created by the*

*development is 1,000 square metres or more; or (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.”*

- 6.135 As explained within this report, although this proposal is considered to be inappropriate development in the Green Belt, it is also considered to display very special circumstances that allow it to be acceptable in the Green Belt. This overall development represents a re-use of a Listed Building and is an acceptable use of this brownfield site, as envisaged in LDF policies for Previously Developed Land. It also follows the guidance contained within the current NPPF with regard to addressing housing supply. On this basis a referral for this case to the National Planning Casework Unit is not considered necessary.

Planning balance and overall conclusions:

- 6.136 On the basis of the preceding assessment when taken as a whole, I consider that the adverse impacts identified in no way significantly or demonstrably outweigh the identified benefits arising from the provision of 165 residential units in this location when taken cumulatively and when assessed against the policies in the Framework as a whole. On this basis, the presumption in favour of sustainable development points clearly to the grant of planning permission. Any identified impacts arising from the development can be adequately and appropriately mitigated through planning obligations secured by legal agreement and the imposition of conditions required to control the quality of the development coming forward. Planning permission should be granted and I recommend accordingly.

**7. Recommendation:**

Application (A)

- 7.1 **Grant planning permission** in accordance with the following submitted details: Noise Assessment dated 17.12.2020, Email dated 15.12.2020, Master Plan 01772-MP01 REV P02 dated 15.01.2021, Master Plan HBA-833-101 REV D dated 15.01.2021, Landscaping HBA-833-105 REV C dated 15.01.2021, Arboricultural Assessment HBA/833-104 REV C dated 15.01.2021, Report ARBORICULTURAL IMPLICATIONS dated 15.01.2021, Flood Risk Assessment Addendum dated 21.12.2020, Proposed Plans 01772-MP-09 P01 dated 16.10.2020, Visual Impact Assessment landscape dated 07.10.2020, Letter Berkeley Homes dated 13.10.2020, Report Executive viability dated 13.10.2020, Master Plan 01772\_MP\_01 P01 dated 07.10.2020, Master Plan 01772\_MP\_02 P01 dated 07.10.2020, Site Plan 01772\_MP\_03 P01 dated 07.10.2020, Proposed Plans 01772\_MP\_06 P01 dated 07.10.2020, Proposed Plans 01772\_MP\_07 P01 dated 07.10.2020, Proposed Plans 01772\_MP\_08 P01 dated 07.10.2020, Topographical Survey 01772\_S\_01 P01 dated 07.10.2020, Sections BX\_00 P1 dated 07.10.2020, Sections BX\_01 P1

dated 07.10.2020, Sections BX\_02 P1 dated 07.10.2020, Proposed Elevations ELE\_01 P1 dated 07.10.2020, Proposed Elevations ELE\_02 P1 dated 07.10.2020, Proposed Elevations ELE\_03 P1 dated 07.10.2020, Proposed Elevations ELE\_04 P1 dated 07.10.2020, Proposed Elevations ELE\_05 P1 dated 07.10.2020, Proposed Elevations ELE\_06 P1 dated 07.10.2020, Existing Floor Plans EXP\_00 P1 dated 07.10.2020, Existing Floor Plans EXP\_01 P1 dated 07.10.2020, Other Application form Q 21 dated 22.12.2020, Existing Floor Plans EXP\_05 P1 dated 07.10.2020, Existing Floor Plans EXP\_02 P1 dated 07.10.2020, Existing Floor Plans EXP\_03 P1 dated 07.10.2020, Existing Floor Plans EXP\_04 P1 dated 07.10.2020, Existing Floor Plans EXP\_06 P1 dated 07.10.2020, Existing Roof Plan EXP\_07 P1 dated 07.10.2020, Proposed Plans and Elevations GC\_00 P1 dated 07.10.2020, Proposed Plans and Elevations GC\_01 P1 dated 07.10.2020, Landscape Layout HBA-833-102 B dated 07.10.2020, Proposed Plans HBA-833-103 B dated 07.10.2020, Proposed Plans and Elevations LB\_00 P1 dated 07.10.2020, Proposed Plans and Elevations LB\_01 P1 dated 07.10.2020, Proposed Floor Plans P1\_00 P1 dated 07.10.2020, Proposed Floor Plans P1\_01 P1 dated 07.10.2020, Proposed Floor Plans P1\_02 P1 dated 07.10.2020, Proposed Floor Plans P1\_03 P1 dated 07.10.2020, Proposed Roof Plan P1\_04 P1 dated 07.10.2020, Proposed Floor Plans P2\_00 P1 dated 07.10.2020, Proposed Floor Plans P2\_01 P1 dated 07.10.2020, Proposed Floor Plans P2\_02 P1 dated 07.10.2020, Proposed Floor Plans P2\_03 P1 dated 07.10.2020, Proposed Roof Plan P2\_04 P1 dated 07.10.2020, Proposed Floor Plans P3\_00 P1 dated 07.10.2020, Proposed Floor Plans P3\_01 P1 dated 07.10.2020, Proposed Floor Plans P3\_02 P1 dated 07.10.2020, Proposed Floor Plans P3\_03 P1 dated 07.10.2020, Proposed Floor Plans P3\_04 P1 dated 07.10.2020, Proposed Floor Plans P3\_05 P1 dated 07.10.2020, Proposed Roof Plan P3\_06 P1 dated 07.10.2020, Proposed Floor Plans PL\_000 P1 dated 07.10.2020, Proposed Floor Plans PL\_001 P1 dated 07.10.2020, Proposed Floor Plans PL\_002 P1 dated 07.10.2020, Proposed Floor Plans PL\_003 P1 dated 07.10.2020, Proposed Floor Plans PL\_004 P1 dated 07.10.2020, Proposed Roof Plan PL\_005 P1 dated 07.10.2020, Proposed Floor Plans PL\_006 P1 dated 07.10.2020, Proposed Floor Plans PL\_007 P1 dated 07.10.2020, Proposed Plans and Elevations S19/7456/50 dated 07.10.2020, Sections SS\_00 P1 dated 07.10.2020, Sections SS\_01 P1 dated 07.10.2020, Sections SS\_02 P1 dated 07.10.2020, Location Plan 01772\_S\_00 P1 dated 07.10.2020, Letter dated 07.10.2020, Other Appendix 1 Sap work sheets dated 07.10.2020, Other data register and issue sheet dated 07.10.2020, Flood Risk Assessment part 1 of 4 dated 07.10.2020, Flood Risk Assessment part 2 of 4 dated 07.10.2020, Flood Risk Assessment part 3 of 4 dated 07.10.2020, Flood Risk Assessment part 4 of 4 dated 07.10.2020, Other landscape and ecology appendices 1 of 3 dated 07.10.2020, Other landscape and ecology appendices 2 of 3 dated 07.10.2020, Other landscape and ecology appendices 3 of 3 dated 07.10.2020, Management Plan landscape and Ecology dated 07.10.2020, Visual Impact Assessment landscape appendices

dated 07.10.2020, Visual Impact Assessment verifiable views 1 of 2 dated 07.10.2020, Visual Impact Assessment verifiable views 2 of 2 dated 07.10.2020, Schedule planning application dated 07.10.2020, Other proposed head of terms for S106 agreement dated 07.10.2020, Statement sustainable design and construction dated 07.10.2020, Archaeological Assessment desk based dated 07.10.2020, Statement Built Heritage dated 07.10.2020, Design and Access Statement part1 dated 07.10.2020, Design and Access Statement part 2 dated 07.10.2020, Ecological Assessment dated 07.10.2020, Statement Energy dated 07.10.2020, Visual Impact Assessment landscape dated 07.10.2020, Noise Assessment dated 07.10.2020, Planning Statement dated 07.10.2020, Statement community Involvement dated 07.10.2020, Transport Assessment part 1 of 3 dated 07.10.2020, Transport Assessment part 2 of 3 dated 07.10.2020, Transport Assessment part 3 of 3 dated 07.10.2020, Travel Plan dated 07.10.2020, Other Waste Management Strategy dated 07.10.2020, Proposed Plans and Elevations HT3A1\_00 dated 25.01.2021, Proposed Elevations HT3A1\_01 dated 25.01.2021, Proposed Plans HT3A1\_02 dated 25.01.2021, Proposed Plans and Elevations HT3B1\_00 dated 25.01.2021, Proposed Plans and Elevations HT4A1\_00 dated 25.01.2021, Proposed Plans and Elevations HT4A1\_01 dated 25.01.2021, Proposed Plans and Elevations HT4H1\_00 dated 25.01.2021, Proposed Plans and Elevations HT4H1\_01 dated 25.01.2021, Proposed Plans and Elevations HT4H1\_02 dated 25.01.2021, Proposed Plans and Elevations HT4H1\_03 dated 25.01.2021, Proposed Plans and Elevations HT5-5\_00 dated 25.01.2021, Proposed Plans and Elevations HT5-5\_01 dated 25.01.2021, Proposed Plans and Elevations HT5-5\_02 dated 25.01.2021, Proposed Plans and Elevations HT5-5\_03 dated 25.01.2021, Proposed Plans and Elevations HT5-5\_04 dated 25.01.2021, Proposed Plans and Elevations HT5F1\_00 dated 25.01.2021, Proposed Plans and Elevations HT5F1\_01 dated 25.01.2021, Proposed Plans and Elevations HT5F1\_02 dated 25.01.2021, Proposed Plans and Elevations HT5F1\_03 dated 25.01.2021, Proposed Plans and Elevations HT5H11\_00 dated 25.01.2021, Proposed Plans and Elevations HT5H11\_01 dated 25.01.2021, Proposed Plans and Elevations HT5H11\_02 dated 25.01.2021, Proposed Plans and Elevations HT5H6\_00 dated 25.01.2021, Proposed Plans and Elevations HT5H6\_01 dated 25.01.2021, Visual Impact Assessment Addendum A dated 09.02.2021, Planning Statement Light Pollution dated 09.02.2021, subject to:

- The applicant entering into a planning obligation with the Borough Council to provide a commuted sum towards the provision of affordable housing in the Borough and other financial contributions towards public open space provision, enhancement and health provision and the provision of a cycle hub at Hildenborough Station;
- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards the provision of education facilities and community services.

It is expected that the section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 25 September 2021, a report back to the Area 1 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- The following conditions:

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

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

2. All materials used externally shall accord with the approved plans.

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

3. The development hereby approved shall not be first occupied until the areas shown on the submitted layout for a vehicle parking spaces (plan ref 01772-MP-08-Rev PO1 rec 07 October 2020) has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

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

4. The proposal for landscaping shown on the submitted landscape master plan referenced HBA-833-101 Rev D, the soft landscaping plan HBA-833-105 Rev C, and the arboricultural implications plan ref HBA- 333-104 Rev C (all received 15 January 2021) shall be implemented in the first planting season following completion of the development: Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity

5. The development hereby approved shall be carried out in such a manner that all trees that are shown to be protected in accordance with the recommendations



within BS 5837 – Trees in relation to design, demolition and construction. In particular, the access road to the entrance to the underground car park, and service requirements will require arboricultural supervision as it is close to ancient Oak trees.

Reason: In the interests of good horticultural practice.

- 6 The development shall be implemented in accordance with approved report the Residential Waste Management Strategy dated October 2020 (ref TS/14684) before the development is occupied and shall be retained at all times thereafter.

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

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

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

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

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

- 9 No development other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

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

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

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2019.

- 10 No development other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

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

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

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2019.

- 11 Following completion of the approved remediation strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2019.

- 12 No external lighting shall be installed in connection with the development hereby approved until such details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and maintained and retained at all times thereafter.

Reason: In the interests of visual and rural amenity.

- 13 No development other than demolition of any building, removal of hardstanding, ground investigations or site survey works, shall be commenced until details of the proposed means of foul sewerage have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In the interests of ensuring that the development is served by satisfactory arrangements.

- 14 No development other than ground investigations or site survey works, shall be commenced until arrangements for the management of any and all demolition and/or 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 construction works will be limited to and measured 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;
- Procedures for notifying properties identified as likely to be affected as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.
- The controls on noise and dust arising from the site with reference to current guidance.

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

Reason: In the interests of general amenity and highway safety

- 15 Prior to the first occupation of the apartments within the converted office development hereby approved, the secure cycle storage as shown on the approved cycle storage drawing (plan ref 01772-MP-08-Rev PO1 rec 07 October 2020) shall be implemented and shall thereafter be maintained and retained in accordance with the approved details.

Reason: To ensure that cycle bays are provided and maintained in accordance with the Council's adopted standards.

- 16 Prior to the first occupation of any of the apartments within the converted office building, a scheme for the insulation of the building against the emission of sound from the internal electrical substation has been submitted to and approved by the Local Planning Authority, and the substation has been insulated in accordance with the approved scheme. The approved scheme shall thereafter be maintained and retained at all times.

Reason: To protect the aural environment of nearby dwellings.

- 17 No development other than ground investigations or site survey works, shall be commenced 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 be based upon the Flood Risk Assessment Technical addendum dated 17th December 2020 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at a rate no greater than 21l/s 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.

- 18 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.

- 19 Prior to the first occupation of any of the residential apartments or houses within the development, a water safety assessment should be undertaken in regard to the water features on the site and submitted to the Local Planning Authority for approval. The details with the report shall then be implemented in accordance with the approved scheme and shall thereafter be retained at all times.

Reason: To protect the safety of the residents within the development.

- 20 Prior to the first occupation of any of the residential apartments or houses within the development, details of the means of enclosure for the paddle tennis court shall be submitted to the Local Planning Authority for approval. The details shall then be implemented in accordance with the approved scheme and shall thereafter be retained at all times.

Reason: In the interests of the visual amenity of the site.

- 21 Prior to the first occupation of the dwelling on plot 147 of the development, a solid 1.8m high acoustic fence shall be erected along the southern boundary of this plot and shall thereafter be retained at all times.

Reason: In order to create a satisfactory aural environment for the site.

- 22 The development shall be carried out in accordance with the recommendations of the BSG Ecology Appraisal received 07 October 2020; in particular the implementation of mitigation and enhancement measures and be retained and maintained thereafter.

Reason: To ensure the protection of wildlife species.

- 23 Prior to the first occupation of any of the residential apartments within the development, details of the solar panels to be erected on the roof of the

apartment blocks shall be submitted to the Local Planning Authority for approval. The details shall then be implemented in accordance with the approved scheme and shall thereafter be maintained and retained at all times.

Reason: In the interests of the visual amenity of the site.

### **Informatives**

- 1 During the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 07:30 hours - 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public / Bank Holidays.
- 2 The applicant is advised that they must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 3 The applicant is advised to ensure that measures are provided to prevent the discharge of surface water onto the highway
- 4 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.
- 5 The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- 6 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbs.gov.uk](mailto:addresses@tmbs.gov.uk). To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

- 7 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.
- 8 The applicant should consult Building Control for both consultation on the installation of noise insulation between the dwellings/units created, and of the suitability of the existing structure for conversion to residential accommodation.
- 9 The applicant is advised that the development should be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate surface water network capacity is available to adequately drain the development.

Application (B):

- 7.2 **Approve listed building consent** in accordance with the following submitted details: Proposed Floor Plans P2\_02 P1 dated 07.10.2020, Proposed Floor Plans P2\_03 P1 dated 07.10.2020, Proposed Roof Plan P2\_04 P1 dated 07.10.2020, Proposed Floor Plans P3\_00 P1 dated 07.10.2020, Proposed Floor Plans P3\_01 P1 dated 07.10.2020, Proposed Floor Plans P3\_02 P1 dated 07.10.2020, Proposed Floor Plans P3\_03 P1 dated 07.10.2020, Proposed Floor Plans P3\_04 P1 dated 07.10.2020, Proposed Floor Plans P3\_05 P1 dated 07.10.2020, Proposed Roof Plan P3\_06 P1 dated 07.10.2020, Proposed Plans and Elevations S19/7456/50 dated 07.10.2020, Sections SS\_00 P1 dated 07.10.2020, Sections SS\_01 P1 dated 07.10.2020, Sections SS\_02 P1 dated 07.10.2020, Location Plan 01772\_S\_00 P01 dated 07.10.2020, Proposed Floor Plans PL\_000 P1 dated 07.10.2020, Proposed Floor Plans PL\_001 P1 dated 07.10.2020, Proposed Floor Plans PL\_002 P1 dated 07.10.2020, Proposed Floor Plans PL\_003 P1 dated 07.10.2020, Proposed Floor Plans PL\_004 P1 dated 07.10.2020, Proposed Roof Plan PL\_005 P1 dated 07.10.2020, Proposed Floor Plans PL\_006 P1 dated 07.10.2020, Proposed Floor Plans PL\_007 P1 dated 07.10.2020, Other APPENDIX 1 SAP WORKSHEETS dated 07.10.2020, Other DATA REGISTER AND ISSUE SHEET dated 07.10.2020, Flood Risk Assessment X 4 PARTS dated 07.10.2020, Statement LANDSCAPE AND VISUAL IMPACT dated 07.10.2020, Schedule PLANNING APPLICATION dated 07.10.2020, Other TERMS FOR S106 AGREEMENT dated 07.10.2020, Statement COMMUNITY INVOLVEMENT dated 07.10.2020, Statement DESIGN AND CONSTRUCTION dated 07.10.2020, Arboricultural Assessment dated 07.10.2020, Desk Study Assessment ARCHAEOLOGICAL dated 07.10.2020, Statement HERITAGE dated 07.10.2020, Design and Access Statement X 2 PARTS dated 07.10.2020, Ecological Assessment dated 07.10.2020, Energy Statement dated 07.10.2020, Plan LANDSCAPE AND ECOLOGY MANAGEMENT X 4 PARTS dated 07.10.2020, Assessment LANDSCAPE AND VISUAL IMPACT X 3 PARTS dated 07.10.2020, Noise Assessment dated 07.10.2020, Planning Statement dated 07.10.2020, Transport

Statement X 3 PARTS dated 07.10.2020, Travel Plan dated 07.10.2020, Waste Management Strategy dated 07.10.2020, Landscape Statement dated 07.10.2020, Master Plan 01772\_MP\_01 P01 dated 07.10.2020, Master Plan 01772\_MP\_01 P01 dated 07.10.2020, Master Plan 01772\_MP\_02 P01 dated 07.10.2020, Site Plan 01772\_MP\_03 P01 dated 07.10.2020, Proposed Plans 01772\_MP\_06 P01 dated 07.10.2020, Proposed Plans 01772\_MP\_07 P01 dated 07.10.2020, Proposed Plans 01772\_MP\_08 P01 dated 07.10.2020, Topographical Survey 01772\_S\_01 P01 dated 07.10.2020, Sections BX\_00 P1 dated 07.10.2020, Sections BX\_01 P1 dated 07.10.2020, Sections BX\_02 P1 dated 07.10.2020, Proposed Elevations ELE\_01 P1 dated 07.10.2020, Proposed Elevations ELE\_02 P1 dated 07.10.2020, Proposed Elevations ELE\_03 P1 dated 07.10.2020, Proposed Elevations ELE\_04 P1 dated 07.10.2020, Proposed Elevations ELE\_05 P1 dated 07.10.2020, Proposed Elevations ELE\_06 P1 dated 07.10.2020, Existing Plans EXP\_00 P1 dated 07.10.2020, Existing Plans EXP\_01 P1 dated 07.10.2020, Existing Plans EXP\_02 P1 dated 07.10.2020, Existing Plans EXP\_03 P1 dated 07.10.2020, Existing Plans EXP\_04 P1 dated 07.10.2020, Existing Plans EXP\_05 P1 dated 07.10.2020, Existing Plans EXP\_06 P1 dated 07.10.2020, Existing Roof Plan EXP\_07 P1 dated 07.10.2020, Proposed Plans GC\_00 P1 dated 07.10.2020, Proposed Plans GC\_01 P1 dated 07.10.2020, Landscape Layout HBA-833-101 C dated 07.10.2020, Landscape Layout HBA-833-102 B dated 07.10.2020, Proposed Plans HBA-833-103 B dated 07.10.2020, Arboricultural Assessment HBA-833-104 B dated 07.10.2020, Landscape Layout HBA-833-105 B dated 07.10.2020, Plan LB\_00 P1 dated 07.10.2020, Elevations LB\_01 P1 dated 07.10.2020, Proposed Floor Plans P1\_00 P1 dated 07.10.2020, Proposed Floor Plans P1\_01 P1 dated 07.10.2020, Proposed Floor Plans P1\_02 P1 dated 07.10.2020, Proposed Floor Plans P1\_03 P1 dated 07.10.2020, Proposed Roof Plan P1\_04 P1 dated 07.10.2020, Proposed Floor Plans P2\_00 P1 dated 07.10.2020, Proposed Floor Plans P2\_01 P1 dated 07.10.2020, Proposed Plans 01772\_MP\_09 P01 dated 16.10.2020, Statement listed building statement of works dated 04.12.2020, Proposed Plans and Elevations HT3A1\_00 dated 25.01.2021, Proposed Elevations HT3A1\_01 dated 25.01.2021, Proposed Plans HT3A1\_02 dated 25.01.2021, Proposed Plans and Elevations HT3B1\_00 dated 25.01.2021, Proposed Plans and Elevations HT4A1\_00 dated 25.01.2021, Proposed Plans and Elevations HT4A1\_01 dated 25.01.2021, Proposed Plans and Elevations HT4H1\_01 dated 25.01.2021, Proposed Plans and Elevations HT4H1\_02 dated 25.01.2021, Proposed Plans and Elevations HT4H1\_03 dated 25.01.2021, Proposed Plans and Elevations HT5-5\_00 dated 25.01.2021, Proposed Plans and Elevations HT5-5\_01 dated 25.01.2021, Proposed Plans and Elevations HT5-5\_02 dated 25.01.2021, Proposed Plans and Elevations HT5-5\_03 dated 25.01.2021, Proposed Plans and Elevations HT5-5\_04 dated 25.01.2021, Proposed Plans and Elevations HT5F1\_00 dated 25.01.2021, Proposed Plans and Elevations HT5F1\_01 dated 25.01.2021, Proposed Plans and Elevations HT5F1\_02 dated 25.01.2021, Proposed Plans and Elevations HT5F1\_03



dated 25.01.2021, Proposed Plans and Elevations HT5H11\_00 dated 25.01.2021, Proposed Plans and Elevations HT5H11\_01 dated 25.01.2021, Proposed Plans and Elevations HT5H11\_02 dated 25.01.2021, Proposed Plans and Elevations HT5H6\_00 dated 25.01.2021, Proposed Plans and Elevations HT5H6\_01 dated 25.01.2021, subject to the following conditions:

### **Conditions**

1. The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. Prior to the commencement of works to repair and refurbish the internal shutters, a detailed specification for the work, including details of finishes, shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in accordance with these approved details.

Reason: To protect the historic fabric of the Listed Building.

3. Prior to the commencement of works to install the roof lights, manufacturer's details shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in accordance with these details.

Reason: To protect the historic fabric of the Listed Building.

4. Prior to the commencement of works to install new railings to lightwells, large scale elevation and section drawings of the railings, including finial details, means of fixing and finishes, shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in accordance with these details.

Reason: To protect the historic fabric of the Listed Building.

5. Prior to installation, details of any new external pipes proposed on elevation drawings at 1:50 scale shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in accordance with these details.

Reason: To protect the historic fabric of the Listed Building.

6. Full detailed information of all flues, air conditioning units and mechanical ventilation that may be required, including dimensions, colour and material shall be provided complete with method statement of installation. Fully detailed elevations at a scale of 1:50 showing the location of all flues or mechanical installations shall also be submitted. The works shall then be implemented in accordance with these details.

Reason: To protect the historic fabric of the Listed Building.

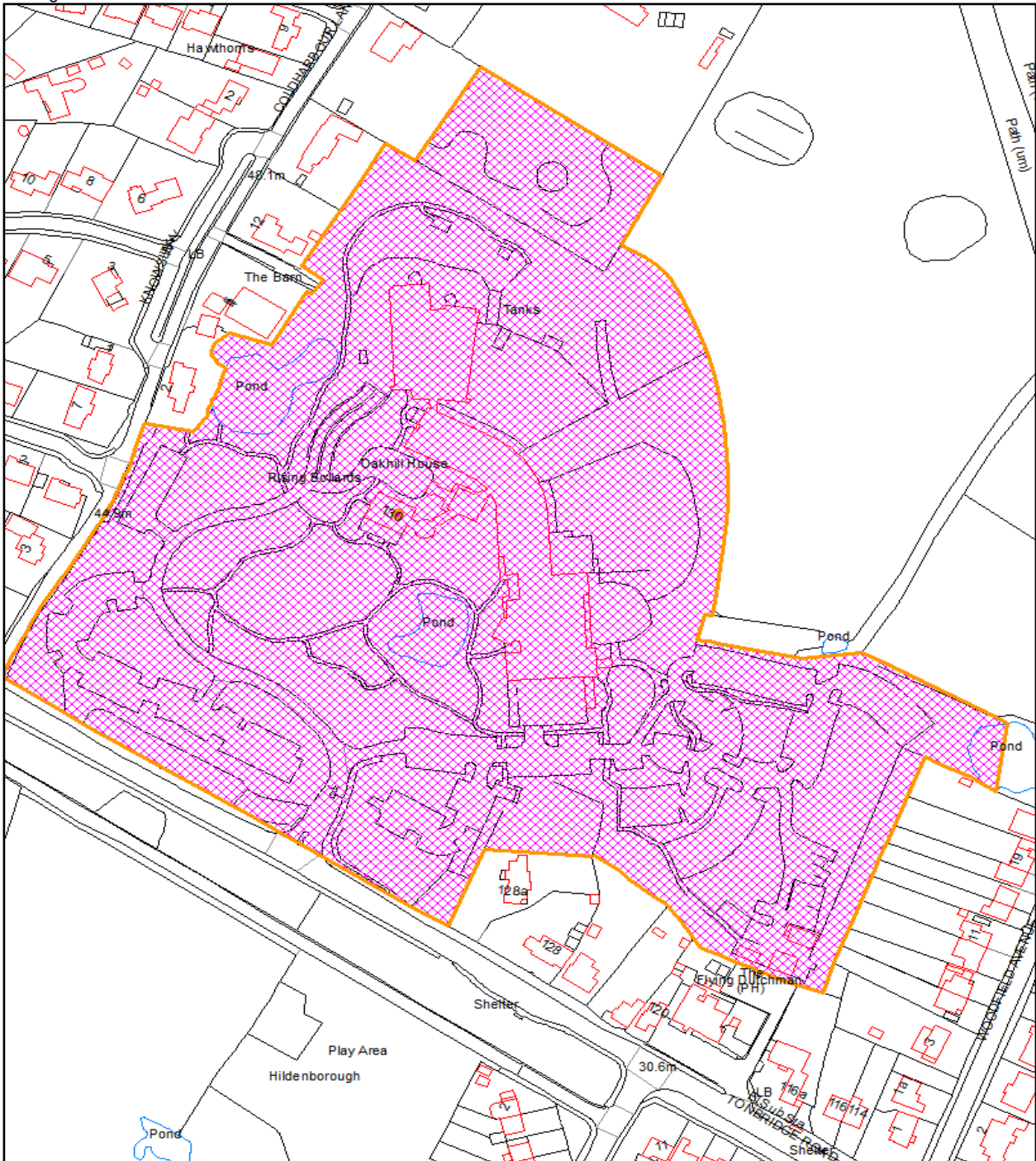
Contact: Rebecca Jarman

**TM/20/02245/FL & TM/20/02246/LB**

**Oakhill House 130 Tonbridge Road Hildenborough Tonbridge Kent TN11 9DZ**

Redevelopment of site to include conversion, extension and alteration of existing office buildings and conversion and alteration of Grade II listed office building to create 138 apartments and shared residents facilities, together with 27 houses within the grounds, including access, parking, hard and soft landscaping and areas of open space

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank