

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

15 June 2022

To: MEMBERS OF THE AREA 1 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 1 Planning Committee to be held in Council Chamber, Gibson Drive, Kings Hill on Thursday, 23rd June, 2022 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may attend in person or participate online via MS Teams.

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

AGENDA

1. Guidance for the Conduct of Meetings

5 - 6

PART 1 - PUBLIC

2. Apologies for Absence
3. Declarations of Interest

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

4. Minutes 7 - 10

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 31 March 2022

5. Glossary and Supplementary Matters 11 - 18

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

6. TM/21/01911/FL - Land rear of 182 High Street, Tonbridge 19 - 90

Redevelopment to form 32 Retirement Living apartments for older persons including communal facilities, and associated car parking and landscaping, and the repositioning of 4 existing car parking spaces at Land rear of 182 High Street, Tonbridge

7. Urgent Items

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

Matters for consideration in Private

8. Exclusion of Press and Public

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

9. Urgent Items

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

MEMBERSHIP

Cllr D W King (Chair)
Cllr M R Rhodes (Vice-Chair)

Cllr Mrs J A Anderson
Cllr Mrs P A Bates
Cllr J L Botten
Cllr M D Boughton
Cllr V M C Branson
Cllr G C Bridge
Cllr A E Clark
Cllr A Cope
Cllr M O Davis

Cllr N Foyle
Cllr N J Heslop
Cllr M A J Hood
Cllr F A Hoskins
Cllr J R S Lark
Cllr H S Rogers
Cllr J L Sergison
Cllr Miss G E Thomas
Cllr F G Tombolis

This page is intentionally left blank

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business be discussed:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>
- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

MINUTES

Thursday, 31st March, 2022

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

(Note: As Councillors Mrs P A Bates, N Foyle and J L Sergison were unable to attend in person they participated via MS Teams and were unable to vote on any matters).

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

Apologies for absence were received from Councillors J L Botten and Miss G E Thomas

PART 1 - PUBLIC

AP1 22/16 DECLARATIONS OF INTEREST

In respect of application TM/21/03332/FL (Longmead Stadium, Darenth Avenue, Tonbridge) the following were declared:

- Councillor Bridge declared an Other Significant Interest on the grounds that he was a stakeholder with Tonbridge Angels Football Club who were the applicant. He withdrew from the meeting and did not participate in the discussion or vote on this matter.
- For reasons of transparency, Councillors Heslop and Hood declared that they were long-time supporters of Tonbridge Angels Football Club. The Chairman of the Football Club was also known to Councillor Heslop. As this did not represent either a Disclosable Pecuniary or Other Significant Interest there was no requirement to withdraw from the meeting.
- For reasons of transparency, Councillor Boughton advised that he had met with Tonbridge Angels Football Club, in his role as Leader of the Borough Council, to discuss a number of initiatives that were not related to this application. Legal Services had confirmed that this did not represent either a Disclosable Pecuniary or Other Significant Interest and there was no requirement to withdraw from the meeting.

AP1 22/17 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 17 February 2022 be approved as a correct record and signed by the Chairman.

AP1 22/18 GLOSSARY AND SUPPLEMENTARY MATTERS

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

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

AP1 22/19 TM/21/03332/FL - LONGMEAD STADIUM, DARENTH AVENUE, TONBRIDGE

Installation of new all-weather playing surface. Removal of 8. No existing floodlighting columns and erection of 4 No. replacement LED Floodlights at Longmead Stadium, Darenth Avenue, Tonbridge.

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

(1) Additional Condition:

5. The pitch shall only be in use and at no other time outside the hours of 0900 until 2100 weekends and 0900 and 2230 on weekdays.

Reason: In the interests of general amenity of the wider area.

[Speaker: Mr Simon McKay (agent) addressed the Committee via MS Teams]

AP1 22/20 TM/21/01677/FL - 2 YARDLEY PARK ROAD, TONBRIDGE

Demolition of the existing buildings and the erection of 13no. apartments with associated access, landscaping, parking and infrastructure at 2 Yardley Park Road, Tonbridge.

RESOLVED: That planning permission be REFUSED for the following reasons:

- (1) The development by virtue of the density, bulk, massing and scale will result in an unacceptable development which will create less than substantial harm to the significance of the character of the Tonbridge Conservation Area, which when weighed against the public benefits of the proposal provide a clear reason for refusal under paragraph 11(d)(i) of the National Planning Policy Framework 2021.
- (2) The development by virtue of the density, bulk, massing and scale in this prominent corner location would result in an overbearing and incongruous addition failing to accord with the surrounding built form and out of character with the area contrary to Policy CP24 of the Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010 and Paragraphs 130 and 134 of the National Planning Policy Framework 2021.
- (3) The development by virtue of the density, bulk, massing and scale will result in an unacceptable oppressive development which will have an overbearing impact on the residential amenities of the neighbouring property known as Springhill Cottage, resulting in the loss of aspect and the creation of additional noise in particular from the activity associated with the use of the southern parking area, contrary to Policy CP1 and CP24 of the Core Strategy.
- (4) These harms are considered to significantly and demonstrably outweigh the benefits of the proposal, such that the presumption in favour of sustainable development in paragraph 11(d) of the NPPF does not apply.

In accordance with Council Procedure Rule 8.6, Councillors Branson and Cope requested that their vote against granting planning permission be recorded.

[Speakers: Tonbridge Historical Society (Mr D Phillips), Tonbridge Civic Society (Mr Brittain) and Mr M Smith, Mr N Edwards, Mr T Freke, Ms J Matthews and Ms M Manson Smith (members of the public) addressed the Committee in person; Mr J Edis (on behalf of the applicant) addressed the Committee via MS Teams]

AP1 22/21 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.55 pm

GLOSSARY of Abbreviations used in reports to Area Planning Committees

A

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)

B

BALI	British Association of Landscape Industries
BPN	Building Preservation Notice
BRE	Building Research Establishment

C

CA	Conservation Area (designated area)
CCEASC	KCC Screening Opinion (application suffix)
CCEASP	KCC Scoping Opinion (application suffix)
CCG	NHS Kent and Medway Group
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)

D

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

E

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
EP	Environmental Protection

F

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

G

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)

H

HE	Highways England
HSE	Health and Safety Executive
HN	Hedgerow Removal Notice (application suffix)
HWRC	Household Waste Recycling Centre

I

IDD	Internal Drainage District
IDB	Upper Medway Internal Drainage Board
IGN3	Kent Design Guide Review: Interim Guidance Note 3 Residential Parking

K

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
KGT Kent Garden Trust
KWT Kent Wildlife Trust

L

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)
LEMP Landscape and Ecology Management Plan
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)

M

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

N

NE Natural England

NMA Non Material Amendment (application suffix)

NPPF National Planning Policy Framework

O

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)

P

PC Parish Council

PD Permitted Development

PD4D Permitted development - change of use flexible 2 year

PDL Previously Developed Land

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

R

RD	Reserved Details (application suffix)
RM	Reserved Matters (application suffix)

S

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

T

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 Tonbridge Wells Borough Council

U

UCO Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB Upper Medway Internal Drainage Board

W

WAS Waste Disposal Planning Application (KCC determined)
WTS Waste Transfer Station

(Version 2/2021)

This page is intentionally left blank

**Tonbridge
Castle**

7 July 2021

TM/21/01911/FL

Proposal: Redevelopment to form 32 Retirement Living apartments for older persons including communal facilities, and associated car parking and landscaping, and the repositioning of 4 existing car parking spaces

Location: Land Rear Of 182 High Street Tonbridge Kent

Go to: [Recommendation](#)

1. Description:

- 1.1 This scheme is for a development of thirty-two retirement living apartments to be contained within a single 'L' shaped building that would align itself with Annison Street to the east and the car park located immediately to the south of the site, which serves the office building at 182 High Street. On the corner frontage, the building would rise to four storeys, dropping down to three storeys on either side along both frontages.
- 1.2 The Annison Street frontage would measure approx. 33m in length and the car park frontage approx. 38m in length. The building would be a mix of three and four stories ranging in height between 11.3m and 14.5m, with the taller part of the building turning the corner from the car park into Annison Street and then stepping down along both frontages.
- 1.3 The building has been designed with a series of gabled bays projecting from the main body of the building on the two front elevations. Materials to be used would be red brick, with feature brick detailing, white and coloured, horizontal cladding. The pitched roofs would be clad with grey tiles.
- 1.4 Car parking would be located to the north side of the building fronting onto Annison Street, although some of the bays would be provided undercroft style, beneath the projecting north elevation of the building. In total 11 car parking spaces would be provided.
- 1.5 The building would provide thirty-two apartments for older residents (over 55s) and on the ground floor of the building a communal lounge would be provided for their use.
- 1.6 The scheme is a revision to one refused permission under ref TM/20/01254/FL and which was dismissed on appeal. The differences between the schemes are that the current one has three fewer apartments and has been reduced in scale/length/height on the western end of the southern wing fronting onto the adjacent car park. The car parking area located at the northern end of the building has also been reduced by 1 space to 11 spaces and reconfigured to be located further away from the boundary closest to the Fosse Scheduled Ancient Monument (SAM). Additionally, as the scheme will result in the removal of 4 no.

parking spaces from the adjacent communal car park, it was previously intended for those spaces to be replaced at the northern end of the car adjacent to the Fosse SAM. However, it is now proposed to omit those replacement car parking spaces from the development.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Branson in light of the competing planning policies relating to the site and proposed development.

3. The Site:

- 3.1 The site is located within the urban confines of Tonbridge, within the Tonbridge Conservation Area. It is a broadly triangular parcel of land measuring approx. 0.44ha in area. The Annison Street extension (formerly known as the Lansdowne link Road) adjoins the site to the east and the commercial car park serving 182 High Street bounds the site to the south with dwellings in Bradley Street arranged on the opposite side of the car park to the application site.
- 3.2 The part of the site that forms a transect from the northeast corner to the southwest corner of the site contains the remains of the Fosse Scheduled Ancient Monument (SAM). This is the remains of the earth bank and ditch that once surrounded the medieval town including the Castle, which itself lies less than 200m south of the application site. The area of the site containing the Fosse contains many trees, some of which are protected by TPO.
- 3.3 To the northwest of the site lie Victorian residential properties (Lansdown Road and Fosse Roads). More modern dwellings are located to the south of the site along Annison Street and Bradley Street. To the west of the site lie the rear ends of the commercial buildings that front onto Tonbridge High Street, including their rear yards/parking areas.

4. Planning History (relevant):

TM/12/03803/FL	Approved	10 July 2013
----------------	----------	--------------

Construction of 9 town houses and 3 apartments; provision of 15 parking spaces for the residential development together with a further 9 garages, plus a further 30 spaces for the existing commercial use of 182 High Street; works to the scheduled ancient monument; associated landscape works; and the safeguarding of land for the provision of the Lansdowne Road link road

TM/14/01354/FL	Approved	6 June 2014
----------------	----------	-------------

Variation of conditions 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19 and 21 of planning permission TM/12/03803/FL (Construction of 9 town houses and 3 apartments; provision of 15 parking spaces for the residential development together with a further 9 garages, plus a further 30 spaces for the existing commercial use of 182 High Street; works to the scheduled ancient monument;

associated landscape works; and the safeguarding of land for the provision of the Lansdowne Road link road)

TM/18/02973/NMA Approved 21 January 2019

Non Material Amendment to planning permission TM/14/01354/FL: alteration to soft landscaping and minor change to phase 1 boundary details

TM/19/00111/RD Approved 26 February 2019

Details of condition 8 (archaeological) submitted pursuant to planning permission TM/14/01354/FL Variation of conditions 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19 and 21 of planning permission TM/12/03803/FL (Construction of 9 town houses and 3 apartments; provision of 15 parking spaces for the residential development together with a further 9 garages, plus a further 30 spaces for the existing commercial use of 182 High Street; works to the scheduled ancient monument; associated landscape works; and the safeguarding of land for the provision of the Lansdowne Road link road)

TM/20/01254/FL Refuse 27 October 2020
 Appeal dismissed

Redevelopment to form 35 Retirement Living apartments for older persons including communal facilities, and associated car parking and landscaping, and the repositioning of 4 existing car parking spaces

TM/21/02349/TNCA No Objection 2 November 2021

T1 - Removal of 2 x Ash stems on property boundary with development site at Land Rear of 182 High street, Tonbridge, Kent

TM/22/00768/TPOC

Scot's Pine T1 (applicant reference) - Fell because tree has large section of decay in main stem, Ash and Sycamore Group (G1) - Re-pollard trees to approximately 8m. Require pruning to maintain safety by avoiding lapsed pollards - Tree preservation Order 65/10010/TPO

5. Consultees:

- 5.1 Historic England: Please see Appendix 1
- 5.2 EA: Please see Appendix 2
- 5.3 KCC (H&T): Please see Appendix 3
- 5.4 KCC (Archaeology): Please see Appendix 4
- 5.5 KCC (Economic development): Please see Appendix 5

5.6 KCC SUDS: Please see Appendix 6

5.7 Southern Water: Please see Appendix 7

5.8 Kent Police: Please see Appendix 8

5.9 TMBC (EP): Please see Appendix 9

5.10 TMBC (Leisure): Please see Appendix 10

5.11 Private Reps: 38/1X/1S/6R. The six responses objecting to the development do so for the following reasons:

- The proposed 'L' shape plan form will prevent any appreciation of the Fosse from Annison Street
- Loss of light to the neighbouring properties
- The four-storey element is too high
- Loss of parking from the adjacent car park
- Insufficient parking for the residents and visitors
- Fumes from the additional car parking spaces

6. Determining Issues:

Principle of the development:

6.1 The Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN). This means that the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (2021) must be applied. For decision taking this means;

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

(ii). any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.2 In undertaking this exercise, it must be recognised that the adopted development plan remains the starting point for the determination of any planning application (as required by s.38 (6) of the Planning and Compulsory Purchase Act 2004) and which is reiterated at paragraph 12 of the NPPF. The consequence of this in these circumstances must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole.
- 6.3 Policy CP11 addresses matters of principle for development of this nature within this location. Notwithstanding its support for development as a matter of principle within Tonbridge, it has been established that in the absence of a 5-year housing land supply it is out of date when considering housing developments.
- 6.4 With regard to the application of the presumption in favour of sustainable development, regard must first be had to whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 6) provide a clear reason for refusing the development proposed. In this case, restrictive policies concerning the historic environment that are contained within section 16 of the NPPF.
- 6.5 Paragraph 190 states:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

- 6.6 Paragraph 197 of the NPPF states:

“In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.”

- 6.7 Paragraphs 199 and 200 state:

“199 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s

conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

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

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

6.8 Paragraph 206 further advises:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

6.9 It is apparent from the advice issued by Historic England (reported in section 5.1 of this report) that it does not consider that the scheme would result in the loss of or substantial harm to the Fosse SAM. Instead, it considers the proposed development to cause less than substantial harm to its setting. Of course consideration must be given to the fact that an extant permission exists for a development of nine dwellings and three apartments within this site (ref TM/14/01354/FL) which itself was considered to cause less than substantial harm to the setting of the SAM as well. In that case this harm was considered to be outweighed by public benefits arising from that development.

6.10 Furthermore, Historic England considers that the scheme is an improvement over the one that was refused permission under ref TM/20/01254/FL owing to the omission of part of the westernmost section of the building and reducing the height of this part of the building, as well as amending the layout of the proposed car parking spaces to move them further away from the Fosse SAM. It still notes however that due to the height and massing of the building it would still compete with and visually dominate the monument. These comments were submitted with regard to the development as originally submitted. A further iteration has now taken place with the scheme that further reduces the size of the building at its western end in terms of both overall length, scale, and height as well. The applicant has also now omitted the 4 replacement car parking spaces which were proposed next to the commercial car park, again following the latest comments from Historic England. Views are currently awaited in respect of these later design

changes from Historic England and any comments received will be contained within a supplementary report.

6.11 Historic England still considers that the proposals to manage and maintain the physical condition of the Fosse fall short of what it would like to see. The applicant was initially planning to retain many of the trees located on the Fosse, but in light of comments received from Historic England in April 2022 is now proposing to remove or coppice all of the lower valued trees (c grade or less), retaining only the higher graded trees within the site. Whilst further views from Historic England are awaited at the time of writing this report, it clearly considers that the highly vegetated state of the Fosse is itself a harmful intrusion upon the SAM. Indeed, Historic England state in its letter dated 14 October 2021 [of the trees and other vegetation]:

“They thus severely detract from its significance and, from a management point of view, they should be removed”.

6.12 Given that Historic England considers the current scheme (as originally submitted) to be an improvement over the previous scheme (in terms of its built form and siting) that was refused permission, it must follow that whilst the proposal would still cause less than substantial harm to the setting of the Fosse SAM, that harm must be less than the harm that Historic England considered would have been created by the previously refused scheme.

6.13 Furthermore, as has been stated earlier in this report, the size of the proposed building has been further reduced at its western end nearest to the Fosse SAM in terms of scale, mass and height. The end most section has been stepped down further to help reduce its bulk adjacent to this nationally recognised designated heritage asset. It must follow therefore that the scheme now currently before the Council would cause even less harm (albeit still in the realms of less than substantial harm) to the setting of the Fosse SAM than the scheme previously refused permission by the Council.

6.14 The previous plan to retain many of the trees and other vegetation on the Fosse has met with objection from Historic England. As it has pointed out in its advice, these would not have been present on the earth bank and ditch when the town’s defences were constructed and indeed would be counter to their purpose of defending the town from outside attack. The fact that trees and other vegetation have been allowed to grow on the Fosse over time has impacted negatively upon its ability to be recognised as part of the medieval town defences. The proposed Management Plan has been recently amended and now seeks to remove or coppice most of the trees (C grade or lower) within the Fosse SAM, and retain the standard (Grade A) Oak tree in its current condition. A separate Grade B Lime tree which is growing just off site but close to the western boundary of the site is also not to be altered under the current proposal.

6.15 The proposed removal of poor-quality trees and coppicing of the C grade trees are a significant alteration to the previously proposed management plan for the Fosse which, along with the placement of information boards, will help to better reveal its significance in the town. The trees to be removed will be felled under archaeological supervision to ensure that these works do not harm the physical structure of the SAM. As currently proposed, it is considered that the proposed Management Plan for the Fosse is acceptable and if Historic England still considers that further details of the long-term management of the Fosse are required, these can be secured by way of condition, which would be the same mechanism as that used for the extant permission for the townhouse scheme.

6.16 Having established that the development as a whole would still cause less than substantial harm to the setting of the Fosse SAM, paragraph 202 of the NPPF must therefore be considered.

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

6.17 The public benefits of the development consist of the contributions that the creation of thirty-two apartments would make to the Borough’s housing supply at a time when it cannot demonstrate a 5-year supply of housing land. Furthermore, the scheme would provide significantly more dwellings than the consented town house scheme. In this respect the development would be a more efficient use of land, in a highly sustainable, town centre location.

6.18 During a public Inquiry held in 2018 regarding a development of extra care (C2) units, the Inspector considered that based on evidence heard during that inquiry (and that the Council has previously accepted that there is a need for older person accommodation within the Borough) there is a need for additional extra care units in the Borough during this period. The Council accepted that the overall need could be 370 units in total (the amount cited in the SHMA for affordable extra care units). The Inspector considered the actual figure could be higher than that, but no figure was agreed to during that inquiry.

6.19 Whilst a precise figure for additional extra care units within the Borough for the period up to 2030 does not exist, it is apparent that there is a need for extra care market facilities.

6.20 Whilst being a modest amount of additional housing, the proposal would nonetheless contribute to the overall housing supply within the Borough as well as to extra care housing as well. These benefits carry significant weight.

6.21 The Fosse SAM is of course of the highest order of designated heritage asset and the development, if built, would permanently remain and cause less than substantial harm to its setting by virtue of its size and position within the site.

However, the same would be true of a number of built form developments given the undeveloped nature of the site. The extant scheme for a row of townhouses would also cause less than substantial harm to the setting of the Fosse. The proposal to now remove most of the self-sown vegetation from the Fosse itself and provide information boards adjacent to it would better reveal its significance and enable the form of this medieval town defence to be recognised and appreciated. Indeed, the development as currently proposed would result in the physical enhancement of the Fosse SAM.

- 6.22 For these reasons, the harm caused to the setting of the Fosse SAM would be outweighed by the public benefits of contributing to the overall housing supply and older person housing in particular, in addition to enhancing the Fosse and providing for its long-term management for the public's benefit.

Impact upon the Conservation Area and street scene:

- 6.23 The same policy guidance contained within the NPPF concerning Ancient Monuments applies equally to Conservation Areas as both are designated heritage assets. As these have been set out earlier in this report, I will not quote them again in full here.
- 6.24 Other national policy that is relevant here concerns making an efficient use of land and character of development. Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account *inter alia* the desirability of maintaining an area's prevailing character and setting and the desirability of maintaining an area's prevailing character and setting.
- 6.25 Paragraph 130 of the NPPF relates to the quality of development and states that planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but 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 users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.26 Policy CP 24 of the TMBCS requires developments to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its surroundings. Policy SQ1 of the MDEDPD reflects these requirements and states that development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.

6.27 The site lies within the Tonbridge Conservation Area (sub-Area A.3). The northern part of this sub-area, which contains the application site, is described in the Conservation Area appraisal as follows:

“This part of the historic core lies within the defences of the Medieval Town. It has a mixed character and uses and a large proportion of it, the old Cattle Market, is being redeveloped as a high-density housing scheme which runs through to the High Street. The area has a transitional character connecting the bustling High Street, the extensive recreation open space to the west of the town, and the tightly grained Victorian residential Slade area to the north. Uses include residential, school, shops, office, open space and parking.”

6.28 The redevelopment of the former cattle market site has been completed. As the appraisal described, it is a high-density development with blocks of 2, 3 and 4 storey buildings. Some front onto Annison Street and, at the north end of the development, the buildings in Bradley Street face onto the car park that adjoins the southern side of the application site. The corner of Annison and Bradley Street is defined by a four-storey building with one of a similar height located opposite on the east side of Annison Street. The buildings lie very close to the back edge of the carriageway.

6.29 The more traditional dwellings located in Fosse and Lansdowne Roads that lie to the north and west of the site are two storey Victorian dwellings in the main providing a tight grain and which front on to the road with very small front gardens. The Fosse SAM lies between these properties and the position of the proposed development.

6.30 The immediate developed area around the site has a tight urban grain as expected for a town centre location. The proposed development would align itself with Annison Street for its main elevation and the car park to the south. This pattern respects the urban built form of development in the locality. In terms of its height and scale, the tallest part of the building (four storeys) would be located on the

corner opposite buildings in both Bradley Street and Annison Street of a similar height. It would present a substantial building to both frontages, but which steps down to three storeys on both wings with the wing fronting onto the car park stepping down three times in all. The use of regular bays formed by gabled protrusions would help break up the mass of the building and provide a rhythm, as would the use of the materials proposed. The materials would consist mainly of red stock brickwork, with contrasting brick detailing, and cladding used on specific parts of the building. The scale, form, design of the building would respect the existing development within the immediate locality and would appear as an extension of the Cattle Market development. Therefore, in terms of how the development relates to the urban development in the local area, it would not fail to preserve the character and appearance of the Conservation Area or be harmful to the character of the street scene and surrounding built form.

Residential amenity:

6.31 Objections have been raised to the scheme based on harm to residential amenity to the Bradley Street and Annison Street dwellings in terms of appearing overbearing and causing them a loss of light. The proposed development will no doubt change the outlook from the existing dwellings that would face onto it. However, there is no right to a view or an expectation that the current state of the land will always remain the same, particularly in a sustainable town centre location. The proposed building would be located at least 15m away from the nearest properties (27-45 Annison Street) and more than 20 metres away from the remaining properties in this row (2-10 Bradley Street). Given this separation and that the building would have a similar height and scale to existing properties in this development, the proposed building could not be said to unduly dominate the outlook from the existing residential properties or cause them an unacceptable loss of privacy. Furthermore, given the distance between the proposed building and existing residential properties in Bradley and Annison Streets (which are to the south of the application site), I also consider that it would not cause them an unacceptable loss of light either.

Highway safety impacts:

6.32 Paragraphs 110 and 111 of the NPPF state:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 6.33 The site is located in Tonbridge town centre where different transport modes including walking and cycling can be used to access local facilities including shops, GP surgery as well as bus stops and the railway station. Residents of this development would not be dependent on the use of a private motor car. Similarly, staff will have a range of options for travelling to and from the site.
- 6.34 Due to the central location of the site, the Highway Authority is satisfied with the overall number of car parking spaces that would be provided on site. It concludes that the development would not cause an unacceptable impact upon highway safety arising from this development and I have no evidence or reason to reach a different conclusion.

Affordable Housing and s.106 contributions:

- 6.35 Policy CP 17 of the TMBCS states that affordable housing will be sought on urban sites comprising 15 dwellings or more, at a rate of 40%. It also states that in exceptional circumstances it may be agreed that affordable housing is provided on other sites or by means of a commuted sum. Paragraph 6.3.29 of the TMBCS sets out what those exceptional circumstances might be and includes:

“management of affordable housing on the development site cannot be secured effectively (e.g. sheltered accommodation)”

- 6.36 The policy clearly considers the situation that for certain types of housing developments a standard approach of affordable housing delivery would be achievable.
- 6.37 The scheme does not contain any affordable housing as part of the proposed development. Instead, a financial contribution is proposed of c.£320,000 which the applicant confirms would be used in lieu of on-site provision. Other contributions that the LPA considers necessary are also to be taken from this 'pot' of contributions.
- 6.38 The applicant has submitted a viability assessment for the development on the basis that the development is a model of accommodation for specialist accommodation. The nature of the accommodation is that a service charge would be applicable to all units (including any affordable units provided on site). Such a charge would not make the units affordable in real terms. This position has been previously accepted by the Council when dealing with similar developments

(including one by the applicant in Shipbourne Road Tonbridge that was approved under ref TM/15/03172/FL).

- 6.39 Here it was considered that seeking a financial contribution for off-site affordable housing would be an appropriate mechanism to deal with this matter in this particular case.
- 6.40 The contribution suggested by the applicant has been calculated using a viability assessment of the proposed development to find the residual value of the site once all costs of and revenue from the development have been calculated. As with any assessment of this nature the baseline value of the existing site must be taken into account. In this case this has been calculated using the residual valuation of the scheme the subject of the extant planning permission for the twelve dwellings as that is realistic fall-back position. The proposed contribution is the difference between the residual valuation for the extant permission scheme and that of the proposed development. The method of calculating the contribution is considered to be acceptable and the amount to be provide is commensurate with contributions agreed on similar developments within the town.
- 6.41 KCC (Economic Development) considers that the development would impact upon their services and financial contributions are sought by them to enhance existing provision in order to meet the demands of the services. The request by KCC for contributions to enhance existing library provision community learning and social care (Adult Education) are considered to be compliant with the CIL regulations. As such a proportion of the overall contribution should be set aside for KCC.
- 6.42 Financial contributions are also being sought for the enhancement of Haysden Country Park (parks and gardens) and outdoor sports facilities at Tonbridge Racecourse sports ground. Whilst I consider the contributions for Haysden country park to meet the CIL Regulations, the contributions sought for outdoor sports facilities at the Racecourse sports ground are not. This is because due to the nature of the proposed development for older persons and given the average age of the applicant's schemes, the residents are unlikely to make use of the sports facilities within the sportsground. As such it is not considered this request would be necessary to make the development acceptable. The contributions for Haysden Country Park will be taken out of the overall contribution.

Archaeology:

- 6.43 The applicant considers that no further archaeological investigation is required as extensive ground investigation work was undertaken whilst the Japanese Knotweed as removed from the application site under the terms of the previous planning permission and those works were overseen by an archaeologist. Similarly, when the car park to the south of the current application site (which

formed part of the application site for the former application for twelve dwellings) was excavated, this work was also overseen by an archaeologist.

- 6.44 The applicant considers that in light of these extensive works, all of the archaeology that is likely to be within the site has already been recorded or removed.
- 6.45 The County Council considers that further archaeological assessment is required as the position and size of the proposed development differs from that of the previously approved scheme. However, this is a different position to that which it took regarding application TM/19/00111/RD. That submission dealt with archaeology in relation to the approved scheme for the site and the County Council confirmed in that submission that no further investigation of the site was necessary. This was based on the fact that no archaeology was found during the various investigations of the site that had been undertaken (and whilst the site was being decontaminated under archaeological supervision (which included the removal of Japanese Knotweed)).
- 6.46 Whilst no archaeological finds have been discovered on the site during more recent investigations, the proposed building will be located in a different part of the site to the approved building. As such, a precautionary approach should be adopted given the close proximity of the development to the SAM and the potential for other archaeological remains to be present within the site. Rather than require another full investigation of the site which, I would recommend a condition requiring works to cease if archaeological remains are discovered whilst undertaking the groundworks. Whilst this is unlikely given the amount of ground investigation and decontamination already undertaken on site, this would be an appropriate position to take just in case any archaeology is discovered during the building works.

Conclusion and planning balance:

- 6.47 The proposed development would cause less than significant harm to the setting of the adjacent SAM, a designated heritage asset of the highest order. In saying that, the development is considered to cause less harm than the scheme previously refused permission under ref TM/20/01254/FL for the reasons set out earlier.
- 6.48 The presence of an extant permission for a development of twelve dwellings within this site is a material consideration. However, as advised by Historic England the proposed development would still cause greater harm to the setting of the Fosse SAM than the scheme the subject of the extant planning permission.
- 6.49 The proposed development, by virtue of removal of poor-quality trees and coppicing the C grade trees within the site, would better reveal the physical presence of the Fosse and the provision of interpretation boards close to it would enable the public to better experience this remaining feature of the town's

medieval defences. This would be a benefit arising from the proposal. Whilst views from Historic England on the latest revisions to the conservation management plan (CMP) are still awaited at the time of writing this report, the CMP now responds positively to the advice provided by Historic England. Of course, any further comments received by Historic England prior to the date of the committee meeting will have to be taken into consideration.

- 6.50 There is an established need for older person accommodation within the Borough and the Council does not currently have a five-year supply of housing land. Both factors weigh heavily in support of the proposed development.
- 6.51 The development would also make an efficient use of previously developed land in a highly sustainable location.
- 6.52 The scheme will also generate contributions (as other similar schemes have done) towards affordable housing provision, which is also a benefit to be afforded significant weight in the balance.
- 6.53 Taking all the above into consideration, the benefits of the proposed development are considered to now outweigh the less than substantial harm the proposed development would have upon the setting of the Fosse SAM. As such I recommend that permission be granted.

7. Recommendation:

- 7.1 **Grant planning permission**, as detailed in accordance with the following submitted details:

Tree Plan dated 07.07.2021, Location Plan 20078TB_P01 dated 07.07.2021, Schedule ACCOMMODATION dated 07.07.2021, Other BUILD COSTS dated 07.07.2021, Other EMPTY PROPERTY COSTS dated 07.07.2021, Other VIABILITY APPRAISAL dated 07.07.2021, Other BCIS QUARTERLY BRIEFING dated 07.07.2021, Survey RICS RESIDENTIAL MARKET dated 07.07.2021, Other UK HOUSING MARKET UPDATE dated 07.07.2021, Other FLEET APPEAL DECISION dated 07.07.2021, Other BASINGSTOKE APPEAL DECISION dated 07.07.2021, Archaeological Assessment dated 07.07.2021, Other BIDIVERSITY NET GAIN TECHNICAL NOTE dated 07.07.2021, Letter COVER dated 07.07.2021, Design and Access Statement ADDENDUM dated 07.07.2021, Design and Access Statement 1 OF 2 dated 07.07.2021, Design and Access Statement 2 OF 2 dated 07.07.2021, Report HEALTHIER & HAPPIER dated 07.07.2021, Statement PLANNING dated 07.07.2021, Ecological Assessment dated 07.07.2021, Report AFFORDABLE HOUSING AND VIABILITY dated 07.07.2021, Other SUPPLEMENTARY INFORMATION dated 07.07.2021, Other INFO FOR LOCAL RESIDENTS dated 07.07.2021, Other PUBLIC EXHIBITION LETTER dated 07.07.2021, Arboricultural Assessment dated 07.07.2021, Heritage Statement dated 07.07.2021, Other SCI dated 07.07.2021, Transport Statement dated 07.07.2021, Management Plan

Conservation dated 29.04.2022, Site Plan 20078TB_PL_202 P2 dated 29.04.2022, Drainage Statement dated 01.03.2022, Site Plan 20078TB_PL202 proposed dated 04.02.2022, Proposed Floor Plans 20078TB_PL203 dated 04.02.2022, Proposed Floor Plans 20078TB_PL204 dated 04.02.2022, Proposed Floor Plans 20078TB_PL205 dated 04.02.2022, Proposed Floor Plans 20078TB_PL206 dated 04.02.2022, Proposed Roof Plan 20078TB_PL207 dated 04.02.2022, Proposed Elevations 20078TB_PL208 dated 04.02.2022, Proposed Elevations 20078TB_PL209 dated 04.02.2022, Proposed Elevations 20078TB_PL210 dated 04.02.2022, Statement Affordable housing dated 04.02.2022,

subject to:

- The applicant entering into a s106 agreement to make financial contributions towards off site affordable housing provision community infrastructure and Haysden Country Park and
- The following conditions

Conditions/Reasons:

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

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

2. No above ground development shall take place until details of all materials to be used externally on the building have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. Prior to first occupation of the development details of a scheme of soft landscaping shall be submitted to the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policies SQ1 and NE4 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

- 4 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

- 5 Prior to first occupation of the development details of a scheme of hard landscaping shall be submitted to the Local Planning Authority. Such a scheme shall include details of all hard surfacing materials, including those materials to be used on boundary treatments and details of all other walls, fences or means of enclosure that would be erected within or around the site. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

- 6 Prior to the commencement of the development hereby approved, arrangements for the management of all construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to)

the following:

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

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

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

7. With the exception of necessary ground or archaeological investigation works, no development shall take place until details of finished floor levels of the building in relation to existing ground levels have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character or amenities of the locality in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

8. The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and allow him/her to observe the excavations and record items of interest and finds. The developer will inform the Local Planning Authority of the start date of construction works on site not less than two weeks before the commencement of such works.

Reason: In the interests of archaeological research in accordance with paragraph 194 of the National Planning Policy Framework 2021.

- 9 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination,

as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development, which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

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

Reason: In the interests of amenity and public safety in accordance with paragraphs 183 and 185 of the National Planning Policy Framework 2021.

10. Notwithstanding the details submitted as part of the planning application concerning the conservation management plan, none of the accommodation shall be occupied until details of a Management Plan for The Fosse Scheduled Ancient Monument have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. The Management Plan shall include:

(a) Details of how the Fosse Scheduled Ancient Monument is to be enhanced in the short term, including how any existing trees, scrub and undergrowth is to be cleared from within this Scheduled Ancient Monument as well as the timescale(s) for this work to be undertaken; and

(b) Details of the arrangements, including financial arrangements, to be put in place to ensure the long term and continued fulfilment of the management plan objectives to maintain the Fosse Schedule Ancient Monument.

(c) Details of interpretation boards for the Fosse Schedule Ancient Monument to include design, content and location have first been approved in writing by the Local Planning Authority. The interpretation boards would be installed prior to first occupation and shall be retained at all times thereafter.

Reason: To ensure that the development does not harm the Fosse Scheduled Ancient Monument in accordance with paragraphs 194 and 197 of the National Planning Policy Framework 2012.

- 11 No development shall take place until details of fencing to be located around the Fosse Scheduled Ancient Monument for the duration of the construction works have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. No works shall take place within the area inside the fencing without the consent of the Local Planning Authority.

Reason: To ensure that important archaeological remains are not adversely affected by construction works in accordance with paragraphs 194 and 197 of the National Planning Policy Framework 2012.

12. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

13. No development shall take place until details of surface water drainage system have been submitted to and approved by the Local Planning Authority. That scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

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

- 14 No accommodation 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 that the drainage system constructed is consistent with that which was 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 167 of the National Planning Policy Framework.

- 15 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

16. No external lighting shall be erected within the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and amenity of the locality and to protect the amenities of nearby dwellings in accordance with Policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy, policy SQ 1 of the Managing Development and the Environment – Development Plan Document

- 17 Each dwelling hereby permitted shall be occupied only by;
- (i) A person aged 60 years or over;
 - (ii) A person aged 55 years or older living as part of a single household with the above person in (i); or
 - (iii) A person aged 55 years or older who was living as part of a single household with the person identified in (i) but who has since died.

Reason: The Authority is prepared to agree to proposed on-site parking provision only on the basis of the occupation of the premises, in the main, by retired people and the development will help to meet the need for older person's accommodation within the Borough.

- 18 No development shall take place in respect to the provision of the 4 parking spaces in the southwest corner of the site until details of their levels, surfacing materials and any necessary retaining wall structure or means of enclosure has

been submitted to and approved by the Local Planning Authority. The proposed development shall be carried out in accordance with the approved details.

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

- 19 The proposed development hereby permitted shall not be carried out in a way to damage or interfere with the existing membrane for the control of Japanese Knotweed. In the event that ground works are required that may interfere with the existing membrane details of works and remediation of the membrane shall be submitted to the local planning authority for its approval prior to the commencement of those works and those works shall be undertaken in accordance with the details as approved.

Reason: In order to prevent or minimise the spread of this invasive species to other parts of the site.

- 20 The development hereby approved shall be carried out in accordance with the plans and documents listed above on this decision notice

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

Informatives

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Matthew Broome

Mr Matthew Broome
 Tonbridge & Malling Borough Council, Planning
 Department
 Gibson Building, Gibson Drive
 Kings Hill
 WEST MALLING
 Kent
 ME19 4LZ

Direct Dial: 0207 973 3637

Our ref: P01440149

14 October 2021

Dear Mr Broome

**T&CP (Development Management Procedure) (England) Order 2015
 & Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND REAR OF 182 HIGH STREET TONBRIDGE KENT
 Application No. TM/21/01911/FL**

Thank you for your letter of 17 September 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

This is a revised scheme following refusal of 20/01254/FL on heritage grounds. The applicant engaged with Historic England in pre-application discussions and this scheme is a product of those discussions.

While the design has been amended to reduce the harm caused to the scheduled monument, most notably through the removal of car parking from the line of the fosse and pulling the building back from the scheduled area, we nevertheless consider that there is still some harm caused by this proposal.

Your council will need to weigh up this harm against any public benefits of the proposal.

If a development scheme is consented, we recommend that a revised Conservation Management Plan (CMP) is conditioned as part of any permission granted to mitigate harm to heritage significance caused by the proposal.

You should also consider the advice provided by the KCC Heritage Conservation Team; we would defer to their recommendations regarding the proposal's impact upon undesignated archaeological remains.



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
 HistoricEngland.org.uk





Historic England Advice

Heritage Significance

The development site sits immediately adjacent to a surviving section of Tonbridge's medieval Town Banks. This defence originally comprised an outer ditch and a bank topped by a wall. Today only the banks remain visible; however, the ditch will survive as a buried feature. These remains are designated as a scheduled monument.

This section of the Town Banks retains high historical value as it is a visible reminder of the original extent and enclosure of medieval Tonbridge; the tensions and threats such settlements of the time faced; and the considerable organisational and technological skills of the society who constructed it.

The Town Banks also holds considerable evidential value as its buried remains have the potential (through future investigation) to contribute significantly to our understanding of the construction, use and abandonment of the town fortifications over time. Finally, the monument also has group value with other surviving sections of the banks in Tonbridge, and with the medieval Castle, which lies less than 200m to the south.

Those physical attributes which contribute particularly to the banks' heritage significance therefore include:

- the form of the banks and its impressive size;
- the vacant area to the east of the banks, which indicates the line along which this linear defence would have continued;
- the limited open space around it which separates and differentiates it from later, intrusive development

Those attributes which currently detract from its significance include:

- the dense and concealing vegetation and trees on and around the banks, which severely detract from appreciation of its original function. They also pose a threat to the banks' stability and archaeological resource
- its generally unmaintained appearance, which encourages further anti-social and damaging behaviour (e.g. fires, littering)
- the dense modern development surrounding it, particularly to the north (i.e. outside the medieval town)
- the lack of interpretation
- the lack of clear connection to related features due to intervening development (e.g. no clear views or even easy access through to the Castle).



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





We have provided this detailed assessment of the banks' heritage significance to inform assessment of the impact of the development upon it.

Impact upon the scheduled Town Banks

The development is for the construction of 34 Retirement Living apartments including communal facilities and associated car parking and landscaping. This is a revised scheme following refusal earlier this year, and subsequent pre-application discussions, including with Historic England. We note from our discussions that the applicant considers this design to be the minimum development required for a viable development.

Planning permission was previously granted for a different development design on this site; this involved the construction of 9 town houses and 3 apartments with associated landscaping and car parking (12/03803/FL). At the time, it was acknowledged that this development would have a detrimental impact upon the setting of the Town Banks; and that a Conservation Management Plan (CMP) for the monument would be required in order to mitigate some of this harm.

We accept the principle of a building on the site, as only the area within the town banks would have been settled during the medieval period and therefore residential development to the south of the monument is not in itself harmful.

In our letter of advice for 20/01254/FL we considered that this scheme would have an impact on the setting of the monument. This was because the buildings proposed are considerable in size and massing so would compete with, and visually dominate, the monument. This would detract from an appreciation of the banks original importance and intended dominance within Tonbridge.

We also noted that the design, in comparison to the 2012 scheme, involved additional car parking spaces which further encroached into the open buffer adjacent to the monument. Those in the east - although just outside the scheduled area - would also sit across the original line of the Town Banks and thus disrupt an appreciation of its original course.

This revised scheme, has addressed some of these concerns. We note that the car parking has been reduced so that it no longer sits across the original line of the Town Banks to the east.

The size of the building has also been reduced a little to the western end, so that it is set slightly further back from the Town Banks, and the roof ridge height has also been reduced a little over the main part of the building.

Despite these alterations, we nevertheless consider that the scheme would cause less than substantial harm to the significance of the scheduled monument through changes to its setting. This is because of the height and massing of the building would still compete with and visually dominate the monument.





We therefore still disagree with the conclusions of the submitted CMP, which states that the development will have no impact upon the monument's significance (4.30). The CMP claims that there will be no impact because the tree cover on and adjacent to the monument will limit inter-visibility between it and the development. This assessment fails to properly grasp the nature and significance of the monument.

The trees on the monument are clearly intrusive elements that would never have been there during its construction and use, and indeed would have rendered it obsolete as an effective defence. They thus severely detract from its significance and, from a management point of view, they should be removed. Indeed, we envisage that an important part of the future management of the monument would involve the considerable removal of trees and vegetation, such that the monument's visual amenity and legibility may to some degree be restored.

Claiming that the impact of a new intrusive development (i.e. the current proposal) will be avoided through the retention of another harmful intrusion (i.e. the existing vegetation and trees) is not a tenable argument; particularly when judged against the requirements of paragraph 197 of the NPPF which states that developments should aim to enhance the significance of heritage assets, rather than maintain the 'status quo.' As such, the impact of the proposal should be assessed as though this removal had occurred.

Even aside from this matter, we are not convinced that the trees and vegetation on the monument would entirely prevent inter-visibility between the new development and the monument, nor therefore avoid the impact the development will have on the monument's setting (i.e. through its visual dominance and competition).

We appreciate that there is no public access across the banks and thus views from it (towards the development) will not generally be appreciable. However - as stated with Historic England's published advice on setting (<https://historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/>) "the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting." Nor does it therefore negate any impact that a new development may have upon that setting.

Impact to Undesignated Archaeology

There is potential for ground works associated with the development to impact upon undesignated archaeological remains within the site itself (i.e. outside the scheduled monument). We are aware that some archaeological works have already been carried out on site (as mitigation for the consented scheme); and that the applicant therefore considers that no further archaeological works will be needed for this scheme.

We note that the County Archaeologist does not agree with this assessment. She highlights that the new development will have a different footprint to the consented scheme and thus that concerns regarding archaeological impact and possible mitigation may need to be very different to that agreed for the earlier scheme.



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





We defer to the County Archaeologist in this matter and agree with the proposed condition set out in the letter of 14 September 2021.

Conservation Management Plan

If a development scheme is consented for the site, we think that a CMP would be a necessary condition of that permission in order to mitigate some of the harm the development poses to heritage significance.

We note that a CMP has been submitted with this application. Its aim is to provide for improvements to the management of the monument and its setting, and for its on-going maintenance into the future. We made the following points in our letter of 7 August 2020, and we reiterate them now, as the CMP has not been updated since.

Although some of the recommendations of the CMP are encouraging (e.g. installation of interpretation boards and planting of wildflowers to replace harmful woody vegetation on the Banks), we find it inadequate for its intended purpose. We think that the proposals within the CMP are insufficiently detailed and specified, and some are not conducive to the monument's conservation.

In particular, we question whether the proposed - very limited - removal of trees and vegetation on and adjacent to the monument will really result in a sufficiently appreciable enhancement to the banks' archaeological value and visual amenity.

We also think that the intention to retain the monument as a 'secluded woodland area' and maintain only limited views in and out of the scheduled area (4.29) is in fact contrary to the preservation and enhancement its heritage significance - as this monument's significance cannot truly be appreciated if it remains covered and concealed by trees.

We understand that there are competing concerns to consider (e.g. ecological and Conservation Area concerns relating to the loss of trees), but these will need to properly weighed against the banks' national heritage importance when determining the appropriate level of tree removal.

We also consider that the CMP may have missed opportunities to further enhance the significance of the monument. For example, there have been on-going discussions (with other parties) about extending the existing footpath to the north of the monument so that it runs along the entire length of the scheduled area and joins up with Lansdowne Road.

This would enhance appreciation of the monument as a whole and also provide greater connectivity between related medieval features across town. Historic England supports this proposal to extend the footpath, and we think the CMP may have missed an important opportunity to enhance significance by not including it.

The CMP currently contains only generic aims and objectives. To be truly effective it



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





would need to set out clear prescriptions for how those aims would be achieved, including an explanation of:

- when, how often and by what mechanism the proposed management prescriptions will be implemented;
- which body will be responsible for maintenance into the future;
- how maintenance will be financed in the long term;
- the timetable for when different elements of the works will start and be completed;
- clear methodologies for how works on the monument will be carried out in a sensitive fashion;
- the provision for obtaining Scheduled Monument Consent, should it be required.

Recommendation

Historic England has concerns regarding the application on heritage grounds. While we consider that the harm has been reduced, as required by paragraph 195 of the NPPF, when compared to the 2020 scheme, the proposal is still more harmful to the significance of the scheduled monument than the consented scheme.

We note that the applicant has argued that this proposal is the minimum required to bring forward a viable scheme on the site.

If your council is convinced by the viability arguments put forward, and given that harm has been somewhat, but not completely, reduced, you will need to balance the harm against the public benefits of the scheme as per paragraph 202 of the NPPF.

We consider the current CMP is inadequate for purpose and we do not think it should be approved in its current form. However, we would be very pleased to further discuss with yourself, the applicant and their consultants in order to address this matter.

Therefore, if a proposed development scheme is consented, we would also recommend that a revised Conservation Management Plan (CMP) for the monument is conditioned as part of any permission granted; in order to mitigate harm to heritage significance posed by the development.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





Historic England

Isabelle Ryan

Assistant Inspector of Historic Buildings and Areas

E-mail: isabelle.ryan@historicengland.org.uk



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.

This page is intentionally left blank



Mr Matthew Broome
Tonbridge & Malling Borough Council, Planning
Department
Gibson Building, Gibson Drive
Kings Hill
WEST MALLING
Kent
ME19 4LZ

Direct Dial: -

Our ref: P01440149

22 April 2022

Dear Mr Broome

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND REAR OF 182 HIGH STREET TONBRIDGE KENT
Application No. TM/21/01911/FL**

Thank you for your letter of 7 April 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Summary

Historic England in the letter dated 14th October 2021 stated that we still had significant concerns over the impact on the significance of the medieval Town Banks. Part of the significant concern was based around the Conservation Management Plan (CMP) which was designed to mitigate harm to heritage significance caused by the proposal. It was suggested that a revised CMP should be submitted as part of the conditions if the scheme was approved.

The revised CMP was submitted as an amendment. Although the CMP has been adjusted, we do not think it has set out adequate aims or objectives, or prescriptions for how those aims would be achieved. We welcome the improved tree management to reduce the wooded area, but we are still concerned that this does not go far enough. Thus, opportunities are missed to improve the public benefit of the heritage.

It is still our view that the trees on the monument are intrusive elements that severely detract from the monument's significance, and we envisage that future management of the monument would need to involve considerable removal of trees, scrub, and vegetation, such that the monument's visual amenity and legibility may to some degree be restored.

We suggest that your authority do not accept the CMP in its current form, and request



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





an improved document before weighing any harm to the heritage assets against any public benefits of the proposal.

Historic England Advice

Conservation Management Plan

We welcome the commitment to producing a CMP for the development in order to mitigate the harm the development poses to heritage significance and ensure a longer commitment to good heritage management. It is a detailed document that addresses the legislation, guidance, history, and significance of the site. However, the CMP needs to have clear aims and objectives, include prescriptions of management actions, how those would be achieved, by whom, on what proposed timescale, and detail of funding commitments. The place for the detail of these management actions is in this CMP not a further management plan.

Some of the recommendations of the CMP are encouraging (e.g. installation of interpretation boards, planting of wildflowers to replace harmful woody vegetation on the Banks, the felling of diseased trees, coppicing of other healthy trees to reduce woodland thickness). As the trees and thick vegetation on the monument are intrusive elements that would have not been present during the construction and use of the monument. They thus detract from its significance and, from a heritage management point of view, the preference would be that they are significantly reduced in volume.

The CMP states that the retention of the vegetation is an important environmental consideration and in accordance with Historic England guidance on Tree Management, Consents and Controls (updated June 2021). Whilst there is truth to that, that guidance was specifically prepared for the management of Historic Parks and Gardens where the woodland and planting history play an important part in the heritage of the protected landscape. Trees, particularly upon earthworks, can be considered both a benefit and a detriment to archaeological monument (Trees and Forestry on Archaeological sites in the UK: a review document (2004)) and careful consideration should be taken on the management of trees as they can be incredibly destructive physically to earthworks and visual setting.

We understand there is a need to balance the management of the archaeology with ecological concerns, but we note from the arboriculturally report that the majority of trees are graded C (self-seeded saplings 10 years old or under), and therefore question the approach of their large-scale retention as of ecological value. Additionally, no other habitat ecological assessment has taken place that could give greater weight or significance to retention (such as bat or bird habitat).

We also question whether the proposed limited removal of trees and vegetation on and adjacent to the monument will result in a sufficiently appreciable enhancement to the Banks' archaeological value and visual amenity. As such, the retention of these



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





trees and vegetation is against the requirements of paragraph 197 of the NPPF which states that developments should aim to enhance the significance of heritage assets, rather than maintain the 'status quo'. We consider that it will necessary to go further to adequately address the banks' national heritage importance and significance.

We note that in addition to keeping the area thick with vegetation, that the CMP still misses the opportunities to further enhance the significance of the monument. For example, the extending the existing footpath to the north of the monument so that it runs along the entire length of the scheduled area and joins up with Lansdowne Road, which was mentioned in the previous letter.

This would enhance appreciation of the monument as a whole and provide greater connectivity between related medieval features across town. Historic England supports this proposal to extend the footpath, and we think the CMP has missed an important opportunity to enhance significance by not including it.

We think the CMP is not adequate for its intended purpose of facilitating improvements to the significance of the archaeology. Once an adequate CMP has been provided and agreed on, we would however, welcome the planned re-evaluation of the CMP periodically throughout the construction process, and ensuring it is adopted and continued to be applied (para. 4.1). This means that it can evolve to fit requirements of the heritage management if it is shown that the CMP is not having an appreciable impact.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We consider that although harm to the scheduled monument would be reduced by the proposed CMP (as required by paragraph 195 of the NPPF), the proposal should still go further to enhance the significance of heritage assets and clearly outline management commitments.

We have concerns that the preservation of the woodland element of the landscape will be overly harmful to the significance of the monument, and despite the reduction of the thickness of the woodland it needs to go further to improve the public appreciation of the monument through more extensive clearance, access and enhancement.

We suggest that your authority do not accept the CMP in its current form, and request an improved document before weighing any harm to the heritage assets against any public benefits of the proposal.

If your council is convinced by the viability arguments put forward, and given that harm has been somewhat, but not completely, reduced, you will need to balance the harm against the public benefits of the scheme as per paragraph 202 of the NPPF.

Your authority should take these representations into account and seek amendments,



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk





Historic England

safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely

Liam Delaney

Assistant Inspector of Ancient Monuments

E-mail: liam.delaney@historicengland.org.uk

cc:



4TH FLOOR, CANNON BRIDGE HOUSE, 25 DOWGATE HILL, LONDON EC4R 2YA

Telephone 020 7973 3700
HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.

creating a better place for
people and wildlife



Tonbridge & Malling Borough Council
Development Control
Gibson Building Gibson Drive
Kings Hill
West Malling
ME19 4LZ

Our ref: KT/2021/128874/01-L01
Your ref: 21/01911/FL
Date: 11 October 2021

Dear Sir/Madam

REDEVELOPMENT TO FORM 34 RETIREMENT LIVING APARTMENTS FOR OLDER PERSONS INCLUDING COMMUNAL FACILITIES, AND ASSOCIATED CAR PARKING AND LANDSCAPING, AND THE REPOSITIONING OF 4 EXISTING CAR PARKING SPACES

CAR PARK TO REAR OF LANSDOWNE MEWS LANSDOWNE ROAD, TONBRIDGE, TN9 1BE.

Thank you for consulting us on the above application.

We have reviewed the information submitted and we consider that planning permission could be granted to the proposed development as submitted if the following **planning conditions** are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Land Contamination

Condition:

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

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - and

- potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason:

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

Condition:

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

Reason:

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Condition:

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

Reason:

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

Drainage

Condition:

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

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

Informative:

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

Piling

Condition:

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

Reason:

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

Informative:

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

Waste

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated

material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The [Environmental regulations](#) page on GOV.UK

Please don't hesitate to contact us if you need any further information.

Yours faithfully

Ms Sara Gomes
Planning advisor

Direct dial 020 8474 8283

Direct e-mail kslplanning@environment-agency.gov.uk



Tonbridge & Malling Borough Council

Development Control
Gibson Building
Gibson Drive
Kings Hill
West Malling, Kent
ME19 4LZ

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181
Date: 11 August 2021

Application - TM/21/01911/FL

Location - Land Rear Of 182 High Street Tonbridge Kent

Proposal - Redevelopment to form 34 Retirement Living apartments for older persons including communal facilities, and associated car parking and landscaping, and the repositioning of 4 existing car parking spaces

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

Thank you for inviting me to comment on this application. I note from the Transport Statement (TS) submitted that purchase of the apartments proposed is legally restricted by Churchill Retirement Living to those over 60. The resident age profile shown in Figure 3 is also helpful as well as the trip rate data of other sites given in Table 2 on page 20. These trip rates are given for the weekday 7am to 7pm 12hr period. It is generally recognised that retirement homes do not create traditional peak hour demands, which are the most sensitive times on the network in highway capacity terms. I do not consider that this proposal could constitute a severe traffic impact on the highway.

Site Access

I note the visibility splays discussed under Access Design – Section 5, of Transport Statement, and consider that visibility along Annison Street for speeds of 30mph are also available.

Parking

Secure and covered cycle parking and mobility scooter storage will be provided on site.

The level of car parking proposed is commensurate with other sites at similar locations. It is not considered that the level of car parking proposed could give rise to an unacceptable impact on highway safety.

Sustainable Travel

There are bus stops located around the area, with services going to Maidstone, Tonbridge Centre, and other attractors.

Tonbridge Rail Station is located within 1km of the site, offering rail services for residents. Pedestrian footways in the area are in good number and will enable residents to walk from the site to the High Street.

There is a lack of continuous cycleway within Tonbridge High Street, between Rail Station and Darenth Avenue, a route identified on page 13, number 4, within Tonbridge and Malling Cycling Strategy. I feel the site should make a contribution towards this route based on £2,000 for each apartment, totalling £70,000. This will enable residents to make trips by bicycle for leisure purposes.

Summary

I write to confirm on behalf of KCC that I have no objection to this application subject to the following conditions: -

- Implementation shall not commence until Annison Street is fully adopted, includes enforceable on-street car parking restrictions and the maintenance period of adoption has been completed.

I note from the TS under 3.3 that 'It is expected that the road would be fully adopted before the development is open for occupation.' The above condition is proposed however due to unknown and uncontrollable potential displaced parking issues together with potential associated construction access issues.

- Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development.

1. Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Provision of measures to prevent the discharge of surface water onto the highway.

2. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

3. At least two car parking spaces shall be provided with an Electric Vehicle (EV) charging point. The remainder of car parking spaces shall be provided with underground ducting suitable to allow for easy implementation of EV charging points at a future time. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

4. The disabled buggy parking shown shall include electric charging points.

5. Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.

6. Completion and maintenance of the access, via a S278 agreement with this authority, shown on the submitted plans prior to the use of the site commencing. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web:

www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

A funding contribution of £70,000 towards delivering part of a cycling route between Tonbridge Rail Station and Darenth Avenue, as aspiration, set out within Tonbridge and Malling Cycling Strategy. The route will help residents access further leisure facilities within cycling distance of the site.

INFORMATIVE: Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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.

Yours faithfully

Steven Timson

This page is intentionally left blank



Matthew Broome
Development Control
Tonbridge & Malling Borough Council
Gibson Building, Gibson Drive
Kings Hill, West Malling
Kent
ME19 4LZ

Heritage
EPE GT
Invicta House
County Hall
MAIDSTONE
ME14 1XX

Phone: 03000 413448
Ask for: Ms Wendy Rogers
Email: wendy.rogers@kent.gov.uk

14 September 2021

SENT BY EMAIL

Re: TM/21/01911 – Land rear of 182 High Street Tonbridge

Thank you for your letter consulting us on the above planning application for redevelopment to form 34 Retirement Living apartments with associated works.

The site of the proposed development includes the Scheduled Monument of the Fosse. This is a linear bank and ditch system which enclosed the Medieval town of Tonbridge, including the castle and settlement core. This is an archaeologically sensitive area and the consideration of heritage needs to be robust.

In view of the proximity of the Scheduled Monument, Historic England should be consulted. I note the submitted Conservation Management Plan is being drawn up with Historic England but it seems HE have not submitted formal comments yet. As such my comments are subject to HE views.

I note the application is supported by several heritage reports including an Archaeological letter statement from RPS. I do not agree with the conclusions of the letter. This is because the proposed development is a different shape and on a different footprint to the previous scheme agreed with Historic England and consented. So the concerns regarding archaeology and possible mitigation for archaeology for this new scheme may need to be very different to the earlier scheme. I do not accept that no further archaeological works are needed and a more informed approach to heritage assessment is needed.

I recommend that no decision is made on this scheme until Historic England have provided comments, especially in view of the different shaped building footprint. I would also recommend that there is an assessment of the impact on archaeology from this scheme, although I am happy to recommend a condition covering archaeological work.

I recommend the following condition is placed on any forthcoming consent, subject to comments from Historic England:

AR1b Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a phased programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with NPPF

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

Yours sincerely

Wendy Rogers
Senior Archaeological Officer
Heritage Conservation



Tonbridge & Malling Borough Council
 Development Control
 Gibson Building
 Gibson Drive
 Kings Hill
 WEST MALLING
 Kent
 ME19 4LZ

FAO: Matthew Broome

Economic Development

Invicta House
 County Hall
 Maidstone
 ME14 1XX

Phone: 07890020524
 Ask for: Oliver Dann
 Email: oliver.dann@kent.gov.uk

23rd August 2021

Your Ref: TM/21/01911/FL
 Our Ref: K/E/TM/21/01911/FL OD

Dear Matthew,

Provision and Delivery of County Council Community Services:

We refer to the above planning application which concerns proposed residential development at **Land rear of 182 High Street, Tonbridge, Kent** and comprising: **34 new retirement apartments**

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

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

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

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

Request Summary

	Per Dwelling (x34)	Total	Project
Community Learning	£7.04	£239.36	Towards additional resources and equipment at Tonbridge Adult Education Centre
Library Bookstock	£55.45	£1,885.30	Towards additional services and bookstock at Tonbridge Library
Social Care	£146.88	£4,993.92	Towards the Priority areas of: Assistive Technology, Adapting Community facilities, Sensory facilities and Changing Places within the Borough.
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£6,244.78	Towards a new HWRC to serve Tonbridge and Malling residents and improvements to the WTS
Broadband:	<p>Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.</p>		
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>		

Please note that these figures:

- are to be **index linked by the BCIS General Building Cost Index from April 2020 to the date of payment** (Apr-20 Index 360.3)
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

It is noted, within the “Planning Statement” accompanying this application, these apartments are to be sold containing an age restriction of 55 years and over, with a suggested Planning Condition confirming occupation by aged 55 years and over. Subject to confirmation a Planning Condition will be applied and enforced in perpetuity restricting occupation to the over 55’s, KCC will not seek any Education or Youth contributions.

Justification for infrastructure provision/development contributions requested

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out in Appendices below.

.....

Community Learning

There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in **Appendix 1** along with the cost of mitigation.

To accommodate the increased demand on the KCC Adult Education service, the costs per new enrolment to KCC is £457.50 for equipment only. KCC's Community Learning calculations are based on a typical household make-up and takes the proportion of a household aged 19 and over. However, it is clear in this case that the applicant has predetermined that occupants will all be aged 55+. Community Learning would still need to be accessible to these occupants and their needs met. Therefore, a rate lower than the KCC standard rate per dwelling is applicable in this case.

The County Council requests **£7.04 per dwelling (x34)** towards the cost of providing additional equipment for new learners at Tonbridge Adult Education Centre.

.....

Libraries

KCC are the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

Borrower numbers are in excess of capacity, and bookstock in Tonbridge and Malling Borough at 1,110 items per 1,000 population is below the County average of 1,134 and both the England and total UK figures of 1,399 and 1,492 respectively.

To mitigate the impact of this development, the County Council will need to provide additional services and stock to meet the additional demand which will be generated by the people residing in these dwellings.

The County Council therefore requests **£55.45 per household (x34)** to address the direct impact of this development, and the additional services and stock will be made available locally at Tonbridge Library, as and when the monies are received.

.....

Social Care

The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, therefore no

spare funding is available to address additional capital costs for social care clients generated from new developments.

Kent Social Care is to help people to improve or maintain their well-being. The recent COVID-19 pandemic has brought about major changes in social care requirements and strategy. Priority areas now include Assistive Technology, Adapting Community facilities, Sensory facilities, and Changing Places.

To mitigate the impact of this development, KCC Social Care requires:

- a proportionate monetary contribution of **£146.88 per household** (x34) (as set out in **Appendix 2**) towards the above priority areas within Tonbridge and Malling Borough.
- The **Ministry of Housing, Communities and Local Government** identified in June 2019 guidance *Housing for older and disabled people* the need to provide housing for older & disabled people is critical. **Accessible and adaptable housing** enables people to live more independently and safely. Accessible and adaptable housing provides safe and convenient homes with suitable circulation space and suitable bathroom and kitchens. Kent Social Care request these dwellings are built to **Building Reg Part M4(2) standard** to ensure they remain accessible throughout the lifetime of the occupants to meet any changes in the occupant's requirements.

.....

Waste

Kent County Council is a statutory 'Waste Disposal Authority', responsible for the safe disposal of all household waste arising in Kent, providing Household Waste Recycling Centres (HWRC) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRC's and half a tonne per year to be processed at WTS's. The existing HWRCs and WTSs are over capacity and additional housing is having a significant impact on the manageability of waste within Kent.

There is not currently a HWRC within the Tonbridge & Malling District. Residents are required to travel to the closest site, located in Tovil, Maidstone. The Tovil HWRC is a very busy site, which has reached its practical capacity, resulting in vehicles queuing out of the site on to the public highway, causing delays to visitors of the HWRC and the wider local area. Measures to improve the efficiency of the site as well as the permitted tonnage capacity have been investigated and where possible implemented over the past few years. However, demand has continued to grow, such that there are now no practicable options to make further improvements at this site. Future housing growth/population increase from developments such as the proposed development indicates a significant increase in capacity will be required in the local area

Consequently, KCC has begun a project to open a new site within the Tonbridge and Malling area, that will relieve the capacity issues currently being observed at Tovil HWRC and provide much needed capacity in this area for the projected increase in demand from residents of new developments such as the proposed development.

A contribution of **£183.67 per household** (x34) is therefore required towards the new HWRC in Tonbridge & Malling, along with improvements to the WTS to accommodate the increased waste throughput and mitigate the impact arising from this development.

.....

Broadband: Fibre to the premise/gigabit capable

The NPPF (para 114) and The Department for Digital, Culture, Media and Sport requires full fibre connection to new developments being gigabit capable fibre optic to the premise connection for all.

Please include a Planning Condition to provide 'fibre to the premise' (FTTP) broadband connections to all premises of gigabit capacity.

Developers are advised to make early contact with broadband providers, as there can be a lead in time for cable installation and associated infrastructure.

.....

Implementation

The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement, and County monitoring fee of £500 for each trigger within the Agreement. We would be grateful if you could share at your earliest convenience a draft copy of any section 106 agreement or UU prior to its finalisation.

Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available? If you do not consider the contributions requested to be fair, reasonable and compliant with CIL Regulation 122, it is requested that you notify us immediately and allow us at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision making process in advance of the Committee report being prepared and the application being determined.

We look forward to hearing from you with details of progress on this matter.

Yours faithfully,



Oliver Dann
Development Contributions
Kent County Council

Cc Churchill Retirement Living Ltd, c/o Planning Issues Ltd, Churchill House, Parkside,
Ringwood BH24 3SG - FAO: Matthew Shellum
KCC Communities & Waste
File

Appendices:

The following Appendices contain the technical details of the County Council's assessment process.

1. Communities Assessment
2. Social Care Assessment

APPENDIX 2

KCC Communities

Development Contributions Assessment

Site Name	Land Rear Of 182 High Street Tonbridge Kent
Reference No.	TM/21/01911/FL
District	Tonbridge and Malling
Assessment Date	12/08/2021
Development Size	34

COMMUNITY LEARNING & SKILLS	
	Services
Current Service Capacity	1,853
LESS Current adult participation in Tonbridge and Malling district	1,946
Initial capacity shortfall/surplus (Year ending 2019)	-93
New adult participation from this development	1.22 clients
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£7.04 per dwelling</u>
<i>34 dwellings from this proposal</i>	<u>£239.36</u>
Contributions towards additional resources and equipment at Tonbridge Adult Education Centre	

LIBRARIES	
	Library Stock and Services
Libraries assessed for this development	15,321
Current Service Capacity	15,321
LESS Current library participation in Tonbridge and Malling district	16,087
Initial capacity shortfall/surplus (Year ending 2019)	-766
New borrowers from this development	9.91 borrowers
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£55.45 per dwelling</u>
<i>34 dwellings from this proposal</i>	<u>£1,885.30</u>
Contributions towards additional services and bookstock at Tonbridge Library	

Net contributions requested for KCC Communities' Services	£2,124.66
------------------------------------------------------------------	------------------

APPENDIX 2				
	Social Care			
	Land rear of 182 High St, Tonbridge			
	TM/21/01911/FL			
	34 Households			
	Project	Location	Cost per Household	Cost for this Site
	Towards the Priority areas of: Assistive Technology, Adapting Community facilities, Sensory facilities and Changing Places	within the Borough	£146.88	
			£ 146.88	£ 4,993.92
and	All Homes built as	Wheelchair Accessible & Adaptable Dwellings	in accordance with Building Regs Part M 4 (2)	



Matthew Broome
Tonbridge & Malling Borough Council
 Development Control
 Gibson Building
 Gibson Drive
 Kings Hill
 West Malling, Kent
 ME19 4LZ

Flood and Water Management
 Invicta House
 Maidstone
 Kent
 ME14 1XX
Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: TMBC/2021/085967
Date: 17 August 2021

Application No: TM/21/01911/FL

Location: Land Rear Of 182 High Street Tonbridge Kent

Proposal: Redevelopment to form 34 Retirement Living apartments for older persons including communal facilities, and associated car parking and landscaping, and the repositioning of 4 existing car parking spaces

Thank you for your consultation on the above referenced planning application.

Kent County Council as Lead Local Flood Authority have reviewed the application and understand that the original submission under application reference number 20/01254/FL was refused due to interference of the proposed parking area on the ancient monument. Subsequently, a new application has been submitted that proposes a much reduced car park area to protect the feature.

The Drainage Statement report (07/04/2020) provided in support of this submission was used in the previous application and remains unchanged. The original strategy would have seen the car parking area now reduced, being underlain by cellular storage. It is unclear if the cellular storage proposed would be accommodated within the revised layout, taking out of the depth of the cellular storage and invert level of the surface water sewer manhole. The LLFA would therefore seek that the Drainage Statement is updated to reflect the new layout proposal and confirm that the strategy set out can be delivered.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Daniel Hoare
 Flood Risk Project Officer
 Flood and Water Management

This page is intentionally left blank



Director of Planning and Transportation
Development Control
Tonbridge & Malling B. Council
Gibson Building
Kings Hill West Malling
Kent
ME19 4LZ

Your ref
TM/21/01911/FL

Our ref
DSA000010457

Date
21/04/2022

Contact
Tel 0330 303 0119

Dear Sir/Madam,

Proposal: Redevelopment to form 34 Retirement Living apartments for older persons including communal facilities, and associated car parking and landscaping, and the repositioning of 4 existing car parking spaces.

Site: TM/21/01911/FL: - Land Rear Of 182 High Street, Tonbridge, Kent TN9 1BE.


Thank you for your letter dated 06/04/2022.

Please see the attached extract from Southern Water records showing the approximate position of our existing public foul and surface water sewer asset within the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The public foul and surface water sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.

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.



We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage Sector Guidance (water.org.uk/sewerage-sector-guidance-approved-documents) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

Our investigations indicate that Southern Water can facilitate foul sewerage and surface water runoff disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx


Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.



This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

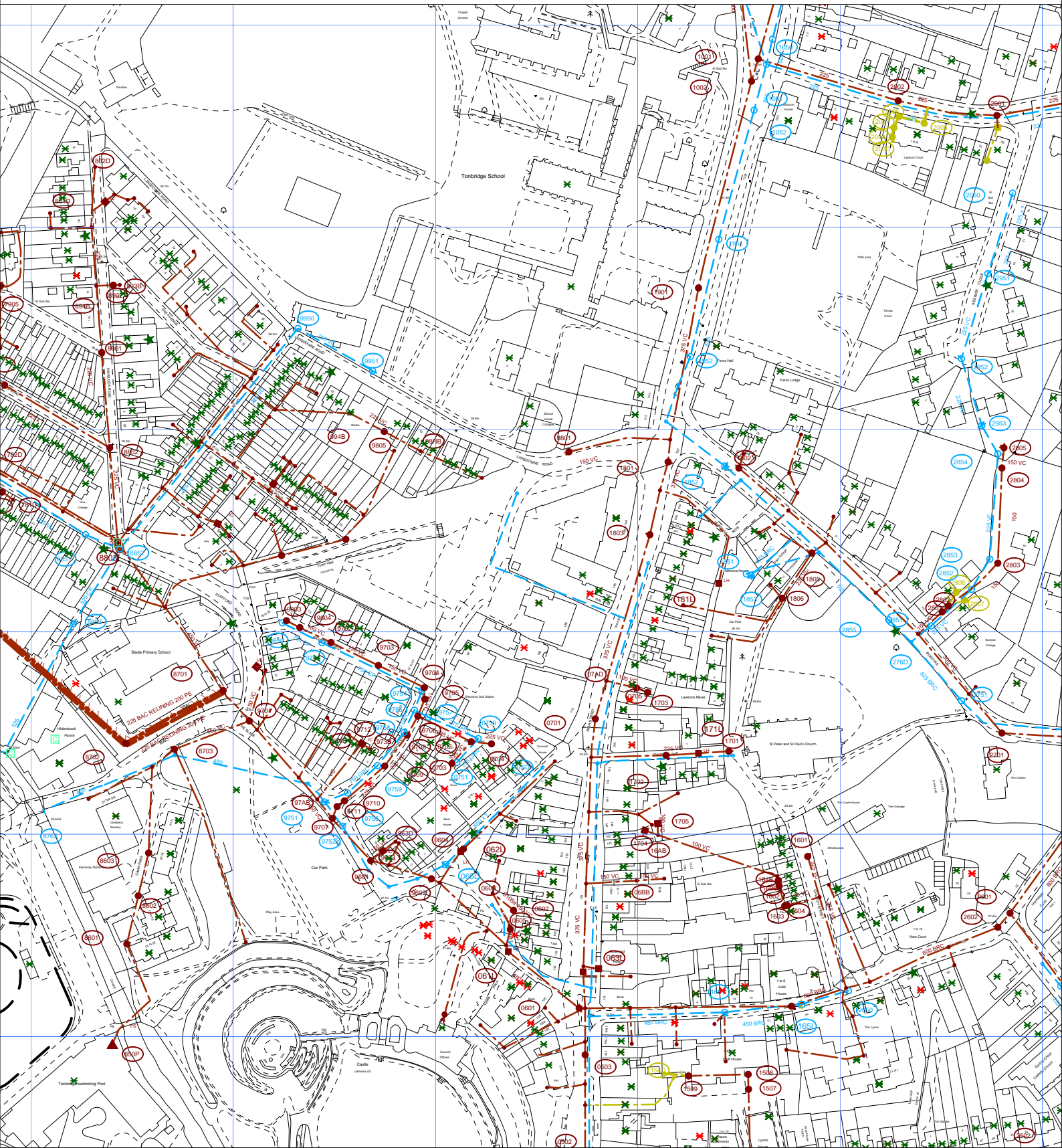
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Yours faithfully,

Future Growth Planning Team
Business Channels

southernwater.co.uk/developing-building/planning-your-development

SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

Based upon Ordnance Survey Digital Data with the permission of the controller of H.M.S.O. Crown Copyright Reserved Licence No. WU 298530

O.S. REF: TQ5946NW

Scale: 1:2500

Screen Print

Page 76



Printed By: kishoku

Date: 21-4-2022

Southern Water MapGuide Browser

Requested By:

WARNING: BAC pipes are constructed of Bonded Asbestos Cement
WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement



**Kent
Police**

Protecting and serving the people of Kent

Planning Service
Tonbridge & Malling Borough Council
Gibson Buildings
Kings Hill
West Malling
Kent
ME19 4LZ

Direct Line: 01622 653209
E-mail: pandcr@kent.pnn.police.uk
Date: 09 September 2021
Ref: 21/01911/FL/CAEH/TM-145

Dear Planning Officer,

Thank you for the opportunity to comment regarding:

Application Ref: 21/01911/FL
Location: Land Rear Of 182 High Street Tonbridge Kent
Proposal: Redevelopment to form 34 Retirement Living apartments for older persons including communal facilities, and associated car parking and landscaping, and the repositioning of 4 existing car parking spaces

We have reviewed this application regarding Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

NPPF Paragraph 91(b) and Paragraph 127(f) state: 91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; Paragraph 127(f) of the National Planning Policy Framework (NPPF), states: Planning policies and decisions should ensure that developments: (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.

Secured by Design (SBD): www.securedbydesign.com is the UK Police flagship initiative combining three differing levels of security: The highest level (Gold) incorporates the security of the external environment together with the physical security specification of the home. Silver offers those involved in new developments, major refurbishment and the individual the opportunity to gain an award for the level of physical security provided. Bronze offers a route to achieve a reasonable level of physical security for bespoke or refurbished properties where a traditional enhanced security product is not available, or for listed buildings and other conservation status.

Applicants/agents should incorporate CPTED and SBD. We strongly recommend that the applicant bases the design on SBD Homes 2019 or 2021 (due shortly) and attains an SBD award by meeting principles of SBD. Independently certificated products that meet recognised security standards have been responsible for consistently high reductions in crime as verified by numerous independent academic research studies of 87% reduction in burglaries in new homes nationwide. As DOCO's, we use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behavior (ASB), Nuisance and Conflict.

The points below are site specific and designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. We recommend the use of the Secured By Design (SBD) initiative for this proposal.
2. Regarding permeability and access control, the main public entrance opposite the proposed parking area must be close to the reception to restrict unnecessary further access into the building. We strongly recommend the office/reception area to be facing the car park, and to be located immediately next to the lobby for better natural surveillance. The proposed ground floor plan shows a room located next to the lobby and with stairs access (Stair 1) to the first floor. This layout causes concern as unauthorised access can be obtained to upper floors if door is left unlocked. In addition, the staff won't be able to detect intruders obtaining unlawful access to the premises.

Audio/visual communications between the main front lobby door and the reception/management area should be installed in order to create a secure access-controlled lobby area, this should also allow any out of hours staff to view anyone requesting access. Access control with visual or audio verification linked to each individual unit as mentioned in the Planning Statement is encouraged. A suitably designed, fit for purpose, intruder alarm system must be installed to monitor all other entrances and fire exits.

3. Toilet facilities should be located close to the reception area to restrict further access into the building and therefore, its current location near the lift is not ideal.
4. Perimeter, boundary, and divisional treatments should be well established. It is important to distinguish private spaces from public and communal routes to reduce the opportunity for trespassers to gain unlawful access to private spaces and parking areas. It is essential that the boundary treatments create a secure line to protect the sides and rear of the building and also importantly to protect the residents in the interests of safety and site security. The proposed rear and side boundary division of the development should be a minimum height of 1.8m to ensure security and privacy for ground floor flats from Annison Street, the overlooking private car park, and alongside public rights of way. Any hedges used as boundary must be dense and mesh fencing incorporated to prevent gaps/ desire lines being used to access rear gardens.
5. Recessed doors should be no deeper than 600mm especially if hidden from public view, e.g. side or rear, unless on an active street frontage with maximum natural surveillance and public view but even then, no deeper than 1m. Deeper recesses can allow a potential burglar a secluded area to work in and for communal doorways allow someone to hide and wait to tailgate someone else in or take advantage of a door closing to squeeze through. While lighting and ground treatments can help deter them, it is rare for anyone to confront them. Finally, it can provide an unofficial smoking area that can lead to nuisance and conflict and shelter for loitering that can increase the fear of crime. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for apartments.
6. A CCTV system should be installed to cover all elevations, entrances and exits and the car parking areas, in the interests of site safety and security.
7. SBD recommends, where possible, mail delivery via a secure external letter box or delivery 'through the wall' into a secure area of the building. We strongly recommend TS009 specifications. A tradesperson button or timed-release mechanisms are not permitted as they have been proven to be the cause of antisocial behaviour and unlawful access to

communal developments. More information is required for communal mail delivery so further advice can be given.

- The car parking area should be well-lit and preferably, within the development boundaries. SBD or Sold Secure ground anchors to help address vehicle crime are recommended for Motorbikes, Mopeds, Electric bikes and similar in the visitor parking area/ allocated buggies area.

The undercroft parking area shown on Elevation FF (drawing number 20078TB_PL_110) should be finished in a light colour and be lit to provide maximum surveillance, CCTV is also recommended in this area.

- Bike store/ Mobility scooters plans require crime prevention in their design and appropriate security. They should benefit from maximum natural surveillance and be well-lit. The proposed area would benefit with the inclusion of a lockable shed to increase security and prevent criminal damage. We strongly advise SBD and Sold Secure standard certified cycle storage that has passed testing as they offer additional security that helps prevent damage to cycles. In addition, we recommend the inclusion of SBD and Sold Secure standard certified wall or ground anchors.
- Please note, we are not qualified lighting engineers and any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states:
"18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided."
Lighting of all roads including main, side roads and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards. Any lack of adequate lighting for the vehicles access route and the pedestrian walkway is a concern as it will encourage home and vehicle owners to install ad-hoc lighting, likely to cause conflict and light pollution.
- The bin store should be lit and locked to secure it from unauthorised use. Access control on outer doorsets is required.
- All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development. We request all communal doors be dual security and fire certified.
- Windows on the ground floor and balconies are potentially vulnerable and must meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated as toughened glass alone is not suitable for security purposes. All ground floor bedroom windows require defensive treatments to improve security and privacy.
- New trees should help to protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than "round shaped" trees with a low crown. New trees should not be planted within parking areas or too close to street lighting.

In addition, new shrubs should be maintained at a height of no more than 1m unless planted to create a densely planted defensive perimeter treatment. Great care must be taken to ensure that the natural surveillance of all car parking areas is not affected, and therefore, shrubs/trees must be properly maintained.

15. We require information on the planned management for the site. If there will not be 24/7 management, we require security compartmentalisation to prevent unauthorised access from the reception and lobby areas to the flats.

If this application progresses, we welcome a discussion with the applicant/agent about site specific designing out crime.

If the points above are not addressed, they can affect the development, the neighbourhood and local policing. Current levels of reported crime have been considered.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety regarding this specific planning application.

Yours sincerely,

DOCO.

Designing Out Crime Officer
Public Protection and Partnerships Command
PVP Central Co-ordination Department

Managing Development and the Environment Development Plan Document (MDE DPD)

Policy OS3 – Open Space Requirements

Application Ref: TM/21/01911/FL	Location: Land Rear Of 182 High Street Tonbridge Kent	
Proposal: Redevelopment to form 34 Retirement Living apartments for older persons including communal facilities, and associated car parking and landscaping, and the repositioning of 4 existing car parking spaces		
From: Mike Harris	Contact details: 6176	Date: 19/08/2021
Summary of response		
<ul style="list-style-type: none"> • Open space should, in the first instance, be provided on the development site • If provision on-site or off-site is not feasible, contributions should be sought to enhance relevant existing open spaces • It is noted that this development also brings forwards enhancements to the Scheduled Ancient Monument (SAM). • Contributions sought for this development should total <u>£61,741</u> 		
Policy justification		
Policy OS3 in the Managing Development and the Environment DPD (MDE DPD, adopted April 2010), which forms part of the Council's Local Development Framework (LDF), requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards in Policy Annex OS3. Annex D to the MDE DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal.		
Level of demand of open space generated by the development proposal		
Open space demand generated by the development (net, sq. m): <u>2872.91</u>		
Existing level of open space provision – quantitative deficiencies		
Table 18 of the Open Space Strategy Technical Study (page 61) indicates that quantity levels for the Tonbridge area is currently inadequate in regards to Amenity Green Spaces, Outdoor Sport Facilities and Children and Young Peoples Play Areas.		
Existing level of open space provision – qualitative deficiencies		
In assessing qualitative deficiencies, Annex D in the MDE DPD (para.20) permits the consideration of other relevant evidence available at the time of the proposal in addition to those sites identified in Policy Annex OS1B, eg the latest Equality Audits, Site User Surveys, Site Management Plans and the Council's Capital Plan. Listed below are those sites either within the relevant accessibility thresholds of the development site or reasonably related to it where other current evidence (as documented) demonstrates a need for enhancements.		
Parks & Gardens – Haysden Country Park works, Tonbridge Castle, Memorial gardens		
Amenity Green Spaces – N/A		

Outdoor Sports Facilities – Tonbridge Racecourse Sportsground
Children’s and Young People’s Play Areas – N/A
Natural and Semi Natural Green Spaces – N/A

New open space provision – addressing deficiencies

In accordance with the methodology and sequential approach outlined in **Annex D** to the **MDE DPD**, and taking into account onsite provision of Amenity Open Space, initial consideration should be given to further on-site provision in areas of quantitative deficiency, though given the nature of the development proposal it is presumed that this may not be feasible. If provision is not made on-site, consideration should then be given to the developer providing off-site open space in accordance with the quantity standards set out in **Policy Annex OS3** (translated to a standard of open space per person in **Figure 4** in **Annex D** to the **MDE DPD**).

If neither of these options is feasible or where the site is within an area of qualitative deficiencies, contributions should then be sought to enhance existing off-site open spaces, initially within the identified accessibility thresholds (see Policy Annex OS3) and then those beyond but within reasonable access of the development site.

In regard to the level of financial contribution that should be sought, this has been calculated using the approved open space contributions shown in **Figure 7** in **Annex D** to the **MDE DPD** and the **Open Space Calculator** (please Figure 8 in Annex D for a worked example). With respect to the development proposal, the following contributions should be sought:

Parks & Gardens – £21,781
Amenity Green Spaces – N/A
Outdoor Sports Facilities - £39,960
Children’s and Young People’s Play Areas – N/A
Natural and Semi Natural Green Spaces – N/A

If provision is not made on or off-site, a sum total contribution of **£61,741** should be sought (this is further highlighted on the Open Space Calculator attached).

The exact allocation of funding will be determined through discussions with developer, an assessment of local opportunities and consideration of the relevant evidence at the time of the application, eg Site Management Plans and the Council’s Capital Plan (as permitted by para.20 of Annex D) to establish what the priority projects should be.

OPEN SPACE CALCULATOR

Calculation 1

Location of Development	1=Yes	Categories of Open Space Deficient in Quantity
Tonbridge Urban*	1	Parks & Gardens, Outdoor Sports Facilities, Children's and Young People's Play Areas
Medway Gap Urban**		
Rural Service Centres***		
Rural Settlements (under 1000 pop)****		
Rural Settlements (over 1000 pop)****		

Calculation 2

Dwelling Size	Nos. of Proposed Units (Net)	Av. Household Size*	Total Persons
1 Bed Flat	23	1.25	28.75
2 Bed Flat	11	1.64	18.04
3+ Bed Flat		2.17	0
1 Bed House		1.3	0
2 Bed House		2.11	0
3 Bed House		2.62	0
4+ Bed House		3.25	0
Total Number of Persons generated by the Proposed Development			47

*Source: The New Build Survey 2005, Kent County Council

Calculation 3

Category of Open Space	Area	Total Number of Persons	Adopted Standard of Open Space per person (sq.m)	Proposed On-Site Open Space (sq.m)	Open Space Requirement (Net) (sq.m)
Parks & Gardens	Borough-Wide	47	25	0	1169.75
Amenity Green Spaces	Tonbridge Urban	47	7.6	0	355.60
	Medway Gap Urban	0	13.3	0	0.00
	Rural Service Centres	0	3.3	0	0.00
	Rural Settlements (< 1000 pop)	0	30	0	0.00
	Rural Settlements (> 1000 pop)	0	24	0	0.00
Outdoor Sports Facilities	Borough-Wide	47	20.5	0	959.20
Children's and Young People's Play Areas	Borough-Wide	47	1	0	46.79
Natural Green Spaces	Tonbridge Urban	47	7.3	0	341.57
	Medway Gap Urban	0	28	0	0.00
	Rural Service Centres	0	18.3	0	0.00
Total Open Space Requirement (Net) (sq.m)					2872.91

Calculation 4

Category of Open Space	Area	Open Space Requirement (sq. m) (from Calc. 3)	Contribution per sq.m (exc. maintenance)	Contribution Required (£) (exc. maintenance)
Parks & Gardens	Borough-Wide	1169.75	£18.62	£21,781
Amenity Green Spaces	Tonbridge Urban	355.604	£6.38	£2,269
	Medway Gap Urban	0	£6.38	£0
	Rural Service Centres	0	£6.38	£0
	Rural Settlements (< 1000 pop)	0	£6.38	£0
	Rural Settlements (> 1000 pop)	0	£6.38	£0
Outdoor Sports Facilities	Borough-Wide	959.195	£41.66	£39,960
Children's and Young People's Play Areas	Borough-Wide	46.79	£112.14	£5,247
Natural Green Spaces	Tonbridge Urban	341.567	£6.38	£2,179
	Medway Gap Urban	0	£6.38	£0
	Rural Service Centres	0	£6.38	£0
Total Contribution Required (£) (exc. Maintenance)				£71,436

This page is intentionally left blank

Managing Development and the Environment Development Plan Document (MDE DPD)

Policy OS3 – Open Space Requirements

Application Ref: TM/21/01911/FL	Location: Land Rear Of 182 High Street Tonbridge Kent	
Proposal: Redevelopment to form 34 Retirement Living apartments for older persons including communal facilities, and associated car parking and landscaping, and the repositioning of 4 existing car parking spaces		
From: Mike Harris	Contact details: 6176	Date: 19/08/2021
Summary of response		
<ul style="list-style-type: none"> • Open space should, in the first instance, be provided on the development site • If provision on-site or off-site is not feasible, contributions should be sought to enhance relevant existing open spaces • It is noted that this development also brings forwards enhancements to the Scheduled Ancient Monument (SAM). • Contributions sought for this development should total <u>£61,741</u> 		
Policy justification		
<p>Policy OS3 in the Managing Development and the Environment DPD (MDE DPD, adopted April 2010), which forms part of the Council's Local Development Framework (LDF), requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards in Policy Annex OS3. Annex D to the MDE DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal.</p>		
Level of demand of open space generated by the development proposal		
Open space demand generated by the development (net, sq. m): <u>2872.91</u>		
Existing level of open space provision – quantitative deficiencies		
<p>Table 18 of the Open Space Strategy Technical Study (page 61) indicates that quantity levels for the Tonbridge area is currently inadequate in regards to Amenity Green Spaces, Outdoor Sport Facilities and Children and Young Peoples Play Areas.</p>		
Existing level of open space provision – qualitative deficiencies		
<p>In assessing qualitative deficiencies, Annex D in the MDE DPD (para.20) permits the consideration of other relevant evidence available at the time of the proposal in addition to those sites identified in Policy Annex OS1B, eg the latest Equality Audits, Site User Surveys, Site Management Plans and the Council's Capital Plan. Listed below are those sites either within the relevant accessibility thresholds of the development site or reasonably related to it where other current evidence (as documented) demonstrates a need for enhancements.</p>		
<p>Parks & Gardens – Haysden Country Park works, Tonbridge Castle, Memorial gardens Amenity Green Spaces – N/A</p>		

Outdoor Sports Facilities – Tonbridge Racecourse Sportsground

Children’s and Young People’s Play Areas – N/A

Natural and Semi Natural Green Spaces – N/A

New open space provision – addressing deficiencies

In accordance with the methodology and sequential approach outlined in **Annex D** to the **MDE DPD**, and taking into account onsite provision of Amenity Open Space, initial consideration should be given to further on-site provision in areas of quantitative deficiency, though given the nature of the development proposal it is presumed that this may not be feasible. If provision is not made on-site, consideration should then be given to the developer providing off-site open space in accordance with the quantity standards set out in **Policy Annex OS3** (translated to a standard of open space per person in **Figure 4** in **Annex D** to the **MDE DPD**).

If neither of these options is feasible or where the site is within an area of qualitative deficiencies, contributions should then be sought to enhance existing off-site open spaces, initially within the identified accessibility thresholds (see Policy Annex OS3) and then those beyond but within reasonable access of the development site.

In regard to the level of financial contribution that should be sought, this has been calculated using the approved open space contributions shown in **Figure 7** in **Annex D** to the **MDE DPD** and the **Open Space Calculator** (please Figure 8 in Annex D for a worked example). With respect to the development proposal, the following contributions should be sought:

Parks & Gardens – £21,781

Amenity Green Spaces – N/A

Outdoor Sports Facilities - £39,960

Children’s and Young People’s Play Areas – N/A

Natural and Semi Natural Green Spaces – N/A

If provision is not made on or off-site, a sum total contribution of **£61,741** should be sought (this is further highlighted on the Open Space Calculator attached).

The exact allocation of funding will be determined through discussions with developer, an assessment of local opportunities and consideration of the relevant evidence at the time of the application, eg Site Management Plans and the Council’s Capital Plan (as permitted by para.20 of Annex D) to establish what the priority projects should be.

OPEN SPACE CALCULATOR

Calculation 1

Location of Development	1=Yes	Categories of Open Space Deficient in Quantity
Tonbridge Urban*	1	Parks & Gardens, Outdoor Sports Facilities, Children's and Young People's Play Areas
Medway Gap Urban**		
Rural Service Centres***		
Rural Settlements (under 1000 pop)****		
Rural Settlements (over 1000 pop)****		

Calculation 2

Dwelling Size	Nos. of Proposed Units (Net)	Av. Household Size*	Total Persons
1 Bed Flat	23	1.25	28.75
2 Bed Flat	11	1.64	18.04
3+ Bed Flat		2.17	0
1 Bed House		1.3	0
2 Bed House		2.11	0
3 Bed House		2.62	0
4+ Bed House		3.25	0
Total Number of Persons generated by the Proposed Development			47

*Source: The New Build Survey 2005, Kent County Council

Calculation 3

Category of Open Space	Area	Total Number of Persons	Adopted Standard of Open Space per person (sq.m)	Proposed On-Site Open Space (sq.m)	Open Space Requirement (Net) (sq.m)
Parks & Gardens	Borough-Wide	47	25	0	1169.75
Amenity Green Spaces	Tonbridge Urban	47	7.6	0	355.60
	Medway Gap Urban	0	13.3	0	0.00
	Rural Service Centres	0	3.3	0	0.00
	Rural Settlements (< 1000 pop)	0	30	0	0.00
	Rural Settlements (> 1000 pop)	0	24	0	0.00
Outdoor Sports Facilities	Borough-Wide	47	20.5	0	959.20
Children's and Young People's Play Areas	Borough-Wide	47	1	0	46.79
Natural Green Spaces	Tonbridge Urban	47	7.3	0	341.57
	Medway Gap Urban	0	28	0	0.00
	Rural Service Centres	0	18.3	0	0.00
Total Open Space Requirement (Net) (sq.m)					2872.91

Calculation 4

Category of Open Space	Area	Open Space Requirement (sq. m) (from Calc. 3)	Contribution per sq.m (exc. maintenance)	Contribution Required (£) (exc. maintenance)
Parks & Gardens	Borough-Wide	1169.75	£18.62	£21,781
Amenity Green Spaces	Tonbridge Urban	355.604	£6.38	£2,269
	Medway Gap Urban	0	£6.38	£0
	Rural Service Centres	0	£6.38	£0
	Rural Settlements (< 1000 pop)	0	£6.38	£0
	Rural Settlements (> 1000 pop)	0	£6.38	£0
Outdoor Sports Facilities	Borough-Wide	959.195	£41.66	£39,960
Children's and Young People's Play Areas	Borough-Wide	46.79	£112.14	£5,247
Natural Green Spaces	Tonbridge Urban	341.567	£6.38	£2,179
	Medway Gap Urban	0	£6.38	£0
	Rural Service Centres	0	£6.38	£0
Total Contribution Required (£) (exc. Maintenance)				£71,436

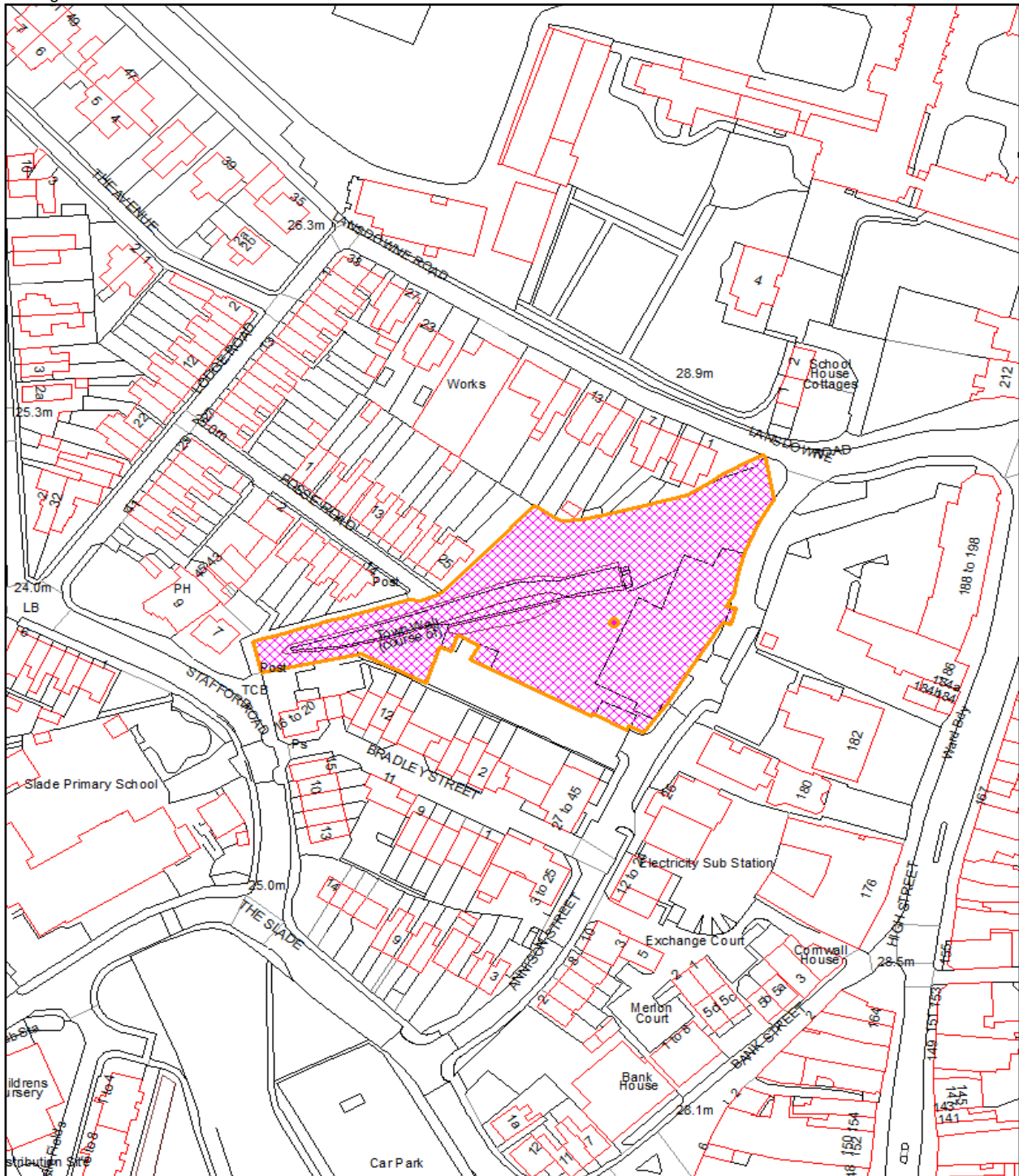
This page is intentionally left blank

TM/21/01911/FL

Land Rear Of 182 High Street Tonbridge Kent

Redevelopment to form 34 Retirement Living apartments for older persons including communal facilities, and associated car parking and landscaping, and the repositioning of 4 existing car parking spaces

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