

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

23 November 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 the Council Chamber, Gibson Drive, Kings Hill on Thursday, 1st December, 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.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

1. Guidance for the Conduct of Meetings

5 - 6

PART 1 - PUBLIC

2. Apologies for Absence
3. Declarations of Interest

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct).

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 23 June 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/21/02298/FL - Tonbridge PRS, Medway Wharf Road, Tonbridge 19 - 124

Demolition of existing gasholders and associated structures. Redevelopment of the site to provide 144 residential units and up to 567 sqm of flexible Class E/ancillary residential floorspace. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works at Tonbridge PRS, Medway Wharf Road, Tonbridge

7. (A) TM/22/00101/FL and (B) TM/22/00102/LB - 1 Hadlow Castle, High Street, Hadlow, Tonbridge 125 - 140

(A) Retrospective application for the removal of 3 windows and replacement with 3 black aluminium double glazed windows and (B) Listed Building Application: Retrospective application for the removal of 3 windows and replacement with 3 Black aluminium double glazed windows at 1 Hadlow Castle, High Street, Hadlow

8. Urgent Items

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

Matters for consideration in Private

9. 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

10. 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

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, 23rd June, 2022

Present: Cllr D W King (Chair), Cllr M R Rhodes (Vice-Chair), Cllr Mrs P A Bates, 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 M A J Hood, Cllr J R S Lark, Cllr H S Rogers, Cllr J L Sergison and Cllr Miss G E Thomas

(Note: As Councillor F A Hoskins was unable to attend in person and participated via MS Teams she was unable to vote on any matters)

Councillor A Oakley participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21

Apologies for absence were received from Councillors Mrs J A Anderson, J L Botten, N Foyle, N J Heslop and F G Tombolis

PART 1 - PUBLIC

AP1 22/22 DECLARATIONS OF INTEREST

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

AP1 22/23 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 31 March 2022 be approved as a correct record and signed by the Chairman.

AP1 22/24 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 circulated in advance of the meeting and published to the website.

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

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

AP1 22/25 TM/21/01911/FL - LAND REAR OF 182 HIGH STREET, TONBRIDGE

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.

RESOLVED: That planning permission be GRANTED subject to:-

- (1) The s106 financial contributions being split as follows:

TMBC

- £21,780 to be spent on improvements to Haysden Country Park or the Memorial Garden
- £39,960 to be spent on improvements to Tonbridge Racecourse Sports Ground
- £251,323.42 towards Affordable housing provision within the Borough

KCC

- £239.36 for Improvements to Tonbridge Adult Education Centre
- £1,885.30 for improvements to Tonbridge Library
- £4,993.92 for improvements towards the Priority areas of: Assistive Technology, Adapting Community facilities, Sensory facilities and Changing Places within the Borough.

- (2) The amendment of the first paragraph of condition 4 to read:

4. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees that are to remain on site as part of the development, including their root system, or other planting by observing the following:

- (3) The addition of the following conditions:

21. This permission shall be an alternative to the following permission and shall not be exercised in addition thereto, or in combination therewith. (Permission granted on 06.06.2014 and under reference TM/14/01354/FL).

Reason: The exercise of more than one permission would result in an over intensive use of the land.

22. The use shall not be commenced, nor the premises occupied, until the area shown on drawing no 20078TB_PL203 as mobility scooter parking space has been provided. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude access to this reserved mobility scooter parking space.

Reason: To ensure there is dedicated provision for the parking of mobility scooters to serve the residents of the development.

(4) The addition of Informative

2. With regard to condition 6 of this permission, construction worker's/contractor's vehicles will be expected to park within the public car parks for the duration of the approved construction works and not on the local roads adjacent to the site where parking controls exist.

[Speakers: Mr M Shellum (Agent)]

AP1 22/26 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.05 pm

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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)

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W

Tonbridge
Medway

1st December 2021

TM/21/02298/FL

Proposal: Demolition of existing gasholders and associated structures. Redevelopment of the site to provide 144 residential units and up to 567 sqm of flexible Class E/ancillary residential floorspace. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works

Location: Tonbridge P R S Medway Wharf Road Tonbridge Kent

Go to: [Recommendation](#)

1. Description:

1.1 Full planning permission is sought for the redevelopment of this vacant site for a mix of 144 residential units and a flexible Class E element with potential to be used as ancillary residential space for residents, 567sqm floorspace. Due to the industrial history of the site a full-scale remediation would take place as part of the redevelopment proposal. New and enhanced public realm and landscaping works are also proposed for the site, particularly to open up connectivity towards the river frontage and the existing riverside walk.

1.2 The development would be in the form of 2 blocks, referred to as A and B throughout the report. Block A fronts the River Medway and is 5 storeys in height with a 2 storey height element to house the flexible Class E/ ancillary residential floorspace. Block B sits behind this and is 8 storeys. The use of floorspace is broken down as follows

1.3 **Block A**

Ground Floor – 8 x flats with residential foyer/office and post room. Flexible Class E/ancillary residential space (332 sqm), 19 x undercroft parking spaces, 90 x cycle parking spaces including 4 cargo and 4 electric charging spaces, plant and services and bin stores.

1st Floor – 17 x flats, flexible Class E/ancillary residential space (235sqm)

2nd Floor – 17 x flats, roof terrace shared residential amenity deck/space.

3rd Floor – 17 x flats.

4th Floor – 16 x flats.

Roof – photovoltaic panels and plant area.

1.4 **Block B**

Ground Floor – 20 x undercroft parking spaces including 8 EV points and 3 motorcycle spaces, 54 x cycle spaces, Plant and services, and bin stores.

1st Floor – 11 x flats.

2nd Floor – 11 x flats.

3rd Floor – 11 x flats.

4th Floor – 9 x flats, roof terrace shared residential amenity deck/space.

5th Floor – 9 x flats.

6th Floor – 9 x flats.

7th Floor – 9 x flats.

1.5 Housing mix is broken down as follows:

- 52 x 1 bed
- 69 x 2 bed
- 23 x 3 bed

1.6 Parking provision includes:

- 91 spaces, (5 of which are disabled spaces and 16 have electric vehicle charging points. 19 are undercroft to Block A, 20 undercroft to Block B, 30 spaces are surface parking within the main site, 22 spaces are on street parking within the site boundary on the entrance road to the site);
- 2 car club spaces
- 3 motorcycle spaces
- 168 cycle spaces, (90 to Block A, 54 to Block B, 24 on site)
- 1 light goods/public carrier vehicle space.

Reason for reporting to Committee:

1.7 The application is being reported to planning committee on the grounds of the level of difficulty surrounding the balanced judgement and the recommendation to approve in light of a remaining objection from Environmental health.

2. The Site:

2.1 The site is a brownfield site of approximately 2.2 ha, which lies within the urban area of Tonbridge and within the Tonbridge Central Area as identified in the Tonbridge Central Area Action Plan 2008, (TCAAP). It is situated outside of and to the north east of the Town Centre Boundary, and is an allocated site within the TCAAP under policy TCA11 (r).

2.2 A number of industrial and trading estates wrap around the site to the east and further south. A residential development lies opposite the site on the far side of the river to the north, which was also part of a redevelopment of a previous industrial site. The River Medway runs to the northern boundary and the Gas Works Stream runs further south. Flatted developments are located to the west of the site which are a mix of heights, up to 8 storeys, and architectural styles.

2.3 Public Right of Way path no. MU33 runs along the riverside and the northern boundary of the site. Tonbridge Castle, which is an Ancient Monument, is

located approximately 0.5km to the north west of the site, and the Tonbridge Conservation Area is approximately 90m at its closest point to the north west of the site. The whole site lies within Flood Zone 2 and the majority lies within Flood Zone 3. Trees and vegetation bound the site on all sides

- 2.4 The site is currently vacant comprising 2 gas holders and 3 small associated single storey buildings, and it has been vacant for 25 years. The older of the two gasholders, approximately 5m tall, dates from c.1895. The second one dating from c. 1922 is much taller and is clearly visible in wider views of the site across Tonbridge. Whilst not listed nor within the nearby conservation area, the proximity of the site to this and the Tonbridge Castle means the site and its redevelopment are within the setting of these designated heritage assets.
- 2.5 Access is off Medway Wharf Road with connectivity through to Vale Road to the east.

3. Planning History (relevant):

TM/00/02977/TEP Prior Approval 31 January 2001
Required

Erection of a 15 metre lattice mast, 6 sector antennae, 2 x 600mm dishes, an equipment cabin and other ancillary development

TM/01/00690/HSC Application Withdrawn 10 May 2001

Change in control of land edged green to a separate company for use of telecommunication purposes no longer subject to Hazardous Substances Consent

TM/01/02816/HSC Grant 7 January 2002

Continuation of Hazardous Substances consent for storage and distribution of natural gas.

TM/86/10955/FUL grant with conditions 30 January 1986

Erection of security compound and erection of store building 17' x 10'.

TM/92/00798/DHSC grant with conditions 19 November 1992

Deemed Hazardous Substances Application; Nos 3 and 4 Gas holders

TM/97/01195/RD Grant 12 September 1997

details of design and external appearance of plant building

TM/05/00050/RD Grant 21 March 2005

Details of gas governor replacement submitted pursuant to Class F2 (c) of the General Permitted Development Order 1995

TM/19/02975/DEN Prior Approval 13 January 2020
Required

Prior Demolition Notification: Dismantling of redundant gasholders and associated structures

TM/21/02322/PPA 28 August 2021

PPA in relation to full planning application for the demolition of existing gasholders and associated structures. Redevelopment of the site to provide 144 residential units and up to 567 sqm of flexible Class E / ancillary residential floorspace. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works.

4. Consultees:

4.1

CONSULTEE	SUMMARY	APPENDIX
Environment Agency (EA)	No objections subject to conditions	1
Health & Safety Executive (HSE):	No objection	2
KCC Heritage	No objections subject to conditions	3
KCC (H&T):	No objections subject to conditions, contributions to Bus/Cycle transport and securing Travel Plan monitoring fee	4
KCC SUDS	No objection subject to conditions	5
KCC (Economic Development)	No objection subject to securing contributions towards education, various community services, and waste	6
KCC Public Rights of Way (ROW)	No objection subject to informatives. Would welcome a widening of the river walk path to 3m.	7

Kent Police	No objection, advises the applicant follow Secure By Design Homes 2019 guidance to address designing out crime.	8
Kent Fire and Rescue	Comments regarding access and reminder that Fire Service access and facility provisions are a requirement under Building Regulations. An informative has been added.	9
Southern Water	No objection subject to conditions.	10
Natural England	No comments.	11
NHS CCG	No objections subject to securing contributions towards improvements to local GP practices.	12
Historic England	No comments, advise conservation and archaeological specialists are consulted.	13

4.2 Private Reps: 71/1X/3S/9R There are 13 representations in total, 9 of which **object** to the proposal on the following grounds, (2 of these representations state no objection to the principle of the redevelopment):

- lack of affordable housing.
- inadequate roads to serve the site.
- existing parking issues on surrounding roads will be exacerbated, lack of disabled parking in the area made worse by congested parking.
- online deliveries cause parking problems already in the area, including deliveries by large 7.5 tonne lorries when there is nowhere to park.
- existing congestion on Vale Road and junction with Sovereign Way, the area is used as a rat run causing traffic problems.
- refuse vehicles already block the road each week preventing access and exit by any other vehicles.
- lack of access for emergency vehicles due to existing parking problems blocking their route.
- Inadequate access for construction vehicles during site development.

- more damage to existing kerbs, bollards etc without repair.
- lack of parking, should be at least 2 spaces per unit, with unlikely expectation that occupiers will travel by bike or public transport.
- inadequate parking for visitors, contractors, deliveries.
- There was never meant to be access from Medway Wharf Road through the site, the bollards that originally prevented this were removed due to vandalism and the EA needed access, they should be reinstated.
- poor bus links past the site.
- loss of gasholder structures, loss of local heritage, lack of alternative uses considered for their retention.
- harm to the small town feel of Tonbridge.
- possible harm to wildlife and fauna.
- existing problems with littering will become worse.
- loss of sunlight to existing buildings.
- noise and disturbance to existing residents resulting from construction and anti-social behaviour afterwards.
- contaminated hazardous site due to previous use.
- increased pollution.
- harm to tranquillity of the river walk.
- right to light and air compromised by replacement of gas holders with proposed flats.
- Pressure on local schools in addition to other large developments in Paddock Wood.

4.3 There are 3 representations stating **support** for the following reasons:

- The design respects the town's industrial riverside heritage.
- Improved landscaping to the river waterfront.
- Redevelopment of the site will enhance the area and river.
- Light won't be affected to existing residents.

- Proposal looks great but concern if it's refused a new scheme could be worse with greater impacts to residents and potential property devaluation.
- Excellent attractive design in keeping with the area.
- Improvements to currently ugly wasted space to become a beautiful space on the river front.
- Positive public realm improvements to open up the walkway along the river.
- Positive to see parking provision encourages less car use, there is adequate public transport in the area, the car club is welcomed as are all efforts to reduce carbon footprint.
- The view that each person owns a car is outdated, the proposed provision looks to be sufficient.
- It will improve opportunities for first time buyers, increased employment within local businesses and possible new business start-ups with the class E mixed use element of the proposal;

4.4 Tonbridge Historical Society (THS) –commented on the proposal as follows:

- The proposal has design merits as it respects the commercial and industrial riverside heritage and the towns low-rise roofscape.
- Proposed improved landscaping to the waterfront is welcomed.
- Lack of affordable housing.
- Inadequate roads serving the site and local area which are used as a rat run suffer from parking congestion from cars and delivery vehicles. The road junctions cannot take any increased capacity.
- The expectation that so many will walk or cycle is unrealistic, and Sunday/night-time bus services serving the site are poor.
- An alternative use which retains the gasholders would be preferable.
- Should permission be granted THS request a photographic record be provided of the gasholders prior to demolition and the makers identification plates be retained by the THS in their archive.

5. Determining Issues:

Principle of development:

- 5.1 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 proposed⁷; 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.
- 5.2 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.
- 5.3 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.
- 5.4 With regard to the application of the presumption in favour of sustainable development, regard must first be had as to whether any restrictive policies within the Framework as stated under paragraph 11 d (i), (footnote 7), provide a clear reason to refuse the proposed development.
- 5.5 When applying paragraph 11 d (i), (and footnote 7), the restrictive policies referred to above relate to the protection of the following areas:-
- habitat sites, including potential Special Protection Areas (SPAs), and possible Special Areas of Conservation (SAC), listed or proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on habitat sites, potential SPAs or possible SACs, listed or proposed Ramsar sites;
 - designated Sites of Special Scientific interest (SSSI);

- Green Belt, Local Green Space, AONB, National Park or within a Broads Authority, or Heritage Coast;
- Irreplaceable habitats, designated heritage assets, other heritage assets of archaeological interest, areas at risk of flooding or coastal change.

5.6 In this case, due to the impact of the proposed development upon the setting of the designated heritage assets, Tonbridge Castle and Tonbridge Conservation Area, an assessment is necessary under paragraph 11 d (i). Policies concerning the historic environment within section 16 of the NPPF are therefore relevant.

Heritage considerations under paragraph 11 d(i):

5.7 Paragraph 195 of the NPPF 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”.

5.8 Paragraph 197 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”.

5.9 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 exceptional⁶⁸ “.*

- 5.10 The Grade 1 listed SAM, Tonbridge Castle, is within approximately 465m of the site. Tonbridge Conservation area lies approximately 130m to the east. Any redevelopment of the site must therefore take account of the impact it may have upon the setting of these heritage assets.
- 5.11 The impact on the Designated Heritage Assets (DHAs) has been assessed as part of the heritage statement and it is accepted that the proposed redevelopment would not harm the setting of the Grade 1 listed SAM, Tonbridge Castle. The character and appearance of the Conservation Area is considered to be preserved without detriment to its heritage significance. This accords with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.12 The design led approach is considered to successfully relate to the sensitive merits of the locality in terms of heritage assets. The visual improvements that will be achieved by the high quality and appropriate design for the area will be of benefit to the wider setting of the DHAs. This positive impact is one of the key benefits that outweighs the loss of the industrial heritage. The Gasholders are not DHAs nor locally listed. Their status for the purpose of assessing their contribution to the area is discussed below in paragraph 5.32.
- 5.13 Historic England responded to the consultation to confirm that they have no comments to make and advise that the advice of our specialise conservation and archaeological advisors is sought.
- 5.14 The Council's Conservation Officer has assessed the proposal and the Design and Access statement and is in agreement with the findings that the proposal will not impact upon the heritage significance of the Conservation Area, or the setting of the Grade 1 Listed SAM, Tonbridge Castle. It is considered that the low level impacts of the new built form in place of the gasholders is mitigated by the material palette, and industrial led design features of the buildings.
- 5.15 Therefore, there is no clear reason to refuse the development in accordance with paragraph 11 d (i) of the NPPF with regard to heritage assets.
- 5.16 Also for consideration under paragraph 11 d (i) is the impact of flooding given the site's location within Flood Zones 2 and 3. Policies concerning flooding within chapter 14 of the NPPF are therefore relevant.

Flooding considerations under paragraph 11 d (i):

- 5.17 New development within flood zones is usually discouraged where the uses proposed are classed as vulnerable to potential flooding in these areas.
- 5.18 Paragraph 154 states that new development should be planned in a ways that:
- “a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure”.
- 5.19 Paragraph 159 requires development where necessary in areas at risk of flooding to be “*made safe for its lifetime without increasing flood risk elsewhere*”.
- 5.20 The sequential test is referred to in paragraphs 161 and 162 and is to be applied to sites at risk of flooding to consider possible alternative sites and to encourage development towards areas with the lowest risk of flooding. If no reasonable alternative site is found the exception test will be applied, which is relevant in this case.
- 5.21 As stated in paragraph 164 of the NPPF, to pass the exception test, it should be clearly demonstrated that
- the proposed development would provide wider sustainability benefits to the community that outweigh the flood risk, and
 - that it will be safe for its lifetime without increased flood risk elsewhere.
- Both elements must be satisfied for planning permission to be granted.
- 5.22 Policy CP10 of the Core Strategy confirms for development to be acceptable or exceptionally justified in flood risk areas it must be subject to an FRA, include safe means of escape, include mitigation measures for the effects of flooding off site or elsewhere in the floodplain.
- 5.23 The submitted FRA details the mitigation measures proposed which include:
- Building FFLs at least 23.18m AOD, which provides a 600mm freeboard on the 1 in 100 year + climate change event level;
- Flood resultant design adopted up to a level of 23.34 AOD, (300mm above the extreme event)
 - Safe access and egress is addressed in a Flood Evacuation Management Plan which highlights flood risk to occupants and also details procedures to follow in the event of a Flood Warning from the EA being issued for the area.

- 5.24 The site is currently already defended to a degree up to the 1 in 100 year flood event. Measures include the Leigh Flood Storage Area (FSA). The applicant engaged with the LLFA and Environment Agency at pre-app stage and again during the course of the application.
- 5.25 The EA raised objection initially on the grounds that *“it fails the second part of the exception test and poses an unacceptable flood risk to future occupants of the development”*.
- 5.26 Further discussions and negotiations took place over the course of several months to resolve the outstanding concerns. The result is that the EA reached a position of support for the proposal subject to conditions. The council is therefore satisfied that the proposed residential and flexible use can be safely located on the site with sufficient mitigation measures, drainage systems and safety measures for residents, to address the threat of flooding to the site in extreme events. The proposed measures and approach accord with the relevant NPPF and Local Plan policies.
- 5.27 In terms of SUDS it is proposed that mitigation measures will control run off from the proposed impermeable area for all events up to and including the 1 in 100 year storm event plus climate change allowance. Discharge is proposed to the Gasworks Stream. Proposed attenuation is by way of bio-retention and cellular storage, permeable pavement areas and blue/green roofs.
- 5.28 Following some further technical advice during the course of the application the KCC LLFA have confirmed that they are satisfied to a sufficient level that appropriate on site drainage can be achieved. This is subject to conditions to secure a verification report on the surface water drainage system to be implemented, and a more detailed scheme for surface water drainage has been submitted and approved.
- 5.29 With the above in mind it is accepted that there is no clear reason to refuse the development in accordance with paragraph 11 d (i) of the NPPF with regard to areas at risk of flooding.
- 5.30 After carrying out the 11(d)(i) exercise and subsequently concluding that there are no “restrictive policies” in the NPPF which provide a clear reason for refusal, the application must therefore be considered against paragraph 11(d)(ii) of the NPPF and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, which are discussed below.

Heritage (other considerations):

- 5.31 The gasholders in situ are considered to be a non-designated heritage asset (NDHA), for the purposes of applying policies set out in the NPPF. As referred to

in the Article 4 Direction covering the site, they are “entirely reflective of the industrial history of the town”. NPPF policy requires a balanced judgement to be adopted for works which affect NDHAs and the settings of heritage assets (the castle and conservation area).

- 5.32 The acknowledged benefits that the redevelopment of the site in the manner proposed will bring are material in making the required balanced judgement against the loss of the historically and visually important gasholder structures. The loss is balanced against the delivery of a landmark development which brings environmental and public realm enhancements, including site remediation and connectivity. It is therefore accepted the proposed removal of the gasholders is in this case justified, in that the benefits will outweigh the loss of the NDHAs.
- 5.33 Another argument to support their removal is that their retention would sterilise the site from other development opportunities. Suggestions have been made by the Tonbridge Historical Society that they could be retained and incorporated into a new proposal. However, the costs involved to remediate the site would make this option most likely unviable.
- 5.34 It is concluded that the heritage significance of NDHA gasholder structures is low. The older gasholder is not in its complete form at present. The more recent gasholder hails from an industrial period which is not of particular interest for this industry in Tonbridge, with little architectural merit from this period. It would be sensible to add a condition to ensure a photographic record of the gasholders is kept prior to demolition.
- 5.35 Comments received from the KCC Archaeologist confirm the industrial heritage of the site and prior to that its use as meadow land. There is potential for Palaeolithic remains, palaeo-environmental remains and Early Prehistoric remains. Therefore a condition is suggested to monitor during construction.

Efficient use of land:

- 5.36 Policies in chapter 11 of the NPPF assess these considerations.
- 5.37 Policy TCA11(r) of the TCAAP relates to the site known as The Gas Works and allocates it as a site “*suitable for residential development at a density appropriate to its riverside location (80 dwellings) including units suitable for family accommodation subject to:*”
- Integration with adjoining sites to the west with regard to design, layout and connections;
 - Provision of new pedestrian and cycle connections;

- Public Realm enhancements along the River Medway and Gas Works Stream;
- Site decontamination and any necessary remediation works.

- 5.38 The proposed number of units is significantly greater than initially suggested in the policy in 2008 at a density of 162 dwellings per hectare. However, under current NPPF 2021 requirements it is important to make the most efficient use of a site as stated in chapter 11. The effective use of land is to be promoted in meeting the need for homes and other uses whilst also safeguarding and improving the environment and ensuring safe healthy living conditions.
- 5.39 Para 120 c) requires substantial weight to be given to the value of using brownfield land for homes and other needs and supports opportunities to remediate contaminated unstable and derelict land. Such use is particularly necessary where an identified need cannot be met.
- 5.40 Para 122 relates to the need for decisions and policies to reflect the changes in demand for land. This is key in the determination of this proposal given the allocation for up to 80 dwellings was made in 2008 and consideration of the redevelopment of the site today includes increased housing pressures and the current lack of an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN).
- 5.41 Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account including the desirability of maintaining an area's prevailing character and setting.
- 5.42 These factors, and the next to town centre sustainable location in an area of more recent flatted development, all support an increased density than was originally considered appropriate at the time of allocation 14 years previously.
- 5.43 One of the public benefits of the development at this proposed density on the brownfield site is the contributions that the creation of 144 residential units 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 be a more efficient use of land, in a highly sustainable, edge of town centre location.

Impact on character and appearance on the surrounding area:

- 5.44 Policies in chapters 12 of the NPPF consider how best to achieve well-designed places. Paragraph 130 requires 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 users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.45 Paragraph 134 states that significant weight should be given to developments which reflect local design policies and designs which promote high level of sustainability or help to raise the standard of design in the area whilst fitting in with the layout of their surroundings.

5.46 Local plan policy CP 24 of the Core Strategy requires development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must also, through design, layout, siting, character and appearance, be designed to respect the site and its surroundings. Policy SQ1 of the MDE DPD states that amongst other things, development will be required to reflect local distinctiveness, that it should protect, preserve and where possible enhance character and local distinctiveness of an area, the pattern of settlements, and important views.

5.47 The Article 4 Direction which covers the site is dated 3rd July 2020 and removes the permitted development right for demolition of the gas holder structures under Class B of Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015. This Article 4 Direction was deemed to be necessary due to a potential threat to the structures following submission of a prior approval application for their demolition. It was considered that execution of the permitted development rights afforded in this instance would be prejudicial to the proper planning of the area and constitute a threat to the amenities of the area.

5.48 Whilst this Local Planning Authority does not hold a list or database of non-designated/locally important assets, the loss of the gasholders under permitted development rights would remove the ability of the local planning authority to fully assess the impact this would have upon the character of the area. Therefore, the

Article 4 Direction states that they should be considered to be Non-Designated Heritage Assets for the purposes of applying policies in the NPPF.

- 5.49 The gasholders are considered to be reflective of the industrial history of the town and a historical feature which shows how the industrial past of the town evolved, an important heritage link in itself. They are also prominent features in the townscape which date from 1895 and 1920, so their loss will have a clear visual impact in the immediate and wider area.
- 5.50 Para 203 of the NPPF 2021 states that the impact of a proposed development upon the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Para 204 goes on to confirm that LPAs should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. Even though not listed as non-designated assets, the consideration required for such an asset is comparable given the historical importance of the holders to the area.
- 5.51 For this reason, it was determined under the Article 4 Direction that any potential loss of the gas holders is to be fully considered and the impact of this assessed only by way of a comprehensive planning application for a redevelopment of the site, and not the prior notification procedure. This also allows for the relevant policy context to be considered. This impact will be discussed later in the report under the Heritage heading.
- 5.52 The site has an industrial past. Whilst still being surrounded by present day industrial uses it also now sits within the same character area as more recent residential developments. Therefore, the proposed buildings have been designed to provide much needed residential units within a built form which is reflective of the site's industrial heritage and prominent location, in what was the heart of the industrial sector of Tonbridge.
- 5.53 It is intended to deliver a landmark development which will contribute to the regeneration of this area. The design whilst being modern is successful in reflecting the industrial past of this part of Tonbridge, particularly to the front elevations of both blocks overlooking the river creating a wharf style appearance. The use of repeated pitched roof and gable fronted sections add an industrial feel to the design. The recessed frontage to include balconies and create visual interest adds a more contemporary element and high quality design feature to the built form. The proposed materials of glazing, zinc cladding and brick banding are also felt to complement the site's industrial history whilst creating a new identity for the intended use.
- 5.54 The proposed scale and height up to 8 storeys would be in keeping with surrounding flatted developments in the area. The design breaks the built form into two blocks. The siting and design of these create both a visual break in

views of the site and visual interest with the differing heights. The stepping down from the south to north of the site in terms of storeys enhances relationship with the public space along the river frontage which prevents a sense of an overbearing development. Whilst making an efficient use of the site with an appropriate density proposed, the two blocks of residential apartments are not considered to represent an overdevelopment of the site.

- 5.55 The proposed buildings are considered to be of a high quality and will positively contribute towards and greatly enhance the visual amenities of this area of Tonbridge.
- 5.56 There is a good mix of private amenity space provided by way of the roof terrace decks and the area between the two blocks for residents. To the west side of the blocks and the front of block A the improved shared space and links to the existing riverside walk are of great benefit, both visually in the public realm and in terms of health and wellbeing for users and residents of Tonbridge as a whole.
- 5.57 A 24 hour pedestrian link will be provided by hard and soft landscaped open space, improving connectivity as well as the more tangible benefits to the visual qualities of the area and the wider benefits to the riverside walk. The design and landscaping are considered to be high quality that will improve and enhance the character and appearance of the site and surrounding townscape, whilst contributing to the rejuvenation and regeneration of this part of Tonbridge.
- 5.58 The existing riverside walk runs past the site and extends beyond the site to the east and west. The proposal includes plans to widen and upgrade it as part of the public realm enhancements to improve pedestrian and cycle access to the site from the wider area. Both ramped and stepped access will be provided from the riverside walk into the application site.

Highways and parking impacts:

- 5.59 Sustainable transport linked to new developments is promoted by Chapter 9 of the NPPF. Grounds for refusal of such development for highways reasons will only be appropriate where there is an unacceptable impact upon highway safety, or where the residual cumulative impacts on the road network will be severe.
- 5.60 Paragraph 105 of the NPPF states:
- “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health”.
- 5.61 Policy CP2 of the Core Strategy states that development should be well located in relation to public transport, cycle and pedestrian routes and have good access to town centres. It should also minimise the need to travel through the

implementation of Travel Plans. Policy TCA12 of the TCAAP requires development which reduces the need for travel with new proposals that support sustainable forms of transport. Policy SQ8 of the MDEDPD requires new development not to significantly harm the highway safety, and that traffic generated by the development can be adequately served by the highway network.

5.62 Vehicular access to the site is proposed via the existing bell-mouth junction when accessing from Medway Wharf Road. A separate emergency vehicle access point is proposed via the courtyard parking access into the communal garden area in the centre of the development.

5.63 A total of 91 parking spaces are proposed at a ratio of 0.64 per unit. These include 5 disabled spaces and 16 with EV charging available. In addition, 2 car club spaces would be provided which are intended to be for use by both residents and non-residents. A barrier is proposed to control parking on site which will have number plate recognition technology.

5.64 A total of 168 cycle spaces are proposed split between the two blocks and on site area, 8 of which are intended to serve the flexible use space. There are 3 motorcycle spaces proposed in the under-croft area to block B.

5.65 Given the edge of town centre, (as identified on the TCAAP land use map), the very sustainable location and in light of the significant number of cycle spaces it would be unreasonable to insist upon one space per dwelling.

5.66 KCC guidance note IGN3 states a parking provision for town centre locations as a maximum of 1 space per unit where reduced or even nil provision is acceptable in the interests of the most efficient use of land. Adopted SPG4 2006 on vehicle parking standards promotes the concentration of development at the major/principal urban areas which are focal points for employment, public services and transport.

5.67 The Highway Authority is satisfied with the overall number and type of car parking provision:

“The above numbers are satisfactory from KCC’s perspective, especially as the site is located close to leisure amenities and other sustainable modes (train and bus facilities)”

5.68 The details of parking space allocation, including visitor spaces and car club arrangements, can be secured by condition as part of the Travel Plan under the the S106 agreement. A monitoring fee of £948 will be required to cover biennial monitoring over five years or the life of the Travel Plan.

5.69 Neighbour objections have referred to the current parking problems and associated congestion in surrounding roads, including the contribution delivery

vehicles make to this. The proposal includes one delivery bay which will help to alleviate this issue. The main concern of existing residents is that the proposed 144 flats will increase pressure on an already congested system of roads around the site, including potential problems for emergency vehicles.

- 5.70 The Transport Assessment detailed expected trip generation. It is expected the entire development will generate 35 two-way trips (11 arrivals & 24 departures) in the AM Peak hour and 39 two-way trips (23 arrivals & 16 departures) in the PM Peak Hour. A total of 302 trips daily in connection with the flats and 35 daily in connection with the flexible use. The Highways Authority is satisfied that, based on these expected traffic numbers, the proposal will not have a severe impact on the highway. The provision of the car club arrangement is considered to positively contribute to the level of acceptable impact the development will have on the highway network.
- 5.71 The Highways Authority support the Transport Assessment conclusion that the development would not cause an unacceptable impact upon highway safety. Therefore, a refusal based on the existing congestion concerns would not be robust enough to be supported at an appeal were it to form a refusal reason on these grounds. Provided suggested conditions are imposed on any grant of permission the Highways Authority raise no objections.
- 5.72 Kent Fire and Rescue Service were consulted on the proposal. They responded to raise a lack of swept path analysis for fire appliances, but that the Fire Safety Advice Report did acknowledge the requirements for fire and access facilities. It was also confirmed that such provisions are a requirement under B5 of the Building Regulations.
- 5.73 Due to the proposed height of the buildings, the body responsible for this will be the HSE. Their response on the grounds of fire safety of the building is discussed later in the report. However, as part of the consultation process with HSE amendments were made to the proposal to overcome a number of concerns and objections including access for fire vehicles.
- 5.74 This involved a new swept path position to accommodate access into the site by way of utilising more of the central communal gardens should it be required in an emergency. The HSE were satisfied that this approach met their requirements for emergency access for fire related vehicles to the site. The access to the site and concerns about congestion due to parking has not been raised by either the HSE, Kent Fire and Rescue Service or KCC Highways as an objection.
- 5.75 The Council's Waste Service Department also commented on the need for safe access and egress to the site. It was recognised that on street parking can at times cause delays in accessing sites and the comments included a request for adequate off-street parking in designated bays. As referred to earlier in this section of the report, the parking provision ratio proposed is considered to be adequate for this edge of town centre site.

5.76 In conclusion regarding the highway issues, it is considered that the proposal is in accordance with the requirements of the NPPF and Local Plan policies and has an acceptable impact on the local highway network. The Highway Authority raise no objections.

Affordable Housing and viability:

5.77 Paragraph 63 of the NPPF requires affordable housing needs to be met on site unless off site provision or a financial contribution can be justified. Paragraph 65 expects at least 10% of the total number of homes to be affordable, with a few exemptions to this being listed, none of which apply in this application.

5.78 Policy CP17 of the TMBCS states that affordable housing will be sought on urban sites comprising 15 dwellings or more, at a rate of 40% with a 70/30 split between affordable housing for rent and other affordable housing tenures. This is to be considered the starting point for all applications. 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:

- Where affordable housing can be more effectively secured by use of existing housing stock being brought back into use;
- Where it is not possible to secure management of the affordable housing on site;
- Provision elsewhere in the borough will widen choice and availability.

None of these apply in this case due to the viability considerations of the development.

5.79 Paragraph 7 of the Affordable Housing Protocol recognises the impact planning obligations can have in some cases which will affect the viability of the scheme, and that there are instances when less than policy compliant or even zero affordable housing is acceptable.

5.80 *“In such exceptional circumstances, the Council will consider whether the benefits of the proposed development would outweigh the disadvantages of a more limited planning obligation, or no planning obligation at all. This will only be possible, however, where the developer provides evidence of the likely impact of the proposed planning obligation(s) on the viability of their development. Within this context, if a reduced percentage of affordable housing is being offered, the Affordable Housing Statement must explain why. If the reason for no provision, or for provision below the Council’s adopted policy position, is viability then a detailed financial viability assessment must be provided as part of the Affordable Housing Statement”.*

- 5.81 The proposed scheme does not contain any affordable housing as part of the development. The applicant has submitted a viability assessment for the development which has been assessed by the Council's financial viability consultant.
- 5.82 It is acknowledged that this site is likely to have large scale remediation costs due to its former use. The abnormal development costs as assessed in the viability appraisal are significant at £3,245,898. For this reason it has been concluded by the Council's consultant that any affordable provision on or off site, including off site contributions, would render the development of the site unviable. (For the development to be considered viable and able to provide policy compliant affordable housing provision, the Residual Land Value (RLV), must be equal to or more than the Benchmark Land Value (BLV).)
- 5.83 The calculations and assessment indicate that provision of affordable housing at 40% would result in a negative RLV of -£3,010,000. A scheme at 25% provision would result in a negative RLV of -£1,300,000. The proposal at zero % affordable housing provision has an RLV of £1, which is in line with the purchase price of £1. All options are therefore considered to be equal to or below the Benchmark Land Value of £1. As mentioned therefore, a request for any form of affordable provision would result in the development being unviable and the site remaining undeveloped.
- 5.84 The 10% provision as per the NPPF requirements and paragraph 65 is not considered to result in a viable option either given the assessments that zero percent affordable provision will only result in an RLV equal to that of the purchase price.
- 5.85 These results indicate that the proposed development is contrary to both NPPF and Local Plan policy. It is also noted in the section below that other financial contributions have been secured for other matters such as education, transport, community uses. All have been accounted for in the viability assessments considering the viability and likely deliverability of the proposal.
- 5.86 However, to address this ongoing concern of no affordable provision, even if as the result of viability reasons, it has been agreed that in the event of these figures, abnormal costs, and market conditions changing throughout the build which result in a financial surplus, a late stage review be incorporated into the S106 agreement. This will have a trigger point at 70% of unit sales (upon sale of the 100th unit). If a fresh review at this stage shows a surplus, the applicant is required to pay an affordable housing contribution to the Council equivalent to 75% of the surplus prior to the occupation of the 100th unit.
- 5.87 With regards to the market housing proposed, an acceptable mix of 1, 2 and 3 bed flats of sufficient indoor space is proposed, which also meets the aims of the TCAAP allocation requiring some family sized units. They have been designed to meet the Nationally Described Space Standards (NDSS).

- 5.88 In the final balancing exercise for the recommendation, it is noted that the lack of affordable housing on or off site, or by way of financial contribution is considered to be an adverse impact under paragraph 11 d (ii) of the NPPF. It must therefore be outweighed by the benefits of the proposal.

Open Space:

- 5.89 In addition to the agreed amount of contributions for off-site provision, a small area of play space is proposed on site up to 190sqm as part of the semi-private resident's courtyard.

Ecology and Biodiversity:

- 5.90 Chapter 15 of the NPPF covers the protection and enhancement of the natural environment. Local Plan policy NE2 and paragraph 174 of the NPPF are relevant when considering the impact upon ecology and biodiversity on and around the site. Local Plan policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats will only be considered acceptable when appropriate mitigation and/or compensation measures are proposed which would result in an overall enhancement. An ecological assessment was submitted with the application to assess such impacts.

- 5.91 In this case the site itself presents biodiversity of little intrinsic nature conservation value. The ecological value of the site is not a major constraint to its redevelopment and there are no nature conservation designations covering the site or adjacent areas.

- 5.92 The landscape strategy will incorporate native species and there are suggested measures for mitigation in relation to bats, hedgehogs and birds.

Trees and Landscaping:

- 5.93 Paragraph 131 of the NPPF recognises the important contribution trees can make to the character and quality of urban environments. Planning policies and decisions are encouraged to promote tree lined streets and incorporation of trees elsewhere in developments. Policy NE4 of the MDEDPD promotes the enhancement of the existing tree cover in the borough.

- 5.94 The proposal includes a comprehensive scheme of hard and soft landscaping to complement the regeneration of the site and reflect the industrial heritage of the site. The internal courtyard and roof terraces include a theme of circular soft landscaping elements to represent the gasholder forms. The visual improvements are clear and the removal of 13 existing trees along the boundaries to facilitate the proposal are an acceptable loss given the overall benefits gained. The landscaping scheme will include new planting of indigenous and broad leaf specimens to complement the hard landscaping and will result in

an overall enhancement of the appearance of the site and the contribution it and the landscaping will make to this part of Tonbridge.

- 5.95 The proposed public realm design would also be in accordance with policy TCA1 which encourages best use of important sites along the river to make the most of the river frontages.
- 5.96 Another element of the landscaping adapting to the site are the moveable planters proposed to the east of the site. This is to maintain access to SGN pipelines and protects their easements running between Block A and the boundary

Contamination and remediation:

- 5.97 In accordance with paragraph 184 of the NPPF which requires contaminated sites to be rendered safe for redevelopment by the developers, proposals for remediation are a key part of this application. A number of reports have been included to cover a comprehensive site investigation and remediation strategy. These confirmed multiple contaminants of concern in the site, soils and water, as well as elevated gas concentrations. The Council's Environmental Protection Officer is satisfied that the submitted report adequately reviews the history and environmental setting of the site.
- 5.98 To address this a further investigation is required in the form of a more detailed assessment of the risks to controlled waters, assessment of soils beneath gas holder bases and a UXO risk assessment. Suitable conditions are suggested to secure the necessary information and studies. Given these findings, the Environmental Protection Officer has requested a number of conditions to effectively control the remediation of the site.

Fire safety impacts:

- 5.99 As discussed previously in the report, the HSE is the Building Safety Regulator for this development due to the proposed Block B, a 'Higher Risk Building' (HRBs) as defined in the Building Safety Bill, which would be more than 7 storeys in height.
- 5.100 The HSE raised objection to the proposal in their first response on the grounds of inadequate access to site for a fire appliance vehicle, and to a fire fighting shaft, internal travel distances for fire fighters in excess of 30m, provision of only 1 firefighting lift, and proximity of some parking spaces to flat windows which may encourage fire spread from vehicles.
- 5.101 Following amendments by the applicant a second objection was received from the HSE on the grounds of fire service access including firefighter travel distances.

5.102 Following design changes to the internal layout, the HSE issued final comments to confirm their objections had been successfully overcome. The changes included improved access for fire appliance vehicles and an upgrade to east staircase to a firefighting shaft. These fire safety considerations will of course be the subject of a regulatory assessment under the Building Safety Bill at a later date should permission be granted.

Residential amenity:

5.103 The amenities of both existing neighbouring residents and future occupiers of the development are assessed in this section. In this case the Agent of Change principle is relevant due to the existing noise and odour generating uses adjacent to the site. For a long time, the responsibility for managing and mitigating the impact of noise and other nuisances on neighbouring residents and businesses has been placed on the business or activity making the noise or other nuisance, regardless of how long the business or activity has been operating in the area. In many cases, this has led to newly arrived residents complaining about noise and other nuisances from existing businesses or activities, sometimes forcing the businesses or other activities to close.

5.104 This Agent of Change principle is referred to in paragraph 187 of the NPPF which confirms a requirement for new developments to be compatible with any existing businesses and community facilities in the surrounding area. The 'Agent of Change Principle' aims to protect existing uses such as these and avoid any new permission resulting in unreasonable restrictions being imposed upon them. This paragraph seeks to ensure that the applicant or the 'agent of change' is the party required to mitigate any harmful impacts that would occur to the amenities of their future development and its occupiers from existing potential noise sources.

5.105 In effect the proposed residential flats are a noise and odour sensitive development being located adjacent to existing noise and odour generating uses such as the adjacent timber yard and DryTec. It is necessary through appropriate design methods, layout, orientation, uses etc that the potential for noise and odour impacts for example, is minimised.

Noise:

5.106 In accordance with paragraph 185 of the NPPF, which aims to avoid scenarios where noise pollution would give rise to "*significant adverse impacts on health and quality of life*", a noise assessment supported the application. This investigated the mitigation measures required to ensure the proposed flats would benefit from an acceptable level of amenity in terms of internal noise. The sources of noise are identified as the existing surrounding industrial activity including the adjacent timber yard to the east and DryTec to the south.

5.107 The development would bring residential units much closer to DryTec than the current position where the closest are approximately 75m away. The proposed

flats would be approximately 50m away. DryTec has a condition attached to their use to ensure noise no greater than NR35 at the boundary of the nearest residential properties.

- 5.108 Aylesford Timber adjacent to the east is a source of potential noise pollution given the proximity of proposed flats at approximately 15m away. The scheme was amended during the application to remove balconies from the 8 flats facing the timber yard in the eastern elevation of Block A. An acoustic fence is also proposed along the eastern boundary to mitigate any noise pollution from the adjacent timber yard. Whilst it is desirable for each unit to be provided with a private balcony space, this would not be appropriate where they are to be blighted by noise. However, it is felt that there is sufficient semi-private outdoor amenity space provided by the roof terrace to Block A and the communal gardens to allow for easy access to outdoor amenity space for occupants.
- 5.109 It is proposed to include acoustic performance specifications to the external building envelope of both blocks, including double glazed windows to bring noise levels within habitable rooms in line with BS 8233:2014
- 5.110 These measures ensure compliance with paragraph 187 of the NPPF and the agent of change principle, to prevent potential for noise pollution resulting in harm to amenity and complaints from future occupants on this basis.
- 5.111 It was also necessary to investigate potential for noise to existing residents post construction from plant etc. Proposed mitigation measures as mentioned above were considered to address any potential noise pollution in line with policy. The Council's Environmental Protection Officers are now satisfied that the amendments have addressed their concerns but have requested a condition requiring submission of a noise report based on the recommendations in the submitted consultant's report, for further consideration.
- 5.112 Potential for noise generated by traffic movements was the subject of two surveys which revealed similar noise levels which have been considered acceptable by the Councils Environmental Protection Officers.

Sunlight/Daylight:

- 5.113 Consideration of the impact upon sunlight/daylight levels is important for both existing residents and future occupants. Paragraph 125 of the NPPF balances the need to make efficient use of land and achieving acceptable living standards with regards to daylight and sunlight. A flexible approach is advised in applying policies or guidance on this matter, provided that this does not of course lead to unacceptable living standards.
- 5.114 As a result of the proximity of existing adjacent dwellings a sunlight/daylight assessment was undertaken. The findings were that any reduction in daylight to existing habitable rooms of neighbouring dwellings would be within acceptable

limits as set out within the BRE Guidelines. Any impacts that would be created are therefore considered to not be so harmful or noticeable to existing residents as to merit a refusal of permission on the grounds of harm to amenity. The proposal is therefore in accordance with paragraph 125 of the NPPF.

Odour:

- 5.115 Due to the siting of the proposal in the prevalent wind direction from DryTec to the south on the far side of the Gasworks Stream, and due to the processes undertaken and proposed height of the buildings, the proposal has the potential to create for odour pollution to new occupants, and therefore the impact on their levels of amenity is a material consideration. There have been complaints from neighbouring properties over previous years, varying in numbers depending on conditions and the type of product being processed at DryTec. This did result in the serving of two abatement notices in 2014.
- 5.116 Part of the mitigation undertaken by DryTec in response to this was the installation of an RTO (Regenerative Thermal Oxidiser) which helped reduce the odour impact upon nearby residents. More recently a second RTO has been installed for which retrospective planning permission is to be sought. The current processing at DryTec is in connection with Covid 19 cleaning products and is an odourless process with no harm to amenities. However, there is no way to control the retention of this contract and it could change at any time to one more harmful.
- 5.117 Considering the potential impact, the Council's Environmental Protection Officers have raised an objection to the proposed development due to the harm to amenity of future occupants through odour pollution, which could be classed as a statutory nuisance in the future. This impact is considered to be more harmful to the application site, were it to be developed, than existing flatted developments which are further away, due to its exposed position in relation to the factory.
- 5.118 In order to fully explore all options available to mitigate this harm, and the level of pollution that could occur, a specialist consultant was instructed by TMBC to undertake an assessment on behalf of Environmental Protection. A report was produced by RSK ADAS in February 2022, and subsequent technical notes were produced on behalf of the applicant in answer to this report.
- 5.119 During the course of the application a number of amendments and suggested mitigation measures have been put forward by the applicant but have been unsuccessful so far in addressing these outstanding concerns. For example, a dry vapour system was suggested to be installed on most exposed facades. However, RSK have expressed reservations as to how effective this would be. It is not yet a tried and tested system in the UK that has proved to be successful mitigation.

- 5.120 The conclusion of Environmental Protection Officers is that it is impossible to predict the future contracts at DryTec and therefore the potential impact of future operations upon occupants of the development. Whilst options have been discussed during the application, Environmental Protection Officers remain unable to confirm that any would successfully mitigate the impact. The full comments from Environmental Protection on this matter are available on the website to view.
- 5.121 Therefore, with no acceptable option to mitigate the odour source and resulting impact, the Agent of Change principle cannot be adhered to and objection is maintained from the Council's Environmental Health Department. If permission is granted, and a change in operation and process occurs at DryTec which causes complaints from occupants on the grounds of odour, the Council's Environmental Health Officers would be in a position of potentially needing to serve an abatement notice on Drytec requiring them to mitigate the odour pollution, in conflict with the NPPF, which seeks exactly to prevent such a situation and responsibility upon existing businesses. In the final comments from Environmental Protection, it is suggested that the applicant should consider contacting DryTec to agree additional odour control work under the Agent of Change principle.
- 5.122 In conclusion on this material consideration, there is a level of potential harm to residential amenity on future occupants of the development which, under paragraph 11 d (ii), would need to be outweighed by the benefits of the proposal to be accepted. This balance is discussed later in the report.

Quality of Accommodation:

- 5.123 With regard to the proposed flats, each will have its own balcony or access to ground floor garden area (other than 8 flats to the eastern elevation of Block A), in addition to the shared roof terraces and gated communal courtyard garden in the centre of the site.
- 5.124 Whilst TMBC does not have its own adopted internal space standards, the flats have been designed to comply with the Nationally Described Space Standards, (NDSS).
- 5.125 The intended flexible use of the two storey height element on Block A fronting the river could be used in a range of ways. Examples have been given which include a residents' home working hub in response to the recent changes to working practices following the effects of the Covid 19 pandemic. Under Class E(g) (i) any remaining space could for example be offered to non-residents as office space.
- 5.126 Under flexible Class E, potential uses could include retail sale of goods other than hot food, or sale of food and drink for consumption (mostly) on the premises. Such uses would benefit the amenities of future occupants and contribute to the

vitality and viability of the area and complement the area of public realm. To ensure no conflict with policy TCA8 of the TCAAP which resists new retail floorspace outside of the defined shopping areas, it is envisaged that any such use would be very limited and to compliment the site rather than act as a retail pull away from the town centre. This would not be dissimilar to other instances of small scale commercial floorspace to support other residential schemes in the area.

- 5.127 Of benefit to residential amenity for both existing and proposed residents will be the provision of the 24 hour access to public spaces in accordance with policy TCA10 of the TCAAP. The new 4m wide footpath running north to south along the western boundary will benefit from natural surveillance from the flats and garden terraces overlooking it.

Climate Change:

- 5.128 Paragraph 153 of the NPPF requires Development Plans to take a proactive approach to mitigating and adapting to climate change. It encourages new development to avoid increase vulnerability to the range of impacts associated with climate change. Where there are proposals in vulnerable areas care is to be taken to mitigate and consider green infrastructure. In addition, proposals should help to reduce greenhouse gas emissions and increase the use of renewable and low carbon energy.
- 5.129 Policy CP1 of the Core Strategy seeks to minimise waste generation, reduce travel need and minimise water and energy consumption.
- 5.130 To achieve net zero emissions by 2050, the Government has made a commitment to ensure that new development is more energy efficient. From 2025, the Future Homes and Building Standards will require CO2 emissions produced by new homes to be 75-80% lower than those built to current standards, and new homes will need to be “zero carbon ready”, meaning that no further retrofit work will be necessary to enable them to become zero-carbon homes. The first stage of this transition towards the decarbonisation of buildings came into force on 15 June 2022 via a suite of revised Building Regulations. These now require that CO2 emissions from new build homes must be 30% lower than under previous standards. The efficiency levels now required would encourage/require the installation of zero-carbon technology and levels of energy efficiency which would exceed what we may justify under planning policy. Thus, no conditions or informatives are recommended in relation to the incorporation of zero carbon technologies.
- 5.131 Under the revised Building Regulations, new-build homes must include parking space(s) with access to electric vehicle charging points equal to the number of new dwellings. In addition, cable routes/infrastructure should be provided for other parking spaces. Previously, such provision might have been secured by a condition. This is no longer justified in light of revised Building Regulations which

would require, in this instance, one space with electric charging point and cable infrastructure to the remaining parking spaces subject to the provisions of Approved Document S.

- 5.132 The energy statement and sustainability statement submitted to support the application confirms that, amongst other things, the development will be served by a community heating system, in addition to heat recovery ventilation and a thermally efficient building envelope. These measures are anticipated to result in carbon emissions 15.3% lower than those required by Approved Document L 2013 and policy CC1 of the MDEDPD. As part of this 60sqm of PV panels are also proposed which will increase the reduction in CO2 emissions to 16% lower than those required by Approved Document L.
- 5.133 The parking options to serve the development include 16 spaces with electrical vehicle charging and 2 car club spaces, all of which are a welcome move towards supporting cleaner more carbon efficient modes of transport, as does the provision for the parking of 168 cycles in the under-croft areas of both blocks.

S106 Contributions:

- 5.134 Policy CP25 of the Core Strategy requires new development to *“incorporate the infrastructure required as a result of the scheme or make provision for financial contributions and/or land to secure such infrastructure or service position at the time it is needed, by means of conditions or a planning obligation”*.
- 5.135 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests as set out in paragraph 122 of the CIL Regulations 2010 (as amended). These state that obligations must be :
- 1.necessary to make the development acceptable in planning terms;
 2. directly related to the development; and
 3. fairly and reasonably related in scale and kind to the development.

The requested obligations are as follows :-

5.136

KCC Economic Development	£119,531.50	Primary school expansion
	£116,905	Secondary school expansion at Judd school
	£27,083.85	Special education. Facilities at Grange Park school and other SEN facilities
	£2,364.48	Adult education improvements
	£7,984.80	Library services and bookstock
	£9,432	Youth service improvements
	£21,150.72	Social care improvements and support
	£26,448.48	Waste - Improved HWRC and replacement of WTS facilities at north farm
NHS CCG	£100,584	Refurb and extension of existing or towards new practices
TMBC Leisure Services	£104,437	Parks and gardens
	£197,110	Outdoor sports facilities
	£10,749	Natural and semi-natural green spaces
KCC Highways	£145,000	Bus service enhancements
	£948	Travel Plan monitoring fee
TMBC Housing	Late stage review mechanism (70% sales)	

5.137 KCC (Economic Development) considers that the development would impact upon their services and financial contributions are sought by them to enhance existing provision to meet the demands of the services as listed above totalling an amount of £302,087.87. The applicant has agreed to all of the above contributions.

5.138 Requests have also been made by KCC Highways for contributions as listed above towards improving the bus services. The applicant has agreed to the bus enhancement contribution.

5.139 Contributions towards NHS services and open space have been agreed as detailed above, by the applicant. The open space contribution would be in the form of an off-site contribution towards Parks & Gardens, Outdoor Space Facilities and Natural and Semi Natural Green Spaces at a sum of £312,296.00. The applicant has agreed to these above-mentioned contributions.

5.140 The agreed contributions requests when assessed against the tests set out in paragraph 122 are considered to meet the tests and will be secured by way of the S106 agreement.

Conclusion and planning balance:

5.141 Due to the Council's lack of a 5 year housing land supply the tilted balance is engaged in this case. As the site is affected by both heritage and flooding constraints the proposal is assessed against paragraph 11 d (i) of the NPPF, the

conclusion being that the impact of the proposed development to both heritage assets and the risk of flooding would not cause a level of harm that would provide a clear reason to refuse the proposal.

- 5.142 Following this it is necessary to apply consideration under paragraph 11 d (ii) of the NPPF, and whether any potential adverse impacts significantly and demonstrably outweigh the benefits of the proposal when assessed against the rest of the NPPF policies.
- 5.143 A lack of any affordable housing provision on or off site in any form is contrary to NPPF and Local Plan policy, however the findings of the Financial Viability Assessment and subsequent review of this by the Council's consultant confirm that any provision of affordable housing on or off site would render the development of the site unviable and therefore undeliverable. To account for changes in financial circumstance and address the lack of affordable housing in some way, the secured late-stage review upon sale of the 100th unit retains some control by the Local Planning Authority to utilise some contributions towards affordable units off site, were this to be the case.
- 5.144 There is also the conflict with policies that seek to protect the amenities of future occupants and users to ensure an acceptable living environment. The potential harm by way of odour to amenities resulting from processes undertaken at DryTec is not an impact which can be controlled by limits to the type of processes undertaken and therefore the type of smells produced. Neither is it possible to introduce mitigation measures which would protect amenities.
- 5.145 The existing mitigation in the form of the two RTOs is successful in controlling odour emissions that may affect existing flats in the area, however the proposed flats would be located much closer to the source meaning these measures would not be sufficient.
- 5.146 Were the balance to be tilted towards a refusal on these grounds, a number of benefits would be lost to the town and borough as a whole. It is necessary to weigh the potential harm from lack of affordable housing, and a potential for odours which may cause harm to neighbouring amenities, against the benefits that would arise.
- 5.147 As discussed, the proposed development would bring a raft of benefits for the immediate and wider community of Tonbridge. The regeneration of what has been a long term vacant site with what is considered to be a high quality designed development, enhancement of visual amenities and the character of the immediate locality, whilst also improving views within Tonbridge of the site, without any harmful impact upon the Conservation Area or Grade 1 Listed SAM, Tonbridge Castle. The remediation of this contaminated site is welcomed, as is the increased public interaction with the site, its public realm contribution and the connectivity to the riverside walk, which will improve vitality and natural surveillance of the area.

- 5.148 Also to be considered would be the much needed new housing provision in light of the current lack of 5 year supply. Initial concerns about flooding, drainage and emergency vehicle access have been successfully addressed. The site is also sustainably located approximately 500m east of the High Street and approximately 1300m from the train station. Due to the edge of centre location, it is also within proximity to a range of services, retail stores, pubs, restaurants and cafes. Bus routes run on Cannon Lane and the High Street which will serve future occupiers of the development.
- 5.149 There are no outstanding objections from statutory consultees other than the remaining objection from Environmental Protection on the grounds of odour pollution to future occupants of the flats.
- 5.150 Taking these considerations into account, the presumption in favour of sustainable development, and having assessed the proposal in light of paragraph 11 d (i) and (ii), it is the officers' view that on balance the benefits of this development would outweigh any harm from odour pollution that may occur from future operations at DryTec, and the lack of any affordable housing.
- 5.151 It is therefore recommended to grant the proposal subject to the stated conditions and S106 requirements listed in the next section.

6. Recommendation:

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

Management Plan Construction dated 07.10.2021, Landscaping 15772-VL_L02C dated 20.08.2021, Location Plan 15772-100 A dated 20.08.2021, Letter Covering dated 31.08.2021, Energy Statement dated 20.08.2021, Report Arboricultural dated 20.08.2021, Assessment Daylight and sunlight dated 20.08.2021, Other Daylight and Sunlight Assessment Appendix A2 and A3 dated 20.08.2021, Design and Access Statement Sect 1-7 dated 20.08.2021, Assessment Odour A dated 20.08.2021, Noise Assessment dated 20.08.2021, Statement Heritage dated 20.08.2021, Statement Community Involvement dated 20.08.2021, Sustainability Report dated 20.08.2021, Flood Risk Assessment and Drainage Strategy dated 20.08.2021, Assessment Detailed Quantitative Risk Assessment for Controlled Waters dated 20.08.2021, Arboricultural Assessment TCP/4323/Y/100 dated 20.08.2021, Planning Layout ARB/4323/Y/200 dated 20.08.2021, Tree Protection Plan TPP/4323/Y/300 dated 20.08.2021, Proposed Plans 15772 - SK16 dated 05.05.2022, Other TECHNICAL DESIGN NOTE dated 05.05.2022, Existing Plans 15772 - SK14 dated 05.05.2022, Proposed Plans 15772 - SK15 dated 05.05.2022, Other 20176 - SK20220421.1 dated 05.05.2022, Other 20176-SK20220421.2 dated 05.05.2022, Site Layout 15772-102F dated 13.10.2022, Proposed Floor Plans 15772-103E dated 13.10.2022, Proposed Floor Plans 15772-104E dated 13.10.2022, Proposed Floor Plans 15772-105E dated 13.10.2022, Proposed Floor Plans 15772-106E dated 13.10.2022, Proposed Floor Plans 15772-107C dated

13.10.2022, Proposed Floor Plans 15772-108C dated 13.10.2022, Proposed Floor Plans 15772-109C dated 13.10.2022, Proposed Floor Plans 15772-110C dated 13.10.2022, Proposed Elevations 15772-111D dated 13.10.2022, Proposed Elevations 15772-112C dated 13.10.2022, Proposed Elevations 15772-113C dated 13.10.2022, Proposed Elevations 15772-114C dated 13.10.2022, Proposed Elevations 15772-115C dated 13.10.2022, Proposed Elevations 15772-116C dated 13.10.2022, Landscaping 15772-VL_L01H dated 31.08.2022, Other 15772 - TR008-B Swept Path Analysis Fire dated 31.08.2022, Sections 15772-117C dated 10.06.2022, Sections 15772-118B Historic Society dated 10.06.2022, Other Supplier Price Update dated 05.01.2022, Assessment FVA Aligned to Review dated 05.01.2022, Report Viability Response dated 05.01.2022, Other Design Intent Movable Planters dated 21.12.2021, Assessment FVA Policy Compliant Emerging 25% AH dated 30.11.2021, Other Technical design note dated 11.03.2022, Assessment FVA Policy Compliant Current 40% AH dated 30.11.2021, Assessment FVA Reduced Contributions 0% AH dated 30.11.2021, Other Technical design note dated 24.01.2022, Email ADDITIONAL INFORMATION - ENVIRONMENTAL HEALTH dated 28.01.2022, Other Technical note-odour dated 24.01.2022, Statement Fire 1C dated 26.08.2022, Report viability dated 27.08.2022, Remediation Strategy verification plan dated 27.07.2021, Ground Investigation Report dated 16.07.2021, Statement Planning dated 01.08.2021, Transport Assessment dated 22.07.2021, Travel Plan dated 01.07.2021, Ecological Assessment dated 01.08.2021, Schedule Accommodation dated 16.10.2022, Existing Site Plan 15772-101A dated 23.7.21

Subject to:

- The applicant entering into a S106 agreement to make financial contributions and secure a late-stage review mechanism as set out in paragraph 5.137 of this report.
- 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. 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.

3. 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

Reason: In the interests of highway safety.

4. The use hereby permitted shall not be commenced, nor the building(s) occupied, until the area shown on the submitted layout referenced as vehicle parking space to serve the associated use or building has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that adequate parking is provided, and maintained and retained.

5. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement, details of allocation and control of the parking spaces hereby permitted, and details of the car club scheme. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter. Monitoring fee of £948.

Reason: In the interests of promoting sustainable transport.

6. The use hereby permitted shall not be commenced, nor the building(s) occupied, until details of the footway upgrade alongside the site, running parallel with River Medway, have been agreed with KCC Public Rights of Way team prior to implementation. Details to be agreed shall include drawings, proposed materials, working practices are to be agreed prior to implementation and these works are to be carried out in accordance with a S25 agreement between the applicant and KCC.

Reason: To ensure the protection and enhancement of the riverside walk in the interests of users and the surrounding area.

7. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall be carried out until details of the proposed car charging points have been submitted to, and approved by the Local Planning Authority. The charging points shall be installed

prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with national objectives.

8. 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>.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with national objectives.

9. Prior to the first occupation of the development hereby approved, the secure cycle storage as shown on the approved drawings; shall be provided and shall thereafter be maintained and retained in accordance with the approved details.

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

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

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

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

- b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning

Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

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

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

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.

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

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 the NPPF.

12. The applicant shall submit a noise report based on the recommendations made in Sharps Redmore report dated 9.8.21 reference 2020016 to provide the detailed acoustic design for this development.

The report should consider the levels cited in BS8233:2014, namely:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,1-hour, and a maximum upper limit of 55dB LAeq,1-hour; and
2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

The Applicant's attention is also drawn to the ProPG on Planning and Noise issued by the Association of Noise Consultants (ANC), the Institute of Acoustics

(IoA) & the Chartered Institute of Environmental Health (CIEH). The report should include details any mitigation/attenuation measures needed to attain the abovementioned levels.

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

13. No development (except for site clearance) shall begin until details on noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, etc) have been submitted to an approved by the Local Planning Authority,

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

14. No development (except for site clearance) shall begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment and Drainage Strategy report by Hydrock (05/11/21- Revision PO3). The submission will also 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.

15. The drainage details to be submitted in accordance with condition 14 shall:

- 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.

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

16. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate 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 165 of the National Planning Policy Framework.

17. The development shall be carried out in accordance with the submitted flood risk assessment (ref 18156-HYD-XX-XX-RP-FR-0001 P03 | 05/11/2021 | Hydrock), in addition to the latest design technical note (ref 18156-HYD-XX-XX-TN-FR-0007 P03 | dated 17 May 2022 | Hydrock) and the following mitigation measures they detail:
1. Finished floor levels shall be set no lower than 23.18 metres above Ordnance Datum (AOD) for residential accommodation. It is noted the lower ground floor level is to be 22.00mAOD.
 2. There is to be no residential uses at the ground floor of the development.
 3. The plant rooms for the development are to be located on the ground floor, however the Design Technical Note (REF 18156-HYD-XX-XX-TN-FR-0005 P02 | 02/03/22 | Hydrock) states that the plant rooms will be raised off the ground floor by 400mm to meet the 1 in 100 year plus climate change modelled level. As ground levels have been lowered to 22.00mAOD since this technical note was published, we would condition the following:
 - Plant rooms to be set at a level no lower than 22.58m AOD which is the 1 in 100 year plus 35% Climate Change modelled level.

4. The external and finished floor levels will be as proposed in the DWG ref 15772-102 Rev D, by the Harris Partnership dated 12.05.2022
5. Future occupants/residents to sign up to the EA flood warning service.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

18. 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.

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

19. The development shall be carried out in accordance with the Drawing Ref 15772 – SK15 | titled Proposed Site Dimensions' | dated 20/04/2022. The development shall include a minimum of horizontal offset, between the most landward parts of the river wall, including the buried elements, to the most riverward part of the built development including foundations, and excluding any balcony projections detailed in the drawing:
 - Dimensions between waters edge & proposed retaining wall
 - Dimensions between path outer edge & proposed retaining wall

Reason: To ensure adequate access is provided for inspection, maintenance, and repair of the flood defence assets

20. Prior to the construction of the development frontage to the River Medway (referred to as Block A on DWG No 15772-111 Rev C dated 09.06.22) full details regarding the structural integrity and condition of the flood defence river wall engineered high ground and a plan of works will be submitted and approved by the Local Planning Authority (LPA). This may include the below:
 - A full structural investigation of integrity and assessment of condition of the flood defences. This includes all elements of the flood defence, such as the landward face, buried elements and any outfalls crossing it.
 - Estimation of the residual life of the flood defence frontage at this site and how this interacts with the lifetime of the new development.
 - Consideration to incorporate an enhanced frontage into the development, thereby securing its long-term structural integrity and maintenance, as well as improving its visual, ecological and amenity value.
 - The findings of the above will inform options for a plan of flood defence replacement and maintenance.

- The plan as approved to be fully implemented.

Reason: To ensure a fit for purpose flood defence will keep the development safe from flooding for its lifetime of 100yrs in line with NPPF.

21. 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 LPA) 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 LPA. 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 174 of the NPPF.

22. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, 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 174 of the NPPF.

23. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the LPA. 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 174 of the NPPF.

24. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

25. Prior to installation the applicant shall provide suitable information demonstrating the buildings' services plant will correspond to a rating level not exceeding the background sound level 1m from the nearest noise-sensitive façade(s). The measurements and assessment shall be made according to BS4142:2014 +A1:2019.

Reason: To safeguard the aural amenity of the area.

26. Prior to the commencement of the development the applicant, or their agents or successors in title, will secure and implement:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;

iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated.

27. Prior to the commencement of development, the applicant, or their agents or successors in title, will secure and implement:

i geo-archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further geo-archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;

iii programme of post excavation assessment and publication.

Reason: To ensure that features of geo-archaeological interest are properly examined, recorded, reported and disseminated

28. Prior to the occupation of the development, details shall be submitted to and approved by the Local Planning Authority of a phased occupation of the development to be implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

Reason: In the interests of the amenities of new residents and those of surrounding properties and to ensure that the development does not have a detrimental impact upon the existing sewerage network.

29. Prior to the first occupation of the development hereby approved a scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying,

being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

30. The development hereby approved shall be carried out in such a manner that all trees are protected in accordance with the recommendations within BS 5837 – Trees in relation to design, demolition and construction.

Reason: In the interests of good horticultural practice.

31. Prior to the commencement of development, a photographic record of the gasholders in situ shall be produced and submitted to the Local Planning Authority and Tonbridge Historical Society.

Reason: In the interests of recording the historical importance of the site within the local area.

Informatives

1. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
2. 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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.
3. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
4. Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.
5. 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 have been obtained and that the limits of the highway boundary have been clearly established, since failure to

do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

6. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181
7. 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 our 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".
8. It is noted from the 'Flood Risk Assessment & Drainage Strategy' (Hydrock, ref 18156-HYD-XX-XX-RP-FR-0001, November 2021) that no infiltration to ground is proposed, and that surface water will be discharged to the local watercourses.
9. 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. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.
10. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and they are advised them to consult with the Environment Agency at the earliest opportunity.

11. This development has been proposed within an area identified as being at risk of flooding, and includes the provision of car parking within buildings. The applicant should be aware that vehicles can start to float in flood depths of less than 60cm – less if it is fast-flowing. The applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding, would not jeopardise its structural stability. In addition, the applicant should ensure that any sensitive infrastructure such as gas and water pipes or electrical cabling are located and designed to withstand the potential impacts of floating or displaced vehicles.
12. The following issues are not within the direct remit or expertise of the Environment Agency, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.
 - Adequacy of rescue or evacuation arrangements
 - Details and adequacy of an emergency plan
 - Provision of and adequacy of a temporary refuge
 - Details and adequacy of flood proofing and other building level resistance and resilience measures
 - Details and calculations relating to the structural stability of buildings during a flood
 - Whether insurance can be gained or not.
13. 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 are 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 us
 - 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, we should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommend 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

14. In line with the Thames River Basin Management Plan, the Environment Agency recommend that the proposed development is used as an opportunity to restore more natural processes to the watercourse. It is appreciated the proposed development could increase the public amenity value through creating an open space network within the urban area, however, the development will result in the loss of opportunity to enhance the river corridor of the River Medway. We recommend increasing the volume of planting within the riparian buffer zone through planting of native species. This would offer a significant environmental gain.

15. The applicant could be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and Conservation of Habitats and Species Regulations 2017 for European Protected Species. All bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. It is an offence to:

- Deliberately to kill, injure or take (capture) bats;
- Deliberately to disturb bats in such a way as to:-
 - (i) be likely to impair their ability to survive, to breed or rear or nurture their young; or to hibernate or migrate; or
 - (ii) affect significantly the local distribution or abundance of the species to which they belong;
- To damage or destroy any breeding or resting place used by bats;
- Intentionally or recklessly to obstruct access to any place used by bats for shelter or protection (even if bats are not in residence).

The ecological assessment for this development assessed the suitability of all buildings and structures for supporting roosting bats in October 2020. They furthermore noted 'the tree line adjacent to the site's boundary offers some limited foraging and commuting opportunities for bats, as does the river to the north and south'. The Environment Agency recommend to the applicant to conduct a further, more up to date, bat survey before any construction begins. We also recommend assessing the 13 trees being removed adjacent to the River Medway for their potential to support roosting bats, alongside the buildings and structures within the site.

16. The EA has reviewed the documents submitted as part of this planning application, including the 'Ground investigation Report' (Hydrock, ref 18156-HYD-XX-XX-RP-GE-1001, July 2021), 'DQRA for Controlled Waters' (Hydrock, 18156-HYD-XX-XX-RP-GE-2000, July 2021) and 'Remediation Strategy and Verification Plan' (Hydrock, ref 18156-HYD-XX-XX-RP-GE-3001, July 2021). The site

investigation and DQRA have identified widespread contamination across the site.

The remediation strategy has outlined steps to be taken in order to bring the site up to the standard required for its final use. This includes demolition of existing structures, remediation of soils (either through treatment under an MMP/DoWCoP or disposal off-site), and in-situ treatment of groundwater (once a trial has been completed). It is noted that abstraction and disposal of groundwater may be required. It is assumed this will be discharged to the local foul sewer network (with the permission of the sewerage undertaker), however, if any disposal is proposed back to ground a permit may be required. We accept the proposals in the submitted remediation strategy, including proposed validation of works. Please note these comments are made in relation to the documents mentioned above. Should plans change the EA would ask to be re-consulted.

17. The Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non-local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports.
18. The proposed development is within a road which does not have a formal street numbering and, if built, the new property/ies will require new name(s), which are required to be approved by the Borough Council, and post codes. To discuss suitable house names you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@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.
19. With regard to the Environmental Health issues raised in the above conditions, the applicant is advised to seek advice from the Director of Planning, Housing and Environmental Health (contact: Peter Thomason 01732 876178), Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ.
20. The applicant is reminded that land contamination risk assessment is a step by step process. During the course of the risk assessment process set out in the above condition(s) it may become clear that no further work is necessary to address land contamination risks. Where this is agreed to be the case the condition(s) may be discharged by the Local Planning Authority without all the steps specified having been completed or submitted for formal approval. In all cases, written confirmation should be obtained from the Local Planning Authority confirming that the requirements of the condition(s) have been met. The Local Planning Authority would like to take the opportunity to remind the applicant that it is their responsibility to ensure the site is safe and suitable for its end use.

21. The Local Planning Authority will not accept any liability for remediation works.
22. The applicant is reminded that a suitably qualified and competent person shall fulfil the requirements of the condition(s) pertaining to contaminated land remediation.
23. There are a number of risks created by building over gas mains and services; these are:
 - Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
 - Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
 - Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development and
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone 0800 912 1722 / Email plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>
- Further information can also be found here <https://www.sgn.co.uk/help-and-advice/digging-safely>

SGN personnel will contact you accordingly.

24. The granting of permission confers no other permission or consent on the applicant. The applicant is therefore advised that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact his Officer before commencing any works that may affect the Public Right of Way.

Should any temporary closures be required to ensure public safety then this officer will deal on the basis that:

- The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure
 - A minimum of six weeks' notice is required to process any applications for temporary closures.
25. The Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in the future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.
26. Applicants/agents should consult a local Designing Out Crime Officer or qualified specialist to help design out opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict.
27. The applicant is advised that Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.
28. The applicant is advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. It should be noted that under the Water Industry Act 1991 it is an offence to "throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.
29. 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.
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
30. The applicant is advised to consult consultee comments response the letter dated 9th September 2022 from TMBC Waste Service for guidance on bin storage and collection requirements.
31. In the event that crushers are to be used in the demolition phase of the development, the applicant should be aware that they require a permit to operate in accordance with the provisions of the Environmental Permitting Regulations 2010 (as amended). The applicant is reminded to ensure all of the

conditions within the Permit are complied with, if they intend to bring a crusher on site.

32. In the interests of good neighbourliness the hours of construction, including deliveries, should be restricted to Monday to Friday 07.30 - 18.30 hours, Saturday 08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays.
33. In the interests of good neighbourliness all vehicles and machinery associated with construction should be parked within the site and not on the public highway in such a manner as to create an obstruction.
34. The applicant/ agent/developer is strongly advised to contact the pipeline operator prior to any works being undertaken pursuant to the permission granted/ confirmed by this notice. Address is: Southern Gas Networks Plc, SGN Plant Location Team, 95 Kilbirnie Street, Glasgow, G5 8JD Tel: 01414 184093 OR 0845 0703497 Search online at: www.linerearchbeforeyoudig.co.uk
35. It is requested that following demolition of the gasholders the identification plates for GH1 and GH2 are passed to the Tonbridge Historical Society for future preservation.
36. The applicant is advised to consult the standing advice given on the website for Natural England. www.gov.uk/natural-england

Contact: Holly Pitcher

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

Our ref: KT/2021/129035/06-L01
Your ref: TM/21/02298/FL
Date: 30 June 2022

Dear Holly Pitcher

DEMOLITION OF EXISTING GASHOLDERS AND ASSOCIATED STRUCTURES. REDEVELOPMENT OF THE SITE TO PROVIDE 144 RESIDENTIAL UNITS AND UP TO 567 SQM OF FLEXIBLE CLASS E/ANCILLARY RESIDENTIAL FLOORSPACE. THE PROPOSALS INCLUDE THE DELIVERY OF LANDSCAPING AND PUBLIC REALM, PLAY SPACE, ACCESS, CAR PARKING AND OTHER ASSOCIATED AND ANCILLARY WORKS

TONBRIDGE P R S, MEDWAY WHARF ROAD, TONBRIDGE, KENT, TN9 1SU

Thank you for consulting us on the above application. We are now in a position to remove our objection to this planning application.

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

Flood Risk

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the following planning condition is included.

Condition 1

The development shall be carried out in accordance with the submitted flood risk assessment (ref 18156-HYD-XX-XX-RP-FR-0001 P03 | 05/11/2021 | Hydrock), in addition to the latest design technical note (ref 18156-HYD-XX-XX-TN-FR-0007 P03 | dated 17 May 2022 | Hydrock) and the following mitigation measures they detail:

1. Finished floor levels shall be set no lower than 23.18 metres above Ordnance Datum (AOD) for residential accommodation. It is noted the lower ground floor level is to be 22.00mAOD.
2. There is to be no residential uses at the ground floor of the development.
3. The plant rooms for the development are to be located on the ground floor, however the Design Technical Note (REF 18156-HYD-XX-XX-TN-FR-0005 P02 | 02/03/22 | Hydrock) states that the plant rooms will be raised off the ground floor by 400mm to meet the 1 in 100 year plus climate change modelled level. As ground levels have been lowered to 22.00mAOD since this technical note was published, we would condition the following:
 - o Plant rooms to be set at a level no lower than 22.58mAOD which is the 1 in

100 year plus 35% Climate Change modelled level.

4. The external and finished floor levels will be as proposed in the DWG ref 15772-102 Rev D, by The Harris Partnership, dated 12.05.2022.
5. Future occupants/residents to sign up to our flood warning service.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

- To reduce the risk of flooding to the proposed development and future occupants
- To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided

Condition 2

The development shall be carried out in accordance with the Drawing Ref 15772 – SK15 | titled Proposed Site Dimensions' | dated 20/04/2022. The development shall include a minimum of horizontal offset, between the most landward parts of the river wall, including the buried elements, to the most riverward part of the built development including foundations, and excluding any balcony projections detailed in the drawing:

- Dimensions between waters edge & proposed retaining wall
- Dimensions between path outer edge & proposed retaining wall

Reasons

- To ensure adequate access is provided for inspection, maintenance, and repair of the flood defence assets

Condition 3

Prior to the construction of the development frontage to the River Medway (referred to as Block A on DWG No 15772-111 Rev C dated 09.06.22) full details regarding the structural integrity and condition of the flood defence river wall engineered high ground and a plan of works will be submitted and approved by the Local Planning Authority (LPA). This may include the below:

- A full structural investigation of integrity and assessment of condition of the flood defences. This includes all elements of the flood defence, such as the landward face, buried elements and any outfalls crossing it.
- Estimation of the residual life of the flood defence frontage at this site and how this interacts with the lifetime of the new development.
- Consideration to incorporate an enhanced frontage into the development, thereby securing its long-term structural integrity and maintenance, as well as improving its visual, ecological and amenity value.
- The findings of the above will inform options for a plan of flood defence replacement and maintenance.
- The plan as approved to be fully implemented.

Reason

To ensure a fit for purpose flood defence will keep the development safe from flooding for its lifetime of 100yrs in line with NPPF.

Groundwater and Contaminated Land

Land Contamination

Condition 4

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, including borehole decommissioning, and the effectiveness of the remediation shall be submitted to, and approved in writing, by the LPA. 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 NPPF.

Condition 5

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 LPA) 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 LPA. 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 NPPF.

Piling**Condition 6**

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, 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 NPPF.

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 our 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".

Drainage

It is noted from the 'Flood Risk Assessment & Drainage Strategy' (Hydrock, ref 18156-HYD-XX-XX-RP-FR-0001, November 2021) that no infiltration to ground is proposed, and that

surface water will be discharged to the local watercourses. We have no objection to these proposals from a groundwater protection perspective.

Condition 7

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the LPA. 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 NPPF.

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. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Advice to LPA/applicant

Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Risks from floating vehicles during flood event

This development has been proposed within an area identified as being at risk of flooding, and includes the provision of car parking within buildings. The applicant should be aware that vehicles can start to float in flood depths of less than 60cm – less if it is fast-flowing. The applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding, would not jeopardise its structural stability.

In addition, the applicant should ensure that any sensitive infrastructure such as gas and

water pipes or electrical cabling are located and designed to withstand the potential impacts of floating or displaced vehicles.

Flood Risk

The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not

Waste Materials

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 are 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 us
- 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, we should be contacted for advice at an early stage to avoid any delays.

We recommend 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

Missed opportunity for river restoration to support implementation of RBMPs

In line with the Thames River Basin Management Plan, we recommend that the proposed development is used as an opportunity to restore more natural processes to the watercourse. It is appreciated the proposed development could increase the public amenity value through creating an open space network within the urban area, however, the development will result in the loss of opportunity to enhance the river corridor of the River Medway. We recommend increasing the volume of planting within the riparian buffer zone through planting of native species. This would offer a significant environmental gain.

Risk of offence under Act/Regulations

The applicant could be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and Conservation of Habitats and Species Regulations 2017 for European Protected Species.

All bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. It is an offence

to:

- Deliberately to kill, injure or take (capture) bats;
- Deliberately to disturb bats in such a way as to:-
 - (i) be likely to impair their ability to survive, to breed or rear or nurture their young; or to hibernate or migrate; or
 - (ii) affect significantly the local distribution or abundance of the species to which they belong;
- To damage or destroy any breeding or resting place used by bats;
- Intentionally or recklessly to obstruct access to any place used by bats for shelter or protection (even if bats are not in residence).

The ecological assessment for this development assessed the suitability of all buildings and structures for supporting roosting bats in October 2020. They furthermore noted 'the tree line adjacent to the site's boundary offers some limited foraging and commuting opportunities for bats, as does the river to the north and south'. We recommend to the applicant to conduct a further, more up to date, bat survey before any construction begins. We also recommend assessing the 13 trees being removed adjacent to the River Medway for their potential to support roosting bats, alongside the buildings and structures within the site.

Further information

Groundwater and Contaminated Land

We have reviewed the documents submitted as part of this planning application, including the 'Ground investigation Report' (Hydrock, ref 18156-HYD-XX-XX-RP-GE-1001, July 2021), 'DQRA for Controlled Waters' (Hydrock, 18156-HYD-XX-XX-RP-GE-2000, July 2021) and 'Remediation Strategy and Verification Plan' (Hydrock, ref 18156-HYD-XX-XX-RP-GE-3001, July 2021). The site investigation and DQRA have identified widespread contamination across the site.

The remediation strategy has outlined steps to be taken in order to bring the site up to the standard required for its final use. This includes demolition of existing structures, remediation of soils (either through treatment under an MMP/DoWCoP or disposal off-site), and in-situ treatment of groundwater (once a trial has been completed). It is noted that abstraction and disposal of groundwater may be required. It is assumed this will be discharged to the local foul sewer network (with the permission of the sewerage undertaker), however, if any disposal is proposed back to ground a permit may be required. We accept the proposals in the submitted remediation strategy, including proposed validation of works. Please note these comments are made in relation to the documents mentioned above. Should plans change we would ask to be re-consulted.

Decision notice

We require decision notice details for this application, in order to report on our effectiveness in influencing the planning process. Please email decision notice details to kslplanning@environment-agency.gov.uk

If you have any questions, please contact me via the email below.

Yours sincerely

Ms Aida Grabauskaite
Planning Advisor

Direct email KSLPLANNING@environment-agency.gov.uk

Substantive response

Substantive response to the local planning authority (LPA) from the Health and Safety Executive (HSE) as a statutory consultee for developments that include a relevant building.

To LPA	Tonbridge & Malling Borough Council
LPA planning ref no	21/02298/FL
Our ref	pgo-2153
Site address	Tonbridge P R S Medway Wharf Road Tonbridge Kent
Proposal description	Demolition of existing gasholders and associated structures. Redevelopment of the site to provide 144 residential units and up to 567 sqm of flexible Class E/ancillary residential floorspace. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works.
Date on fire statement	22/07/2022
Date consultation received	18/10/2022
Date response sent	10/11/2022

Headline response from HSE

Headline Response from HSE ('content')

1. Substantive response for the LPA

Thank you for consulting HSE about this application.

◀ Nature of Response HSE is satisfied with the information provided with the application. ▶ Nature of Response ▶

Scope of consultation

- 1.1 The above consultation relates to two buildings, block A and block B. The latter is a relevant building, the former a building within the curtilage of a relevant building.

- 1.2 Block A has a maximum storey height of 13.4, 5 storeys and is served by three staircases. Block B has a maximum storey height of 22.7m, 8 storeys and is served by two staircases.
- 1.3 The fire statement dated 22/07/2022 indicates that the adopted fire safety design standard is British Standard 9991. HSE has assessed the application on that basis.

Previous consultation

- 1.4 HSE issued a substantive response (some concern) dated 11/08/2022 in relation to a consultation received on 27/07/2022.
- 1.5 A subsequent consultation was received on 17/08/2022 and a substantive response (some concern) issued on 08/09/2022.

Current consultation

- 1.6 A further consultation was received on 18/10/2022 and it is noted that revised drawings have been made available on the planning register. For the avoidance of doubt, this substantive response is in relation to the information made available with the consultation of 18/10/2022.
- 1.7 Following a review of the information provided with this consultation, HSE is satisfied with the fire safety design, to the extent that it affects land use planning.

2. Supplementary information

- 2.1 The previous substantive response contained a concern relating to firefighter travel distances from the firefighting staircase. Although no narrative detailing changes is available, it is understood from the revised drawings that the east staircase has been upgraded to a firefighting shaft. This resolves the concern and will be subject to later regulatory assessment.

Yours sincerely,

10/11/2022



Signed by: jon.bryan

This substantive response provides fire safety advice to the local planning authority. It's based on the information provided as it relates to land use planning.

This response does not provide advice on any of the following:

- matters that are or will be subject to Building Regulations regardless of whether such matters have been provided as part of the application
- matters related to planning applications around major hazard sites, licensed explosive sites and pipelines
- applications for hazardous substances consent

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Holly Pitcher
Case Officer
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

15 October 2021

SENT BY EMAIL

Re: TM/21/02298 – Tonbridge PRS Medway Wharf Road Tonbridge

Thank you for your letter consulting us on the above planning application for a redevelopment of site to provide 144 residential units and additional works

The site of the application lies south of the historic core of Tonbridge and within the river valley base. Until the 19th century this area was mainly open land, probably seasonally flood or meadow land or hinterland activities. In the late 19th century it developed as industrial space for gasworks.

There is in addition some potential for Palaeolithic remains and palaeo-environmental remains due to the location of the scheme being on river terrace gravels and alluvial deposits.

With regard to buried archaeology, the proposed development may have an impact on Early Prehistoric remains, and buried 19th century industrial remains and I recommend the following condition is placed on any forthcoming consent:

AR1a Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;*
- iii programme of post excavation assessment and publication.*

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated.

And

AR1a Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

- i geo-archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- ii further geo-archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;*
- iii programme of post excavation assessment and publication.*

Reason: To ensure that features of geo-archaeological interest are properly examined, recorded, reported and disseminated.

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

Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD
Tel: 03000 418181
Date: 6 May 2022
Our Ref:

Application -	TM/21/02298/FL
Location -	Tonbridge P R S Medway Wharf Road, Tonbridge, Kent
Proposal -	Demolition of existing gasholders and associated structures. Redevelopment of the site to provide 144 residential units and up to 567 sqm of flexible Class E/ancillary residential floorspace. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works

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

Introduction

This application is for 144 residential units and up to 567 sqm of flexible Class E / ancillary residential floorspace. Proposed development comprises of 45 x 1 bed, 76 x 2 bed, and 23 x 3 bed apartments. The basis of this response is generated by reviewing Transport Assessment, dated July 2021. Other documents, such as Design and Access Statement, Travel Plan and drawings have been considered, as well.

Site Access

It is proposed to use an existing bell-mouth junction to access the site from Medway Wharf Road, which runs between A26 Vale Road and B2260 High Street. A separate emergency vehicle access will be provided via a 4.5m wide footpath from the Courtyard Parking, into the communal courtyard garden.

The application is proposing to implement a barrier to the site, which will control parking within the development.

A four-metre-wide footway will be provided on the site's western boundary connecting the River Medway path and proposed public realm area to Medway Wharf Road.

Parking

160 secure, covered cycle parking spaces will be provided within the development. Four spaces will be allocated to cargo bikes and four will provide electric scooter / bike charging facilities. Eight cycle spaces will be provided to serve the flexible office space.

92 vehicular parking spaces are proposed for the development - five spaces allocated for

mobility impaired. 16 spaces will have active electric vehicle charging points. Some visitor spaces will be provided.

Two spaces will be provided for Car Club operation, which will mitigate individual dwellings requiring spaces.

A delivery vehicle bay and three motorcycle parking spaces will be provided.

The above numbers are satisfactory from KCC's perspective, especially as the site is located close to leisure amenities and other sustainable modes (train and bus facilities)

Traffic Assessment and Junction Capacity

Section 4 sets out the process undertaken to determine the expected route choice within the network and traffic numbers at key junctions within Tonbridge, to understand performance.

Expected traffic numbers, as detailed, within Table 4.10, will not have a severe impact on the highway, especially by the provision of Car Club and capping car park provision. In addition, this development is also centrally located which will provide alternative modes of travel, sustainable or active, rather than being car centric.

It is expected the entire development will generate 35 two-way trips (11 arrivals & 23 departures) in the AM Peak hour and 39 two-way trips (23 arrivals & 16 departures) in the PM Peak Hour.

Table 5.1 and 5.2 within the Transport Assessment provide a summary of Medway Wharf Road / A26 Vale Road and Site Access / Medway Wharf Road, both junctions within 2026 are significantly under capacity and therefore, do not have a severe impact upon the highway network.

Sustainable Travel

Tonbridge Rail Station is located within approximately 1km of the development.

Bus services are located circa 500m walk from the development with frequent 20-minute services.

Both of the above offer viable alternatives to car use for longer journeys and can be easily reached by active travel modes.

Swept Path Analysis

Appendix 2 details the various swept path analysis undertaken within the site and the layout caters for all vehicles requirements.

Travel Plan

Travel Plan has been submitted with this application. A monitoring fee will be required due to the size of development - £948. The fee amount covers biennial monitoring over five years or the life of the Travel Plan.

Summary

I refer to the above planning application and confirm that provided the following requirements

are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

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. 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>
3. Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
4. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter. Monitoring fee of £948.
5. Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
6. Footway upgrade alongside site, running parallel with River Medway, will need to be undertaken via a S25 agreement between the applicant and KCC. Drawings, proposed materials, working practices to be agreed with KCC Public Rights of Way team prior to implementation.
7. To impart towards improving cycling infrastructure within Tonbridge Town Centre, I recommend that this development contributes £288,000 to facilitate design and implementation schemes detailed within Tonbridge and Malling Borough Council Cycling Strategy. This will help to aid modal choice for these new residents, plus those accessing the Class E Office Floorspace.
8. A financial contribution of £145,000 is required towards bus service enhancements, bus infrastructure and/or bus journey time improvements in order to encourage sustainable travel.

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is

advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

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 have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Yours Faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.



Holly Pitcher
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/2021/086461
Date: 10 December 2021

Application No: TM/21/02298/FL

Location: Tonbridge P R S Medway Wharf Road Tonbridge Kent

Proposal: Demolition of existing gasholders and associated structures. Redevelopment of the site to provide 144 residential units and up to 567 sqm of flexible Class E / ancillary residential floorspace. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works

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

Since our previous consultation response, Kent County Council as Lead Local Flood Authority are aware that a Technical Design Note (05/11/2021) has been produced to address our comments. In response to the contents of the note, we have the following additional comments to provide:

1. Clarification has been provided to a number of points raised within our previous consultation response. Points 2- 10 (2.1-2.10) are acknowledged and welcome the further explanation and revision of the surcharged outfall levels/ stream flood height.
2. The LLFA agree with point 2.1.1 that further discussions are likely required in regards to the final discharge rate from the site, considering invert levels and surcharged outfall. To facilitate these discussions and the development of the final strategy, we would advise that a detailed design condition is attached to this application, should consent be granted. The wording to this condition and the verification report condition can be found at the end of the response.
3. The LLFA acknowledge that the supporting Microdrainage Calculations have changed dataset from FSR to FEH 1999. This update is welcomed but it would be beneficial if the 2013 FEH dataset is used instead. This allows for a more up to date dataset. The LLFA are satisfied for this to be updated as part of the detailed design condition.

Condition:

No Development (except for site clearance) shall begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment and Drainage

Strategy report by Hydrock (05/11/21- Revision PO3). The submission will also 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.

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate 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 165 of the National Planning Policy Framework.

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

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

FAO: Holly Pitcher

Economic Development

Invicta House
County Hall
Maidstone
ME14 1XX

Phone: 03000 41 41 76
Ask for: Richard Kidd
Email: richard.kidd@kent.gov.uk

Monday 11th October 2021

Your Ref: TM/21/02298/FL
Our Ref: K/E/TM/21/02298/FL RJK

Dear Holly,

Provision and Delivery of County Council Community Services:

We refer to the above planning application, which concerns proposed residential development at **Tonbridge P R S, Medway Wharf Road, Tonbridge, Kent** and comprising: **144 new households**.

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 'applicable' Flat (x103)	Total	Project
Primary Education	£1,160.50	£119,531.50	Towards the expansion of Primary Schools in the Tonbridge South Planning Group
Special Education	£262.95	£27,083.85	Towards new modular learning facilities at Grange Park School and other SEN facilities based on specific pupil requirements
Secondary Education	£1,135.00	£116,905.00	Towards expansion of the Judd School

('applicable' means: all dwellings except 1 bed of less than 56sqm GIA).

	Per Dwelling (x144)	Total	Project
Community Learning	£16.42	£2,364.48	Towards additional resources and equipment at Tonbridge Adult Education Centre
Library Bookstock	£55.45	£7,984.80	Towards additional services and bookstock at Tonbridge Library
Youth Service	£65.50	£9,432.00	Towards equipment and resources for the Tonbridge Youth Hub and to enable street-based youth support for safeguarding
Social Care	£146.88	£21,150.72	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	£26,448.48	Towards improved HWRC and replacement of WTS facilities at North Farm to serve Tonbridge and Malling residents
Broadband:	<p>Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) 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>		

Highways	Kent Highway Services will respond separately
----------	---

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.

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.

.....

Primary Education

The proposal gives rise to seven additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the expansion of Primary Schools within the Tonbridge South Education Planning Group.

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of *'first come, first served'* assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and other new residential developments in the locality.

The County Council requires a financial contribution towards construction of the new school at **£1,160.50 per 'applicable' flat** ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA).

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2021-25 and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

.....

Special Education Needs provision

The Children's and Families Act 2014 and accompanying Code of Practice sets out the system for children and young people with special educational needs and disability (SEND) aged 0-

25 years. KCC's SEND Strategy sets out its vision and priorities in respect of this area of its service.

The number of children and young people with SEND in Kent is 13.4% of the total school population (at January 2019). The majority are educated in mainstream school environments. However, children with more complex needs are supported through an Education, Health and Care Plan (EHCP) which sets out the provision they are entitled to. As at January 2019, 3.4% of the total school population were subject to an EHCP. The proportions have been rising both in Kent and nationally and this trend seems set to continue. In particular, the change in legislation in 2014 placed a duty on Local Authorities to maintain an EHCP until a young person reaches the age of 25 years, in appropriate cases.

School-age pupils with EHCPs are educated in mainstream school classes, in Specialist Resourced Provisions (SRPs) on mainstream sites, and in special schools.

The DfE (June 2019 National School Delivery Cost Benchmarking) identifies the SEN build cost of £65,739 per pupil. The SEN pupil product ratios are 0.016 per house and 0.004 per applicable flat.

The proposal gives rise to additional pupils with Education and Health Care Plans (EHCP's) requiring extra support through specialist provision. This will need to be met, as with other new developments in the vicinity, towards new modular learning facilities at **Grange Park School and other SEN facilities** based on specific pupil requirements, and a contribution is therefore required of **£262.95 per 'applicable' flat (x103)**.

.....

Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1

A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to five additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation at the Judd School.

Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

The new secondary school accommodation will be provided through expansion of the Judd School and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Please note this process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

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 2** along with the cost of mitigation.

To accommodate the increased demand on KCC Adult Education service, the County Council requests **£16.42 per dwelling** 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** 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.

.....

Youth Service

To accommodate the increased demand on KCC services the County Council requests **£65.50 per dwelling** towards additional equipment and resources for the Tonbridge Youth Hub and to enable street-based youth support for safeguarding close to the development.

.....

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.

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

- a proportionate monetary contribution of **£146.88 per household** (as set out in Appendix 3) towards specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places locally in the 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.

While development of new HWRC and WTS facilities is underway in the North of the borough, residents in the South of the borough are likely to access waste facilities at North Farm in Tunbridge Wells due to their closer proximity, and show a more desirable proximity to this application 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.

A contribution of **£183.67 per household** is therefore required towards an improved HWRC and replacement of WTS facilities at North Farm to serve Tonbridge and Malling residents from this proposed development to accommodate the increased waste throughput and mitigate the impact that will arise.

.....

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,

Richard Kidd

Richard Kidd
Development Contributions
Kent County Council

Cc Blueberry Developments Estates Limited, c/o Planning Potential Ltd, Magdalen House, 148 Tooley Street, London SE1 2TU- FAO: Mr Paul Galgey
KCC Communities & Waste
File

Appendices:

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

1. Education Assessment
2. Communities Assessment
3. Social Care Assessment

KCC developer contribution assessment for Primary Education

District:	Tonbridge and Malling	1-bed:	41
Site:	Tonbridge P R S Medway Wharf Road Tonbridge Kent	Houses:	0
Plan ref:	TM/21/02298	Flats:	103
Date:	24/09/2021	Total units:	144

Current and forecast pupils on roll for schools within

Tonbridge South planning group

DfE no.	School	2020-21 (A)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)
2086	Bishop Chavasse School	217	277	338	394	399	396
2085	Royal Rise Primary School	176	169	165	156	152	158
2155	Slade Primary School	417	421	427	428	424	423
2156	Sussex Road Community Primary School	441	445	422	425	422	423
Current and forecast pupils on roll (excluding the expected pupil product from new developments)		1,251	1,311	1,352	1,402	1,397	1,399
Required capacity to maintain 5% surplus capacity		1,317	1,380	1,424	1,476	1,470	1,473

Current and forecast capacity for schools within

Tonbridge South planning group

DfE no.	School	2020-21 (A)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)
2086	Bishop Chavasse School	240	300	360	420	420	420
2085	Royal Rise Primary School	210	210	210	210	210	210
2155	Slade Primary School	420	420	420	420	420	420
2156	Sussex Road Community Primary School	450	450	420	420	420	420
Current and forecast capacity (1)		1,320	1,380	1,410	1,470	1,470	1,470

(1) including expansion projects at **existing schools** that have successfully passed through statutory processes but may not yet be complete

Expected pupil product from new developments within

Tonbridge South planning group

Planning reference	Development	Houses	Flats	Primary product
TM/21/00444	64 Pembury Road, Tonbridge, Kent TN9 2JG	0	14	1
TM/20/02554	Formerly River Centre Car Park Medway Wharf Road Tonbridge Kent	0	107	7
TM/20/02008	The Car Company, Priory Road, Tonbridge, Kent TN9 2BW	14	0	4
TM/20/01795	Former Car Park, Angel Lane, Tonbridge, Kent	0	6	0
TM/20/01122	78C High Street, Tonbridge, Kent TN9 1EE	0	8	1
TM/20/00927	Riverbank House, Angel Lane, Tonbridge TN9 1GF	0	7	0
TM/19/02109	180 High Street Tonbridge Kent TN9 1FL	0	10	1
TM/19/01632	Development Site South Part Of West Kent College Brook Street Tonbridge Kent	18	23	7
TM/19/01108	1 - 4 River Walk Tonbridge Kent	0	21	1
TM/19/00287	2 - 12 Avebury Avenue Tonbridge Kent TN9 1TF	0	11	1
TM/19/00162	Tonbridge Chambers, Pembury Road, Tonbridge, Kent	0	4	0
TM/19/00014	Land North Of Lower Haysden Lane Tonbridge Kent	125	0	35
TM/18/00893	77-81 High Street Tonbridge	0	12	1
TM/17/02635	R Allen (Tonbridge) Ltd, Lyons Crescent, Tonbridge	0	12	1
TM/16/03373	133 High Street Tonbridge Kent TN9 1DH	0	11	1
New developments within the planning area		157	246	61
This development		0	103	7

Assessment summary

Detail	2020-21 (A)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)
Surplus / (deficit) capacity (excluding the expected pupil product from new developments)	3	0	-14	-6	0	-3
Expected pupil product from new developments	61	61	61	61	61	61
Surplus / (deficit) capacity including the expected pupil product from new developments	-58	-62	-75	-67	-62	-64
Expected pupil product from this development	7	7	7	7	7	7
Surplus / (deficit) capacity including the expected pupil product from new developments and this development	-65	-69	-82	-74	-69	-71
Expected pupil product from this development that on current plans for school provision cannot be accommodated	7	7	7	7	7	7

Background notes:

Pupil forecasts 2021 employed from September 2021. Incorporating roll data from Schools Census Autumn 2020. Data from the Health Authority includes pre-school children born up to 31st August 2020. Forecasts use trend data over the previous three years.

APPENDIX 2

KCC Communities

Development Contributions Assessment

Site Name	Tonbridge P R S Medway Wharf Road Tonbridge Kent
Reference No.	TM/21/02298/FL
District	Tonbridge and Malling
Assessment Date	22/09/2021
Development Size	144

COMMUNITY LEARNING & SKILLS	
	Services
Current adult participation in Tonbridge and Malling district	1,893
LESS Current Service Capacity	1,803
Initial capacity shortfall/surplus (Year ending 2017)	-90
New adult participation from this development	5.17 clients
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£16.42 per dwelling</u>
<i>144 dwellings from this proposal</i>	<u>£2,364.48</u>
Contributions requested towards additional equipment for new learners at Tonbridge Adult Education Centre	

YOUTH SERVICE		
	Centre and Hub based Services	Outreach and Targeted Services
Current youth participation in Tonbridge and Malling district	1,853	998
LESS Current Service Capacity	1,764	950
Initial capacity shortfall/surplus (Year ending 2017)	-88	-48
New youth participation from this development	7.2 clients	
Will service capacity be exceeded?	YES	
Contributions requested from this development	<u>£65.50 per dwelling</u>	
<i>144 dwellings from this proposal</i>	<u>£9,432.00</u>	
Contributions requested towards equipment and resources for the Tonbridge Youth Hub and to enable street-based youth support for safeguarding		

LIBRARIES	
Libraries assessed for this development	Library Stock and Services
Current library participation in Tonbridge and Malling district	15,661
LESS Current Service Capacity	14,916
Initial capacity shortfall/surplus (Year ending 2017)	-746
New borrowers from this development	41.99 borrowers
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£55.45 per dwelling</u>
<i>144 dwellings from this proposal</i>	<u>£7,984.80</u>
Contributions requested towards additional resources for the Kent Youth Service in Tonbridge	

Net contributions requested for KCC Communities' Services	£19,781.28
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APPENDIX 3				
	Social Care			
	Tonbridge P R S Medway Wharf Road Tonbridge Kent			
	TM/21/02298/FL			
	144 Households			
	Requirement	Location	Cost per Household	Cost for this Site
	Specialist Care Accommodation			
	Assistive Technology systems			
	Adapting Community Facilities			
	Sensory Facilities			
	Changing Places			
		within the Borough	£146.88	
			£ 146.88	£ 21,150.72
and	All Homes built as	Wheelchair Accessible & Adaptable Dwellings	in accordance with Building Regs Part M 4 (2)	

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Comments for Planning Application 21/02298/FL

Application Summary

Application Number: 21/02298/FL

Address: Tonbridge P R S Medway Wharf Road Tonbridge Kent

Proposal: Demolition of existing gasholders and associated structures. Redevelopment of the site to provide 144 residential units and up to 567 sqm of flexible Class E/ancillary residential floorspace. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works

Case Officer: Holly Pitcher

Customer Details

Name: Mr David Munn

Address: Worrall House Kings Hill Avenue West Malling

Comment Details

Commenter Type: Other

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- other

Comment: Dear Sirs

21/02298/FL | Demolition of existing gasholders and associated structures. Redevelopment of the site to provide 144 residential units and up to 567 sqm of flexible Class E/ancillary residential floorspace. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works | Tonbridge P R S Medway Wharf Road Tonbridge Kent

This response is given on behalf of the Public Rights of Way and Access Service of Kent County Council.

The riverside path located along the northern frontage of the application site is recorded as public footpath MU33.

We would, in principle, welcome the widening of the path along the frontage to a width of 3m, which would be an improvement for users, although we would need to see the details of construction and also how the future maintenance of the 'new' part of the width would be dealt with as this would not automatically become part of the highway maintainable at public expense unless the extra width is expressly dedicated as such by means of an agreement under s.25 of the Highways Act 1980.

The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

David Munn, West Kent Area Manager - Public Rights of Way & Access Service, West Kent PROW Team, Kent County Council, Growth Environment and Transport, Growth, Invicta House, Maidstone, ME14 1XX , Tel: 03000 414121, Mob: 07920 428452, www.kent.gov.uk/explorekent, www.kent.gov.uk/countrysideaccess,

To log a reported problem on the network and to receive updates on progress please go to: <http://www.kent.gov.uk/waste-planning-and-land/public-rights-of-way> or Tel: 03000 41 71 71 (Monday-Friday 9am -5pm)



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: 27 September 2021
Ref: 21/02298/FL/EH.147

Dear Planning Officer,

Thank you for the opportunity to comment regarding:

Location: Tonbridge P R S Medway Wharf Road Tonbridge Kent
Proposal: Demolition of existing gasholders and associated structures. Redevelopment of the site to provide 144 residential units and up to 567 sqm of flexible Class E/ancillary residential floorspace. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works.

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

We request a condition for this site to follow SBD Homes 2019 guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site and the any parking areas/ courts serving the properties. These areas must be well lit and covered by natural surveillance from neighbouring properties.
2. Perimeter, boundary and divisional treatments must be 1.8m high. If proposed, any alleyways must have secure side gates, which are lockable from both sides, located flush to the front building line.
3. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or solid secure ground or wall anchors can help provide this. Parking areas must be covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting – the covered parking areas would benefit from CCTV as natural surveillance will not be possible. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse. We do however support the use of the proposed vehicle barriers/ gates as this will provide controlled access to the site.
4. New trees should help 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. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.
5. Corner properties require defensible spaces to avoid desire lines that can cause conflict. This can be provided by planting of prickly plants or knee rails/ fences, for example.
 6. Lighting. Please note, whilst we are not qualified lighting engineers, 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, cul de sacs 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.
 7. Play areas must have a self-closing gate to keep animals out and ensure young children cannot leave the area unsupervised. Play equipment must be vandal resistant (and if made of wood, fire resistant) and not provide areas of concealment or an informal storage area for offenders or materials of crime. We recommend the sales team advise potential buyers of the plots close to the play area of it's location, which would otherwise be missed from the plan. By informing them at this stage, this reduces the possibility of future conflict and/or noise complaints.
 8. 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.
 9. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to 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. Toughened glass alone is not suitable for security purposes.
 10. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.
 11. We recommend "A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019" for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.
 12. For the main communal doors audio/visual door entry systems are required. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.
 13. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats. We advise on the use of ground/ wall SBD or sold secure anchors within the cycle storage area and sheds of dwellings.
 14. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. For the houses, we recommend SBD TS008. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.
 15. CCTV is advised for all communal entry points and to cover the mail delivery area.

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

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

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

Yours sincerely,

DOCO.

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

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To
Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent
ME19 4LZ

FAO- Holly Pitcher

Contact
Jon Tuttlebury
Direct line
01622 212421
Email
FET@kent.fire-uk.org

Our ref
CAS-044273
Your ref
21/02298/FL
Date
9 June 2022

Dear Holly,

County of Kent Act 1981 Section 53

Re: Tonbridge P R S, Medway Wharf Road, Tonbridge, Kent, TN9 1RB.

Following my assessment of Fire and Rescue Service emergency access provisions for application number 21/02298/FL I would like to make the following observations.

There appears to be no swept path analysis plan for a fire appliance to support the requirements of access for the Fire and Rescue Service under the above Act. However, I note that section 8 of The Fire Safety Advice Report (FSA/22477/01A), on page 24, acknowledges the requirements for Fire Service access and facilities.

Fire Service access and facility provisions are also a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

If you require any further advice please contact this office using the details above. Please be aware that the Building Safety office hours are 09:00-17:00 Monday to Friday.

Yours faithfully,

Jon Tuttlebury

Jon Tuttlebury
Fire Safety Inspector

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

Your ref
TM/21/02298/FL

Our ref
PLAN-041592

Date
29/09/2021

Contact
Tel 0330 303 0119

Dear Sir/Madam,

Proposal: Demolition of existing gasholders and associated structures. Redevelopment of the site to provide 144 residential units and up to 567 sqm of flexible Class E / ancillary residential floorspace. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works.

Site: TM/21/02298/FL: - Tonbridge P R S Medway, Wharf Road, Tonbridge, Kent TN9 1SU.

Thank you for your letter dated 08/09/2021.

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.

This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24-month period:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required).
- Detailed design, including land negotiations.
- Construction.

Southern Water hence requests the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

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.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.



If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. It should be noted that under the Water Industry Act 1991 it is an offence to “throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.

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.

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 Sewers for Adoption standards 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.

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.

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

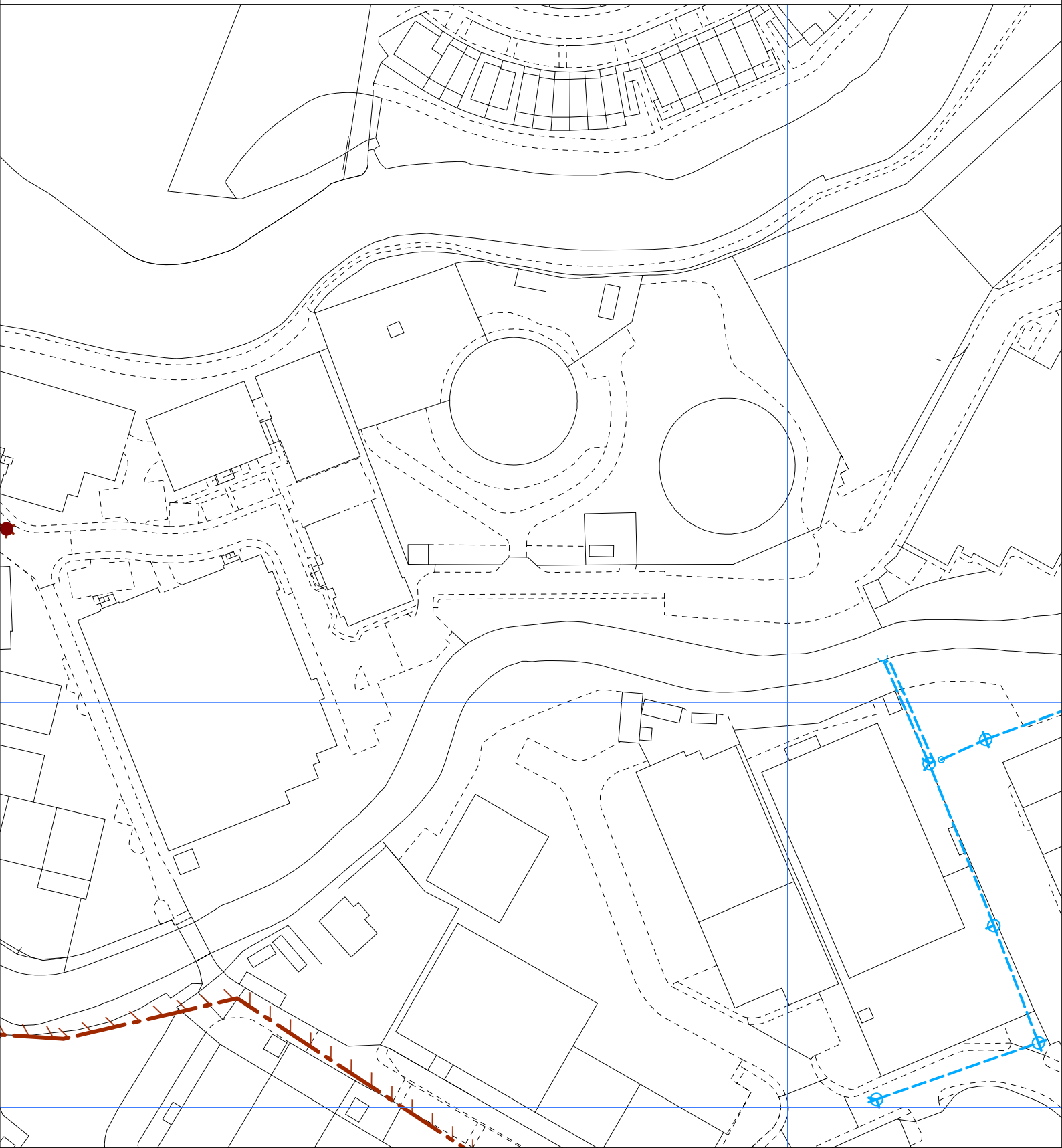
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Yours faithfully,

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.

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O.S. REF: TQ5946SE

Scale: 1:1250

Screen Print

Page 112

WARNING: BAC pipes are constructed of Bonded Asbestos Cement

WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement



Printed By: kishoku

Date: 28-9-2021

Southern Water MapGuide Browser

Requested By:



For the attention of Ms Holly Pitcher

Please find Natural England's response in relation to the above mentioned consultation below.

Dear Ms Pitcher,

Application ref: 21/02298/FL

Our ref: 367638

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

Yours sincerely,

Elizabeth Ball
Operations Delivery
Consultations Team
Natural England
County Hall
Spetchley Road
Worcester
WR5 2NP

Tel 0300 0603900

mail to: consultations@naturalengland.org.uk

www.gov.uk/natural-england



Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)
For further information on the Pre-submission Screening Service see [here](#)

-----Original Message-----
From: planning.applications@tmbc.gov.uk <planning.applications@tmbc.gov.uk>
Sent: 09 September 2021 14:37
To: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Subject: Consultation on planning application TM/21/02298/FL

Please find attached details of a recently received planning application on which you are being consulted.

This e-mail may contain information which is sensitive, confidential, or protectively marked up to OFFICIAL-SENSITIVE level and should be handled accordingly. If you are not the intended recipient of this e-mail or any part of it, please inform the sender immediately on receipt and do not copy it or disclose the contents to any other person. All e-mail traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

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**Planning, Housing &
Environmental Health**

www.tmbc.gov.uk/do-it-online

Natural England
County Hall
Spetchley Road
Worcester
WR5 2NP

Our ref	TM/21/02298/FL
Contact	Holly Pitcher
email	planning.applications@tmbc.gov.uk
Date	9 September 2021

PROPOSAL: Demolition of existing gasholders and associated structures. Redevelopment of the site to provide 144 residential units and up to 567 sqm of flexible Class E / ancillary residential floorspace. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works

LOCATION: Tonbridge P R S Medway Wharf Road Tonbridge Kent

Dear Sirs

Town and Country Planning Act 1990

Brief particulars of this application are set out above and I shall be glad to receive any representations you may wish to make as soon as possible. If I do not hear from you by 30 September 2021 I will assume that you do not wish to comment. The application may be viewed at www.tmbc.gov.uk/view-planning-applications.

Yours faithfully

Planning Services

Development Management
Gibson Building, Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
01732 844522
<http://www.tmbc.gov.uk>
email planning.applications@tmbc.gov.uk

Date: 03/11/2021

Primary Care Team

Holly Pitcher
Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill

Kent House
81 Station Road
Ashford
Kent
TN23 1PP

Email: kmccg.pcestates@nhs.net

Our Ref: 21/02298

Dear Holly,

Letter reference: Tonbridge P R S Medway Wharf Road Tonbridge Kent

NHS Kent and Medway Group (CCG) has delegated co-commissioning responsibility for general practice services in West Kent and is the body that reviews planning applications to assess the direct impact on general practice.

I refer to the above full planning application which concerns the proposed residential development comprising up to 144 dwellings.

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests:

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

We have applied these tests in relation to this planning application and can confirm the following specific requirements. **The calculations supporting this requirement are set out in Appendix 1.**

	Total Chargeable units	Total (See Appendix 1)	Project
General Practice	144	£100,584	Towards refurbishment, reconfiguration and/or extension of Tonbridge Medical Group, Warders

			Medical Centre and/or Hadlow Medical Centre and/or towards new general practice premises development in the area
--	--	--	--

The obligation should also include the provision for the re-imbusement of any legal costs incurred in completing the agreement.

Justification for infrastructure development contributions request

This proposal will generate approximately 279 new patient registrations based on the dwelling mix provided in Appendix 1. The proposed development falls within the current practice boundaries of Tonbridge Medical Group, Warders Medical Centre and Hadlow Medical Centre.

There is currently limited capacity within existing general practice premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice premises. Whilst it is not possible at this time to set out a specific premises project for this contribution we can confirm that based on the current practice boundaries we would expect the contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

In addition to the above we request that any S106 agreement regarding a financial contribution recognises the following:

- Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.
- Allows the contribution to be used towards new general practice premises in the area serving this population (should GP Estates Strategy identify future requirement) and not just limited to the practices detailed above.
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.

General practice premises plans are kept under regular review as part of the GP Estates Strategy and priorities are subject to change as the CCG must ensure appropriate primary medical care service capacity is available as part of our commissioning responsibilities. Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements. Any plans developed need to support delivery of sustainable services for the future.

The CCG is of the view that the above complies with the CIL regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services.

Please note that for any s106 contributions secured by the CCG, the legal agreement should detail NHS England and Improvement (NHSE/I) as the recipient of the funding.

I would be grateful if you could advise me of the Council’s decision in due course, should you require any further information, or points of clarification in the meantime please contact me using the above email address.

Yours sincerely

Sent via email

Funmi Owolabi
Senior Programme Manager - Strategic Planning and Primary Care Estates

Appendix 1

The CCG uses a formula for calculating s106 contributions which has been used for some time and is calculated as fair and reasonable. This calculation is based the number of proposed units multiplied by the assumed occupancy multiplied by £360.

Where the application identifies unit sizes the following predicted occupancy rates will be used.

1 bed unit @ 1.4 persons
2 bed unit @ 2 persons
3 bed unit @ 2.8 persons
4 bed unit @ 3.5 persons
5 bed unit @ 4.8 persons

Where the unit sizes are not identified then an average occupancy of 2.4 persons will be used.

The calculations for this development are:

Based on the dwelling mix provided:

Total Units (per application) (A)	Proposed Number of Bedrooms (per planning application)					NHS Predicted Occupancy Rates					Predicted Occupancy (N)	X £360 (O)
	1 (D)	2 (E)	3 (F)	4 (G)	5+ (H)	1 (I)	2 (J)	3 (K)	4 (L)	5+ (M)		
144	45					1.4					63	£22,680
		76					2				152	£54,720
			23					2.8			64.4	£23,184
				0					3.5			
					0					4.8		
											279.4	£100,584

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Ms Holly Pitcher
Tonbridge and Malling Borough Council
Development Control, Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent
ME19 4LZ

Direct Dial: 0207 973 3636

Our ref: **W:** P01438957

14 September 2021

Dear Ms Pitcher

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

**TONBRIDGE P R S MEDWAY WHARF ROAD TONBRIDGE KENT
Application No. TM/21/02298/FL**

Thank you for your letter of 9 September 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Yours sincerely

Paul Roberts

Team Leader - Development Advice

E-mail: Paul.roberts@HistoricEngland.org.uk



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

Telephone 020 7973 3700
HistoricEngland.org.uk



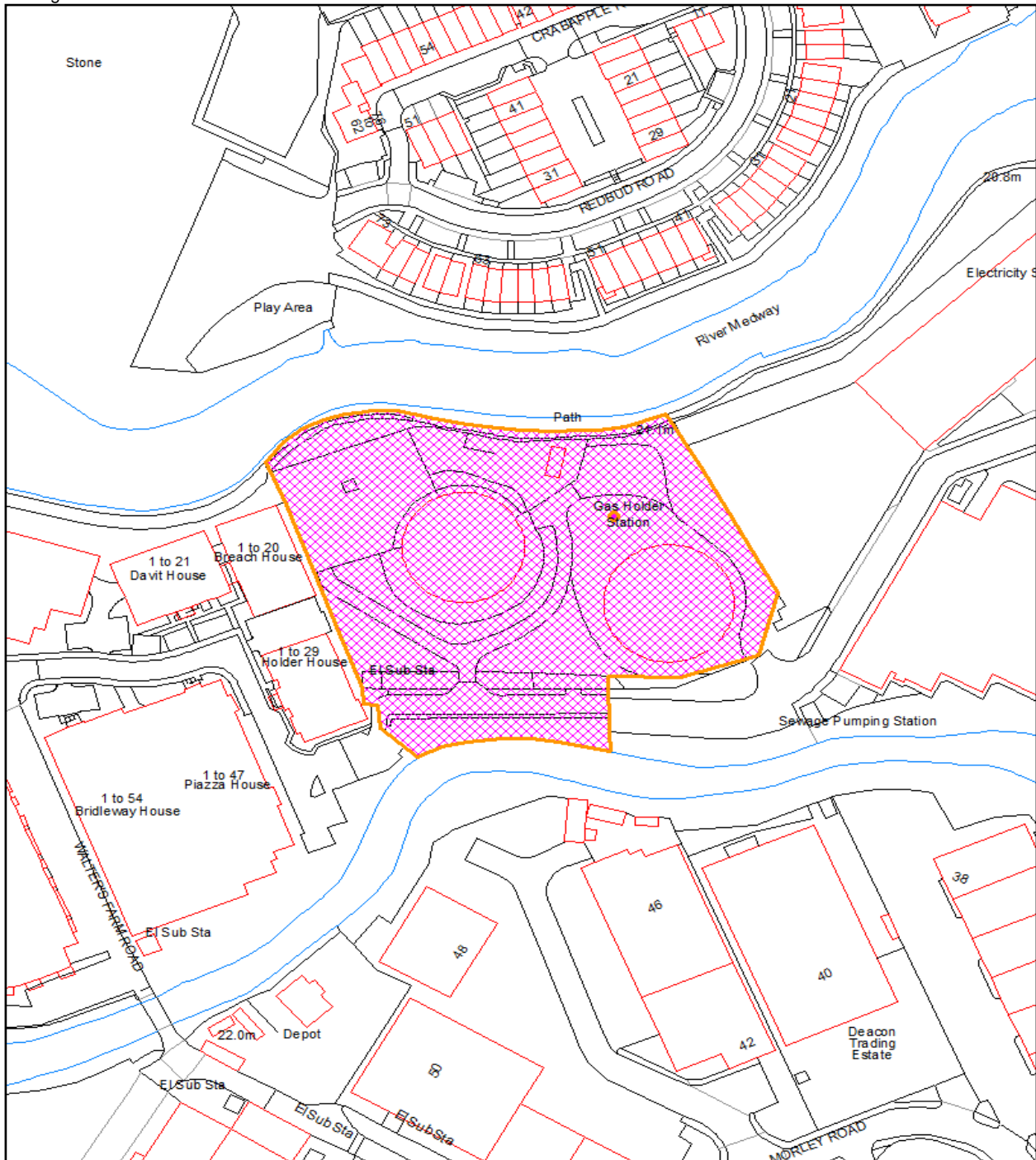
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TM/21/02298/FL

Tonbridge P R S Medway Wharf Road Tonbridge Kent

Demolition of existing gasholders and associated structures. Redevelopment of the site to provide 144 residential units and up to 567 sqm of flexible Class E/ancillary residential floorspace. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works

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Hadlow (Hadlow)

Hadlow And East Peckham

a) 1 February 2022

b) 28 July 2022

a) TM/22/00101/FL

b) TM/22/00102/LB

Proposal: a) Retrospective application for the removal of 3 windows and replacement with 3 black aluminium double glazed windows
b) Listed Building Application: Retrospective application for the removal of 3 windows and replacement with 3 Black aluminium double glazed windows

Location: 1 Hadlow Castle High Street Hadlow Tonbridge Kent TN11 0EG

Go to: [Recommendation](#)

1. Description:

- 1.1 Retrospective planning permission and Listed Building consent are sought for the removal of three windows (one with an integral patio door) in the south elevation of 1 Hadlow Castle and their replacement with two new windows and a bi-folding door to the ground floor.
- 1.2 From studying photographic evidence of the building prior to the installation of the current openings, it can be ascertained that the ground and first floor windows that were replaced comprised white uPVC double glazed units with applied gothic detailing to the window frames, whilst the window on the second floor that was replaced comprised a white painted timber frame window with gothic detailing.
- 1.3 The windows and bi-folding door installed into the existing openings comprise black aluminium framed units with double glazing. The frames are of a simple form and appearance.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Jill Anderson to enable the committee to consider the impact of the replacement windows upon the Grade II* Listed Building and the setting of nearby buildings and the castle/Tower.

3. The Site:

- 3.1 The site is located within the rural service centre of Hadlow and the Hadlow Conservation Area. It is to the south-east of the High Street and is accessed by an internal access road from the High Street. The site contains a Grade II* Listed building known as 'Hadlow Castle', which was listed on 19th February 1990. Within the setting of the site there is also the Grade I Listed 'Hadlow Tower', which was listed on 17th April 1951. Hadlow Castle is described on the Listed Building record as:

"Former stables, service building and walls around the stable courtyard north east of Hadlow Tower, the buildings converted to housing. Along with Hadlow Tower

these buildings are the remains of Hadlow Castle, a large Gothick house of late C18 origins, dismantled in 1951. Early/mid C19, one of the buildings dated 1856, with C20 alterations. Cement-rendered brick, matching Hadlow Tower, roof behind embattled parapets. Gothick.

Plan: Approximately rectangular courtyard with ranges of buildings on the north, west and east sides, walls on the south side adjoin Hadlow Tower (q.v.) which is sited in the south west corner of the courtyard. The house lay to the west of the courtyard and part of its west end wall, now freestanding, links Hadlow Tower to the west courtyard range. There is an archway into the courtyard through the north range and a second archway through the east range.

Exterior: The outer elevations of the buildings have been substantially altered in the course of conversion to houses, the elevations facing the courtyard are less altered but have a number of C20 windows and doors and almost certainly include re-used early C19 features. The courtyard elevation of the north range is asymmetrical and embattled with an approximately central archway below a gable decorated with fleurons. To the left of the archway an early C20 door with Gothick panelling and 2 traceried windows, C20 first floor windows. To the right the elevation is symmetrical. broken forward in the centre, with tall 2-light Gothick traceried windows to either side. The 2- centred east range archway has a stepped gable, carved spandrels and a date of 1856. The east range is also embattled with a 2-storey tower to the right of the archway with an embattled first floor oriel with a timber traceried window; tall 2-light Gothick traceried window to the left of the archway. The west range is picturesquely irregular and incorporates a 4-storey and 2-storey tower to left of centre. Asymmetrical 1:1:1:1:4 window front, the left hand window in a section of gabled wall that was part of the main house. This contains a large 3-light Gothick window with an ogee hoodmould, the window filled with stained glass. To its right an embattled block with a C20 flat-roofed porch. Adjoining this on the right a 4-storey tower with 4 Gothick windows with hoodmoulds, the ground floor window preserving early C19 tracery. A 2-storey tower to the right has a stepped gable and a 2 tier embattled projection on the front with 2-light C19 Gothick windows. A lower 4-bay block to the right is buttressed, with C19 Gothick windows and a C20 door. Early C19 walls to the east and south sides of the courtyard are included in the listing. The outer elevations of the ranges have suffered some severe alterations but preserve some C19 features including windows and buttresses and the west range, in particular, forms a good asymmetrical group at the base of Hadlow Tower.

Starred for contribution to the setting of an outstanding Grade I building.”

4. Planning History (relevant):

TM/54/10077/OLD Grant with Conditions 6 August 1954

Conversion of existing outbuilding into Dwelling Unit.

5. Consultees:

a) TM/22/00101/FL: Retrospective application for the removal of 3 windows and replacement with 3 black aluminium double glazed windows

5.1 PC: Strongly object. Works undertaken to Grade II* Listed Building are illegal and should have been subject to enforcement action. Object to design, colour and material used, which are inappropriate for such a property/not in-keeping with the building or the neighbours

5.2 Historic England: HSE provides advice when engagement can add most value. In this case, do not offer advice and this should not be interpreted as comments on the merits of the application. Recommend that views of specialist conservation and archaeological advisers are sought.

5.3 Private Reps: 2 + site notice & press notice 0X/2R/0S: Objections summarised as follows:

- The works have already been undertaken.
- The works have damaged the fabric and visual setting of the Listed Building.
- The windows that have been fitted are out of character with the Gothic Revival architecture, surrounding properties and the castle/tower.
- Works have been carried out with the benefit of Listed Building Consent which is an offence – should be the subject of enforcement, not planning permission.
- The ground and first floor window openings are not original (formed in the 1950s), however the second-floor opening is part of the original house, with 1 Hadlow Castle being a small retained part of the original house.
- In 2013 the fenestration echoed the design of windows in the original house – suggest frames may have been reutilised in the property from the original Hadlow Castle.
- Black windows in adjacent square tower likely put in during 1970s – two windows contain stained glass from the demolished house, apart from these and the windows on Hadlow Tower, all-other windows around the courtyard are painted white.

b) TM/22/00102/LB: Listed Building Application: Retrospective application for the removal of 3 windows and replacement with 3 Black aluminium double glazed windows

5.4 PC: No objection.

5.5 Historic England: Do not wish to offer any comments – suggest views of specialist Conservation Advisor are sought.

5.6 Private Reps: 2 + site notice & press notice 0X/2R/0S: Objections summarised as follows:

- The works have already been undertaken/damaged fabric and setting of the Listed Building.
- Windows installed are out of character with the Gothic design of the castle and surrounding properties and their history – they do not include gothic detailing.
- If Listed Building Consent is granted, then the purpose of listing will become irrelevant/pointless – this will be contrary to its listed status.

5.7 Conservation Officer:

- From reviewing a range of sources of information the window composition of the windows that have been replaced comprised of double glazed UPVC windows with 'gothic' arches applied externally as fake detailing to the ground and first floors and a timber window to the second floor.
- We also need to consider the age of the openings. The openings themselves are very different to the character of the rest of the building complex and the list description acknowledges that the residential conversion had substantially altered the outer elevations. The elevation we are dealing with is an outer elevation. The only relevant comment in the list description regarding the outer elevation is:

“a. The outer elevations of the ranges have suffered some severe alterations but preserve some C19 features including windows and buttresses and the west range, in particular, forms a good asymmetrical group at the base of Hadlow Tower.”

We can draw a couple of things from this statement. It is believed that the large window openings at ground and first floor in this application are one of the 'severe' alterations that are a result of the conversion to residential. Historic application reference 54/10077/OLD does confirm that the ground and first floor window openings were widened/created during the conversion, the second floor window opening remained unaltered. The statement also makes it clear that this block has a strong group value connection in its relationship to the tower. The traditional material for windows in the tower is stone surrounds with dark metal casements.

- No evidence has been provided to support the applicants claim that the existing windows were UPVC or to justify the metal frames.

- The existing windows cannot be considered to be of any particular historic value being modern, double glazed and very poorly detailed with the attached gothic tracery. In the case of the one timber window the only redeeming feature would be the use of traditional timber, which would be a reasonable argument for any replacement to also be in the same traditional timber. The window formats, including the timber window are harmful to the significance of the Listed Building, and in particular the UPVC material would be considered harmful.
- The proposal to change the material must be judged in terms of the level of harm caused to significance by the change. Given that the windows in their original form did not contribute positively and were considered to be harmful then the replacements cannot be required to be better, although naturally a better solution should be encouraged and actively sought and would be a part of the negotiations in any application. Those negotiations might well have resulted in the use of timber, but also could have resulted in the use of metal but of a more intricate slender design reflecting the adjacent tower. We might also have pushed for the introduction of stone mullions and attempted a more pastiche based improvement.
- There is no opportunity to negotiate as the windows have been installed so it only remains to judge if these metal windows are more harmful than the modern windows they replaced and if so, is this sufficient grounds for a refusal.
- A planning decision was overturned at appeal because the modern double glazed replacement timber windows were considered no more harmful than the non historic single glazed modern timber windows that they replaced. Therefore, given the appeal case we need to be absolutely clear that the replacement metal windows would be considered more harmful than the mix of UPVC and timber.
- It has been determined that the existing windows, both timber and UPVC, are detrimental to the character of the Listed Building, the UPVC being more so. It is suggested that the level of harm caused by the replacement metal windows is unlikely to be greater given that the original windows were poorly/clumsily designed and two are in a clearly inappropriate material (UPVC).
- It could be reasonably argued that the replacements are simply designed with an eye to being a contemporary proposal in modern scale openings (ground and first floor) in a material that reflects that of the tower with which it has a close relationship as stated in the list description. If we were to try to insist that the timber window at second floor be replaced with a timber replacement we have a number of difficulties. What format should be reproduced, the existing, which has been determined as harmful, or the new format but in timber. The second option would seem the more appropriate but would then lead to two separate materials being used which itself could be considered to be an

awkward or inappropriate architectural response. The use of the same material throughout would give consistency and look better than the use of two materials. Therefore, the choice is require use of timber to match throughout all three windows, accept a mix of materials or accept the consistency of the use of metal. Again, we have to look at the harm caused by the existing windows and the harm caused by the new windows. It is considered that an argument could not be sustained for replacing the UPVC with timber on the basis of the second floor window being timber and therefore suggest that the use of two materials, one traditional and two modern, would be more harmful than the consistency provided by a single modern material. This is especially true given that the ground and first floor window openings are modern and therefore a modern design response throughout the façade would be appropriate.

- On the basis of the above, while it might be desirable to seek a refusal based upon the materials and design used, or to seek a more appropriate solution, the submitted application would have to be considered as being no more harmful than the existing situation. Therefore, from a heritage perspective no objection is raised.

6. Determining Issues:

Principle of Development:

- 6.1 Policy CP12 advises that development will be permitted within the rural service centres, including Hadlow. The application includes replacement windows and a bi-folding door within existing openings to serve an existing residential property. The principle of development is therefore considered acceptable, complying with policy CP12.

Listed Buildings:

- 6.2 The property is Grade II* Listed and the site is within the setting of the Grade I Listed Hadlow Tower; therefore consideration needs to be made of sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Act requires that in considering whether to grant planning permission for a development which affects a Listed Building or its setting or in considering whether to grant Listed Building consent for any works, the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.3 Chapter 16 of the NPPF is relevant to development which affects the historic environment. Paragraph 194 starts by explaining the following in relation to proposals affecting heritage assets:

“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to

the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

6.4 Paragraph 195 then explains that:

"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."

6.5 Paragraph 197 of the NPPF advises:

"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."*

6.6 Paragraph 199 states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

6.7 Paragraph 200 then goes onto explain that:

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

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

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

6.8 Paragraph 202 advises:

“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.”

6.9 The applicant has explained that replacement windows were required due to leaking around the seals, resulting in leakage to internal fabric and a breach of the air gap between the glass panels causing misting and condensation in-between the panes of glass. The applicant has also explained that the openings are not original – being formed around 1954, with the windows having been replaced previously. The applicant justifies the use of black frames by explaining how they replicate the look of the Hadlow Tower, which also contains windows replaced during the recent conversion. They have not however justified the use of metal frames for the replacement windows and door.

6.10 From evidence available to the Council, it can be ascertained that the windows that were replaced comprised double glazed white UPVC windows with ‘gothic’ arches applied externally as fake detailing to the ground and first floors and a timber window to the second floor, also finished in white with gothic arches. The windows that were recently replaced were not the same units installed when the property was converted as planning application TM/54/10077/OLD showed that timber units were installed into each opening. This is confirmed within photographic evidence held on the Listed Building record for Hadlow Tower, which shows that the timber units comprised of simple white painted timber frames to all three floors, with no gothic detailing. As such, the windows that were removed were not original nor historically important.

6.11 In relation to the openings themselves, they are very different to the character of the rest of the building complex and the list description acknowledges that the residential conversion substantially altered the outer elevations. The elevation we are dealing with is an outer elevation. The only relevant comment in the list description regarding the outer elevation is:

“a. The outer elevations of the ranges have suffered some severe alterations but preserve some C19 features including windows and buttresses and the west range, in particular, forms a good asymmetrical group at the base of Hadlow Tower.”

6.12 We can draw a couple of things from this statement:

- It is believed that the large window openings at ground and first floor in this application are one of the 'severe' alterations that are a result of the conversion to residential. Historic application reference TM/54/10077/OLD confirms that the ground and first floor window openings were created during the conversion, with the second floor opening remaining unaltered.
- This block has a strong group value connection in its relationship to the tower - of relevance to this application is how the traditional material for windows in the tower is stone surrounds with dark metal casements.

6.13 The windows that were replaced cannot be considered to be of any particular historic or architectural value. This is because they were modern, double glazed and very poorly detailed with the attached gothic tracery. In relation to the one timber window the only redeeming feature would be the use of traditional timber, which would be a reasonable argument for any replacement to also be in the same traditional timber. The fenestration detailing on the south elevation before the windows were replaced was also inconsistent in its use of materials as a result of the use of both timber and UPVC units on one elevation. The finishing of such windows in white timber and not in black metal was inconsistent with the Grade I Listed Hadlow Tower (which the application property on this elevation has a close relationship with), which includes metal framed windows in black. These two elements therefore resulted in visual disharmony on this elevation. It is therefore considered that the window formats of the windows that were replaced, including the timber window, were not historically important and were harmful to the significance of the Grade II* Listed Building, and in particular the UPVC material was considered especially harmful. The removal of these units is therefore considered to be acceptable.

6.14 A planning decision was overturned at appeal because the modern double glazed replacement timber windows were considered no more harmful than the non-historic single glazed modern timber windows that they replaced. Therefore, given the appeal case we need to be absolutely clear that the replacement metal windows and door would be considered more harmful than the mix of UPVC and timber.

6.15 It has been determined that the windows that have been replaced were timber and UPVC and were detrimental to the character of the Listed Building, the UPVC being more so. It is considered that the level of harm caused by the replacement aluminium windows and door is not any greater given that the original windows were poorly and clumsily designed, two were in a clearly inappropriate material by way of UPVC and they were not in-keeping with the setting of the Grade I Listed Hadlow Tower which the application property has a close relationship with. It also has to be noted that there are a wide variety of fenestration finishes within Hadlow Castle, including single glazed plain timber windows, single glazed timber windows with gothic frames, single glazed plain metal frames and double-glazed UPVC windows. Therefore, there is no single window design to be adhered to.

- 6.16 It is considered that the replacement double glazed aluminium windows and door are simply designed, representing a contemporary proposal in modern scale openings (ground and first floor), finished in a material that reflects the windows within Hadlow Tower with which the application property has a close relationship with (as stated in the list description). The windows and door by way of their simple design are also similar to other plain timber and metal/UPVC framed windows in other elevations of Hadlow Castle. The painting of windows/doors are permitted development; as such their colour cannot be resisted. However the finishing in black is considered to be a clear reflection of the adjacent Hadlow Tower, which the south elevation of 1 Hadlow Castle is most commonly seen in the setting of.
- 6.17 If the Council was to insist that the timber window at second floor be replaced with a timber replacement, we would face a series of questions. What format should be reproduced, the pre-existing, which has been determined as harmful, or the new format but in timber. The second option would seem the more appropriate but would then lead to two separate materials being used on the south elevation which could be considered an awkward or inappropriate architectural response as the use of the same material throughout would give consistency and look better than the use of two materials. Therefore, the choice is to require the use of timber to match throughout all three openings, accept a mix of materials within the different openings or accept the consistency of the use of metal for all openings. Consideration again needs to be made to the level of harm caused by the windows that have been replaced and the harm caused by the new windows. It is considered that an argument could not be sustained for replacing the UPVC with timber on the basis of the second-floor window being timber, whilst the use of two materials, one timber and two metal would be more harmful than the consistency provided by the single material by way of the aluminium units as installed. This is especially true given that the ground and first floor window openings are modern and therefore a modern design response throughout the façade would be appropriate.
- 6.18 In summary, the three aluminium units as installed, comprising of two windows and a bi-folding ground floor door, are no more harmful than the windows they replaced by way of the two UPVC units and one timber unit. The development has therefore not resulted in less than substantial harm, retains the significance of the Grade II* Listed Building and has preserved the Grade II* Listed Building, the setting of the Grade I Listed Hadlow Tower and features of special architectural and historic interest which it possesses.
- 6.19 Overall, as a result of the above considerations, the development has not caused an unacceptable level of harm to the historical fabric, appearance and significance of the Grade II* Listed building and the setting of the Grade I Listed Hadlow Tower. The development is therefore acceptable in relation to Chapter 16 of the NPPF 2021 and Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Design, Materials and Character of the Area:

6.20 Policy P4/12 of the TMBLP 1998 states:

“Extensions to residential properties will not be permitted if they would result in an adverse impact on:

(1) the character of the building or the street scene in terms of form, scale, design, materials and existing trees;...

Permission will only be granted for proposals which meet the design criteria contained in Policy Annex PA4/12...”

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

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

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

6.22 Policy SQ1 of the MDE DPD states:

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

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

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

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

6.23 Paragraph 130 of the NPPF details that:

“Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;..."

6.24 The replacement windows are simply designed, comprising black aluminium framed units with double glazing, representing a contemporary proposal in modern scale openings (ground and first floor), finished in a material that reflects the windows within Hadlow Tower with which the application property has a close relationship. The windows and door by way of their simple design are also similar to other plain timber and metal/UPVC framed windows in other elevations of Hadlow Castle. Their finishing in black is considered to be a clear reflection of the adjacent Hadlow Tower. Additionally, the assessment above has determined that the windows and door are acceptable in relation to their impact upon the Listed Building and the setting of the nearby Grade I Listed Hadlow Tower. As such, it is considered that the replacement windows and door are acceptable in relation to design, materials and impact upon the character of the area.

6.25 Overall, the form, appearance and materials are considered acceptable and the two new windows and a bi-folding door respect the appearance of the host dwelling and character of the area, complying with Saved Policy P4/12 of the TMBLP, Policy CP24 of the TMBCS, Policy SQ1 of the MDE DPD and paragraph 130 of the NPPF.

Conservation Area:

6.26 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

6.27 Chapter 16 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Clear justification is required for any harm or loss of the significance of a designated heritage asset.

6.28 The replacement windows are simply designed, comprising black aluminium framed units with double glazing, representing a contemporary proposal in modern scale openings (ground and first floor), finished in a material that reflects the windows within Hadlow Tower with which the application property has a close relationship. The windows and door by way of their simple design are also similar to other plain timber and metal/UPVC framed windows in other elevations of

Hadlow Castle. Their finishing in black is considered to be a clear reflection of the adjacent Hadlow Tower. Additionally, the assessment above has determined the windows and door are acceptable in relation to their impact upon the Listed Building and the setting of the nearby Grade I Listed Hadlow Tower. As such, it is considered that the development has not had an unacceptable impact upon the Hadlow Conservation Area.

6.29 Overall, the appearance of the windows and door are considered acceptable and would not fail to preserve or enhance the character and appearance of the Hadlow Conservation Area, complying with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and chapter 16 of the NPPF.

Residential Amenity:

6.30 Saved Policy P4/12 of the TMBLP 1998 states that extensions to residential properties will not be permitted if they would result in an adverse impact on residential amenity of neighbouring properties in terms of light and privacy, and overlooking of garden areas.

6.31 Additionally, paragraph 130 (f) of the NPPF advises that planning policies and decisions should ensure that developments create places with a high standard of amenity for existing and future users.

6.32 Due to the positioning of the openings in relation to the neighbouring dwellings and how the windows and bi-folding door were replacements for existing openings, there will be no additional overlooking than the existing situation and therefore there has been no adverse impact upon the amenity of neighbouring properties.

6.33 Overall, due to the design and prevailing site conditions, the windows and door have not unacceptably harmed neighbouring amenities. The development therefore complies with Saved Policy P4/12 of the TMBLP and paragraph 130 (f) of the NPPF.

Concluding Remarks:

6.34 The removal of three windows in the south elevation of 1 Hadlow Castle and their replacement with two new windows and a bi-folding door to the ground floor are considered to be of an acceptable design, in keeping with the surrounding area. No harmful impacts have arisen to the Grade II* Listed Building, the setting of the nearby Grade I Listed Hadlow Tower, the Hadlow Conservation Area or neighbouring amenity, as a result of the development. Accordingly, the planning application and listed building consent application are recommended for approval.

7. Recommendation:

7.1 a) TM/22/00101/FL: Retrospective application for the removal of 3 windows and replacement with 3 black aluminium double glazed windows

7.2 **Grant Planning Permission** in accordance with the following submitted details:

Location Plan received 22.07.2022, Notice received 22.07.2022, Photograph of south west elevation received 22.07.2022, Certificate B received 28.07.2022, Design and Access Statement received 28.07.2022, Photograph of installed windows received 18.01.2022, Specifications of windows received 22.07.2022

7.3 **b) TM/22/00102/LB: Listed Building Application: Retrospective application for the removal of 3 windows and replacement with 3 Black aluminium double glazed windows**

7.4 **Grant Listed Building Consent** in accordance with the following submitted details:

Location Plan received 22.07.2022, Specifications of windows received 22.07.2022, Photograph of installed windows received 18.01.2022, Design and Access Statement received 01.02.2022, Photograph of south west elevation received 01.02.2022

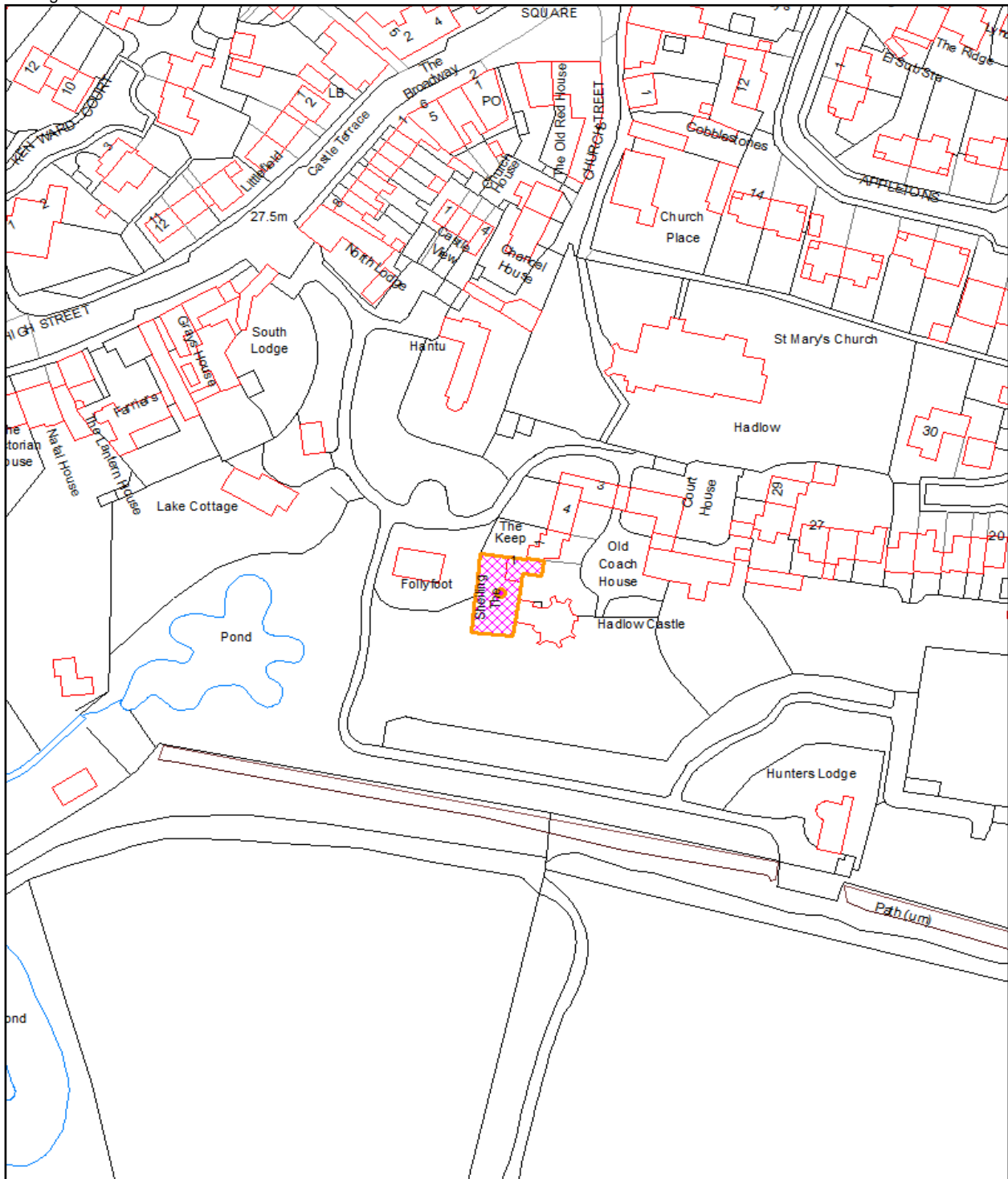
Contact: Andrew Longman

(a) TM/22/00101/FL & (b)TM/22/00102/LB

1 Hadlow Castle High Street Hadlow Tonbridge Kent TN11 0EG

Retrospective application for the removal of 3 windows and replacement with 3 black aluminium double glazed windows

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