

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

28 August 2024

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 1 Planning Committee to be held in Council Chamber, Gibson Drive, Kings Hill on Thursday, 5th September, 2024 commencing at 7.30 pm.

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

Information on how to observe the meeting will be published on the Council's website. Deposited plans can be viewed online by using [Public Access](#).

Yours faithfully

DAMIAN ROBERTS

Chief Executive

AGENDA

1. Guidance for the Conduct of Meetings

5 - 8

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 for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk).

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

4. Minutes 9 - 12

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 28 March 2024.

5. Glossary and Supplementary Matters 13 - 20

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/24/00806/PA - Smith and Sons Builders Yard, 4 Orchard Drive, Tonbridge 21 - 50

Redevelopment of the builders yard and residential garden land associated with no.4 Orchard Drive to provide 3no. residential dwellings, including associated amenity, parking, landscaping, and other associated works

7. TM/24/00142/PA - 7 Castle Street, Tonbridge 51 - 68

Conversion of ground floor commercial (Class E) to residential (Class C3) to form 3 residential units with additional windows (8-10 Bank Street and 7 Castle Street)

Matters for Information

8. Planning Appeals, Public Inquiries and Hearings 69 - 70

To receive and note any update in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee.

9. Urgent Items

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

Matters for consideration in Private

10. Exclusion of Press and Public

71 - 72

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

PART 2 - PRIVATE

11. Urgent Items

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

MEMBERSHIP

Cllr M A J Hood (Chair)
Cllr D W King (Vice-Chair)

Cllr L Athwal
Cllr K Barton
Cllr G C Bridge
Cllr J Clokey
Cllr A Cope
Cllr F A Hoskins

Cllr A Mehmet
Cllr R W G Oliver
Cllr B A Parry
Cllr Stacey Pilgrim
Cllr M R Rhodes
Cllr K S Tunstall

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<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 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 Chair, 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 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 should attend in person. However, arrangements to participate online can be considered in certain circumstances. 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.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

MINUTES

Thursday, 28th March, 2024

Present: Cllr M A J Hood (Chair), Cllr K Barton, Cllr G C Bridge, Cllr J Clokey, Cllr A Cope, Cllr G B Hines, Cllr F A Hoskins, Cllr A Mehmet, Cllr R W G Oliver, Cllr B A Parry, Cllr M R Rhodes and Cllr K S Tunstall

Virtual: Councillors R W Dalton, D Harman and M Taylor participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors D W King and L Athwal.

PART 1 - PUBLIC

AP1 24/1 DECLARATIONS OF INTEREST

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

AP1 24/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 19 October 2023 be approved as a correct record and signed by the Chairman, subject to an amendment of "(1) Addition of informative" under AP1 23/28 to read:

"1. During the demolition and construction phase, the hours of working (including deliveries) **should** be restricted to Monday to Friday 07:30 hours – 18:30 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays."

AP1 24/3 GLOSSARY AND SUPPLEMENTARY MATTERS

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

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

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

**AP1 24/4 TM/22/02694/FL - FORMERLY RIVER CENTRE CAR PARK,
MEDWAY WHARF ROAD, TONBRIDGE**

Erection of a 9 storey building comprising of 118 residential units, together with associated car and cycle parking, landscaping and associated works

Due regard was given to the determining issues detailed in the report of the Director of Planning, Housing and Environmental Health with particular reference made to the adequacy of the provision for the electric bicycle charging spaces and the level of external lighting to the building.

Furthermore, there was detailed discussion on the adequacy of the parking provision within the proposed development and the potential impact on the parking situation within the neighbourhood area. However, Members acknowledged the benefit of securing sustainable development on a brownfield site and the significant need for affordable housing which was to be provided by part of this development.

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

- (1) the Applicant entering into a S106 agreement to make financial contributions and securing affordable housing provision, in accordance with the details as set out in the report;
- (2) delegated authority to the Director of Planning, Housing and Environmental Health to form the wording of an additional condition requiring the Applicant to submit details to and seek approval from the Local Planning Authority in respect of external lighting to the building; and
- (3) delegated authority to the Director of Planning, Housing and Environmental Health to investigate and negotiate with the Applicant with a view to enhancing the provision of electric bicycle charging spaces within the development.

[Speakers: Whitefriars Wharf Management Company Limited (member of the public) – a statement was read out as agreed by the Chair; Mr Rob Morgan (on behalf of the Applicant) addressed the Committee in person]

MATTERS FOR INFORMATION**AP1 24/5 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS**

The report setting out updates in respect of planning appeals, public inquiries and hearings held since they were last reported to the Planning Committee on 22 June 2023 was received and noted.

The Head of Planning (James Bailey) responded to a query advising that there was no identifiable trend in appeal outcomes, however, more information about planning appeals and costs was available in report [Planning Appeal Costs](#) which was recently presented to Housing and Planning Scrutiny Select Committee.

AP1 24/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.32 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 Tunbridge 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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Tonbridge
Higham

TM/24/00806/PA

Location: Smith and Sons Builders Yard, 4 Orchard Drive, Tonbridge, TN10 4LU

Proposal: Redevelopment of the builders yard and residential garden land associated with no.4 Orchard Drive to provide 3no. residential dwellings, including associated amenity, parking, landscaping, and other associated works.

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 This application seeks full planning permission for the redevelopment of the former builders yard together with residential garden land associated with no. 4 Orchard Drive, to provide three detached dwellings, incorporating associated amenity, parking, landscaping, and other associated works.
- 1.2 The proposed dwellings would be accessed via the existing access from Orchard Drive, with car parking in the form of two allocated spaces per dwelling.
- 1.3 Plots 1 and 2 comprises identical (but handed) four bed, two-storey dwellings, plot 3 proposes a one and half storey three bed dwelling.
- 1.4 The design of the dwellings seeks to emulate the materials as used on existing buildings within the immediate area. Plots 1 and 2 feature open gables on the front and rear, whereas plot 3 features open gables to the north flank elevation. The main elevational treatment proposed is primary facing brick on the ground floor with weather boarding above.

2. Reason for reporting to Committee:

- 2.1 This application is referred to committee by Councillor Dennis King on the grounds of the impact on the neighbouring properties by reason of the increase in height and change of orientation to plot 3.

3. The Site:

- 3.1 The application site is located on the eastern side of Orchard Drive within the urban area of Tonbridge. The site is approximately 0.20 hectares in size comprising part builders yard associated with S. Smith & Sons (Builders) Ltd, alongside a portion of the garden area associated with no.4 Orchard Drive.
- 3.2 As noted above the site is access via an existing access from Orchard Drive.

3.3 The site falls within flood zone 1 with the site falling within an Area of Archaeological potential.

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

21/01938/OA - Approved - 09 December 2021 (extant - Plot 3

Outline Application: demolition of an outdoor swimming pool and the erection of a three bedroom single storey detached bungalow with two car parking spaces

21/00937/OA - Approved - 25 May 2021 (expired – Plots 1 and 2)

Outline Application: Erection of 2no detached 4 bedroom dwellings with associated access, parking and soft landscaping

14/00340/OA - Approved - 25 March 2014

Outline Application: 2 No. detached 4 bedroom dwellings with associated access, parking and soft landscaping

10/01873/OA - Approved - 22 October 2010

Outline Application: Two detached residential units with parking facilities

52/10071/OLD - Grant With Conditions - 01 April 1952

Builders yard.

5. **Consultees:**

5.1 TMBC Environmental Health Protection:

Environmental Protection

5.2 Due to the proximity of significant numbers of other houses to this proposal a condition is recommended in relation to the submission of a construction management plan.

Prior to commencement of development, arrangements for the environmental management control of all demolition and construction works shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of general amenity and highway safety.

Contaminated Land

5.3 The site has a long history of use as a builder's yard which may have led to contamination of the underlying soils. It is therefore recommended that three conditions are imposed to ensure the site does not pose a risk to future residential.

1. Standard Contamination 1 (no phasing) (Site Characterisation)

No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

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

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

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2023 (paragraphs 189-191).

2. Standard Contamination 2 (no phasing) (Submission of Remediation Scheme & Implementation):

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 2023 (paragraphs 189 - 191).

3. Standard Contamination 3 (no phasing) (Verification):

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

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

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2023 (paragraphs 189 - 191).

Kent County Council Ecology

- 5.4 Initial comments received (22 July 2024) - We have reviewed the ecological information submitted in support of this application and advise that additional information is sought from the applicant prior to determination of the planning application.
- 5.5 Protected Species - This includes further clarification on the likelihood of reptiles being present within the site. Reptiles can be found within gardens and a review of satellite photos suggests that there has been some suitable habitat within the site for at least 10 years. Therefore, it is possible that a reptile population could be present within the site.
- 5.6 A precautionary mitigation approach has been proposed but it is our view that a precautionary mitigation approach is only acceptable when there is suitable habitat to

move the reptile population in to. As all the land within the applicant's ownership is being developed, we advise that clarification is sought on where reptiles, if present, will be pushed to.

- 5.7 Biodiversity Net gain - This application was received in May 2024. Under the Environment Act 2021, all planning applications for development (unless exempt^{1,2}) submitted on or after 2nd April in England, will have to deliver at least a 10% biodiversity net gain. A BNG report and a PDF version of the metric has been submitted and a plan of the habitats within the site has been included within the Preliminary Ecological Appraisal. We advise that the submitted information is not sufficient to enable TMBC to consider mandatory BNG. We advise that a copy of the metric in excel format must be provided.
- 5.8 Revised Comments (05 August 2024) - We have reviewed the ecological information submitted in support of this application and advise that sufficient information has been provided to determine the planning application.
- 5.9 Protected Species - When we previously commented we required further clarification on the likelihood of reptiles being present within the site and the stability of the proposed precautionary mitigation approach. The applicant provided some additional information. We recommend that a precautionary mitigation strategy for reptiles and breeding birds is submitted as a condition of planning permission. We recommend the following wording:

Prior to any vegetation clearance a precautionary mitigation approach must be submitted to the LPA for written approval. It must include the following:

- *Ecological survey of the site (if existing survey over two years old)*
- *Overview of the mitigation strategy*
- *Detailed methodology*
- *Plans showing where works will be implemented.*
- *Timings of the works*
- *Details of who will carry out the works.*

The plan must be implemented as approved.

- 5.10 Lighting - Lighting can have a negative impact on bats (and other nocturnal species) and therefore, any lighting must be designed to minimise light spill. We recommend that if planning permission is granted the lighting condition has the following requirements:
- Be designed following best practice guidance within Bat Conservation rust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial
 - Lighting at Night'1 Downward facing and on motion sensors
 - Plan showing location and types of lighting.

- 5.11 Biodiversity Net Gain - The submitted metric has detailed that a BNG for habitats of 38% is anticipated. However, to achieve this it is proposed to create moderate condition other neutral grassland and as a habitat plan of the proposed development has not been submitted it is difficult to understand where the habitat will be created.
- 5.12 In July 2024 the statutory metric guidance was updated to address what information should be included within the metric for private gardens. If the other neutral grassland is located within the gardens and not within a communal area with a management plan, we advise that the information within the metric is incorrect. As the updated guidance has detailed that all gardens must be recorded as vegetated or unvegetated gardens.
- 5.13 From reviewing the proposed site plan it's our understanding that all the grassland is within private gardens and therefore it is unlikely that 10% BNG can be achieved within the site. However, when determining the planning application details of the proposed, habitats do not need to be provided and instead can be provided within the Biodiversity Gain Plan. As such we are satisfied that information addressing this error does not need to be submitted prior to determination.
- 5.14 If planning permission is granted, LPA are encouraged to use suggested paragraphs for Biodiversity Gain Information on the written decision notice. The applicant should submit a biodiversity gain plan along with supporting information (e.g., legal agreement and habitat management and monitoring plan) once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.
- 5.15 Ecological Enhancement Features - Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system.
- 5.16 We advise that if planning permission is granted an enhancement plan is submitted as a condition of planning permission. We suggest the following wording:

Prior to completion, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include integrated and/or wall-mounted bird and/or bat boxes. Wall-mounted boxes will be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.

Private Representations

- 5.17 There were five representations in total two were not against the redevelopment of the site per se, but raised observation and concerns, which are incorporated into the summary as follow:

- The existing private road structure is currently shared under a covenant for repair amongst the existing residents. If the developer is now adding parking for additional cars, the developer will need to maintain the private road during construction, and the covenant will need to be expanded to include the 3 new properties.
- The access from Orchard Drive would need to be widened due to the increased level of traffic.
- Existing services to the plots are near or at capacity.
- All services will need to be improved to sustain 3 additional properties, and ensure that they are not linked to any existing property.
- The entry road for plot 3 runs alongside the property line of 4 Orchard Drive, which is elevated from the existing builders yard. This will need to be re-enforced to ensure there is no risk of subsidence to 4 Orchard Drive.
- Plot 3 was originally planned to be a single storey building, and is still described as such, but is clearly not. With its height and the windows to the new upstairs 'mezzanine' it will obstruct light from existing structures and affect people's privacy.
- The height of the roof of the proposed property on Plot 3 would be 6.8m to the ridge. The roof is much too high for where the proposed property is positioned.
- Now that the proposed property has been rotated, it will be too close to my boundary fence and that of my neighbour, the length running parallel to the fences.
- Plot 3 is also wider and longer than the original outline application. The proposed property and my house will be back to back, with a distance of only 8.859m between them, corner to corner. This is far too close.
- Having a building this long, so high, and so very close to my boundary will severely and permanently affect my sunlight and light in habitable rooms.
- There has been a complete disregard to the light of the properties on the boundary of Plot 3, when emphasis has been given to the light and sunlight in the new properties
- The tree fence that provides privacy to our garden should not be cut down.

6. **Determining Issues:**

Policy Guidance

- 6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.

6.2 The Development Plan currently in force for this area comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008 and the Managing Development and the Environment DPD (MDE DPD) adopted April 2010. The National Planning Policy Framework (“NPPF”) and the associated National Planning Practice Guidance (“NPPG”) and National Design Guide are important material considerations

Principle of Development

6.3 As Members are aware, 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 (2023) must be applied. For decision taking this means:

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

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

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

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

6.4 It has been established that, in the absence of a 5-year housing land supply, the Development Plan is out of date when considering housing developments. For the avoidance of doubt, the Council’s latest position statement (December 2023) indicates 4.36-years supply.

6.5 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. In this case the site falls within the urban area of Tonbridge, and there are no restrictive policies within the Framework (under footnote 7) that would provide a clear reason to refuse the development. Therefore, in this case paragraph 11 d (ii) is engaged.

6.6 Policy CP11 of the Tonbridge and Malling Borough Core Strategy (TMBCS) sets out that in accordance with the principles of sustainability, as set out in policies CP1 and CP2, development should be concentrated at the urban areas where there is the

greatest potential for re-use of previously developed land and other land damaged by former uses. Development at the urban areas can also minimise the need to travel, by being located close to existing services, jobs and public transport". The policy is considered up-to-date, and the proposed development accords with these aims and the requirements of this policy. Thus, there is no objection in principle to the development.

Other material considerations in regard to the principle of development

- 6.7 In addition, the principle of residential development on this site has already been established with the grant of TM/21/01938/OA, TM/21/00937/OA, and TM/14/00340/OA (see history section for details). Of these applications, TM/21/01938/OA is an extant permission for which Reserved Matters need to be submitted by 8 December 2024, for the erection of one single storey detached bungalow (Plot 3), as such weight will be afforded to this in the planning balance. This outline permission has been granted subject to the requirement to obtain further approval in respect of the appearance, means of access, landscaping, layout and scale of the approved development.
- 6.8 In regard to TM/21/01938/OA, (Plots 1 and 2) this application expired on 24 May 2024. This permission again was granted with all matters reserved. However, weight will still be afforded to this decision in the planning balance as there has been no change in site circumstances or national and local plan policies since the decision was made.

Provision of Housing

- 6.9 Paragraph 60 of the NPPF sets out that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 6.10 Paragraph 70 of the NPPF acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. It adds that LPAs should support the development of windfall sites through policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes. To make effective use of land, Paragraph 124 of the NPPF requires planning decision to promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively
- 6.11 With regard to the above, it is acknowledged that the provision of three dwellings would be considered a small site which, together with other windfall sites in the Borough, would make an important contribution to housing supply. As already mentioned above, it is a material consideration in this case that two outline

permissions have been granted for two two-storey detached dwellings and one single storey detached bungalow respectively, which are comparable to the current residential scheme in quantum. This in itself is a matter to be attributed significant weight.

- 6.12 The provision of new dwellings given the shortage of house building in the Borough is a matter that attracts significant positive weight in the overall planning balance, but this weight is scaled to the fact that only three dwellings are proposed in the context of the overall housing need in the Borough.
- 6.13 Concluding on the principle of development, the site is in a sustainable location broadly accords with the spatial strategy set out in the TMBCS, which seeks to encourage development to concentrate within the confines of the urban area of Tonbridge amongst other large settlements. The principle of developing the site for three houses has been established by virtue of the grant of two outline planning permissions in 2021. Further, the proposal, if permitted, would contribute positively towards the supply of homes while making effective use of land in accordance with Chapter 11 of the NPPF. As such, there is no objection to the principle of development.

Assessment on Character and Appearance

- 6.14 Paragraph 135 of the NPPF sets out that planning policies and decisions should ensure that developments:
- 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;
 - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - 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;
 - 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
 - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.15 Development of poor design that fails to reflect local design policies and government guidance on design should be refused as set out in paragraph 139 of the NPPF.

6.16 Policy CP1 of the TMBCS states that all proposals for new development must result in a high-quality sustainable environment. This is expanded upon in sub-paragraph 6.1.5 and includes matters such as making efficient use of land and making a positive contribution to local distinctiveness, character, townscape and the setting of settlements.

6.17 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. In addition, policy SQ1 of the MDE DPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas. These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments.

6.18 Whilst the principle of development has already been established on this site, (TM/21/01938/OA & TM/21/00937/OA) both previous applications were in outline form with all matters Reserved. Indicative layout plans together with Design and Access Statements were submitted with both applications in order to demonstrate what was envisaged for the site. These documents are listed as approved documents in the decision notices.

6.19 In regard to plots 1 and 2, the general layout, size, design, and scale of these two dwellings are considered to be similar to that which was approved at outline stage as demonstrated by figures 1 & 2 below:



Figure 1: Approved scheme plots 1 and 2.



Figure 2: Proposed scheme plots 1 and 2.

6.20 The scale envisaged for plots 1 and 2 at the outline stage comprised 2 storey with a pitched roof over, with an overall height of 7m above the external ground level plateau. The pair of dwellings are located side by side, with a 1.8m approx. gap between, and would sit centrally within the site area. The principal, habitable rooms

proposed to face north / south and would not directly overlook the land to the east and west.

6.21 The proposed scheme would see an increase in overall height to approx. 7.5m above the external ground level plateau and a slight change to the layout of plot 2 which would be set back further within its plot. However, it is not considered that these changes are so significant as to warrant coming to a different conclusion.

6.22 In regard to plot 3, whilst the footprint remains the same as the extant permission, the orientation of plot 3 has changed. The dwelling is now orientated with the longer elevation marking the north-eastern boundary. This results in an increase in built form marking the north-eastern boundary from that which was approved/envisaged. (See figures 3 and 4 below).



Figure 3: Approved scheme Plot 3



Figure 4: Proposed scheme Plot 3

6.23 However, whilst the length of the built form along that boundary has increased, the distance to the north-eastern boundary is identical to that which has been approved and is currently extant, this being 8.8m, from the north east face to 23 Croft Close and 10.8 metres to 21 Croft Close. Moreover, the roof form, being pitched would slope away from the north-eastern boundary, whereas the approved plans for the outline scheme indicated a gable end adjacent to that boundary.

6.24 It is acknowledged that 'Scale' was a Reserved Matter at the time of the grant of the outline scheme and therefore plans submitted with the approved outline scheme were for illustrative purposes only. However, these plans still provided an indicative

scale which was considered as part of the outline application. The delegated report specifically notes:

“The details of building design, scale, siting and materials are noted in the submitted Design and Access Statement. However, these are taken as indicative, given this is an outline only application. In any case, the indicative details show a proposed bungalow (which due to it’s single storey nature) would be unlikely to adversely impact the neighbouring dwellings in terms of privacy, given the existing land levels and location of proposed windows. Whilst the total height of the proposed building is noted, it is considered given the proximity and relationship between the proposal and existing dwellings to the north east (in relation to the direction of where the sun rises and moves throughout the day), there would not be an unacceptable loss of light or be overbearing to such an extent that could justify a refusal in this case

- 6.25 The indicative plans for plot 3 envisaged a single storey detached dwelling with roof height of around 5.2m.
- 6.26 The proposed building for plot 3 would measures around 3.3m to the eaves, and around 6.2 metres to the pitch, which is acknowledged to result in an increase in 1 metre compared with the approved outline scheme (albeit it is acknowledged that scale was reserved).
- 6.27 However, to offset some of the increase the proposed building would be set into the ground by 500mm lower than the approved scheme, taking advantage of the topography of the site, therefore this represents an increase of 0.5m above the indicative height of the approved single storey detached bungalow, the permission of which remains extant.
- 6.28 The proposed layout, whilst different from the indicative layout submitted in 2021, would integrate well with the established urban grain, characterised by houses in a mix of linear, horseshoe, and tandem patterns. Further, there are various house types in this neighbourhood comprising single storey bungalow, chalet style bungalow, two storey detached and semi-detached houses. As such, the proposed house types, building height and quantum of development would all be appropriate from a visual amenity perspective.
- 6.29 Third party representation have commented, that Plot 3 was originally planned to be a single storey building, but this is now not the case with plot 3 now proposing windows at first floor level. It is noted that plot 3 would incorporate a mezzanine level, served by two roof lights to the western elevation and one window in the southern gable end elevation. However, it is not considered that these changes to the overall design of the dwelling are significant or would result in a dwelling that is out of character with the immediate area.
- 6.30 The design and suggested materials again whilst indicative at the outline stage were considered acceptable in principle, subject to conditions for the submission and approval of details and samples of external materials and finished floor levels and

this remains the case. The delegated report for the outline application for plot 3 noted *“The proposed contemporary design and use of materials would be acceptable in context with the wider site and surroundings, with the layout within the plot (and scale of the bungalow) acceptable in context with the adjacent buildings and proposal at the adjacent development site (ref: 21/00937/OA)”*

6.31 Whilst the threshold for high-quality design has increased in recent years, the proposal would still comply with the intentions of the NPPF and good design generally and would be acceptable in context with the wider site and surroundings.

6.32 It is not considered that the proposal would be harmful in design terms, nor would it harm the character and appearance of the site, street scene or local area. As such, the application accords with Policies CP1 and CP24 of the TMBCS, Policy SQ1 of the MDE DPD and complies with the NPPF in this regard. This absence of harm attracts neutral weight in the overall planning balance.

Assessment on Neighbour Amenity

6.33 Paragraph 135 (f) of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Policy CP1 of the Core Strategy also requires proposals to have regard to impacts on residential amenity.

6.34 As set out above, some concerns have been raised with regard to the change to the orientation of Plot 3, due to its proximity to the boundary coupled with its increase in height and the subsequent impact that this would have on the neighbouring properties with regard to loss of light and overbearing.

6.35 It has already been acknowledged that that due to the change in orientation, the built form along the north-eastern boundary would increase. However, in relation to those properties within Croft Close, specifically 21 and 23 Croft Close, Plot 3 would be no closer to the north-eastern boundary than that previously approved but would simply be positioned in a different way. The distances between the dwelling in Plot 3 and those at nos. 21 and 22 Croft Close remain identical to the approved scheme.

6.36 In regard to height, all proposed dwellings would see an increase in height from that which was envisaged on the outline applications. In regard to plot 3, the dwelling would be 3.3 metres to the eaves, which as noted above sees an increase in 1 metre from the approved extant scheme (previously 2.3 to eaves). However, it is proposed to offset some of the increase in eaves height by utilising the topography of the land as such the eaves will be 2.8 metres from ground level, resulting in an overall increase in height of 0.5 metres.

6.37 This modest increase coupled with the orientation of the roof pitch, which would now slope away from those properties within Croft Close as opposed to being envisaged as a gable end, would on balance not result in any significant harm to the

neighbouring properties in respect of overshadowing when compared to the extant permission. To ensure the mitigating effect associated with the site topography is achieved, if planning permission is forthcoming, a condition could be imposed to require the submission of levelling details (in AOD) of all new dwellings relative to the existing ones on Croft Close before any above ground works commence.

6.38 The application site is in an urban setting, where existing houses cluster closely together with one another. The site layout is also to a degree dictated by the size and shape of the plot as well as the siting of dwellings adjacent. Being an infill development surrounded by existing houses means there is likely to be an impact on outlook by reason of the presence of new buildings. The houses on both sides of Croft Close all appear to have a notably shallower rear garden than those immediately adjacent. This result in a rather close spatial relationship between these houses and those nearby such as that between nos.2 and 2A Croft Close, being roughly 6.6m apart from each other. Considering the proposal in this local context, officers are satisfied whilst noting the close relationship between plot 3 and nos.21 and 23 Croft Close that it could be on balance acceptable in terms of its impact on outlook of the neighbours concerned.

6.39 There are two windows proposed at ground floor level in the north-eastern flank elevation of plot 3, which will serve a bedroom and hallway. This relationship is no different from that which was envisaged for the outline scheme which proposed patio doors and two further windows in the same elevation at ground floor level, as such it would be unreasonable to raise any objection to this element. A condition would be imposed however, for no further windows to be installed within the roof slopes.

6.40 There are no windows proposed in the north-western elevation of plot 1 and a condition would be imposed to restrict any further windows in this elevation. There is approx. 22 and 24 metres between Plots 1 and 2 from the rear elevation of the nearest residential dwellings. As such, it is not considered that the proposal would result in any such significant harm to the neighbouring properties or that the application could reasonably be refused in relation to neighbour impacts. This absence of harm attracts neutral weight in the overall planning balance.

6.41 No details have been provided in relation to boundary treatments, therefore a condition would be imposed for these to be submitted to and approved by the LPA, this will ensure that the amenities of the neighbouring properties are considered.

Living conditions

6.42 The National Design Guide (2021) sets out that high quality design includes the provision of satisfactory living conditions for future occupiers. The proposed internal habitable accommodation would be suitable for family sized dwellings, and the external amenity space would be suitable.

6.43 The application indicates two x four bed (eight person) dwellings and one x three bed (six person) dwelling.

- 6.44 The two four bed dwellings would measure 159.3 m² GIA which is considerable larger than the 124 m² recommended in the Technical guide – Nationally described space standards (NDSS). The three-bed dwelling would comprise a GIA of 125 m² which again is greater than the 102 m² recommended under the NDDS. All habitable rooms would be served with adequate natural light.
- 6.45 With respect to outdoor amenity space, the dwellings would include reasonable sized gardens which would be acceptable for family sized accommodation. The orientation of plot 3 allows for the reconfiguration of the parking area which improves the accessibility of the outdoor amenity space for plot 3.

Highways and Parking

- 6.46 Paragraph 114 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 115 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- 6.47 Policy SQ8 of the Managing Development and the Environment DPD states that development proposals should comply with the adopted parking standards and development proposals will only be permitted where they would not significantly harm highway safety.
- 6.48 Third party representations have raised comments on the requirement for the access from Orchard Drive to be widened due to the increase in traffic. Comments have also been raised in regard to a covenant on the access. In relation to the covenant this would be private matter.
- 6.49 Turing back to the access itself, no objection was raised on either of the 2021 schemes in terms of the access. Whilst not for consideration and Reserved, it was noted “*The proposed dwelling would share an access road from the adjacent site referred to in application (ref: 21/00937/OA). This is considered acceptable, and the addition of one dwelling is not considered to result in an unacceptable or severe adverse impact on highway safety that would be enough to justify a refusal simply on these grounds*”. Therefore, it is considered that a reason for refusal on this element could not be substantiated. The increase in traffic created by the three dwellings, compared with the vehicular movements associated with the builders yard, would not give rise to greater impact upon neighbouring amenity or prejudice highway safety.
- 6.50 In terms of parking, the proposal would provide a total of 6 space, 2 for each dwelling. Kent Design Guide Review: Interim Guidance Note 3 Residential Parking states that for suburban areas, 3 bed dwellings require 1.5 spaces and 4 bed dwellings, required 2 spaces (excluding visitor parking). Therefore, the parking provision would be in line with the interim guidance.

6.51 The proposal would not pose an unacceptable risk to highway safety and would not meet the high threshold set out in the NPPF for refusing an application on highway grounds.

Ecology and Biodiversity

6.52 Policy NE2 of the MDE DPD outlines that the biodiversity of the Borough and in particular priority habitats, species and features, will be protected, conserved and enhanced. Policy NE3 of the MDE DPD also states development that would adversely affect biodiversity or the value of wildlife habitats across the Borough will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in an overall enhancement. Proposals for development must make provision for the retention of the habitat and protection of its wildlife links. The Council will impose conditions, where necessary and appropriate, to minimise disturbance, protect and enhance a site's ecological conservation value, to ensure appropriate management and monitoring and creating new or replacement habitats of enhanced ecological value.

6.53 Paragraph 180 of the NPPF advises planning decisions should contribute to and enhance the natural environment, including protecting and enhancing sites of biodiversity and minimising impacts on and providing net gains for biodiversity. Paragraph 186 of the NPPF states if significant harm to biodiversity resulting from a development cannot be avoided through relocation, mitigation or compensated for, then planning permission should be refused, whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design.

6.54 In regard to ecology, the application is accompanied by a Preliminary Ecological Appraisal (PEA) (dated April 2024). The report confirms that no further surveys are required. A full suite of mitigation measures and enhancements are recommended as part of the PEA which would be secured via a condition.

6.55 In regard to biodiversity, as Members are aware, it is now a national requirement for small scale developments to provide at least a 10% biodiversity net gain. This needs to be demonstrated via a biodiversity matrix confirming the existing condition of the land and what enhancements are intended to ensure there is an overall improvement of at least 10% across the site.

6.56 The application is accompanied by a Biodiversity Survey and Report, Biodiversity Statement and the required Biodiversity Net Gain (small sites Metric) calculation tool, which assesses the area's baseline value to biodiversity and compares this then to the post-development value of the same site.

6.57 The existing site's calculation results show that the habitat units on site have a BNG value of 0.25 and a total linear based habitats unit of 0.52. Wherein post-development the site is anticipated to generate approximately 0.3709 area-based habitat units and approximately 0.7208 linear-based habitat units through habitat retention (with respect to the treeline) and creation measures.

- 6.58 This represents a total net-gain of 0.1209 area-based habitat units and 0.2008 linear-based habitat units which equate to a net % change of +48.37% in area-based habitat units and +38.62% in linear based habitat units respectively.
- 6.59 In July 2024 the statutory metric guidance was updated to address what information should be included within the metric for private gardens. If the 'other neutral grassland' is located within the gardens and not within a communal area with a management plan, KCC ecology advise that the information within the metric is incorrect, as the updated guidance has detailed that all gardens must be recorded as vegetated or unvegetated gardens.
- 6.60 Kent County Council Ecology consultant notes that to achieve the 10%, it is proposed to create neutral grassland, however as a habitat plan of the proposed development has not been submitted at this stage it is difficult to understand where the habitat will be created.
- 6.61 From reviewing the proposed site plan, it is understood that all the grassland is within private gardens and therefore if this will be the case then it is unlikely that 10% BNG can be achieved within the site. However, for the purposes of determining the planning application, details of the proposed habitats do not need to be provided up front and are required to be provided within the Biodiversity Gain Plan (this is a legal requirement if the LPA grants planning permission where BNG is applicable on a site) as such KCC Ecology are satisfied that information addressing this does not need to be submitted prior to determination.
- 6.62 Biodiversity Gain Plans are not required to be submitted with the application and are required to be produced under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) therefore an informative will be imposed to bring to the attention of the applicant that a biodiversity gain plan along with supporting information (e.g., legal agreement and habitat management and monitoring plan) is required to be submitted once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.
- 6.63 Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) 2023, biodiversity should be maintained and enhanced through the planning system. KCC Ecology advise that if planning permission is granted an enhancement plan is submitted as a condition of planning permission is required.
- 6.64 As such, it is considered that the development proposal subject to conditions accords with Local Policies, NE2, NE3 and the NPPF.

Trees

- 6.65 Policy NE4 of the Managing Development and the Environment DPD states, amongst other things, that the extent of tree cover and the hedgerow network should be

maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations to support and enhance the Green Infrastructure Network as illustrated on the Diagram. This includes provision of new habitats as part of development proposals.

6.66 Paragraph 136 of the NPPF (2023) recognises the importance of trees and states:

“Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.”

6.67 The layout changes to Plot 2 and Plot 3 would not result in the built development being any closer to the trees/root protection areas within the site or location to the sites boundaries, when compared to the previous application and the extant permission. Therefore, it is not considered that these changes are so significant as to warrant coming to a different conclusion. No objection is raised in relation to trees subject to conditions.

Climate Change

6.68 Paragraph 158 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.

6.69 The Government has adopted the Future Homes and Building Standards in line with its commitment to achieve net zero emissions by 2050. This seeks to reduce CO2 emissions from new homes by 75-80% from 2021 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, which require that CO2 emissions from new build homes must be 30% lower than under previous standards. The Building Regulations relevant sections are:

Part L (Conservation of Fuel and Power) Volume 1 Dwellings;

Part F Ventilation;

Part O Overheating;

Part S Electric Charging points.

- 6.70 The efficiency levels now required encourage the installation of zero-carbon technology through Building Regulations. Thus, no conditions or informatives are recommended in relation to the incorporation of zero carbon technologies.
- 6.71 The amended Building Regulations under Approved Document S also require that new developments must include spaces with access to electric vehicle charging points equal to the number of new dwellings and that cable routes/infrastructure should be provided to other parking spaces. Where charging points would have previously been secured by condition, this is no longer reasonably required.

Land Contamination

- 6.72 The Council's Environmental Health Protection Officer notes that the site has a long history of use as a builder's yard, which may have led to contamination of the underlying soils. It is therefore recommended that three conditions are imposed to ensure the site does not pose a risk to future residential.
- 6.73 Subject to conditions the proposal is therefore in accordance with Core Strategy Policy CP1 and the NPPF.

Archaeology

- 6.74 The site lies within an area of potential associated with activity from the prehistoric period onwards. No site investigate has been submitted as such the proposal would be subject to a watching brief condition.

Flood Risk and Drainage

- 6.75 Development can result in increased surface water run-off and reduced infiltration of water into the ground. At the strategic level, Core Policy CP10 provides the framework for guiding development away from areas at high risk from flooding. Policy CC3 of MDE DPD relates sustainable drainage. This notes, "Development proposals will not be permitted unless they incorporate sustainable drainage systems (SUDS) appropriate to the local ground water and soil conditions, local drainage regimes and in accordance with the Groundwater Regulations. Where soil permeability is low, rainwater harvesting and/or green roofs should, where practicable, be integrated into the design of the development".
- 6.76 The application forms indicate the provision of a soakaway which is potentially an acceptable drainage option. No information has been provided regarding foul sewage management. A drainage strategy covering both surface water and foul sewage therefor will be required and can be secured by way of a planning condition.

Other Matters

6.77 As previously noted, the development seeks the redevelopment of a builders yard, which would be lost as part of the proposed redevelopment, which would ordinarily be subject to assessment under Policy CP21. However, as noted above the principle for the redevelopment of this site has already been established. Moreover, no objection was raised to the loss of the builders yard as such it would be unreasonable to come to a difference conclusion.

6.78 Planning Balance

6.79 The LPA acknowledges that it cannot currently demonstrate a 5-year housing land supply. Furthermore, the policies in the emerging Local Plan cannot currently be attributed weight, given the early stage of the Plan. Paragraph 11 of the NPPF states that, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

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

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

6.80 As set out above in this report, the proposal would not result in harm to any protected areas or assets and there is no clear reason to refuse the application in accordance with Paragraph 11 (d) (i) above.

6.81 In weighing the proposal in the overall planning balance, required by Paragraph 11 (d) (ii), the LPA recognises that there is a housing need and as such significant positive weight should be attributed to housing schemes. This weight is scaled to the fact that only three dwellings are proposed in the context of the Borough's overall housing need.

6.82 It is acknowledged that there would be some modest additional benefits to the economy through the construction of the development itself and the subsequent occupation of the dwelling, whose occupants would contribute to the local economy through using local services and facilities. Some of these benefits are temporary and only during the construction works themselves.

6.83 Officers consider it appropriate to attribute significant weight to the fact that planning permission has been granted at the site for a similar scheme previously. This must be considered in reaching a decision on this application otherwise the LPA would be at risk of challenge for unreasonable behaviour.

6.84 It is recognised that there would be no unacceptable impact on character and appearance, neighbouring properties, ecology, highway safety or parking provision

and the proposal would be acceptable in terms of design and living conditions. However, absence of harm in relation to these matters is not a benefit of the scheme, but rather, weighs neutrally in the planning balance.

6.85 Therefore, having regard to the above, in applying paragraph 11 of the NPPF, it is considered that the impact arising from the proposals would not significantly and demonstrably outweigh the potential benefits of the scheme and any adverse impact could be satisfactorily mitigated with appropriately worded planning conditions. Consequently, the application is recommended for approval.

7. **Recommendation:**

7.1 APPROVE subject to the following:

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 91a f of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Design and Access Statement by Paper Architecture V1 received 21 May 2024
- Planning Statement by DHA - Ref: DHA/32925 Dated May 2024
- Approved site layout - Drawing No E100 - 00
- Site Location Plan – Drawing No E001 - 00
- Proposed Site Layout – Drawing No. P100 – 01
- Proposed GA Plans – Drawing No P100-01
- Proposed Elevations Plot 1 and 2 – Drawing No. P450 – 01
- Proposed Elevations Plot 3 – Drawing No. P451 – 00
- Preliminary Ecological Appraisal by PJC – Doc Ref: 5721E/24/01 Dated 17 April 2024.
- Biodiversity Net Gain Feasibility Assessment by PJC – Doc Ref 5722E/24/01 Dated 17 March 2024.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

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

4. Prior to commencement of development, arrangements for the environmental management control of all demolition and construction works shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of general amenity and highway safety.

5. No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:
 - (a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;
 - (b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2023 (paragraphs 189-191).

6. 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 2023 (paragraphs 189 - 191).

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

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

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2023 (paragraphs 189 - 191).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no development falling within Class(es) A, B, D and E of Part 1 of Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over future development on the site and to avoid harm to visual and residential amenity that could otherwise occur without such restrictions.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting that Order), no further windows or similar openings shall be constructed within the roof slope of plot 3 or within the north eastern flank elevation of plot 1 other than as hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy

10. No external lighting shall be installed in connection with the development hereby approved until an external lighting scheme informed by or containing the details identified below have been submitted to and approved by the Local Planning Authority.

- Be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'
- Downward facing and on motion sensors
- Plan showing location and types of lighting.

The external lighting scheme shall be implemented in strict accordance with those details and maintained and retained at all times thereafter.

Reason: In the interests of visual amenity and to ensure the protection of wildlife species.

11. Prior to the occupation of the dwellings hereby approved a scheme of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority and thereafter maintained in accordance with the approved details.

Reason: In the interests of protecting and enhancing the visual amenity of the area.

12. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a drainage strategy setting out the method in which foul and surface water runoff resulting from this development proposal are to be managed in accordance with the hierarchy of drainage options as set out in the National Planning Practice Guidance: Flood risk and coastal change has been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied unless and until the drainage method detailed in the drainage strategy has been implemented in accordance with the approved details and thereafter be retained and maintained.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions

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

Reason: In the interests of visual amenity

14. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority. The works undertaken thereafter shall be in strict accordance with the details approved.

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

15. Prior to any vegetation clearance a precautionary mitigation approach must be submitted to the LPA for written approval. It must include the following:

- Ecological survey of the site (if existing survey over two years old)
- Overview of the mitigation strategy
- Detailed methodology
- Plans showing where works will be implemented.
- Timings of the works
- Details of who will carry out the works.

The plan must be implemented as approved.

Reason: To ensure the protection of wildlife species

16. Prior to completion, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include integrated and/or wall-mounted bird and/or bat boxes. Wall-mounted

boxes will be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.

Reason To ensure the protection of wildlife species

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

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

Informatives.

1. Under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) every planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:
 - (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - (b) the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

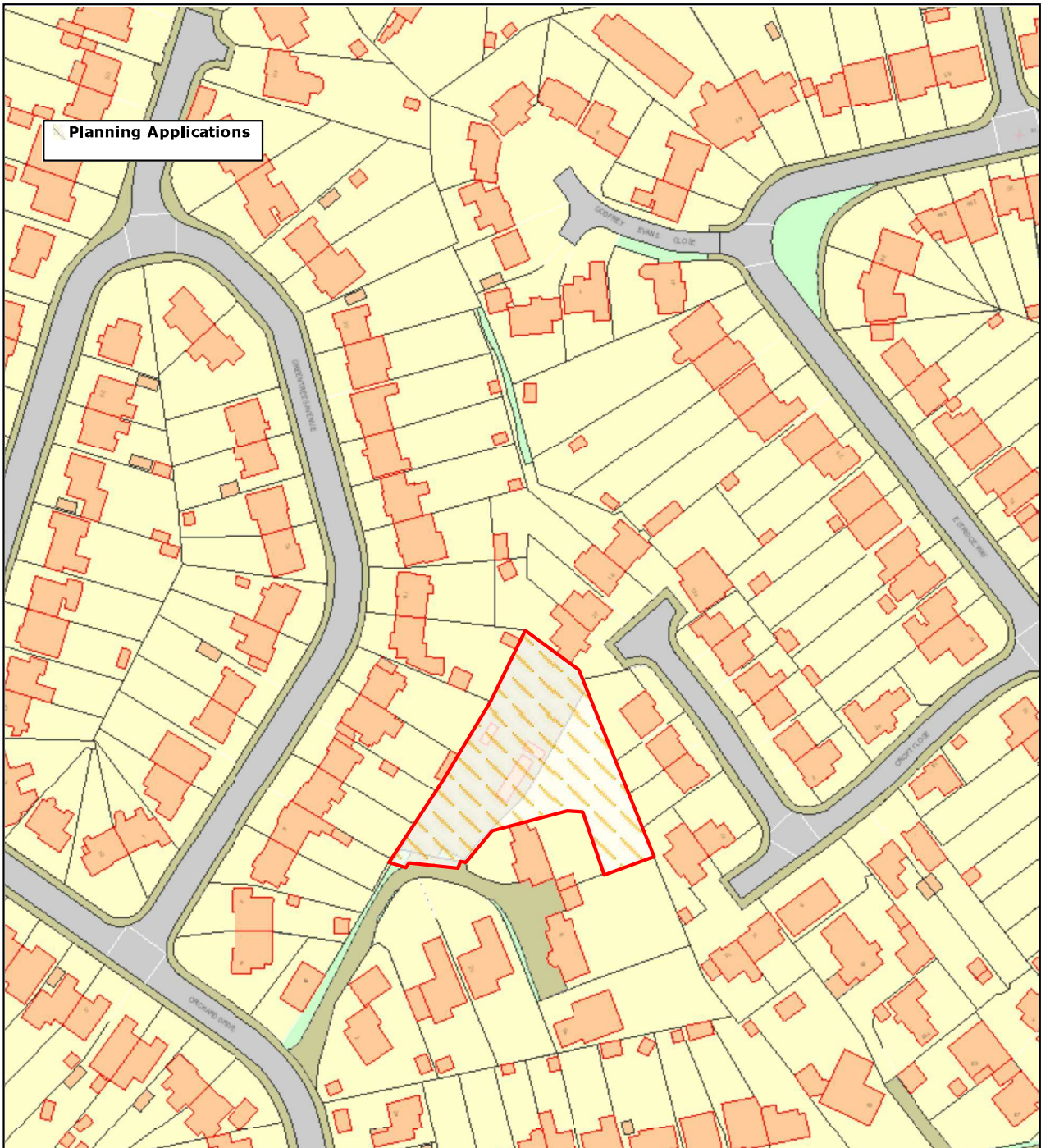
For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the Government Website: Submit a biodiversity gain plan (www.gov.uk)

- 2 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 3 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building,

Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to email 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.

- 4 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
5. During the demolition and construction phases, the hours of noisy working (including deliveries) likely to affect nearby properties should be restricted to Monday to Friday 07:30 hours - 18:30 hours; Saturday 08:00 to 13:00 hours; with no such work on Sundays or Public Holidays.
6. Although it would not be possible at this stage under Environmental Health legislation to prohibit the disposal of waste by incineration, the use of bonfires could lead to justified complaints from local residents. The disposal of demolition waste by incineration is also contrary to Waste Management Legislation. I would thus recommend that bonfires not be had at the site

Contact: Susan Field



Planning Applications 24/00806/PA

Scale: 1:1250



Tonbridge & Malling Borough Council
Gibson Building, Gibson Dr
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Date: 23/8/2024 10:49

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Tonbridge
Judd

TM/24/00142/PA

Location: 7 Castle Street Tonbridge TN9 1BH

Proposal: Conversion of ground floor commercial (Class E) to residential (Class C3) to form 3 residential units with additional windows (8-10 Bank Street and 7 Castle Street)

Go to: [Recommendation](#)

1. Description of Proposal:

- 1.1 The proposal seeks planning permission for the conversion of ground floor commercial (Class E) to form 3 residential units comprising of additional windows and doors, internal reconfigurations, the removal of and erection of new external walls, creation of courtyard amenity spaces for Units 01 and 02 and the provision of a bin and cycle store.
- 1.2 The proposed gross internal area (GIA) for unit 01 would be 64.6sqm.
- 1.3 The proposed GIA for unit 02 would be 86.1sqm.
- 1.4 The proposed GIA for unit 03 would be 61.1sqm.
- 1.5 There are no changes proposed to the materials used externally.

2. Reason for reporting to Committee:

- 2.1 The application was called in by a Councillor for the following reasons:
 - There is significant interest in the application particularly with regard to the impact on the existing business.
 - Clarification required with regard to the impact on the Conservation Area
 - Impact on local parking scheme

3. The Site:

- 3.1 The application site is bounded to the southern and western aspects by Castle Street and Bank Street respectively. It comprises a two storey building, currently occupied by a commercial unit, Cycle-Ops, on ground floor and an office, Canticum Accountants on the first floor (Class E).

3.2 The building is a brick-built building with a tiled roof and a mix of casement and sash windows. The site is located within the Tonbridge Town Centre and is located within the Tonbridge Conservation Area. It also adjoins a listed building to the west.

3.3 The listed building adjoining the subject site, 146, 146A AND 148, HIGH STREET, is a Grade II listed building and the details of the listing are set out below:

1 building, now 2 shops with the premises over. C18. 2 storeys and attic. 3 windows and 1 blocked window space. 3 gabled dormers. Painted brick. Wooden eaves cornice. Tiled roof. Glazing bars intact above ground floor. Modern shop fronts. No 148 runs back into a small warehouse behind which faces Castle Street.

3.4 The site falls within the Upper High Street area; one of the three secondary shopping areas identified in the Tonbridge Central Area Action Plan. The wider surrounding area is characterised as mixed-use combining both retail, commercial and residential uses.

3.5 The subject site is located c. 0.5miles from Tonbridge Station and is within a reasonable walking distance from several bust stops.

4. Planning History (relevant):

22/01146/PDVGR

Prior Approval Approved - 16 August 2022

Prior Notification: Change of use from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and the conversion of the first floor to create to 2no. self contained residential units

22/00847/LB

Approved - 15 June 2022

Listed Building Application: Change of use of ground and first floor space from Ancillary Commercial (Use Class E) to Residential (Use Class C3) to form one self-contained residential unit

22/00741/FL

Approved - 15 June 2022

Change of use of ground and first floor space from Ancillary Commercial (Use Class E) to Residential (Use Class C3) to form one self-contained residential unit

13/02932/FL

Approved - 19 November 2013

Change of use from drug advice centre (D1) to offices (B1)

5. Consultees:

5.1 TMBC Environmental Health Protection:

5.2 GeoConservation Kent Group: None received

5.3 Waste Management: Standing advice provided.

5.4 Neighbours: None received

5.5 Members of the public/Site notice: 11 objections summarised as follows:

- Concerns regarding parking where no parking provision has been provided and the impact this will have on traffic management in an area with extremely narrow streets
- Impact of the loss of the cycle shop on the vitality of the shopping area
- Inappropriate location for a dwelling
- Impact of the loss of this particular business on the local community
- The area does not have the infrastructure to support more residential development
- Loss of this business would affect the diversity and appeal of the local shopping parade

6. Determining Issues:

Principle of Development

6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.

6.2 The Development Plan currently in force for this area comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008, the Managing Development and the Environment DPD (MDE DPD) adopted

April 2010 and Tonbridge Central Area Action Plan 2008. These policies must be viewed in the context of the National Planning Policy Framework (“NPPF”) revised in December 2023 and the associated National Planning Practice Guidance (“NPPG”) and are important material considerations.

6.3 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 in paragraph 11 of the NPPF (2023) must be applied. For decision making this means:

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

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

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

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

6.4 It has been established that, in the absence of a 5-year housing land supply, the Development Plan is out of date when considering housing developments and policies therein, will be given no or less weight where they are not consistent with current NPPF policy.

6.5 With regard to the application of the presumption in favour of sustainable development, regard must be first had as to whether any restrictive policies within the Framework as stated under paragraph 11d(i), footnote 7, provide a clear reason to refuse the proposed development.

6.6 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.
- 6.7 In this case, the site does fall within a Conservation Area. Tonbridge Conservation Area is a designated heritage asset that is subject to the policy protection offered by the National Planning Policy Framework. As such, one of the key considerations in assessing the proposal is the impact on designated heritage assets, which include both the Conservation Area and the listed buildings adjacent. The tilted balance as set out in paragraph 11 (d) could only be disengaged where the application of heritage policies in the Framework provide a clear reason for refusing permission.
- 6.8 The application site is located within the built confines of Tonbridge. Policy CP11 outlines that development will be concentrated within the confines of such urban areas. As the proposed is to convert part of an existing commercial unit to three new residential flats, it is considered broadly acceptable in terms of its location with regard to Policy CP11, which encourage new developments to take place in the confines of urban areas, including Tonbridge.
- 6.9 Part 2 of Policy CP22 sets out that proposals which may harm the vitality or viability of an existing centre either in terms of retail impact or, in the case of smaller centres, undermining the balance of uses or harming their amenity, will not be permitted. Policy CP23 seeks to encourage a sustainable development pattern of retail, employment, housing and leisure uses and a range of other services to regenerate and enhance the vitality and viability of the town centre by, for example, enhancing the public realm, reducing the potential for anti-social behaviour.
- 6.10 The Local Planning Authority (LPA) recognises that to promote a vibrant, active and safe town centre, an appropriate mix of uses is required. Part 2 of Policy TCA2 of the TCAAP states that planning permission will be refused where the individual or cumulative effect of changes of use would detract from the vitality of shopping streets or have an unacceptable impact on the amenity of Town Centre residents.
- 6.11 The site is within the Upper High Street area, a secondary shopping area identified in the TCAAP. Policy TCA5 of the TCAAP set out the criteria against which all proposals within the Upper High Street area should be assessed. Part 2 of this Policy states that proposals for non-retail uses at street level will be considered favourably if they satisfy a specific set of criteria, which include amongst other things, maintain the vitality and viability of the area as a shopping destination by avoiding overconcentration of non-retail uses within a continuous block.
- 6.12 The proposal seeks to convert part of an existing commercial unit within a secondary shopping area to provide three ground floor self-contained residential flats. As such, careful consideration must be given to the impact this development proposal might have on the retail function of the secondary shopping area and consequently on the vitality and viability of Tonbridge Town Centre in accordance with Policies CP22 and CP23 of the TMBCS and Policies TCA2 and TCA5 of the TCAAP.
- 6.13 The application site is in a town centre location, where proposals for residential development could be suitable. It is highly sustainable in terms of its location being in

close proximity to local shops and services with easy access to public transport both rail and bus. As such, the proposal is considered to be in general conformity with the aims of Policies CP11 and CP23, which seeks to promote and reinforce Tonbridge as the key destination for growth.

- 6.14 For this proposal to be acceptable in principle, it must also not undermine the retail function of the shopping areas identified in the TCAAP and thus the vitality and viability of the town centre. The site is in a secondary shopping area, where proposals for non-retail uses at street level could be considered favourably provided a specific set of criteria set out in Policy TCA5 are fulfilled.
- 6.15 Amongst these criteria is the requirement to maintain the vitality and viability of the area as a shopping destination and avoid creating an overconcentration of non-retail uses within a continuous block. In this case, whilst the site is within the secondary shopping area, it sits on Castle Street, which does not have a continuous retail frontage. In fact, the existing commercial unit does not have a shopfront facing Castle Street or Bank Street, other than a door with a small sign above. The shopfront serving this unit (Cycle-Ops) is presented on High Street, which is to be retained.
- 6.16 The proposal, if permitted, would create a residential frontage on ground floor fronting both Castle Street and Bank Street. However, it would only account for a modest section of the street frontage. Furthermore, given the existing units on both streets are predominately non-retail and the area does not currently serve as a shopping destination, which is on High Street east of the site, the proposed change of use of a commercial unit on a non-shopping street is not considered to prejudice the retail function of the Upper High Street area as a secondary shopping area. The established commercial unit (cycle shop) would retain its shopfront on High Street and therefore would remain available to shoppers. The continuous retail frontage on High Street would not in any way be disrupted by the proposed conversion.
- 6.17 When assessing the impact resulting from the loss of retail floorspace, it is important to recognise that the change of use from a shop to a dwellinghouse could now be carried out in a Conservation Area pursuant to Class MA of Part 3 of Schedule 2 of the GPDO 2015 (as amended), subject to prior approval of the Local Planning Authority. In absence of an Article 4 Direction, there is a reasonable prospect for a similar change of use proposal to be considered permitted development, which constitutes a realistic fall-back position for the current proposal. This material consideration weighs in favour of the current proposal, although could only be afforded limited weight on the overall planning balance at this stage because no prior approval application in connection with this premises has been received to date.
- 6.18 The presence of three new residential flats would have the potential of modestly increasing the footfall within Tonbridge Town Centre and would thereby contribute positively towards sustaining local shops and services within the town centre. In doing so, the proposal would preserve and enhance the vitality and viability in accordance with Policies TCA2 and TCA5 of the TCAAP, Policy CP22 of the TMBCS and Chapter 7 of the NPPF.
- 6.19 For the reasons set out earlier, officers are content that the application site is in a suitable location for housing and the partial change of use from a commercial unit to

three new ground floor, self-contained residential flats is unlikely to harm the vitality and viability of Tonbridge Town Centre. The proposal, if permitted, could also make a positive contribution towards the supply of new homes in an area where there is evidently a shortfall in housing supply and hence a need for more homes. It would make effective use of land by allowing new residential flats in a highly accessible location, while retaining part of the established commercial use presented on site. The principle of development is thus acceptable in respect of the relevant policies contained in the Development Plan and the National Planning Policy Framework.

Provision of housing

- 6.20 Paragraph 60 of the NPPF sets out that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 6.21 Paragraph 123 of the NPPF seeks to ensure that decisions promote effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.22 The proposal would see the addition of 3 residential dwellings to the housing supply of the borough. Officers recognise that in the context of the housing need of the borough, the addition of 3 dwellings is limited in its contribution. It would nevertheless provide an additional supply of dwellings within an urban and sustainable location whilst also according with the national policies set out above. The proposed conversion and its provision of 3 additional dwellings is therefore afforded moderate weight in the planning balance.

Impact on character and appearance

- 6.23 Paragraph 131 of the NPPF sets out that high-quality, beautiful and sustainable buildings as well as good design are key aspects to achieving sustainable development. Paragraph 139 goes on to state that: development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 6.24 Policy CP24 of the Core Strategy is also applicable and states, inter alia –
1. All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
 2. All development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and other Supplementary Planning Documents such as Village Design and Planning Briefs and, wherever possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.

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

6.25 Policy SQ1 of the Managing Development and the Environment DPD (2010) is concerned with the Borough's landscape and Townscape Protection and Enhancement. It has the following to say of relevance with respect to new development –

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

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

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

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

6.26 The site is located within a Conservation Area and adjoins a listed building. Therefore, the proposal must be considered with regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires decision-makers to have special regard to the character of the area and the desirability of preserving listed buildings and their settings. In addition, Chapter 16 of the NPPF relates to the conservation and enhancement of the historic environment and sets what LPAS should take account of in decision making and that any potential impact is considered in relation to the significance of the heritage asset potentially affected.

6.27 The character appraisal for Tonbridge Conservation Area (TCACA) identifies the defining features that contribute toward the character and local distinctiveness of the Conservation Area. The subject site is located within Sub-area A3, The market Quarter. The key features of this area are according to TCACA as follows:

- Transitional area with mixed density, character and uses
- Retained medieval street pattern and historic buildings in the old market area
- Creation of a new residential area with tight grain and intimate character
- Creation of a new residential area with tight grain and intimate character
- Important visual open space with views of landmark buildings and open countryside
- Important visual open space with views of landmark buildings and open countryside

6.28 In particular, one of the key elements of the sub area in relation to Castle Street and Bank Street is the well-preserved medieval street pattern, which TCACA describes

as contributing to the small scale, intimate character which provides a pleasing contrast with the imposing castle and open landscapes grounds to the west.

- 6.29 The majority of the alterations proposed to the existing building would either be internal or not visible from the street scene. The external alterations proposed would see the addition of external doors and windows, which would match the existing building in terms of proportion, style and detailing. The presence of new windows and doors at street level would help create a more active street frontage and vibrant street scene than existing and would ensure a degree of natural surveillance, a key deterrent for anti-social behaviour. The original building does appear to have several windows and doors at street level, but these are subsequently blocked up, presumably for operational or security reasons. Unlocking these windows could recreate a building frontage that is more keeping with the intimate character of the well-preserved medieval street pattern and thereby sustain the significance of the Conservation Area.
- 6.30 The new street facing windows and doors are shown to be fitted in areas where openings already exist, so they are unlikely to involve significant alterations to the façade of the host building. The proposed works would result in a marked improvement in the appearance of the existing building and would in some ways enliven this part of the road by introducing more articulation to the façade and a wider active street facing frontage than existing.
- 6.31 To ensure a satisfactory appearance is achieved upon completion of this development, a condition could be imposed to require full details of all new windows and doors including colour, material, glazing profile, design and cross section be submitted to and approved in writing by the Local Planning Authority prior to their installation.
- 6.32 The proposed works would not result in features or works that would result in a prominent addition to the existing building, detracting from the character and appearance of the building and the Conservation Area. Given the scale and nature of works proposed, there would be no harm to the heritage significance of the adjoining listed buildings at nos.144, 146 -148 High Street.
- 6.33 To provide Unit 1 and Unit 2 each with a private amenity space, the existing courtyard is to be subdivided using close board fencing. Referring to drawing 146-148HI-A-02-102, the fencing would be made of timber boarding, 2m in height. Although the fencing would not be visible from the public realm, it would not necessarily represent the most appropriate choice of boundary treatments within a Conservation Area, nor would it provide the occupiers of Unit 1 a welcoming entrance. To address this shortcoming, if a planning approval is forthcoming, a condition should be imposed to require full boundary treatment details be submitted to and approved in writing by the LPA prior to occupation of the new flats.
- 6.34 In summary, the proposal would preserve and enhance the significance of the Tonbridge Conservation Area while significantly improve the appearance of the host

building and the character of the street scene. It would thus be acceptable in both visual amenity and heritage conservation terms.

Impact on the amenity of future occupiers

6.35 Part f of paragraph 135 of the NPPF seeks to ensure that development proposals are of a high standard for existing and future occupiers. In accordance with national policy, policy TCA2 of the TCAAP also seeks to ensure that development proposals not have an unacceptable impact on the amenity of Town Centre residents and should they have an unacceptable impact, they will be refused. In accordance with the aforementioned policies, policy CP24 of the TMBCS states:

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.

6.36 All the proposed units are essentially single aspect units. However, the applicant has provided an 'Analysis of site layout for Daylight' report prepared by Morgan Light Assessors (January 2024). There are no external additions or extensions proposed as part of the conversion and therefore the assessment of daylight concerned the proposed units, and no analysis was required to assess the impact of the proposal on neighbouring occupiers. The report concluded that 'all the proposed flats have good windows. Daylight to all rooms within the proposed flats is better than the recommendations of the Building Research Establishment publication "Site Layout and planning for daylight and sunlight, a guide to good practice" 2022 and the normal planning requirements". Officers have no reason to reach a view different from that set out in the report and consider that an appropriate level of daylight and sunlight could be achieved for the future residents.

6.37 Given the location within an urban area and its proximity to the street, a noise impact report prepared by Stinton Jones Consulting Engineers LLP has been submitted in support of the application. Environmental Protection Officers, having reviewed the report, have suggested a condition to secure a suitable report to be provided giving specific details of acoustic ventilation prior to first occupation to any residential flats. Subject to the provision of appropriate noise mitigation measures, the proposal would adequately protect the future residents from noise and disturbance while avoid the potential of conflict with the established noise generating uses in the vicinity.

6.38 In terms of privacy, there are two street level properties in the vicinity, namely no.5 and no.5a Castle Street, which have a similar relationship to the street compared with the proposal in question. Therefore, officers are reasonably satisfied that the internal environment and other amenity considerations such as privacy are of an acceptable level in this local context. Similarly, the pedestrian access arrangement could be, on balance, acceptable, despite being adjacent to the edge of the public highway.

6.39 The proposed units generally accord with the nationally described space standards (NDSS). However, the storage provided for Unit 03 is substandard. Officers are

however, satisfied that this shortfall should not result in an adverse impact on the amenity of future occupants, as the unit is above NDSS GIA standards and furthermore a home office is provided which could reasonably be used, at least in part, for storage.

6.40 The pedestrian access to Unit 01 is not conventional, nor is it legible at street level. However, having regard to the physical constraints resulting from the internal layout of the existing historic building, the daylight and sunlight report and the NDSS, the concern regarding access to Unit 1 is not considered to affect the quality of accommodation to a degree as to substantiate a reason for refusal.

6.41 An external private amenity space would be made available to the occupiers of Units 1 and 2. The provision of a private amenity space in a town centre location is welcomed and beneficial to the living conditions of the future occupiers. In the interest of residential amenity, if planning permission is forthcoming, a condition could be imposed to require the details of all boundary treatments, soft and hard landscaping be submitted to and approved in writing by the Local Planning Authority prior to occupation of the new flats as set out in paragraph 6.34 of this report.

6.42 In all, based on the information provided and subject to the recommended planning conditions, the proposal as a whole could provide its future occupiers a satisfactory quality of accommodation that accord with the policy requirements set out in the Development Plan and the National planning Policy Framework.

Impact on amenity of the neighbouring occupiers

6.43 No external protrusions or extensions are proposed. Furthermore, the relationship of the existing building with neighbouring occupiers is such that the proposed change of use and its associated alterations would not have an adverse impact on the amenity of neighbouring occupiers.

6.44 The proposal is therefore considered to accord with the national and local policies relating to impact on amenity of neighbouring occupiers.

Highways, car and cycle parking

6.45 Paragraph 111 of the NPPF states:

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

6.46 Paragraph 114 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 115 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.47 Policy SQ8 advises that development proposals will only be permitted where they would not significantly harm highway safety.
- 6.48 None of the works proposed would affect the existing highway and as such the proposal is considered to accord with the relevant policies and would not negatively impact the existing highway.
- 6.49 Policy TCA15 of the TCAAP seeks to ensure that development proposals provide parking in accordance with the Kent County Council parking standards. Furthermore, part d of Policy TCA5 seeks to limit the visual impact of car parking/servicing arrangements and their adverse impact on the character of the area.
- 6.50 No car parking is proposed as part of this development proposal. Paragraph 6.20 of the planning, design and access statement states that the development is proposed to be car-free. Given the accessible location of the site and the good availability of public transport in the vicinity, officers are content that a genuinely car free proposal could be acceptable in this local context.
- 6.51 Guidance Table for Residential Parking in the Interim Guidance Note 3 (IN3) states that in town and city centre locations, there should be no more than one car parking space per flat. Note 1 relating to the same table specifically states that “reduced, or even nil provision is encouraged in support of demand management and the most efficient use of land”. Taking into account the above guidance, it is considered that the proposed car free arrangement is acceptable and in line with Policy SQ8 of the MDE DPD.
- 6.52 There is already a TRO presented on Bank Street and Castle Street in the form of double yellow line, which covers the entire building frontage along these streets. The presence of TRO across the site frontage would reduce the potential of unauthorised car parking along both Bank Street and Castile Street. Moreover, there are two public car parks in walking distance available to the visitors associated with the new flats. It should also be noted that there are already similar change of use proposals in the site vicinity that have been granted permission without the need to provide any car parking; an example of which is 22/01146/PDVGR on High Street for two self-contained flats.
- 6.53 Mindful of the site-specific circumstances outlined earlier and the planning history of the site surroundings, the lack of car parking is not considered to warrant a reason for refusal. The proposal would incorporate a bike store available to the future occupiers of the residential flats. The provision of a bike store is welcomed and is in line with the planning objectives to promote sustainable modes of transport, reduce carbon emission while improve air quality. If planning permission is forthcoming, a condition should be imposed to require the provision of the bike store prior to occupation of the new residential units. To conclude, the proposal would be satisfactory from highway safety and car parking perspectives.

Climate change

6.54 Paragraph 158 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.

6.55 The Government has adopted the Future Homes and Building Standards in line with its commitment to achieve net zero emissions by 2050. This seeks to reduce CO2 emissions from new homes by 75-80% from 2021 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, which require that CO2 emissions from new build homes must be 30% lower than under previous standards. The Building Regulations relevant sections are:

- Part L (Conservation of Fuel and Power) Volume 1 Dwellings;
- Part F Ventilation;
- Part O Overheating;
- Part S Electric Charging points.

6.56 The efficiency levels now required encourage the installation of zero-carbon technology through Building Regulations. Thus, no conditions or informatives are recommended in relation to the incorporation of zero carbon technologies.

6.57 The amended Building Regulations under Approved Document S also require that new developments must include spaces with access to electric vehicle charging points equal to the number of new dwellings and that cable routes/infrastructure should be provided to other parking spaces. Where charging points would have previously been secured by condition, this is no longer reasonably required.

Refuse Strategy

6.58 Policy CC2 of the TMBCS relates to waste mitigation as it relates to development proposals.

6.59 Part 4 of Policy CC2 sets out the proposals for development will not be permitted unless they incorporate adequate space for the storage of recyclable and non-recyclable waste, where different waste streams can be segregated and collected, and in the case of residential schemes, each dwelling with private garden space is equipped, where practicable, with a composting bin.

- 6.60 In this case, the proposal relates to an existing building which benefits from an existing waste arrangement. Although the applicant has not provided a waste strategy, no specific objections have been raised by the waste management officers regarding the change of use proposal.
- 6.61 Without any objection from the relevant internal consultee, it is considered reasonable and proportionate on this occasion to impose a condition requesting a waste strategy be submitted and approved by the LPA at a later stage. An informative will also be appended to the decision notice to set out that contact must be made between the applicant and waste management officers.

Biodiversity Net Gain

- 6.62 This application was submitted on 29th January 2024. The requirement for minor development proposals to deliver a 10% mandatory biodiversity net gain took effect on 2nd April 2024. As such, the current proposal is not subject to the requirement for biodiversity net gain and no condition is deemed reasonably necessary to make this development proposal acceptable in biodiversity terms.

Planning Balance

- 6.63 As set out in the preceding sections of the report, the LPA acknowledges that it cannot demonstrate a 5-year housing land supply. Therefore, there is a presumption in favour of sustainable development as set out in the NPPF.
- 6.64 Notwithstanding the absence of a 5-year housing land supply, the subject site is within Tonbridge Conservation Area; a designated heritage asset subject to the policy protection of the NPPF. Therefore, in assessing the proposal and its acceptability, the impact of the proposal on the Conservation Area is a key consideration.
- 6.65 It is recognised that there would be a partial loss in the floorspace currently used by the business on site. However, the proposal would not result in the loss of the entire commercial unit, and it would still have a presence on High Street within the secondary shopping area. Therefore, the three residential units would not be delivered at the expense of the retail function of the secondary shopping area and thus the vitality and viability of the town centre. The residential flats would also provide an opportunity to moderately increase the footfall in the town centre and thereby support exiting businesses.
- 6.66 Furthermore, the subject site is in a Town Centre location, highly accessible and in close proximity to amenities and transport networks whether that be by rail or bus. The sustainability of the location alongside parking guidance set out in IN3 supports a car free development such as the one being proposed.
- 6.67 The proposal would also improve the visual appearance of the building and would enhance the character of its surroundings by recreating an active street facing

frontage and consequently a vibrant street scene. It would preserve the medieval street pattern of Tonbridge Conservation Area. No harm to the listed buildings adjacent would arise from the proposed change of use and external alterations.

6.68 To conclude, the proposal would be in general conformity with the aims of the Development Plan and the National Planning Policy Framework. With all the recommended planning conditions imposed, the proposal is considered to represent a sustainable development and is thus recommended for approval.

7. Recommendation:

7.1 Approved subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 146-148HI-A-01-001, 146-148HI-A-01-002, 146-148HI-A-02-101, 146-148HI-A-02-102, 146-148HI-A-03-101, 146-148HI-A-03-102, 146-148HI-A-03-106, 146-148HI-A-05-101, 146-148HI-A-06-101, 146-148HI-A-06-102, 146-148HI-A-06-103, 146-148HI-A-01-002, 146-148HI-A-02-001, 146-148HI-A-02-002, 146-148HI-A-03-001, 146-148HI-A-03-002, 146-148HI-A-03-003, 146-148HI-A-03-004, 46-148HI-A-03-005, 146-148HI-A-05-001, 146-148HI-A-05-002, 146-148HI-A-06-001, 146-148HI-A-06-002, 146-148HI-A-06-003, 146-148HI-A-06-004

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. Notwithstanding the approved drawings set out in Condition 2, no boundary treatments associated with the private amenity space of Units 1 and 2 shall be erected unless full details of these boundary treatments including scale, position, material, texture, and appearance have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be erected in accordance with the approved details prior to occupation of these units and thereafter be retained.

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

4. No residential flats hereby permitted shall be occupied unless and until the bike store shown in the approved drawings has been provided in accordance with the approved details. The bike store shall thereafter be retained, readily available for storage of bikes solely associated with the approved residential flats.

Reason: To ensure that the development supports sustainable transport modes of transport as well as contribution to a reduction in carbon emissions associated with motor vehicle uses as well as an improvement in air quality.

5. Prior to installation of any new windows and doors, full details of these windows and doors including colour, material, glazing profile, design and cross section shall be submitted to and approved in writing by the Local Planning Authority. The new windows and doors shall thereafter be installed in accordance with the approved details prior to first occupation of the new residential flats.

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

6. All materials proposed externally should match the existing building unless otherwise agreed in writing with the Local Planning Authority.

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

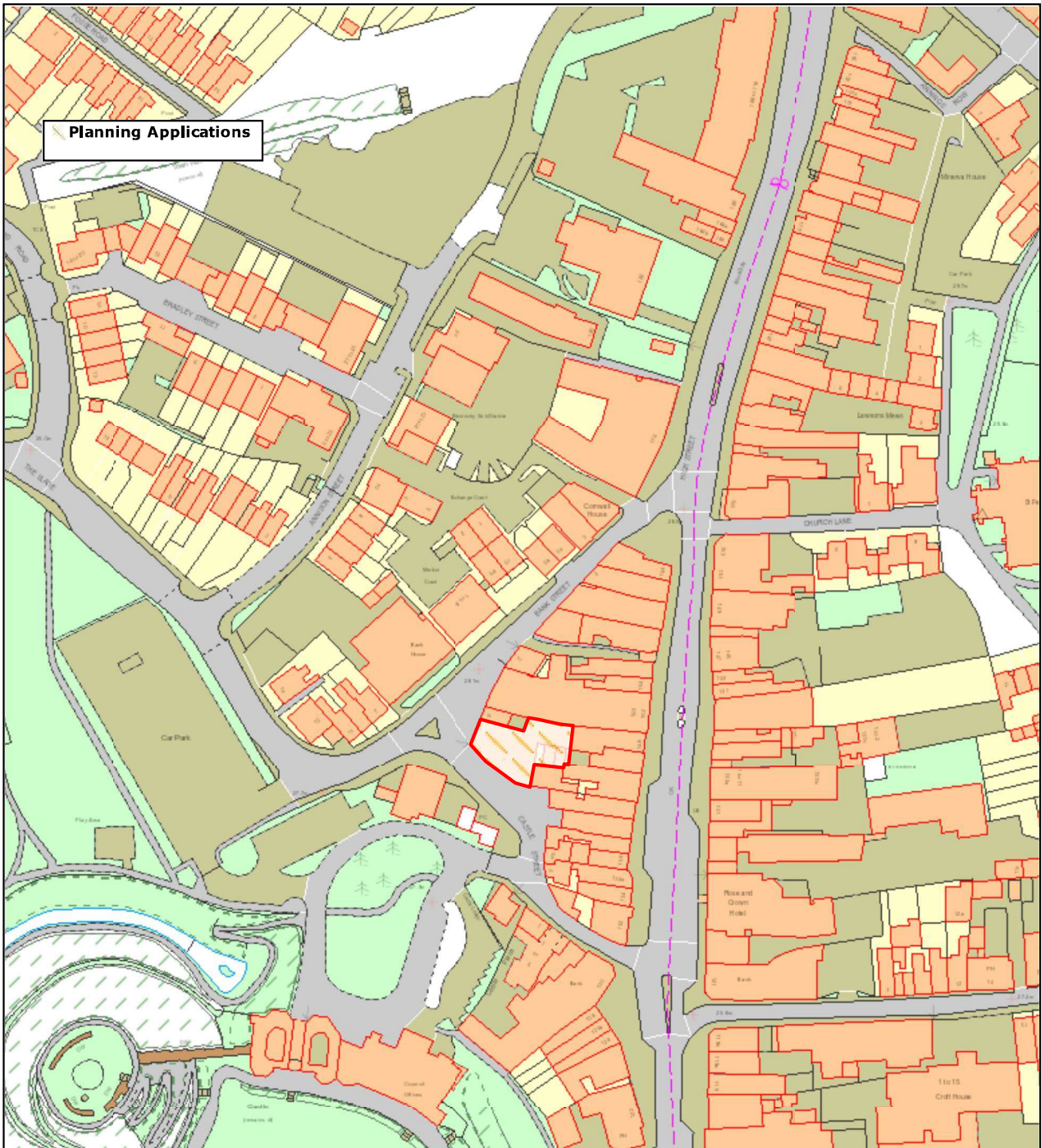
7. The three residential flats hereby permitted shall not be occupied until full details of acoustic protection and mechanical ventilation of the building have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any residential flats and shall be retained at all times thereafter.

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

8. No residential flats hereby permitted shall be occupied unless and until a waste strategy with full details of the refuse storage and collection arrangements associated with these flats has been submitted to and approved in writing by the Local Planning Authority. The waste strategy shall be implemented in accordance with the approved details prior to the first occupation of any residential flats and shall be retained thereafter.

Reason: To ensure suitable refuse storage and collection arrangements are in place to support the new residential flats prior to their first occupation and consequently to reduce the odour and other environmental impact associated this development.

Contact: Nathaniel Raimi



Planning Applications 24/00142/PA

Scale: 1:1250



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Date: 23/8/2024 10:47

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Planning Committee Area 1

Planning Appeal Decisions for Area 1

TMBC Ref	23/01805/LB
PINS Ref	APP/H2265/Y/24/3338578
Site Address	14A Bordyke Tonbridge TN9 1NN
Description of development	Listed Building Application: Replace the 1960/1970s ground floor single glazed picture window and door from the dining room to the garden side on the rear with powder coated aluminium bifold doors
Appeal Outcome	Dismissed 18 July 2024
	<u>Decision</u>
Costs Awarded	Not Applicable

TMBC Ref	23/00378
PINS REF	APP/H2265/W/23/3330990 (Appeal A)
Site Address	Gatehouse Nursery Coldharbour Lane Hildenborough
Description of development	Outline Application: Clearance of existing nursery buildings and polytunnels and erection of four detached dwellings (phased for self build delivery)
Appeal Outcome	Dismissed 13 May 2024
	<u>Decision</u>
Costs Awarded	Not Applicable

TMBC Ref	23/01384
PINS REF	APP/H2265/W/23/3330991 (Appeal B)
Site Address	Gatehouse Nursery Coldharbour Lane Hildenborough
Description of development	Clearance of existing former nursery buildings and polytunnels and erection of two dwellings
Appeal Outcome	Dismissed 13 May 2024
	<u>Decision</u>
Costs Awarded	Not Applicable

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Agenda Item 10

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.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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