

Tonbridge Castle **558625 146195** **12 January 2015** **TM/14/04251/FL**

Proposal: Demolition of buildings known as Enterprise House 1 and Enterprise House 2 and the construction of a total of 44 residential units (including 7 units to provide specialist accommodation for women who have suffered domestic violence along with ancillary support facilities), associated parking, landscaping, refuse storage and cycle storage

Location: Enterprise House Avebury Avenue Tonbridge Kent TN9 1TL

Applicant: Circle Housing Russet

1. Description:

- 1.1 The application seeks planning permission for the redevelopment of an existing commercial site comprising two blocks of offices known as Enterprise House. It is proposed to replace these with residential development in the form of three blocks of 44 flats, with associated parking at one space per unit plus visitor space. Cycle parking is also to be provided at 1 space per flat. The buildings would range from four storey fronting onto Avebury Avenue to two storeys on Holford Street.
- 1.2 The flats would be split into 20 x 1 bed flats and 24 x 2 bed flats for shared ownership, 7 of which would be specialist supported accommodation. The 7 rented flats would provide accommodation, refuge and ancillary support for victims of domestic abuse. This accommodation would be housed in the two storey block fronting onto Holford Street.
- 1.3 Access points will be retained on both Avebury Avenue and Barden Road

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Cure in light of local concerns regarding car parking, flooding and drainage.

3. The Site:

- 3.1 The site is 0.33 hectares in size and is situated just beyond the Tonbridge town centre boundary but lies within the Tonbridge Central Area Action Plan boundary. It lies 250m from the High Street, the commercial, social and leisure facilities found there, and 300m from Tonbridge station. It fronts onto Avebury Avenue where the main vehicle and pedestrian access points are situated. There is secondary access onto Barden Road which bounds the rear of the site. Holford Street bounds the eastern side boundary of the site, with dwellings and commercial properties adjacent to the west.
- 3.2 Within the wider locality is the River Medway to the north with Green Belt land beyond this, and the Tonbridge Conservation Area is to the north east of the site.

The surrounding land uses include a mix of commercial and residential including a Ford garage adjacent to the east, small business premises to the west and south, and the station a short distance away. The residential character is also mixed with the majority of surrounding housing in the form of two storey Victorian terraced and semi-detached properties, and more modern blocks of four storey flats situated opposite.

3.3 The buildings on site comprise of two large three storey brick built office buildings with flat and mansard roof designs. The access runs between the buildings and leads to an area of surface parking. There is a change in land levels on site with a gradient running from north to south so Avebury Avenue is approximately 700mm higher than the southern part of the site at the junction with Holford Street and Danvers Road.

3.4 The site also lies within Flood Zones 2 and 3.

4. Planning History (relevant):

TM/75/10837/OLD grant with conditions 17 December 1975

Office development with ancillary car park

TM/77/10097/FUL grant with conditions 8 December 1977

Office development with ancillary car parking.

TM/77/11020/FUL grant with conditions 4 February 1977

Office development with ancillary car park

TM/79/11054/FUL grant with conditions 12 February 1979

Extension to offices and erection of new front entrance lobby

TM/82/10704/FUL grant with conditions 17 February 1982

Renewal of planning permission TM/77/1007 for three storey office development and ancillary car parking.

5. Consultees:

- 5.1 KCC (H+T): The access points are acceptable; the anticipated traffic accessing the site will be reduced from the previous office use. The proposed parking provision of 1 space per flat meets the guidance in Kent Design Guide IGN3, and 44 cycle spaces are also provided. There is also sufficient space on site to manoeuvre vehicles. The parking survey indicates sufficient space on surrounding roads, the availability of which is a matter of convenience rather than a discernible highway safety issue. Refuse vehicles will enter the site from Avebury Avenue and exit onto Barden Road with adequate manoeuvring space on site. The proposal to use lockable bollards will be helpful in preventing unauthorised parking occurring on site. No objection therefore, subject to requested conditions.
- 5.2 Environment Agency: No objection subject to imposition of conditions.
- 5.3 Southern Water: Discussions have taken place with Southern Water throughout the course of the application. These have culminated in an agreement that they have no objection to the proposal. Written confirmation of this is expected imminently and will be reported as a supplementary matter.
- 5.4 Kent Police: Supportive of scheme as it meets the requirements of Secure by Design.
- 5.5 NHS: A contribution is sought by the NHS towards improvements in primary care to provide the required capacity in relation to the additional residents the development will bring to the area.
- 5.6 Private Reps: 95 + site notice/0X/36R/0S. Objections and comments summarised as follows:

General

- Support for women's refuge
- Support for affordable housing
- The women's refuge would attract unwelcome visitors to the area posing a danger to neighbouring families
- Disruption during demolition and concern that construction works will impact upon car and pedestrian access to dwellings opposite
- Increased demand for contractor vehicles to park during construction phase, leading to increased risk to school children using these roads
- It will lead to increased pressure on local schools, doctors etc

- Opening up the site to Holford Street will increase crime and anti-social behaviour
- Insufficient time to comment following the applicants meeting with local residents
- The development will devalue neighbouring properties
- The site is not included in the TCAAP and the aims of this document to provide more housing are 10 years old and not relevant in support of this application
- Regeneration of the station area is not a reason to support the application
- A scheme of reduced density and size would be more appropriate

Character and design

- Overdevelopment of the site
- The development is too big, too high and will dominate the location
- Proposal is out of character with the area due to scale and design, particularly with properties in Holford Street.
- Poor design due to need to maximise commercial profit
- Poor choice of materials which will look old and dirty in a short time

Flooding and Drainage

- Increased likelihood of future flooding which will not be accommodated by Environment Agency flood defence proposal
- Flooding analysis is inaccurate and not detailed enough, the area can be cut off by flooding for a number of days. It does not accurately reflect the amount of floodwater experienced in December 2013, and does not report the flood data from December 2013 floods
- Existing old Victorian foul and storm water drainage cannot cope at present so additional pressure will make this worse, it should be improved
- No assurances are made to guarantee no increased risk of flooding to neighbouring properties as a result of the development
- Likelihood that disabled residents would occupy ground floor and therefore be more vulnerable to flooding

- Increased flooding as a result of the development would be contrary to NPPF requirements
- FRA and supporting statement are inaccurate as they do not state the depth of flooding in 2013 which was up to 10 inches on the application site car park which would leave new residents stranded. It did not give details of the flooding in Holford Road, making its support for the application unsuitable
- Harmful impact on existing inadequate drainage system, which lead to increased flooding of the area and residential properties with water and sewage, in December 2013
- Rather than the 100 year + climate change target, it would be preferable to implement the 200 year + climate change
- The application was submitted without the benefit of EA data regarding the 2013 floods
- New homes in an area which floods cannot be sustainable
- Access to the women's refuge is at the point of worst flooding in 2013, this will be unacceptable to vulnerable women

Parking and Traffic

- Traffic impact analysis is not detailed enough and is inaccurate, whilst the proposed use generates less traffic, the current traffic is in and out in the morning and evening, the proposed will be all day
- Appendices to the Transport statement were blank (*These have subsequently been submitted*)
- Increased traffic and pressure on already congested local roads and junctions and on the zone D parking permit area which is already full to capacity
- Hazard to highway safety and poor visibility from egress from Barden Road and from proposed car parks
- Inadequate traffic survey as no time of day given as to when it was carried out. Parking pressure changes throughout the day. Concern it was not a thorough enough survey. It was carried out when many residents had vacated properties due to flooding (*a second survey was carried out in May to ensure a more accurate reflection*)
- A parking survey of one day only does not reflect the true situation and at 3am parking here is at 100% capacity. There is no survey at weekends when parking is at its worst

- The parking survey is inaccurate as it includes spaces in River Lawn car park, bays restricted to 30mins, and single yellow line spaces which residents cannot use (*These are available to residents in the evening and this is referred to in the survey results*)
- The survey does not take account of vehicle size when counting spaces along the road, some parking is pay and display
- Lack of speed control measures makes already hazardous driving conditions
- Inadequate parking provision of 1:1 ratio will add to existing parking pressure in surrounding roads. This would be from new residents, commercial vehicles using residential on street spaces, and commuters using the station. Should be at least 2 spaces per flat
- There is a lack of visitor parking on site
- If permission is granted then yellow lines should be removed or local residents be able to use the new parking spaces provided too, and increased traffic warden presence
- Transport statement says provision of 43 spaces yet the plan shows 44, both of which fall below KCC standards
- Egress onto Barden Road will add to the traffic already at this junction.
- Inadequate D&A statement as it does not cover how the design fits the area sufficiently
- Question whether the access road is sufficient to allow refuse vehicles or fire engines onto the site
- Holford street only has parking bays down one side, not both as stated by the applicant
- If new residents are able to apply for on street permits this will make the current demand for these spaces even worse
- The supporting statement inaccurately refers to Barden Road as one way
- If charging new residents for their spaces, this should be less than a permit on the road
- The scheme to lease spaces to residents is unsustainable
- Some residents move their cars within Zone D from one end to the station causing a lack of parking for those living near Enterprise House

- Many surrounding residents already have 2 cars and have to use on street parking in addition to their allocated bays

Residential Amenity

- Harm to residential amenity, by way of lighting, loss of privacy and overlooking
- Overlooking will be more harmful than current overlooking during office use hours as it will be all day every day, which will reduce amenity of neighbouring garden
- Overlooking from proposed balconies to neighbouring windows and gardens
- Overbearing impact on neighbouring properties due to bulk and height of building
- Overshadowing and loss of light to neighbouring properties due to increased scale of new building compared to existing
- Increased noise and disturbance as a result of change of use from office to residential, particularly at evenings and weekends
- Visual intrusion if balcony use is un-restricted and can be used for hanging washing
- Proposed new trees for privacy to properties in Barden Road will not be mature enough for a long time to prevent overlooking

6. Determining Issues:

- 6.1 One of the core principles set out within the NPPF is that the planning system should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. It also encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.2 This is supported by policy CP11 of the TMBCS which states 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.
- 6.3 The site falls within the TCAAP boundary. The TCAAP aims to promote regeneration of the town centre and to encourage new residential development to help support the regeneration of the town.

- 6.4 The proposed development on a previously developed site within a town centre location is therefore acceptable in principle and would accord with the broad principles set out within the NPPF.
- 6.5 The proposed development would provide 44 affordable units, including the 7 units that comprise the domestic abuse units. The proposal is for flats with a mix of 1 and 2 bed units. These will sit well within the surrounding area and would not be out of character with the mix of flats and housing in the locality. Town centre flats such as these proposed provide a much needed type of accommodation in the area and are wholly appropriate for this site.
- 6.6 The 37 flats will be for the shared ownership tenure, (part rent part buy). These will likely be in high demand given the town centre location, based upon our experience of very similar equivalent schemes in recent years in Tonbridge.
- 6.7 The proposed flats to be provided in Block D will be specialist accommodation for women who have suffered domestic abuse. These seven one bedroom self-contained flats will have ancillary administrative facilities to provide the appropriate level of support for this particular needs group. The support service will be commissioned by Kent County Council to provide holistic support to vulnerable women and their children for a temporary period, to rebuild their lives to enable them to move on to independent living. Generally women would stay here a matter of months, (with an average staying between 6-18 months), before moving on into settled safe accommodation elsewhere.
- 6.8 As with all other refuges in Kent and elsewhere, this scheme will operate as part of a national network with the allocation of these units to women and children in need of shelter by way of a co-ordinated national helpline. Each woman will have a personal safety plan and risk assessment which is regularly reviewed. No one is able to come to the refuge without a prior and planned appointment. Once living at the refuge, tenants are helped to get their lives back on track. CCTV and camera door entry will be in place to ensure no unauthorised person can gain entry.
- 6.9 At present Tonbridge and Malling is the only Borough within Kent not to have a women's refuge. The delivery of a supported scheme has long since been a strategic aspiration for the Borough dating back to 2007, and the requirement for these units was again recently evidenced in the Needs Analysis which was undertaken in 2013 by Kent Commissioned Services, which was endorsed by the Council. This identified a significant need for this client group and the provision of the scheme is strongly supported by TMBC and KCC's local commissioning team.
- 6.10 The proposed development therefore would meet an important strategic aspiration for the Council and provide much needed accommodation for women suffering domestic abuse.

- 6.11 One of the key concerns for local residents surrounding this scheme centres on parking provision and the impact on the local highway network. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 6.12 The NPPF also encourages the use of sustainable transport modes. The site has good accessibility to local facilities, bus services and the train station. It is therefore very sustainably located in this respect. Policy CP1 of the TMBCS also seeks the location of development which will reduce the need to travel, again highlighting the benefits of this edge of town centre location for new residential development.
- 6.13 The scheme proposes parking provision at a ratio of 1 space per shared ownership flat. This level of provision accords with the adopted standard set out in IGN3. For the 37 shared ownership flats, these spaces will be leased to residents by Circle Russet, for an annual fee. The parking area will be managed by a lockable bollard system. Three further spaces will be allocated to the women's refuge in a similar way. The remaining 4 spaces would be visitor spaces, as would any of the other spaces not taken up by occupants of the flats. The proposed use of lockable bollards is considered to be an acceptable method to prevent unauthorised parking occurring on site and would be managed by the applicant who would retain the freehold of the site.
- 6.14 The applicant, in seeking to address the concerns of existing local residents in this regard, has agreed that future residents of the proposed flats will not be eligible for residents parking permits. They have stated that new residents will be made aware of this upon securing occupancy through information provided within the conveyancing pack. As a result, if future residents own more than one car, they will not be able to be park in any of the roads covered by this permit scheme during the hours restricted by the scheme. Outside of these hours there would be no restriction on such on street parking, as is the case currently for anyone wishing to park in the surrounding roads. This would be secured by the applicant entering in to a Unilateral Undertaking.
- 6.15 Notwithstanding this arrangement, which in my view is a positive reaction by the applicant to recognise the concerns of local residents, it should be noted that the parking surveys (the first undertaken prior to the submission of the application, the second in response to local representations in May) results do conclude that there is capacity for overnight parking which is when pressure outside of the parking permit restrictions is likely to be high. This is discussed in more detail below.

- 6.16 Notably for example, the 32 pay and display parking bays on River Lawn Road are also available for free unrestricted parking overnight. The survey results show that only 3 were occupied at 3am leaving 29 spaces available for overnight parking.
- 6.17 In general, the surveys showed some, albeit limited, spare capacity overnight when there is a peak demand for residential parking. They showed good availability during the day.
- 6.18 It is acknowledged that Zone D of the CPZ does experience some problems relating to the movements within the zone. I understand that some residents located towards the edge of Zone D, at the furthest point from the town centre, are driving from here to a point much closer to the station to park, yet still within Zone D. This does however impact on the parking availability for those living close to the station within this zone. Whilst this particular issue is not directly related to the current proposal or the determination of this application, it is an issue which is recognised and the Council is currently looking at what might be done to resolve this matter. I would stress that any work in this regard would be undertaken separately rather than in conjunction with the determination of this current application.
- 6.19 It is also considered that the proposed residential use of the site will generate a lower level of person and vehicular trip generation and servicing demand when compared to the existing office use.
- 6.20 Regard must also be had to the fact that Enterprise House in its current form could be converted into residential units without the need to obtain planning permission from the Council, using relatively new permitted development rights. This would significantly reduce the amount of control the Council could have on the development, particularly with regards to parking. There would also be no scope to require the applicant to enter into a Unilateral Undertaking as described above.
- 6.21 To conclude matters in terms of highway safety and parking provision, the scheme accords with the adopted parking standards, the site is in a sustainable location with accessibility to a choice of travel modes and the anticipated impact of the development on the parking availability in surrounding streets is not considered severe. Additionally, the applicant is willing to enter into a Unilateral Undertaking which ensures future residents of the development would not be eligible for residents parking permits. The development is therefore acceptable in terms of paragraph 32 of the NPPF and policy SQ8 of the MDE DPD.
- 6.22 Another key concern of local residents is the potential impact of the development on flooding, surface water drainage and the capacity of the drainage network.
- 6.23 The site lies within Flood Zones 2 and 3; however the existing buildings were not flooded during the recent floods in the area. The site is also identified as being within an identified area of low hazard as indicated on the flood hazard map which is produced by the TMBC SFRA. A detailed Flood Risk Assessment (FRA) has

been submitted to support the application. The proposed redevelopment will include surface water drainage to be disposed of by the main sewer and the provision of a sustainable urban drainage system on site. Foul water drainage to be disposed of by the main sewer.

- 6.24 The proposed development, given its detailed design and most notably the inclusion of voids below the buildings, would actually improve flood storage capacity within the site when compared to the existing situation. At present the existing office buildings have not been designed to allow any floodwater to flow beneath the ground floor slab, and the majority of the site is impermeable apart from three isolated flower beds. In contrast, the proposed development would allow for flood water to flow freely via the below slab voids to all Blocks, without the need for pumping. Discrete openings to the voids have been integrated into the elevation designs, located below windows openings. The design also accommodates access for inspection and maintenance. The existing car parking levels will remain and permeable surfacing to the car parking can be required.
- 6.25 In terms of flood compensation, a detailed ground modelling exercise was undertaken. The results of this demonstrate that by allowing the floodwater to flow freely below Blocks, and by reducing the ground levels below the ground floor slabs by 250mm, there will actually be a slight increase in available flood volume of 30cubic metres for floods up to the 1% + climate change event. This represents an improvement on the existing situation.
- 6.26 The new underground drainage system to be provided will link into the existing sewer network. At present the surface water systems which drain the office buildings connect to the adopted sewers in Avebury Road via 150mm diameter pipes, and 100mm ones to Holford Street. Foul water drainage is currently via a 150 diameter pipe to Avebury Avenue. This site does not therefore have combined foul and surface water sewers, which are generally associated with sewer flooding where the capacity of the pipes is exceeded during periods of heavy rainfall. The existing car park is drained separately into a surface water sewer situated in Holford Street.
- 6.27 When considering surface water attenuation, the EA has requested that surface water is removed from the site as quickly as possible to enable it to discharge into the River Medway via the Southern Water sewerage system before the river level reaches a peak. Surface water attenuation will be provided in addition to the two existing surface water outfalls to accommodate a 1 in 100 year pluvial event which includes a 30% allowance for climate change. This will be in the form of attenuation on the roof of the blocks with a specialist roof deck system to restrict the outflow from each block. As a consequence the proposed development will result in a reduction in surface water flows into the Holford Street and Avebury Avenue adopted surface water sewers. Below ground attenuation will be provided in the car park to accommodate at 30 year event. Any event beyond this would be

accommodated within the car park with an anticipated maximum flood depth here of 150mm.

- 6.28 With these considerations in mind, it is clear that the proposed development would improve upon the existing flood storage capacity on site. The drainage systems to be put in place as part of the development will be managed and maintained by Circle Russet.
- 6.29 In addition to above improvements that the proposal will bring to drainage in the local area, it should be noted that the EA are carrying out improvement works in the local area.
- 6.30 In terms of the potential impact to future occupants of the development in terms of flood risk, it is recognised that the proposed use of the site for residential purposes is classed within the NPPF as being “more vulnerable” than the existing use. In response to EA requirements, the finished floor level of the proposed flats would achieve 24.00m AOD, which is higher than the required 23.45m AOD. The ground floor level of the flats will therefore be raised above pavement level with level access provided to each of the blocks on Avebury Avenue into the lobby area. Lifts will provide access from the lobby to the flats above. In the event of a flood the lobby is considered to be a ‘sacrificial’ area that could be cleaned and restored after a flood event with minimal effort. The flats would be above this level and so remain unaffected by floodwater in accordance with EA flood level predictions. There are no lifts provided in block D fronting Holford Street, however ramps would provide level access from Holford Street and the car park at the rear. Steps would provide access to the first floor flats in this block. It is therefore considered unlikely that all but the most severe exceedance flood event would reach the upper ground floor level of proposed flats.
- 6.31 A Flood Evacuation Plan has been developed as, due to the topography of the area, it may not be possible to ensure a dry means of escape is provided from the buildings in the event of a flood. This gives advice and guidance to future residents on the matter. It also provides information on the flood warning and how the plan is triggered etc. Residents will be encouraged to sign up to the EA floodline warning system. It should be noted that the motors and control panels to the lifts to the flats in Blocks A-C would be located at a high level to ensure they continue to work in the event of a flood. Float switches would also ensure that lifts did not go below the upper ground floor level.
- 6.32 The risk from groundwater flooding is considered to be low for this site. The Tonbridge and Malling Stage 1 Surface Water Management Plan (SWMP) dated October 2013 does not highlight the area which surrounds the site as being particularly susceptible to sewer flooding, however it does include a recorded incident of a sewer flooding event in Holford Street which was the result of blocked drains/gullies rather than insufficient capacity. Surface water flooding was also recorded in Barden Road due to blocked drains/gullies. The risk of further

events such as this would be reduced as a result of the surface drainage which would restrict the discharge rate of surface run off from the site to reduce flooding beyond the site.

6.33 In accordance with the NPPF the Sequential Test and if necessary the Exception Test should be applied as the area is known to be at risk of flooding. Due to the location of the site within Flood Zones 2 and 3a it is appropriate in this case due to the 'more vulnerable use' to apply the Exception Test, in line with table 3 of the NPPF Technical Guidance document. For the Exception Test to be passed, it must be demonstrated that:-

- *the proposed development provides wider sustainability benefits to the community that outweigh flood risk;*
- *a site specific FRA must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

6.34 The proposed development will provide a community benefit by the provision of sustainably located accommodation to meet an identified need in this area for a vulnerable section of the community with regards to the domestic violence units. The flats will also provide much needed affordable small unit accommodation in this sustainable location. The improvement to storage capacity and on site drainage will all help to reduce flood risk overall. The development has also been designed to be safe for its lifetime in terms of flood risk, and the Flood Evacuation Plan will advise on safe access and escape routes. I am satisfied therefore that in this case the Exception Test has been passed.

6.35 Overall the proposal is considered to represent an improvement to the existing drainage on site. The proposed voids below Blocks A, B and C will result in increased capacity in floodplain volume and allow free flow of flood water. The surface water discharge will be restricted to reduce the risk of sewer flooding beyond the site. It is recognised that the proposed development of 44 flats will result in a minimal increase in foul flows at peak times from that generated by the existing offices. However this will drain into the adopted sewer which is not recorded as being susceptible to sewer flooding. Southern Water has indicated that they are satisfied that their existing adopted sewerage network has sufficient capacity to accommodate the proposed flats. The EA has also confirmed that they have no objection to the proposal, subject to the imposition of certain planning conditions.

6.36 With these considerations in mind, and when acknowledging that there would be an overall improvement to drainage and run off when compared to the existing office site, the proposed development is considered to be acceptable in these regards.

- 6.37 Turning to the physical impacts of the proposed building, policy CP24 of the TMBCS states that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.38 The proposal will replace the existing 3 storey office blocks with 4 storey and 2 storey residential blocks. The proposed layout for the two 4 storey blocks very much mirrors the footprint of the two existing office blocks, with the 2 storey block fronting Holford Street introducing new built form to the site. The overall design of the buildings is a modern approach with flat roofs to Blocks A-C and a parapet wall hiding a shallow pitched roof to Block D. A mix of brick and white render has been used and windows of a vertical emphasis. The permeability of the site is retained with the access link retained from Avebury Avenue to Barden Road, and some pedestrian access from Holford Street. Parking provision has been re-designed to make best use of the car park area with landscaping proposed to soften the appearance where possible. Bin stores and cycle stores have been incorporated into the building fabric of blocks A and B and are sympathetically located outside of blocks C and D. Details of these would be secured by condition.
- 6.39 The four storey design of Blocks A, B and C mirror the heights of the blocks of flats opposite in Avebury Avenue, and the two storeys to Block D mirror the two storey heights of the semi-detached and terraced properties in Holford Street. In this respect I am satisfied that the proposal is in keeping with the surrounding character and that the scheme represents an acceptable design solution to this corner plot. The blocks have been set back from road frontages an appropriate distance to prevent them appearing over dominant within views of the street scene.
- 6.40 The blocks have been designed to provide active street frontages with multiple residential entrances and they successfully 'turn' the corner to provide a visual link between Avebury Avenue and Holford Street. Corner balconies have also been used here to accentuate the corner. The development will have a softer appearance within the street scene and improve views into and out of the site. Block D would follow the building line of the adjacent dwellings in Holford Street. The use of mixed materials and the central entrance design break up the frontage of Block D into widths similar to those of plots to neighbouring dwellings.
- 6.41 The site is surrounded by residential properties and with this in mind the potential impact of the development on residential amenity requires careful consideration. The proposed blocks have been designed and sited to minimise impact on the amenities of neighbouring dwellings. The size and scale of the blocks is not considered to represent an overbearing relationship given the distances involved between them and existing dwellings. In the case of Blocks A-C this is not dissimilar to the relationship with the existing office blocks on site. Block D is of course new built form but it is on a much smaller scale and relates to the scale of the buildings in Holford Street. It would be in line with the front and rear building

line of the dwelling immediately adjacent and the central section which projects slightly beyond the rear is set away from the side boundary with no.4 Holford Street to prevent any overbearing impact.

- 6.42 When considering the impact of the development on the privacy of existing residents, the applicant has positively responded to some early concerns of residents and has amended the scheme including the removal of certain balconies and the introduction of screening to remaining balconies where appropriate. The properties with the closest relationship in terms of privacy are no.4 Holford Street and nos. 90, 92 and 94 Barden Road.
- 6.43 Screening has been added to the terrace and balcony in Block D adjacent to the side boundary with no.4 Holford Street. This will prevent overlooking of the rear garden to this property from both the balcony and terrace, and also from glazed doors providing access to these areas. Similar screening has been proposed to the handed flats in this block to protect the privacy of new occupants as these are close to the ramped access points to Blocks C and D.
- 6.44 Juliet balconies are now proposed to flats in Block A closest to rear boundaries with properties in Barden Road. Screening is also to be added to restrict views from the remaining balconies. The existing boundary wall which forms the rear boundary to these gardens in Barden Road is 2.7m high and is to be retained and repaired with new trellis would be added bringing it to a total height of 3m to improve privacy. Three new trees will be planted adjacent to this boundary to add further natural screening. A landscaping condition can be used to secure the appropriate height of trees to provide effective screening.
- 6.45 The distances that would be achieved between rear facing windows in Block A and rear windows to houses in Barden Road would be between 18m and 34m. The shortest distance is where the proposed new trees are to be planted to enhance screening. Such distances would not be considered harmful in terms of relationships between dwellings to the point of justifying a refusal of permission. There are a number of outbuildings located within the rear gardens of nos. 84-88 Barden Road which screen the rear garden areas from views from the new flats. The above features in conjunction with the slightly lower ground level of rear gardens in Barden Road will ensure no harmful overlooking to rear gardens or properties as a result of the development.
- 6.46 I am of the view that whilst the proposed relationship would change from that experienced between office users and neighbouring residents, this is not an unusual relationship in a town centre location and is acceptable in planning terms. Again, it should be remembered that the existing office buildings could be converted to residential accommodation without the need for a planning application and the Council would at that point have no ability to consider impact on residential amenity.

- 6.47 Turning to other matters, the Energy Statement submitted with the application confirms that the design of the proposal has been formed around energy efficiency. The elevational design aims to achieve the right balance between daylight, solar gains and heat losses. The proposed energy strategy would comply with the require regulations without additional PV panels, however these are proposed in addition on the roofs of each block.
- 6.48 The proposal will result in the loss of three trees of poor or fair condition. However it is proposed to replace these in a different location with 4 new trees and extensive shrub planting which will improve the sustainable quality of tree cover across the site.
- 6.49 I am aware that there is the presence of contamination of site which prevents significant alterations to land levels. However these levels are not considered harmful and management of this would be controlled by condition in the normal way.
- 6.50 A contribution has been sought by the NHS towards improvements in primary care. In this particular case the proposed development brings with it considerable benefits of improved on site drainage and flood storage capacity which reduces the risk of flooding in the local area and is an improvement to the existing situation, and would bring about the provision of the much needed women's refuge units. Requiring the developer to make a contribution towards primary health *care in this particular instance* is not appropriate as it would render the scheme unviable and undeliverable.
- 6.51 It is clear that local residents have strong concerns as to how the proposed development will impact on their existing quality of life, mainly by way of anticipated parking problems or flooding impacts. The applicant has responded positively to these where possible and the imposition of conditions plus the Unilateral Undertaking would give clear control over the way in which the development comes forward and integrates into the established community.
- 6.52 With the above assessment in mind, I consider that the proposal is acceptable in terms of the requirements of the NPPF and the adopted LDF policies and as such the following recommendation is put forward:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Site Plan PL_1000 D dated 02.07.2015, Proposed Floor Plans PL_1001 D dated 02.07.2015, Proposed Floor Plans PL_1002 F dated 02.07.2015, Proposed Floor Plans PL_1003 F dated 02.07.2015, Proposed Floor Plans PL_1004 E dated 02.07.2015, Proposed Elevations PL_3000 D dated 02.07.2015, Street Scenes PL_3001 C dated 02.07.2015, Street Scenes PL_3002 D dated 02.07.2015, Street Scenes PL_3004 C dated 02.07.2015, Proposed Roof Plan PL_1005 D dated 09.07.2015, Street Scenes PL_2000 C dated 09.07.2015, Schedule

DRAWING REGISTER dated 09.07.2015, Email PARKING dated 27.05.2015, Email PARKING SURVEY dated 29.05.2015, Survey PARKING dated 29.05.2015, Flood Risk Assessment SUPPLEMENTARY REPORT ON DRAINAGE dated 16.06.2015, Drawing ADD INFO 3RD FLOOR LEVEL dated 09.07.2015, Drawing ADD INFO LONGITUDINAL SECTION dated 09.07.2015, Drawing ADD INFO 2ND FLOOR LEVEL dated 09.07.2015, Drawing ADD INFO 1ST FLOOR LEVEL dated 09.07.2015, Report Desk study dated 29.01.2015, Transport Statement dated 04.02.2015, Email Fm agent- KCC statement dated 09.04.2015, Schedule of accommodation dated 22.12.2014, Statement Affordable Housing dated 22.12.2014, Details Engineering issues dated 22.12.2014, Design and Access Statement dated 22.12.2014, Flood Risk Assessment dated 22.12.2014, Energy Statement dated 22.12.2014, Ground Investigation Report dated 22.12.2014, Method Statement Remediation dated 22.12.2014, Tree Report dated 22.12.2014, Drainage Layout FRA700 dated 22.12.2014, Topographical Survey 3520-1 dated 22.12.2014, Elevations 3520-2 dated 22.12.2014, Elevations 3520-3 dated 22.12.2014, Tree Plan R482TCP dated 22.12.2014, Tree Protection Plan R482TPP dated 22.12.2014, Location Plan 0100 dated 22.12.2014, Drawing ADDENDUM TO D_A dated 16.04.2015, subject to:

- 7.2 The applicant entering into a Unilateral Undertaking concerning the eligibility of future residents to the Council's residents parking scheme and;
- 7.3 The following conditions, the detailed wording to be agreed with the Director of Central Services:

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 Within one month of the commencement of development details and samples of materials to be used externally shall be submitted the Local Planning for approval, 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.
- 3 Within two months of the commencement of development, details shall be submitted to the Local Planning Authority of a scheme of hard and soft landscaping and boundary treatment. The car park surfacing shall be constructed of permeable material. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously

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

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

- 4 The units shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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.

- 5 Prior to the commencement of development a demolition method statement shall be submitted to and approved by the Local Planning Authority and the demolition works thereafter undertaken will be in strict accordance with the approved details.

Reason: In order to prevent any harmful impact on the flood plain during construction of the development.

- 6 The Flood Evacuation Plan hereby approved shall be complied with and details of this shall be provided to every new occupant of the approved flats prior to occupation.

Reason: In the interests of the health and safety of occupants of the development in the event of a flood.

- 7 Within two months of the commencement of development, details and samples of the balcony screening hereby permitted shall be submitted to the Local Planning Authority for approval.

Reason: In the interests of residential and visual amenity.

- 8 The development shall be carried out in strict accordance with the approved Flood Risk Assessment (FRA), 15th December 2014, 11085, Issue 2, (Tully De'Ath consultants), the additional information to this dated 16th June 2015 (Tulley De'Ath consultants), and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 24.0 m above Ordnance Datum (AOD), as detailed in Section 4.0

Limiting the surface water run-off generated by the 100 critical storm, plus a 30% allowance so that it will not exceed the run-off from the existing site and not increase the risk of flooding off-site, as detailed in section 8.0.

Provision of suitable compensatory flood storage as detailed in section 8.0 and the Drainage Plan in Appendix H.

Demonstration within the FRA (Section 10.0) that the maintenance of the drainage system will be provided for the lifetime of the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority

Reason: In the interests of preventing flood risk.

No external lighting shall be installed in connection with the development unless approved by the Local Planning Authority.

Reason: In the interests of visual and neighbour amenity

- 9 Prior to the occupation of the development hereby approved, details of the lockable bollards to be installed to the approved parking spaces shall be submitted to and approved by the Local Planning Authority. These shall be installed as approved and retained at all times thereafter.

Reason: To prevent unauthorised use of the spaces leading to increased pressure for on street parking.

- 10 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 2012 (paragraph 121).

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

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

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

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

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

- 12 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 2012 (paragraph 121).

- 13 Prior to the development hereby approved commencing, details of the slab levels of the proposed buildings shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In the interests of visual and residential amenity.

- 14 Before any works commence on site, arrangements for the management of demolition and construction traffic to and from the site (including hours of operation and deliveries of materials to the site) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless any variation has been agreed by the Local Planning Authority in writing beforehand.

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

Informatives:

- 1 With regard to the demolition and construction phases of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.

- 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 proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 4 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions
- 5 The applicant is reminded that land contamination risk assessment is a step by step process. During the course of the risk assessment process set out in the above condition(s) it may become clear that no further work is necessary to address land contamination risks. Where this is agreed to be the case the condition(s) may be discharged by the Local Planning Authority without all the steps specified having been completed or submitted for formal approval. In all cases, written confirmation should be obtained from the Local Planning Authority confirming that the requirements of the condition(s) have been met. The Local Planning Authority would like to take the opportunity to remind the applicant that it is their responsibility to ensure the site is safe and suitable for its end use.
- 6 The applicant is reminded that a suitably qualified and competent person shall fulfil the requirements of the condition(s) pertaining to contaminated land remediation. In seeking to discharge the condition(s) pertaining to contaminated land remediation, the applicant is advised that all studies and assessments submitted must be carried out by a competent person and conform to CLR11: Model Procedures for the Management of Land Contamination (DEFRA 2004).
- 7 The applicant is advised that the drainage system on site be inspected and cleared by a suitable trained person every six months for at least the first two years of operation to establish the long-term inspection/cleaning interval appropriate for this site. Inspections should also be carried out after every major storm event. The petrol interceptor will require regular maintenance to ensure it continues to work as designed. Details of the manufacturer's maintenance requirements should be included within the Development Management Strategy document.
- 8 Tonbridge and Malling Borough Council operate a two wheeled bin and green box refuse recycling collection service from the boundary of the property. Bins/box should be stored within the boundary of the property and placed at the boundary

of the property at the nearest point to the public highway on the relevant collection day.

- 9 All power and utility infrastructure should be placed above flood level or at least be made flood resistant to ensure the continuity of supply during a flood event.
- 10 The applicant is advised to consult the Environment Agency if the proposal to discharge foul and surface water into the mains drainage changes.
- 11 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipe work should be protected from accidental damage. Below ground pipe work should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Contact: Holly Pitcher