

Tonbridge Castle	558842 146709	21 September 2015 27 August 2015	(A) TM/15/02817/FL (B) TM/15/02818/LB
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Proposal: (A) Conversion of The Old Power Station, currently used as a training centre, into 5 no. dwellings and a new building comprising 7 no. dwellings built on the existing rear car park
(B) Listed Building Application: Conversion of the Old Power Station, currently used as a training centre, into 5 no. dwellings

Location: The Old Power Station The Slade Tonbridge Kent TN9 1HR
Applicant: Mr Hugh Gregory

1. Description:

1.1 Planning Permission and Listed Building Consent are sought under the following applications:

- Application A (TM/15802817/FL) – Planning Application for the conversion of the Old Power Station, currently used as a training centre, into 5 no. dwellings and a new building comprising 7 no. dwellings built on the existing rear car park; and
- Application B (TM/15/02818/LB) – Listed Building Application for the conversion of the Old Power Station, currently used as a training centre, into 5 no. dwellings.

1.2 Both applications are jointly considered within this report; they essentially cover the same development, albeit that the Listed Building application solely covers heritage matters associated with conversion of the Listed Old Power Station building and not the new build element.

1.3 The applications have been formally amended on two occasions – these amendments have made external design changes as a result of on-going negotiations with the developer, and in light of the consultation responses received. The latest revised scheme is discussed throughout this report.

1.4 The proposals are to convert the power station into residential apartments with a new-build apartment building on the site's car park area to the west (rear) of the power station building. Both buildings will contain a mix of 1 and 2 bed apartments with private balconies and terraces. Car parking provision is at 1 space per dwelling, plus one additional visitor space.

1.5 It is proposed to convert the Old Power Station building into 5 dwellings, 4 of which would be duplex apartments, accessed from ground floor level via a shared entrance lobby. These dwellings are generally laid out with sleeping accommodation at ground floor with open plan living spaces at first floor level

under vaulted roof space. A one-bed 'flying freehold' apartment is situated above the adjoining switch gear room. Secure storage and bicycle bays for all residents will be situated within the basement beneath the eastern wing of the building. Car parking spaces (5 spaces at a ratio of 1 per apartment) are located along the east and west flank elevations.

- 1.6 There are no proposals to alter the principal elevation materials of the Listed Power Station building, which are red brickwork and white render. The new residential entrance lobbies would be faced in white glazed brickwork with a pattern of green glazed bricks within the west entrance atrium. Where new windows are proposed within the listed building, they are to be a polyester powder coated aluminium/timber composite system. Some remedial and/or refurbishment work is also likely to be required to some existing windows.
- 1.7 The existing roof trusses and hoist within the Old Power Station will be retained and presented as features of interest above the atrium. An area of roof slates and apex ridge lights will be removed to open the atrium to enhance natural daylight within and ventilate the internal courtyard space. The large arched doors located in the rear elevation (installed circa 1992) are to be removed to open the internal building courtyard onto the larger, shared surface courtyard space beyond, which will separate the power station from the new apartment building.
- 1.8 The form of the recessed arches flanking the western wing (the old engine room) walls will be retained within the new dwellings and the fireplace within the east entrance lobby will be preserved as a focal point. The large sliding door on the east (front) elevation will be retained, with the void behind in-filled. The smaller sliding door on the front elevation at first floor level will be removed, creating an internal balcony with new privacy screen over the front entrance lobby.
- 1.9 A new four storey building, with car parking at ground floor level (7 spaces at a ratio of 1 per apartment) containing 7 no. apartments arranged over the three floors above, will be situated on land to the west (rear) of the Old Power Station. This proposed building would be constructed in brickwork with metal cantilevered balconies. The appearance is detailed to compliment that of the power station in terms of materials, massing and form, with suggestions of industrial heritage. In this respect, it is proposed to face the new apartment building in red-coloured facing brickwork, with horizontal bands of vertical stretcher bond brickwork. Some brick balconies will be clad in the same brickwork, including the soffits, to enhance the overall theme of solidity. The remaining balconies and balustrades will be metal fabricated and powder coated in a colour complimentary to the brickwork. The windows will match the main power station building (powder coated aluminium/timber composite system) and coloured to match the balconies. It is proposed to cover the flat roof over the second floor with a planted sedum layer – this would not become a 2nd floor roof garden/terrace area.

- 1.10 At 2nd floor a mansard roof wraps the building, reducing the building mass and negating the requirement of a traditional brick parapet around the flat roof. Bay windows on the north flank elevation are angled at 45 degrees from Hildenbrook House to prevent overlooking and to focus views towards the west.
- 1.11 The general layout of the new build element is intended to create an internal courtyard space between the rear wall of the listed Power Station building and the new building. This, together with the internal access road, would be laid out with smooth granite sets, set in a fan paving style, to clearly define and enhance shared spaces.
- 1.12 In terms of building height, the new building would have a maximum ridge height of 37.40m AOD (at 4th storey level) and 33.95m AOD (at 3rd storey level). By comparison, Hildenbrook House has an overall ridge height of 38.00m AOD, with the Power Station building having a maximum ridge height of 34.68m AOD.
- 1.13 The refuse and recycling storage area (for all apartments) would be located along the northern site boundary where it would be easily accessible by all residents and well-placed for refuse freighter collections.
- 1.14 The applications are submitted with a number of accompanying reports, including a heritage statement, views assessment from the Castle Motte, an arboricultural impact assessment, a contaminated land assessment and a flood risk assessment/drainage strategy.

2. Reason for reporting to Committee:

- 2.1 In light of the significant local interest generated by these applications.

3. The Site:

- 3.1 The application site comprises the Old Power Station building and the hard surfaced private car parking area to the rear (west) of the building. The site is located off The Slade and falls within the urban confines of Tonbridge. It is close to the town centre and some 65m north west of Tonbridge Castle grounds, a designated Scheduled Ancient Monument. The Old Power Station building is Grade II Listed and lies within the Tonbridge Conservation Area. The site lies partially within Flood Zones 2 and 3.
- 3.2 The building is used as a training centre and in recent years it has also been home to the Milne Museum (1975-1989) and since then as offices and storage. It is understood that the building was constructed in 1902 and was used as an electricity generating station for many years – with coal deliveries via the adjoining canal, now the Hilden Brook. The building is laid out principally over two floors, with a brickwork structure below a pitched slate roof. To the rear of the building, the former engine room has an open roof space with exposed steel trusses and an overhead hoist that remains in situ.

3.3 To the immediate south of the site lies a UK Power Networks electricity sub-station compound, beyond which is the retirement complex known as Castle Fields. Just north of the site is Hildenbrook House, a four storey mixed use building comprising ground floor office space and 3 storeys of residential flats above, and the Slade Primary School. Further west are public Council car parks, the Tonbridge Swimming Pool and Tonbridge Juddians Rugby Football Club and associated open sports fields.

4. Planning History (relevant):

TM/80/10913/FUL Grant with conditions 14 April 1980

Change of use from stores building to a museum of electrical appliance and equipment.

TM/96/00808/FL Grant With Conditions 13 August 1996

change of use to office with storage, including refurbishment of building and provision of car park to rear

TM/96/00809/LB Grant With Conditions 9 September 1996

Listed Building Application: Refurbishment of building including additional windows and re-slatted roof

TM/99/02347/FL Grant With Conditions 21 January 2000

Insertion of mezzanine floor at first floor level to provide office space with storage underneath

TM/99/02348/LB Grant With Conditions 21 January 2000

Listed Building Application: Insertion of mezzanine floor at first floor level to provide office space with storage underneath

5. Consultees:

5.1 KCC (H+T): No objection to the proposal, recommending the imposition of conditions to cover: construction vehicle loading/unloading facilities, parking for site visit personnel during works, provision and permanent retention of vehicle parking spaces, loading/unloading and turning facilities and cycle storage facilities.

5.2 KCC (Heritage): Notes that the application site lies within c. 65m of the Scheduled Ancient Monument of Tonbridge Castle. As such, it is essential Historic England are consulted, especially in consideration of the potential impact of this scheme on the setting and significance of the Castle. Considers that since the site lies within the medieval town walls, the site is likely to have been utilised during the medieval period and remains associated with medieval activity may survive on site. The

original power station seems to have been a much larger building than the existing one – the original building extended towards the river and remains may survive within the area of the proposed new build. Within the existing power station building structures, fittings or fixtures surviving which relate to the electricity power station would be of local heritage interest and should be preserved in situ.

The application site lies within an area of open space and river – although there are some car parks and buildings, the open space around the Castle is still the predominant landscape character. There needs to be clear assessment of the impact of a large scale and mass building on the surrounding historic landscape character.

Should the LPA be minded to approve the development, recommends that a condition is placed on any consent to secure a programme of archaeological field evaluation works in accordance with a specification and written timetable to be submitted to and agreed by the LPA.

- 5.3 Historic England: The application proposes to convert the Grade II Listed, 20th Century power station building from office to residential use. On the basis that the building has already been sub-divided and that elements of the proposals will retain the industrial sense of the building, no objections are raised.

Notes that the Castle's hilltop position demonstrates its fundamental strategic and tactical function. In this way the setting of the castle enhances our understanding of its defensible position, intended purpose and historical relationship with its surrounding land. The low level and attractive variety of buildings that contribute to the Conservation Area remain respectful of the castle and reflect the ad hoc evolution of the medieval town.

In light of the additional information [heritage statement and views from the Castle Motte] we remind the LPA of the requirements set out in the NPPF in respect of the heritage designations. Furthermore, considers that the applications should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

- 5.4 Council for British Archaeology: Confirms it is not opposed to the principle of the application, however, raises concerns regarding how the application documents have described the significance of the heritage asset and therefore, in turn, the impact the proposals would have on the special interest and character of the listed building.
- 5.5 Environment Agency: Considers that planning permission could be granted for the proposals as submitted provided that conditions are imposed to cover: a contamination remediation strategy and subsequent verification report, unsuspected contamination, no infiltration of surface water drainage into the ground, and an engineering assessment, monitoring and maintenance plan for the river retaining wall/bank.

- 5.6 KCC (LLFA): Have no objection to the proposed development with respect to means of surface water disposal, subject to the inclusion of a condition covering the submission and implementation of a sustainable surface water drainage scheme for this site.
- 5.7 KCC (Education and Libraries): Requests a Primary Education contribution of £590.24 per 'applicable' flat (9 x 'applicable' flats = £5312.16) + a Library contribution of £48.02 per flat (12 x flats = £576.19).
- 5.8 Private Reps: 44/0X/31R/0S + site + press notice, including representations from the Slade Area Resident's Association and a petition letter from 11 residents within the retirement development known as Castle Fields. The main reasons for objection to this application are:
- Reducing the majority of the proposed building to 3 floors is obviously an improvement but still consider the new building will continue to be visible above the listed building, to the detriment of its appearance, while the substantial remaining 4th floor portion will continue to tower over it;
 - New building is not in-keeping with the local area;
 - Concerns with the extent of tree removal proposed along the northern and western site boundaries;
 - The new building will result in overlooking for residents of Hildenbrook House and Castle Fields;
 - Loss of light/overshadowing of Hildenbrook House;
 - The new building will impact adversely on views of and from Tonbridge Castle – additional views should be modelled from the top of the Castle and Motte, from the car park on The Slade, at the junction of The Slade from Stafford Road and from the sports centre car park;
 - Increased traffic movements to/from the site from the new apartments;
 - One space per flat will not be sufficient to meet modern parking demands from the occupants of the buildings;
 - Parking concerns arising from potential abuse of private residents' parking within the Castle Fields retirement development;
 - Concerns raised from noise, disturbance and traffic generation during construction works;
 - Concerns that the new building will be built on the flood plain;

- Having more flats in the area will increase noise and put more pressure for places at the Primary School;
- Questions why Tonbridge needs more flats;
- Concerns over the potential installation of individual satellite dishes on the buildings; and

5.9 TCS: Notes that although the amended plans for the most part reduce the height and mass of the proposed new block to something approaching that of the Old Power Station the retention of part of the top storey would produce a strange ugly façade on The Slade frontage. If the remainder of the top floor was removed it would still be necessary to improve the roof line to achieve a more harmonious neighbour for the original building. Considers that a property views assessment must be provided to ensure that the new building enhances this important part of the Conservation Area.

5.10 A re-consultation based upon the design changes to the building has recently been undertaken. Any further representations will be updated within the Supplementary Reports, as necessary.

6. Determining Issues:

6.1 One of the key aims of the NPPF is to support the development of previously developed land (PDL) in appropriate locations. The site is located within the urban area of Tonbridge, not far from the town centre, where a wide range of shops and services are available and easily accessible by public transport. Given the existing and former uses of the site, the land is clearly PDL. Policy CP11 of the TMBCS states that development will be concentrated within urban areas, including Tonbridge. With this context in mind, in terms of the broad principle of new development to the rear of the Old Power Station this site presents a good opportunity for redevelopment in the manner proposed. For similar reasons, the conversion of the Power Station into flats is also acceptable in principle.

6.2 Turning to the specifics of the scheme itself and dealing firstly with the impact on the Tonbridge Conservation Area, the Grade II Listed Power Station and the nearby Scheduled Ancient Monument (SAM), paragraph 131 of the NPPF states that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets (in this case the adjacent Listed Building, the surrounding Conservation Area and the nearby SAM). Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting.

6.3 Policies CP1 and CP24 of the TMBCS and Policy SQ1 of the MDE DPD require that the historic environment is respected and all development must be well

designed and be of a high quality in terms of detailing and use of appropriate materials. It must through its scale, density, layout, siting, character and appearance be designed to respect the character and local distinctiveness of the area including its historical and architectural interest.

- 6.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that there is a general duty when carrying out any functions under the Planning Acts with respect to any buildings or other land in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Similarly, Section 66 of this Act requires that in considering whether to grant listed building consent for any works the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses.
- 6.5 Due to the particular context of this site and the nature of the proposals, there are several different heritage assets that need to be considered, including the conversion of the Listed Power Station building, the impact of the new development upon the setting of the adjacent Listed Building and the SAM and, of course, whether the development would preserve or enhance the character or appearance of the Tonbridge Conservation Area. I will address each of these matters in turn:

Conversion of the Old Power Station:

- 6.6 The List Entry description for the Old Power Station (referred to as The Milne Museum) describes the building, amongst other factors, as being built in 1902, and constructed as a fairly early and architecturally elaborate example of an electricity generating station using Arts and Crafts architectural styling. It is constructed from red brick in English bond with stone dressing, nipped slate roof, two storey offices with one storey engine room behind – the latter having been extended by two bays at a later date in matching style. It also notes that the only surviving machinery from the building is an overhead crane, located in the main engine hall.
- 6.7 There are no proposals to alter the principal elevation materials of the Power Station building which are red brickwork and white render. The principle alterations proposed include additional windows – of scale and proportion to respect the original openings – on the north, south and west elevations. Some of these additional windows will replace existing bricked-up former openings, and where new windows are proposed they are to be polyester powder coated aluminium/timber composite to closely reflect existing windows within the building.
- 6.8 At roof level above the old engine room, an area of roof slates and apex ridge lights would be removed to open up the atrium below to enhance natural daylight within and ventilate the internal courtyard space. Two new rooflights would be installed within the rear (west) facing roof plane to light the living accommodation to be created within the 1st floor.

- 6.9 It is proposed to remove the large arched timber doors located in the rear elevation – which are understood to have been installed in the early 1990s – to create an internal atrium courtyard, off which the new dwellings front doors would be located. The large sliding door on the front (east) elevation is shown to be retained, with the void behind in-filled. A smaller sliding door on the front elevation at first floor level would be removed, creating an internal balcony to serve two apartments over the front entrance lobby. New windows would be installed within the rear (west) elevation, together with new planting grown over stand-off tension wires, to enhance this existing somewhat bland elevation.
- 6.10 It is noted that much of the former internal building fabric has been significantly modified over the years, most specifically through the creation of office space, a modern staircase, and associated floors and ceilings. The application proposals include the removal of these modern interventions to allow the formation of the new apartments. It is nonetheless proposed to retain the remaining significant internal fabric of the building as exposed features – this includes exposed timber and metal roof trusses, the fireplace within the front (east) entrance lobby and the remaining crane hoist over the engine room.
- 6.11 It is clear that these conversion proposals have been sensitively designed to retain existing features of special architectural and historic interest which currently remain within the building. Subject to the imposition of relevant conditions to cover aspects such as joinery details, I am satisfied that the conversion proposals represent an acceptable solution to the sub-division of the building into residential apartments which would preserve the listed building, its setting and features of special architectural and historical interest which it possesses.

Introduction of the new apartment building within the site:

- 6.12 As noted at Section 1, the proposed new building has been subject to several design changes to its scale and external appearance during the course of the application. These changes have been borne out of negotiations with the developer to address local concerns with the overall scale, bulk and massing of the earlier proposals.
- 6.13 The new building would be predominantly three storeys, with a 4th storey section closest to the northern site boundary which is flanked by The Slade and beyond that, Hildenbrook House. In contextual terms, the overall ridge height of the proposed 4th storey section (37.4m) would sit below that of the ridge height of Hildenbrook House (38.0m), whilst the ridge height of the proposed 3rd storey section (33.95m) would sit below that of the existing Power Station building (38.0m). It has been designed as a modern building that compliments that of the Power Station in terms of materials, massing and form, with suggestions of industrial heritage.
- 6.14 This new building would sit within the Conservation Area and would undoubtedly be visible from a number of surrounding public vantage points, including views

from the north east from within The Slade/Stafford Road, the Castle and views from the south from the public car park, swimming pool and surrounding public land. In this respect, it is worth highlighting that the proposed building has not been designed to be 'hidden' from public vantage points; instead, it seeks to compliment the Power Station and provide a new feature of interest within this under-used part of the urban confines. It is also important to note that a key test for the acceptability of development proposals within a Conservation Area is whether the proposals preserve or enhance the character or appearance of that area – this is not the same as whether the development can be seen from public views within the context of such designation.

- 6.15 In this context, I note that the wider area is not characterised by a single typology of built form – there are a distinct mix of buildings including variations in building heights, materials, form and uses. Of note, this mix of buildings includes a red-brick single storey Primary School, the red brick two storey retirement development at Castle Fields, the two storey brick and rendered Power Station building, the four storey modern-designed mixed use building known as Hildenbrook House, two storey terrace housing towards the north and east within The Slade, Stafford Road and Annison Street, and low level buildings containing the public swimming pool and sports pavilion.
- 6.16 The proposals involve the removal of a number of trees (16 x grade C trees, 2 x grade C groups and a further section of 1 x C grade group) along the northern and western site boundaries owing to the proximity of these trees to the proposed development footprint. It is proposed that a replacement planting scheme would then be introduced along these boundaries, with new trees planted within suitable root barriers to minimise future root damage to new building/retaining wall foundations. The removal of the existing trees would result in the visual site envelope being 'opened-up', with the resulting impact that any new building would become more visible from surrounding vantage points. That said, the opening up of this site through the removal of boundary vegetation would be somewhat off-set by the proposed new landscape planting which is proposed around the site perimeters.
- 6.17 I appreciate that the new building would be visible from public vantage points within the Conservation Area; however, its overall height would not dominate either the Power Station building or the adjoining Hildenbrook House building and therefore would, in turn, sit comfortably within the context of these existing buildings when viewed from principal views from The Slade/Stafford Road. Furthermore, the proposed external appearance of the building, (including mansard roof and articulated elevations, together with the predominant 3 storey height with a section of 4th storey closest to Hildenbrook House) would assist in ensuring the building would comfortably sit within this urban site. In light of these factors, it is considered that the proposed new building would preserve the character of the Tonbridge Conservation Area.

- 6.18 It is now important to consider the impact of the new building upon the setting of the Grade II Listed Power Station and that of Tonbridge Castle, a Grade I Listed Building and a Scheduled Ancient Monument. The new building would be constructed some 8m directly behind the rear (west) elevation of the Power Station building. The development would therefore change the setting of the listed building. However, regard must be had to whether the development would preserve the building or its setting or any features of special architectural or historic interest which it possesses. In this instance, it is clear that the principal elevation of the listed building is its frontage (east elevation) where the majority of architectural detailing can be found. It is understood that the power station was once a large building which extended further to the rear; however this rear section was demolished leaving behind a fairly blank rear elevation which contains very little architectural or historical detailing. It is this rear (blank) elevation that the new building will have its relationship with and, on this basis, I am satisfied that the new building would not adversely harm the setting of the listed power station building or any features of special architectural or historical interest that it possesses.
- 6.19 Furthermore, the new 3rd storey level of the proposed building would comfortably sit below the ridge height of the power station, whilst the 4th storey section would rise above the roof line, but sit below the ridge height of the adjoining Hildenbrook House building. In this instance, and reading the setting of the building from its principal elevation (i.e. from the east within The Slade) it is not considered that the new building would dominate or detract from the setting of the Listed Building.
- 6.20 As noted above, the Castle (a Grade I Listed Building) and its outer-lying grounds form part of a designated SAM. The NPPF makes it clear (at para. 132) that substantial harm to or loss of a designated heritage asset of the highest significance, notably scheduled monuments, should be wholly exceptional. The Castle is a Motte and Bailey type, occupying a hilltop position demonstrating its fundamental strategic defensive position. I have previously detailed within this report that the surrounding area is not characterised by a single building typology in design and height terms, instead there are a variety of surrounding building types and heights which currently provide the context to the SAM designation. Views analysis have been submitted as part of the application which demonstrate public vantages from the Castle Motte towards the application site, across the Castle Fields and swimming pool sites, the Power Station and set against the backdrop of Hildenbrook House. These views, taken in winter when surrounding vegetation is not in leaf, demonstrates that only glimpse views of Hildenbrook House can be seen from the Castle Motte, in turn indicating that any views of the proposed apartment building (which would be lower than Hildenbrook House) would also be limited.
- 6.21 In light of the above, I am satisfied that the proposed new building would not harm the significance of the Tonbridge Castle scheduled monument.

6.22 I now turn to other matters as follows:

6.23 Firstly, in respect of design and appearance I have already noted that TMBCS Policy CP24 sets out general criteria for all new development, including a provision that development must respect the site and its surroundings. It is also important to note that the NPPF provides more recent guidance on the issue of design quality at paragraphs 60 and 61. It states that:

“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, build and historic environment.”

6.24 The proposed new apartment building has been the subject of criticism by a number of local residents for being too large for the site, being too high, and of a design that does not reflect that of the listed power station building. As noted above, a variety of building types and forms are found in the locality, making up the characterful mix of this part of the Conservation Area. Specifically, the immediate local area is categorised in the Conservation Area Appraisal (Sub-area A3) as being a transitional area with mixed density, character and uses. Whilst it is acceptable that the proposed apartment building would be relatively large in terms of footprint and scale, as concluded above, it would not appear obtrusive in visual terms when considering the surrounding context, particularly bearing in mind the scale and massing of the adjoining Hildenbrook House development. Furthermore, whilst the proposed apartment building is not a pastiche copy of the power station building, it will appear as a modern, well designed building that picks up design detailing/reference from the power station building in terms of its industrial heritage, which is wholly appropriate in this context.

6.25 It is proposed to construct the building from a range of high quality external materials, a factor which will be particularly important in terms of how the building fits into its setting. In this respect, the proposed elevations contain a mix of red facing brickwork with horizontal bands of vertical stretcher bond brickwork, dark-grey metal cladding for sections of roof and the cantilever balconies, limited sections of render, and dark powder coated windows/doors to match the colour of metal cladding. I have no objections to the proposed indicative external materials which are considered to be entirely acceptable for this location; however, final material detailing would be subject to control via planning condition.

6.26 In terms of the amount of development proposed, having regard to the proposed layout and surrounding patterns of development, I do not consider that the proposed apartment scheme represents an overdevelopment of the site in this

case in what is a transitional area with mixed density, character and uses of building.

- 6.27 Whilst concerns have been expressed regarding the overall building height, the revised scheme which has sought to bring the main section of building down to 3 storeys would sit just below the ridge height of the power station building. Whilst the 4th storey element would sit higher than the power station, this would not render it obtrusive. Moreover, the entire new building (including the 4 storey section) would sit below the overall ridge height of the adjacent Hildenbrook House building and, in my opinion, would be read in that context from all surrounding public vantage points. Consequently, the proposal would not appear as an overly tall or domineering building when viewed from the surrounding land.
- 6.28 Turning to matters concerning residential amenity, a number of concerns have been expressed regarding the potential for the development to cause unacceptable overlooking and a loss of light to neighbouring properties within Hildenbrook House and within the retirement development of Castle Fields. The proposed apartment building is located some 16m to the south of Hildenbrook House, separated by The Slade highway. Taking into account the positioning of the proposed building and the separation distance from Hildenbrook House I am satisfied that there would be no unacceptable loss of light for existing residents within the adjoining building.
- 6.29 In terms of the issue of privacy, the proposed apartment building contains its principal outlook to the front (east) and rear (west). There are some window openings contained within the northern flank elevation (towards Hildenbrook House), however these serve the communal staircase and not habitable spaces. Whilst first, second and third floor balconies and doors are located on the north flank elevation, these have been angled at 45 degrees to ensure that their principal outlook is to the west as opposed to directly towards Hildenbrook House. On this basis, I do not consider that the proposals would give rise to unacceptable overlooking to neighbouring residential properties within Hildenbrook House.
- 6.30 In terms of the amenities of residents within the Castle Fields retirement development, the proposed apartment building would be located some 30+ metres at its closest point. This distance is separated by the existing electricity sub-station (which would remain) and the private car parking area of the retirement complex. Whilst the southern flank elevation would contain a small number of windows (at second and third floor level) these would face over the adjoining electricity sub-station and would not result in an unacceptable degree of overlooking towards the Castle Fields development, including its outside space besides its front entrance.
- 6.31 Concern has been expressed that at 3rd floor level there would be a large flat roof section which could be used as roof-top garden. This area is shown to be covered with a sedum roof which, owing to its proposed covering, could not be used as an

external garden/amenity area. In any event, a condition can be attached to the effect that this flat roof area cannot be used as a balcony/terrace area.

- 6.32 Taking all of the above factors into account, the proposed development is considered to be acceptable in terms of residential amenity issues. Whilst I appreciate that the surrounding residents' relationship with the site will change in physical terms, this change would not result in any material harm being caused.
- 6.33 The proposed development would be served by the existing vehicular access off The Slade into the site. Car parking spaces would be provided on the basis of one space per apartment (12 spaces), plus one additional visitor space at the front of the site. The adopted car parking standards require a maximum of 1 space to be provided for 1 and 2 bedroom apartments in this urban, town centre, location. The site is located close to Tonbridge town centre and is well related to the public transport network so the residents will have access to a range of transport modes and will not necessarily need to rely solely on the private motor car. In light of this I consider that the proposals accord with the adopted car parking standards.
- 6.34 Whilst concerns have been expressed regarding the potential for miss-use of adjoining private residents' parking within the Castle Fields development, this is, of course, a private matter and would need to be managed by the adjoining retirement development should the problem occur. I must reiterate that these proposals accord with the adopted maximum parking standards for a town centre location. It should also be noted that ample public car parking exists just to the west of the site.
- 6.35 It must be borne in mind that current Government guidance contained within paragraph 32 of the NPPF states that permission should only be refused on transport grounds if the impacts are considered to be *severe*. In this case, the highway authority has not objected to the proposed development and there are no severe impacts to justify a refusal on transport grounds.
- 6.36 In the event that planning permission is granted, it is recognised that the construction works would inevitably result in some disruption to nearby residents. Whilst this is not a matter which the Planning Authority can directly control, it is possible to place an informative on any decision notice, encouraging the applicant to apply considerate construction techniques, including measures such as working hours and considerate parking of construction workers' vehicles.
- 6.37 The site is subject to noise from the adjacent electricity sub-station. However, details of what mitigation measures are required to provide an acceptable aural amenity for the eventual occupiers of the buildings can be required by condition, as is usual practice.
- 6.38 A contaminated land investigation report has been submitted as part of this application. Details of a remediation strategy and subsequent verification report

should be required by condition, something that is normal practice for previously developed industrial land.

- 6.39 Concerns have been expressed that the proposed new building would be built on the flood plain. The application site is located partially within Flood Zones 2 and 3; however this, in itself, does not render the proposals unacceptable in principle as set out in the NPPF. In accordance with this national guidance, the application is accompanied by a Flood Risk Assessment and, having been consulted on the proposals, the EA has raised no objections on flooding grounds. The EA has requested details of the structural condition of the river wall/bank which forms the western site boundary (with the Hilden Brook) and the potential for any necessary remedial works – this approach has been discussed with the applicant and appears an entirely acceptable matter that can be dealt with via condition.
- 6.40 KCC (as the Lead Local Flood Authority) has requested that the applicant be required to submit a surface water drainage scheme for the site. Again, this is an entirely reasonable approach and is usual for this type of development.
- 6.41 To conclude on flooding matters, there is no objection from the EA and I am satisfied that, subject to the imposition of conditions, the proposals would not give rise to an unacceptable flood risk for either occupants of the site or increase the risk of flooding of surrounding land/property.
- 6.42 In terms of infrastructure contributions, KCC has requested a contribution towards primary education and the enhancement of library services within the town. The Community Infrastructure Regulations contain three statutory tests. Regulation 122 states that a planning obligation may only be required if the obligation is:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 6.43 In this instance, KCC has provided no satisfactory evidence to suggest that the existing facilities in the area could not absorb the needs of future residents with regards to libraries and as such the request in relation to library contributions does not meet the tests set out in Regulation 122 and that contribution will not be pursued in this instance. On the contrary, the request for a primary education contribution (totalling £5312.16 and to be directed to Slade Primary School) appears entirely reasonable in relation to the proposed development and is considered to meet those tests identified above. I am therefore satisfied that this contribution should be sought via a Section 106 legal agreement.
- 6.44 In conclusion, the proposed development would be an effective use of previously developed land in a highly sustainable urban location. The proposed apartment building would sit comfortably within the site and would preserve the character and

appearance of the Conservation Area and would not unacceptably harm the setting of the Tonbridge Castle, a Scheduled Ancient Monument. In addition, the conversion proposals for the listed building have been sensitively designed to retain existing features of historical and architectural fabric. I am satisfied that the proposed conversion proposals represent an entirely acceptable solution to the sub-division of the building into high quality residential apartments which would not unacceptably harm this important heritage asset.

6.45 I therefore recommend that Planning Permission and Listed Building Consent be granted, subject to those conditions set out below, accordingly:

7. Recommendation:

(Application A) – TM/15/02817/FL

7.1 **Grant Planning Permission** as detailed in the following submitted details: Email dated 09.09.2015, Planning Statement dated 09.09.2015, Desk Study Assessment dated 17.09.2015, Flood Risk Assessment 15562 dated 21.09.2015, Proposed Floor Plans 1931/115 dated 27.08.2015, Tree Plan 3565 DR 001 dated 27.08.2015, Topographical Survey 15852SE-01 A dated 27.08.2015, Sections 15852SE-03 dated 27.08.2015, Proposed Plans and Elevations 15852SE-02 dated 27.08.2015, Email dated 11.11.2015, Email dated 25.11.2015, Noise Assessment 14872-201561 dated 08.12.2015, Letter dated 08.12.2015, Tree Protection Plan 3565_DR_002 A dated 25.11.2015, Tree Removal Plan 3565_DR_003 dated 25.11.2015, Arboricultural Survey 3565_RP_001-B dated 25.11.2015, Photographs VIEW FROM TONBRIDGE CASTLE dated 13.11.2015, Statement HERITAGE STATEMENT dated 11.11.2015, Design and Access Statement 1931 dated 08.03.2016, Drawing 1931/150/- images dated 08.03.2016, Artist's Impression 3D DRAWING dated 08.03.2016, Proposed Floor Plans 1931/105/B dated 08.03.2016, Proposed Floor Plans 1931/106/B dated 08.03.2016, Proposed Floor Plans 1931/107/B dated 08.03.2016, Proposed Floor Plans 1931/108/B dated 08.03.2016, Proposed Roof Plan 1931/109/B dated 08.03.2016, Proposed Floor Plans 1931/110/B dated 08.03.2016, Proposed Elevations 1931/130/B dated 08.03.2016, Proposed Elevations 1931/131/B dated 08.03.2016, Proposed Elevations 1931/132/B dated 08.03.2016, Sections 1931/133/B dated 08.03.2016, Proposed Elevations 1931/130/B west colour rendered dated 11.03.2016, Proposed Elevations 1931/132/B north and south colour dated 11.03.2016, Proposed Elevations 1931/131/B east colour rendered dated 11.03.2016, subject to the following:

7.2 The applicant entering into a Section 106 Agreement covering the provision of a total primary education contribution of £5312.16 towards Slade Primary School; and

7.3 The following conditions:

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. No development shall take place until details and samples of materials to be used externally (including the external appearance of balconies) 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 character and appearance of the existing building or the visual amenity of the locality.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment. 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 development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

(a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).

(b) No fires shall be lit within the spread of the branches of the trees.

(c) No materials or equipment shall be stored within the spread of the branches of the trees.

(d) Any damage to trees shall be made good with a coating of fungicidal sealant.

(e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.

(f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

5. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 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.

6. No development shall take place until details of the finished slab level for the building in relation to the existing and proposed land levels within the site have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

7. No above ground works shall commence until full details of a scheme of acoustic protection to habitable rooms have been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels that comply with BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The approved scheme shall be implemented prior to the first occupation of the dwellings and shall be retained at all times thereafter.

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

8. No external lighting shall be installed until full details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

9. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

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

(b) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of archaeological investigation and preservation.

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

Reason: To protect groundwater and comply with the NPPF.

11. No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater and comply with the NPPF.

12. The development hereby permitted shall not be commenced until such time as an engineering assessment and a monitoring and maintenance plan for the river retaining wall/bank has been submitted to, and approved in writing by, the Local Planning Authority. Any works required to bring the condition of the retaining wall/bank up to a suitable standard should be undertaken prior to development.

Reason: To ensure the structural integrity and condition of the existing river wall/bank prior to development and to ensure appropriate monitoring and maintenance of the existing river wall/bank post development.

13. The development hereby permitted shall not be commenced until a detailed sustainable surface water drainage scheme (based on the details provided within the Flood Risk Assessment by BdR Engineering Consultants dated 15 September 2015) has been submitted to and approved in writing by the Local Planning Authority. Details should also be provided for the long-term maintenance of all surface water drainage infrastructure on the site.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

14. Notwithstanding the conclusions of the Sevenoaks Environmental Consultancy Ltd Geo-Environmental Desk Study Report, no development shall take place 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).

15. 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).

Informatives

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the

new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

2. 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.
3. The Local Planning Authority will not accept any liability for remediation works.
4. The applicant is reminded that a suitably qualified and competent person shall fulfil the requirements of the condition(s) pertaining to contaminated land remediation.
5. With regard to the construction phase 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.
6. The applicant should be made aware that under the terms of the Water Resources Act 1991 and associated bylaws, the prior written consent of the Environment Agency is required for any works in, over, under of adjacent to a "main river". This is termed Flood Defence Consent. The bylaw margin for non-tidal main rivers is 8 metres from the top of the bank or landward toe of flood defence embankment or wall. Any required works should be carried out in such a way as to avoid unnecessary environmental damage and, where possible, look to provide habitat enhancement to the river channel and river bank. Details of the application procedure and requirements for any proposed works within 8 metres from the top of a river bank can be obtained from PSO.WestKent@environment-agency.gov.uk

(Application B) – TM/15/02818/LB

- 7.4 **Grant Listed Building Consent** as detailed in the following submitted details: Arboricultural Survey dated 27.08.2015, Proposed Floor Plans 1931/115 Old power station dated 27.08.2015, Survey 3565_DR_001 Trees dated 27.08.2015, Tree Protection Plan 3565_DR_002 dated 27.08.2015, Proposed Plans and Elevations 15852 SE-02 dated 27.08.2015, Sections 15852 SE-03 dated 27.08.2015, Topographical Survey 15852 SE-01 A dated 27.08.2015, Email dated 11.11.2015, Email dated 25.11.2015, Tree Protection Plan 3565_DR_002 A dated 25.11.2015, Tree Removal Plan 3565_DR_003 dated 25.11.2015, Arboricultural Survey 3565_RP_001-B dated 25.11.2015, Photographs VIEW FROM TONBRIDGE CASTLE dated 13.11.2015, Statement HERITAGE STATEMENT dated 11.11.2015, Design and Access Statement 1931 dated 08.03.2016, Artist's Impression 3D DRAWING dated 08.03.2016, Drawing 1931/150/- images dated 08.03.2016, Proposed Floor Plans 1931/105/B dated 08.03.2016, Proposed Floor Plans 1931/106/B dated 08.03.2016, Proposed Floor Plans 1931/107/B dated 08.03.2016, Proposed Floor Plans 1931/108/B dated 08.03.2016, Proposed Roof Plan 1931/109/B dated 08.03.2016, Proposed Floor Plans 1931/110/B dated 08.03.2016, Proposed Elevations 1931/130/B dated 08.03.2016, Proposed Elevations 1931/131/B dated 08.03.2016, Proposed Elevations 1931/132/B dated 08.03.2016, Sections 1931/133/B dated 08.03.2016, Proposed Elevations 1931/130/B west colour rendered dated 11.03.2016, Proposed Elevations 1931/131/B east colour rendered dated 11.03.2016, Proposed Elevations 1931/132/B north and south colour dated 11.03.2016, subject to the following conditions:

Conditions

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

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

2. No development shall take place until details and samples 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 character and appearance of the existing building or the visual amenity of the locality.

3. No development shall take place until details of any joinery to be used have been submitted to and approved in writing 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 character and appearance of the existing building or visual amenity of the locality.

4. The standard of workmanship achieved in the carrying out of the development shall conform with the best building practice in accordance with the appropriate British Standard Code of Practice (or EU equivalent).

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

Contact: Julian Moat