

**Hildenborough TM/16/01169/FL**  
**Hildenborough**

**Variation of conditions 6 and 7 of planning permission TM/13/02727/FL to allow the cafe to be open between the hours of 07:30 to 20:00 Monday-Saturday, to allow for the use of outside space by customers between the hours of 07:30 to 20:00 Monday-Saturday between the months of May-September; (inclusive), and to allow for the use of the premises for private functions all year round (up to a maximum of 5 events per month) on Tuesday-Saturday up until 23:30 hours at Cafe 1809 152 -154 Tonbridge Road Hildenborough Tonbridge for Double Gold Enterprise Ltd**

DPHEH: Since publication of the main report, I have taken the opportunity to review the recommended planning conditions. I consider that a slight amendment to Condition 2 is required to clarify that with the exception of pre-booked events, the premises shall be operated fully in accordance with those documents submitted as part of the main planning permission (TM/13/02727/FL). It is also necessary to amend Condition 5 to reflect that with the exception of pre-booked events, all activities in connection with the business shall only take place between the times referenced in the original condition.

Lastly, for the avoidance of doubt, it is also considered appropriate to amend the wording of Condition 16 to require that all activities in connection with pre-booked events only take place within those times set out in the proposed condition. This revised wording will require the premises to be vacated by customers and staff by 23:30 hours.

#### **AMENDED RECOMMENDATION**

**Amend Conditions 2, 5 and 16:**

**2. With the exception of pre-booked events and functions, the premises shall be operated fully in accordance with plan number 13/1779/100 C and Supporting Statement prepared by MKA Architects received on 08 November 2013 approved under planning reference TM/13/02727/FL unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of residential amenity and highway safety.**

**5. With the exception of pre-booked events and functions, no activities in connection with the business shall be carried on outside the hours of 07:30 to 20:00 Monday to Saturday and 10:00 to 16:00 on Sunday unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of residential amenity.**

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**16. The premises shall be used for no more than 5 pre-booked events and functions within any one calendar month. The use of the premises for pre-booked events and functions shall only take place within the building and no activities in connection with the pre-booked events and functions shall take place outside the hours of 07:30 to 23:30 Tuesday to Saturday (inclusive) and pre-booked events and functions shall not operate on consecutive days unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To safeguard the amenities of nearby residential properties and the local aural environment.**

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<b>Tonbridge</b>	<b>(A) TM/16/00819/FL</b>
<b>Medway</b>	<b>(B) TM/16/00821/FL</b>
	<b>(C) TM/16/00822/FL</b>
	<b>(D) TM/16/00820/FL</b>
	<b>(E) TM/16/00818/FL</b>

**(A) External alterations and alterations to forecourt to provide pedestrian route to Cannon Lane, (B) Extension to rear of building, (C) Insertion of Mezzanine Floors, (D) New unit to accommodate an A3 occupier, (E) Variation of condition 1 of planning permission TM/98/01517/FL to extend the range of the goods that can be sold from the unit at B & Q Cannon Lane Tonbridge for London Metric Saturn Limited**

Private Reps: 3 further representations have been received to this suite of applications which note the positive changes submitted by the applicant in respect of restricted delivery times and a proposed acoustic fence, but reiterate concerns raised previously about the impact of the new servicing arrangements upon the amenity of local residents in terms of noise and disturbance. In addition, the following issues have also been raised:

- A condition should be imposed to prohibit the use of external public address systems;
- Reference has been made to a site management plan - when will residents see details of this?
- Consideration should be given to the impact of the proposed acoustic fence on the Conservation Area; and
- What height and design will the acoustic fence take? The fence should be screened by existing trees.

EA: Further clarification has been provided that the new A3 unit (Application D) is situated within Flood Zone 3 as a result of recently updated River Medway flood modelling data. Considers that the flood depths at this location are very low, and that the site does not form part of the active floodplain. Therefore, confirms it raises no objection to this new A3 unit.

KCC (H&T): Confirms that there are no objections to the proposals, based on cumulative highway and parking impacts from surrounding consented developments.

DPHEH: Since publication of the main report, further consideration has been given to the proposed acoustic fence along the north and east boundary of the service yard. As I have stated in my main report (paragraphs 6.40 and 6.41), such acoustic fence can help to reduce noise outbreak from the service yard to the neighbouring properties, notably those located in Mill Bank. Whilst the principle of an acoustic fence in this location is supported, I remain of the view that its specific design, height and position are matters that can adequately be dealt with by the submission of details at a later stage.

The boundary of the Tonbridge Conservation Area lies along the south side of the Mill Stream that forms the northern boundary of the application site. Consideration must, therefore, be given to the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). This states that when exercising powers within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

The extensions and proposed acoustic fence will be visible from public vantage points including Cannon Lane and the car park within the site, which members of the public have access to. The proposals must be considered in the context of the existing retail site and its relationship with the Conservation Area. In this context, I remain of the view that the physical extensions and alterations to the building, including the new café unit, would be in keeping with the character of this retail site. Views from the residential properties within the Conservation Area on the north side of the Mill Stream currently overlook the service yard and rear elevation of the former B&Q building. As has been noted by local residents a screen of deciduous trees is currently located along the southern bank of the Mill Stream, which provides some positive screening of the site during the summer months. Taking the existing character of the site into account, I am satisfied that this suite of planning applications (including the provision of an acoustic fence along the perimeter of the service yard) would preserve the character and appearance of the adjacent Tonbridge Conservation Area.

Turning to other matters, having reviewed the proposed planning conditions I have suggested a number of additional conditions (on Application E) to prevent public address systems and external lighting being installed outside of the building, without the permission of the Planning Authority. I have also suggested an additional condition be imposed (on Applications B, D and E) to require deliveries to be undertaken in accordance with the vehicle tracking details provided within the application.

Condition 1 (on Application E) has been slightly amended to reflect an earlier drafting error, whilst two further conditions [Conditions 9 and 10] have been imposed to remove the ability to install mezzanine floors within the former B&Q building, or to sub-divide the building into units of less than 500 sq. metres under Permitted Development Rights.

Lastly, a copy of the Council's Retail Consultants advice is appended to this Supplementary Report.

## **AMEND RECOMMENDATION**

### **Additional Condition to Application (B) (rear extension)**

**6. The deliveries to the retail units shall only be undertaken in accordance with the details shown on plan no.T236\_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of highway safety and residential amenity.**

### **Additional Condition to Application (D) (the A3 pod)**

**8. The deliveries to the retail units shall only be undertaken in accordance with the details shown on plan no.T236\_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of highway safety and residential amenity.**

### **Amend Condition 1 and add Additional Conditions to Application (E) (section 73 application)**

**1. The use of the retail warehousing hereby approved shall be limited to the retail sales of DIY home and garden products, hardware, self-assembly or pre-assembled furniture, household furnishings, floor coverings, electrical goods, motor accessories and motor vehicles office equipment and supplies, bicycles, pets, pet food and drink and pet products, camping equipment and computer equipment.**

**Unit 1C shown edged green on plan shall additionally be permitted to be used for the sale of tents, camping and caravanning equipment and accessories, outdoor pursuit equipment and accessories and an associated ancillary outdoor clothing and footwear range equating to not more than 20 % of the net retail floorspace of Unit 1C.**

**Unit 1D shown edged purple on plan shall additionally be permitted to be used for variety retailing including the retail sale of food and drink goods from an area not exceeding 30% of the net retail floorspace of Unit 1D, and otherwise shall be used for the sale of non-food comparison goods. It shall not be used for the principal purpose of the sale and display of clothing and footwear.**

**Reason: The site is located outside an area where general retailing would be permitted.**

**6. No public address systems shall be installed or operated outside the building, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of residential amenity.**

**7. No external lighting shall be installed on the building or within the service yard or car park, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of residential amenity.**

**8. The deliveries to the retail units shall only be undertaken in accordance with the details shown on plan no.T236\_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of highway safety and residential amenity.**

**9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no mezzanine floors shall be installed within the building other than those approved under ref. TM/16/00822/FL unless planning permission has been granted on an application relating thereto.**

**Reason: The site is located outside an area where general retailing would normally be permitted.**

**10. The building shall not be subdivided to provide individual units of less than 500 square metres in area.**

**Reason: The site is located outside an area where general retailing would normally be permitted.**

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**Tonbridge  
Castle**

**TM/16/02521/FL**

**Change of use from C3 to D1 to provide classrooms and new staff facilities at 36 - 36A Dry Hill Park Road Tonbridge for The Trustees of Hilden Oaks School**

Private Reps: A further 12 representations have been received, objecting to the proposed development. Many of the previous concerns have been reiterated, but the following additional matters have also been raised:

- The application does not specify the number of days, hours of use, or activities that are proposed by the school;

- A previous Committee Report confirmed pupil numbers between 123 and 148 and the school stated that the numbers were not planned to increase;
- The disregard for planning conditions means the use of the school has increased from 170 days to all year round. This has resulted in a dramatic increase in activity, noise, traffic generation, parking problems and visual pollution of the Conservation Area;
- The submitted landscaping strategy does not represent a true reflection of the garden layout. Several of the proposed plants are inappropriate for the intention of their use;
- The landscaping proposals do not take into consideration the current issues around continued noise from the school, which will only increase under this proposal;
- Planting evergreen trees and shrubs will impede light to neighbouring properties, as will the proposed trellis;
- Locating the bins down the side of No. 36 is in breach of Conservation Area rules;
- The Council should undertake a traffic/parking study before this application is progressed; and
- Query the accuracy of the incident data used by KCC Highways.

One additional response has been received supporting the application.

KCC (H&T): Confirms that on the basis of the proposals, there are no objections to this application. The Highway Authority does not hold any specific road crash incident data, but does regularly receive, validate, monitor and reproduce Police report records of injury crashes that occur on the highway which are used as part of consultee responses on Planning Applications.

DPHEH: Many of the issues raised by local residents have been addressed in my main report. I can confirm that the existing school is not the subject of a planning condition that limits the number of pupils. As the original permission for the school (which dates back to 1965) did not contain a condition limiting pupil numbers, subsequent planning permissions within that school site could not introduce such a condition. However, in this particular case, as the application relates to the change of use of land and buildings **and** on the understanding that pupil numbers are not intended to increase at this time, it would be appropriate for a condition to be imposed on a new planning permission to limit pupil numbers to the existing levels. Of course this would not prevent an application being submitted and considered in the future to increase pupil numbers, but that would have to be considered on its merits at that time.

Local residents have requested that a traffic/parking survey be undertaken ahead of the proposals being determined. As has been set out in my main report, on the basis that pupil and staff numbers are not being increased as a result of these proposals, it would be entirely unreasonable to require any survey work as part of the consideration of this application.

In respect of proposed landscaping details, details of the size, position and height of the proposed trellis along the eastern site boundary would need to be submitted to and approved by the LPA before the use of the site could commence. I remain of the view that this is entirely reasonable, and would allow the consideration of those details at a later date.

The purpose of the proposed additional landscaping is not to deal with the issue of noise, but instead is intended to fill the gaps within the existing soft landscaping that is present along the east boundary of the site. This additional landscape strengthening would help, in time, provide a greater degree of privacy for the application site and the neighbouring residential properties. I am of the view that the proposed type and nature of proposed planting is entirely acceptable in this location.

Lastly, the provision of a bin storage area to the side of 36 Dry Hill Park Road is not a breach of Conservation Area rules/legislation. Indeed, I remain of the view that moving the bins away from the front of the existing school building would actually be a positive improvement to the character and appearance of the Conservation Area in this location.

**RECOMMENDATION REMAINS UNCHANGED**

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**Alleged Unauthorised Development**  
**Tonbridge**                      **16/00151/WORKM**  
**Castle**

**44C Dry Hill Park Road Tonbridge Kent TN10 3BU**

**RECOMMENDATION REMAINS UNCHANGED**

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