

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**11 March 2014**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member) - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1     PETITION REGARDING HAYDENS MEWS AND WHITE HOUSE CONSERVATION STATUS**

The Council has received a petition from residents of Haydens Mews (36 signatories) requesting that the Council revise the Tonbridge Conservation Area boundary to include this area. The area had previously been part of the Conservation Area until a comprehensive review was carried out in 2008 and subsequently adopted by the Council in July 2009. The petitioners are of the view that inclusion within the Conservation Area will stop the dilution of the character and ambience of the area through the control of minor amendments to individual properties such as the installation of replacement windows.

**1.1    Background**

- 1.1.1   Tonbridge Conservation Area was first designated in November 1969 by Kent County Council who was the designating authority at that time. The boundary was later reviewed by the Borough Council in 1981, 1985, 1990 and most recently in 2009. The revisions made in October 1985 extended the conservation area to include the playing fields in the vicinity of Yardley Park and Elm Lane, namely the area that is now Haydens Mews and The Haydens.
- 1.1.2   Planning permission for the residential development in The Haydens and Haydens Mews was granted by appeal in 1988. Proposals were subsequently resubmitted and granted planning permission in 1992. The development included the provision of informal open space facing onto Yardley Park Road.
- 1.1.3   The Council appointed an independent specialist to review Tonbridge Conservation Area and it was concluded that despite the attractive character of The Haydens and Haydens Mews, it did not possess the necessary historic or architectural character to justify inclusion with the conservation area and it was removed in July 2009.

- 1.1.4 The concerns raised in the petition relate to the loss of character and ambience of the area due to alterations made to individual properties and the petitioners consider the best way to address this dilution is to re-instate conservation area status.

## **1.2 Tonbridge Conservation Area**

- 1.2.1 In 2008, the Council appointed independent specialist consultants to assess the boundary of Tonbridge Conservation Area and to prepare a conservation area appraisal. This work concluded that Haydens Mews, attractive as it is, did not merit inclusion within the conservation area. Areas that are included with conservation areas should be of special architectural or historic importance to justify that status.
- 1.2.2 The justification for the deletion of The Haydens and Haydens Mews was reported as follows: *“When this area was first designated it comprised open space. It is now a modern housing development (The Haydens) which means that the original character has substantially changed. Whilst what has replaced the open space is an attractive development in its own way, its character is not of architectural or historic importance. For these reasons, this area no longer merits inclusion within the conservation area”.*
- 1.2.3 The deletion was subject to a public consultation exercise, to which objections were raised. Nevertheless, the Council remained unconvinced of the special historic and architectural character of the area, and Members approved the recommendations to delete it from the Conservation Area following a report to the Planning and Transportation Advisory Board on 20 October 2008. The Conservation Area Appraisal and revised boundary was subsequently adopted by Council in July 2009.

## **1.3 Loss of Character and Ambience of Haydens Mews**

- 1.3.1 The covering letter to the petition states that residents of Haydens Mews are concerned that the character and ambience of the development is being eroded due to the loss of common features, such as style and material of windows.
- 1.3.2 Conservation area status would not address these concerns due to permitted development rights that exist in all areas, including designated conservation areas.
- 1.3.3 The Council recognises that the area does have a character that is unique and this is recognised in the Tonbridge Character Area supplementary planning document which seeks to maintain, protect and enhance the character of the area and is a material consideration for development management purposes. That document was adopted in February 2011 and supplements a sound policy in the adopted Local Development Framework (Managing Development and The Environment DPD –Policy SQ1)

- 1.3.4 The area is described as “a development of substantial detached and terraced mews houses. The properties are set at angles along curving roads and culs-de-sac and clustered around shared driveways. Accessed via a pillared entrance off Yardley Park Road, the development is connected with Portman Park and Hadlow Road via Bourne Lane through a series of footpaths.”

## **1.4 Conclusions and Recommendations**

- 1.4.1 The removal of Haydens Mews from Tonbridge Conservation Area was subject to a public consultation exercise along with all other alterations to the boundary that were proposed at that time. That followed a detailed analysis of the area. Objections were raised to the proposed exclusion and reported to Members of the Planning and Transportation Advisory Board on 20 October 2008. Although the objections were carefully considered, the Council remained of the view that the area should not form part of the Conservation Area. The Conservation Area Appraisal and revised boundary was subsequently adopted by full Council in July 2009.
- 1.4.2 There have been no changes in circumstances, legislation or other considerations since the review of Tonbridge Conservation in 2009, and consequently there is no justification for a further review of the boundary.
- 1.4.3 The petition points to minor changes to properties that have occurred but these are generally matters that have the benefit of permission granted by Parliament (permitted development) which applies even in conservation areas.

## **1.5 Legal Implications**

- 1.5.1 Conservation Area boundaries are prepared and reviewed under the Planning (Listed Buildings and Conservation Areas) Act 1990, and as such any review must be prepared within the legislative framework.

## **1.6 Financial and Value for Money Considerations**

- 1.6.1 There are no significant financial considerations arising directly from the report.

## **1.7 Risk Assessment**

- 1.7.1 None identified.

## **1.8 Equality Impact Assessment**

- 1.8.1 See 'Screening for equality impacts' table at end of report.

## **1.9 Recommendations**

It is recommended that the Tonbridge Conservation Area boundary is not reviewed and the petitioners be advised of the reasons outlined in this report.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Jill Peet

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

<b>Screening for equality impacts:</b>		
<b>Question</b>	<b>Answer</b>	<b>Explanation of impacts</b>
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	No changes are proposed.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	No changes are proposed.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		No impacts are identified as no changes are proposed.

*In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.*