

**Tonbridge**  
Medway

**9 August 2017**

**TM/17/02233/FL**

Proposal:                      Erection of 2 additional floors of accommodation to provide 2 x 1 bedroom, 10 x 2 bedroom and 2 x 3 bedroom flats with roof balconies at fourth floor. The new floors to be arranged over 3rd and 4th floors

Location:                     Riverbank House Angel Lane Tonbridge Kent TN9 1GF

Applicant:                    Riverbank House (Tonbridge) Ltd

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**1. Description:**

- 1.1 Planning permission is sought for the construction of an extension to the existing three storey building known as Riverbank House, vertically by adding two more floors of accommodation that will accommodate a further 14 flats. The third floor would be of the same form and similar design as the existing building and be finished with matching materials. This floor would contain 8 no. 2-bedroom flats. The fourth floor would be set back from the edge of the existing building (and proposed third floor level) and would contain 2 no. 1-bedroom flats; 2 no. 2-bedroom flats and 2 no. 3-bedroom flats. Each of the fourth floor flats would have an external terrace/balcony. The fourth floor level of the building would be finished with matching stock brickwork, grey coloured render and zinc cladding.
- 1.2 Refuse and cycle stores are to be provided at ground level adjacent to serve this development. Provision is made for 38 car parking spaces in total to serve the building.

**2. Reason for reporting to Committee:**

- 2.1 At the request of Cllr Lancaster in light of the objections expressed by existing residents of the building.

**3. The Site:**

- 3.1 The site is located within Tonbridge town centre at the north end of Angel Lane. The existing building contains car parking and commercial (office) use at ground floor level with two floors containing residential flats above (24 in total). A basement level contains further car parking (28 spaces) to serve all of the residential properties within the building.
- 3.2 The retail shops fronting the High Street are located immediately to the west of the site. The Botany Stream adjoins the site to the north, beyond which lies Sovereign House, a residential development.

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

TM/15/01736/PDV Prior Approval Not 17 July 2015  
OR Required  
Prior Notification of Change of Use of the upper two floors from (Class B1) to 16  
no. residential units (Class C3) (Class O)

TM/15/01770/PDV Prior Approval Not 17 July 2015  
OR Required  
Prior Notification: Change of use of upper two floors from office (Class B1) to 24  
no. residential units (Class C3) (Class O)

**5. Consultees:**

5.1 KCC (Highways): I note under the proposals both the two and three bedroom flats will be allocated a space in the existing basement parking as shown in drawing, '12865-211 Rev B,' titled 'Proposed Basement Plan,' and stated on page 8 of the Design and Access Statement. It is acknowledged that there may be some overspill parking on the surrounding streets; however, the site is within close proximity of a variety of public transport provision and the standards set out in Kent Design Guide Review: Interim Guidance Note 3 (IGN3) are a maximum, rather than a minimum. In addition, it is pleasing to see a secure cycle store has been provided to encourage the use of sustainable transport methods.

5.1.1 The refuse strategy proposed as part of the development is clear from drawing, '12865-212 Rev B,' titled 'Proposed Ground Floor Plan,' with a refuse and recycle bin store shown at the rear of the development. It is considered these arrangements are adequate for the scale of the proposals.

5.1.2 Crash records for the area within the immediate proximity of the proposed development have been checked via crash map ([www.crashmap.co.uk](http://www.crashmap.co.uk)) and I can confirm there are no crash patterns or clusters the proposals are likely to exacerbate.

5.1.3 The anticipated amount of traffic that will be generated as a result of the development is not considered to be severe and I therefore write on behalf of the highway authority that I have no objection to this application

5.2 KCC (LLFA): No objection

5.3 EA: No objection

5.4 Private reps (including site and press notices): 34/0X/0S/1R. The one response received raises the following objections to this development:

- Existing residents of Riverbank House are unable to register with any of the local doctors surgeries. This indicates that there is insufficient community infrastructure to support the additional apartments

- The height, scale and appearance of the extension will not be in keeping with the character of the surrounding buildings, Conservation Area, High Street and Botany Stream
- The cycle store will be created by reducing the size of the existing refuse store, which is inadequate for the current number of flats
- The development contravenes the adopted parking standards and will add to congestion.
- The residents of the existing top floor flats will experience noise and disturbance arising from the additional flats above.

## 6. Determining Issues:

### *Principle of development:*

- 6.1 It has now been established that TMBC can no longer demonstrate a five year supply of housing. Whilst this will be addressed through the local plan, it has clear implications for decision making in the immediate term. In this respect, paragraph 49 of the NPPF states that:

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

- 6.2 Paragraph 14 of the NPPF sets out the presumption as follows:

*“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:*

*For decision-taking this means:*

*approving development proposals that accord with the development plan without delay; and*

*where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;*
- *or specific policies in this Framework indicate development should be restricted.”*

- 6.3 In this respect, policy CP11 of the TMBCS states that development will be concentrated within the urban areas of the Borough including Tonbridge. Policy TCA4 of the TCAAP allows for the use of upper floors within the Primary Shopping Area for residential purposes providing that would be compatible with other development plan policies. The principle of the proposed extension is, therefore, acceptable in terms of the development plan.
- 6.4 The core principles of the NPPF seek to support sustainable economic development, to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings, and encourage the effective use of land by reusing land that has been previously developed. In light of the site's urban and central location, the principle of the development sits comfortably with the core aims of the NPPF as well.

*Built form and visual impact:*

- 6.5 Policy CP24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must be designed to respect the site and its surroundings in terms of scale, layout, siting, character and appearance. It further states that development that would, by virtue of design, be detrimental to the built environment, amenity or functioning and character of a settlement will not be permitted.
- 6.6 In the locality of this site, the surrounding buildings vary in terms of height, scale, form and design. The existing shopping centre to the south of the site is a large, sprawling, late 20<sup>th</sup> century, two storey building. The buildings that front on to the High Street (and which back onto the site) are 2 to 3 storeys in height (due to a difference in land level between the High Street and the application site). Sovereign House, on the north side of The Botany Stream, contains 6 storeys of accommodation. In this particular context, the addition of two more storeys of accommodation on Riverbank House would not detract from the character of development in the locality or cause any visual harm.
- 6.7 The proposed third floor of the building takes design references directly from the existing building in terms of form, design and use of materials. The proposed fourth floor would be set well back from the edge of the existing building which would help to reduce its visual bulk and mass. Whilst this has been designed to contrast with the lower floors of the building in terms of detailed design and use of external materials (grey render, zinc), brick columns rising from the lower floors would continue into the top floor to provide a design reference to the existing building. The extension as a whole is considered to be respectful to the character of the building and wider locality.
- 6.8 For the avoidance of doubt, the site does not lie within the Tonbridge Conservation Area or immediately adjacent to it.

*Residential amenity:*

- 6.9 Policy CP1 of the TMBCS states that when determining applications, residential amenity will be preserved. The adjacent buildings to the application site (to the west and south) are not in residential use. The nearest residential properties are located within Sovereign House to the north of the Botany Stream. Given the separation between these two buildings (in excess of 25 metres), the proposed extension would not cause these neighbouring properties a loss of light or privacy.
- 6.10 Additionally, the building is located a sufficient distance from the nearest commercial activities along the High Street to ensure no adverse noise conditions arise that could affect future residents of the building.
- 6.11 In terms of the potential for the development to affect the existing residents of Riverbank House, I am mindful that the Building Regulations will ensure appropriate means of insulation between the residential units to prevent unacceptable levels of noise transmission.
- 6.12 In most circumstances, noise and disturbance impacts arising from construction works and associated logistics surrounding the construction phase would not be addressed through a planning permission. However, there are particular circumstances where it is appropriate to secure detailed methodologies for means of construction (and where applicable demolition) to ensure no adverse impacts arise. I consider that, given the constrained nature of the site and the circumstances involved, in particular the prior occupation of the existing building, the limited size of the site, the proximity to Angel Lane and the flood zone designation, it would be appropriate to require such details to be submitted for formal approval prior to any works commencing on site. This can be secured by planning condition in the event that the Planning Committee was minded to grant planning permission.

*Highway safety and parking provision:*

- 6.13 With regard to car parking, the adopted parking standards require a maximum of 1 space to be provided per dwelling in this locality, irrespective of size. In this case the development will be served by the existing parking spaces located at basement level. Whilst these would serve all of the residential units (existing and proposed) the resulting parking ratio of 0.7 spaces per dwelling complies with the adopted parking standards for this town centre location. The site is located within a highly sustainable location with easy access to shops services and public transport. Furthermore, the development includes the provision of a secure cycle store at ground floor level. This is to be encouraged as it would facilitate travelling to and from the site by means other than the private motor car.
- 6.14 Paragraph 32 of the NPPF advises that applications should only be refused on transport grounds if the impacts would be severe. Given that the development complies with the adopted parking standards, has easy access to public transport

and an objection has not been received from the local highway authority, I do not consider that the development would result in a severe impact upon highway safety.

Flooding considerations:

- 6.15 The site is located within flood zones 2 and 3a which has a medium to high probability of flooding. However, the proposed development, being a vertical extension to the existing building, would not create residential properties that would be prone to flooding. The development would also not increase risk of flooding elsewhere within the locality. The submitted FRA states that the water supply and electrics box will be located above the indicated flood level so residents will have a safe refuge and will not need to leave the building should a flood event occur. Residents of the building will also join the EA's flood warning scheme for the Tonbridge area.
- 6.16 The EA has not objected to the proposed development but advises that the LPA must be confident that safe access and egress can be achieved during a severe flood event. The submitted FRA considers that in a severe event (1 in 100 event plus climate change) the access to the site would be submerged by 200mm of water. The FRA considers this to be ponding and unlikely to have a current to it so would be safe to cross should residents need to evacuate. However, as has been stated earlier, residents will join the EA's early warning system and would be able to leave the building should they need/wish to do so prior to a flood event occurring. Alternatively safe refuge can be provided within the flats as they will be located well above the predicted flood level, as will the utilities servicing them. In light of the above, the development is acceptable in terms of flood risk.

Planning obligations:

- 6.17 As the development proposes more than 5 new flats, there is a requirement for open space provision in accordance with policy OS3 of the MDE DPD. In this case it would be impractical to provide open space within the site. Accordingly, it would be appropriate for the applicant to make a financial contribution towards enhancing existing open spaces in the locality in order to comply with the requirements of this policy. The applicant has agreed in principle to do so and negotiations are ongoing at the time of writing this report regarding the level of the contribution which must comply with the requirements of the policy. Any further information on this matter will be reported as a supplementary matter. Any such obligation will need to be secured by a Section 106 agreement, the detailed wording of which has yet to be agreed.
- 6.18 Although the resultant development will form part of a larger building which has been converted for residential purposes, the scheme subject of this planning application is only for 14 units. As such, there is no policy requirement for any affordable housing provision.

6.19 Equally, I appreciate that existing residents have raised a concern that they have been unable to register with doctors in the town and question the amount of community infrastructure available to meet the demand of further residential units. There has been no request from KCC or the NHS for obligations to be sought in order to mitigate the impact of this development specifically and in the absence of any such requests there would be no ability for the LPA to seek to secure them.

Refuse storage:

6.20 The comments of the local resident are noted. However the proposed refuse storage arrangements are considered to be acceptable for a development of this size.

Conclusions:

6.21 In light of the above, the proposed development is considered to be acceptable in all respects. Given the nature of the site itself, and the presence of existing residents and commercial uses within the building, it is considered necessary and appropriate to impose a condition upon any planning permission granted to require a scheme setting out the construction methodology in order to ensure residential amenities are not harmed and there is no obstruction to traffic.

6.22 I would also remind Members of the requirement, in the absence of a five year housing supply, to apply the presumption in favour of sustainable development (paragraphs 49 and 14 of the NPPF respectively), which for the purposes of determining this planning application, given that it accords with the development plan in all respects, means that planning permission should be granted without delay.

6.23 The following recommendation is therefore put forward:

**7. Recommendation:**

7.1 **Grant planning permission** in accordance with the following submitted details: Existing Elevations 12865-104 dated 09.08.2017, Block Plan 12865-201 dated 09.08.2017, Existing Floor Plans 12865-202 dated 09.08.2017, Existing Floor Plans 12865-203 dated 09.08.2017, Site Plan 12865-204 dated 09.08.2017, Existing Roof Plan 12865-205 dated 09.08.2017, Existing Floor Plans 12865-208 dated 09.08.2017, Existing Floor Plans 12865-209 dated 09.08.2017, Proposed Floor Plans 12865-211B dated 09.08.2017, Proposed Floor Plans 12865-212B dated 09.08.2017, Proposed Floor Plans 12865-215E dated 09.08.2017, Proposed Floor Plans 12865-216D dated 09.08.2017, Proposed Elevations 12865-217D dated 09.08.2017, Proposed Roof Plan 12865-219A dated 09.08.2017, Location Plan 12865-200 dated 09.08.2017, Certificate A dated 09.08.2017, Design and Access Statement dated 09.08.2017, Flood Risk Assessment dated 09.08.2017, Planning Statement dated 09.08.2017, Letter dated 09.08.2017, subject to:

- The applicant entering into a Section 106 planning obligation to make a financial contribution towards enhancing existing open space(s) in the locality in accordance with policy OS3 of the MDE DPD, and;
- 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. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

3. 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.

4. The development will be carried out in accordance with the recommendations set out in chapter 12 of the Flood Risk Assessment prepared by ELLUC Projects Ltd received on 9.08.2017, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise the risk to human health and property during a flood event.

5. Before any works commence on site, arrangements for the management of 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 thereafter be undertaken in full compliance with the approved scheme.

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

**Informative:**

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](mailto: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.

Contact: Matthew Broome