

Tonbridge
Vauxhall

17 October 2018

TM/18/02488/FL

Proposal: Demolition of the existing Primrose Public House and redevelopment of the site to provide 4 no. dwelling houses and 2 no. apartments with associated access, parking, infrastructure and landscaping

Location: Primrose Inn 112 Pembury Road Tonbridge Kent TN9 2JJ

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1. Description:

Planning permission is sought to demolish the existing Public House on this site and replace it with four dwellings and two flats with associated landscaping, access and parking.

The terraced houses will comprise 2.5 storey, 3 bedroom town houses, each with garden. The two apartments are located on the first and second floor of the building and both have a small south facing balcony from the lounge away from the road. Materials to be used include slate tiles for the roof, and a mix of render and bricks for the walls.

Access will be from the front of the site via Pembury Road through an archway to a car parking area for 9 cars to the rear of the site.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Sarah Spence in order to consider the principle of the loss of the public house and potential for its retention in any scheme for redevelopment.

3. The Site:

- 3.1 The site is located within the confines of Tonbridge. It contains the Primrose Inn which is a Public House and its car park. The existing car park is situated to the east of the pub; the rear area is split by a fence to separate the pub garden from the car park area serving the pub. There is a large pergola/wooden structure to the rear of the pub in the garden area. The building sits towards the front boundary with a low wall abutting the footpath along Pembury Road. The site is adjoined on all sides by residential properties. There is a high bank to the rear of the site with residential properties overlooking the site being set at a higher level.

4. Planning History (relevant):

TM/64/10059/OLD grant with conditions 6 October 1964

Formation of car park.

TM/77/10773/ADV grant with conditions 7 September 1977

Erection of illuminated double sided projecting sign.

TM/88/10273/FUL grant with conditions 21 November 1988

Single storey cellar, bottle store, kitchen and bar alterations.

5. Consultees:

5.1 KCC (Highways) : No objections subject to conditions

5.2 Private Reps: 28 + site notice/0X/7R/0S. Objections raised on the following grounds:

- Pub is a local landmark that deserves to be preserved
- The Public House is described in TMBC Character assessment as “an attractive group of buildings that enlivens the townscape with traditional Kent Materials” and “the two story public house with slate roof is a local landmark as a result of its distinctive white weatherboarding, use and signage”
- Tonbridge is flooded with flats
- Proposed buildings are cramped and too high – balcony on second floor at rear is unacceptable
- The front line of the buildings is not in line with neighbouring properties – should be set back to allow for front gardens
- Should be solar panels in the roofs
- Neighbouring properties have a history of subsidence
- Development will block light to properties to the rear.

6. Determining Issues:

Principle of Development and policy considerations:

6.1 Overall, in respect of this development the general thrust of government guidance is that the presumption in favour of sustainable development needs to be applied in the absence of a five year supply of housing. The precise wording is contained at paragraph 11(d) of the NPPF and sets out that because the Council cannot demonstrate an up to date five year supply, much of the development plan is considered to be out of date for the purposes of determining applications which propose new housing development such as this.

- 6.2 The development plan must remain the starting point for determining any planning application (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006) which is overtly reiterated at paragraph 12 of the NPPF; the consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the scheme for determination.
- 6.3 In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities. Policy CP11 of the TMBCS states development should be concentrated at the urban areas where there is the greatest potential for re-use of previously developed land and other land damaged by former uses. Development at the urban areas can also minimise the need to travel, by being located close to existing services, jobs and public transport.
- 6.4 TMBC cannot presently demonstrate a five year supply of housing when measured against its objectively assessed need (OAN). Whilst this will be addressed through the local plan, it has clear implications for decision making in the immediate term, in particular the presumption in favour of sustainable development set out in the NPPF (July 2018) at paragraphs 75 and 11(d) apply.
- 6.5 One of the core principles set out within the NPPF is that the planning system should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. It also encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.6 The proposed development on a previously developed site within an urban location is therefore acceptable in principle and would accord with the broad principles set out within the NPPF. No restrictive policies apply in this case and the presumption in favour of sustainable development therefore applies.

Loss of Public House:

- 6.7 Turning to more detailed considerations on the scheme itself, there are local objections to the demolition of the former Primrose PH building itself. Policy CP26 of the TMBCS seeks to resist the loss of a leisure/community facility if an alternative facility is identified and the applicant has proved that there is an absence of need or adequate support for the facility. The Public House has been closed since the summer but trading figures have been submitted that satisfy the requirement to show that there is no reasonable prospect of the facility being offered as a viable concern. Additionally the application has been accompanied by a report that shows other public houses within the local area that are adequate alternative facilities available to local residents. There are also services available

in the town centre itself which meet the needs of local residents with regard to this type of leisure facility. I consider this to be a material planning consideration that overrides the requirements of TMBCS Policy CP26.

- 6.8 Comments have been made regarding the retention of the building itself and incorporating it within the redevelopment scheme. The Agents have commented that the building itself is in a poor state of disrepair both internally and structurally and significant expense would be required to upgrade the building for residential purposes. The building itself is considered to have low historical or architectural merit and it would be difficult to justify why it would need to be incorporated into a redevelopment scheme.
- 6.9 It is noted that the Primrose Inn is mentioned in the Tonbridge Character Areas assessment as a landmark building that has distinctive white weatherboarding and signage. Whilst this building is included within this commentary, this does not mean that the building should be retained in perpetuity.

Impact on visual amenity and street scene:

- 6.10 Policy CP24 of the TMBCS states that all development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
- 6.11 Paragraphs 127 and 130 of the NPPF state that planning decisions should aim to ensure that developments respond to local character and quality of an area; development should reflect the identity of local surroundings/history and materials, while not preventing or discouraging appropriate innovation. The NPPG recognises that achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place.
- 6.12 The overall design of the development is of a high quality and the siting echoes the staggered building line in Pembury Road. The overall character of the area is mixed and the scale, form and design of the proposed houses are considered to be in keeping with the street scene. In this respect I am satisfied that the proposal is in keeping with the surrounding character and that the scheme represents an acceptable design solution to this plot.
- 6.13 The development has been designed to provide an active street frontage. The development will utilise the land available, have a softer appearance within the street scene and improve views into and out of the site. The use of mixed materials with slate tiles, render and bricks, together with window and door detailing, false windows and small front garden areas all assist to break up the frontage.

- 6.14 I consider that the proposed development would be of a standard that would accord with the requirements of the various qualitative elements of the relevant development plan policies and overall would represent a clear enhancement to the appearance of the street scene in accordance with adopted policy and NPPF requirements.

Impact on residential amenity:

- 6.15 The site is set well away from nearby residential properties so the impact on the amenities of neighbouring dwellings is minimal. The houses to the rear are set on top of a bank that overlooks the site and are a minimum of 22m back of the dwelling to front of nearest house. The size and scale of the overall proposed dwellings are not considered to be overbearing within the street scene and relate well to the scale of the buildings in the nearby vicinity.

Highway safety and parking provision:

- 6.16 Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy SQ8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. The NPPF also encourages the use of sustainable transport modes.
- 6.17 The parking standard for this scheme when applying IGN3 (edge of centre) is 1 space per unit – 6 units proposed, 6 spaces required, plus visitor spaces 0.2 per unit, equals 2 spaces; totalling 8 spaces for the development. As 9 parking spaces are provided, the development accords with IGN3.
- 6.18 KCC Highways is raising no objections to the proposed scheme. The site is located within an urban location, within a short distance of public transport links. It is therefore very sustainably located in this respect. The impact of the development on the parking availability in surrounding streets is not considered to be severe. The development also includes an area for cycle storage. The development therefore accords with the adopted standard set out in IGN3, policy SQ8 of the MDE DPD and paragraph 32 of the NPPF.

Other environmental considerations:

- 6.19 Paragraph 178 of the NPPF comments that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. The site has historically had other structures on it and the proposed gardens are within the current parking area. There is potential for contamination in the underlying soils so contamination conditions are proposed.

- 6.20 With regard to noise impact, it is considered that the noise assessment proposes acceptable noise mitigation measures which can be secured by planning condition.

Planning obligations:

- 6.21 Policy OS3 in the MDE DPD requires open space provision for all residential developments of 5 units or above (net) in accordance with the standards in Policy Annex OS3. Annex D to the MDE DPD sets out the methodology that was followed for implementing Policy OS3 in respect of the development proposal. The applicant is being asked to provide a financial contribution to enhance existing off site open spaces through a legal agreement.
- 6.22 The local open spaces identified for improvement are:
- Parks and Gardens: Hayesden Country Park and/or Tonbridge Castle
 - Amenity Green Spaces: Hilltop
 - Outdoor sports facilities: Tonbridge Racecourse Sportsground
 - Children/young people play equipment: Tonbridge Racecourse Sportsground
 - Natural and Semi Natural Green Spaces: Quarry Hill Wood
- 6.23 The applicant has agreed in principle to make the financial contribution 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 such obligation will need to be secured by a Section 106 agreement, the detailed wording of which is being finalised. Any update on this will be reported as a supplementary matter.

Conclusions:

- 6.24 Returning to the need to apply the presumption in favour of sustainable development, the scheme proposes new housing development within an urban area in accordance with the policies contained within the NPPF (and policy CP11 in terms of the broad principles rather than the specific requirements for net gains) and therefore planning permission should be granted (paragraph 11d).
- 6.25 Moreover, it should be recognised that the NPPF overtly sets out that where there is an existing shortage of land for meeting identified housing needs (i.e. where an LPA cannot demonstrate an up to date five year supply) it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site (paragraph 122). It goes on to state that applications should be refused where it is considered that proposals fail to make efficient use of land.

- 6.26 In this context, the development has been assessed in the local context and the quality of the resultant development in terms of the requirements of CP24 of the TMBCS and the policies contained within the Framework concerning the need to achieve high quality design. With the above assessment in mind, I consider that the proposal is acceptable in terms of the requirements of the adopted LDF policies and Framework as a whole.
- 6.27 I therefore recommend that planning permission be granted subject to the applicant entering into a legal agreement securing a contribution towards public open space.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following details: Letter dated 17.10.2018, Other design proposals dated 17.10.2018, Other part superseded design strategy dated 17.10.2018, Other draft unilateral undertaking dated 17.10.2018, Other profit and loss dated 17.10.2018, Other supplementary information dated 17.10.2018, Planning Statement dated 17.10.2018, Noise Assessment dated 17.10.2018, Email dated 14.11.2018, Site Plan (03)-P-S001 PL1 dated 14.11.2018, Proposed Floor Plans (03)-P-0G0 PL1 dated 14.11.2018, Proposed Floor Plans (03)-P-001 PL1 dated 14.11.2018, Proposed Floor Plans (03)-P-002 PL1 dated 14.11.2018, Proposed Roof Plan (03)-P-ORO PL1 dated 14.11.2018, Proposed Elevations (03)-E-002 PL1 dated 14.11.2018, Drawing (03)-P-S003 dated 14.11.2018, Sections (03)-X-001 PL1 dated 14.11.2018, Proposed Elevations (03)-E-001 PL2 dated 23.11.2018, subject to the following:

- The applicant entering into a planning obligation under s106 of the Town and Country Planning Act 1990 (as amended) to make a financial contribution towards public open space; and
- The following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. Within one month of the commencement of development details and samples of materials to be used externally shall be submitted the Local Planning for approval and the development carried out in strict accordance with the details approved.

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

3. The residential units hereby approved shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and

drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space

Reason: In the interests of highway safety.

- 4 The measures for mitigation of noise as set out in the Acoustic Assessment (received on 17 Oct 2018) hereby approved shall be fully adhered to.

Reason: In the interests of the protecting the amenities of the future residents of the dwellings.

- 5 No ground work shall take until the following have been submitted to and approved by the Local Planning Authority:

(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2018

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

a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include

details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

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

(b) prior to the commencement of the ground works 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 2018

- 7 Following completion of the approved remediation strategy, 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 2018

- 8 The access shall not be used until pedestrian vision splays of 2m x 2m behind the footway on both sides of the access have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

- 9 No obstruction to vision exceeding 0.9 metres in height above the carriageway level within the splays shown on plan (18032 03-P-S003 received 14.11.2018) shall be placed. The vision splays so created shall be retained at all times thereafter.

Reason: To ensure the safe and free flow of traffic.

- 10 No above ground development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of 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.

- 11 No above ground development shall take place until details of the finished floor level of the houses in relation to the existing ground levels 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.

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@tmbs.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: Rebecca Jarman