

**Tonbridge
Castle**

30 September 2019

TM/19/02277/FL

Proposal:	Change of use of former residential care home to form 12 self-contained residential units, erection of two detached dwellings together with associated access, parking, landscaping and amenity space
Location:	High Hilden Home High Hilden Close Tonbridge Kent TN10 3DB
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1. Description:

- 1.1 This is an application for planning permission for the change of use and conversion of the existing care home (use class C2) to 12 self-contained residential dwellings (use class C3), part demolition of a modern wing of the building and the erection of a further 2 detached dwellings, along with associated access, parking, landscaping and amenity space.
- 1.2 The conversion of the care home would necessitate some external changes, including the demolition of the modern wing on the north elevation. Two modern conservatories would also be removed; one would be replaced with a small extension. The principle elevations of the building including the entrance and the elevation facing the open garden area would otherwise remain unchanged.
- 1.3 Parking for 26 cars would be provided for occupants, inclusive of 4 garage spaces which would be provided for each detached dwelling.
- 1.4 Gardens would be laid out to the rear of each detached dwelling, whilst some of the converted units would benefit from small courtyard areas or otherwise utilise the large communal garden. Small detached buildings would be erected to provide closed bin and bike stores in discreet locations.
- 1.5 The scheme has been subject to three previous pre-application meetings with officers and the design and layout of the detached houses has evolved significantly. The key consideration for officers has been preserving the original character of the building and ensuring its long term retention.
- 1.6 As provided for within our procedures, a Members' Site Inspection has been arranged to take place on 07 February, ahead of the Area 1 Planning Committee taking place. Any matters arising from that inspection will be reported as a supplementary matter.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Branson in order to consider impact on neighbouring amenity.

3. The Site:

- 3.1 The site is High Hilden, a former care home that is currently vacant. It was originally an Edwardian house built in 1906, understood to be a single residential dwelling for a local family, before it was converted to a home for the elderly in 1946.
- 3.2 Over the years the grounds of the house have been sold off for residential development and the setting of the building is now largely comprised of the retained communal garden with mature trees and landscaping that provides a pleasant setting for the building. The communal garden is a key part of this setting that reflects the building's original purpose as a country manor.
- 3.3 The building is in the style of a traditional Edwardian county manor house and has a high degree of aesthetic, with a strong contribution to the character and appearance of the area. A new wing was added to provide additional accommodation and various extensions have also been added over the years including a conservatory.
- 3.4 Whilst the building is not on the statutory List (unlisted), it is nonetheless an outstanding example of an early 20th century Edwardian manor house. Key features of the original building include the chimneys stacks in the style of Tudor architecture, stone set bay windows and the prominent Dutch gable ends with fine parapet roofs.
- 3.5 Because of its local historic interest and attractive character the building is capable of being considered a non-designated heritage asset.

4. Planning History (relevant):

TM/01/01931/OA Grant With Conditions 2 November 2001

Outline Application for a detached dwelling

TM/67/10139/OLD grant with conditions 9 November 1967

External lift shaft.

TM/86/10044/FUL grant with conditions 6 October 1986

Two storey extension and alterations.

TM/88/10033/FUL grant with conditions 21 March 1988

New car port and enlarged parking area.

TM/98/00215/FL Grant With Conditions 28 May 1998

extension of existing lift shaft and provision of additional parking space

TM/02/02291/FL Grant With Conditions 8 November 2002

Detached dwelling and garage

TM/02/02447/FL Grant With Conditions 10 January 2003

Extension to existing car park (8 car parking spaces)

TM/02/03375/RD Grant 11 December 2002

Details of refuse storage submitted pursuant to condition 7 of consent ref:
TM/02/02291/FL (detached dwelling and garage)

TM/04/01366/OA Refuse 3 February 2005

Outline Application for detached dwelling with vehicular access from Oast Lane

TM/04/02095/RD Grant 28 July 2004

Details of landscaping submitted pursuant to conditions 4 and 6 of permission
TM/02/02291/FL (granted for detached dwelling and garage)

TM/04/04263/FL Grant With Conditions 31 January 2005

Variation of condition 2 of planning permission TM/02/02447/FL (Extension to
existing car park (8 car parking spaces). to not install the 1.5m high fence along
north east boundary)

TM/05/03404/RD Grant 8 December 2005

Variation of condition 6 of permission TM/04/02095/RD being removal of Pine
tree in back garden and additional proposed planting

TM/07/01881/FL Approved 10 July 2007

Conservatory

5. Consultees:

- 5.1 Southern Water: Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer. Request informative added.

5.2 KCC (LLFA): Having reviewed the latest information provided KCC are satisfied with the principles of the design and as such remove our objection to this application. Should you as LPA be minded to grant permission we would recommend a condition be applied.

5.3 KCC (Economic Development): Request contributions for education, community learning, youth services, library book stock, social care, waste and broadband.

5.4 KCC (H+T):

Introduction

5.4.1 The proposals are for the change of use of former residential care home to form 12 self-contained residential units, and the erection of two detached dwellings together with associated access, parking, landscaping and amenity space. No transport statement (TS) has been submitted in support of the application.

Access

5.4.2 Access to the development is proposed via the existing private residential access road known as 'High Hilden Close,' it should be noted that this is a private road and does not therefore form part of the publicly maintainable highway. The 5-year personal injury collision record for the access covering the period up to 31st December 2018 has been checked via crashmap, www.crashmap.co.uk, and I can confirm that no collisions have been recorded. Therefore, both the existing access and its immediate proximity have a good personal injury collision record.

Sustainable Transport

5.4.3 The nearest public bus stop is situated directly outside the frontage of the proposals. This stop is primarily served by the route number 402 bus, which provides a service between Sevenoaks and Tonbridge at 20-minute intervals between 10:00 and 14:40 Monday to Friday. However, only a limited range of facilities are within the maximum recommended walking distance of 1.2 kilometres (km), with both Tonbridge town centre and its associated facilities, as well as Tonbridge train station located approximately 2 km south of the site. It is therefore anticipated that sustainable modes of transport will have a limited role in meeting the travel needs of the proposal's future occupants, should they be granted consent.

Traffic Impact

5.4.4 In this instance the proposals are not of a large enough scale for a transport statement (TS) or transport assessment (TA) to be required. In addition, it is acknowledged that the site enjoys an existing lawful (extant) use that could be implemented without the need for any further planning permission and would have to be accounted for in any traffic impact analysis. Given the limited scale of the

proposals (12 flatted units and 2 detached dwellings) it is not anticipated that they will generate a significant amount of traffic, and therefore have an impact on the local highway network that could be described as 'severe.'

Parking

5.4.5 The applicant has proposed to provide 26 car parking spaces, inclusive of 4 garage spaces. Kent Design Guide Review: Interim Guidance Note 3 (IGN3), Residential Parking states that 4 bedroom houses in a suburban edge/village/rural location should be provided with a minimum of 2 independently accessible spaces per unit and 1 and 2 bedroom flats a minimum of 1 space per unit, with no standard given for 3 and 4 bedroom flats. It would therefore be appropriate to use the standard for a 3- and 4-bedroom house. In addition, IGN3 states that visitor parking should be provided at a rate of 0.2 spaces per unit with garages only counted as additional to the overall required provision. Therefore, based on the applicant's housing schedule a total of 22 car parking spaces are required, inclusive of visitor parking provision. Consequently, a provision of 26 car parking spaces is in accordance with this authority's requirements, even when the 4 garage spaces are discounted.

5.4.6 Nine cycle parking spaces for the 12 flatted residential units have been proposed, this represents a shortfall of 3 spaces when compared to this authority's adopted guidance (Supplementary Planning Guidance SPG4, Kent Vehicle Parking Standards), which requires flats and maisonettes to be provided with a minimum of 1 space per unit. Additional secure cycle parking should therefore be provided. I note the required level of cycle parking for the detached dwellings will be provided in their allocated garages, this approach is acceptable to this authority.

Turning and Servicing

5.4.7 I note from the applicant's block plan that a refuse store will be provided adjacent to the site's existing shared access with 6A High Hilden Close. As a result, a hammer head type turning area is available for larger vehicles, such as a refuse freighter, to manoeuvre and egress back onto the public highway in a forward motion. In summary, it is accepted that there is sufficient circulatory space for the turning requirements of both private cars and service vehicles.

Summary

5.4.8 I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority subject to conditions.

5.5 TMBC Environmental Protection (Contaminated Land): Due to the age of the part of the building proposed to be demolished, I would recommend conditions.

5.6 TMBC Leisure Services: Request open space contributions.

5.7 Private Reps: 11 + site notice/0X/11R/0S. Objections summarised as follows:

- Object to aspects of the scheme
- Concern on road safety
- Private road is narrow
- No opportunities to promote walking or cycling
- Environmental impacts not identified
- Likely to generate significant volumes of traffic
- If it goes ahead we need to educate buildings, property managers and future tenants about road safety
- Should be 12 spaces
- Conversion will need to adequately safeguard privacy
- Bungalows must not be multi storey
- Will cause disruption
- Loss of trees
- Object to bin store
- Object to two new dwellings
- Loss of privacy
- Risk of drainage problems
- Access to bin store will result in loss of privacy
- Bin store will result in loss of trees
- Ugly surroundings to beautiful manor house
- Detract from neighbourhood
- Object location of bin store
- No regard to our visual amenity
- Road guttering is poor
- Additional long term traffic
- Concern on lorry manoeuvring
- Junction will be dangerous
- Noise, disturbance and smell from bin store
- No regard to nature conversation
- Significant impact and destruction proposed
- Unsympathetic layout

- Will not add to the quality of the area
- Loss of community facility
- Note comments from Highways & Transportation but reiterate highways concerns
- Query adequacy of SUDS report
- Object to detached houses
- Loss of privacy
- Overbearing
- Overdevelopment
- Hedge should be retained
- Houses would dominate
- Out of character
- Impact on neighbouring amenity
- New dwellings unacceptably close
- Overshadowing
- Poor quality design

6. Determining Issues:

Principle of Development:

- 6.1 The site lies within the settlement boundary of Tonbridge, an urban area as defined by policy CP11, in which there is no objection in principle to new development. It is considered that policy CP11 is wholly consistent with the Framework in directing development towards sustainable locations within urban areas and also requiring proposals to make the most efficient use of land as set out at paragraph 122.
- 6.2 The key issues are therefore the impact on the character and appearance of the area and the non-designated heritage asset, loss of community facility, neighbouring amenity, ecology, highways and parking, drainage and trees.

Character & Appearance:

- 6.3 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

- 6.4 These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 127 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 6.5 Paragraph 197 of the NPPF concerns non-designated heritage assets and explains that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. It is important to note that no public benefits balancing exercise is required if harm is identified to a non-designated heritage asset, instead an overall balanced judgement must be made.
- 6.6 As noted the building has a high degree of aesthetic value and forms an important part of the history of the area. It is prominent from surrounding locations and gardens and contributes positively to the character and appearance of the area.
- 6.7 At the same time the building is not wholly in its original condition and has been altered as part of its use as care home. Some of these extensions are not particularly sympathetic including the modern conservatories. The most recent large addition is the wing on the north east elevation that is designed in a similar style to the main building, but does not appear as an authentic period extension; it is clearly a more recent addition. Other infrastructure such as an enclosed fire escape has also detracted from its original character.
- 6.8 All these elements are proposed to be removed which would have a positive effect on the character of the building. Where alterations are required it is considered that these are sympathetic and would retain its original character of the building. A replacement single storey extension is proposed on the south elevation where one conservatory is removed; this has been designed to reflect the architecture of the main building.
- 6.9 In terms of the setting of the building, the land associated with it has greatly diminished over the years. Originally the building stood isolated in large grounds, but residential development has infilled much of its former setting. Land was further parcelled off for individual residential development by the former care home owners to release equity to contribute towards the up keep of the building. The building's setting is now largely restricted to the open communal garden to the south and some smaller garden areas surrounding it on the western elevation.
- 6.10 The scheme proposes to erect two detached dwellings in place of the demolished rear wing, within the remaining side garden areas on the west elevation. This would serve to further change the setting of the building. However, this would

accord with previous development patterns in which land around the building was split off for residential development and, furthermore, the area does not form such a strong part of the setting of the building, being located effectively at the back of the property. The front elevation and the open communal garden would be retained and the primary means in which the building is appreciated would be preserved.

- 6.11 The two detached dwellings are considered to be of a high standard of design and reflect the appearance of the main building whilst appearing subservient to it, which is appropriate here. They are laid out in an intimate mews-style courtyard and relate to the detached residential dwellings behind the site. They would sit comfortably within their plots within this context.
- 6.12 Overall the alterations to the building itself would have a positive impact on its character and appearance; the erection of the two detached dwellings would have a minor adverse impact on the setting of the building but this is tempered by their high quality design and the continuation of previous development patterns.
- 6.13 Drawing these factors together it is considered that the scheme as a whole would ensure the long term retention of the building thereby contributing positively to the character and appearance of the area. Officers would not wish to see the building demolished or unsympathetically altered and the benefits of preserving it in its original state are considered to be substantial.
- 6.14 As such, the proposal is considered to comply with policies CP24 of the TMBCS, SQ1 of the MDEDPD and paragraph 127 of the NPPF.

Loss of community facility:

- 6.15 Policy CP26 of the TMBCS seeks to safeguard community facilities. Proposals for development that would result in the loss in whole or part of sites and premises currently or last used for the provision of community services or recreation, leisure or cultural facilities will only be proposed in the LDF or otherwise permitted if:
- (a) an alternative facility of equivalent or better quality and scale to meet identified need is either available, or will be satisfactorily provided at an equally accessible location; or
 - (b) a significant enhancement to the nature and quality of an existing facility will result from the development of part of that facility; or
 - (c) the applicant has proved, to the satisfaction of the Council, that for the foreseeable future there is likely to be an absence of need or adequate support for the facility.
- 6.16 This policy is consistent with the Framework at paragraph 83 that sets out that planning decisions should enable the retention and development of accessible

local services and community facilities, and paragraph 92 that explains that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

- 6.17 As a care home offering a specialised type of accommodation to meet local needs, the building is considered to be a community facility as envisaged by policy CP26. Therefore sufficient justification needs to be provided to permit the loss of the specialised community facility.
- 6.18 The applicant has set out a detailed case explaining why the care home closed and the difficulties with this use continuing. This is set out as follows:

“High Hilden Limited (HHL) was established in 2005 and is a registered charity (1107818). HHL is a company limited by guarantee (5310102) and was formed to incorporate an existing Charity, High Hilden Home, that had been operating since 1946.

HHL owned and operated a 34-bed residential home for the elderly. Charitable status was afforded by virtue of the Home providing subsidised accommodation to at least 6 residents, the other residents being full fee paying. The subsidised residents were funded by Local Authorities (principally Kent County Council).

However, over the last 25 years, various parcels of surplus land surrounding the Home have been sold to provide funding for various upgrades and expansions to the designated C2 use class residential accommodation.

In addition, within the last 5 years a confluence of factors impacted the viability of residential care homes throughout the UK. HHL were not immune to these headwinds and financial resources gradually depreciated.

Key factors to influence this viability included rising cost base caused by the increasing minimum wages, widespread use of agency staff and associated fees caused (in part) by permanent staff leaving the profession, increasing burden of regulation (CQC) and associated direct and indirect costs, and an inability to increase fees from Local Government supported residents.

These factors combined with both planned and unplanned capital expenditure negatively impacted the viability of the HHL. In this respect High Hilden Limited took the reluctant decision to close High Hilden as a residential care home after considering all options to remain open, and after advice from their financial trustee that the economic future of the Home was in serious jeopardy. The options included:

- Taking on a loan for future upgrading to make letting rooms easier*
- Investing in marketing to increase enquiry levels*

- *Employing a marketing manager to develop charitable gifts and income*
- *Upgrading rooms to en-suite to make them more marketable*

Since the HHL had no financial capital resources to cover the cost of these options, none was taken forward and the financial position of the Home continued to deteriorate such that the monthly income did not cover the costs of running the home on a month to month basis, and the forecast for the financial year was a substantial loss.

The financial trustee of HHL further advised that in the forthcoming twelve-month period, considerable sums would be needed to upgrade the fire alarm system, the computers and lift maintenance, running to some tens of thousands of pounds. High Hilden could not find that expenditure.

As a result of the above, the trustees took the formal decision to move to close the Home, and it was closed on 31st August 2018 with the remaining residents re-located”

- 6.19 It is acknowledged that smaller care homes now struggle to compete with the larger bespoke care home model delivered by the major developers in this sector. The age of the building causes problems in terms of bringing it up to compliance with modern building regulations as well as the need to upgrade fire alarms and the lifts. The applicant has explained the limitations of the site and it is acknowledged that even if significant investment was found to support a continued C2 use this would likely necessitate major changes to the existing building to facilitate a greater number of rooms. This could result in detrimental impacts to the existing building or its loss for replacement with a bespoke designed care home. Neither of these options are considered to be desirable.
- 6.20 It is therefore considered that for the foreseeable future there is likely to be an absence of adequate support for the facility and so the loss of the C2 community facility should not be resisted under policy CP26. Accordingly no objections are raised against this policy or paragraph 92 of the NPPF.

Neighbouring Amenity:

- 6.21 Third party comments concerning the impact on neighbouring amenity are noted and in response the applicants revised the plans, received in December. A further consultation was conducted for neighbours to consider if these plans represented an improvement. In terms of changes, the two detached dwellings (Unit 13 and 14) were re-orientated further away from the neighbouring properties. Furthermore existing planting and hedges are now proposed to be retained to provide effective established screening.
- 6.22 Unit 13 is now roughly 15m away at first floor level from the garden boundary of number 2 Oast Lane behind; Unit 14 is also 15m at first floor from the boundary of

number 4 Oast Lane. It is also noted that these properties are not directly in alignment and there is no overlooking between windows of the properties. As such whilst the relationship between the new houses and the gardens is around 15m, this is not uncommon given the suburban setting.

- 6.23 Furthermore it is worth noting that the existing relationship of the building is also one of a degree of compromised privacy given that the modern side wing is currently just 4.5m from the garden boundary of number 3 Oast Lane and looks directly across 3 and 4 Oast Lane with windows on the side elevation. The removal of this wing would therefore offer some benefits to neighbouring amenity, particularly number 3 and 4.
- 6.24 Overall it is considered that whilst there would be a change in the relationship between the existing building and the proposed new dwellings and the neighbouring properties behind, it is not considered that this would be harmful. Privacy would still be unaffected within the neighbouring dwellings themselves and the change in position within parts of the gardens would not be significant.
- 6.25 Both new dwellings have sufficient separation to avoid any harmful overshadowing or overbearing effects, again in consideration that the existing building was significantly closer to adjoining properties.
- 6.26 The conversion of the building itself would not have any greater impact on neighbouring amenity given it was already in habitable use and no changes are proposed that would decrease separation from the remaining neighbours. Although some first floor balconies are proposed in parts of the building these would not offer vantage points into adjacent properties.
- 6.27 It is therefore considered that the impacts on neighbouring amenity would be acceptable.

Ecology:

- 6.28 Paragraph 175 of the NPPF requires developments to not harm biodiversity or protected species. This is consistent with the aims of policy NE3 of the MDEDPD that seeks to avoid harm to biodiversity.
- 6.29 Given the age of the building a bat survey was conducted to consider if the property provided a habitat for protected species.
- 6.30 The submitted ecology survey confirms that no signs of roosting bats were identified within any of the areas of the main building on site. The potential for roosting bats within any of the building areas on the site is therefore negligible. Externally the roof tiles of the main (Edwardian) building supported some potential for roosting bats, although no signs of bats were observed. There is therefore a low potential for bats roosting beneath roof tiles where there are suitable gaps left by missing or broken tiles on the main building. No signs or roosting bats were

identified within the extension to the north west of the main building. Externally the roof tiles of this section supported no potential for roosting bats, and no signs of bats were observed. There is therefore a negligible potential for roosting bats in this section of the building on site.

- 6.31 The report makes a series of recommendations including the provision of bat boxes on the new development to improve biodiversity. Subject to the recommendations within the report being followed it is considered that the scheme would safeguard protected species and no objections are raised under paragraph 175 of the NPPF or policy NE3.

Highway safety and parking provision:

- 6.32 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 goes on to state that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

- 6.33 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided.

It goes on to state 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.

Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

- 6.34 Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied. The aims of Policy SQ8 in requiring safe and suitable access to and from the highway are consistent with the aims of the Framework at paragraphs 109 and 110.
- 6.35 The scheme intends to provide 26 parking spaces, including 4 garage spaces for the detached dwellings. KCC Highways & Transportation, as the Council's statutory consultee on matters of highways safety, considers this to be in accordance with the adopted parking standards set out in Interim Guidance Note 3 (IGN3). The IGN3 standards would be for 22 car parking spaces therefore, even when the garages are discounted, the proposal meets required parking standards.
- 6.36 They further note that the site benefits from an established access point and a lawful existing use (as a care home) and in consideration of the existing junction onto the main road and the likely additional trips from the proposed use, no unacceptable highways impacts would arise. Furthermore, the cumulative impacts of new traffic on the road network would not be severe.
- 6.37 As such, whilst third party comments are noted with regards to concerns over traffic generation and road safety, there is no technical evidence to support a refusal on highways grounds.
- 6.38 It is considered that parking and the impact on the highways network would be acceptable and no objections are raised under policy SQ8 of the MDEPDD or paragraphs 109 and 110 of the NPPF.

Flood Risk & Drainage:

- 6.39 Policy CP10 of the TMBCS seeks to ensure developments are safe from flooding as well as directing proposals to areas with a low risk of flooding in the first instance. This is wholly consistent with the aims of the framework at paragraphs 155 – 165.
- 6.40 The site is in a Flood Zone 1 indicating low probability of flooding. A drainage strategy has also been submitted to consider how water runoff will be dealt with across the site. KCC as Lead Local Flood Risk Authority have reviewed the

drainage strategy and consider it acceptable subject to conditions. As such it is considered that the scheme would provide suitable drainage and therefore no objections are raised under policies CP10 of the TMBCS or paragraph 165 of the NPPF.

Trees & Landscaping:

- 6.41 The site contains a number of tree specimens with varying degree of amenity value. The T9 Atlas Cedar to the front of the property is a particularly good specimen with a high degree of amenity value. This is proposed to be retained. Some smaller specimens of low amenity value are proposed to be removed but the Council's Trees and Landscaping Officer has reviewed the plans and is satisfied that no harm would result to important specimens. A condition will be attached ensuring these trees are safeguarded during the construction process.
- 6.42 Indicative landscaping is shown on the plans and a detailed scheme can be provided prior to occupation of the units to ensure the new development is properly landscaped.

Five year housing land supply and the presumption in favour of sustainable development:

- 6.43 Tonbridge and Malling Borough Council cannot currently demonstrate a 5 year housing supply. In such circumstances paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development applies and the provision of new housing carries significant weight. This presumption is only disengaged if the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. There are no policy designations on the site that would disengage the presumption in favour of sustainable development. Furthermore, there are not considered to be any adverse impacts that would significantly and demonstrably outweigh the benefits. As such paragraph 11(d) (ii) is not engaged and therefore the provision of 14 new homes in a sustainable location carries further weight in favour of the scheme.

Planning Obligations:

- 6.44 Policy CP25 of the TMBCS explains that development will not be permitted unless the service, transport and community infrastructure necessary to serve it is either available, or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme, or make provision for financial contributions. This policy is broadly consistent with the objectives of the Framework at paragraphs 54 and 56 which explain that planning obligations can be used where justified to mitigate development impacts.
- 6.45 KCC has requested a number of contributions to mitigate the additional pressure on local services as a result of the development. The Planning Act 2008 and the

Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) and paragraph 56 of the NPPF require that requests for development must comply with three specific legal tests, namely that they must be (1) necessary, (2) related to the development, and (3) reasonably related in scale and kind. It is considered that the contributions being sought meet these tests. They are set out as follows:

- Secondary Education - £20,578.00 towards the expansion of Judd School.
- Community Learning - £455.96 towards additional services and equipment for new learners at Tonbridge Adult Education Centre from this development.
- Youth Service - £917.00 towards additional resources for the Tonbridge Youth Service.
- Library Bookstock - £776.30 towards additional services and bookstock at Tonbridge Library for the new borrowers generated by this development.
- Social Care - £2,056.32 towards Specialist Care provision in Tonbridge & Malling Borough.
- Waste - £3,325.56 new HWRC to serve Tonbridge and Malling to mitigate housing growth.

6.46 On developments proposing a net increase of 5 dwelling houses, policy OS3 of the MDEDPD requires a contribution to be made for the upkeep of local open space, to mitigate increased usage from future occupiers of the development. As above, this is considered to be consistent with the objectives of the Framework and would meet the three tests.

6.47 In respect of policy OS3 the Council's Leisure Services Team have requested a financial contribution to mitigate the additional pressure on local open space. The amount requested for this is £40,473. The funds will be used for the upkeep and enhancement of the following open spaces as follows:

- Parks & Gardens – Haysden Country Park, Tonbridge Cemetery
- Outdoor Sports Facilities – Tonbridge Farm Sportsground
- Children's and Young People's Play Areas – Tonbridge Farm Sportsground
- Natural and Semi Natural Green Spaces – Land Rear of Hamble Road

6.48 The applicant will be required to pay these contributions via a Section 106 agreement subject to a resolution to grant planning permission by APC1.

6.49 The development does not trigger the requirements for affordable housing under policy CP17 of the TMBCS since the threshold is for sites of 15 dwellings or above, or site size of 0.5ha or above.

Conclusions and overall planning balance:

6.50 The scheme would ensure the long term preservation of the building and offer improvements to its character through the removal of unattractive modern extensions and alterations. There would be some harm to the setting of the

building through the erection of the detached dwellings but this is tempered by the high quality design and the location of the houses to the rear of the building away from its principle elevations. The loss of the community facility has been justified and parking provision and highways impacts are considered to be acceptable. The impact on neighbouring amenity is considered to be acceptable.

- 6.51 Overall the scheme would provide 14 new dwellings towards existing shortfall and, although the C2 use would cease, the building would be put to a new use in a viable way that would ensure its preservation as a non-designated heritage asset. The benefits of this are considered to attract substantial weight and there are no harms identified that would provide sufficient justification to refuse permission. The application is therefore recommend for approval.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details: Report SUDs survey dated 26.11.2019, Location Plan 18268 001 P1 dated 30.09.2019, Topographical Survey 18268 002 P1 dated 30.09.2019, Existing Floor Plans 18268 003 P1 dated 30.09.2019, Existing Floor Plans 18268 004 P1 dated 30.09.2019, Existing Roof Plan 18268 005 P1 dated 30.09.2019, Sections 18268 006 P1 dated 30.09.2019, Existing Elevations 18268 007 P1 dated 30.09.2019, Existing Elevations 18268 008 P1 dated 30.09.2019, Existing Floor Plans 18268 009 P1 Proposed demolitions dated 30.09.2019, Block Plan 18268 010 P1 dated 30.09.2019, Proposed Floor Plans 18268 014 P1 dated 30.09.2019, Proposed Elevations 18268 016 P1 dated 30.09.2019, Proposed Roof Plan 18268 017 P1 dated 30.09.2019, Planning Statement PP-08182400 dated 30.09.2019, Design and Access Statement 18268 dated 30.09.2019, Bat Survey 18268 E1718 dated 30.09.2019, Arboricultural Assessment 18268 dated 30.09.2019, Proposed Elevations 18268 443 P1 unit 14 dated 20.12.2019, Block Plan 18268 411 P1 dated 20.12.2019, Proposed Elevations 18268 415 P1 dated 20.12.2019, Proposed Plans 18268 440 P1 unit 13 dated 20.12.2019, Proposed Elevations 18268 441 P1 unit 13 dated 20.12.2019, Proposed Plans 18268 442 P1 unit 14 dated 20.12.2019, Other supplementary document dated 20.12.2019, subject to

- The applicant entering into a planning obligation with the Borough Council to provide financial contributions towards public open space provision and enhancement;
- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards the provision of education facilities and community services.
- It is expected that the section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay.

Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 20 August 2020, a report back to the Area 1 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- 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 This decision refers to the red edge site location plan, drawings numbered Report SUDs survey dated 26.11.2019, Location Plan 18268 001 P1 dated 30.09.2019, Topographical Survey 18268 002 P1 dated 30.09.2019, Existing Floor Plans 18268 003 P1 dated 30.09.2019, Existing Floor Plans 18268 004 P1 dated 30.09.2019, Existing Roof Plan 18268 005 P1 dated 30.09.2019, Sections 18268 006 P1 dated 30.09.2019, Existing Elevations 18268 007 P1 dated 30.09.2019, Existing Elevations 18268 008 P1 dated 30.09.2019, Existing Floor Plans 18268 009 P1 Proposed demolitions dated 30.09.2019, Block Plan 18268 010 P1 dated 30.09.2019, Proposed Floor Plans 18268 014 P1 dated 30.09.2019, Proposed Elevations 18268 016 P1 dated 30.09.2019, Proposed Roof Plan 18268 017 P1 dated 30.09.2019, Planning Statement PP-08182400 dated 30.09.2019, Design and Access Statement 18268 dated 30.09.2019, Bat Survey 18268 E1718 dated 30.09.2019, Arboricultural Assessment 18268 dated 30.09.2019, Proposed Elevations 18268 443 P1 unit 14 dated 20.12.2019, Block Plan 18268 411 P1 dated 20.12.2019, Proposed Elevations 18268 415 P1 dated 20.12.2019, Proposed Plans 18268 440 P1 unit 13 dated 20.12.2019, Proposed Elevations 18268 441 P1 unit 13 dated 20.12.2019, Proposed Plans 18268 442 P1 unit 14 dated 20.12.2019, Other supplementary document dated 20.12.2019. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

- 3 All materials used externally shall accord with the approved plans.

Reason: In the interests of visual amenity.

- 4 The dwellings hereby approved shall not be occupied until the area shown on the submitted layout for vehicle parking 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 and re-enacting that

Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

- 5 Before the development hereby approved is occupied a detailed scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. 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. 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: In the interests of visual amenity.

- 6 The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

- 7 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.

(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.

Reason: In the interests of visual amenity.

- 8 Prior to the commencement of the development hereby approved, arrangements for the management of all demolition and construction works shall be submitted to and approved by the Local Planning Authority. The management

arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the demolition and construction works will be limited to and measures to ensure these are adhered to;
- Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

The development shall be undertaken in full compliance with the approved details.

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

- 9 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 10 (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.
- (b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

- 11 The garages shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

- 12 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 development shall be carried out within Class A, B, C, D or E, of Part 1; of Schedule 2 of that Order.

Reason: To prevent overdevelopment of the site and preserve the character of the area.

- 13 The use shall not be commenced, nor the premises occupied until full details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 14 The use shall not be commenced, nor the premises occupied until full details of a scheme for the storage of cycles has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the storage of cycles and preserve visual amenity.

- 15 The development shall be carried out in accordance with the recommendations in the submitted Ecology Survey 18268 E1718 submitted on 30th September 2019.

Reason: to ensure the development proceeds with regard to protected species and provides a net gain to biodiversity.

- 16 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure safe disposal of foul and surface water sewerage.

- 17 Before the development hereby approved is occupied, details of the installation of car charging points shall be submitted to and approved in writing by the Local

Planning Authority. The charging points shall be installed in accordance with the approved and retained thereafter.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with paragraph 110(e) of the NPPF.

Informatives

- 1 A formal application for connection to the public sewerage system is required in order to service this development. More information is available on Southern Water's website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>. The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

- 2 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 e-mail to addresses@tmhc.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.
- 3 The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.

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