

Hildenborough
Hildenborough

12 February 2020

TM/20/00341/FL

Proposal: Demolition of existing garage and associated buildings and structures and the erection of a 75-bed care home (use class C2) with car parking
Location: 140 Tonbridge Road Hildenborough Tonbridge Kent TN11 9HJ
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1. Description:

- 1.1 Planning permission is sought for the demolition of all structures currently present on the site and the construction of a 75 bed care home (use class C2) for elderly persons accommodation, along with parking areas, bin and bike stores, and associated landscaping. The new development would be up to 2.5 storeys in height with accommodation in the roofspace, in an approximate L-shaped building with a narrower frontage that widens to the rear to accommodate the changing plot shape and greater space at the back of the site.
- 1.2 The proposed design incorporates bay windows, chimneys and asymmetrical front gables that are characteristic features within the local area.
- 1.3 Extensive tree planting is proposed, providing landscaping on a site currently occupied by almost none. The parking is proposed to be located in two areas: an entrance on Tonbridge Road provides access to parking area for 20 spaces, with a further 12 spaces at a second car park accessed from Half-Moon Lane to the back of the site. Included within the 32 spaces are 2 dedicated disabled parking bays. Bin and bike storage is discreet to the rear of the building.
- 1.4 Internally the building would be divided up into the 75 bedrooms as well as communal areas, staff rooms and reception areas, as well as special assisted bathrooms for disabled residents where dedicated care can be provided.
- 1.5 The applicant undertook a programme of engagement which sought early dialogue with key stakeholders. Feedback forms were distributed in the local area and a public exhibition was held on Friday 15 November, attended by 99 local residents, community and political stakeholders. The results of the engagement process are reported in the statement of community involvement.
- 1.6 Further dialogue continued between local residents and the developers throughout the application process, which resulted in amended plans being submitted proposing obscure glazed windows on part of the north east elevation, to address initial concerns raised over privacy and overlooking.

2. Reason for reporting to Committee:

- 2.1 To allow for Members to consider the need for this type of accommodation and parking and highways impacts in the context of a sensitive site adjacent to Hildenborough Conservation Area.

3. The Site:

- 3.1 The site is within the settlement boundary and currently occupied by Hildenborough Volvo garage for car sales and repairs. The existing building on site comprises of the show room and repair workshops to the rear. A detached garage is also located in the eastern edge of the site. Otherwise the site is almost entirely laid down with hardstanding, there is virtually no trees or planting except some hedging along one of the boundaries behind the site. Existing access is onto the main Tonbridge Road with a second entry point for vehicles along half-moon lane.
- 3.2 As a commercial operation the site is usually occupied by large numbers of parked cars as well as extensive signage including illumination. The existing building is also somewhat utilitarian in appearance, being of brick and metal cladding with only a few windows at first floor.
- 3.3 Adjacent to the site is a mix of uses, including residential dwellings and the Half-Moon pub. The Hildenborough Conservation boundary directly abuts the western boundary of the site. Across the road is the Grade II Listed Woodside Cottage.
- 3.4 Overall the appearance of the site is considered to contrast negatively with the adjacent Conservation Area, particularly the older buildings like the adjacent Half Moon Pub. The site is not at risk from flooding and aside from the adjacent Conservation Area, there are no relevant designations.

4. Planning History (relevant):

- 4.1 None relevant; significant history relating only to the use of the site as a garage and associated development and signage over the years.

5. Consultees:

- 5.1 PC: The following (summarised) comments are made:
- Question whether there is a need for a fully private care home in the area;
 - Increased pressure on medical infrastructure;
 - Building is large and does not mirror any local home situated on a similar site;
 - Concerns over ground contamination and associated public health risks and potential for surface water contamination;

- Flooding and surface water drainage;
- Question whether there is an economic benefit to the local area;
- Impact on adjacent Conservation Area given the height of the proposed building;
- Concerns over access and potential for congestion problems especially arising from deliveries and collections which will increase the frequency Half Moon Lane is used.

5.2 KCC (H+T) The applicant's consultant has demonstrated that this proposal should reduce the amount of traffic movements associated with the site, compared to car dealership activities. I also agree that there appears to be no inordinate injury crash rates in the area. It is not therefore considered that the proposal constitutes a severe impact on the highway or an unacceptable impact on highway safety. The car parking analysis undertaken on pages 5 and 6 of the Transport Statement shows that the proposed car parking is commensurate with other similar sites and standards and is therefore acceptable. The centre line of the access onto Tonbridge Road is proposed to be moved ~ 11-12m east. This will require some reconfiguring of the current on street parking regime. I write to confirm on behalf of this authority that I have no objection to this application, subject to conditions.

5.3 EA: No objections subject to the following comments. The reports submitted to accompany this planning application appear to be generally in line with relevant guidance. These reports have not been audited/assessed by us in detail, but there is no objection to the application, based on the low risk of the site setting.

5.3.1 However, a suitable remediation strategy ought to be implemented at the site to address potential risks to the human health connected to the previous use as petrol filling station, as specified in SLR report dated October 2019.

5.3.2 In addition, developers are reminded that it is their duty under planning law to ensure safe and sustainable developments and under separate environmental legislation to not cause or knowingly permit pollution of the environment, harm to human health or detriment to the amenity of the area around the development. If any unexpected contamination is discovered during development the local planning authority may need to re-appraise the site proposals and re-consult us if there are risks to controlled waters identified.

5.4 KCC(LLFA): Having reviewed the information submitted we are satisfied that the proposal, namely a restricted outfall to the surrounding sewer networks, will not increase the risk of flooding. Conditions are recommended in the event that planning permission is granted.

- 5.5 Southern Water: Our initial investigations indicate that Southern Water can provide foul sewage (manhole reference TQ56488601) disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, informatives and conditions are attached.
- 5.6 TMBC Environmental Protection (Contaminated Land): The report presents the findings of a combined desk study and limited intrusive investigation. It adequately reviews the history and environmental setting of the site. A very limited intrusive investigation was undertaken which has identified hydrocarbon and asbestos contamination of the underlying made ground. It is recommended that additional sampling be undertaken following demolition to gain a better understanding of the whole site. I agree with this recommendation and request conditions.
- 5.7 TMBC Environmental Protection (Noise): I note the acoustic report submitted by SLR in support of this application and I have no comments on the methods used. I note from the report that internal levels as given in BS8233 cannot be achieved without suitable mitigation, and although proposed mitigation is mentioned there is no confirmation of the final scheme which will be installed. I must therefore register a holding objection until a final scheme of acoustic mitigation is submitted and approved by the planning authority. This should include a scheme of glazing including a plan of those areas which will be fitted with enhanced acoustic glazing, and also details of mechanical ventilation to those areas where windows cannot be opened without compromising acoustic integrity. I would also strongly recommend against passive only ventilation as this will not allow for the rapid cooling of rooms which is even more important given the demographic of the proposed end user.
- 5.8 TMBC Environmental Protection (Noise) further comments received (summarised): no objections are raised subject to the imposition of conditions. Methods to ensure the acoustic integrity of the room should be the first point of call, so if for example it is a room on the closest façade to the road then mechanical ventilation or similar for rapid cooling without having to open windows is important for amenity.
- 5.9 Private Reps: 19 + site notice/2X/15R/2S

Objections summarised as follows:

- Insufficient parking;
- Concern over traffic on half-moon lane;
- Parking in local area is already difficult and the Volvo garage historically caused problems;

- A TRO should be considered;
- Traffic plan is inadequate;
- Ambulance traffic not accommodated;
- Public infrastructure is insufficient for the use;
- Local infrastructure cannot cope with additional residents;
- Overdevelopment of the site;
- Building is too high and out of keeping with area;
- Visual intrusion;
- Would result in a loss of privacy;
- Local care homes have job vacancies already;
- The C2 use would not create domestic housing;
- Lower water pressure would be worsened;
- Impacts from construction noise.

Comments in support are summarised as follows:

- Welcome addition to local community;
- Previous care home closed;
- Large local elderly population;
- Helpful local employer as other local employers have closed;
- Welcome end of constant noise of generators and car washing units, reduction in rubbish and 13 years of our drive being blocked by car transporters;
- Sympathetic design

Comments neither objecting nor supporting summarised as follows:

- Concerns over parking, would not object if staff are not allowed to park in Conservation Area;

- Do not object in principle but concern over overlooking, retention of existing hedge and boundary treatments

6. Determining Issues:

6.1 The site lies within the settlement confines of Hildenborough and is previously developed (brownfield) land. There is no objection in principle to new development on this site as set out under policy CP12 of the TMBCS. However, in the absence of a five year housing land supply, reduced weight should be afforded to this policy given that it relates to settlement boundaries. Nevertheless, the adopted policy is broadly consistent with the NPPF insofar as it seeks to focus development in appropriate locations and the proposed development is compliant in any case. As such, the key remaining issues being the effect on the character and appearance of the area, impact on adjacent Conservation Area and nearby heritage assets, neighbouring amenity and amenity for future occupiers, parking and highways, contaminated land, and flooding and drainage. Since a number of third party comments have also questioned whether there is a need for the proposed development, it is also considered prudent to first address this matter.

Broad principles and matters of need:

- 6.2 It is the Government's objective to significantly boost the supply of housing. As part of this, the National Planning Policy Framework (NPPF) sets out at Paragraph 59 that this should include specialised accommodation for certain groups with specific housing needs, including older people.
- 6.3 Following on from a recent appeal decision [Ref: APPH2265/W/18/3202040] for a care home providing similar C2 accommodation in West Malling, the Inspector's decision highlighted continuing unmet need for the provision of C2 accommodation within the Borough. Furthermore, in that appeal the Inspector also highlighted the "knock on" benefits of providing a new care home in that existing houses in the area are likely to be freed up by older people moving into the new development, thereby releasing housing stock at various levels across the market, including family homes and smaller dwellings. The rationale being that when people move into the C2 home, they free up their previous C3 home for sale/rent, thereby boosting the supply of housing. The conversion factor is based on the average number of adults living in households identified by the last Census (2011). In the case of Tonbridge & Malling, the conversion factor is 1.89, i.e. you need to divide the number of bed spaces by 1.89 to calculate how many homes would be freed up for sale/rent. This means that this proposal could not only address a growing need for older people accommodation but also boost housing supply by the freeing up of 40 C3 homes for sale/rent. Given the Council's current housing land supply position of 2.6 years, this should be welcomed.

- 6.4 Whilst these figures are accepted to be an estimate, it does show the potential release of up to 40 homes back into the market once the proposed development is occupied. It is considered that this is a factor that should be afforded weight in favour of the scheme, as well as the weight attributed for the additional provision of the 75 C2 units.
- 6.5 For the avoidance of doubt, the development is considered to fit squarely within the definition of C2 accommodation due to the nature of the units, which are comprised of a bed and washroom facilities but with no self-contained cooking facilities. Occupants would eat meals in communal dining areas and a significant degree of care would be provided by on site staff who would man dedicated nursing stations throughout the building. Some areas of the building would provide specially adapted assisted bathrooms for occupants with disabilities. Furthermore, a condition can be applied to ensure occupation only by those over the age of 55, as is generally standard with this type of development. For these reasons the development is considered to comply with the definition of C2 accommodation: “Use for the provision of residential accommodation and care to people in need of care (other than a use within a class C3 (dwelling house)).”
- 6.6 Members will be aware that the Area 1 Planning Committee resolved to grant planning permission for the redevelopment of the High Hilden care home back in May. There were clear justifications for that decision and for the loss of the care home in that context but nevertheless represents a loss of this type of accommodation locally and further emphasises the need for new bespoke care homes to compensate.
- 6.7 Finally, policy H4 of the DLA DPD sets out that the Hildenborough Volvo site, although not specifically allocated for housing, is considered to be suitable for residential development. This is not caveated by a definition of use class.
- 6.8 Accordingly, whilst third party comments questioning need are noted, it is apparent that there remains significant need for this type of accommodation within the borough. There is also no policy requirement within the development plan that requires this type of need to be demonstrated in any event, and the NPPF is clear that housing supply must be boosted significantly, and that specialised accommodation is an important part of meeting this need. As such, the application can draw significant policy support from paragraph 59 of the NPPF, and policy H4 of the DLA DPD.

Character, Design, Street Scene and Heritage

- 6.9 The site occupies a prominent road frontage position, on a main thoroughfare through Hildenborough for traffic between Sevenoaks and Tonbridge. Any new development on this site should therefore seek to achieve the highest standard of design and appear as a local landmark. Furthermore, the existing detrimental

appearance of the site provides real opportunity for significant enhancement to the local area, and the setting of the adjacent Conservation Area.

- 6.10 In terms of the policy context, 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.
- 6.11 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).
- 6.12 Paragraph 193 of the NPPF explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.13 Furthermore paragraph 200 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 6.14 As noted, the site lies immediately adjacent to the Hildenborough Conservation Area (CA), the boundaries of which stop at the Half Moon Pub and its curtilage. The Half Moon Pub is not Listed but does contribute positively to the character of the CA and could be considered a non-designated heritage asset in its own right. The CA however represents a statutorily designated heritage asset. Additionally, opposite the site is a Grade II Listed building, Woodside Cottage, also a designated heritage asset.
- 6.15 The key aspects of the CA's significance are summarised in the 2011 Conservation Area Appraisal as follows:
- The landmark building of the church of St John which dominates the skyline;

- Verdant frontage particularly on the south side where the hedge is a strong linear feature enclosing the road and forming an edge to the conservation area. Mature specimen trees and other trees help enclose the road and soften the townscape on the north side;
- Built up frontage restricted to the north side of Tonbridge Road with the south side comprising the Sackville School grounds and West Wood;
- The low density cluster of the contemporary church, vicarage and primary school in respective grounds at the western end of the sub area;
- 2 storey buildings set at varying depths from the road with plot width and set back depending on the status of the building;
- Brick walls on the north side of Tonbridge Road and to the south side of Church Road;
- Listed 19th century buildings.

6.16 In the case of the Grade II Listed Woodside Cottage, its significance can be summarised as a building of traditional construction and which pre-dates the majority of buildings in Hildenborough.

6.17 The application site wraps around the Half Moon Pub and most of the existing built form almost directly abuts the CA boundary. The presence of a comparatively modern commercial building of considerable size right on the boundary of the CA, in addition to signage, illumination, hardstanding and a high number of parked cars represents a significant adverse impact on the setting of the adjacent CA and the historic buildings within it that contribute to its significance. There is a marked contrast between the character and architectural style of the buildings within the CA and the existing development on the site, which noticeably detract and result in a harsh transition.

6.18 In terms of the existing impact on Woodside Cottage, due to the separation from the road and presence of screening the current appearance of the site is considered to have only a very minor adverse impact on the setting of the Listed building.

6.19 The primary ethos of the proposed design is sympathetic and faithful to the predominately Edwardian and Victorian era architecture within the adjacent Conservation Area. The scheme incorporates bay windows, chimneys and asymmetrical front gables that are characteristic of local architecture without appearing pastiche.

6.20 The building shares many design features with local buildings including those just across from the site past Half Moon Lane, where similar brick, bay windows, stone

framed windows and chimneys can be found. When completed, a sense of group value with local buildings would be formed. Furthermore, extensive landscaping can be incorporated into the development and much greater spacing would be provided to all boundaries, including on the side with the CA. This would provide a much more pleasant visual appearance to the site and a softer landscaped setting. Landscaping plans have already been provided, showing the planting of mature trees, hedging and flowerbeds, a pergola with climbing species and areas of ornamental planting, providing legibility to the communal areas and additional benefits to biodiversity. The parking areas have been split into two to avoid the frontage becoming dominated by car parking, a particularly undesirable effect present on the existing site.

- 6.21 Overall, I consider this would have a significant positive effect on the setting of the CA. The removal of the unsympathetic commercial buildings and the replacement with a well-designed building in local vernacular would make a welcome contribution to the character of the area and create a new landmark development on the road frontage.
- 6.22 At 2.5 storeys (the top floor being contained within the roof space of the building) it is not considered that the height and scale of the building is excessive or dissimilar to nearby buildings. The site is also much larger and able to accommodate a building of increased mass, but the additional spacing would ensure that the building does not appear incongruous or excessive in height. It would still be much lower in height in comparison with the Church, which crucially would retain its prominence as the focal point for the CA and the primary building of importance locally.
- 6.23 The development would therefore achieve the high standard of design that would be expected for this site, given its prominent road frontage position and proximity to important heritage assets. It would make a significant positive contribution to the character of the area and street scene as well as the setting of the CA and the historic buildings within it. The proposal would therefore comply with policies CP24 of the TMBCS, SQ1 of the MDEDPD and paragraphs 127, 193 and 200 of the NPPF.

Neighbouring residential amenity and living conditions for occupants:

- 6.24 The layout of the building has been designed to maximise separation from neighbouring dwellings, and generally significant buffers are placed between the building and adjacent properties, in the form of car parking areas or the landscaped gardens. Because of the generous spacing on the site and placement of buffer zones, there would be no overbearing or overshadowing effects on neighbouring properties.

- 6.25 In terms of overlooking, it is accepted that there will be a change in outlook from the site due to the additional storeys and increased placement of windows. However, this is not considered to result in any harmful loss of privacy to neighbouring properties. Significant spacing and separation is provided for the vast majority of outlooks from the building. The south elevation fronts the road, and no overlooking would occur here. The western elevation faces towards the adjacent pub and Half-Moon lane; with generous separation provided by landscape buffers and the staff car park. To the east elevation the main car park provides good separation; parts of the building come closer to the boundary with the adjacent property but only towards the rear of the garden. Any perception of overlooking here would be minor and well away from the primary private garden areas of the residential flat above the shop at number 138.
- 6.26 The main location where perception of overlooking is likely to change the most is on the north elevation towards the properties with access onto Half-Moon Lane, including numbers 2, 2a, 4 and 6. The layout of the building is set back here, with the eastern wing mostly set back from the northern boundary with landscaped areas in between. The separation provided varies between roughly 16m and 20m (the boundary tapers) and this is considered to be acceptable given the settlement location.
- 6.27 The northernmost tip of the building is located closer to the boundary towards number 4 Half Moon Lane. However, on this elevation there are only two windows on the first and second floors serving the stairwell and a bay window for communal seating areas. Whilst these windows could give rise to overlooking into number 4 due to the reduced separation, they can be obscure glazed by condition to prevent any loss of privacy.
- 6.28 Overall, it is considered that whilst the extent of built form on the site would inevitably change, the careful layout and considered placement of windows would largely prevent any overbearing, overshadowing or loss of privacy. Where separation distances are not sufficient, conditions can be used to ensure windows are obscure glazed and neighbouring amenity is preserved.
- 6.29 In other respects, the existing use of the site has already seen significant vehicle movements and noise and disruption, including in association with the vehicle repair workshops to the rear and with car deliveries and jet washing. The inconvenience that this has caused has already been highlighted by some third party comments. This would cease when the site redeveloped, and although some parking areas on site would continue to attract vehicle movements, it is not considered that any harmful level of noise or disruption would result to neighbouring dwellings, particularly above the baseline position. It is likely that once built, the noise environment will in fact be significantly improved compared to the existing use.

- 6.30 In terms of living conditions for future occupiers, whilst most of the units are single aspect, this is not unusual for this type of accommodation and occupants would also spend time in communal areas and other parts of the building. Outlook would still remain good and buffers from the road would be provided through the landscaping areas. The Council's Environmental Protection Team considers that some mechanical ventilation measures may be required for units closest to the road to ensure adequate ventilation without exposure to road noise, and this can be secured by condition.
- 6.31 In consideration of all these matters, the impact on neighbouring amenity, and the amenity of future occupants would be acceptable.

Highway safety and parking provision:

- 6.32 When considering matters of parking and highways safety, it is first important to note that the site has an existing lawful use, i.e. as a car sales showroom with associated workshop. Such a use inevitably attracts significant levels of car movements (trips) from customers, staff, and deliveries (including HGVs associated with car stock deliveries for sale). These would all cease upon commencement of the development. It should also be noted that the site already has two road access points, one onto Half-Moon Lane to the back of the site and a second directly onto Tonbridge Road as the primary access point. With this in mind, the policy context is set out as follows.
- 6.33 Paragraph 108 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.34 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.

6.35 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.

6.36 The policy also sets out that 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.

6.37 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 in respect of these matters.

6.38 As set out in Section 3 of this report, KCC (H+T) have reviewed the submitted transport information and have confirmed that the development would result in a reduction in traffic movements associated with the site, in comparison with the existing use. This would have a positive impact on the operation of the public highway. Furthermore, in consideration of the type of accommodation to be provided on site KCC is of the view that the parking provision provided is

commiserate with the standards provided on similar types of development and therefore is considered to be acceptable. It should be noted that the Council's adopted standards set out that for care homes, the expected car parking standard is: '1 space per resident staff + 1 space per 2 other staff' and '1 space per 6 beds or residents'.

- 6.39 The maximum potential number of staff would be when care staff change shifts and this assumes that all the incoming shift were present before any of the outgoing shift had left the site. This could lead to an extra 15 staff members being on site making a total of 36 staff. The parking standard for this number would be 18 spaces. The parking standard for the proposed 75 beds remains constant at 12.5 spaces which indicates a total of 30.5 spaces which is rounded up to 31 spaces. The total proposed to be provided is 32 including 2 disabled spaces and this is slightly more than the standard seeks. Therefore, the parking is provided in line with expected standards but it is also likely that a fair degree of tolerance exists.
- 6.40 Parking demands for occupants are inevitably reduced given the type of specialist accommodation, and relate primarily to staff parking and delivery areas, with some spaces for visitors. Dedicated secure cycle storage would also be provided. Furthermore, to ensure that sustainable modes of transport are encouraged and that parking demand is carefully monitored, a condition can be applied ensuring that a travel plan is submitted. This is especially important to consider demand for visitor parking and ensure that it is managed appropriately alongside staff parking.
- 6.41 Overall, it is clear that the development would improve highways impacts and parking provision is to an acceptable standard. Whilst I appreciate there are some local concerns in these respects, there is no evidence that the development would cause any harm. In fact, the evidence points towards a beneficial position above the existing use. Accordingly, the development would comply with policy SQ8 of the MDE DPD and paragraphs 108, 109 and 110 of the NPPF.

Ecology and Protected Species:

- 6.42 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.
- 6.43 The existing commercial use of the site and almost complete absence of landscaped or planted areas means that it is considered highly unlikely that any protected species would be present on the site. However, the proposed development would provide extensive landscaping areas and new mature planting. This would provide some positive biodiversity gains and accordingly there is no conflict with policy NE3 of the MDEDPD or paragraph 173 of the NPPF.

Flooding and drainage:

- 6.44 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.
- 6.45 The site lies within a Flood Zone 1, indicating the lowest probability of flood risk. Details of sustainable urban drainage systems (SUDs) have been provided and reviewed by KCC (as Lead Local Flood Authority) and they are satisfied that the proposal, namely a restricted outfall to the surrounding sewer networks, will not increase the risk of flooding. Conditions are recommended to ensure final details of the SUDs scheme are provided before development commences. Furthermore no objections have been raised by the Environment Agency. Finally, Southern Water have confirmed that there is capacity to provide foul sewage disposal to service the proposed development.
- 6.46 Subject to conditions, there would be no increased risk of flooding as a result of the development and drainage measures are considered acceptable. Accordingly, the development would comply with policy CP10 of the TMBCs and paragraphs 155 – 165 of the NPPF.

Contaminated Land:

- 6.47 The sites previous use as a petrol filling station and then as a car workshop and sales showroom could give rise to potentially contaminated land. The Council's Environmental Health Officer for contaminated land has reviewed the submitted Geo-environmental assessment and considers that subject to further intrusive ground investigations, further potential contaminated land can be identified and made good. This can adequately be secured by planning condition to comply with the requirements of paragraph 178 and 179 of the NPPF.

Climate Change and Renewable Energy:

- 6.48 The applicant proposes to use building fabric which would be constructed to a standard that is more efficient than the minimum standards set by the Building Regulations, with renewable energy being provided by a CHP (Combined Heat and Power) boiler which generates electricity as a by-product of the heat that would normally be lost in the ordinary power generation process and is to be welcomed.
- 6.49 Furthermore, electric vehicle charge points can be secured by condition to further contribute towards mitigating climate change and encouraging sustainable forms of transport. This can be secured by condition and would comply with paragraphs 110(e) and 148 of the NPPF.

Planning Obligations:

- 6.50 As a C2 use class, the development does not attract affordable housing requirements that might otherwise be expected on a general purpose C3 residential scheme. This is a policy requirement of the NPPF at paragraph 68, that explains that affordable housing contributions should not be sought from developments that provide specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly). This was also the approach adopted by the Inspector in the recent West Malling care home decision. Accordingly, no affordable housing provision or contributions can be sought and for the same reasons neither can provision or contributions towards open space.
- 6.51 In terms of other matter raised, no further contributions have been sought by KCC Economic Development Team or by the NHS Clinical Commissioning Group (CCH). In light of resident concerns in terms of local GP capacity, Officers have sought to confirm that the CCG are not seeking contributions. The CCG have subsequently advised that care homes do not place the same kind of pressure on local GP infrastructure in comparison to ordinary C3 residential use, whereby all residents in new C3 housing would potentially visit local GP's. With C2 accommodation, generally all residents would be served by a single GP and doctors would instead visit the home directly to see patients when needed. Accordingly, because the impacts are not so significant with a care home, the CCG have advised that they will not be seeking contributions.

Conclusions and overall planning balance:

- 6.52 As previously developed (brownfield) land, national policy is strongly supportive of the redevelopment of this type of site. It would optimise the use of the land by providing a much needed specialist type of accommodation, and furthermore free up housing stock in the area when residents relocate. The development would significantly improve the character of the area, the setting of the CA and the historic buildings within it. A reduction in vehicle movements would result, including the end of HGV car transporter trips. This would also be beneficial to neighbouring amenity. Some increased biodiversity would also result through increased levels of planting and landscaping on site. These cumulative benefits are substantial, and carry significant weight in favour of the development.
- 6.53 The proposal would also help contribute to the vitality of the village, with a new source of local employment, construction jobs and spending power exercised by future occupants. This carries further weight in favour of the development.
- 6.54 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 (whatever the specific type or nature) 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. Whilst harm to designated heritage assets could provide a clear reason to disengage the presumption, the development is considered to have a positive impact in respect of nearby heritage assets. Furthermore, there are not considered to be any adverse impacts that would significantly and demonstrably outweigh the considerable benefits, which is the specific test provided for at paragraph 11 (d) (ii) of the NPPF in terms of applying the presumption in favour of sustainable development. My conclusion is that there are no adverse impacts arising, moreover none that would outweigh the benefits of the scheme proposed. In all respects, the development is acceptable when assessed against adopted development plan policy and having regard to all other material planning considerations, subject to the imposition of planning conditions. I therefore recommend as follows:

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Drawing PL01(M) received 24.04.2020, Drawing PL02(H) received 24.04.2020, Drawing PL03(H) received 24.04.2020, Drawing PL04(H) received 24.04.2020, Drawing PL05(H) received 24.04.2020, Drawing PL06(F) received 24.04.2020, Drawing PL07(B) received 24.04.2020, Drawing PL08(A) received 24.04.2020, Drawing PL10(D) received 24.04.2020, Drawing PL22(B) received 24.04.2020, Drawing PL23(A) received 24.04.2020, Drawing 25458SE-02 received 12.02.2020, Drawing 4877 - PL20(A) received 12.02.2020, Drawing 4877 - PL21(A) received 12.02.2020, Drawing 4877 - PL23(A) received 12.02.2020, Location Plan 4877 - LP01(A) received 12.02.2020, Other 4877 received 12.02.2020, Report 200117 402.05039.00015 received 12.02.2020, Report 2020-02-02 received 12.02.2020, Other PLANNING STATEMENT received 12.02.2020, Other Residential received 12.02.2020, Report 402.05039.0001_140 received 12.02.2020, Report 4877 - PL22(A) received 12.02.2020, Report HERITAGE STATEMENT received 12.02.2020, Landscaping J200308-GC-L-DR-4-001 B received 19.05.2020, Landscaping J200308-GC-L-DR-4-002 A received 19.05.2020, Landscape Statement received 19.05.2020, Drawing PL11(E) received 20.05.2020, Report DRAINAGE STRATEGY received 16.03.2020, Report Statement of community involvement received 12.02.2020, subject to 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 This decision refers to the red-edged site location plan, drawings numbered Drawing PL01(M) received 24.04.2020, Drawing PL02(H) received 24.04.2020, Drawing PL03(H) received 24.04.2020, Drawing PL04(H) received 24.04.2020, Drawing PL05(H) received 24.04.2020, Drawing PL06(F) received 24.04.2020, Drawing PL07(B) received 24.04.2020, Drawing PL08(A) received 24.04.2020, Drawing PL10(D) received 24.04.2020, Drawing PL22(B) received 24.04.2020, Drawing PL23(A) received 24.04.2020, Drawing 25458SE-02 received 12.02.2020, Drawing 4877 - PL20(A) received 12.02.2020, Drawing 4877 - PL21(A) received 12.02.2020, Drawing 4877 - PL23(A) received 12.02.2020, Location Plan 4877 - LP01(A) received 12.02.2020, Other 4877 received 12.02.2020, Report 200117 402.05039.00015 received 12.02.2020, Report 2020-02-02 received 12.02.2020, Other PLANNING STATEMENT received 12.02.2020, Other Residential received 12.02.2020, Noise Report 402.05039.0001_140 received 12.02.2020, Report 4877 - PL22(A) received 12.02.2020, Report HERITAGE STATEMENT received 12.02.2020, Landscaping J200308-GC-L-DR-4-001 B received 19.05.2020, Landscaping J200308-GC-L-DR-4-002 A received 19.05.2020, Landscape Statement received 19.05.2020, Drawing PL11(E) received 20.05.2020, Report DRAINAGE STRATEGY received 16.03.2020, Report Statement of community involvement received 12.02.2020. 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 The development hereby approved shall be solely for the provision of C2 use class accommodation.

Reason: The type of accommodation proposed is only suitable for specialised care as a C2 use class and not for general purpose residential accommodation, which would otherwise attract planning obligations.

- 4 No above ground works shall take place until details of all materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 5 The windows on the north east elevation marked as obscure glazed on plan 4877 PL11 E shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the building is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

- 6 The development hereby approved shall not be occupied until the areas shown on the submitted layout for a vehicle parking spaces 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.

- 7 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.

- 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 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.

- 10 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.

- 11 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.

- 12 The development shall be constructed at the level indicated on the drawing referenced 4877 PL 23 A DATED 17.01.20.

Reason: To accord with the terms of the application and to protect the visual amenity of the area

- 13 Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Lead Flood Authority, in consultation with Southern Water.

Reason: To ensure safe and suitable disposal of surface water.

- 14 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 and suitable disposal of surface water.

- 15 No development shall take place other than as required as part of any relevant approved site investigation, remediation or demolition 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 development the historic underground fuel storage infrastructure shall be removed together with any associated hydrocarbon contamination. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of these works.

c) prior to the first occupation of the development the relevant approved remediation scheme shall be completed 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.

16 The effectiveness of the remediation scheme shall be verified in two phases.

a) The first phase will cover the removal of the fuel storage infrastructure and associated contamination and will be submitted prior to commencement of the development.

b) Following completion of the remainder of the approved remediation strategy, and prior to the first occupation of the development, a final verification report shall be submitted.

In each case, the verification report shall scientifically and technically demonstrate the effectiveness and completion of that phase of the remediation scheme at above and below ground level and shall be submitted for the information of the Local Planning Authority.

The reports 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.

17 Before the development hereby approved is occupied a noise report shall be submitted to and approved in writing by the Local Planning Authority. The report should consider the levels cited in BS8233:2014 and how these will be achieved, namely:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and
2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

The report should also detail any mitigation/attenuation measure needed to attain the abovementioned levels. It is important that the applicant's noise assessment includes specific data and details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation)

Reason: To safeguard future occupants from unacceptable noise impacts.

18 Prior to the first occupation of the use hereby approved, a Travel Plan shall be submitted and approved by the Local Planning Authority. The Travel Plan must include details of:

- (a) A comprehensive survey of all users of the development;
- (b) Details of local resident involvement in the adoption and implementation of the Travel Plan;
- (c) Targets set in the Plan to reduce car journeys to the development;

(d) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over a period of 5 years from the date the development is occupied. At the end of the first and third years of the life of the Travel Plan, you must apply to us for approval of reports monitoring the effectiveness of the Travel Plan and setting out any changes you propose to make to the Plan to overcome any identified problems.

Reason: In the interests of local amenity and highway safety.

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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