

4. Planning History:

TM/85/10854/FUL grant with conditions 18 October 1985

Change of use of dwellinghouse to group medical practice surgery, together with single storey pitched roof extension to side to accommodate waiting room, records office and toilets.

TM/95/51531/FL Grant With Conditions 2 January 1996

proposed upgrading of existing administration and treatment facilities, including replacement of section to the NE part of the rear elevation

TM/95/51532/CA Grant With Conditions 2 January 1996

Conservation Area Application: demolition of part of building to facilitate replacement extension

TM/96/01664/RD Grant 31 December 1996

details of external materials to be used on roof and walls pursuant to condition 2 of consent TM/95/51531/FL (upgrading of facilities)

TM/05/00680/FL Grant With Conditions 6 April 2005

Single storey extension and internal alterations

TM/09/02823/FL Approved 1 April 2010

Part demolition and removal of an existing window to the rear of the main existing Victorian building. Erection of a new single storey pharmacy building with a new link to main existing building. 3 new car park spaces and 1 new loading bay

TM/11/02476/FL Approved 25 November 2011

Conversion/demolition and rebuilding (dependent upon structural soundness) of existing barn plus extensions of existing health centre to create new Pharmacy linked to health centre, internal alterations plus re-location of bin store and clinical waste

TM/12/02498/RD Approved 22 October 2012

Details of the operation of the security barrier pursuant to condition 9 of planning permission TM/11/02476/FL (Conversion/demolition and rebuilding (dependent upon structural soundness) of existing barn plus extensions of existing health centre to create new Pharmacy linked to health centre, internal alterations plus re-location of bin store and clinical waste)

TM/12/03198/RD Approved 26 November 2012

Details of lighting and screening pursuant to conditions 7 and 8 on planning permission 11/02476/FL (Conversion/demolition and rebuilding (dependent upon structural soundness) of existing barn plus extensions of existing health centre to create new Pharmacy linked to health centre, internal alterations plus re-location of bin store and clinical waste)

TM/12/03735/FL Application Withdrawn 15 January 2013

Laying out and use of part of rear garden to accommodate 12 parking spaces

TM/12/03750/FL Approved 12 February 2013

Proposed timber louvers to screen air conditioning units

TM/14/00686/FL Pending Consideration

Variation of condition 9 of planning permission TM/11/02476/FL (new pharmacy) to allow for bollards in two locations instead of existing chain barrier

5. Consultees:

5.1 Private Reps: 67 + site + press notice/2X/1R/24S. Letters of support make the following comments:

- Extreme pressure for parking exists here;
- Very little on street parking and public parking is some distance away;
- This is an expanding practice as a result of the new homes being built in Tonbridge;
- Little impact on amenity arising from the extension to the car park;
- Extension would reduce problems of congestion which at times is significant;
- Elderly people using Warders need to use the car park, which is often full which can cause stress;
- If permission is refused, Council should consider removing the double yellow lines in East Street and Lyons Crescent;
- Well thought-out layout and attractive design.

Objections received are as follows:

- Classic case of a business expanding beyond its capabilities – either curtail the business or move to a more appropriate site;
- Concern that the increased parking will further impact on the safe use of the footpath passing the site;

Comments received are as follows:

- Content for Leylandii to be removed from Lyons Crescent boundary subject to the planting of suitable replacements.

6. Determining Issues:

- 6.1 Warders Medical Centre is clearly an extremely well-used community facility and I appreciate that there is a need to protect viable community facilities that play an important role in the social infrastructure of the area.
- 6.2 I also appreciate that the planning application has received much support, as summarised at Section 5 of this report. These letters of support are predominately derived from patients of Warders (which has a wide catchment area) rather than the immediately local population. Allowing this community facility to operate successfully is clearly an important issue for consideration but this must be carefully balanced against the impacts the additional car parking spaces would have on the environment, particularly the character of this part of the Conservation Area and on the residential amenities of the surrounding dwellings.
- 6.3 TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:
- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
 - the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.
- 6.4 Paragraph 131 of the NPPF states that LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets (in this case the Conservation Area). Paragraph 132 states 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. Significance of such an asset can be harmed or lost through alteration of the asset or through development within its setting.

- 6.5 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that there is a general duty when carrying out any functions under the Planning Acts with respect to any buildings or other land in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.6 The CAA recognises that trees and soft landscaping are important features of the area. It goes on to expressly describe East Street as being quieter than Bordyke with less traffic, with the eastern end (which includes Warders), having a semi-rural character. I consider that the rear of the Warders site is a prime example of such character.
- 6.7 Several well established trees are proposed to be removed to accommodate the car parking spaces. The applicant states that these are of low arboricultural quality and thus not worthy of retention. However, when taken cumulatively, it is my view that these trees make an important contribution to the appearance and character of the Conservation Area. Additionally, a very substantial proportion of the well-established and attractive shrubs within the garden are also required to be removed. I appreciate that these shrubs are not afforded overt protection by virtue of the Conservation Area designation but they do contribute to the character of this tranquil part of the site and their removal is only required as a direct result of the proposal to create car parking spaces.
- 6.8 In addition to the trees that would be lost as a result of this proposal, the proposed car parking spaces would be located in close proximity to a number of other trees that are shown for retention. These trees are recognised as being substantial and important specimens in their own right, as well as when taken cumulatively with all other trees within the garden. In my view it is entirely appropriate to seek to retain these trees, as they are important specimens within the site, making an important contribution to the appearance and character of the wider Conservation Area. Such close proximity of parking spaces is highly likely to prejudice the long term future of these important trees, irrespective of the specification for the proposed means of surfacing and cited protection measures.
- 6.9 The application is accompanied by a detailed method statement, setting out how the construction of the car parking spaces could be achieved without damaging the root protection zones of the trees proposed for retention. However, whilst *in theory* this could be achieved under strict arboricultural supervision, I am extremely concerned about the long term stability of the proposed 'Cellweb' material given the awkward arrangement of the proposed spaces. In the longer term, with the likely need for unorthodox vehicle movements arising from the awkward layout, combined with more general wear and tear, I believe that the

material has the potential to become dislodged and ultimately there could well be pressure to provide a more stable surface which would result in compaction around the trees and the eventual removal of more trees across this part of the site.

- 6.10 Furthermore, I am concerned that the increased activity in this part of the site that would arise from the use of these spaces would cause an unacceptable impact on the residential amenities of the nearest dwellings. I appreciate that the applicant has stated that the spaces are intended to be reserved for staff “*predominately*” but some of the spaces are located in close proximity to residential properties which border the site. The awkward configuration of the spaces suggests that there is a likelihood that unconventional vehicle movements are likely to be required. Additionally, there are no details explaining how such ‘staff only’ arrangements would be managed/enforced meaning that a situation could arise where patients still seek to acquire a space within this area, further adding to noise and disturbance especially if they are then unable to locate such a space.
- 6.11 It is my view that an area of lawn immediately behind the main Warders building may represent a far better opportunity for the centre to provide the additional parking spaces they desire. It would seem to be a far more practical solution and would also limit the amount of external lighting required to facilitate use of the resultant car park. Whilst it is clearly not for the Council to design an alternative scheme, Members should be aware that this suggestion has been put to the applicants in the interests of working in a positive and proactive fashion (an approach advocated by the NPPF). However, they have simply stated that this would not represent a suitable solution in the longer term as they have further plans to extend the practice onto this land. This raises wider concerns about the long term future of the site and how it might operate as an extended practice. Such an extension would inevitably further increase demand for on-site parking and I am doubtful as to whether this could be successfully accommodated. However the applicant’s aspirations cannot form part of this consideration but the fact remains that an alternative to the current proposal has effectively been discounted. This does nothing to convince me that the current proposal with its manifest weaknesses is the only possible solution. It may therefore be, as one private representation suggests, that the medical centre has simply outgrown the site and should consider whether it continues to represent a practical solution in the longer term (although of course this matter in itself is not a material planning consideration in this instance and cannot be a justification for refusing planning permission alone).
- 6.12 As suggested elsewhere on this Agenda, Warders would be well advised to consider what their future needs might be and whether the site can realistically accommodate those needs. In the shorter term, I would recommend that they consider developing a robust Travel Plan which seeks to better manage the traffic

movements of both staff and patients, encouraging them to make better use of the opportunities the position of the site, being in close proximity to the town centre, benefits from in terms of connectivity and transport links.

6.13 In light of the above assessment, I consider that the proposed development fails to meet the requirements of the NPPF and relevant policies contained within the LDF. I therefore recommend that planning permission be refused.

7. Recommendation:

7.1 **Refuse Planning Permission** for the following reasons:

- 1 The creation of the proposed car parking spaces and associated works would involve the loss of several trees which cumulatively make a positive contribution to the character and appearance of the Conservation Area and would threaten the long term prospects of many other important individual specimens across the site. The loss of these trees would have an adverse impact on the character of the site. As such, the proposal would significantly detract from the visual amenities of the locality and is therefore contrary to paragraphs 131 and 132 of the National Planning Policy Framework 2012, policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.
- 2 The proposed development by virtue of its particular layout and specific relationship to residential properties would cause disturbance arising from additional and unorthodox traffic movements, manoeuvring and associated activities in a currently undeveloped and otherwise tranquil part of the site. For these reasons, the proposal is contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environment DPD 2010.

Informative:

- 1 The applicant is strongly encouraged to consider developing a Travel Plan dealing with the ways in which staff and patients visit Warders Medical Centre in an attempt to encourage more sustainable ways of travelling.

Contact: Emma Keefe