

**Tonbridge**  
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**TM/14/01568/FL**

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Proposal: Demolition of 7 no. single garages on triangular site.  
Construction of 5 no. flats over parking on ground floor and amenity area

Location: Mabledon Road Tonbridge Kent

Applicant: Tyler Holding Limited

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## **1. Description:**

- 1.1 The proposed building is of contemporary design and would measure 22m in length and a maximum of 15m in width. The building would be wider at its eastern end than its western end due to the triangular shape of the site itself. At ground level, 5 car parking spaces would be provided together with a means of access from the northern end of Mabledon Road. Six no. individual bicycle storage areas would also be provided at ground level, together with a communal bin store. The living accommodation would be provided on the two floors above the ground floor with 3 of the flats located at first floor level and 2 at second floor level.
- 1.2 The building has been designed to appear as two separate but linked elements. The part of the building located at the southern end of the site contains ground and first floor accommodation only, and would stand 5.8m high at eaves level and 7.2m high at ridge level. This element of the building would be finished externally with facing stock brickwork and white painted rendered walls. The roof would be clad with slate tiles.
- 1.3 The part of the building located at the northern end of the site would stand 9.2m high. This part of the building would also be finished with stock brickwork on its eastern end at ground at first floor levels with vertical natural timber cladding above. The remaining elevations would be finished externally with bands of the same timber cladding and panels of painted render. The timber cladding is now to be used instead of grey coloured metal cladding which was originally proposed.

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

- 2.1 At the request of Cllrs Bolt and Cure as a result of the application drawing a significant amount of interest from local residents.

## **3. The Site:**

- 3.1 The site is located within the urban confines of Tonbridge at the northern end of Mabledon Road. The site is triangular in shape and currently contains two blocks of brick built garages. The site adjoins the mainline railway to the south, close to Tonbridge Railway Station. Mabledon Road currently contains two rows of predominantly red brick, semi-detached dwellings that date from the 19<sup>th</sup>/early 20<sup>th</sup> Century, in a traditional linear pattern.

**4. Planning History:**

4.1 None.

**5. Consultees:**

5.1 KCC (Highways): No objections.

5.2 Kent Police (Crime Prevention): The play area should be reconsidered as the allocated area will be subject to criminal damage and anti-social behaviour.

5.2.1 Network Rail: The applicant/developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

5.3 Private Reps (including site notice): 6/0X/0S/27R. The reasons for objecting to this application are:

- The building is out of scale with the existing 2 storey Edwardian dwellings in this area.
- The height of the building will make it intrusive and overbearing.
- The development does not fit in with the present mix of terrace and semi-detached houses in the vicinity.
- The development will cause a loss of light and privacy to neighbouring residential properties and overshadow them.
- The development will add to vehicle traffic in Mabledon Road and reduce the safety of pedestrians using the footpath past the site.

- Parking is already a big problem in the street. The proposal will make the existing situation worse.
- The proposed car parking provision is out of date and inadequate.
- The proposed “community space” is too small to be of any use and will be a magnet for anti-social behaviour.
- Will the existing trees that overhang the site be removed?
- The site currently provides a habitat for wildlife which will be lost with this development.
- The loss of garages will mean that additional cars will have to be parked on the road.
- The development will disturb asbestos removed from the existing garages to be demolished.

## 6. Determining Issues:

6.1 Current Government guidance contained within the NPPF states at paragraph 14:

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

*For decision taking this means:*

- *Approving development proposals that accord with the development plan without delay, and*
- *Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.”*

6.2 Paragraph 111 of the NPPF further states:

*“Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided it is not of high environmental value...”*

- 6.3 Policy CP 11 of the TMBCS states that development will be concentrated within the confines of urban areas including Tonbridge.
- 6.4 Policy CP 24 of the TMBCS requires all developments to be well designed and must through such matters as scale, layout, siting, character and appearance, be designed to respect the site and its surroundings.
- 6.5 Policy SQ 1 of the MDEDPD states that new development should protect, conserve and, wherever possible enhance the character and local distinctiveness of the area including its historical and architectural interest.
- 6.6 In light of the above, the principle of developing this previously developed, sustainable site close to Tonbridge town centre for residential purposes is acceptable in broad policy terms.
- 6.7 The building is of a radically different form and design to the existing traditional red brick and rendered dwellings that front onto Mabledon Road. Current Government guidance considers the issue of design within paragraphs 60 and 61 of the NPPF, which state:

*“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to **certain development forms or styles** (my emphasis). It is, however, proper to seek to promote or reinforce local distinctiveness.*

*Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

- 6.8 The application site stands at a point where the rows of traditional housing located to the south meet the wide expanse of the railway land to the north. On the southern side the proposed building has been designed to respect the storey and overall height of the existing dwellings within Mabledon Road and would be faced with traditional materials including facing brickwork, rendered walls and the use of slate tiles for the roof. The form and design of this part of the proposed building has, therefore, been influenced by the character of the existing dwellings within Mabledon Road.
- 6.9 The northern half of the building would combine the brickwork and render with vertical timber cladding. The use of these materials together with larger areas of glazing would produce a more contemporary aesthetic for the northern part of the building. In light of its location abutting the railway line, the form and appearance of this part of the building would not be harmful to the character of development in the locality. This part of the development would stand taller than the existing

dwellings within Mabledon Road and elsewhere nearby. However it must be noted that the land level drops considerably in Mabledon Road from south to north and the existing dwellings therefore step down accordingly. The application site is located at the lowest point in the street. In light of this, and given that the proposed building steps up in height away from the existing dwellings within Mabledon Road, I do not consider that the development would appear overbearing in the street scene or when viewed from neighbouring residential properties.

- 6.10 The size and shape of the application site dictates, to a degree, the nature and form of development that can take place within it. Unlike the regular, rectangular shaped sites of properties within Mabledon Road, the application site is an unusual triangular shape. Its use has been for the garaging for private motor vehicle and the existing buildings on site do not make any positive contribution to the visual amenity of the area. The proposed development makes beneficial use of this awkward site in a way that would produce 5 dwellings on previously developed land. The development is considered to be an intuitive design that would integrate itself well with the built environment around it. Details of materials should be submitted for approval and thus controlled by condition.
- 6.11 The site is not designated as having nature conservation or bio-diversity value. It contains garages 'enbloc' and a large area of hard standing. Local residents have referred to seeing Slow Worms within the neighbouring gardens and the site itself. However, the only part of the site that could provide refuge for these protected creatures is a small triangular area of overgrown grass located at the western end of the site. Due to the fact the site is not designated as a Local Wildlife Site and it has a very limited capacity to accommodate wildlife including Slow Worms due to its current use and layout, its redevelopment would not adversely affect biodiversity or the value of wildlife habitats within the Borough.
- 6.12 The scheme has been designed to avoid directly overlooking habitable room windows or private garden areas within neighbouring residential properties. No windows would be located within the east elevation of the building which faces towards the rear gardens of 51 and 53 Nelson Avenue. A small external terrace would be provided at first floor level serving one of the flats, but this would be enclosed by a 1.8m high privacy screen thereby safeguarding the privacy of the neighbouring properties. Narrow windows would be located within the south elevation of the building at first floor level. These would provide natural surveillance of the alleyway that adjoins the site to the south, in the same way that windows located within the north elevation of 1 Mabledon Road currently do. I am satisfied that the relationship between the development and No 1 Mabledon Road is acceptable in terms of residential amenity.
- 6.13 The proposed development is located to the north of the existing residential properties in Mabledon Road and would not, as a result, cause them any overshadowing. The stepped form also assists in taking the largest part of the building away from the nearest neighbours. I am also satisfied that sufficient

separation would exist between the proposed development and the dwellings at 51-53 Nelson Avenue to the east to avoid causing them unacceptable overshadowing.

- 6.14 The development would contain 5 car parking spaces which meets the Council's adopted car parking standards for a flatted development in this locality. Mabledon Road is characterised by on street car parking that has to be relied upon by the majority of the people living within this street. However the site is located close to the town centre with its range of shops and services and is readily accessible by public transport. Given the location of the site and that the level of car parking to be provided complies with adopted standards, the proposed development is considered to be acceptable in terms of car parking provision. The development would, of course, require the demolition of the 7 garages within the site. However, the site is privately owned and the use of the garages can cease at any time.
- 6.15 Access to the site would have to cross the footpath that runs in an east-west direction at the northern end of Mabledon Road. This is, of course, no different to how the existing garages are accessed from Mabledon Road. Therefore, whilst I can appreciate the concerns of local residents with this aspect of the proposal, there can be no objection in principle to the access to the site crossing the existing footpath. Kent Highways has not objected to the development.
- 6.16 Being located next to a railway line there is the potential for noise disturbance to the residents of the proposed development. The acoustic report submitted as part of this application concludes that the dwellings would have an acceptable internal noise environment with windows closed. This would be achieved by the use of specialist glazing and would require the use of mechanical ventilation, acoustic air bricks or trickle vents located within windows. As there are building/engineering solutions available to provide an acceptable internal noise environment for the building's inhabitants, the development is considered to be acceptable in terms of rail noise. There are many examples of new dwellings successfully built close to railway lines in the last few years.
- 6.17 Concerns have been expressed by local residents and Kent Police regarding the integration of a small public amenity area within this development. However, the applicant has now decided to omit this from the scheme in response to the views received through the consultation process. The applicant is aware that this space will need to be defended by adequate boundary treatment. A condition can be used to require details of landscaping and boundary treatments to be submitted to and approved by the local planning authority. I would expect to see a wall or fence installed along this part of the site's boundary, similar to existing boundary treatments in the locality, to deter anti-social behaviour occurring within this area – this can be required by condition.
- 6.18 The development would not require the loss of any trees located within the neighbouring property, although some branches will need to be cut back.

- 6.19 The development for 5 dwellings triggers the need to apply policy OS3 of the MDEDPD that relates to open space provision. Due to the size of the site and the nature of the proposed development, a sufficient amount of open space cannot be provided on site. Accordingly, I consider that it would be reasonable to secure a financial contribution by way of a planning obligation to pay towards the enhancement of existing open spaces in the locality. The level of the contribution is currently being considered and I will report to Members in a supplementary report what contribution will be sought from the applicant.
- 6.20 In conclusion, the development would be an effective use of a previously developed site close to Tonbridge town centre. The building, whilst being contemporary in design, differing in terms of form and design to the more traditional dwellings around it, is of a good quality and makes reference in terms of height and use of materials to the existing residential properties in the locality. The building has been designed so as to not cause unacceptable overlooking or overshadowing to the neighbouring residential properties. Consequently, the development is acceptable in planning terms and I recommend that planning permission be granted.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 01.05.2014, Noise Assessment ACOUSTICS REPORT dated 01.05.2014, Site Survey DAT/9.0 dated 01.05.2014, Proposed Plans 11 and site plan dated 01.05.2014, Proposed Elevations 21 dated 01.05.2014, subject to:

- The applicant entering into a planning obligation to pay a financial contribution for the enhancement of existing public open spaces in the locality, and;
- The following conditions:

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

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

2. No development shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. 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.

3. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

5. No development shall be commenced until full details of a scheme of acoustic protection of habitable rooms have been submitted to and approved in writing by the Local planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30dB LAeq in bedrooms and 40dB LAeq in living rooms with windows closed. Additionally, where the internal noise levels will exceed 40dB LAeq in bedrooms and/or 48dB LAeq in living rooms with windows open, the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation. Mechanical ventilation shall also be provided to bedrooms having openings into facades that will be exposed to a level of rail traffic noise in excess of 78dB L<sub>Amax</sub> (slow time weighting). The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: In order to protect the amenities of the future occupants of the dwellings.

6. No development shall take place until details of the finished floor levels of the development in relation to the existing land levels within the site have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.



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

- 7 No development shall take place until details of the privacy screen located on the west elevation of the building have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details prior to the first occupation of the dwelling the screen would serve and shall be retained at all times thereafter.

Reason: In the interests of visual or residential amenity.

### **Informatives**

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 The developer is advised to contact Network Rail's Asset Protection team to agree to an Asset Protection Agreement with it. [AssetProtectionKent@networkrail.co.uk](mailto:AssetProtectionKent@networkrail.co.uk)
- 3 With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on [pollution.control@tmbc.gov.uk](mailto:pollution.control@tmbc.gov.uk) in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08.00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or Public Holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.

Contact: Matthew Broome