

SUPPLEMENTARY REPORTS

AREA 1 PLANNING COMMITTEE

DATED 31 July 2014

Tonbridge **TM/14/00686/FL**
Medway

Variation of condition 9 of planning permission TM/11/02476/FL (new pharmacy) to allow for bollards in three locations instead of existing chain barrier at Warders Medical Centre 47 East Street Tonbridge Kent TN9 1LA for Warders Medical Centre

No supplementary matters to report.

Tonbridge **TM/14/00685/FL**
Medway

Creation of car park (total of 10 spaces) and associated access, including bollard lighting, tree removal and shrub clearance at Warders Medical Centre 47 East Street Tonbridge Kent TN9 1LA for Warders Medical Centre

No supplementary matters to report.

Tonbridge **(A) TM/14/01371/FL**
Medway **(B) TM/14/01372/LB**

(A) Demolition of ancillary outbuilding, conversion of Bordyke End from offices back into residential dwelling with conservatory extension. Conversion of Coach House from offices into separate residential dwelling including first floor extension. Erection of a 3 bay garage with habitable accommodation over; (B) Listed Building Consent: Demolition of ancillary outbuilding, conversion of Bordyke End from offices back into a residential dwelling with conservatory extension. Conversion of Coach House from offices into separate residential dwelling including first floor extension at Bordyke End 59 And The Coach House 63 East Street Tonbridge Kent TN9 1HA for Millwood Designer Homes Ltd

(A) TM/14/01371/FL:

Paragraph 6.18 of the main report explained that the external staircase to serve the annexe accommodation above the garage would be enclosed to prevent overlooking. A plan has now been submitted to that effect and the list of plans to be cited at paragraph 7.1 should be amended to reflect that submission.

AMENDED RECOMMENDATION**Amend Paragraph 7.1:**

Grant planning permission in accordance with the following submitted details: Letter dated 14.04.2014, Letter dated 24.04.2014, Arboricultural Survey dated 14.04.2014, Design and Access Statement dated 24.04.2014, Supporting Information dated 14.04.2014, Location Plan dated 14.04.2014, Proposed Elevations P207/PL/200 dated 14.04.2014, Proposed Floor Plans P207/PL/300 A dated 14.04.2014, Proposed Plans and Elevations P207/PL/400 dated 14.04.2014, Letter dated 18.07.2014, Proposed Layout P207/PL/100 C dated 18.07.2014, Proposed Plans and Elevations P207/PL/500 A dated 18.07.2014, Email dated 08.07.2014, Email dated 17.07.2014,

Tonbridge

TM/14/01568/FL

Judd

Demolition of 7 no. single garages on triangular site. Construction of 5 no. flats over parking on ground floor and amenity area at Mabledon Road Tonbridge Kent for Tyler Holding Limited

Paragraph 6.13 references two neighbouring properties at 51-53 Nelson Avenue. This is incorrect and the properties concerned are actually 51-53 Albert Road.

DPHEH:

The financial contribution referred to in the main report for the improvement of existing open spaces has now been calculated to be £9,420. I would suggest that this be specifically allocated for the enhancement and maintenance of facilities at Hayesden Country Park given its proximity to the application site and the subsequent likelihood of future residents utilising this open space facility. This can be secured through the specific wording of the planning obligation.

We are aware that Mr and Mrs Ingram of 34 Mabledon Road have written to all Members of the Planning Committee expressing their objections to the planning application. For Members' convenience a copy of that correspondence is attached and is referenced below.

I can confirm that a copy of Mr and Mrs Ingram letter was received in the Council Offices on the 12 June and its contents were taken into consideration when making my original recommendation. However, in light of the recent circulation it is appropriate to comment directly on the issues raised by these local residents and reiterate some of the key points in my main report.

As Members will be aware, local planning authorities are required to consult the properties that adjoin the application site, or advertise the application by way of displaying a site notice. In this particular case, the adjoining properties were notified by letter and a site notice was also put up close to the site. The Borough Council has, therefore complied with the regulations governing the planning application consultation process. It is not appropriate to consult as widely as local residents may wish, but it is quite apparent that in this case many local residents have become aware of the application as is revealed by the postal addresses of those who have submitted comments.

The issue of scale and form have been dealt within my main report. The detailed form and design of the proposed development does indeed differ from the Victorian/Edwardian dwellings present in Mabledon Road. I would refer Members to the sections of Government guidance concerning this matter that I have quoted in my main report. There is no requirement to seek developments to slavishly adhere to the form and detailed design of existing buildings in the locality. It is however, proper to require developments to respect local character.

The site falls within Area B1 of the Tonbridge Character Area Appraisal. As is noted in this appraisal, Mabledon Road and the wider area is characterised by Victorian/Edwardian brick built rows of semi-detached and terraced houses. Indeed the Appraisal states on page 60:

“The narrow straight streets are arranged in a grid pattern with constant building lines giving a tight knit character with few public open spaces...”

On page 61, the appraisal refers to the area as having a strong sense of identity due to the blocks of uniform front elevations. However, and this is crucial in this case, the site is at present is at odds with that character, given the low level, relatively loose knit group of garage buildings, combined with the separation by the footpath from the row of houses and its form as a triangular linear feature abutting the railway. Inevitably, the circumstances of the site present a particular range of issues and these require an innovative design solution that cannot simply mirror the nearby rows of housing.

The development is set close to the edge of the highway, but would not present a blank façade to the end of Mabledon Road. The building would contain openings at ground and first floor. It would present a contemporary building that would not only respect, but would also extend the tight-knit, urban character of development in this street to the adjoining railway land.

As has been described in section 6 of my main report the building is, effectively split into two distinct sections. The part nearest the street would stand two storeys high and be finished externally with red brickwork, rendered panels and slate tiles, which is the same palette of materials that is used on the existing dwellings within Mabledon Road. In light of these factors, the proposed development would not erode the strong sense of identity that

is present within Mabledon Road and the wider Character Area, but would actually help to re-enforce it.

The southern elevation of the building contains windows at first floor level. These provide views into the alley way in front of the site. One of these windows serving a bedroom in unit 3 could possibly provide oblique views towards the rear garden of 1 Mabledon Road. Whilst this is not considered to cause significant detriment to the amenity of the neighbouring property, the applicant has agreed to rotate this window by 90° and locate it to be a minimum of 1.7m above the room's floor level. This would prevent views in to the neighbouring property whilst providing more of a sense of surveillance for the alley way than a blank brick wall would provide.

As has been set out in my main report, the provision of 1 car parking space per flat complies with the Borough Council's current adopted car parking standards. In light of this and given the close proximity of the development to the town centre, it would not be reasonable to require additional car parking to be provided as part of this development.

The application site is not designated as having nature conservation interest, (such as a SSSI for example), and has a very limited biodiversity value. Consequently, an ecological report is not required as part of this planning application. However as Slow Worms have been seen in relatively close proximity to the site, I consider that it would be prudent to impose a condition to deal with this protected species should any be found within the site during the construction work.

The trees that are located on the railway embankment to the north of the site would not need to be removed to accommodate the proposed development. These trees stand on lower ground than the application site and, as such, their roots should not be adversely affected by the proposal. The applicant will need to liaise with Network Rail under separate legislation with regard to works close to the boundary of the site, including any pruning that will need to be undertaken to these trees. An Informative is set out in the main report advising that the applicant contact Network Rail as a neighbouring land owner.

AMENDED RECOMMENDATION

Amend Paragraph 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, Drawing 3D IMAGE dated 26.06.2014, Drawing
3D IMAGE dated 26.06.2014, Drawing 3D IMAGE dated 16.07.2014, Proposed
Elevations 21 A dated 31.07.2014, Drawing 3D IMAGE dated 31.07.2014, Drawing 3D
IMAGE dated 31.07.2014, Drawing 3D IMAGE dated 31.07.2014, Email dated
31.07.2014**

Additional Conditions:

- 8. There shall be no deviation from the approved plans.**

Reason: To ensure protection of residential amenity in the locality.

- 9. If during development Slow Worms (*Anguis Fragilis*) are found to be present at the site then work should stop and no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority of details of appropriate mitigation.**

Reason: In the interests of ecology.

Copy of email from Mr and Mrs Ingram dated 29.07.2014

Dear Members

As residents of Mabledon Road, we write in respect of the above planning application which is being reported to the Area 1 Planning Committee on 31st July.

We wish to bring to your attention the attached objection letter dated 12th July 2014, which raises issues which we do not feel have been adequately addressed in the Officer's Report. In particular, we would like to raise the following:

Impact on the Character and Appearance of the Area

No detailed assessment is made in the Officers Report in respect of the scheme against Policy SQ1 of the Managing Development and the Environment DPD and the Council's Character Area Appraisals SPD. This is concerning. Policy SQ1 requires new development to:

Reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD; and

All new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.

The character and appearance of the area is of clear importance in the DPD and Policy SQ1 and requires appropriate consideration. Pages 60 & 61 of the SPD note the following characteristics of the area:

- Similarities in building age, height, materials and design give strong cohesive character and intimate scale
- A uniform design giving each street an individual character.
- Constant building lines.
- Unified, simple roof lines.
- The repetition of details along a constant building line gives the streets a strong rhythm.
- The overall effect is a distinct character with blocks of uniform front elevations creating a strong sense of identity.

The application fails to be in keeping with each of the above.

The Officers Report itself states "*The building is of a radically different form and design to the existing traditional red brick and rendered dwellings that front onto Mabledon Road*". Officers clearly recognise that the scheme is not in keeping with the character of the area and we cannot therefore see how it could be approved. The development will sit substantially forward of the existing building line, is overbearing and by reason of its

height, scale and design (including blank facades), is wholly out of keeping with the recognised character and appearance of the area. I enclose two extracts from the Applicant's Design and Access Statement which reinforce this view and the scheme's inappropriateness. We consider that the application should be refused on the basis of its impact on the character and appearance of the area against Policy SQ1.

Presence of Slow Worms

The Report recognises that there are slow worms present in the area. As a protected species this is a material consideration in the determination of the application. It is insufficient to simply ignore their potential on the site, which seems to be on the basis that the area of grassland is not designated a Local Wildlife Site. An ecological survey is required regardless of whether it is designated or not and where slow worms are present, appropriate mitigation is required. On this basis alone the application cannot, and should not, have been recommended for approval without such a survey. Further, it does not appear from the Report that the Council's ecologist has been consulted. Again this is concerning.

For the reasons set out above and in the enclosed letter, we consider that the application should be refused. We would be grateful if you could take these comments and the attached into account in your consideration of the application.

Kind Regards

Alistair and Tracey Ingram

Copy of letter from Mr and Mrs Ingram dated 12.06.2014 attached to the above email (copy also received at the Council Offices on 12.06.2014 and considered as a formal representation)

Dear Mr Broome

Proposed Development of 5 x Flats, Existing Garages, Mabledon Road (Application Reference: 14/01568/FL)

We write in respect of the above planning application for the redevelopment of garages on Mabledon Road for a 3 storey residential development comprising 5 flats.

We are extremely concerned that, along with many residents in Mabledon Road, we have received no formal notification of the planning application.

Notwithstanding this, we wish to **object** to the application in the strongest possible terms. Should you decide to recommend that the application should be approved, we request that it is reported to Planning Committee in order that residents have the opportunity to let their views be known. We would like to speak at the Committee.

We are also worried that in the last ten days, the application documents have been removed from the Council's website, where they were previously available. Several residents have been unable to view the documents and therefore the details of the scheme. We ask that these are put back on the website immediately. Our grounds of objection are detailed below:

Design / Character & Appearance

At a bulky 3 storeys in height, the development is clearly out of scale with the existing residential properties on Mabledon Road and surrounding streets, which typically comprises two storey Edwardian semi-detached houses on a consistent street line, with a consistent use of materials. The inappropriateness of the scheme's scale can be clearly seen at pages 9 and 14 of the Design and Access Statement submitted by the applicant. The proposed development will be set forward from the existing street line and present a blank façade at the bottom of the road and the alleyway. This alleyway is already an intimidating environment for residents at night time and the development will increase the risk to safety. The fact the development is set forward so far (see page 18 of the Design and Access Statement), allied to its excessive height and resulting dominance, only reinforces the fact that the scheme represents significant overdevelopment of the site.

We also note that the southern elevation appears to overlook gardens of properties on Mabledon Road, and indeed into the windows of the nearest house, from which it is only separated by a few metres. This will result in an unacceptable impact on the amenity that these residents can reasonably be expected to enjoy.

Policy SQ1 of the Managing Development and the Environment DPD, states:

1. Proposals for development will be required to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD.
2. All new development should protect, conserve and, where possible, enhance:
 - (a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;
 - (b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views; and
 - (c) the biodiversity value of the area, including patterns of vegetation, property boundaries and water bodies.

The Character Area Appraisals SPD for this area (pages 60 and 61) refers to the Douglas Road area and clearly states:

“...Although some Victorian properties were demolished in the 20th century, quite extensive areas still remain and despite some infill and redevelopment, the original character, scale and sense of enclosure of these narrow streets has been retained. The terraced or semi detached two storey houses are set in narrow plots fronting directly onto the road or set behind shallow front gardens and low brick walls. Often the cottages in a particular street will be of a uniform design giving each street an individual character.

The narrow, straight streets are arranged in a grid pattern with constant building lines giving a tight knit character with few public open spaces, although street trees provide a contrast to the urban character in some streets.

The buildings are constructed in red brick and (originally) slate roofs with flat fronts or single storey canted bay windows. Arched brickwork or stone lintels span window and door opening. Some properties have simple decorative features including name and date plaques, string courses of contrasting brick and ridge tiles. In semi detached properties the doors are usually placed in pairs centrally or in the side elevations. In terraced houses the front doors and rear extensions are paired together. The unified, simple roof lines fronting the street generally slope down towards the road and are tiled with clay, concrete or slate tiles. Plain chimneys are centrally placed on the roof ridge. The repetition of details along a constant building line gives the streets a strong rhythm.

The overall effect is a distinct character with blocks of uniform front elevations creating a strong sense of identity...

Given the above, the design is clearly not in keeping with the character of the local area (recognised by the Council in the SPD) and the development does not reflect its local distinctiveness. It is totally at odds in terms of scale and design with the local area and has to be refused against Policy SQ1.

Parking / Loss of Garages

It should be noted that, contrary to the assertion in the application, the garages are not dilapidated or vacant and are clearly currently in use, being leased to several residents on Mabledon Road.

Parking is a real issue in Mabledon Road. The Design and Access Statement itself recognises that it operates at full capacity. The existing garages provide welcome additional parking for residents. The loss of this will only exacerbate the existing pressure on car parking on the street.

There are also insufficient car parking spaces to serve the development, with one space per dwelling and no visitor parking. Allied to the effects arising from the loss of garages, we consider the scheme will result in significant effects on the local area. No assessment of this has been undertaken by the applicant and we would ask that this is considered appropriately in the assessment of the application by the Council.

Public Right of Way

Access to the site will cross a public right of way (the existing footpath / alleyway), and the development will conflict with the use of this by residents and school children.

Amenity Space

The proposed 'amenity space', aside from being inadequate in size, will encourage anti-social behaviour, adjacent to an existing property. This is already an existing issue in the area, recognised by the Council at the bottom of Lionel Road where a planting scheme has recently been implemented in an attempt to discourage groups from congregating in this area, where there is regular under age drinking / smoking. The proposed amenity space will encourage this behaviour on Mabledon Road, a wholly unacceptable situation for residents.

Ecology

There are slow worms present in the area, and we regularly see them in our garden, most recently during May this year. We understand that slow worms have been present in the gardens of other residents as well. Given part of the site includes grassland, adjacent to the railway line and a potentially suitable habitat for slow worms, we would expect an ecological survey to be undertaken. The applicant has undertaken no such assessment.

We request that this letter is forwarded to the Council's ecologist so that they are aware of this issue.

Landscape

Existing trees are adjacent to, and overhang the site (as set out in the Design and Access Statement) and clearly seen from aerial views. No tree survey has been undertaken and the effects on these trees have not been assessed by the applicant. As such, a tree survey and assessment is required.

Conclusions

Given the above, we consider that insufficient information has been submitted by the applicant, but in any event, it is clear that it is out of keeping with the character of the area and therefore contrary to the Council's Development Plan. It has to be refused.

Please can you acknowledge receipt of this letter keep us informed of the progress of the application, including notification if / when the application is to be reported to Planning Committee.

Yours sincerely,

Mr and Mrs Ingram