

**Tonbridge
Castle**

15 June 2021

TM/21/01677/FL

Proposal: Demolition of the existing buildings and the erection of 13no. apartments with associated access, landscaping, parking and infrastructure

Location: 2 Yardley Park Road Tonbridge Kent TN9 1NE

Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought for the demolition of the existing buildings on site and the construction of a new building containing 13no. apartments with associated access, landscaping, parking and infrastructure.
- 1.2 The building will provide 12no 2-bed and 1no 3-bed apartments. A total of 15 parking spaces are to be provided including 1 space per apartment and 2no visitor spaces. The existing access to the north of the site onto Yardley Park Road is to be retained serving 4no parking spaces. A new access onto Shipbourne Road is proposed with a parking area for the remaining 11 parking spaces and a cycle store to the southern section of the site.
- 1.3 Landscaping is proposed around the building with tree planting indicated to the north, west and southern boundaries of the site.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Branson to allow for consideration by APC1 of the impact on the Conservation Area and highway safety.

3. The Site:

- 3.1 The application site consists of a residential corner plot located to the south of Yardley Park Road. The site contains a large, detached dwelling, brick air raid shelter and outbuilding to the rear. The site has two existing accesses: the first onto Yardley Park Road to the north of the site and another unused access to the south-west of the site onto Shipbourne Road.
- 3.2 The immediate street scene of the site along Yardley Park Road predominately contains large, detached dwellings. Higher density development lies to the west and south of the site. The wider area has a variety of size and style of building but is predominately red brick.
- 3.3 The site lies within the urban confines of Tonbridge. It forms part of the Tonbridge Conservation Area and is within an area of archaeological potential. Both Yardley Park Road to the north and Shipbourne Road to the west are classified roads.

4. Planning History (relevant):

TM/63/10163/OLD Refuse 30 July 1963

Outline application for the erection of a detached house.

TM/09/02987/FL Approved 21 January 2010

Retrospective application for replacement gates, posts and boundary wall with railings

TM/10/03299/TNCA No Objection 31 December 2010

Remove various trees of poor quality (indicated on plan)

TM/13/02376/TNCA No Objection 20 September 2013

Cut back branches of 2 large Lime trees encroaching over 57 Shipbourne Road

TM/13/03160/TNCA No Objection 19 November 2013

Crown reduction by approximately 30% to Horse Chestnut. Crown reduction to 4no. Lime Trees

TM/15/01668/TNCA No Objection 29 June 2015

(T1) Yew - Fell and stump grind remaining stump

TM/17/02661/TNCA No Objection 1 November 2017

To pollard 4 Lime trees and cut back the low hanging branches of the Yew tree

TM/21/01672/PPA 17 June 2021

PPA in relation to demolition of the existing buildings and the erection of 14no. apartments with associated access, landscaping, parking and infrastructure

TM/21/02660/TNCA No Objection 26 November 2021

H1 Large Leylandii to trim top and all sides to shape and tidy; T1 Gelditsia Tricanthos to prune to reduce by approx 1m by reduction of overextended branches back into profile of remaining crown; H2 Castlewellan screen to trim top and all sides (including cottage side) to shape and tidy; G1 Group of Tulip tree, Beech and Cherry to carry out annual pruning, back to vicinity of previous cuts

TM/21/03151/TNCA No Objection 26 November 2021

G2 Group of 2 large Lime pollards overhanging neighbouring cottage - to prune overhang hard back to vicinity of boundary to give clearance to building

5. Consultees:

5.1 KCC (LLFA):

Representations received on 17.06.21

5.1.1 Surface water drainage strategy required.

Representations received on 21.06.21

5.1.2 The proposed site is underlain by Weald Clay; therefore it is expected that attenuation with controlled discharge to the adjacent sewer system will be required. A public surface water sewer is located in Yardley Park Road. We would expect that discharge rates from the site are compliant with Kent County Council's Drainage and Planning Policy for re-developed land. We therefore are prepared to accept a condition applied to any planning approval for the submission of a sustainable drainage strategy for the proposed development to ensure that surface water from the site is managed appropriately. Condition recommended.

5.2 KCC (H+T):

Representations received on 29.06.21

5.2.1 Vehicular and Pedestrian Access: Access to the development is proposed via the two existing accesses that currently serve the private dwelling. These accesses will provide access to two separate car parking areas. Whilst the existing access on Yardley Park Road is to be retained in its current format, the application proposes to slightly relocate the site's secondary access on the A227, Shipborne Road and upgrade it to a bell mouth arrangement. To ensure continued priority for pedestrians KCC Highways consider that both accesses should be provided in the form of enhanced vehicle crossing points. The plans should be amended to reflect this.

5.2.2 A review of the personal injury collision (PIC) records for both the existing accesses and the area within their immediate proximity has been undertaken by the applicant. This analysis confirms that in the 3-year period up to 31st December 2020, 2 collisions have been recorded, both of which were slight in severity. However, neither of these collisions are associated with either of the existing accesses, consequently, both the existing accesses have good PIC records.

5.2.3 The applicant has confirmed that to achieve the proposed access arrangements for the access onto the A227, Shipbourne Road several existing on street parking spaces will require removal. This is also required to provide the necessary visibility sight lines, which should be secured via condition. Importantly, the visibility sight lines proposed are commensurate with the road's

posted speed limit of 30 miles per hour and are therefore acceptable to Kent County Council (KCC) Highways.

- 5.2.4 Should permission be granted, then the applicant will need to liaise with Tonbridge and Malling Borough Councils (TMBC's) Parking Service Team to secure the necessary permissions for the proposed amendments to the existing on street parking arrangements.
- 5.2.5 It is proposed to achieve pedestrian access to the development via a dedicated pedestrian entrance onto the footway that abuts Yardley Park Road, with secondary access points also provided via the site's car parking areas. This is appropriate in how it ensures direct access to the high-quality pedestrian infrastructure adjacent to the site.
- 5.2.6 Sustainability and Public Transport: An assessment of the development's sustainable credentials, including opportunities for the use of sustainable modes of transport, has been undertaken by the applicant. This assessment concludes that the site is located in a sustainable location, with access to a good range of services and facilities that could be accessed by sustainable modes.
- 5.2.7 KCC Highways agree with the applicant's conclusions, given its location on the edge of Tonbridge town centre and proximity to its associated facilities, including the various bus stops on Tonbridge High Street and Tonbridge train station. There is considered to be significant potential for trips by sustainable modes of transport.
- 5.2.8 Traffic Impact: An assessment of the net difference in traffic movements from the site because of the development has been undertaken by the applicant. This exercise compares the amount of traffic that could be generated by the developments existing use as a single residential dwelling, against the sites proposed use as 14 residential flats.
- 5.2.9 The sites used to forecast the traffic generation from the site's existing and proposed use have been derived from the TRICS database. Importantly, they have similar location characteristics to the development site, therefore providing a suitable basis for assessment.
- 5.2.10 Although the result of these assessment confirms that there will be an increase in traffic movements, as a result of the development, the amount of traffic that the development is anticipated to generate is still limited. In the AM peak period (08:00-09:00) the development is anticipated to generate 3 additional movements, where compared to its existing (extant) use, 4 additional movements in the PM peak period (17:00-18:00) and 30 additional movements across a 12-hour day. Such modest levels of additional traffic generation are likely to be within the day-to-day variations in traffic flow.

- 5.2.11 Given the extremely modest amounts of additional traffic that the development is likely to generate, KCC Highways do not consider that the impact of the development in congestion or capacity terms could be reasonably described as 'severe.'
- 5.2.12 **Parking:** 14 car parking spaces are proposed. Kent Design Guide, Interim Guidance Note 3 (IGN3), which is the county council's adopted parking standards states that 1- and 2-bedroom flats in an edge of centre location should be provided with a minimum of 1 space per unit, with visitor parking provided at a rate of 0.2 space per unit. Consequently, a total of 17 car parking spaces are required. There is scope to achieve full compliance with IGN3 via amendments to the site layout.
- 5.2.13 **Cycle Parking:** 14 cycle parking spaces are proposed. This level of provision is compliant with the county council's adopted guidance, which requires flatted dwellings to be provided with a minimum of 1 cycle parking space per unit. This is to be provided via a central store in the southern section of development. Such an approach is acceptable to KCC Highways.
- 5.2.14 **Turning and Servicing:** It is proposed to retain the existing on street servicing arrangements to service the development. KCC Highways consider this approach to be acceptable and commensurate with the scale of the development, particularly given the short stay and infrequent nature of such vehicles, including refuse freighters and delivery vans.
- 5.2.15 Swept path analysis demonstrating the suitability of the turning areas in the development's car parks has also been provided, thereby confirming their suitability.
- 5.2.16 **Summary and Recommendation:** KCC Highways wish to raise a holding objection, on the basis that the applicant should provide the following information/make the following amendments:

- Visitor parking provision to ensure full compliance with IGN3.

Representations received on 18.01.22

- 5.2.17 Kent County (KCC) Highways note that following this authority's initial consultation response the application has been amended, reducing the total number of units from 14 to 13. In addition, the total parking provision has been increased to a total of 15 spaces across the development to better accommodate this authority's adopted standards.
- 5.2.18 As the access arrangements remain unchanged and the number of units reduced, KCC Highways previous comments in respect of the suitability of the site access arrangements and traffic impact remain unchanged.

5.2.19 In summary, KCC Highways consider the amendments to the development address this authority's previous comments and I can therefore confirm that having considered the development proposals and the effect on the highway network, I raise no objection on behalf of the local highway authority subject to conditions.

5.3 KCC (Economic Development): Contribution requested in relation to Secondary Education (£14,755.00), Community Learning (£213.46), Youth Services (£851.50), Library Book stock (£720.85), Social Care (£1909.44), Waste (£2387.71)

5.4 TMBC Environmental Protection:

Noise:

5.4.1 I would recommend that a Condition be included with any approval requiring the applicant to submit a noise report detailing the current noise climate at the proposed site covering traffic noise.

Construction Management Plan:

5.4.2 Prior to commencement of development, arrangements for the environmental management control of all demolition and construction works shall be submitted to and approved by the Local Planning Authority.

Contaminated land:

5.4.3 Our earliest available map dated 1867, shows a row of houses along the west side of the site. These have been demolished by 1896, with the current building developed by 1936. This in turn will need to be demolished as part of this application. As soft landscaping is minimal and will be shared, I would recommend a watching briefing condition.

5.5 TMBC Conservation Officer: 2 Yardley Park Road is an inter-war house, which appears to be part of a small 1920s or 30s development of parcels of land formerly belonging to Yardley Court, whose lodge was demolished to make way for the houses lining the road to the north of No. 2. The Tonbridge Conservation Area clearly includes this particular short row of houses in the boundary, possibly as a reminder that they were the original development over Yardley Court. Otherwise, when applying TWBC's local list criteria, which are based on the Historic England guidance and therefore generally relevant, the house is not of sufficient age, is not a particularly good example of inter-war housing (no particular art deco or Modernist features), and as far as I know is not attributed to any particular architect. In terms of historic associations, a Herbert Ellis Hall is mentioned, but after some research I understand that he was an engineer who formed a local company and so this is not of sufficient interest to meet the historic interest criterion. Otherwise, it appears not to meet

the other criteria, particularly as it has been altered. I would not consider it to be a non-designated heritage asset.

5.5.1 The density of what is proposed appears at first at odds with the historic development of this area, as it seems that most buildings are single dwellings, but please note that I've not had the benefit of a site visit, and I note when reviewing the elevation treatments that an early 20th century aesthetic is proposed. I understand that the essential character of the area that contributes towards significance comes from the earlier, higher density late Victorian and Edwardian developments in Dry Hill and Dry Hill Park Road, which also exhibit high quality architectural form and detailing. As above, this house doesn't appear on historic maps until the 1929-1952 date range on the KCC Heritage Map, and is of no architectural merit.

5.5.2 Finally, the air raid shelter is notable but could be recorded and the information submitted to the HER, should permission be granted.

5.6 Private Reps 5 reps + site notice & Press Notice 1X/218R/0S

Original submission - Objections summarised as follows.

- Highways - Traffic, Access, Parking, Construction Management, impact on adjacent business (One Stop)
- Character - Loss of historic building/character, prominent position, overdevelopment (size, scale and number of units), insufficient front garden, impact on street scene, not in keeping
- Conservation Area - Harm to and does not conserve.
- Heritage - Demolition of WWII air raid shelter, loss of Edwardian dwelling (on 1911 census)
- Trees - loss of mature trees, economic impacts on their removal, incorrect assessment in relation to horse chestnut (decay detection).
- Ecology/Biodiversity - bats
- Pollution - additional dwellings, traffic
- Infrastructure - impact on doctors, schools, dentists,
- Amenity - Overlooking, loss of privacy, loss of light, noise, parking
- Lack of demand for flats
- Lack of green space

- No SUDS scheme proposed
- Open Space to the east within the Haydens is private land

Neutral summarised as follows:

- Green land at The Haydens is for the use of residents only

Amended Scheme - Objections summarised as follows:

- Highways - Insufficient parking, access (safety and visibility), impact on adjacent business (One Stop), loss of on-street parking, pollution
- Impact on infrastructure - doctors, education
- Location - inappropriate type of development for this location
- Revisions do not address concerns
- Amenity - impact on neighbours
- Character - Out of keeping, overdevelopment, prominent location
- Conservation Area - Harm to and does not conserve.
- Open space at The Haydens is private
- Amenity - overlooking
- Lack of demand for flats
- Heritage - loss of Edwardian dwelling

6. Determining Issues:

Principle:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraph 12 asserts that it *'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'*.
- 6.2 In the absence of a five year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the NPPF. Firstly, this means giving consideration to whether policy CP11 is out of date for

the purposes of decision making and thus whether there is conflict between the requirements of the policy and the requirements of the NPPF.

- 6.3 In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities. Policy CP11 sets out that development will be concentrated within the confines of the urban areas which include Tonbridge. In seeking to concentrate development within appropriate urban locations this policy would be in accordance with the NPPF and therefore remains up to date. Notwithstanding that, due to the lack of a five year supply of housing by the Borough Council the presumption in favour remains to be applied.
- 6.4 The presumption in favour of sustainable development under paragraph 11 (d) of the NPPF requires that, for decision making, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.5 With regards to paragraph 11 (d) (i), footnote 7 explains the concept of “specific policies” in the NPPF indicating that development should be restricted. This includes development which impact on designated heritage assets such as Conservations Areas. It is therefore necessary to assess whether the proposal would be appropriate within the Tonbridge Conservation Area before applying an assessment under Paragraph 11 (d) (i).

Impact on the Conservation Area:

- 6.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.7 Paragraph 197 of the NPPF requires that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 6.8 Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.9 Paragraph 206 of the NPPF sets out that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, 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.
- 6.10 Paragraph 207 continues that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
- 6.11 The requirements for when Historic England are required to be consulted is set out within schedule 4 of the DMPO. This requires them to be consulted on any application involving the demolition, in part or whole, or material alteration to a Grade I or Grade II* listed building, development likely to affect the site of a scheduled monument or affect any battlefield, garden or park of special historic interest. The proposed development will not impact on any of those listed heritage assets and therefore there is no requirement to consult Historic England.
- 6.12 The application site currently consists of a detached dwelling built in the 1930's and a brick air raid shelter built shortly after. The cartographic evidence provided within the applicant's heritage statement identifies that at the time of the 1895 maps the site lay outside the residential area and formed part of the open estate of Yardley Court. Yardley Park Road was first formed in the early 1900's (as shown on the 1907 map) with only 9/10 dwellings having been constructed along the road at that time including those at 1 and 3 Yardley Park Road opposite the application site. The dwelling was however constructed in the 1930's and is visible on the 1936 maps.

- 6.13 The Tonbridge Conservation Area Appraisal sub-divides this large Conservation Area into several sub-areas with the application site forming sub-area E3 - Dry Hill Park Road including London Road, Dry Hill Park Crescent and Yardley Park Road. The appraisal sets out that the Dry Hill Park Estate appears on a map of about 1870 with the current road layout but no buildings shown. The area was developed during the 1870s - 1890s following creation of a reliable piped water supply. The houses were individually designed but laid out as a residential park. The buildings within this area are generally substantial detached or semi-detached properties in large plots, set back from the road behind brick boundary walls and landscaped front gardens. Building heights range from 2 – 4 storeys and the predominant building materials are red brick and tiles with stone details and white painted windows. Specifically in relation to Yardley Park Road the appraisal sets out that it comprises large detached and semi-detached interwar and post war houses in generous plots. A group of mature garden trees create a green entrance to this area and the houses are set behind landscaped front gardens. The map for sub-area E3 identifies trees to the northern and north-west corner of the site as being important trees acting as focal points.
- 6.14 The Conservation Area appraisal along with the cartographic maps identifies the site as a later addition to the residential area within sub-area E3. Whilst the dwelling was erected after the properties to the west and the older properties on Yardley Park Road, it was done so predominately echoing the settlement pattern and use of materials within the character area. The Conservation Officer has noted that the dwelling is not considered to be a particularly good example of inter-war housing (no particular art deco or Modernist features), and as far as is known is not attributed to any particular architect. Whilst the dwelling may have some local historic associations, this is not considered to be of sufficient interest to meet the historic interest criterion. In addition, taking into account the alterations to the building over the years it appears not to meet the other criteria, particularly as it has been altered and therefore would not be considered to be a non-designated heritage asset which would require retention. Notwithstanding this, I would still be of the view that the dwelling and plot would contribute to some degree to the character of the Conservation Area. The demolition of this dwelling would therefore impact on the Conservation Area which must form part of the consideration in the determination of this application.
- 6.15 The apartment building proposed is undoubtedly larger than the dwelling it seeks to replace. With the revised design now proposed the building would not be overly larger than the surrounding built form in terms of eaves and ridge height. It is to be 2.5 stories in height and incorporates several design features found locally in the use of the gable projections, stone cornice and mock Tudor detailing. The building has variety in its frontages to both Yardley Park Road and Shipbourne Road to seek to break up the mass of the building. Materials are proposed to be red Flemish bond brickwork, clay tile hanging to first floor, stone bays, cornices and gable elevations, white painted render within black

timbers and black soffit and eaves. The revised scheme has also brought the building back from the boundary of Shipbourne Road to allow replacement planting along this boundary as well as the reinstatement of trees to the north-west corner noted as a focal entrance feature in the Conservation Area appraisal. Whilst the proposal would result in a different form of development within the site the proposal seeks to replicate character features within the Conservation Area and mitigate its impact through planting. On balance, my judgement is that the proposal would not result in harm to the character of the Conservation Area to justify refusal on these grounds.

- 6.16 The site also contains a brick-built air raid shelter. The building is simple in its form and would have some value as an example of a World War 2 structure but does not contribute to the character of the wide area. This building will be demolished as part of the proposal and therefore its heritage interest will be lost. It is proposed to re-use the brick from this structure to create the proposed cycle store. As with the main dwelling this building not considered to be a non-designated heritage asset. However as per the Conservations Officer's recommendation a recording of the building should be secured by way of condition.
- 6.17 Considering the above, I can conclude that there are no specific policies relating to Heritage that provide a clear reason to refuse the development as is the test in paragraph 11 (d)(i). The presumption in favour of development re-emerges to be applied and paragraph 11(d) (ii) is therefore engaged. I am therefore required to consider whether there are any adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, as is the relevant test set out within paragraph 11 (d) (ii) of the NPPF.

Design and appearance:

- 6.18 Policies CP24 of the TMBCS and SQ1 of the MDE DPD and the most relevant design policies and require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Development should also 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.
- 6.19 Paragraph 130 of the NPPF sets out that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are 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);

6.20 Paragraph 134 of the NPPF sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

6.21 As has been set out above, the proposal will provide an alternative form of built form than the detached dwelling which is to be demolished. The proposal however seeks to replicate architectural features found locally and will use materials to match those within the local area. I consider the development to be in keeping with the character of the area and would accord with the requirements of Policy CP24, SQ1 and Paragraph 130 and 134 of the NPPF.

Highway safety and parking provision:

6.22 Paragraph 110 of the NPPF sets out 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;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and

d) 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.

6.23 Paragraph 111 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.

6.24 Paragraph 112 of the NPPF requires 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.

6.25 Policy SQ8 of the MDE DPD requires that;

1. 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.
2. 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.
3. 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.
4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.
5. 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.

- 6.26 At present, the main access to the application site is to the north onto Yardley Park Road. This access is proposed to be altered and re-used as part of the proposed scheme serving a hard surfaced area with 4 parking spaces. In addition, the application site has an access gate to the south-west corner of the site onto Shipbourne Road and provides access to a garage/outbuilding. This access is not known to have been used in recent years. The scheme will block up this access point and form a new vehicular access further north along the western boundary of the site onto Shipbourne Road. This will be the main vehicular access point into the site and serves 11 parking spaces.
- 6.27 The applicant has provided a Transport Statement to support their application. This report assesses the personal injury collisions (PIC) data for the surrounding road network identifying 2 incidents within the last 3 years. They however conclude that those incidents are due to road user error and not a fault with the highway layout or condition. They have also provided a prediction for the proposed trip generation for the development. Whilst the trip generation for the site would increase in region of 30 movements across a 12-hour period this is a negligible increase. Construction traffic and deliveries are proposed to be dealt with on-site. The applicant has also provided drawing number H-01 REV P3 which sets out the revised access arrangements for the site and the proposed visibility splays. The Transport Statement and the layout plan have been reviewed by KCC (H+T) who accept the assessment and raise no objection in relation to the access arrangements. With these factors in mind, the development is not considered to have an adverse impact on highway safety through the impact of trips to accord with Paragraph 110 (b), (c) and (d) and points 1 – 3 of Policy SQ8. The site is in a sustainable location close to good public transport links and local facilities. Due the scale of the application there would be no requirement for off-site road or cycle infrastructure improvements however the scheme does include a cycle and electric vehicle charging points to meet the general goals of Paragraph 112 of the NPPF.
- 6.28 The proposed scheme now includes provision of 15 parking spaces on site. This allows for 1 space per unit plus 2 visitor parking spaces. The Borough Council's Adopted parking standards contained within Kent Design Guide Review: Interim Guidance Note 3 Residential Parking (IGN3) would require 13 allocated parking spaces for the development and 0.2 visitor parking spaces per unit therefore generating a requirement of 2.6 spaces typically rounded up to 3. Whilst only 2 visitor parking spaces are proposed which would not fully meet this require the undersupply of 1 visitor parking space is not considered to result in an adverse impact on highway safety to an extent to justify a refusal of planning permission in this location.
- 6.29 I note that local concerns have been raised in relation to the impact of the parking for the adjacent One Stop shop on Shipbourne Road. Due to the proposed visibility splays required for the new access onto Shipbourne Road approximately 4 bays of on-street parking will be required to be removed

leaving only the parking directly in front of the One Stop extending part of its frontage. The development will therefore remove some of the on-street parking within the locality, although some would be retained. The development would therefore not preclude deliveries or customers stopping outside the shop. For that reason, I do not consider that the loss of these on-street parking spaces would result in a under provision of parking for the One Stop to result in an adverse impact on highway safety to refuse the application on these grounds.

- 6.30 As set out above the road network and traffic generation for the proposed development does not raise any unacceptable highway safety impacts. The provision of the visibility splay and details of construction management can be secured by way of condition. The proposal will underprovide in terms of visitor parking by 1 space and will reduce the on-street parking offer for the adjacent shop: however this is not considered to result in an adverse impact on highway safety. The development therefore accords with the requirements of Paragraph 110, 111 and 112 of the NPPF and Policy SQ8.

Residential amenity:

- 6.31 The closest residential neighbour to the application site lies directly to the east. There are also residential properties directly to the south of the site above and adjacent to the One Stop shop. The proposed building will sit on a similar building line as the existing dwelling however due to the L-shaped form will project beyond the rear of the neighbouring dwelling. Due to its position to the west of the closest neighbour the building may result in some loss of direct sunlight to the neighbour's property and garden: however this will be limited to late evening. There building does not lie within a 45-degree angle of any of the rear facing windows of the neighbouring dwelling to the west and it is considered there is sufficient separation distance between the properties to not result in a loss of daylight or sunlight to significantly harm their residential amenity. The properties to the south lie 18m from the rear most part of the building at the closest point. Considering the separation and specific orientation, it is not considered to result in a loss of light to these properties.
- 6.32 In terms of privacy, the existing dwelling has east facing windows at ground, first and second floor level looking directly at the adjacent neighbour. The proposed scheme limits east facing windows to the rear projection therefore setting it away from the neighbouring boundary. The east facing windows includes 1 door at ground floor level and windows at first and second floor level all serving communal hallways. The windows on first and second floor have been indicated to be obscure glazed which can be secured by way of condition. The application also includes windows to habitable rooms that face south towards those adjacent neighbours. At present overlooking is obscured by tree screen, some of which is to be removed and replaced as part of the scheme. Replacement planting is however proposed to re-instate some of this screening. Given the distance of 18m to those properties and the existing/proposed tree

screening, it is not considered there would be direct overlooking to significantly impact on the privacy of those neighbours. All the remaining windows overlook the highway to the north and west.

- 6.33 The proposal is not considered to result in a significant impact on the residential amenity of the neighbouring properties in terms of loss of light, being overbearing or privacy.

Trees and landscaping:

- 6.34 Whilst the site lies within the Tonbridge Conservation Area, none of the trees on site are subject to any individual or group Tree Preservation Orders. The applicant has provided an arboricultural tree survey and impact assessment. This identified 21 trees currently on the site all located to the western and southern boundary which vary in species and size. All the trees on site, excluding the horse chestnut to the south-west of the site (T012), are Category C and therefore of low quality and value with horse chestnut (T012) considered Category B being of modest quality and value.
- 6.35 The proposal seeks to remove a total of 16 trees from the site all of which fall within Category C. These trees will be replaced in alternative locations and would be selected from either Common Beech, Silver Birch, Alder, Hornbeam, Common Lime, Field Maple, Sessile Oak, Yew or similar. The remaining 6 trees being a Horse Chestnut, English Yew, Oak and Poplars are proposed to be retained and protect during the works. The tree report recommends a site-specific method statement should be produced to ensure adequate protection and maintenance of these remaining trees on site.
- 6.36 The proposal will result in the loss of many trees on site, specifically along the western boundary of the site where they are most publicly visible and form part of the street scene within the Conservation Area. These trees are not noted within the Conservation Area Appraisal as being focal points at the time of the drafting of the conservation area appraisal. The arboriculture tree survey and impact assessment identified the trees to be removed as category C being of a low quality and amenity value. I would generally agree with this assessment. Whilst no scheme is currently available showing the proposed replanting there is opportunity available to enhance the amenity value towards the conservation area by re-instating the focal point planting to the north-west corner of the site and replanting to mitigate the visual impact of the development.
- 6.37 The site also contains a mature Horse Chestnut. The revised scheme seeks to retain this tree with a new access formed to its north. This would maintain its benefit to the visual amenity of the area. The arboriculture tree survey and impact assessment notes that the access has the potential to impact on this tree through the incursion into its root protection area and to provide appropriate mitigation methods they recommend a site specific method statement. They suggest this method statement can provide a detailed technical solution to

excavations within Root Protection areas, Pollution control methods, Installing new surfacing in RPA's and Landscaping in RPA's. Given the level of intrusion into the root protection area and likely land level changes to facilitate the access further information through a method statement could be required by way of condition. Guidance on the exact details of what will be required by this condition is being sought from the Borough Council Tree and Landscape Officer and these will be addressed as a supplementary matter.

- 6.38 On balance, and with a suitable replanting strategy and with a site specific method statement both secured by way of condition, I do not consider the proposed removal of the trees will significantly harm the amenity of area.

Ecology:

- 6.39 The application site does not lie within any specific ecological designation and as a maintained residential property within an urban setting is unlikely to have a high ecological potential. The public consultation has however raised that bats have been seen within the local area. It is suggested the mature trees on site could provide roosts for the bats. The application has not been accompanied by an ecological appraisal. If bats are present on site then it is likely that the applicant would be required to obtain an European Protected Species licence. Given the information received, it would be necessary to ascertain whether there are any protected species on site and that any mitigation as deemed necessary is put in place. This can be secured by way of a pre-commencement condition.

Drainage:

- 6.40 The development proposes 13 units and is therefore considered to be major development as defined within the NPPF. There is therefore a requirement to incorporate a suitable sustainable urban drainage system (SUDS) to the satisfaction of the lead flood authority. No formal details of a drainage scheme have been provided with this application. KCC SUDS team have been consulted on the application and have outlined that the proposed site is underlain by Weald Clay; therefore it is expected that attenuation with controlled discharge to the adjacent sewer system will be required. They note that a public surface water sewer is located in Yardley Park Road. They would expect that discharge rates from the site are compliant with Kent County Council's Drainage and Planning Policy for re-developed land. Whilst no formal details have been received at this time they are prepared to accept a condition applied to any planning approval for the submission of a sustainable drainage strategy for the proposed development to ensure that surface water from the site is managed appropriately. This condition will be imposed as requested.

Climate Change and renewable technologies:

- 6.41 Adopted policies CC1 and CC2 within the MDE DPD are considered to be out-of-date. This is because The Housing Standards Review in 2014 removed the voluntary Code for Sustainable Homes and made it clear that local plans should not be setting any additional local technical standards or requirements relating to the energy performance of new dwellings. The energy performance of new build homes is a matter for the national Building Regulations. Notwithstanding this position, it is clear that (whilst not adopted for Development Management purposes) the Council's corporate Climate Change Strategy is a material consideration. As such, it is for the decision maker to decide what weight should be afforded to it in the overall balance.
- 6.42 The Council's Climate Change Strategy covers the period 2020-2030 and applies to all aspects of the Council's business, not just planning. It states that where the local plan is silent on a specific issue (which is the case given that the adopted policies are out of date and the current position with the new local plan progression), the NPPF and the climate change strategy will remain material planning considerations to be considered when determining planning applications. This application must therefore be determined in accordance with the requirements set out within the NPPF, as follows:
- 6.43 Within the NPPF, at paragraph 152, it states that:
- "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."
- 6.44 Paragraph 157 of the NPPF also advises:
- "In determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."
- 6.45 In light of the above, the proposed building should be as energy efficient as possible to seek to meet new climate change guidelines within building control and to create a long lasting and sustainable property for the future. This submission includes a document outlining the combatting climate change

commitment for the development. This outlines the fabric first approach to construction ensuring an energy efficient building is created and the use of air source heat pumps and PV solar cells. The development will also include electric car charging points and green roof for the ancillary structures.

- 6.46 The proposed development is in a highly accessible and sustainable location and by following the measures set out within the combatting climate change commitment document will achieve the goals set out within the Tonbridge and Malling Climate Change strategy. The development therefore meets the national and Council requirements in terms of climate change and renewable technologies by way of the Council's Climate Change Strategy and paragraphs 152 and 157 of the NPPF.

Planning obligations:

- 6.47 Kent County Council have requested contributions towards Secondary Education (£14,755.00), Community Learning (£213.46), Youth Services (£851.50), Library Book stock (£720.85), Social Care (£1909.44), Waste (£2387.71).
- 6.48 The site would also be subject to a public open space contribution in accordance with Policy OS3.
- 6.49 We have received confirmation from the applicant that they would be willing to enter into an agreement based on the request made. If Members are minded to grant planning permission a S106 can be drafted and agreed based on the terms within this report.

Conclusions and overall planning balance:

- 6.50 The proposal is considered, on balance, to not be harmful to the character of the Conservation Area for the reasons set out throughout this report. The presumption in favour of development under paragraph 11 (d) (ii) falls to be applied. This requires an assessment as to whether there are any adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.51 The benefits of the scheme centre on the provision of new housing within a sustainable and accessible part of the Borough. This must be given substantial weight in the overall planning balance.
- 6.52 It is accepted that a level of harm would arise resulting from the loss of trees within the site, although the assessment overall is that this harm alone is not sufficient to justify a refusal. As such, the adverse impact in this respect does not significantly and demonstrably outweigh the benefits.

7. Recommendation:

7.1 Grant Planning Permission. This was recommended in accordance with the following submitted details: Location Plan P001 dated 15.06.2021, Block Plan P002 Existing dated 15.06.2021, Design and Access Statement dated 15.06.2021, Planning Statement dated 15.06.2021, Transport Statement dated 15.06.2021, Assessment Heritage impact dated 15.06.2021, Tree Report dated 06.12.2021, Existing Plans and Elevations P003 dated 06.12.2021, Block Plan P004A dated 06.12.2021, Site Layout P005A dated 06.12.2021, Boundary Treatment P006 dated 06.12.2021, Proposed Floor Plans P100A dated 06.12.2021, Proposed Elevations P200A dated 06.12.2021, Street Scenes P201A dated 06.12.2021, Drawing P202A dated 06.12.2021, Landscaping LC-2825-02 dated 06.12.2021, Artist's Impression MG-1018 dated 06.12.2021, Artist's Impression MG-1018 dated 06.12.2021, Other Betterment document dated 06.12.2021, Drawing H-01 Rev P3 dated 06.12.2021, Drawing T-10 Rev P3 dated 06.12.2021, Documents Combatting Climate Change Commitment doc dated 18.01.2022, subject to the following:

- The applicant entering into a s106 planning obligation with the Borough Council to make contributions for the enhancement of existing open spaces in the locality in accordance with policy OS3 of the MDE DPD
- The applicant entering into a s106 planning obligation with Kent County Council to make contributions towards the enhancement of secondary school accommodation and community facilities, youth services, libraries, social care and waste services within the locality

- 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. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

3. Prior to the first occupation of the dwellings hereby approved a scheme of landscaping and boundary treatment submitted to and approved by the Local Planning Authority. This shall include a scheme of replating to replace the trees which have been lost through the development and should include full details of the trees to be planting including species and standard. 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.

4. The dwellings hereby approved shall not be occupied until the areas shown on the submitted layout for a vehicle parking has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

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

5. Prior to the first use of the new access hereby approved the visibility splays as shown on drawings no H-01 REV P3 shall be provided in accordance with those details. Thereafter they should be retained in perpetuity.

Reason: Development without provision of adequate access arrangements is likely to give rise to hazardous conditions in the public highway.

6. Prior to the commencement of development the applicant shall submit a construction management plan to the Local Planning Authority for approval. This shall include the following:

(a) Routing of construction and delivery vehicles to/from site

(b) Parking and turning areas for construction and delivery vehicles and site personnel

(c) Timing of deliveries

(d) Provision of wheel washing facilities

(e) Temporary traffic management/signage

Reason: In the interest of highway safety.

7. Prior to the first occupation of the dwellings hereby approved the first and second floor windows on the east elevation shown to be obscure glazed on

drawing nos 4190/p100A & 4190/p200A shall be fitted with obscure glass and shall be non-opening except for the top hung casements. Following installation the obscure glazing should be retained for these windows in perpetuity.

Reason: In the interest of the residential amenity of the neighbouring dwellings

8. Prior to the commencement of any above ground development the applicant should submit to the Local Planning Authority for approval a noise report detailing the current noise climate at the proposed site due to the close proximity of the M20. The report should consider the levels cited in BS8233:2014, 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 Applicant's attention is also drawn to the ProPG on Planning and Noise issued by the Association of Noise Consultants (ANC), the Institute of Acoustics (IoA) & the Chartered Institute of Environmental Health (CIEH). 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 we will require these details for approval before any decision can be made. Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, etc) will also need to be submitted for approval.

Any attenuation measures identified by the Applicant will need to be submitted to and approved by the Local Planning Authority. Further information on compliance with this condition should be sought from the Local Planning Authority.

Reason: In the interest of the aural amenity of the further occupants.

9. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

10. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

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

Reason: In the interests of amenity and public safety.

11. Other than the demolition of the existing buildings, no development shall take place until details of the existing ground levels and the proposed slab levels 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.

12. Prior to the demolition of the air raid shelter the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording for the air rain shelter in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded

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 addresses to the new properties. 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. 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.

Contact: Paul Batchelor