
Tonbridge Castle	559212 147169	12 May 2014	TM/14/01411/FL
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Proposal:	Demolition of single storey building and change of use of part of beer garden to create a new car park on land to the rear of 15 and 17 Shipbourne Road
Location:	Land Rear Of 15 - 17 Shipbourne Road Tonbridge Kent TN15 3DN
Applicant:	Kent County Council

1. Description:

- 1.1 Planning permission is sought for the demolition of a single storey brick building in order to facilitate a change of use of part of the beer garden to the rear of the public house at 17 Shipbourne Road to a car park for staff and patrons. In total, 9 car parking spaces are proposed to be provided.
- 1.2 This application is related to application TM/14/01407/CR4D, which appears elsewhere on this Agenda and seeks planning permission to redevelop the adjoining site for residential purposes. It is because the redevelopment of that site would remove existing car parking for the public house that has resulted in this application being submitted as well.

2. Reason for reporting to Committee:

- 2.1 The application is interrelated with application TM/14/01407/CR4D which relates to an adjoining piece of land and which shares an access to Shipbourne Road with the application site.

3. The Site:

- 3.1 The site is located within the urban confines of Tonbridge on the east side of Shipbourne Road. The site contains part of the beer garden serving the George and Dragon public house and a single storey building that is currently vacant but was last used for retail purposes as part of the former 'World of Pots' site. The site is located within the Tonbridge Conservation Area.

4. Planning History:

- 4.1 None relevant.

5. Consultees:

- 5.1 KCC (Highways): My only concern regarding this application is the possibility of conflict between pedestrians and a vehicle reversing from car parking space marked P1 at the corner of 15 Shipbourne Road. It is considered that this could be solved with a small area of deterrent paving.

5.2 Private Reps: 10/0X/0S/2R. The two letters raise the following objections to this development:

- Loss of privacy.
- Noise and disturbance from comings and goings of the car park users.
- Shrubbery or fencing could be placed on the east side of the car park.
- There are frequently more patrons that use the car park than the number of spaces to be provided.
- The existing car park is often so full that patrons park within the access road.
- The reduction in the number of car parking spaces currently serving the pub will only make the existing problems worse and cause inconvenience to local residents.

6. Determining Issues:

6.1 The principle of the proposed development is acceptable under policy CP11 of the TMBCS. The main issues to consider relate to highway safety and residential amenity.

6.2 Concerns have been expressed that the proposed development would not contain enough car parking to serve the patrons of the public house. However, this proposal would actually provide additional car parking than would otherwise exist. As I have explained, the loss of the existing 8 car parking spaces serving the public house would arise from the development of the adjacent World of Pots site for 14 houses (TM/14/10407/CR4D). However, the existing car park is not protected by planning policies or conditions and therefore its use could cease at any time at the behest of the site owner.

6.3 The layout of the car park is considered to be practical and usable. Parking spaces P4-P7 have suitable space behind them to aid reversing out of them. Spaces P2 and P8 are longer than conventional parking spaces (6m) to aid parallel parking. The use of these parking spaces should not, therefore, require unduly onerous manoeuvring by drivers accessing them.

6.4 The highway authority has suggested that deterrent paving be laid to the south of space P1 to reduce the potential for conflicts between pedestrians walking along the side of 15 Shipbourne Road and users of this parking space to arise. Cars currently park immediately to the rear of 15 Shipbourne Road (the position of space marked P1) and, as such, the proposed development would not materially change this relationship between drivers and pedestrians. As a result, it would not be reasonable to insist on this feature being incorporated into the development.

However, I consider it reasonable to use an informative to suggest that the developer consider this.

- 6.5 The proposed car parking spaces would be located close to the boundary of the neighbouring residential property (Dairy Cottage, Dry Hill Farm). Two of the proposed car parking spaces would be located parallel to the west flank wall of this dwellinghouse, but it should be acknowledged that the area proposed to be occupied by space P9 is currently used as a parking space in front of the building to be demolished. Indeed, car parking takes place on the wider forecourt to the front of this building on an informal basis. However, it is likely that the occupiers of this neighbouring residential property would be aware of the additional car movements to the side of their property created by the proposed car park as more spaces will be available than currently exist. This must of course be balanced against the fact that the neighbour already has a direct relationship with the current use of the space as a beer garden. The occupiers of this neighbouring property have requested the erection of a fence or shrubbery along the boundary with their property to ameliorate the noise impact upon their amenity. Whilst I do not consider that the proposal would cause significant additional detriment to residential amenity, it would not be unreasonable to require the applicant to erect an acoustic fence or boundary wall along the east boundary of the site which would help to mitigate the noise from the use of the proposed car park. Such provision could be required by planning condition.
- 6.6 In light of these particular factors, I do not consider that the proposal would have an unacceptable impact on the amenities of this neighbouring property.
- 6.7 Turning now to the demolition of the building, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when exercising planning powers within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.
- 6.8 Section 12 of the NPPF relates to development and the historic environment. It states at paragraph 131:
- “In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;...”*
- 6.9 Taking into account the policies set out above, I am mindful of the fact that the building to be demolished has a plain and utilitarian appearance and does not make any significant or positive contribution to the character of the locality. As such, its demolition would not fail to preserve or enhance the character and appearance of the Conservation Area. Similarly, the demolition of this particular building would not detract from the setting of the adjacent Listed Building at Dairy Cottage.

6.10 In conclusion, the demolition of the existing building would not detract from the character or appearance of the Tonbridge Conservation Area and the development is considered to be acceptable in terms of residential amenity and highway safety. Accordingly, I recommend that planning permission be granted, subject to the imposition of conditions.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Location Plan DHA/9865/11 dated 16.04.2014, Proposed Layout DHA/9865/12 dated 16.04.2014, Letter dated 16.04.2014, Design and Access Statement dated 16.04.2014, subject to 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. 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.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of acoustic boundary treatment. Any boundary fences, walls or similar structures as may be approved shall be erected before the first use of the car parking spaces hereby approved and retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of surface materials for the car park. The development shall be carried in accordance with the approved details and retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

Informative:

- 1 The applicant is encouraged to include an element of deterrent paving around the south east corner of the existing building at 15 Shipbourne Road in order to reduce the likelihood of conflicts between pedestrians and vehicles reversing out of the car parking spaces.

Contact: Matthew Broome