

**Tonbridge**  
Vauxhall

**14 March 2022**

**TM/22/00571/FL**

Proposal: Redevelopment of the site to provide eleven dwellings and associated parking, landscaping and amenity  
Location: 60A Priory Street Tonbridge Kent TN9 2AW  
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**1. Description:**

1.1 Determination of this application was deferred from the Area 1 Planning Committee meeting on 16 February 2023 pending a Members' Site Inspection. This took place on 7 March 2023. Members in attendance surveyed the site internally and from surrounding viewpoints, including neighbouring land.

**2. Consultees (since February committee meeting):**

2.1 KCC Biodiversity: The proposal has limited potential to result in ecological impacts and reduced opportunities for roosting bats. An ecological survey is not required. The site is unlikely to be suitable for bats. Bats are more likely to roost in neighbouring trees/buildings surrounding the site and the proposed development is likely to increase foraging opportunities within the site. Conditions are recommended. The response is appended.

2.2 Private Reps: 0X/0S/2R: 2 letters of objection have been received from a neighbour which **object** to the proposal on the following grounds:

- The proposal will be overcrowded.
- The end dwellings would be unacceptably close to existing houses.
- The proposal would lead to overlooking of 43 Pembury Road.
- The proposal is targeted towards flat sharers/landlords rather than family housing which is needed.
- The proposal would result in increased traffic and parking pressure.
- Concerns about the design of the proposal.
- The proposal includes little information regarding perimeter boundary treatment.
- Existing trees in neighbouring gardens could be cut down without permission.
- The proposal would lead to an influx in rodents.
- Suggestions for alternative development are presented.

**3. Relevant Policies and Determining Issues (supplementary to February committee report)**

3.1 Following the Committee meeting, the applicant submitted a revised Design and Access Statement, which includes corrections and clarification. These are summarised as follows:

- Corrected labelling of neighbouring property as a residential dwelling
- Drawings to confirm: separation distances to boundaries, form of neighbouring buildings and the outlook from rear rooflights.
- Confirmation that the proposal would comply with building regulations.

### Ecology and Biodiversity

- 3.2 Members enquired about third party comments pertaining to the activity of bats in and around the site. A bat survey had not been requested due to the site characteristics. As noted in paragraph 6.47 of the February committee report, the site is of limited ecological value as it lacks soft landscaping, and the buildings are not considered optimal for bat roosts. Therefore, the introduction of soft landscaping offers a potential improvement to local ecology and biodiversity.
- 3.3 KCC Biodiversity had verbally supported this approach, but formal views were requested following the February committee meeting. The written consultation response is appended, and this confirms that a bat survey would not be required and that bat activity in the area was likely to point to roosts in neighbouring gardens, not within the site. KCC advises that the proposal would increase foraging opportunities for bats within the site, but recommends an external lighting condition, which is included in the list at the end of this report.
- 3.4 In addition, following the debate at the committee meeting, the applicant has agreed to a pre-commencement condition requiring the preparation and submission of an ecological watching brief for the monitoring of the potential presence of bats in the buildings during demolition activity. A further condition to require an ecological enhancement strategy is also added to the list of conditions. These would mitigate any potential harm, however unlikely, to bats and provide additional biodiversity net gain opportunities beyond the provision of soft landscaping measures.
- 3.5 The proposal therefore complies with Policy NE3 of the Managing Development and Environment DPD and paragraphs 174 and 180 of the NPPF.

### Refuse

- 3.6 Members are advised that the recommended list of conditions includes a requirement to submit refuse storage details (shown as condition 11). Limited details were submitted within the application submission, but the site has the capacity to accommodate the necessary storage areas for refuse bin for the development in accordance with the drag distances recommended by Waste Services. The applicant has confirmed that the final scheme would likely incorporate communal storage areas alongside storage to the front of the properties. Details of the design and layout of these arrangements would be required to discharge the condition. As such, no objection is raised in relation to this matter.

### Amenities

- 3.7 Members discussed the possibility of including a condition to require obscure glazed and fixed (non-opening) rooflights to the rear roofslope of the proposed dwellings to prevent overlooking of properties to the rear along Pembury Road. These rooflights are positioned in bathrooms and corridors and not in habitable rooms.
- 3.8 The applicant has provided a section drawing within the revised Design and Access Statement which shows the angle of views from the rear rooflights. This shows that views from these rooflights would be restricted upwards towards the sky due to the position, height and angle of the windows. On this basis, it is not considered necessary to impose a condition to require restricted opening and obscure glazing. Moreover, restrictions on permitted development rights to alter the roof would prevent any modifications in future.

### Climate Change

- 3.9 Paragraph 153 of the NPPF requires Development Plans to take a proactive approach to mitigating and adapting to climate change. It encourages new development to avoid increase vulnerability to the range of impacts associated with climate change. Where there are proposals in vulnerable areas care is to be taken to mitigate and consider green infrastructure. In addition, proposals should help to reduce greenhouse gas emissions and increase the use of renewable and low carbon energy.
- 3.10 The Government has adopted the Future Homes and Building Standards in line with its commitment to achieve net zero emissions by 2050. This seeks to reduce CO2 emissions from new homes by 75-80% from 2021 standards, and new homes will need to be “zero carbon ready”, meaning that no further retrofit work will be necessary to enable them to become zero-carbon homes. The first stage of this transition towards the decarbonisation of buildings came into force on 15 June 2022 via a suite of revised Building Regulations, which require that CO2 emissions from new build homes must be 30% lower than under previous standards. The Building Regulations relevant sections are:
- Part L (Conservation of Fuel and Power) Volume 1 Dwellings;
  - Part F Ventilation;
  - Part O Overheating;
  - Part S Electric Charging points.
- 3.11 The efficiency levels now required encourage the installation of zero-carbon technology through Building Regulations. Thus, no conditions or informatives are recommended in relation to the incorporation of zero carbon technologies.
- 3.12 The amended Building Regulations under Approved Document S also require that new developments must include spaces with access to electric vehicle

charging points equal to the number of new dwellings and that cable routes/infrastructure should be provided to other parking spaces. Where charging points would have previously been secured by condition, this is no longer reasonably required.

- 3.13 The revised Design and Access Statement confirms that the proposal would comply with current building regulations and would therefore incorporate the above requirements.

#### Planning balance

- 3.14 As noted in paragraphs 6.1 and 6.2 of the February committee report, the presumption in favour of development set out in paragraph 11 of the NPPF (2021) applies. For decision taking this means that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when the proposal is assessed against the policies in the Framework taken as a whole.
- 3.15 The principle of development of this previously developed land accords with Policy CP11 of the Tonbridge and Malling Borough Core Strategy 2010. It also complies with aims of Policy H4(r) of the Development Land Allocations Development Plan Document (DLA DPD) with respect to density and other considerations.
- 3.16 The proposal would contribute eleven houses to local housing land supply at a time when the Borough Council cannot demonstrate a five-year housing land supply. The proposed dwellings would be situated within an urban area with ready access to services and sustainable transport links. There would also be a moderate economic uplift associated with the construction activity.
- 3.17 It is therefore recommended that planning permission be granted subject to the finalisation of a legal agreement securing various planning obligations as set out in the February committee report and revised list of planning conditions set out in the follow section.

#### **4. Recommendation:**

- 4.1 Grant planning permission in accordance with the following submitted details:

Transport Statement October 2022 Revision 3 received 12.10.2022,  
Topographical Survey J18111\_01 received 14.03.2022, Existing Site Plan P21052-FA-002 received 14.03.2022, Existing Elevations P21052-FA-003 received 14.03.2022, Sections P21052-FA-003 received 14.03.2022, Location Plan P21052-FA-001 received 14.03.2022, Planning Statement received 14.03.2022, Schedule Area Schedule received 14.03.2022, Air Quality Assessment received 14.03.2022, Arboricultural Assessment received 14.03.2022, Archaeological Assessment received 14.03.2022, Drainage

Statement received 14.03.2022, Report External building fabric received 14.03.2022, Environmental Assessment received 14.03.2022, Environmental Assessment Appendix B received 14.03.2022, Proposed Elevations 21052-FA-310 House Type 1 received 21.10.2022, Proposed Elevations 21052-FA-311 House Type 2 received 21.10.2022, Proposed Elevations 21052-FA-301 Proposed Site Elevations - East and West received 21.10.2022, Proposed Elevations 21052-FA-300 Proposed Site Elevations - North and South received 21.10.2022, Sections 21052-FA-211 House Type 2 received 21.10.2022, Sections 21052-FA-210 House Type 1 received 21.10.2022, Sections 21052-FA-200 Proposed Site Sections received 21.10.2022, Proposed Floor Plans 21052-FA-111a House Type 2 received 21.10.2022, Proposed Floor Plans 21052-FA-110 House Type 1 received 21.10.2022, Proposed Site Plan 21052-FA-100 received 21.10.2022, Statement 21052 Priors Street Design Amendments received 21.10.2022, Artist's Impression Aerial View Looking East received 21.10.2022, Artist's Impression Aerial View Looking South received 21.10.2022, Artist's Impression Aerial View Looking West received 21.10.2022, Artist's Impression Aerial View Looking North received 21.10.2022, Artist's Impression 01 Street view. Site entrance received 21.10.2022, Artist's Impression 02 Street view 1 received 21.10.2022, Artist's Impression 03 Street view 2 received 21.10.2022, Artist's Impression 04 Street view 3 received 21.10.2022, Artist's Impression 05 Street view 4 received 21.10.2022, Design and Access Statement March 2023 received 20.03.2022, /

subject to the following:

- The applicant entering into a planning obligation with the Borough Council to provide financial contributions towards public open space provision (parks and gardens and outdoor sports facilities).
- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards the provision of social care, education and community services.

The section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 16 August 2023, the application would be reported back to the Area 1 Planning Committee with an update on progress and a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

And

- Subject to compliance with the following conditions:

## 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 development shall be carried out in accordance with the plans listed in the section of this decision notice headed 'This was approved in accordance with the following submitted details'.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

- 3 No above ground development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 4 Prior to the first occupation of the development hereby approved a scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning authority. Details shall include:

- (a) proposed finished levels of contours
- (b) hard surfacing materials
- (c) details of hard and soft boundary enclosures;
- (d) all proposed soft landscaping including a schedule of plant noting the species, planting size and planting densities and an implementation programme.

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 5 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. 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: In the interests of protecting and enhancing the visual amenity of the area.

- 5 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until a plan showing the proposed finished floor levels, eaves and ridge levels of the

dwellings and finished ground levels in relation to the existing ground levels of the site and adjoining land has been submitted to and approved by the local planning authority. The details to include a scaled cross section showing the proposed development in relation to the adjacent buildings. The works shall then be carried out in strict accordance with those details. The works shall be carried out in strict accordance with the approved details.

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

- 6 Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved by the Local Planning Authority. The Plan should set out arrangements for the management of any and all demolition and/or construction works and shall include (but not necessarily be limited to) the following:
- (a) The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
  - (b) Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
  - (c) The specific arrangements for the routing and parking of contractor's vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.
  - (d) The provision of wheel washing facilities.
  - (e) Temporary traffic management/signage
  - (f) Provision of measures to prevent the discharge of surface water onto the highway
  - (g) Procedures for notifying neighbouring properties as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
  - (h) The controls on noise and dust arising from the site with reference to current guidance.

The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of general amenity and highway safety.

- 7 No above ground development shall begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved by the local planning authority. The detailed drainage scheme shall demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site, with the rate of runoff for any rainfall event agreed in advance with Southern Water and TMBC (for all storms up to, and including, the climate change adjusted 100yr critical storm).

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions.

- 8 No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- (a) a timetable for its implementation, and
- (b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions.

- 9 Prior to the first occupation of the development hereby approved, details of the area and spaces for parking and turning shall be submitted to and approved by the Local Planning Authority. The parking and turning areas shall be provided, surfaced and drained in accordance with the approved scheme before first occupation of the development. 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 reenacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

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

- 10 Prior to the first occupation of the development hereby approved, details of the secure cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be completed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

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

- 11 The use shall not be commenced, nor the premises occupied until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 12 No development, other than ground investigations works, shall take place until the following have been submitted to and be approved in writing by the Local Planning Authority.
- a) Results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment.
  - b) A detailed remediation method statement/strategy informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management and monitoring procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).
  - c) Details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2021.

- 13 Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority. The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2021.

- 14 The development shall be carried out in accordance with the details and mitigation measures detailed in the External Building Fabric Assessment report prepared by RBA Acoustics (11511.RP01.EBF.1 dated 26 January 2022).

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) hereby approved.

- 15 Prior to the commencement of development the applicant, or their agents or successors in title, will secure:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and  
ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;  
iii programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated.

- 16 No external lighting shall be installed in connection with the development hereby approved until such details have been submitted to and approved by the Local Planning Authority, and the approved scheme shall be carried out in strict accordance with those details and retained thereafter. No further external lighting may be installed without the express approval in writing of the Local Planning Authority.

Reason: In the interests of amenity and the protection of protected wildlife species.

- 17 Prior to the commencement of works hereby approved, including demolition, details of an Ecological Watching Brief shall be submitted to and approved in writing by the Local Planning Authority. This should set out a method statement and arrangements to monitor the demolition works and steps to cease works if bats are discovered. The works undertaken thereafter shall be in strict accordance with the details approved.

Reason: To ensure the protection of protected wildlife species.

- 18 Prior to the first occupation of the development permitted, an ecological enhancement strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to first occupation of the first occupation and retained thereafter.

Reason: To conserve and enhance the natural environment.

#### Informatives:

- 1 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

- 2 In the interests of good neighbourliness the hours of construction, including deliveries, should be restricted to Monday to Friday 07.30 - 18.30 hours, Saturday 08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays.
- 3 In the interests of good neighbourliness all vehicles and machinery associated with construction should be parked within the site and not on the public highway in such a manner as to create an obstruction.
- 4 The disposal of waste by incineration is contrary to Waste Management Legislation and could lead to justified complaints from local residents. It is thus recommended that no bonfires are lit at the site.
- 5 Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.
- 6 The applicant is advised to refer to comments from the Lead Local Flood Authority when designing the Sustainable Drainage Systems as required in relevant conditions.
- 7 It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- 8 The surface for the first 5m of the access from the edge of the highway should be a bound surface to prevent overspill onto the public highway.
- 9 The Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non-local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports.
- 10 With regard to details required for Condition 9, the Council strongly encourages the developer to ensure that the level of parking provision is maintained.
- 11 Anyone who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats, &c.) Regulations. Prior to commencing work, you should ensure that no bats or bat roosts would be affected. If it is suspected that a bat or bat roost is likely to be affected by the proposed works, you should consult Natural England.

- 12 With regard to external lighting scheme details required for condition 16, the applicant is advised to refer to the consultation response from KCC Biodiversity for guidance on the information and design requirements.

Contact: Alda Song