

Tonbridge
Judd

TM/24/00142/PA

Location: 7 Castle Street Tonbridge TN9 1BH

Proposal: Conversion of ground floor commercial (Class E) to residential (Class C3) to form 3 residential units with additional windows (8-10 Bank Street and 7 Castle Street)

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1. Description of Proposal:

- 1.1 The proposal seeks planning permission for the conversion of ground floor commercial (Class E) to form 3 residential units comprising of additional windows and doors, internal reconfigurations, the removal of and erection of new external walls, creation of courtyard amenity spaces for Units 01 and 02 and the provision of a bin and cycle store.
- 1.2 The proposed gross internal area (GIA) for unit 01 would be 64.6sqm.
- 1.3 The proposed GIA for unit 02 would be 86.1sqm.
- 1.4 The proposed GIA for unit 03 would be 61.1sqm.
- 1.5 There are no changes proposed to the materials used externally.

2. Reason for reporting to Committee:

- 2.1 The application was called in by a Councillor for the following reasons:
 - There is significant interest in the application particularly with regard to the impact on the existing business.
 - Clarification required with regard to the impact on the Conservation Area
 - Impact on local parking scheme

3. The Site:

- 3.1 The application site is bounded to the southern and western aspects by Castle Street and Bank Street respectively. It comprises a two storey building, currently occupied by a commercial unit, Cycle-Ops, on ground floor and an office, Canticum Accountants on the first floor (Class E).

- 3.2 The building is a brick-built building with a tiled roof and a mix of casement and sash windows. The site is located within the Tonbridge Town Centre and is located within the Tonbridge Conservation Area. It also adjoins a listed building to the west.
- 3.3 The listed building adjoining the subject site, 146, 146A AND 148, HIGH STREET, is a Grade II listed building and the details of the listing are set out below:
- 1 building, now 2 shops with the premises over. C18. 2 storeys and attic. 3 windows and 1 blocked window space. 3 gabled dormers. Painted brick. Wooden eaves cornice. Tiled roof. Glazing bars intact above ground floor. Modern shop fronts. No 148 runs back into a small warehouse behind which faces Castle Street.*
- 3.4 The site falls within the Upper High Street area; one of the three secondary shopping areas identified in the Tonbridge Central Area Action Plan. The wider surrounding area is characterised as mixed-use combining both retail, commercial and residential uses.
- 3.5 The subject site is located c. 0.5miles from Tonbridge Station and is within a reasonable walking distance from several bust stops.

4. Planning History (relevant):

22/01146/PDVGR

Prior Approval Approved - 16 August 2022

Prior Notification: Change of use from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and the conversion of the first floor to create to 2no. self contained residential units

22/00847/LB

Approved - 15 June 2022

Listed Building Application: Change of use of ground and first floor space from Ancillary Commercial (Use Class E) to Residential (Use Class C3) to form one self-contained residential unit

22/00741/FL

Approved - 15 June 2022

Change of use of ground and first floor space from Ancillary Commercial (Use Class E) to Residential (Use Class C3) to form one self-contained residential unit

13/02932/FL

Approved - 19 November 2013

Change of use from drug advice centre (D1) to offices (B1)

5. Consultees:

5.1 TMBC Environmental Health Protection:

5.2 GeoConservation Kent Group: None received

5.3 Waste Management: Standing advice provided.

5.4 Neighbours: None received

5.5 Members of the public/Site notice: 11 objections summarised as follows:

- Concerns regarding parking where no parking provision has been provided and the impact this will have on traffic management in an area with extremely narrow streets
- Impact of the loss of the cycle shop on the vitality of the shopping area
- Inappropriate location for a dwelling
- Impact of the loss of this particular business on the local community
- The area does not have the infrastructure to support more residential development
- Loss of this business would affect the diversity and appeal of the local shopping parade

6. Determining Issues:

Principle of Development

6.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force unless material considerations indicate otherwise.

6.2 The Development Plan currently in force for this area comprises the Tonbridge and Malling Local Development Framework Core Strategy (TMBCS) adopted in September 2007, the saved policies of the Tonbridge and Malling Borough Local Plan 1998 (TMLP), Development Land Allocations DPD (DLA DPD) adopted in April 2008, the Managing Development and the Environment DPD (MDE DPD) adopted

April 2010 and Tonbridge Central Area Action Plan 2008. These policies must be viewed in the context of the National Planning Policy Framework (“NPPF”) revised in December 2023 and the associated National Planning Practice Guidance (“NPPG”) and are important material considerations.

6.3 The Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN). This means that the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF (2023) must be applied. For decision making this means:

c) approving development proposals that accord with an up-to-date development plan without delay: or

d) 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 of 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 policies in this Framework taken as whole.

6.4 It has been established that, in the absence of a 5-year housing land supply, the Development Plan is out of date when considering housing developments and policies therein, will be given no or less weight where they are not consistent with current NPPF policy.

6.5 With regard to the application of the presumption in favour of sustainable development, regard must be first had as to whether any restrictive policies within the Framework as stated under paragraph 11d(i), footnote 7, provide a clear reason to refuse the proposed development.

6.6 When applying paragraph 11 d (i), (and footnote 7), the restrictive policies referred to above relate to the protection of the following areas: -

- habitat sites, including potential Special Protection Areas (SPAs), and possible Special Areas of Conservation (SAC), listed or proposed Ramsar sites and sites identified or required as compensatory measures for adverse effects on habitat sites, potential SPAs or possible SACs, listed or proposed Ramsar sites;
- designated Sites of Special Scientific interest (SSSI);
- Green Belt, Local Green Space, AONB, National Park or within a Broads Authority, or Heritage Coast;

- Irreplaceable habitats, designated heritage assets, other heritage assets of archaeological interest, areas at risk of flooding or coastal change.
- 6.7 In this case, the site does fall within a Conservation Area. Tonbridge Conservation Area is a designated heritage asset that is subject to the policy protection offered by the National Planning Policy Framework. As such, one of the key considerations in assessing the proposal is the impact on designated heritage assets, which include both the Conservation Area and the listed buildings adjacent. The tilted balance as set out in paragraph 11 (d) could only be disengaged where the application of heritage policies in the Framework provide a clear reason for refusing permission.
- 6.8 The application site is located within the built confines of Tonbridge. Policy CP11 outlines that development will be concentrated within the confines of such urban areas. As the proposed is to convert part of an existing commercial unit to three new residential flats, it is considered broadly acceptable in terms of its location with regard to Policy CP11, which encourage new developments to take place in the confines of urban areas, including Tonbridge.
- 6.9 Part 2 of Policy CP22 sets out that proposals which may harm the vitality or viability of an existing centre either in terms of retail impact or, in the case of smaller centres, undermining the balance of uses or harming their amenity, will not be permitted. Policy CP23 seeks to encourage a sustainable development pattern of retail, employment, housing and leisure uses and a range of other services to regenerate and enhance the vitality and viability of the town centre by, for example, enhancing the public realm, reducing the potential for anti-social behaviour.
- 6.10 The Local Planning Authority (LPA) recognises that to promote a vibrant, active and safe town centre, an appropriate mix of uses is required. Part 2 of Policy TCA2 of the TCAAP states that planning permission will be refused where the individual or cumulative effect of changes of use would detract from the vitality of shopping streets or have an unacceptable impact on the amenity of Town Centre residents.
- 6.11 The site is within the Upper High Street area, a secondary shopping area identified in the TCAAP. Policy TCA5 of the TCAAP set out the criteria against which all proposals within the Upper High Street area should be assessed. Part 2 of this Policy states that proposals for non-retail uses at street level will be considered favourably if they satisfy a specific set of criteria, which include amongst other things, maintain the vitality and viability of the area as a shopping destination by avoiding overconcentration of non-retail uses within a continuous block.
- 6.12 The proposal seeks to convert part of an existing commercial unit within a secondary shopping area to provide three ground floor self-contained residential flats. As such, careful consideration must be given to the impact this development proposal might have on the retail function of the secondary shopping area and consequently on the vitality and viability of Tonbridge Town Centre in accordance with Policies CP22 and CP23 of the TMBCS and Policies TCA2 and TCA5 of the TCAAP.
- 6.13 The application site is in a town centre location, where proposals for residential development could be suitable. It is highly sustainable in terms of its location being in

close proximity to local shops and services with easy access to public transport both rail and bus. As such, the proposal is considered to be in general conformity with the aims of Policies CP11 and CP23, which seeks to promote and reinforce Tonbridge as the key destination for growth.

- 6.14 For this proposal to be acceptable in principle, it must also not undermine the retail function of the shopping areas identified in the TCAAP and thus the vitality and viability of the town centre. The site is in a secondary shopping area, where proposals for non-retail uses at street level could be considered favourably provided a specific set of criteria set out in Policy TCA5 are fulfilled.
- 6.15 Amongst these criteria is the requirement to maintain the vitality and viability of the area as a shopping destination and avoid creating an overconcentration of non-retail uses within a continuous block. In this case, whilst the site is within the secondary shopping area, it sits on Castle Street, which does not have a continuous retail frontage. In fact, the existing commercial unit does not have a shopfront facing Castle Street or Bank Street, other than a door with a small sign above. The shopfront serving this unit (Cycle-Ops) is presented on High Street, which is to be retained.
- 6.16 The proposal, if permitted, would create a residential frontage on ground floor fronting both Castle Street and Bank Street. However, it would only account for a modest section of the street frontage. Furthermore, given the existing units on both streets are predominately non-retail and the area does not currently serve as a shopping destination, which is on High Street east of the site, the proposed change of use of a commercial unit on a non-shopping street is not considered to prejudice the retail function of the Upper High Street area as a secondary shopping area. The established commercial unit (cycle shop) would retain its shopfront on High Street and therefore would remain available to shoppers. The continuous retail frontage on High Street would not in any way be disrupted by the proposed conversion.
- 6.17 When assessing the impact resulting from the loss of retail floorspace, it is important to recognise that the change of use from a shop to a dwellinghouse could now be carried out in a Conservation Area pursuant to Class MA of Part 3 of Schedule 2 of the GPDO 2015 (as amended), subject to prior approval of the Local Planning Authority. In absence of an Article 4 Direction, there is a reasonable prospect for a similar change of use proposal to be considered permitted development, which constitutes a realistic fall-back position for the current proposal. This material consideration weighs in favour of the current proposal, although could only be afforded limited weight on the overall planning balance at this stage because no prior approval application in connection with this premises has been received to date.
- 6.18 The presence of three new residential flats would have the potential of modestly increasing the footfall within Tonbridge Town Centre and would thereby contribute positively towards sustaining local shops and services within the town centre. In doing so, the proposal would preserve and enhance the vitality and viability in accordance with Policies TCA2 and TCA5 of the TCAAP, Policy CP22 of the TMBCS and Chapter 7 of the NPPF.
- 6.19 For the reasons set out earlier, officers are content that the application site is in a suitable location for housing and the partial change of use from a commercial unit to

three new ground floor, self-contained residential flats is unlikely to harm the vitality and viability of Tonbridge Town Centre. The proposal, if permitted, could also make a positive contribution towards the supply of new homes in an area where there is evidently a shortfall in housing supply and hence a need for more homes. It would make effective use of land by allowing new residential flats in a highly accessible location, while retaining part of the established commercial use presented on site. The principle of development is thus acceptable in respect of the relevant policies contained in the Development Plan and the National Planning Policy Framework.

Provision of housing

- 6.20 Paragraph 60 of the NPPF sets out that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 6.21 Paragraph 123 of the NPPF seeks to ensure that decisions promote effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.22 The proposal would see the addition of 3 residential dwellings to the housing supply of the borough. Officers recognise that in the context of the housing need of the borough, the addition of 3 dwellings is limited in its contribution. It would nevertheless provide an additional supply of dwellings within an urban and sustainable location whilst also according with the national policies set out above. The proposed conversion and its provision of 3 additional dwellings is therefore afforded moderate weight in the planning balance.

Impact on character and appearance

- 6.23 Paragraph 131 of the NPPF sets out that high-quality, beautiful and sustainable buildings as well as good design are key aspects to achieving sustainable development. Paragraph 139 goes on to state that: development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 6.24 Policy CP24 of the Core Strategy is also applicable and states, inter alia –
1. All development must be well designed and of a high quality in terms of detailing and use of appropriate materials, and must through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings.
 2. All development should accord with the detailed advice contained in Kent Design, By Design and Secured by Design and other Supplementary Planning Documents such as Village Design and Planning Briefs and, wherever possible, should make a positive contribution towards the enhancement of the appearance and safety of the area.

3. Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.

6.25 Policy SQ1 of the Managing Development and the Environment DPD (2010) is concerned with the Borough's landscape and Townscape Protection and Enhancement. It has the following to say of relevance with respect to new development –

1. Proposals for development will be required to reflect the local distinctiveness, condition, and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD.

2. All new development should protect, conserve and, where possible, enhance:

(a) the character and local distinctiveness of the area including its historical and architectural interest and the prevailing level of tranquillity;

(b) the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views

6.26 The site is located within a Conservation Area and adjoins a listed building. Therefore, the proposal must be considered with regard to Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires decision-makers to have special regard to the character of the area and the desirability of preserving listed buildings and their settings. In addition, Chapter 16 of the NPPF relates to the conservation and enhancement of the historic environment and sets what LPAS should take account of in decision making and that any potential impact is considered in relation to the significance of the heritage asset potentially affected.

6.27 The character appraisal for Tonbridge Conservation Area (TCACA) identifies the defining features that contribute toward the character and local distinctiveness of the Conservation Area. The subject site is located within Sub-area A3, The market Quarter. The key features of this area are according to TCACA as follows:

- Transitional area with mixed density, character and uses

- Retained medieval street pattern and historic buildings in the old market area

- Creation of a new residential area with tight grain and intimate character

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- Important visual open space with views of landmark buildings and open countryside

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6.28 In particular, one of the key elements of the sub area in relation to Castle Street and Bank Street is the well-preserved medieval street pattern, which TCACA describes

as contributing to the small scale, intimate character which provides a pleasing contrast with the imposing castle and open landscapes grounds to the west.

- 6.29 The majority of the alterations proposed to the existing building would either be internal or not visible from the street scene. The external alterations proposed would see the addition of external doors and windows, which would match the existing building in terms of proportion, style and detailing. The presence of new windows and doors at street level would help create a more active street frontage and vibrant street scene than existing and would ensure a degree of natural surveillance, a key deterrent for anti-social behaviour. The original building does appear to have several windows and doors at street level, but these are subsequently blocked up, presumably for operational or security reasons. Unlocking these windows could recreate a building frontage that is more keeping with the intimate character of the well-preserved medieval street pattern and thereby sustain the significance of the Conservation Area.
- 6.30 The new street facing windows and doors are shown to be fitted in areas where openings already exist, so they are unlikely to involve significant alterations to the façade of the host building. The proposed works would result in a marked improvement in the appearance of the existing building and would in some ways enliven this part of the road by introducing more articulation to the façade and a wider active street facing frontage than existing.
- 6.31 To ensure a satisfactory appearance is achieved upon completion of this development, a condition could be imposed to require full details of all new windows and doors including colour, material, glazing profile, design and cross section be submitted to and approved in writing by the Local Planning Authority prior to their installation.
- 6.32 The proposed works would not result in features or works that would result in a prominent addition to the existing building, detracting from the character and appearance of the building and the Conservation Area. Given the scale and nature of works proposed, there would be no harm to the heritage significance of the adjoining listed buildings at nos.144, 146 -148 High Street.
- 6.33 To provide Unit 1 and Unit 2 each with a private amenity space, the existing courtyard is to be subdivided using close board fencing. Referring to drawing 146-148HI-A-02-102, the fencing would be made of timber boarding, 2m in height. Although the fencing would not be visible from the public realm, it would not necessarily represent the most appropriate choice of boundary treatments within a Conservation Area, nor would it provide the occupiers of Unit 1 a welcoming entrance. To address this shortcoming, if a planning approval is forthcoming, a condition should be imposed to require full boundary treatment details be submitted to and approved in writing by the LPA prior to occupation of the new flats.
- 6.34 In summary, the proposal would preserve and enhance the significance of the Tonbridge Conservation Area while significantly improve the appearance of the host

building and the character of the street scene. It would thus be acceptable in both visual amenity and heritage conservation terms.

Impact on the amenity of future occupiers

6.35 Part f of paragraph 135 of the NPPF seeks to ensure that development proposals are of a high standard for existing and future occupiers. In accordance with national policy, policy TCA2 of the TCAAP also seeks to ensure that development proposals not have an unacceptable impact on the amenity of Town Centre residents and should they have an unacceptable impact, they will be refused. In accordance with the aforementioned policies, policy CP24 of the TMBCS states:

Development which by virtue of its design would be detrimental to the built environment, amenity or functioning and character of a settlement or the countryside will not be permitted.

6.36 All the proposed units are essentially single aspect units. However, the applicant has provided an 'Analysis of site layout for Daylight' report prepared by Morgan Light Assessors (January 2024). There are no external additions or extensions proposed as part of the conversion and therefore the assessment of daylight concerned the proposed units, and no analysis was required to assess the impact of the proposal on neighbouring occupiers. The report concluded that 'all the proposed flats have good windows. Daylight to all rooms within the proposed flats is better than the recommendations of the Building Research Establishment publication "Site Layout and planning for daylight and sunlight, a guide to good practice" 2022 and the normal planning requirements". Officers have no reason to reach a view different from that set out in the report and consider that an appropriate level of daylight and sunlight could be achieved for the future residents.

6.37 Given the location within an urban area and its proximity to the street, a noise impact report prepared by Stinton Jones Consulting Engineers LLP has been submitted in support of the application. Environmental Protection Officers, having reviewed the report, have suggested a condition to secure a suitable report to be provided giving specific details of acoustic ventilation prior to first occupation to any residential flats. Subject to the provision of appropriate noise mitigation measures, the proposal would adequately protect the future residents from noise and disturbance while avoid the potential of conflict with the established noise generating uses in the vicinity.

6.38 In terms of privacy, there are two street level properties in the vicinity, namely no.5 and no.5a Castle Street, which have a similar relationship to the street compared with the proposal in question. Therefore, officers are reasonably satisfied that the internal environment and other amenity considerations such as privacy are of an acceptable level in this local context. Similarly, the pedestrian access arrangement could be, on balance, acceptable, despite being adjacent to the edge of the public highway.

6.39 The proposed units generally accord with the nationally described space standards (NDSS). However, the storage provided for Unit 03 is substandard. Officers are

however, satisfied that this shortfall should not result in an adverse impact on the amenity of future occupants, as the unit is above NDSS GIA standards and furthermore a home office is provided which could reasonably be used, at least in part, for storage.

- 6.40 The pedestrian access to Unit 01 is not conventional, nor is it legible at street level. However, having regard to the physical constraints resulting from the internal layout of the existing historic building, the daylight and sunlight report and the NDSS, the concern regarding access to Unit 1 is not considered to affect the quality of accommodation to a degree as to substantiate a reason for refusal.
- 6.41 An external private amenity space would be made available to the occupiers of Units 1 and 2. The provision of a private amenity space in a town centre location is welcomed and beneficial to the living conditions of the future occupiers. In the interest of residential amenity, if planning permission is forthcoming, a condition could be imposed to require the details of all boundary treatments, soft and hard landscaping be submitted to and approved in writing by the Local Planning Authority prior to occupation of the new flats as set out in paragraph 6.34 of this report.
- 6.42 In all, based on the information provided and subject to the recommended planning conditions, the proposal as a whole could provide its future occupiers a satisfactory quality of accommodation that accord with the policy requirements set out in the Development Plan and the National planning Policy Framework.

Impact on amenity of the neighbouring occupiers

- 6.43 No external protrusions or extensions are proposed. Furthermore, the relationship of the existing building with neighbouring occupiers is such that the proposed change of use and its associated alterations would not have an adverse impact on the amenity of neighbouring occupiers.
- 6.44 The proposal is therefore considered to accord with the national and local policies relating to impact on amenity of neighbouring occupiers.

Highways, car and cycle parking

- 6.45 Paragraph 111 of the NPPF states:

“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.”

- 6.46 Paragraph 114 of the NPPF states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that, inter alia, safe and suitable access to the site can be achieved for all users. Paragraph 115 adds 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.

- 6.47 Policy SQ8 advises that development proposals will only be permitted where they would not significantly harm highway safety.
- 6.48 None of the works proposed would affect the existing highway and as such the proposal is considered to accord with the relevant policies and would not negatively impact the existing highway.
- 6.49 Policy TCA15 of the TCAAP seeks to ensure that development proposals provide parking in accordance with the Kent County Council parking standards. Furthermore, part d of Policy TCA5 seeks to limit the visual impact of car parking/servicing arrangements and their adverse impact on the character of the area.
- 6.50 No car parking is proposed as part of this development proposal. Paragraph 6.20 of the planning, design and access statement states that the development is proposed to be car-free. Given the accessible location of the site and the good availability of public transport in the vicinity, officers are content that a genuinely car free proposal could be acceptable in this local context.
- 6.51 Guidance Table for Residential Parking in the Interim Guidance Note 3 (IN3) states that in town and city centre locations, there should be no more than one car parking space per flat. Note 1 relating to the same table specifically states that “reduced, or even nil provision is encouraged in support of demand management and the most efficient use of land”. Taking into account the above guidance, it is considered that the proposed car free arrangement is acceptable and in line with Policy SQ8 of the MDE DPD.
- 6.52 There is already a TRO presented on Bank Street and Castle Street in the form of double yellow line, which covers the entire building frontage along these streets. The presence of TRO across the site frontage would reduce the potential of unauthorised car parking along both Bank Street and Castile Street. Moreover, there are two public car parks in walking distance available to the visitors associated with the new flats. It should also be noted that there are already similar change of use proposals in the site vicinity that have been granted permission without the need to provide any car parking; an example of which is 22/01146/PDVGR on High Street for two self-contained flats.
- 6.53 Mindful of the site-specific circumstances outlined earlier and the planning history of the site surroundings, the lack of car parking is not considered to warrant a reason for refusal. The proposal would incorporate a bike store available to the future occupiers of the residential flats. The provision of a bike store is welcomed and is in line with the planning objectives to promote sustainable modes of transport, reduce carbon emission while improve air quality. If planning permission is forthcoming, a condition should be imposed to require the provision of the bike store prior to occupation of the new residential units. To conclude, the proposal would be satisfactory from highway safety and car parking perspectives.

Climate change

- 6.54 Paragraph 158 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.
- 6.55 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.
- 6.56 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.
- 6.57 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.

Refuse Strategy

- 6.58 Policy CC2 of the TMBCS relates to waste mitigation as it relates to development proposals.
- 6.59 Part 4 of Policy CC2 sets out the proposals for development will not be permitted unless they incorporate adequate space for the storage of recyclable and non-recyclable waste, where different waste streams can be segregated and collected, and in the case of residential schemes, each dwelling with private garden space is equipped, where practicable, with a composting bin.

- 6.60 In this case, the proposal relates to an existing building which benefits from an existing waste arrangement. Although the applicant has not provided a waste strategy, no specific objections have been raised by the waste management officers regarding the change of use proposal.
- 6.61 Without any objection from the relevant internal consultee, it is considered reasonable and proportionate on this occasion to impose a condition requesting a waste strategy be submitted and approved by the LPA at a later stage. An informative will also be appended to the decision notice to set out that contact must be made between the applicant and waste management officers.

Biodiversity Net Gain

- 6.62 This application was submitted on 29th January 2024. The requirement for minor development proposals to deliver a 10% mandatory biodiversity net gain took effect on 2nd April 2024. As such, the current proposal is not subject to the requirement for biodiversity net gain and no condition is deemed reasonably necessary to make this development proposal acceptable in biodiversity terms.

Planning Balance

- 6.63 As set out in the preceding sections of the report, the LPA acknowledges that it cannot demonstrate a 5-year housing land supply. Therefore, there is a presumption in favour of sustainable development as set out in the NPPF.
- 6.64 Notwithstanding the absence of a 5-year housing land supply, the subject site is within Tonbridge Conservation Area; a designated heritage asset subject to the policy protection of the NPPF. Therefore, in assessing the proposal and its acceptability, the impact of the proposal on the Conservation Area is a key consideration.
- 6.65 It is recognised that there would be a partial loss in the floorspace currently used by the business on site. However, the proposal would not result in the loss of the entire commercial unit, and it would still have a presence on High Street within the secondary shopping area. Therefore, the three residential units would not be delivered at the expense of the retail function of the secondary shopping area and thus the vitality and viability of the town centre. The residential flats would also provide an opportunity to moderately increase the footfall in the town centre and thereby support exiting businesses.
- 6.66 Furthermore, the subject site is in a Town Centre location, highly accessible and in close proximity to amenities and transport networks whether that be by rail or bus. The sustainability of the location alongside parking guidance set out in IN3 supports a car free development such as the one being proposed.
- 6.67 The proposal would also improve the visual appearance of the building and would enhance the character of its surroundings by recreating an active street facing

frontage and consequently a vibrant street scene. It would preserve the medieval street pattern of Tonbridge Conservation Area. No harm to the listed buildings adjacent would arise from the proposed change of use and external alterations.

6.68 To conclude, the proposal would be in general conformity with the aims of the Development Plan and the National Planning Policy Framework. With all the recommended planning conditions imposed, the proposal is considered to represent a sustainable development and is thus recommended for approval.

7. Recommendation:

7.1 Approved 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 development hereby permitted shall be carried out in accordance with the following approved plans and documents: 146-148HI-A-01-001, 146-148HI-A-01-002, 146-148HI-A-02-101, 146-148HI-A-02-102, 146-148HI-A-03-101, 146-148HI-A-03-102, 146-148HI-A-03-106, 146-148HI-A-05-101, 146-148HI-A-06-101, 146-148HI-A-06-102, 146-148HI-A-06-103, 146-148HI-A-01-002, 146-148HI-A-02-001, 146-148HI-A-02-002, 146-148HI-A-03-001, 146-148HI-A-03-002, 146-148HI-A-03-003, 146-148HI-A-03-004, 46-148HI-A-03-005, 146-148HI-A-05-001, 146-148HI-A-05-002, 146-148HI-A-06-001, 146-148HI-A-06-002, 146-148HI-A-06-003, 146-148HI-A-06-004

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. Notwithstanding the approved drawings set out in Condition 2, no boundary treatments associated with the private amenity space of Units 1 and 2 shall be erected unless full details of these boundary treatments including scale, position, material, texture, and appearance have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be erected in accordance with the approved details prior to occupation of these units and thereafter be retained.

Reason: To accord with the terms of the application and to protect the visual amenity of the area.

4. No residential flats hereby permitted shall be occupied unless and until the bike store shown in the approved drawings has been provided in accordance with the approved details. The bike store shall thereafter be retained, readily available for storage of bikes solely associated with the approved residential flats.

Reason: To ensure that the development supports sustainable transport modes of transport as well as contribution to a reduction in carbon emissions associated with motor vehicle uses as well as an improvement in air quality.

5. Prior to installation of any new windows and doors, full details of these windows and doors including colour, material, glazing profile, design and cross section shall be submitted to and approved in writing by the Local Planning Authority. The new windows and doors shall thereafter be installed in accordance with the approved details prior to first occupation of the new residential flats.

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

6. All materials proposed externally should match the existing building unless otherwise agreed in writing with 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.

7. The three residential flats hereby permitted shall not be occupied until full details of acoustic protection and mechanical ventilation of the building have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of any residential flats and shall be retained at all times thereafter.

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

8. No residential flats hereby permitted shall be occupied unless and until a waste strategy with full details of the refuse storage and collection arrangements associated with these flats has been submitted to and approved in writing by the Local Planning Authority. The waste strategy shall be implemented in accordance with the approved details prior to the first occupation of any residential flats and shall be retained thereafter.

Reason: To ensure suitable refuse storage and collection arrangements are in place to support the new residential flats prior to their first occupation and consequently to reduce the odour and other environmental impact associated this development.