

REPORT SUMMARY

REFERENCE NO - 19/01497/FULL

APPLICATION PROPOSAL

Minor Material Amendment - Variation of Condition 2 of Planning Permission 17/03335/FULL. Amendments to plans to include various alterations to window/door positions and profiles on all elevations; re-positioning of dormer windows on east and north elevations; substitution of single dormer window for twin dormer window plus new juliet balcony on north elevation; additional car park opening in south elevation; change of design of link structure to comprise a combination of clay roof tiles and an aluminium standing seam roof covering; re-siting of cycle store and alterations to layout of front garden areas.

ADDRESS Site Of 141 and 151 London Road Southborough Tunbridge Wells Kent

RECOMMENDATION to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation)

SUMMARY OF REASONS FOR RECOMMENDATION

- This proposal is an amendment to an extant planning permission which is limited to minor design changes to one part of the site only (former Lloyds Bank, No.151 London Road)
- There is no objection in principle to the proposed development as the site is within the Limits to Built Development and the principle has been accepted through the grant of the extant planning permission;
- The proposal would still result in the restoration of a Grade II Listed Building (former Water Margin restaurant) and the retention and conversion of a building considered to be a 'non-designated' heritage asset (former Lloyds Bank);
- The scale, layout and design of the proposals respect the context of the site and preserve the visual amenities of the locality;
- The proposed number of dwellings still maximises the site's potential for housing delivery accords with national and local development plan policy relating to sustainable development; and still delivers an acceptable mix of dwelling sizes;
- In the extant permission, the applicant satisfactorily demonstrated in accordance with Core Strategy Policy CP6, that in view of the substantial costs required to renovate the Listed Building (former Water Margin), the provision of affordable housing either at the site or off site through a developer contribution, would render the proposed development unviable;
- The development would still not be significantly harmful to the residential amenities of nearby dwellings by reason of loss of privacy, overshadowing, dominance or noise; and an acceptable level of residential amenity is still capable of being provided for occupiers of the proposed dwellings;
- There would be no change to the access and parking arrangements from the extant permission; and the proposed widening of the pavement in front the former Water Margin can still be secured by condition.
- Other environmental impacts have been assessed and there are none that are considered potentially significant and which cannot be addressed through conditions.

INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

£55,542 of developer contributions to be secured through Section 106 obligation (already secured through the extant planning permission) which includes:

- £17,451.00 – Primary education – towards the expansion of Southborough CE Primary

School from two form entry to three form entry.			
<ul style="list-style-type: none">• £7,174 - Library – towards Southborough Hub Library• £30,917 - Youth and adult recreation - towards Southborough playing fields /changing facilities			
<u>The following are not considered to be material to the application:</u>			
Estimated annual council tax benefit for Borough: £3,575.20			
Estimated annual council tax benefit total: £36,090.60			
Annual New Homes Bonus (for first 4 years): £20,000			
Estimated annual business rates benefits for Borough: N/A			
REASON FOR REFERRAL TO COMMITTEE			
The application site includes land owned by Tunbridge Wells Borough Council			
WARD Southborough & High Brooms		PARISH/TOWN COUNCIL Southborough Town Council	APPLICANT Mr Peter Dabner AGENT Mr Alexander Wood
DECISION DUE DATE 19/11/19		PUBLICITY EXPIRY DATE 09/08/19	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
Planning Application			
Former Water Margin: The Water Margin (141 London Road) has been subject to a number of applications for minor development relating to its use as a shop, restaurant, takeaway or drinking establishment, including:			
01/02462/FUL	Demolition of external store & internal walls and construction of single storey pitched roof rear extension.	Permitted	22/02/02
01/02464/LBC	Demolition of external store & internal walls and construction of single storey pitched roof rear extension and flue.	Permitted	22/02/02
09/01176/FUL	Retrospective - Change of use from restaurant to public house with dining and take-away	Permitted	10/07/09
Former Lloyds Bank:			
17/00805/FUL	Change of use of former bank offices to 4 No. flats, retaining front part of ground floor as Class A2 offices	Permitted	08/05/17
Related applications:			
17/03336/LBC	Listed Building Consent: Restoration and conversion of the former Water Margin to create 3no. cottages & development of former Lloyds Bank site to form 17no. residential units with 17no. parking spaces	Permitted	19/01/18
17/03335/FULL	Restoration and conversion of the former Water Margin to create 3no. cottages & development of former Lloyds Bank site to	Permitted	20/01/18

	form 17no. residential units with 17no. parking spaces; and laying out of 5 additional parking spaces to serve the adjacent site		
Adjacent site: Southborough Hub development, 137 London Road:			
16/06081/ HYBRID	Detailed application for demolition of existing buildings and erection of new mixed use Community Hub building comprising theatre (sui generis), library (D1), cafe (A3), medical centre (D1), Town Council offices (B1a) and ancillary storage, toilets and plant rooms; A1/A2/A3 retail unit; New sports pavilion (D2) with ground maintenance store and workshop (B1c); Extension to existing Yew Tree Road public car park; Associated access, pedestrian and cycle links, parking and landscaping. Outline application with access to be considered in detail and all other matters reserved for future consideration for erection of up to 69 dwellings, ground floor A1/A2/A3 retail units and additional public car parking provision.	Permitted	15/12/17
17/02861/REM	Approval of Reserved Matters (Appearance, Scale, Landscaping, and Layout) following Outline Permission ref 16/06081/HYBRID (as described above).	Permitted	16/03/18
18/01418/REM	Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) for the provision of 42 car parking spaces (16/06081/HYBRID refers)	Permitted	15/10/18
18/03558/FULL	Demolition of existing building and erection of a new, mixed use Community Hub building comprising a community hall, library, town council offices, medical centre with associated storage, toilets and plant room space, a retail unit, new town square and the erection of a new sports pavilion and depot with associated parking and landscaping.	Permitted	14/02/19

1.0 DESCRIPTION OF SITE

- 1.01 The site is located within the Primary Shopping Area of Southborough Town Centre and within the Air Quality Management Area, along the busy A26. It comprises the former Water Margin restaurant and the former Lloyds bank at 141 and 151 London Road. The site area is approximately 0.22 ha.
- 1.02 The Water Margin restaurant, which has been vacant for a number of years, is an 18th century Grade II Listed building, originally a cottage then subsequently a public house (the Bat and Ball) and more recently a restaurant. The building has a timber frame with a brick lower floor, white weatherboarding to the front and south at first

floor and a clay tiled roof. It is two storeys high with 3 dormers within the attic space. The original building has been extended at ground floor level to the front and rear. The front extension is particularly unattractive and has created a very narrow footway on the main road frontage. The upper floors have been used as ancillary residential accommodation for the ground floor restaurant use.

- 1.03 To the north of the Water Margin is the Southborough Hub site where a hybrid planning permission has recently been granted for a mixed use development, comprising a theatre / community hall, library, medical centre, commercial units and up to 69 dwellings. A housebuilder, Crest Nicholson, has acquired the residential part of the Hub scheme and has discharged the reserved matters (described above in the planning history section of this report). Block A of the Crest Nicholson proposals adjoins this application site. This is a three storey block comprising 8 flats and commercial use at ground floor level.
- 1.04 Previously there was a pedestrian route immediately to the north of the Water Margin, which connects London Road with the playing fields to the east. This route, which is not a statutory Public Right of Way, will be replaced with a new pedestrian and cycle route through the hub scheme. Behind the Water Margin building there is a group of trees that are to be removed as part of the Hub development.
- 1.05 The former Lloyds Bank building at 151 London Road has also been vacant for some time. It is an attractive Edwardian building constructed from brick beneath a tiled roof with large chimneys and tiled gable projections. It is two storeys high and has a basement. There is a large area of hardstanding to the front and north side of the building, set behind a brick wall, which is used for car parking and is accessed via two vehicular access points from London Road.
- 1.06 The Water Margin and Lloyds Bank curtilages back onto the Yew Tree Road car park, which is included within the Southborough Hub allocation under Policy AL/SO2 in the Site Allocations Local Plan 2016. The application site boundary includes the Yew Tree Road car park (as it is proposed that the site is accessed via this).
- 1.07 To the south are the Gallards Almshouses, which have a parking area accessed off Yew Tree Road close to the main road junction.

2.0 PROPOSAL

- 2.01 This application is a Minor Material Amendment (MMA) to a permission approved in early 2018 (ref: 17/03335/FULL).

Extant planning permission

- 2.02 This was for a comprehensive scheme that would result in the restoration of the Water Margin listed building and the retention of the characterful Lloyds Bank building, whilst rationalising the access and parking arrangements and creating an attractive landscaped frontage. In total 20 dwellings were approved together with 17 parking spaces.
- 2.03 There are three elements to the extant planning permission:
 - Conversion of the former Water Margin to create 3 cottages;
 - Development of the former Lloyds Bank site to form 17 residential units with 17no. parking spaces; and
 - Laying out of 5 additional parking spaces to serve the adjacent Southborough Hub site. It is intended that these spaces would serve the apartments within the

proposed mixed use (commercial and residential) block adjoining the northern boundary of the site.

- 2.04 This MMA only relates to the former Lloyds Bank (151 London Road). The extant scheme permitted the former Lloyds Bank building to be converted and significantly extended both to the rear and on its northern side (i.e. to fill the existing space between the Bank and the Water Margin). Altogether, this provides 17 apartments comprising 8 x 1 bed units and 9 x 2 bed units.
- 2.05 The proposed rear extension of the Lloyds Bank building incorporates a central courtyard together with first and second floor development which extends over part of the car park. 17 parking spaces, one per apartment, would be provided, accessed from the Yew Tree Road car park and would be mostly hidden underneath the rear extension. A communal refuse storage area would also be located to the rear, such that all vehicular activity associated with the building would take place at the rear, away from the main road. A row of semi-mature trees are proposed to be planted along the rear boundary with the Yew Tree Road car park to provide screening and a new 1.8m high brick boundary wall to the car park would be provided.
- 2.06 The proposed side extension is separated from Lloyds Bank by a glazed link that would connect with the interior courtyard and would provide a distinct break between the existing and new parts of the scheme.
- 2.07 The front extension has been designed to reflect the features and materials of the existing building. The proposed materials are a matching multi brick, with smooth red brick quoin detailing, timber Georgian-style windows and tile hanging to the gables and a clay tiled pitched roof. Dormer windows with decorative surrounds are proposed along the side and rear elevations. The rear elevation would be rendered at first floor level to reflect the roughcast render at the upper floor of the adjacent Gallards Almshouses, with the brick columns that support the upper floor continuing upwards to break up the extent of render.
- 2.08 The existing vehicular accesses to the front of the building would be closed and a front garden would be created, set behind a new 0.8m high brick wall with tree planting. There would only be pedestrian and cycle access to the front of the building. A secure cycle store is proposed at the front of the building.

Amendments

- 2.09 This proposal was originally submitted as a non-material amendment (NMA) however the extents of the changes are such that they are considered 'material'. They include;

Rear elevation (east):

- Dormer windows spaced evenly rather than being grouped in three sets of two as shown on 11A;

Side elevation (north):

- Window casements enlarged in a number of places;
- Juliet balcony introduced on fourth window from the left;
- Dormer windows more spread out and moved to the east;
- Single dormer has become a double dormer window on the far right hand side.

Side elevation (south):

- Additional car park opening;

- Door replaced with window at ground floor;
- Side door in front entrance portico shown to be bricked up rather than retained.

Front elevation (west):

- Glazed doors introduced at first floor within the original windows;
- Profile of dormer window on the new build (as seen from the front) amended
- Design of link structure has been amended – originally permitted as a fully glazed with an aluminium frame, whereas the drawings now show it as using a combination of clay roof tiles and an aluminium standing seam roof covering and infilling a larger area between the original bank and the extension;

Site layout

- Cycle store moved to far side of site;
- Front garden area now shown as two private garden areas rather than a communal garden;
- Additional hard surfaced path now leads to front entrance (which is now shown as functioning rather than being retained in situ).

Internal

- To conserve the ceiling of the Lloyds Bank Building hall, the applicant has re-arranged the floor plans to retain the existing ceiling. This amendment means the previous arrangement of walls and second staircase are not required, thus not damaging the material or aesthetic of the hall ceiling.
- A passenger lift has been incorporated into the communal circulation area to access the first and second floors.
- General changes to internal layout throughout the Lloyds Bank element of the development;
- To comply with statutory fire access and escape, to achieve compliance of maximum escape distances, widths of routes and design of the communal general access stair. The amended layout has reduced corridor lengths and incorporates a straight flight of stairs to meet the statutory requirements.
- To comply with statutory sound separation, in order to achieve statutory compliance with separation between floors and ceilings of units, the applicant has increased the floor zones to incorporate structure and suspended ceiling zones to reduce airborne and impact sound transfer. They have been able to retain the approved roof level matching the original building gable ridge line by amending the roof design around the rear courtyard.
- PV panels have been added to provide onsite renewable energy and in addition roof lights to internal rooms have been included to reduce the dependency on electricity and improve wellbeing through natural daylight.

- 2.10 To clarify, there are no proposed amendments to;
- the element of the scheme seeking to restore the Grade II listed Water Margin;
 - either the external footprint of the Lloyds building nor to the permitted extension (although the footprint of the link structure has increased);
 - the overall height of the development;
 - parking or access arrangements;
 - any of the matters secured by the S.106 agreement;
 - the number of residential units.
- 2.11 Since submission of the application, the applicant has served Notice upon various third parties whose land falls within the red line of the original application.

3.0 SUMMARY INFORMATION

	Existing	Approved under extant planning permission 17/03555/FULL	Proposed under this application	Change from extant permission 17/03555/FULL
Site Area	0.22	0.22	0.22	No change
Land uses	Restaurant (A3) Bank (A5)	Residential – 20 apartments	Residential – 20 apartments	No change
No. of storeys	Water Margin 3 Lloyds Bank 2	Water Margin 3 Lloyds Bank 3	Water Margin 3 Lloyds Bank 3	No change
No. of residential units	None (although Water Margin has ancillary residential accommodation)	20	20	No change
No. of bed spaces	N/A	43	43	No change
Car parking spaces at Lloyds Bank site	Approximately 12 at front to serve bank	17 at rear to serve apartments	17 at rear to serve apartments	No change
Cycle spaces at Lloyds Bank site	None to serve bank	17 to serve apartments	17 to serve apartments	No change
Car parking spaces at Water Margin site	None to serve restaurant use	None to serve 3 cottages	None to serve 3 cottages	No change
No. of affordable units	None	None	None	No change

4.0 PLANNING CONSTRAINTS

- Air Quality Management Area
- Ashdown Forest Ashdown Forest 15 Km Habitat Regulation Assessment Zone
- Within Limits to Built Development
- Allocated Site - Site Allocations Local Plan Policy AL/SO2 Southborough Hub (Yew Tree Road Car Park is within policy boundary).
- Listed Building 1338682 Grade: II (*Statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)

- Former Lloyds Bank building is considered a non-designated heritage asset
- A public right of way runs to the immediate south of the site (outside the red lined area)

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) (2019) National Planning Practice Guidance (NPPG)

Tunbridge Wells Borough Core Strategy 2010

- Core Policy 1: Delivery of Development
- Core Policy 3: Transport Infrastructure
- Core Policy 4: Environment
- Core Policy 5: Sustainable Design and Construction
- Core Policy 6: Housing Provision
- Core Policy 10: Development in Southborough

Site Allocations Local Plan 2016

- Policy AL/SO2 – Southborough Hub (boundary includes Yew Tree Road car park)
- Policy AL/STR1 – Limits to Built Development

Tunbridge Wells Borough Local Plan 2006

- Policy EN1 – Development Control criteria
- Policy H5 – Residential development within the Limits to Built Development.
- Policy TP4 – Access to the road network.
- Policy TP22 - Retention of Yew Tree Road Car Park
- Policy CR7 – Southborough Primary Shopping Area

Supplementary Planning Documents:

- Renewable Energy SPD
- Affordable Housing SPD
- Local Heritage Assets SPD
- Recreation Open Space SPD (2006 with updated costs 2013/2014)

6.0 LOCAL REPRESENTATIONS

- 6.01 Six site notices were displayed on 15 July 2019. The application was also advertised in a local newspaper.
- 6.02 No responses have been received to the notices.
- 6.03 As set out in para 2.11, since submission of the application, the applicant has served Notice upon various third parties whose land falls within the red line of the original application (as they are required to do under The Town and Country Planning (Development Management Procedure) (England) Order 2015. These landowners include Kent County Council, Southborough Town Council and Crest Nicholson, whose land forms part of the access route. Any representations received after the Agenda has been published will be verbally reported to Members at the Planning Committee meeting.

7.0 CONSULTATIONS

Southborough Town Council

7.01 (06/08/19) - approve

TWBC Principal Conservation Officer

7.02 (30/07/19) - I have reviewed the application drawings and supporting information. I am familiar with the property.

The proposal for amendments will result in several substantial improvements in the way that the areas of heritage significance within the building are dealt with over the previous approval. Other changes are unlikely to have a harmful impact.

On this basis, raise no objections to the proposal from a heritage viewpoint.

8.0 APPLICANT'S SUPPORTING COMMENTS (taken from Heritage Statement)

- 8.01 We consider the proposed alterations to the previously approved scheme at the former Lloyds Bank Building to have no significant effect on the adjacent Grade II listed former Water Margins Building. We believe the alterations proposed to the original design enhance the scheme by retaining more of the heritage of the former Lloyds Bank Hall.
- 8.02 The revised design conserves the noteworthy ceiling of the former Lloyds Bank Building Hall retaining not only the volume of the Hall as a single space, but also the ornate plaster ceiling cornicing to the perimeter and down-stands which divide the ceiling. Further to conservation advice and condition 5 of the consent noting the importance of this ceiling, we have been able to re-arrange the floor plans to full retain the existing ceiling. This amendment means the previous arrangement of walls and second staircase are not required, thus not damaging the material or aesthetic of the Hall ceiling. To further retain the heritage of the former Bank Hall we propose to retain the steel vault door as an architectural feature.
- 8.03 The revised design layout of the former Lloyds Bank Building retains the same external footprint of the previously approved scheme and so does not encroach on the former Water Margins Building. The changes to the external elevations have been as a result of the necessary internal layout alterations. The external aesthetic of the previously approved scheme has been retained with overall proportions and materials used to suit the new internal layout.

9.0 BACKGROUND PAPERS AND PLANS

- 9.01 Application form
Heritage statement
Cover letter dated 20/05/19

10.0 APPRAISAL

- 10.01 The key issues are:
- Principle of development
 - Heritage and townscape impacts
 - Design and amenity considerations
 - Other matters

Principle of Development

- 10.02 This scheme, as a S.73 application, proposes minor material amendments to an extant planning permission. Therefore it is not a requirement to entirely re-appraise the principle of the development unless either the nature of the amendments warrants it, or there has been a significant change in local and/or national policy since then.
- 10.03 Section 38(6) of the Planning and Compulsory Purchase Act 1990 requires that the determination of a planning application must be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF does not change the status of the development plan as the starting point for decision making. The Council's Site Allocations Local Plan (July 2016) (SALP) forms part of the adopted Development Plan and sets out the specific sites to be developed in order to meet the levels of growth set out in the adopted Core Strategy.
- 10.04 In the report presented to Planning Committee on 17 January 2018 (in which the original application 17/03335/FULL was recommended for approval) the proposal was held to be acceptable in principle as;
- This town centre site is previously developed land within the LBD and is considered suitable for residential purposes under Core Strategy Policies CP1, CP6 and CP11, as well as complying with Local Plan Policy H5.
 - The proposed residential use of these former commercial premises was considered to be acceptable in principle. Whilst it was recognised that the proposed conversion of this bank (A2 use) and restaurant (A3 use) will result in the loss of employment floorspace there are no specific development plan policies that protect employment uses at this location (Southborough town centre is not designated as a Key Employment Area in the Core Strategy).
 - Furthermore, the site does not form part of a continuous retail frontage, so there would no adverse impact on the primary retail frontage, which Local Plan Policy CR7 seeks to protect. There is a predominance of residential development on the eastern side of this part of Southborough town centre and the proposed residential use will be compatible with this.
 - In addition, conversion to residential use would secure the future of a listed building (Water Margin) and a non-designated heritage asset (Lloyd Bank).
 - The provision of 20 dwellings would make a significant contribution towards meeting the Borough's housing needs. The scheme would provide a mix of dwelling types (3 x 2 bed houses and 17 x 1 and 2 bed apartments) which make efficient use of the site.
 - The Council could not (and still cannot) demonstrate a five year housing supply compliant with the full objectively assessed needs (OAN) requirement for market and affordable housing. With reference to NPPF guidance the site is in a highly sustainable location where higher residential densities are appropriate.
 - To implement the permission a small parcel of land within the Hub site that is located at the rear of the Lloyds Bank building would need to be 'exchanged' with a small area of land located at the rear of the Water Margin. Whilst land ownership is not a planning matter, the proposals are considered to achieve a comprehensive development solution with the adjoining Southborough Hub development and would make an effective use of land within the town centre.
 - The proposals are considered to be acceptable in principle. They accord with the Core Strategy Policies CP1, CP6 and CP11 and with Local plan Policy H5.

10.05 Since January 2018 the NPPF has been re-issued however this revised policy would not affect the conclusions reached in the report to the original application.

10.06 The draft new Local Plan was published on Friday 26th July as part of the papers for the Planning and Transportation Cabinet Advisory Board meeting on 05/08/19. Given the very early stage of the new Local Plan it cannot be given any weight as it has not been through the formal consultation process or examination.

Heritage and townscape impacts

10.07 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority shall have '*special regard to the desirability of preserving a listed building or its setting when making decisions on planning applications*'.

10.08 NPPF Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In cases where proposals are judged to lead to 'less than substantial harm', Paragraph 134 of the NPPF allows for this harm to be weighed against the public benefits of the proposal. Case law makes it plain that, amongst other things, when a development will cause any harm to a heritage asset or its setting, the decision-maker must give that harm considerable importance and weight.

10.09 The Core Strategy, through Policy CP4, seeks to conserve and enhance the Borough's heritage assets including Listed Buildings.

10.10 It was set out in the report to the previous application that the Water Margin and Lloyds Bank building are, respectively, designated and non-designated heritage assets which are vacant and adjoin a redevelopment site that has lain vacant for many years. These proposals, when considered in tandem with the recently approved mixed use scheme on the Southborough Hub site, offer an opportunity to achieve significant environmental benefits at the heart of this town centre. The extant scheme sought to secure the future of both buildings and which improves their setting and the contribution they make to the townscape, whilst complementing the adjacent Hub scheme.

10.11 The proposals were considered to have achieved that objective and to offer the following benefits:

- The conversion of the listed building (Water Margin) to three small cottages would restore the building to its original residential use.
- The removal of the unsympathetic front and rear extensions of the Water Margin would improve the listed building's appearance.
- The provision of small 'front gardens' for the Water Margin cottages would create small areas of landscaped defensible space at the front of each dwelling and improve the appearance of the listed building.
- The setting back of the front boundary of the Water Margin allows for the provision of a wider pavement to create a safer pedestrian environment on the east side of this busy main road.
- The characterful Lloyds Bank building, whilst considered to be a non-designated heritage asset, does not benefit from any statutory protection. The retention

and conversion of this building will ensure that it continues to make a positive contribution to the townscape.

- The removal of the vehicular accesses and parking in front of the Lloyds Bank building and its replacement with a landscaped garden (lawns, hedges and trees) sitting behind a brick wall would enhance the setting of both the Water Margin and Lloyds Bank buildings, and would enhance the street scene generally.

10.12 Historic England (HE) supported the principle of redevelopment and considered that securing the future of the listed building and converting it back to its historic use as cottages are significant heritage benefits under the terms of the NPPF. The scheme was supported by the Principal Conservation Officer as well, who along with HE identified less than substantial harm to the heritage assets. It was concluded that the heritage benefits set out above were sufficient to outweigh the less than substantial harm resulting from some of the proposed alterations to the listed building and that such harm was justified. Consequently it was concluded that the heritage impacts of the proposals comply with the national and development plan policies referred to above.

10.13 No additional works are proposed to the Grade II listed Water Margin as part of this revised scheme. The amendments are entirely focussed on the former Lloyds Bank. The comments of the Principal Conservation Officer are that this revised proposal for will result in several substantial improvements in the way that the areas of heritage significance within the building are dealt with (compared to the extant permission). Other changes are unlikely to have a harmful impact.

10.14 Consequently the heritage impacts of the proposals are still considered to comply with the national and development plan policies referred to above.

Design considerations

10.15 It was set out in the report to the previous scheme that the proposals for the former Water Margin building would sympathetically restore this historic building to its original residential use and reduce its scale by the demolition of the inappropriate front and rear extensions. The detailed proposals were considered to result in a substantial improvement to the appearance of the building, greatly enriching the street-scene.

10.16 The design approach put forward for the former Lloyds Bank building is considered to remain sympathetic to the character and appearance of the existing building. The proposed two and a half storey extensions, though large in scale, are designed to respect the different context presented by the front and rear aspects of the site. The scheme still seeks to retain the former Lloyds Bank and (as set out above) seeks to retain more of its internal features. As before the extension is designed to wrap around towards the rear of the site and connect back into the existing building, creating an internal courtyard and undercroft parking (there are no changes to the footprint proposed as part of this amendment).

10.17 The front (London Road) elevation was designed so that the extension appears separate from the existing building. This was formerly achieved by a glazed 'linking' element, forming the central circulation core leading through to the rear courtyard and parking area. The design now comprises a combination of clay roof tiles and an aluminium standing seam roof covering. The sense of it standing separately from the host building is still considered to be achieved. The height of the extension still does not exceed that of the original building and is considered to successfully fill the existing gap between the Lloyds Bank and Water Margin buildings.

10.18 Last time it was also considered that;

- The almshouses will shield most of the view of the south side of the extension when viewed from the Yew Tree Road car park;
- The proposed dormer windows on the side and rear elevations are of a similar scale and appearance to those found on the Gallards almshouses;
- Both of the side elevations would be constructed of brick and the rear elevation would be rendered to reflect the roughcast render at the upper floor of the almshouses;
- The design and external appearance of the proposals are considered to be acceptable in relation to the site context;
- The apartments are considered to achieve an acceptable standard of amenity in terms of daylight, outlook and internal space standards, with careful design to minimise the number of single aspect dwellings.

10.19 It is therefore concluded that the proposals achieve an acceptable standard of design in conformity with Core Strategy Policy CP5 and Local Plan Policy EN1.

Residential amenity

10.20 With regard to the impact on neighbouring properties, and in comparison to the extant scheme, the proposals would not have any significantly adverse impact on the amenities of the Gallards Almshouses to the south or on the proposed apartment block within the Hub site to the north, by reason of overlooking, overshadowing or creating a poor outlook.

10.21 Last time it was not considered that having 17 parking spaces accessed from the rear would create unacceptable noise or disturbance to neighbouring residents of the car park, nor that the proximity of the public car park would result in an unacceptable level of amenity for future occupiers of the proposed development.

10.22 In summary, acceptable levels of amenity would be secured for neighbouring residents as well as future occupiers of the proposed development in accordance with Policy EN1 of the Local Plan.

Other matters

10.23 The limited scope of the changes are such that there would be no change to the extant permission with regards to noise; highways, access, parking and servicing; flood risk and drainage; construction impacts; affordable housing matters and air quality. The conditions from the extant permission would be repeated as part of this permission.

10.24 The extant permission is accompanied by a S.106 agreement which secures the following financial contributions:

- Primary school contribution of £17,451.00 towards Southborough CE Primary School expansion from two-form entry to three-form entry;
- Library contribution of £7,174 towards Southborough Hub Library;
- Youth & adult recreation contribution of £30,917 towards Southborough playing fields towards Southborough playing fields/changing facilities.

10.25 That legal agreement would remain in place if this application were approved. Para 9.3 on page 10 of the S.106 agreement allows it to apply to future variations of the

original planning permission granted pursuant to S.73 of the Town and Country Planning Act 1990 (as amended).

Conclusion

- 10.26 The proposals would still significantly enhance the appearance of the former Water Margin Listed Building (as no changes are proposed to that part of the scheme) and would secure the retention of the former Lloyds Bank building, thereby delivering significant heritage benefits that would outweigh the less than significant harm that would result from some of the proposed works. The heritage benefits are slightly greater with this amendment than they were with the original proposal.
- 10.27 Other conclusions from the last report are still considered applicable to this revised scheme, namely that;
- The scheme makes efficient use of this town centre site, and would also complement the approved Southborough Hub regeneration scheme;
 - 20 new dwellings would be provided in a sustainable location; thereby helping to meet the Borough's housing needs;
 - The scale, design and external appearance of the proposals are considered to respect the sensitivities of these attractive buildings and, together with the landscaping proposals and boundary treatments, would greatly enhance the townscape in this prominent location;
 - Due principally to the high build costs associated with the restoration of the Listed Building, the scheme was unfortunately unable to deliver any of the 7 affordable dwellings that would have been required to meet the Council's affordable housing policy. This conclusion was borne out following an appraisal of the financial viability of the scheme by the Council's specialist viability consultants.
 - Notwithstanding this last point, it was concluded that the overall benefits of the development, as explained earlier in this report, are significant and outweigh this disadvantage. This remains the case.
- 10.28 The application is therefore recommended for approval subject to the imposition of planning conditions as set out below. Pre-commencement conditions 3, 6, 11, 15, and 23 have been agreed by the agent in accordance with section 100ZA(8) of the Town and Country Planning Act.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The works hereby permitted shall be begun before 20 September 2021.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development shall be carried out in accordance with the following approved plans:

Plans approved under 17/03335/FULL:

- Drawing 1725 06A (Bat and Ball Cottages/Water Margin proposed plans)
- Drawing 1725 07 (Bat and ball Cottages/Water Margin proposed elevations)
- Drawing 1646 08D (Proposed site location plan and block plan - with regards to parking and amenity area for Block A to rear of Bat and Ball Cottages/Water Margin only)

Plans approved under 19/01497/FULL:

- 1833-MEB-LB-XX-DR-A-3-200-B (Proposed landscaping plan)
- 1833-MEB-LB-XX-DR-A-3-201-B (Proposed Ground Floor and First Floor Plan)
- 1833-MEB-LB-XX-DR-A-3-202-B (Proposed Second Floor and Roof Plan)
- 1833-MEB-LB-XX-DR-A-3-300-B (Proposed Elevations)
- 1833-MEB-LB-XX-DR-A-3-400-B (Proposed Sections)
- 1833-MEB-LB-XX-DR-A-3-401-B (Proposed Sections)

Reason: To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.

- (3) Prior to the commencement of the construction works in any part of the site, a Construction Environmental Management Plan relating to the whole site, and taking account of any construction works that may be being occurring concurrently on the adjacent Southborough Hub site, shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The Plan shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise
- mitigation barrier(s)
- Measures to minimise the noise (including vibration) generated by the construction process
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s).
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: This information is required prior to the commencement of development in order to protect the amenity of local residents and in the interests of highway safety. Such details are fundamental to the application and are therefore required prior to its commencement.

- (4) No construction works shall take place on the former Lloyds Bank building until details

of measures to limit overlooking of the first floor clear glazed window of the adjacent Almshouse to the south of the site have been submitted to and approved in writing by the Local Planning Authority.

Such details shall indicate which windows will be fitted with obscure glazing (privacy level grade 3 or higher) and the window opening arrangements that will relate to them. The development shall be carried out in accordance with the approved details and shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents.

- (5) No construction works shall take place on the former Lloyds Bank building until a scheme for the retention of the ceiling to the banking hall (located within Unit 2), including details of how partition walls will abut the cornice, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the ceiling shall thereafter be retained for the duration of the development.

Reason: To conserve a feature of historic interest within this non-designated heritage asset.

- (6) No construction work shall take place anywhere on site until details of measures to protect and/or divert the public foul and surface water sewer that runs along the southern site boundary have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water, and those measures shall be implemented in accordance with the approved details.

Reason: To avoid pollution of the surrounding area. Such details are fundamental to the application and are therefore required prior to its commencement.

- (7) Prior to the commencement of conversion works to the former Water Margin building, details of measures to mitigate the impact of air pollution on the occupiers of the three cottages hereby approved, as recommended in the Air Quality Assessment submitted with the application, shall have been submitted to and approved in writing by the Local Planning Authority. In the event that the highest standards of air-tightness and mechanical ventilation cannot be achieved without compromising the historic fabric of the building, a scheme that achieves the highest level of air tightness possible without compromising the historic fabric of the building shall be submitted. Such measures shall be implemented in accordance with the approved details and thereafter retained.

Reason: To protect the occupants of the cottages from poor air quality.

- (8) Prior to the commencement of conversion and extension works to the former Lloyds Bank building, a scheme to demonstrate that the internal noise levels within the residential units within this part of the development will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

- (9) Prior to the commencement of conversion works to the former Water Margin building, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. In the event this standard cannot be achieved without compromising the historic fabric of the building, the applicant is required to submit a scheme that achieves the highest level of sound insulation possible without compromising the historic fabric of the building.

The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

- (10) Prior to the commencement of the conversion and extension of the former Lloyds Bank building, details of external materials shall be submitted to the Local Planning Authority for approval and sample panels of the proposed bricks shall be made available on site. Following written approval of the external materials from the Local Planning Authority, the development shall be carried out in accordance with the approved details.

Reason: To safeguard the characteristics of the locality.

- (11) Notwithstanding the submitted materials details, prior to the commencement of the construction works, details and drawings of the following matters shall be submitted to, and approved in writing, by the Local Planning Authority:

- large-scale constructional drawings to show window frames and dressings (window head, sills etc.), doors and doorways, balustrades, framing and glazing details of glazed link, external services and plant for both the existing building and the extension.

The development shall be constructed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area. Such details are fundamental to the application and are therefore required prior to its commencement.

- (12) Prior to the commencement of the conversion and extension of the former Water Margin building, fine construction details and samples of all new materials and external finishes relating to the reconstruction of the front elevation at ground floor level and the construction of the rear extensions shall be submitted to the Local Authority. Following written approval of the external materials from the Local Planning Authority, the development shall be carried out in accordance with the approved details.

Reason: To safeguard the characteristics of the locality and preserve the character and appearance of the listed building.

- (13) Notwithstanding the details shown on the site layout plan, prior to the first occupation of the development hereby approved, details of hard and soft landscaping and a programme for carrying out the works on the whole site shall be submitted to the Local Planning Authority for approval. The submitted scheme shall include details of hard landscape works, including hard surfacing materials; and details of soft landscape works, including planting plans, written specifications (including cultivation and other

operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

The landscaping scheme on any part of the site shall be carried out fully within 12 months of the completion of the development on that part of the site. Any trees or other plants which, within a period of five years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

- (14) Notwithstanding the details shown on the site layout plan, prior to the commencement of construction or installation of any boundary treatment on any part of the site, details of boundary treatments (including walls, fences and railings) for the whole site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatments shall be completed in accordance with a timetable previously agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be permanently maintained.

Reason: To ensure a satisfactory appearance for the development in the interests of visual amenity and to safeguard the privacy and amenities of the occupiers of the existing neighbouring dwellings area and future occupiers.

- (15) No construction works shall take place on any part of the site until a scheme for the enhancement of biodiversity on the whole site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: This information is required prior to the commencement of development in order to protect and enhance existing species and habitat on the site in the future. Such details are fundamental to the application and are therefore required prior to its commencement.

- (16) Prior to the commencement of the conversion and extension of the Lloyds Bank building, details of the provision of electric vehicle-charging points to serve the occupiers of the apartments hereby approved, including a timescale for their provision, shall be submitted to and approved in writing by the Local Planning Authority. (In order to facilitate the use of plug-in vehicles, cabling to any side walls, garages, and / or communal bays should be provided). The charging points shall be provided in accordance with the approved details unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: In order to realise a sustainable pattern of development in the area.

- (17) No dwellings within the former Lloyds Bank building shall be occupied before the practical completion of the three dwellings within the former Water Margin building.

Reason: To secure the restoration of the listed building (Water Margin), which is accepted as justification for the non-provision of affordable housing.

- (18) Prior to the occupation of any dwelling within the converted and extended former Lloyds Bank building the existing vehicular access points onto London Road shall be permanently closed and the footway reinstated at the existing crossovers.

Reason: In the interests of highway safety.

- (19) Prior to the occupation of any dwelling on any part of the site, the pavement widening works on the London Road frontage (as shown generally on Drawing 1725 06A (Bat and Ball Cottages/Water Margin proposed plans) and which are required to be the subject of a Section 278 Agreement with the Local Highway Authority), shall have been completed.

Reason: To ensure the proposal provides adequate sustainable transport measures and in the interests of highway safety.

- (20) Notwithstanding the details shown on the site layout plan, no flats shall be occupied until details of secure, covered bicycle storage facilities to serve them have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the flats and shall thereafter be retained.

Reason: To ensure the proposal provides adequate sustainable transport measures.

- (21) The areas shown as vehicle parking spaces and turning shall be provided in accordance with the approved site layout plan prior to the occupation of any of the apartments hereby approved, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking and turning space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

- (22) Notwithstanding the details shown on the site layout plan, prior to the first occupation of any part of the development, details of the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out to each phase in accordance with the approved details and the refuse facilities shall thereafter be retained.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

- (23) No development shall take place until full details for the incorporation of energy efficiency measures and / or the promotion of renewable energy and sustainable construction within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generations. Such details are fundamental to the application and are therefore required prior to its commencement.

INFORMATIVES

- (1) Attention is drawn to the Mid Kent Environmental Code of Development Practice, the terms of which should be met in carrying out the development.
- (2) Attention is drawn to Approved Document E Building Regulations 2010 Resistance to the Passage of Sound as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.
- (3) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (4) The applicant is advised of the need to enter into an Agreement under S278 and/or S38 of the Highways Act 1980 with Kent County Council for the approval of works to the highway before commencement of any works on the land. The Agreements Team can be contacted on 03000 41 81 81.
- (5) 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. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (6) Regarding broadband connections the BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.
- (7) The applicant's attention is drawn to the comments of Scotia Gas Networks, and the need to ensure safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" are used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the applicants responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.
- (8) Southern Water advises that no habitable rooms should be occupied until planned improvements to capacity of the Bidborough Wastewater Treatment Works have been completed. The applicant/developer is advised to discuss this matter with

Southern Water. Also, it is possible that a sewer now deemed to be public could be crossing the site. Should any sewer be found during construction works an investigation of the sewer will be required to ascertain its condition, the number of properties it serves and potential means of access before any further works commence on site. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- (9) Kent County Council, as Lead Local Flood Authority, recommend that opportunities to incorporate SuDs features and / or reduce the surface water discharge rates from the site are explored to maximise these opportunities within the re-development. The applicant will need to ensure that arrangements exist for the long term maintenance of any SUDS facilities.
- (10) This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990 which affects the way in which the property may be used.

Case Officer: Richard Hazelgrove

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.