



# TONBRIDGE & MALLING BOROUGH COUNCIL

## EXECUTIVE SERVICES

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**Chief Executive**

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

4 September 2019

To: MEMBERS OF THE AREA 1 PLANNING COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 1 Planning Committee to be held in the Riverside Lounge, Angel Centre, Tonbridge on Thursday, 12th September, 2019 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 1 August 2019

**Decisions to be taken by the Committee**

4. Development Control 9 - 12

Introduction and Glossary

5. TM/19/01632/FL - Development Site, South Part of West Kent College, Brook Street, Tonbridge 13 - 44

6. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

**Matters for consideration in Private**

7. Exclusion of Press and Public

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**PART 2 - PRIVATE**

8. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr V M C Branson (Chairman)  
Cllr M D Boughton (Vice-Chairman)

Cllr Mrs J A Anderson  
Cllr Mrs P A Bates  
Cllr J L Botten  
Cllr G C Bridge  
Cllr A E Clark  
Cllr M O Davis  
Cllr N Foyle  
Cllr N J Heslop  
Cllr M A J Hood

Cllr F A Hoskins  
Cllr D W King  
Cllr K King  
Cllr J R S Lark  
Cllr M R Rhodes  
Cllr H S Rogers  
Cllr J L Sergison  
Cllr Miss G E Thomas  
Cllr F G Tombolis

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## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 1 PLANNING COMMITTEE**

**Thursday, 1st August, 2019**

**Present:** Cllr V M C Branson (Chairman), Cllr M D Boughton (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr J L Botten, Cllr G C Bridge, Cllr A E Clark, Cllr M O Davis, Cllr N Foyle, Cllr N J Heslop, Cllr M A J Hood, Cllr F A Hoskins, Cllr D W King, Cllr K King, Cllr M R Rhodes, Cllr H S Rogers, Cllr Miss G E Thomas and Cllr F G Tombolis.

Councillor D Lettington were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors J R S Lark and J L Sergison.

### **PART 1 - PUBLIC**

#### **AP1 19/21 DECLARATIONS OF INTEREST**

Councillor M Davis declared an Other Significant Interest in application TM/19/01226/FL (land adjacent to The Hutchings, Leigh Road, Hildenborough) on the grounds of his status as partner of Warner Solicitors who had acted for the applicant. He withdrew from the meeting and took no part in the discussion on this agenda item.

#### **AP1 19/22 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 30 May 2019 be approved as a correct record and signed by the Chairman.

### **DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

#### **AP1 19/23 DEVELOPMENT CONTROL**

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under

the relevant planning application shown below.

**AP1 19/24 TM/19/01251/FL - ENGINEERING WORKS, DRAYTON ROAD, TONBRIDGE**

Demolition of existing industrial unit and re-development of the site to provide 9 flats in a three storey building with associated communal garden at Engineering Works, Drayton Road, Tonbridge.

**RESOLVED:** That planning permission be GRANTED, subject to:

- (1) the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) with the local planning authority to make a financial contribution towards public open space;
- (2) the submitted details, conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health;
- (3) Amended Condition 10:

10. Notwithstanding the details provided by drawing number tr-1438-19LS, no above ground development shall take place until a full scheme of hard and soft landscaping across the site has been submitted to and approved by the Local Planning Authority. The scheme shall include full details of the size, species and location of all new planting. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation.

Reason: In the interests of visual amenity.

- (1) Additional Conditions:

11. Notwithstanding the details provided by drawing number tr-1438-19LS, no above ground development shall take place until a full scheme of boundary treatments to be installed across the site has been submitted to and approved by the Local Planning Authority. The scheme shall include details of the type and height of all such boundary treatments along with any associated regime for ongoing maintenance. Any boundary fences or walls or similar structures shall be erected before first occupation of the building hereby approved and shall be retained and maintained in accordance with the approved details in perpetuity.

Reason: In the interests of visual and residential amenity.

12. No above ground development shall take place until a scheme for the storage, screening and securing of the cycle store has been submitted to and approved by the Local Planning Authority. The cycle store shall thereafter be provided in accordance with the approved details prior to the first occupation of the development hereby approved and shall be retained at all times thereafter.

Reason: In order to ensure adequate provision of cycle storage to serve the development.

13. No external lighting shall be installed until full details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and retained at all times thereafter.

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

(5) Additional Informatives:

8. Pursuant to Condition 7, the applicant is advised to enter into early negotiations with the Local Planning Authority to ensure the precise palette of materials and associated means of external decoration across the development is acceptable.

9. Pursuant to Conditions 10 and 11, the application is advised that the detailed means of landscaping and boundary treatments should include provision for appropriately sized specimens.

10. The applicant is encouraged to consider opportunities for incorporating renewable energy technologies into the south facing roof slope of the building and for measures to support biodiversity within the construction of the building.

[Speakers: Jack Ciupka – member of the public; Lucy Harvey – agent]

**AP1 19/25 TM/19/01226/FL - LAND ADJACENT TO THE HUTCHINGS,  
LEIGH ROAD, HILDENBOROUGH**

Proposed dwelling at land adjacent to The Hutchings, Leigh Road, Hildenborough.

**RESOLVED:** That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Margaret Coles – Hildenborough Parish Council; Ryan Bayliss – applicant and Andrew Boakes – agent]

**AP1 19/26 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.05 pm



## TONBRIDGE & MALLING BOROUGH COUNCIL

### AREA PLANNING COMMITTEES

#### Report of the Director of Planning, Housing & Environmental Health

#### Part I – Public

#### Section A – For Decision

#### DEVELOPMENT CONTROL

In accordance with the Local Government Access to Information Act 1985 and the Local Government Act 1972 (as amended), copies of background papers, including representations in respect of applications to be determined at the meeting, are available for inspection at Planning Services, Gibson Building, Gibson Drive, Kings Hill from 08.30 hrs until 17.00 hrs on the five working days which precede the date of this meeting.

Members are invited to inspect the full text of representations received prior to the commencement of the meeting.

Local residents' consultations and responses are set out in an abbreviated format meaning: *(number of letters despatched/number raising no objection (X)/raising objection (R)/in support (S))*.

All applications may be determined by this Committee unless (a) the decision would be in fundamental conflict with the plans and strategies which together comprise the Development Plan; or (b) in order to comply with Rule 15.24 of the Council and Committee Procedure Rules.

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#### GLOSSARY of Abbreviations and Application types

#### used in reports to Area Planning Committees as at 23 September 2015

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent

LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

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<b>Tonbridge</b> Judd	<b>16 July 2019</b>	<b>TM/19/01632/FL</b>
Proposal:	Demolition of existing buildings and development of 51 dwellings along with associated vehicular and pedestrian access, car parking and landscaping	
Location:	Development Site South Part Of West Kent College Brook Street Tonbridge Kent	
Go to:	<a href="#">Recommendation</a>	

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## 1. Description:

- 1.1 This application is a revision to one refused permission earlier this year under reference TM/18/02206/FL. That previous scheme was refused permission for the following reason:

*“The proposed development, by virtue of the siting, scale, massing and height of Plots 3 - 8 combined with The Spinney, would result in an intrusive and dominant form of development when viewed from that neighbouring property, which would cause harm to outlook and the residential amenities of the occupants. The development is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and the requirements contained at paragraphs 127 (c and f) and 130 of the National Planning Policy Framework 2018.*

- 1.2 The reason for refusing the previous application for a residential development of this site is an important material consideration to take into account when determining the current application, bearing in mind the nature and scale of the development and that the site extent mirrors that of the previous application.
- 1.3 The layout of the proposed development within the south west corner of the site has been redesigned in order to seek to overcome the reason for refusing permission previously. The changes can be summarised as follows:
- Replacing two terraces, each with three dwellings and a pair of semi-detached dwellings, with three pairs of semi-detached houses (plots 3-8) shown on the submitted layout plans.
  - The height and form of those dwellings has changed with an overall reduction of the ridge height to 9m and an eaves of 5m.
  - The dwellings within these plots (3-8) would be located between 2 and 3m further north (forward) than the dwellings previously found to be unacceptable. This has increased the back to back distance between them and the existing dwellings within The Spinney to more than 22 metres.
  - The dwellings within plots 3-8 do not have single storey rear outshoots.

- The dwellings within plots 3-8 have hipped roofs to the rear, facing the dwellings within The Spinney and do not contain dormer or roof light windows within the roof slopes.
- 1.4 The remaining dwellings (the pairs of semi-detached dwellings within plots 9-14, the terrace of dwellings within plots 15-18 and the block of flats (units 19-51)) remain the same as shown in the previously refused scheme.
- 1.5 The proposed access arrangements (from Dame Kelly Holmes Way) remains the same as shown in the previously refused scheme.
- 1.6 Parking for the apartments would take place on the basis of 1 dedicated space per apartment. These spaces would be provided in bays to the front of the building and within a shared parking court behind the apartment building.
- 1.7 Car parking for the proposed dwellings would be on the basis of at least two spaces per dwelling. The dwellings within plots 4-14 inclusive would each have three car parking spaces, with one per dwelling being provided within a car barn. Twelve no. parking spaces would be provided for visitors as part of the overall development.
- 1.8 A total of 17 units within the apartment block are proposed to be provided as affordable housing. This equates to a provision of 33%. The proposed tenure is 12 units for shared ownership and 5 units for affordable rent.

## **2. Reason for reporting to Committee:**

- 2.1 In light of the recent planning history connected to the site and proposed development

## **3. The Site:**

- 3.1 The site is located within the urban confines of Tonbridge and forms part of the existing campus site of West Kent College. The site is located at the southern end of the campus site and is accessed from Dame Kelly Holmes Way. Currently, the site contains two buildings: one used by the college and the other a former children's day nursery. The site also contains car parking areas currently associated with the college and the nursery building.
- 3.2 The site of the proposed development is surrounded predominantly by residential areas (to the north east, east, south and west). The streets and dwellings vary in age and in terms of layout, form, design and use of materials. The dwellings in Dame Kelly Holmes Way fronting the access road consist mainly of terraced and semi-detached, two storey dwellings of red brick construction with cream weather boarding detailing at first floor level. These dwellings contain rooms within their roofs, with some of the dwellings presenting dormer windows within the front roof slope.

- 3.3 The dwellings within The Spinney are arranged on both sides of a cul de sac and date from the 1980's. The dwellings are detached and larger than the terraced dwellings located in Dame Kelly Holmes Way and have been developed at a lower density than that newer development. The dwellings in the Spinney are constructed from buff and red brickwork under pitched roofs clad with grey concrete tiles.
- 3.4 Quarry Bank to the south east of the site is a clustered cul-de sac development. It has a tighter, more densely built feel than The Spinney and contains detached dwellings formed predominantly from red/brown brickwork, although buff brick and render also feature. The dwellings are detached and have more steeply pitched roofs than those in The Spinney.
- 3.5 In terms of the West Kent College campus itself, the building located closest to the siting of the proposed dwellings is a part three storey, part four storey, flat roofed building finished externally from black brickwork and contrasting white render. This faces directly onto the access road, opposite the position of the proposed flatted building. To the south of this building a buff brick building with a pitched roof stands side on to Dame Kelly Holmes Way.
- 3.6 The land levels change significantly across the site. A steep bank is located between the accessed road the position of the former nursery building. The land continues to slope up towards the rear (southern) boundary.
- 3.7 A woodland Tree Preservation Order includes part of the south east corner of the site (between the college land and properties in Quarry Bank).

#### **4. Planning History (relevant):**

TM/18/02206/FL

Refuse

3 June 2019

Demolition of existing buildings and development of 53 dwellings comprising; 10 x 1 bed and 23 x 2 bed apartments in a part 3/4 storey building and 12 x 3 bed and 8 x 4 bed houses in part 2.5/3 storey buildings along with associated vehicular and pedestrian access, car parking and landscaping

#### **5. Consultees:**

- 5.1 KCC (H&T): No written response has been received at the time of writing this report; however officers have discussed the application with KCC and it is understood that a detailed written response will be provided shortly, to be reported as a supplementary matter.
- 5.2 KCC (SUDS): In principle, we are satisfied with the drainage design and associated discharge rates and have no objection to this application. Please be aware that the side slopes of any drainage basin should normally be no steeper than 1:3 to allow for vegetative stabilisation and for public safety reasons. Should

your local authority be minded to grant permission for this development, we would recommend conditions [regarding the submission of a detailed drainage system and subsequent verification report].

5.3 KCC (Economic Development): Financial contributions are being sought to the enhancement of existing community services as follows:

- Secondary Education enhancement: £97,737 (Phase 1 Judd School expansion).
- Community Learning: £1661.05 (Tonbridge Adult Education Centre)
- Youth: £686.97 (Towards South Tonbridge Children's Centre)
- Library bookstock: £2448.81 (Towards Tonbridge Library bookstock)
- Social Care: £2753.49 (Towards Tonbridge Derwent Day Centre for older people – kitchen improvements)

5.4 NHS: Financial contributions are being sought for the enhancement of existing GP practices to serve the proposed development. A sum of £42,408 is sought for the refurbishment, reconfiguration and/or extension of Warders Medical Centre and/or Hildenborough Medical Group.

5.5 EA: The application has been assessed as being of low environmental risk so we have no comments to make.

5.6 Southern Water: A formal application will be required for a connection to be made from the development to the public sewer. The application makes reference to drainage using SUDS. SUDS are not adopted by sewerage undertakes so arrangements for the long term maintenance and management of the SUDS will need to be put in place.

5.7 Kent Fire and Rescue: No objections

5.8 TMBC Leisure Services: Financial contributions are being sought for the enhancement of existing open spaces within the local area that will be required to meet the demands placed upon those facilities by the proposed development. The contributions sought are as follows:

- Parks and Gardens (Hayesden Country Park): £48,556
- Outdoor Sports Facilities (Tonbridge Racecourse Sportsground): £89,084
- Children's and Young People's Play Areas (Hayesden Country Park and Tonbridge Racecourse Sportsground): £11,697
- Natural and Semi Natural Green Spaces (Quarry Hill Wood): £4,858



5.9 TMBC Environmental Protection: Contaminated land: Based on the review of Geo-environmental Site Assessment (RSK, February 2018)

5.9.1 The report presents the findings of a combined preliminary risk assessment and limited intrusive investigation. The history and environmental setting of the site is reviewed and forms the basis of the intrusive investigation.

5.10 Soil samples did not indicate any significant contamination. Ground gas monitoring was undertaken with a single location showing elevated carbon dioxide. The report states that gas protection is not required based on a single marginally elevated concentration of carbon dioxide, however the data shows WS4 to have consistently elevated concentrations during all 3 monitoring visits. Industry guidance states where concentrations of carbon dioxide exceed 5%v/v, a classification of CS2/Amber 1 should be given. There does not appear to be any significant flow or source of gas, however due to the consistently elevated concentrations, I would suggest further monitoring or proposals for gas protection within the buildings near WS4. I would therefore recommend specific conditions [to ensure that appropriate remediation is carried out at the appropriate time].

5.11 Private Reps: 76 + press and site notices: 3X/0S/3R. Objections (3) received are made on the following grounds:

- More traffic will queue on the local roads.
- Additional queuing means that air pollution will be made worse on a street used by many children to walk to school.
- The resulting number of parking spaces for use by the college is derisory.
- The suggestion that students will use public transport is unrealistic.
- Overflow parking will take place in neighbouring streets.
- The Council should seek to use brownfield sites across the town first to resolve the housing requirements.
- The needs for residents of Dame Kelly Holmes Way are still not met. Residents should be allowed to park within the college grounds by way of parking permits.

5.11.2 Letters making comments on the application (3) are summarised as follows:

- The revision to plots 3-10 (old application) (3-8 new application) are far more sensitive to the neighbouring properties in The Spinney and are a welcome improvement.
- Request that Permitted Development rights are removed for works to the rear of plots 1-8.

- Remain sceptical that the Travel Plan will not result in parking over-spilling into the neighbouring streets.
- In the event that the travel plan fails, what sanctions will be imposed to ensure the surrounding area is not blighted?
- The scheme will only be supported if some of the 3 or 4 bedroom dwellings will be affordable.

## **6. Determining Issues:**

### Principle of the development:

- 6.1 The development plan is the starting point for determining all planning applications, (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006), and this is reiterated in paragraph 12 of the NPPF.
- 6.2 The site lies within the urban confines of Tonbridge. Development plan policy CP11 of the TMBCS seeks to ensure that development is concentrated within such areas in order to accord with the principles of sustainability set out in policies CP1 and CP2 of the TMBCS. The proposal accords with the requirements of this policy. In all respects the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards the supply and maintain and enhance the vitality of existing communities. Therefore policy CP11 by continuing to ensure that development is concentrated within the established settlement wholly accords with the aims of the NPPF in this regard.
- 6.3 The Council is, at present, unable to demonstrate an up to date five year supply of housing when measured against its objectively assessed need and as such the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF falls to 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 planning permission unless
    - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
    - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.4 In the context of point (i) the protected areas and assets of particular importance are listed in footnote 6, none of which apply to this site and as such the presumption in favour of sustainable development falls to be applied. In the context of point (ii) it is therefore necessary to assess whether any adverse impacts resulting from the proposal would significantly and demonstrably outweigh the benefits of the proposal when assessed against the NPPF as a whole. The assessment will therefore balance the benefits against the potential adverse impacts of the proposal in order to ascertain whether planning permission should be granted.

Effective use of land:

- 6.5 The NPPF seeks to make the effective use of land. Paragraph 117 requires decisions to promote an effective use of land in meeting the need for homes and other uses. Paragraph 118 of the NPPF recognises the value of using undeveloped and suitable brownfield land. In particular point (d) of paragraph 118 states that planning decisions should promote the development of under-utilised land particularly where this would meet an identified housing need. Notwithstanding the footnote to this paragraph states that the provision of point d) should be applied except where this would conflict with other policies in the Framework.
- 6.6 In addition, paragraph 122 of the NPPF states that planning decisions should support developments that make an efficient use of land, taking into account a number of issues. Of particularly relevance are points d) and e)
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
  - e) the importance of securing well-designed, attractive and healthy places.
- 6.7 Therefore whilst there is Government support for the efficient re-use of previously developed land, this must clearly not be at the expense of the character of the area within which the development would be located. Consequently the application must be assessed with regard to the overall impacts that may arise, and particularly within the context of the previous reason for refusal.

Impacts upon residential amenity:

- 6.8 Policy CP1 of the TMBCS states that when determining applications, residential amenity will be preserved and, where possible enhanced. Paragraph 127 of the NPPF echoes this policy by requiring planning decisions to ensure that developments have a high standard of amenity for existing and future users.
- 6.9 The amended scheme now for determination, which has reduced the overall number of units in the south-west corner along with associated changes to their

layout and built form, has resulted in a more spacious layout that respects the pattern of development within the locality. The previous development was refused permission because the dwellings within this part of the site would, by virtue of their siting, scale, massing and height, be intrusive and dominant when viewed from the dwellings within The Spinney they would back onto. The revised layout provides smaller blocks of buildings with greater spacing between them, located further away from The Spinney than previously proposed. The proposed units would not have the slab-like appearance of the two terraces of dwellings previously considered unacceptable and overly dominant. The layout, form and design of the dwellings now proposed in this part of the site would not result in the development appearing intrusive or dominant when viewed from the neighbouring properties within The Spinney, or indeed any of the other neighbouring properties bordering onto the site. Consequently, I consider that the development would not give rise to the same harm to residential amenity that was present within the previously refused scheme and overcomes the previous reason for refusing permission.

- 6.10 As with the previous scheme the development would avoid causing an unacceptable loss of privacy to the existing residential properties that adjoin the site. This is due to the positioning and orientation of the proposed dwellings and also the separation between them and the existing residential dwellings that surround the application.

Similarly, the position, size and design of the proposed buildings, in all respects, are such that the scheme would not cause an unacceptable loss of light or overshadowing to the existing dwellings adjoining the site as well.

Taking all of the above into account, the development is acceptable in terms of its impacts upon residential amenity and complies with policy CP 1 of the TMBCS and paragraph 127 of the NPPF. The development proposed successfully overcomes the previous ground for refusing permission for the earlier iteration of this development and, in this regard, the development would not result in significant or demonstrable harm.

*Impact upon the character of the locality and visual amenities:*

- 6.11 Policy CP1 of the TMBCS requires all new development to result in a high quality sustainable environment. Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. Policy SQ1 of the MDE DPD requires all development to reflect local distinctiveness and to protect, conserve and, where possible enhance the character of the area and be sensitive to change of the local character areas.
- 6.12 The above local plan policies do not conflict with the relevant policies of the NPPF and accord with section 12 which provides guidance on the importance of good

design. In particular, paragraph 127 of the NPPF states that planning decisions should ensure that developments,;

- (a) will function well and add to the overall quality of the area, not just for the short term but the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.13 Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.14 The character and layout of buildings surrounding the site varies considerably and it is in this particular context that the layout and form of the development has to be considered.

6.15 The development can be considered in three distinct elements as far as the layout is concerned. Each will be considered in light of its immediate context as well as the development as a whole.

6.16 A terrace of four dwellings would be built on the south east side of Dame Kelly Holmes Way and would follow the alignment of the existing dwellings fronting onto this road, although the proposed dwellings would be set further back from the road to allow for frontage car parking. This terrace would have a similar scale the existing dwellings within Dame Kelly Holmes Way and would incorporate pitched roofs sloping the same direction (front to back). The proportions of each dwelling including the size of the roof would be similar to those of the existing neighbouring dwellings, although it is noted that they would stand taller, being located on higher

land. The dwellings would have a more contemporary external appearance than the existing dwellings, due to the size of the window openings, but they would none the less respect the pattern and scale of development in Dame Kelly Holmes Way. For the avoidance of doubt this element of the scheme has not been altered since the earlier scheme was determined.

- 6.17 The element of the scheme next to this terrace of dwellings is the proposed apartment building located approximately in the position of the existing nursery building. This would be finished externally with similar brickwork to the proposed terraced building, as well as white rendered panelled walls and panels of cladding. This building would stand opposite the part 3, part 4 storey college building located at the southern end of the site and would have a form, design and height that has been clearly influenced by this building. Again, this part of the scheme remains unaltered from that previously considered by the committee.
- 6.18 These two elements of the development have been designed to respect their particular context in terms of overall scale, height, form and design. These buildings would not appear incongruous when viewed from Dame Kelly Holmes Way, or indeed other vantage points.
- 6.19 The third element of the scheme is the row of semi-detached dwellings that would extend across the southern part of the site, extending from West Rise in the west, to Quarry Bank in the east and standing behind the dwellings on the north side of The Spinney. This arrangement respects the patterns of the existing adjacent residential developments in The Spinney, West Rise and Quarry Bank. Whilst this element of the development contains semi-detached rather than the detached dwellings found in The Spinney and Quarry Bank, the arrangement and scale of the dwellings are such that they would not be an incongruous form of development when considering the layout of existing dwellings in the locality. It is this part of the scheme that the previous ground of refusal focused on and that has been subject to the amendments that are now for determination within the context of this fresh planning application.
- 6.20 Reducing the amount of dwellings in this part of the site by two and locating only semi-detached dwellings along the southern part of the site provides a uniformity of plot width, which is in keeping with the width of plots in The Spinney and provides a more open and spacious form of development within the south west corner of the site than was found in the previously refused scheme. Whilst these changes seek to overcome the residential amenity reason for refusing permission previously, they inevitably alter the appearance of the development.
- 6.21 The dwellings located within plots 3-8 have been reduced in height from the scheme refused permission. These would stand lower than the dwellings to the rear in The Spinney. At ridge level they would now be 9m in height compared to 10.5m as previously proposed. They would be seen as being a similar overall height as the neighbouring dwellings to the rear in The Spinney and the proposed

dwelling within plots 1 and 2, located immediately to the west. The proposed dwellings within these plots would also have a different external appearance to the proposed dwellings located on either side of them. However due to their appropriate scale, height, positioning and use of features common to the wider development, such as external materials and roof forms, they would integrate well within the scheme as a whole and provide a harmonious street frontage.

6.22 The pairs of semi-detached dwellings located within plots 9-14 remain the same in terms of position, form, size and design as previously proposed. These would stand 7m high at eaves level and 10.5m at ridge level and would have gables facing the communal access road to the front and facing towards The Spinney dwellings to the rear. The relationship of these particular dwellings to the neighbouring properties was not considered to be unacceptable in the previously refused scheme and it must follow, therefore, that it remains acceptable as part of the current proposal.

6.23 Land levels change quite significantly across and beyond the site. The land generally rises from south to north as the site is located on a (Quarry) hill, although level plateaus have been cut into the land to provide the car parks and site of the two existing buildings within the site that will be removed under this proposal. The land steps up significantly in the location of the proposed apartment building which is why it contains an additional storey facing the access road and existing college buildings to the north. The drawings show that this building would be built at levels very similar to those of the prevailing ground level. The highest part of the site (the south east corner) is shown to have its level reduced by between approx. 400mm and 1000mm where it will accommodate units 9 to 14. In the area of plot 18 (the end terraced unit near the entrance to the development), part of the land level would be reduced by over 1000mm to create a level floor level for the terrace as a whole. In other parts of the site the land levels would be raised to provide a level base for the dwellings and access road. For example, in the area that will contain the dwelling in plot 5, the sloping ground would be raised at the southern end by approx. 600mm to provide a level base for that dwelling. However, the proposed floor level for this unit is still shown to be approx. 400mm lower than the rear garden of no. 19 The Spinney which is located to the rear of that plot.

6.24 It is not uncommon on sites that vary in level as much as this one does that the proposed development will require re-profiling to provide flat/flatter areas for the buildings, access roads, footpaths, gardens and car parks. The general arrangement of the proposed re-profiling as proposed when considered as part of the development as a whole would provide the dwellings at an appropriate level in relation to the existing neighbouring buildings and garden areas. However, it would still be reasonable and necessary, given the topography of the local area, to require specific details to be provided of the finished floor level of each plot in relation to the prevailing and proposed ground levels. This can be required by a condition attached to a planning permission.

- 6.25 The development has been laid out to safeguard the protected trees located along the south east boundary of the site. The development would not include the erection of new buildings in this part of the site. Instead it would be laid out with car parking and rear gardens. The development would be undertaken with appropriate tree protection measures in place for the duration of the demolition and the construction works.
- 6.26 Trees that are not the subject of the Tree Preservation Order are shown to be removed as part of this development. One such tree is an Oak adjacent to the boundary with no.4 Hillside on the west side of the site. Officers have assessed whether it is worthy of retention as part of the overall development. The tree has lost its top in the past and now has an unbalanced crown. There are major cavities in the trunk where branches have broken out or been removed. It is not considered to be of such worth to the amenity of the locality that would warrant its protection with a TPO and retained as part of the development. The indicative landscaping plans show that numerous trees would be planted in the communal areas and between the parking bays that would front onto the access roads. The replacement indicative tree planting as part of the overall development would offset the impact of removing the existing trees shown to be removed.
- 6.27 A variety of materials have been used in the surrounding developments, but include different colours of brickwork, rendered walls and concrete tiles. Given this mixed context, it would not be appropriate to introduce all of these materials into the proposed development. Instead it is proposed to make use of a more limited palette including brickwork, rendered walls, grey external window/door openings, cladding and roof materials. Specific details of materials can be required by a condition attached to a permission. However the development as a whole would have a coherent identity and would not appear incongruous in this locality.
- 6.28 The site lies approx. 400m north of the boundary of the High Weald AONB with the A21, woodland and the urban area of south Tonbridge standing between it and the application site. In light of these factors and that the development would be surrounded by existing buildings, it would not have an impact upon the setting of the High Weald AONB.
- 6.29 In conclusion, the development would be of a well-conceived layout that would safeguard the existing protected trees and be of a density, form and scale that would respect the layout and scale of buildings that surround the site.
- 6.30 In light of all of these factors, the development is considered to comply with development plan policies CP1, CP 24 and SQ 1, as well as current relevant national policy contained within the NPPF.

*Highway safety and parking provision:*

- 6.31 Policy CP 2 of the TMBCS requires developments that are likely to generate a significant number of trips to meet a number of requirements that includes:



- Be well located to public transport, cycle and pedestrian routes and with good access to local services
- Minimise the need to travel through the implementation of a Travel Plan
- Provide, make use of or enhance a choice of transport modes, including public transport, cycling and walking

6.32 Policy SQ 8 of the MDE DPD states that developments will only be permitted where they would not significantly harm highway safety or where traffic generated by such developments can adequately be served by the highway network. It also states that development will not be permitted which involves the increased use of an existing access onto the primary or secondary road network where a significantly increased risk of crashes or traffic delays would result.

6.33 Paragraph 102 of the NPPF states that transport issues should be considered from the earliest stages so that the potential impacts of development on transport networks can be addressed and that opportunities to promote walking, cycling and use of public transport can be pursued.

6.34 Paragraph 103 of the NPPF states that the planning system should actively manage patterns of growth in order to support the objectives set out in paragraph 102. It further states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

6.35 Paragraph 108 of the NPPF states that when assessing specific planning applications, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- Safe and suitable access to the site can be achieved for all users; and
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable level.

6.36 Paragraph 109 states that developments should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

6.37 The Council's development plan policies, whilst predating the NPPF by a considerable time, clearly have the same objectives and are, therefore, considered to be consistent with national planning policy concerning the highway safety impacts of development.

- 6.38 As acknowledged at Section 5 of this report, written representations of KCC (H+T) are still awaited. However, it is still possible to make an informed assessment on the application as it currently stands given that it proposes a net reduction in overall residential units, access arrangements are to remain as previously considered and detailed representations have previously been provided (raising no objections to the larger scheme). Awaited representations will be reported in a supplementary report. Of course, if any new issues arise concerning highway safety matters, these will be considered fully by officers prior to the commencement of the Committee meeting.
- 6.39 The proposed development, like the previously refused scheme, has the potential to give rise to impacts in two ways. Firstly, as a result of the traffic generation and need for car parking arising from the residential development itself. Secondly, the implications for college car parking arising from the reduction in spaces to serve the campus. This are addressed in turn below.

**Impacts concerning traffic generation/junction capacity and car parking provision:**

- 6.40 The following assessment is based upon the previous assessment provided by the local highway authority and, of course, taking into account the updated Transport Assessment provided by the applicant in light of the fact that the development has been reduced in scale by two houses.
- 6.41 With regard to the forecast trip generation, the development was considered by the applicant's consultant against the baseline situation which includes the children's day nursery which has now ceased operation.
- 6.42 The proposed development would increase the overall number of traffic movements across the site across a daily period, but would result in a reduction in the number of trips during the AM and PM peak periods. Therefore the anticipated increase in traffic movements to and from the site would occur where there is a greater amount of capacity within the highway network. When considering the impact of additional traffic movements upon the local highway network, the AM and PM peak times are used to consider the 'worst case' scenario of a particular development proposal. In this particular case the evidence provided demonstrates that, during these peak times, the proposed development would generate less movements to and from the site than those associated with the former children's day care nursery and the college building to be removed as part of the proposed development. Therefore, whilst the development would cause a greater number of vehicle movements during the day as a whole, the impacts upon the local road network are not considered to be unacceptable.
- 6.43 Junction capacity assessments have been undertaken of the Brook Street/Dame Kelly Holmes Way junction and at the Brook Street/A26 roundabout. The assessments conclude that both junctions will continue to operate with either no

additional queuing (Brook Street/A26) or minimal additional queuing (Brook Street/Dame Kelly Holmes Way). These assessments take account of background future growth.

- 6.44 The local highway notes that the junction of Brook Street/A26 would be over capacity in the forthcoming local plan period due to planned and background growth. However it notes that the currently proposed development would not lead to a worsening of the conditions at the junction itself or an overall increase in traffic movements during both the AM and PM peaks. In any event, I must make clear that the junction would not be over capacity once the mitigation coming forward as part of the local plan process is implemented. As such, the local highway authority does not consider that contributions should be sought from the developer for improvements to highway infrastructure. The issue of the capacity of the Brook Street/A26 junction is correctly being considered through the local plan process and as and when applications are submitted for those planned sites. Consequently, no mitigation is needed in relation to this particular scheme in order to make it acceptable in planning terms.
- 6.45 With regard to the proposed car parking provision, 92 spaces are to be provided to serve the proposed 51 dwellings. This overall number complies with the Council's adopted parking standards set out within the adopted parking standards contained within the IGN 3. The plans show that each of the houses will have at least 2 car parking spaces (some would have three) and the flats would have 1 space each. 12 visitor parking bays would also be provided.
- 6.46 The development has been designed with secure cycle storage provision within the apartment building. Bus stops are readily accessible in Brook Street with links to the High Street and Tonbridge railway station. A section of cycle lane runs along the north side of Brook Street between the Judd School and the junction with Quarry Hill. The scheme is located within a highly sustainable location and is readily accessible by means other than the private motor car.
- 6.47 In terms of the impacts arising from the occupation of the proposed dwellings, the development would be focused in an area that is sustainable and would be accessible by a range of modes of transport. The traffic generation created by the development would not result in an unacceptable impact upon highway safety and the residual cumulative impacts on the road network would not be severe. Consequently, the development in terms of the impact of the new dwellings themselves is considered to be compliant with nation and development plan policies concerning highway safety matters.

**Impacts arising from the loss of car parking within the college campus:**

- 6.48 The adopted car parking standards demonstrate that following the demolition of the Oaks Building as part of this development, a maximum of 396 car parking spaces would be required to serve the college (my emphasis). The current

proposal would result in the college having 350 car parking spaces available for its use. As it noted in the response from KCC (H&T), this provision accords with the adopted parking standards as they are expressed as a maximum amount that could be required.

- 6.49 Parking surveys undertaken by the applicant in respect of the previously refused scheme show that the level of car parking within the college site did not exceed the amount of car parking proposed to be left within the college campus. The peak parking observed amounted to 342 vehicles. It should be noted that these observed levels of parking occurred at a time when the college is not actively monitoring or controlling how its students travel to the college. Furthermore, this lack of monitoring/control of the college car parks has also enabled non-college users to park within the college campus occupying spaces that could otherwise be used by students, college staff or visitors.
- 6.50 Consequently, the evidence indicates that there will still be sufficient car parking available to serve the college following the proposed development. It is, of course possible that if students cannot find a parking space within the campus, they will seek to find parking elsewhere within the locality. There are of course parking restrictions in some of the local roads (including Brook Street, College Avenue, Shakespeare Road and Burns Crescent) that would prevent parking that would cause hazards to road safety, in the opinion of the highway authority.
- 6.51 The expression of car parking standards for education establishments (and other uses) as the maximum that could be sought is to ensure that such facilities are located in areas that are accessible by modes of transport other than the private motor car. As has been set out earlier in this report this part of Tonbridge is considered to be readily accessible by public transport with the railway station being only a short walk away, and bus stops located nearby. Wide pavements are located along each side of Brook Street, one of which now also contains a cycle lane along part of its length. The college is, therefore, well placed, in planning terms, to take advantage of a range of transport choices for students, staff and visitors.
- 6.52 A Travel Plan has been submitted in support of the current application, which updates the existing one relating to West Kent College. As a direct consequence of the proposed development, the college and the applicant would be bound to work collaboratively to undertake certain measures to manage more proactively the way in which students and staff travel to the college, with the intention to reduce car travel and make more use of more sustainable travel measures. These include:
- Installing barriers at the entrance to the college car park and introducing a permit based parking scheme that will limit the number of cars entering the car park to those that are available. The entrance barrier will be placed within the access to the car park located on the north side of the college campus, off

Dame Kelly Holmes Way. The exit barrier will be located on the access road located on the west side of the campus, to the north of the buildings. The barriers will be erected prior to the first occupation of any dwellings within the residential development proposed.

- The permit system will be means tested by the college based upon the distance a student will have to travel and the needs of the student (such as any accessibility requirements).
- The college will monitor student parking that occurs off site in the locality. Members of staff will monitor students parking during the morning and afternoon dropping off/picking up times.
- A mini bus service will be used to bring students to and from the site.
- Public transport choices will be promoted by the college to students. This will be achieved through measures including providing a welcome pack, displaying travel information on communal information boards, publication of a six monthly newsletter and the provision of a dedicated page for the Travel Plan on the College's website.
- A forum consisting of the college, local residents, KCC and TMBC councillors will be formed to review the effectiveness of the Travel Plan going forward. This forum will convene at least twice a year to discuss these matters.

6.53 In order to ensure that the measures contained within the Travel Plan are effective, both the applicant and the College have agreed to sign up to a s.106 planning obligation, which will set out certain obligations that both parties will be bound to undertake regarding certain measures that will be set out within the Travel Plan. This means that the measures agreed to within the planning obligation can be enforced against should either party breach the terms of the obligation.

6.54 Taking the above into consideration, there is no evidence to demonstrate that the development either in terms of the amount and nature of traffic it would generate or through the loss of the existing car parking spaces within the college site would cause unacceptable impacts upon highway safety by itself or would cumulatively result in a severe impact upon the highway network. The measures to be undertaken by the developer and the college as set out in the Travel Plan will help to manage better the demands placed upon the remaining car parking within the college site and will be enforceable by the Borough Council. The site is located within an area that is accessible by means other than the private motor car, conveniently located accessible from Tonbridge town centre. Taking all of these factors into account, the development would not be contrary to development plan policies CP 2, SQ 8 and national planning policies contained within paragraphs 102, 103 108 and 109 of the NPPF.

Air Quality:

- 6.55 Policy SQ 4 of the MDE DPD states that developments will only be permitted where they would not result in a significant deterioration of the air quality of the area and where they would not result in the creation of a new AQMA. There must also be no impact upon the air quality of internationally, nationally or locally designated sites of nature conservation interest. Paragraph 181 of the NPPF states that planning decisions should contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of AQMAs and the cumulative impacts from individual sites.
- 6.56 Understandably, impacts upon the highway (in terms of traffic generation) interrelate with those concerning air quality. As has been found in the preceding section of this report, there is likely to be a reduction in the number of vehicle trips during the AM and PM peak times compared to the baseline situation. It therefore follows that due to such a reduction in vehicle trips, there would not be an unacceptable impact upon air quality during the same times of the day. Whilst vehicle trips would increase across the day as a whole, it has been found that this would not result in additional queuing at the Brook Street roundabout and only minimal additional queuing at the junction of Dame Kelly Holmes Way and Brook Street.
- 6.57 The following information in this section of my report was received from the Council's Environmental Protection Team concerning how the Council monitors air quality in the Borough and, specifically, in this part of Tonbridge and why the development is unlikely to cause demonstrable harm in terms of air quality.
- 6.58 TMBC, of course, has a duty to review air quality in the Borough and this is undertaken primarily by means of installing a diffusion tube network for the pollutant Nitrogen Dioxide, to establish the annual average mean of Nitrogen Dioxide levels for comparison to the annual objective limit of 40ug-3. However Statutory Guidance states this objective should only apply at locations where members of the public might be regularly exposed, including the building facades of residential properties, schools, hospitals etc. For this reason where diffusion tubes are located at the kerbside or roadside for practicality, a distance correction will always be applied to establish the pollution level at the closest relevant building façade.
- 6.59 In choosing the placement of the diffusion tube network in areas where the objective limit may be exceeded, regard is given to a number of factors including, but not exclusively, the volume of traffic, the likelihood of traffic queueing (stationary traffic will generate more pollution), and whether there are any factors such as the existence of a street canyon which may inhibit pollution dispersal.

6.60 In the case of the junction at Dame Kelly Holmes Way/Brook Street several factors indicate the objective level for NO<sub>2</sub> will not be exceeded and that monitoring at this time is not warranted in this location. These include:

- The volume of traffic/likelihood of queueing is unlikely to exceed other major junction areas where monitoring is already undertaken and the objective not exceeded, such as Cannon Lane/Hadlow Road (21.4ug-3 in 2017) and Bordyke/High Street (29.3ug-3 in 2017).
- The area around the Dame Kelly Holmes Way/Brook Street junction is very open giving a greater amount of pollution dispersal.
- In relation to point 2 above, monitoring at the kerb/road side would require significant distance correction meaning exceedance at relevant receptors is unlikely.

6.61 In light of the above, the proposed development is not considered to cause demonstrable harm to air quality in the locality. Additionally, it must follow that the development would not prejudice the delivery of the allocated sites in south Tonbridge. Of course, any applications coming forward in respect of these sites will also need to take into account the impacts of the development currently proposed upon air quality should permission be granted. The development therefore complies with Development Plan policy SQ 4 and paragraph 181 of the NPPF.

Ecological impacts:

6.62 Policy NE2 of the MDE DPD states that the bio-diversity of the Borough and in particular, priority habitats, species and features will be protected, conserved and, where possible, enhanced.

6.63 Policy NE3 of the MDE DPD states that development that would adversely affect the biodiversity value of the wildlife habitats will only be permitted if appropriate mitigation measures are provided.

6.64 Current national planning policy concerning ecological issues is contained within section 15 of the NPPF. Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by a range of measures including protecting and enhancing sites of bio-diversity value and minimising impacts on bio-diversity. Clearly the development plan policies relating to bio-diversity remain consistent with national planning policy.

6.65 There are no designated sites located within or directly adjacent to the site. The habitat within the site is of low value to wildlife. The trees within the site have potential to support low numbers of common nesting birds. The belt of protected trees located along the south eastern boundary of the site will not be affected by this proposal and will continue to provide suitable habitat for nesting birds. Trees

within the site have also been assessed for their potential to support roosting and foraging bats. The site is considered to have a low ecological value for roosting bats due to the lack of appropriate nesting cavities or other features within the trees. The site is considered too small to support foraging bats in isolation. Similarly due to the small size of the site it is considered to have negligible value for reptiles as well, although two small woodpiles within the site could provide shelter for grass snakes and slow worms.

- 6.66 Good quality landscaping could help to improve the bio-diversity of the site. The submitted landscaping Masterplan show that compensatory tree planting will be taken place as part of the development together with the retention of the mature belt of protected trees. A detailed landscaping scheme is something that is normally required by a condition to be submitted for approval by the LPA.
- 6.67 Given the limited value of the existing site in ecological terms and that comprehensive soft landscaping will be taking place as part of the development, the development is considered to be acceptable in terms of its ecological impacts. Consequently the development complies with policies NE2 and NE 3 of the MDE DPD and national planning policy contained within section 15 of the NPPF.

Drainage:

- 6.68 Due to the scale of the development, surface water will need to be managed by a Sustainable Urban Drainage System (SUDS). KCC (SUDS) is satisfied that such a system can be designed into the development scheme subject to the detailed design of that being approved beforehand. A suite of conditions can be used to require such details to be submitted for approval by the Borough Council, before the scheme is installed and for arrangements to be put in place for the long term maintenance of the SUDS once it has been installed.

Planning obligations:

- 6.69 Policy CP17 of the TMBCS states that within urban areas of the Borough, affordable housing will be sought on all development with 15 dwellings or more at a level of 40%. The proposed development for 53 dwellings therefore triggers the requirement to provide affordable housing as part of the development.
- 6.70 In the previous scheme, following discussions between the applicant and the Borough Council (and an independent assessment for the Borough Council by viability consultants), an affordable housing provision of 17 units was agreed to, which equated to a 32% provision. This would consist of 12 of the flats for shared ownership and 5 for affordable rent. Whilst the current scheme is for two fewer dwellings than previously proposed, the affordable housing provision remains the same (the overall percentage has now increased to 33%). This provision, whilst still falling short of the current policy requirement, has been demonstrated to be the most that could be delivered by this scheme and it is a provision that would be deliverable by a registered provider. Material considerations in the form of the



NPPF, National Planning Guidance and the Council's current housing need indicate that the current proposal for affordable housing provision as part of this scheme is now acceptable. The applicant would be required to enter into a planning obligation with the Borough Council to deliver this affordable housing.

6.71 Due to the scale of the proposed development, open space has to be provided in accordance with policy OS3 of the MDE DPD. Whilst amenity green space will be provided on site, the applicant will be required to make a financial contribution of £154,195 for the enhancement of other types of public open space in the locality. This will include the enhancement of outdoor sports facilities at Tonbridge Racecourse sportsground, children's play equipment at Haysden Country Park and Tonbridge Racecourse sportsground, and the enhancement of the wider Haysden Country Park as well as the natural green space at Quarry Hill Wood.

6.72 The applicant will also be required to make a financial contribution to Kent County Council in respect of the following:

- Judd School Phase 1 expansion £97,737.00
- Improvements to south Tonbridge Children's centre £686.97
- Improvement to Tonbridge library book stock £2,448.81
- Improvements towards Tonbridge Derwent Day Care Centre £2753.49

6.73 With the exception of the request concerning the Derwent Day Care Centre, the request for the monies in respect of above projects meets the tests set out in Regulation 122(2) of the CIL Regulations 2010 (as referenced in paragraph 56 of the NPPF). As such it is considered to be necessary to seek these contributions from the applicant and they will also need to be dealt with by way of a s.106 planning obligation. The project concerning the Derwent Day Centre (improving the kitchen facilities) whilst desirable is not considered to meet the tests in Regulation 122(2) of the CIL Regulations. This element of the contribution, whilst offered by the applicant, will not be sought by the Borough Council. The development will, therefore, accord with the requirements of policy CP25 of the TMBCS which requires the necessary service, transport and community infrastructure to be provided at the time it is needed.

*Conclusion and overall planning balance:*

6.74 The site lies within the confines of the existing urban settlement and comprises a highly sustainable location. The proposal has been designed to remove any unacceptable impact on levels of adjacent residential amenity and there would be no unacceptable impacts in any other respect.

6.75 Consequently there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the provision of 51 residential units, when

assessed against the NPPF as a whole, particular when there is an acknowledged shortfall of housing in the Borough. Therefore the presumption in favour of development falls to be applied, there are no substantial adverse impacts that outweigh the benefits of the proposed development and accordingly I recommend planning permission is granted subject to the following planning conditions and planning obligation(s).

## **7. Recommendation:**

- 7.1 Grant planning permission** in accordance with the following submitted details:  
Travel Plan received 19.08.2019, Management Plan parking received 19.08.2019, Transport Assessment Part 1 received 10.07.2019, Transport Assessment Part 2 received 10.07.2019, Environmental Assessment Geo received 10.07.2019, Environmental Assessment Figures received 10.07.2019, Statement Community Involvement received 10.07.2019, Drainage Statement received 10.07.2019, Noise Assessment received 10.07.2019, Other Addendum Appendices July 2019 received 10.07.2019, Other Appendices SCI 2018 received 10.07.2019, Arboricultural Assessment received 10.07.2019, Letter Revised Cover received 18.07.2019, Schedule of accommodation received 30.07.2019, Artist's Impression 2675.1-3D-5001-D(1) received 10.07.2019, Artist's Impression 2675.1-3D-5002-D(1) received 10.07.2019, Artist's Impression 2675.1-3D-5003-D(1) received 10.07.2019, Sections 2675.1-A-1011-A received 10.07.2019, Sections 2675.1-A-1012-A received 10.07.2019, Existing Plans and Elevations 2675.1-A-1100-A Nursery received 10.07.2019, Existing Plans and Elevations 2675.1-A-1101-A Oaks building received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3000-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3005-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3010-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3015-B received 10.07.2019, Proposed Floor Plans 2675.1-A-3700-B received 10.07.2019, Proposed Elevations 2675.1-A-3701-A received 10.07.2019, Site Layout 2675.1-C-1005-G received 10.07.2019, Sections 2675.1-C-1210.1-PL-A received 10.07.2019, Street Scenes 2675.1-C-1211-PL-A received 10.07.2019, Street Scenes 2675.1-C-1212-PL-A received 10.07.2019, Sections 2675.1-C-1213-PL-E received 10.07.2019, Section 2675.1-C-1216-PL-A received 10.07.2019, Site Layout 2675.1-A-1004A received 10.07.2019, Plan 2675.1-A-1006A Separation distance received 10.07.2019, Section 2675.1-A-1010A Existing received 10.07.2019, Proposed Elevations 2675.1-A-3702-A received 12.07.2019, Tree Protection Plan ASH21697-03C SHEET 1 OF 2 received 16.07.2019, Tree Protection Plan ASH21697-03C SHEET 2 OF 2 received 16.07.2019, Landscape Layout 1534/001 M received 18.07.2019, Plan 2675.1-A-1005.1-E Site Analysis received 18.07.2019, Location Plan 2675.1-A-1000-A received 10.07.2019, Flood Risk Assessment received 10.07.2019, Supporting Statement WKC received 10.07.2019, Planning Statement received 10.07.2019, Design and Access Statement received 10.07.2019, Ecological Assessment received 10.07.2019, Transport Assessment Addendum received 10.07.2019, Statement Sustainability & Energy received 10.07.2019, subject to:

- The applicant and West Kent College entering in to a planning obligation with the Borough Council to agree to undertake measures set out in the Travel Plan
  - The applicant entering into a planning obligation with the Borough Council to make financial contributions towards the enhancement of existing open spaces within the local area
  - The applicant entering into a planning obligation with Kent County Council to make financial contributions towards the enhancement of Judd School, local library provision and adult education services
  - 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. No above ground works shall take place save for the works to Dame Kelly Holmes Way as detailed on Drawing 2017/4089/004 Rev E Proposed Access Arrangements (contained within the Transport Assessment) until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. No above ground works shall take place save for the works to Dame Kelly Holmes Way as detailed on Drawing 2017/4089/004 Rev E Proposed Access Arrangements (contained within the Transport Assessment) until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

4. The relevant unit shall not be occupied until the relevant parking space for that unit shown on plan no. 2675.1-C-1005-G as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

5. The bathroom window on the rear elevation at first floor level of unit 2 (as shown on drawing no. 3000 rev B) shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the extension is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

6. No development shall take place other than as required as part of any relevant approved site investigation works save for the works to Dame Kelly Holmes Way as detailed on Drawing 2017/4089/004 Rev E Proposed Access Arrangements (contained within the Transport Assessment) until the following have been submitted to and approved by the local planning Authority:

(a) results of additional gas monitoring at WS 4 and a risk assessment of the degree and nature of an contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) other than the demolition of the existing buildings, prior to the commencement of the above development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

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

7. Following completion of the approved remediation method strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. Where it is identified that further remediation works are necessary, details and a timetable of these works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

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

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: In the interests of amenity and public safety

9. Prior to the commencement of the development hereby approved, arrangements for the management of all demolition and construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:

- The days of the week and hours of the day when the demolition and construction works will be limited to and measured to ensure these are adhered to;

- Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;

- Procedures for notifying the existing residents of properties in Dame Kelly Holmes Way, The Spinney, Hillside and Quarry Bank which adjoin the application

site as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and

- The specific arrangements for the parking of contractors' vehicles within or around the site during construction and any external storage of materials or plant throughout the construction phase.

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

Reason: In the interests of residential amenity and highway safety in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

10. Other than the demolition of the existing buildings, development shall not begin save for the works to Dame Kelly Holmes Way as detailed on Drawing 2017/4089/004 Rev E Proposed Access Arrangements (contained within the Transport Assessment) until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

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

11. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:
  - A description of the drainage system and its key components
  - A general arrangement plan with the location of drainage measures and critical features clearly marked
  - An approximate timetable for the implementation of the drainage system

- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 165 of the NPPF (July 2018) and the Non-Statutory Technical Standards for Sustainable Drainage.

12. No dwelling within the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

13. No above ground works shall take place in respect of any of the dwellings hereby approved until details of the finished floor, eaves and ridge levels for that particular dwelling in relation to the existing and proposed ground levels adjacent to it have first been submitted to and agreed in writing by the Local Planning Authority.

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

14. The development shall be undertaken in accordance with the in tree protection measures shown on plan ASH21697-03B Sheets 1 and 2.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-

enacting that Order) no development shall be carried out within Classes A, B, or E of Part 1; of Schedule 2 of that Order.

Reason: In order to protect the residential amenity of the neighbouring residential properties and to enable the car barns to be kept available for car parking.

16. None of the dwellings shall be occupied until details of a scheme to install electric vehicle charging points within the development has been submitted to and approved by the Local Planning Authority. The work shall be carried out in strict accordance with those details prior to the occupation of any of the dwellings within the site.

Reason: In order to encourage the occupation of the dwellings by people using electric vehicles to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 110 of the National Planning Policy Framework 2019

- 17 The development shall be undertaken in accordance with the details shown on the following drawings:

Sections 2675.1-A-1011-A received 10.07.2019, Sections 2675.1-A-1012-A received 10.07.2019, Existing Plans and Elevations 2675.1-A-1100-A Nursery received 10.07.2019, Existing Plans and Elevations 2675.1-A-1101-A Oaks building received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3000-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3005-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3010-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3015-B received 10.07.2019, Proposed Floor Plans 2675.1-A-3700-B received 10.07.2019, Proposed Elevations 2675.1-A-3701-A received 10.07.2019, Site Layout 2675.1-C-1005-G received 10.07.2019, Sections 2675.1-C-1210.1-PL-A received 10.07.2019, Street Scenes 2675.1-C-1211-PL-A received 10.07.2019, Street Scenes 2675.1-C-1212-PL-A received 10.07.2019, Sections 2675.1-C-1213-PL-E received 10.07.2019, Section 2675.1-C-1216-PL-A received 10.07.2019, Site Layout 2675.1-A-1004A received 10.07.2019, Plan 2675.1-A-1006A Separation distance received 10.07.2019, Section 2675.1-A-1010A Existing received 10.07.2019, Proposed Elevations 2675.1-A-3702-A received 12.07.2019, Tree Protection Plan ASH21697-03C SHEET 1 OF 2 received 16.07.2019, Tree Protection Plan ASH21697-03C SHEET 2 OF 2 received 16.07.2019, Landscape Layout 1534/001 M received 18.07.2019, Plan 2675.1-A-1005.1-E Site Analysis received 18.07.2019, Location Plan 2675.1-A-1000-A received 10.07.2019

Reason: To ensure the development in undertaken in accordance with the approved drawings.

## **Informatives**

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to



the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmhc.gov.uk](mailto:addresses@tmhc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

2. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

Contact: Matthew Broome

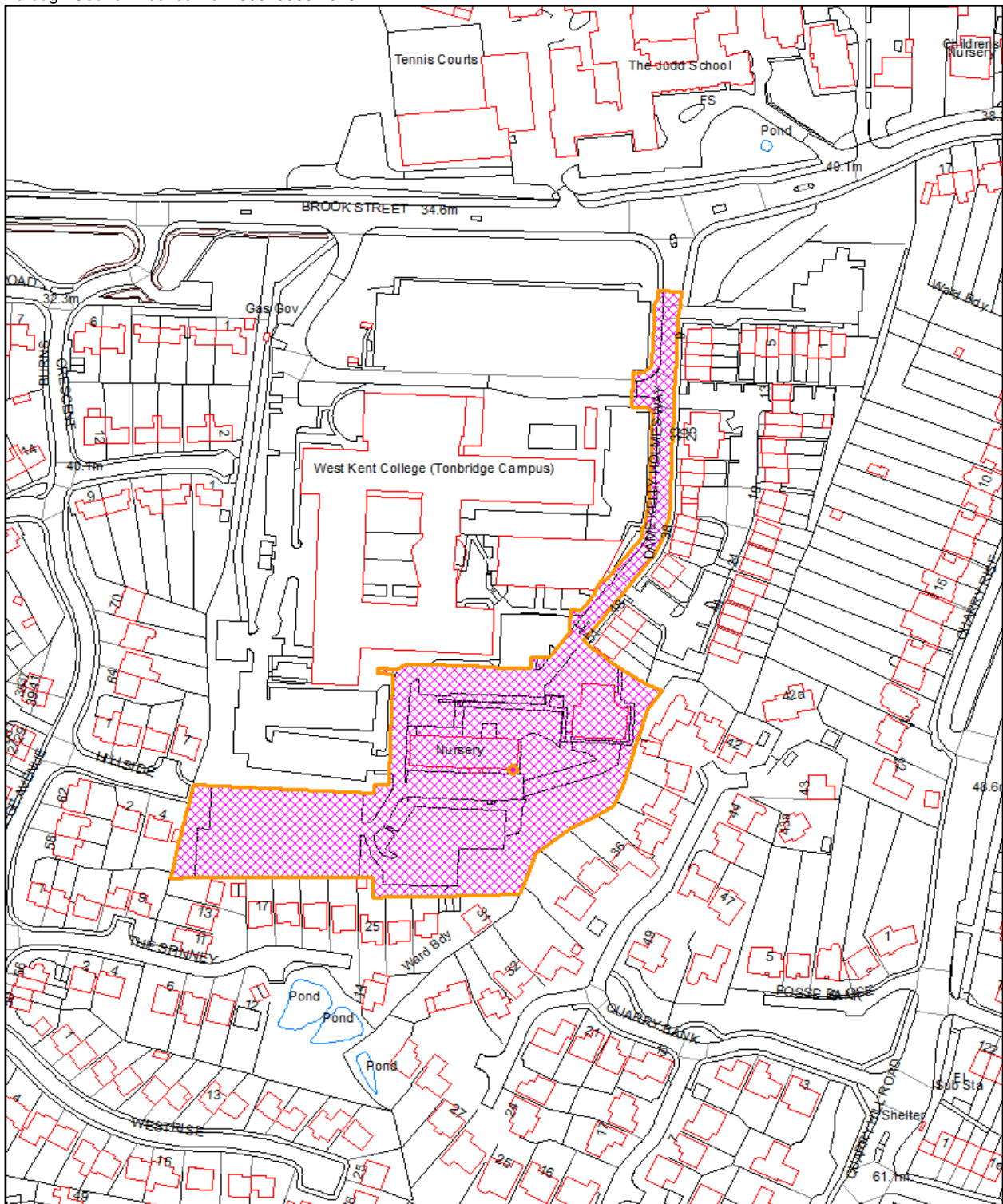
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**TM/19/01632/FL**

Development Site South Part Of West Kent College Brook Street Tonbridge Kent

Demolition of existing buildings and development of 51 dwellings along with associated vehicular and pedestrian access, car parking and landscaping

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