

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

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: Democratic Services
committee.services@tmbc.gov.uk

9 February 2022

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 Council Chamber, Gibson Drive, Kings Hill on Thursday, 17th February, 2022 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members are required to participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website. Deposited plans can be viewed online by using [Public Access](#).

Yours faithfully

JULIE BEILBY

Chief Executive

AGENDA

1. Guidance for the Conduct of Meetings

5 - 6

PART 1 - PUBLIC

2. Apologies for Absence

3. Declarations of Interest

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting

4. Minutes 7 - 8

To confirm as a correct record the Minutes of the meeting of Area 1 Planning Committee held on 13 January 2022

5. Glossary and Supplementary Matters 9 - 16

Glossary of abbreviations used in reports to the Area Planning Committee (attached for information)

Any supplementary matters will be circulated via report in advance of the meeting and published to the website.

Decisions to be taken by the Committee

6. TM/21/02064/FL - Cannon Lane Retail Park, Cannon Lane, 17 - 60
Tonbridge

Section 73 Application: Variation of condition 1 of planning permission at TM/16/00818/FL to allow the sale of convenience goods from Unit 1C - Unit 1C, Cannon Lane Retail Park, Cannon Lane, Tonbridge.

7. TM/19/00014/OAEA - Lower Haysden Lane, Tonbridge 61 - 230

Outline Application: construction of up to 125 new homes, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure at land north of Lower Haysden Lane, Tonbridge

8. TM/21/01677/FL - 2 Yardley Park Road, Tonbridge 231 - 258

Demolition of the existing buildings and the erection of 13no. apartments with associated access, landscaping, parking and infrastructure at 2 Yardley Park Road, Tonbridge

9. TM/21/02915/FL - 105 Hadlow Road, Tonbridge 259 - 272

Construction of a single detached dwelling with associated parking and erection of an ancillary garden building at 105 Hadlow Road, Tonbridge.

10. 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

11. 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

12. 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 D W King (Chairman)
Vacancy (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr Mrs P A Bates
Cllr J L Botten
Cllr M D Boughton
Cllr V M C Branson
Cllr G C Bridge
Cllr A E Clark
Cllr A Cope
Cllr M O Davis
Cllr N Foyle

Cllr N J Heslop
Cllr M A J Hood
Cllr F A Hoskins
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

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business be discussed:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>
- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

MINUTES

Thursday, 13th January, 2022

Present: Cllr D W King (Chairman), Cllr Mrs J A Anderson, Cllr M D Boughton, Cllr G C Bridge, Cllr A E Clark, Cllr A Cope, Cllr M O Davis, Cllr M A J Hood, Cllr F A Hoskins, Cllr J R S Lark, Cllr M R Rhodes, Cllr H S Rogers, Cllr J L Sergison, Cllr Miss G E Thomas and Cllr F G Tombolis.

(Note: As Councillors V M C Branson and N Foyle were unable to attend in person and participated via MS Teams, they were unable to vote on any matters).

Councillors Mrs S Bell and D Harman participated via MS Teams and joined the discussion when invited to do so in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs P A Bates, J L Botten and N J Heslop.

PART 1 - PUBLIC

AP1 22/1 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

AP1 22/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 25 November 2021 be approved as a correct record and signed by the Chairman.

AP1 22/3 GLOSSARY AND SUPPLEMENTARY MATTERS

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.

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

AP1 22/4 TM/19/00014/OAEA - LAND NORTH OF LOWER HAYSDEN LANE, TONBRIDGE

Outline Application: construction of up to 125 new homes, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure at Land North Of Lower Haysden Lane Tonbridge Kent.

The item was WITHDRAWN from the agenda.

AP1 22/5 TM/21/02064/FL - UNIT 1C, CANNON LANE, RETAIL PARK, CANNON LANE, TONBRIDGE

Section 73 Application: Variation of condition 1 of planning permission TM/16/00818/FL to allow the sale of convenience goods from Unit 1C at Unit 1C Cannon Lane Retail Park Cannon Lane Tonbridge Kent.

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.

[Speaker: A verbal statement was made by Mr Chris Smith on behalf of the applicant.]

AP1 22/6 EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

AP1 22/7 TM/21/02064/FL - UNIT 1, CANNON LANE RETAIL PARK, CANNON LANE, TONBRIDGE

Section 73 Application: Variation of condition 1 of planning permission TM/16/00818/FL to allow the sale of convenience goods from Unit 1C at Unit 1C Cannon Lane Retail Park Cannon Lane Tonbridge Kent

RESOLVED: That the report be received for information.

The meeting ended at 8.32 pm.

GLOSSARY of Abbreviations used in reports to Area Planning Committees

A

AAP	Area of Archaeological Potential
AGA	Prior Approval: Agriculture (application suffix)
AGN	Prior Notification: Agriculture (application suffix)
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
AT	Advertisement consent (application suffix)

B

BALI	British Association of Landscape Industries
BPN	Building Preservation Notice
BRE	Building Research Establishment

C

CA	Conservation Area (designated area)
CCEASC	KCC Screening Opinion (application suffix)
CCEASP	KCC Scoping Opinion (application suffix)
CCG	NHS Kent and Medway Group
CNA	Consultation by Neighbouring Authority (application suffix)
CPRE	Council for the Protection of Rural England
CR3	County Regulation 3 (application suffix – determined by KCC)
CR4	County Regulation 4 (application suffix – determined by KCC)
CTRL	Channel Tunnel Rail Link (application suffix)

D

DCLG	Department for Communities and Local Government
DCMS	Department for Culture, Media and Sport
DEEM	Deemed application (application suffix)
DEFRA	Department for the Environment, Food and Rural Affairs
DEPN	Prior Notification: Demolition (application suffix)
DfT	Department for Transport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DR3	District Regulation 3
DR4	District Regulation 4
DSSLT	Director of Street Scene, Leisure & Technical Services

E

EA	Environment Agency
EIA	Environmental Impact Assessment
EASC	Environmental Impact Assessment Screening request (application suffix)
EASP	Environmental Impact Assessment Scoping request (application suffix)
EH	English Heritage
EL	Electricity (application suffix)
ELB	Ecclesiastical Exemption Consultation (Listed Building)
EEO	Ecclesiastical Exemption Order
ELEX	Overhead Lines (Exemptions)
EMCG	East Malling Conservation Group
ES	Environmental Statement
EP	Environmental Protection

F

FRA	Flood Risk Assessment
FC	Felling Licence
FL	Full Application (planning application suffix)
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Impact Assessment

G

GDPO	Town & Country Planning (General Development Procedure) Order 2015
GOV	Consultation on Government Development
GPDO	Town & Country Planning (General Permitted Development) Order 2015 (as amended)

H

HE	Highways England
HSE	Health and Safety Executive
HN	Hedgerow Removal Notice (application suffix)
HWRC	Household Waste Recycling Centre

I

IDD	Internal Drainage District
IDB	Upper Medway Internal Drainage Board
IGN3	Kent Design Guide Review: Interim Guidance Note 3 Residential Parking

K

KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards: Supplementary Planning Guidance SPG 4
KDD	KCC Kent Design document

KFRS Kent Fire and Rescue Service
KGT Kent Garden Trust
KWT Kent Wildlife Trust

L

LB Listed Building Consent (application suffix)
LBX Listed Building Consent: Extension of Time
LDF Local Development Framework
LDLBP Lawful Development Proposed Listed Building (application suffix)
LEMP Landscape and Ecology Management Plan
LLFA Lead Local Flood Authority
LMIDB Lower Medway Internal Drainage Board
LPA Local Planning Authority
LWS Local Wildlife Site
LDE Lawful Development Certificate: Existing Use or Development (application suffix)
LDP Lawful Development Certificate: Proposed Use or Development (application suffix)
LP Local Plan
LRD Listed Building Consent Reserved Details (application suffix)

M

MBC Maidstone Borough Council
MC Medway Council (Medway Towns Unitary Authority)
MCA Mineral Consultation Area
MDE DPD Managing Development and the Environment Development Plan Document
MGB Metropolitan Green Belt
MHCL Ministry of Housing, Communities and Local Government
MIN Mineral Planning Application (application suffix, KCC determined)
MSI Member Site Inspection

MWLP Minerals & Waste Local Plan

N

NE Natural England

NMA Non Material Amendment (application suffix)

NPPF National Planning Policy Framework

O

OA Outline Application (application suffix)

OAEA Outline Application with Environment Impact Assessment (application suffix)

OAX Outline Application: Extension of Time

OB106D Details pursuant to S106 obligation (application suffix)

OB106M Modify S106 obligation by agreement (application suffix)

OB106V Vary S106 obligation (application suffix)

OB106X Discharge S106 obligation (application suffix)

P

PC Parish Council

PD Permitted Development

PD4D Permitted development - change of use flexible 2 year

PDL Previously Developed Land

PDRA Permitted development – change of use agricultural building to flexible use (application suffix)

PDV14J Permitted development - solar equipment on non-domestic premises (application suffix)

PDV18 Permitted development - miscellaneous development (application suffix)

PDVAF Permitted development – agricultural building to flexible use (application suffix)

PDVAR Permitted development - agricultural building to residential (application suffix)

PLVLR	Permitted development - larger residential extension (application suffix)
PDVOR	Permitted development - office to residential (application suffix)
PDVPRO	Permitted development - pub to retail and/or office (application suffix)
PDVSDR	Permitted development storage/distribution to residential (application suffix)
PDVSFR	Permitted development PD – shops and financial to restaurant (application suffix)
PDVSR	Permitted development PD – shop and sui generis to residential (application suffix)
POS	Public Open Space
PPG	Planning Practice Guidance
PWC	Prior Written Consent
PROW	Public Right Of Way

R

RD	Reserved Details (application suffix)
RM	Reserved Matters (application suffix)

S

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (background for the emerging Local Plan)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SW	Southern Water

T

TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan

TCS Tonbridge Civic Society
TEPN56/TEN Prior Notification: Telecoms (application suffix)
TMBC Tonbridge & Malling Borough Council
TMBCS Tonbridge & Malling Borough Core Strategy 2007
TMBLP Tonbridge & Malling Borough Local Plan 1998
TNCA Notification: Trees in Conservation Areas (application suffix)
TPOC Trees subject to TPO (application suffix)
TRD Tree Consent Reserved Details (application suffix)
TRICS Trip Rate Information Computer System
TWBC Tunbridge Wells Borough Council

U

UCO Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB Upper Medway Internal Drainage Board

W

WAS Waste Disposal Planning Application (KCC determined)
WTS Waste Transfer Station

(Version 2/2021)

This page is intentionally left blank

Tonbridge
Medway

26 July 2021

TM/21/02064/FL

Proposal: Section 73 Application: Variation of condition 1 of planning permission TM/16/00818/FL to allow the sale of convenience goods from Unit 1C

Location: Unit 1C Cannon Lane Retail Park Cannon Lane Tonbridge Kent

Go to: [Recommendation](#)

1. Background:

- 1.1 APC1 resolved to grant planning permission for this variation of condition subject to conditions and the applicant entering into a section 106 agreement to secure a financial contribution towards public realm enhancements along the riverside footpath to the south of the site.
- 1.2 Annexe 1 to this report contains the previous reports to the planning committee of 13 January 2022 and 25 November 2021.
- 1.3 Since the resolution to grant planning permission was made but prior to the section 106 agreement being completed and the permission being granted, the Planning Inspectorate has determined the appeal for Units 1B and 1C (our reference TM/20/02334/FL refers).
- 1.4 This appeal decision represents a new material planning consideration that the Council is duty bound to consider. It is therefore necessary to report the matter back to APC1 for a fresh determination.

2. Determining issues:

- 2.1 Members will recall that the earlier application subject of the appeal was refused by APC1 on highways grounds. The applicant agreed to provide a financial contribution towards public realm enhancements and as part of their appeal submitted a unilateral undertaking setting out that this would be paid.
- 2.2 In this respect, the Inspector's decision clearly sets out as follows:

The planning obligation would provide for a financial contribution towards public realm works. The Council's rationale for this contribution is that the proposal would result in a more intense use of the appeal site that would generate additional pressure on the public realm. However, the proposal would result in a significant reduction in retail floorspace and would not materially affect the amount of vehicle traffic at the retail park. The general character of the retail park would be unchanged and there is no evidence that there would be any impact on the public realm, such as to require some form of mitigation. I do not consider that the obligation has been shown to be necessary to make the proposal acceptable in

planning terms, nor is it related to the development in question. The obligation does not meet the relevant tests and, accordingly, I have not taken it into account in my decision.

- 2.3 Given the Inspector's very clear conclusion in connection with the financial contribution, coupled with the fact that the later scheme for Unit 1C (as yet undetermined) relates to an even smaller resultant retail footprint than the appeal scheme, it would be unreasonable and indefensible to continue to pursue such a contribution in connection with this application now.
- 2.4 As such, it is now necessary for APC1 to make a fresh resolution to grant planning permission without the financial contribution being sought. This is reflected in the recommendation below.

3. Recommendation:

- 3.1 **Grant planning permission** in accordance with the following submitted details: Location Plan dated 26.07.2021, Existing Floor Plans dated 26.07.2021, Proposed Floor Plans dated 26.07.2021, Site Plan Car Park dated 26.07.2021, Letter covering dated 26.07.2021, Letter from applicant dated 26.07.2021, Flood Risk Assessment dated 26.07.2021, Statement Operations dated 26.07.2021, Assessment Planning and retail dated 26.07.2021, Transport Assessment dated 26.07.2021, Transport Technical Note dated 06.12.2021 subject to the following conditions:

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 The use of the retail warehousing shall be limited to the retail sales of DIY home and garden products, hardware, self-assembly or pre-assembled furniture, household furnishings, floor coverings, electrical goods, motor accessories and motor vehicles office equipment and supplies, bicycles, pets, pet food and drink and pet products, camping equipment and computer equipment.

Up to 1,396 sqm (GIA) within 1C shall additionally be permitted to be used for the sale of convenience goods and associated comparison goods.

Unit 1D shall additionally be permitted to be used for variety retailing including the retail sale of food and drink goods from an area not exceeding 30% of the net retail floorspace of Unit 1D, and otherwise shall be used for the sale of non-food comparison goods. It shall not be used for the principal purpose of the sale and display of clothing and footwear.

Reason: The site is located outside an area where general retailing would normally be permitted.

- 3 No delivery or despatch of goods shall be carried out outside the hours of 07.00 to 21.00 Mondays to Saturdays or 09.00 to 17.00 on Sundays, Bank and Public Holidays.

Reason: In the interests of residential amenity.

- 4 Before the use hereby approved is commenced details of an updated site management plan to coordinate deliveries to and the removal of waste from the new use at Unit 1C shall be submitted to and approved by the Local Planning Authority, and the approved plan shall be adhered to by all occupiers of the building in perpetuity. The management plan shall include specific details of which party(s) is/are responsible for opening and closing the barrier at the entrance of the site and what times of the day it is to be opened and closed in order to facilitate the effective management of deliveries and waste removal. The units shall be strictly operated in accordance with the approved management plan.

Reason: In the interest of residential amenity and highway safety.

- 5 The development shall be carried out strictly in accordance with all the recommendations contained within the submitted noise survey reference 07011/3/1/4 received on the 28th October 2021. The rating level of the noise from fixed plant and equipment emitted from the site shall be lower than the existing background noise level by at least 5dB at the nearest noise-sensitive premises. The measurements and assessment shall be made according to BS4142:2014 +A1:2019.

Reason: In the interests of residential amenity.

- 6 The use hereby approved shall not commence until the improvements to the local highway network to provide a widened two lane exit in accordance with approved drawing number 9843 P 301 have been completed (via a s.278 Agreement with Kent County Council if required) and thereafter retained in perpetuity.

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

- 7 No home delivery service shall operate from the store until a further noise survey has been submitted to and approved in writing by the Local Planning Authority, setting out noise impacts on any affected receptors and any recommended mitigation measures. The home delivery service shall thereafter be undertaken in strict accordance with any such approved scheme and associated mitigation measures.

Reason: In the interests of residential amenity

- 8 The existing unit 1C shall not be subdivided into two or more units nor amalgamated with another unit without the prior consent in writing from the Local Planning Authority.

Reason: In the interests of retail impact and highways safety

- 9 Before the use hereby approved commences the floorspace will be reduced to 1,396 sqm GIA in accordance with the submitted details. Thereafter no additional floorspace shall be created through the insertion of another mezzanine floor or by any other method without the prior consent in writing from the Local Planning Authority.

Reason: In the interests of retail impact and highways safety.

- 10 No additional external lighting shall be installed in connection with the unit until any such external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed and maintained in accordance with the approved details in perpetuity.

Reason: In the interests of residential amenity.

Informatives:

- 1 The applicant is reminded that substantiated complaints of noise nuisance arising from the permitted use may result in formal enforcement action under statutory noise nuisance legislation.
- 2 The applicant is strongly encouraged to investigate all opportunities for soft landscaping and tree planting to the rear of the site.

Contact: Adem Mehmet

Report from 13 January 2022

Tonbridge
Medway**26 July 2021****TM/21/02064/FL**

Proposal: Section 73 Application: Variation of condition 1 of planning permission TM/16/00818/FL to allow the sale of convenience goods from Unit 1C

Location: Unit 1C Cannon Lane Retail Park Cannon Lane Tonbridge Kent

Go to: [Recommendation](#)

1. Description:

- 1.1 This application was originally reported to the Area 1 Planning Committee on 25 November 2021. At that meeting, Members deferred determination of the application to allow officers to obtain further evidence regarding potential highway impacts arising from the proposal. In part, this was due to traffic counts forming part of the applicant's evidence base being undertaken in July 2021, during which some pandemic related restrictions were still in force. For the avoidance of any doubt, it is understood such restrictions only related to the continued closure of nightclubs meaning that it is not likely that this would materially affect the level of traffic entering and exiting the retail park.
- 1.2 The November committee report and associated supplementary report are both attached in full at Appendix 1 for ease of information.
- 1.3 Nevertheless, the applicant has since taken the opportunity to carry out further traffic counts in support of their evidence base. The retail park already has traffic counting cameras installed so the applicant was able to download the required data to compare with the counts undertaken in July 2021. During November there was no lockdown restrictions in place.
- 1.4 The technical note in this respect is attached as Appendix 2 to this report and is discussed in the assessment that follows.
- 1.5 For Members' information, since the application was deferred in November, further submissions have been made in connection with this unit and the use proposed by this submission. These relate to works to the shopfront, associated signage and plant equipment. Members will be aware that these will each be assessed on their own individual merits in accordance with the relevant adopted policies contained within the development plan and all material planning considerations. They can have no bearing on the decision to be taken in respect of the current application before Members for determination, which relates solely to the variation of conditions as set out at Appendix 1 and in the assessment that follows.

2. Consultations (received since 25 November 2021)

- 2.1 TMBC EP: Further comments provided reiterating need for restrictions on deliveries until further noise evidence is produced (recommended to be secured by condition) and further advice on informatives.
- 2.2 KCC (H+T): Comments awaited

3. Determining issues:

- 3.1 The analysis below should be read in conjunction with the earlier report annexed in full as it sets out the full assessment of the scheme. The issues discussed below are intended to address matters that expressly resulted from the site inspection and the additional information submitted by the developer since the deferral back in November.

Highway impacts:

- 3.2 The table contained at Appendix 2 of this report demonstrates that the data collected in June 2021 showed higher levels of traffic to and from the retail park than the data collected subsequently in November. The applicant points to the fact that general lockdown restrictions had just been lifted and there was an initial surge in retail demand.
- 3.3 This further evidence therefore gives no suggestion that the local highway network would be adversely impacted by the proposed variation of condition here, particularly when considering the mitigation to be provided by the junction. As such, the position in this respect remains as the assessment contained within the previous reports (Appendix 1) and there is no justification to resist the variation of condition on grounds of highway impacts.

Residential amenity:

- 3.4 At the last meeting, Members expressed concerns that the proposals would have an unacceptable impact on residential amenity, within the context of breaches of conditions across the wider retail park and with matters concerning noise and external lighting in mind. Members were also concerned that conditions they might seek to impose in granting permission would not be complied with.
- 3.5 In this respect, it should firstly be remembered that this application is only seeking to vary the wording of an existing condition; to increase the range of goods that can be sold at the store (to include food). It does not propose any changes to the fabric of the building which already functions as a retail store which has HGV deliveries taking place throughout the day. There is no proposal for increased lighting to the rear to serve the unit.

- 3.6 When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls. It is not possible to impose conditions on a planning permission that resolve pre-existing planning issues; they must be utilised to mitigate impacts arising from the development in question.
- 3.7 Paragraph 55 of the NPPF sets out that planning conditions should only be used where they satisfy the following tests:
- Necessary
 - relevant to planning
 - relevant to the development to be permitted
 - enforceable
 - precise; and
 - reasonable in all other respects.
- 3.8 These are referred to as “the 6 tests”, and each of them needs to be satisfied for each condition which an authority intends to apply. If these tests are met, the authority must grant permission subject to those conditions rather than refusing permission and there must be an assumption that there will be compliance with those conditions.
- 3.9 The existing retail park already generates noise and activity from established operations, which include an unrestricted number of deliveries, staff coming and going, visitors and existing plant and equipment. The adjacent road also generates background noise given that this is a characteristically urban area. The Council’s Environmental Protection Officers have reconfirmed that they are satisfied that any further noise generation from required plant can be controlled by condition with the following wording:
- “The rating level of the noise from fixed plant and equipment emitted from the site shall be lower than the existing background noise level by at least 5dB at the nearest noise-sensitive premises. The measurements and assessment shall be made according to BS4142:2014 +A1:2019.”*
- 3.10 Any noise impacts from a home delivery service would similarly have to be demonstrated as acceptable before such a service could commence; this is a

requirement of the recommended conditions to be imposed. The Council's Environmental Protection Officers continue to confirm that they raise no objection to this approach. Any breach of the noise conditions would of course be investigated and, where breaches are evidenced, they would be subject to planning enforcement action.

- 3.11 Whilst this application proposes no additional lighting to be installed, it would be reasonable to impose a condition making clear that any future requirements for lighting would need to first be formally considered and approved by the Council. This is reflected in the recommendation that follows.
- 3.12 Quite aside from controls that can be put in place through the planning system, it should be remembered that Part 3 of the Environmental Protection Act 1990 addresses statutory nuisance. This is defined as '*an unlawful interference with a person's use or enjoyment of land or some right over, or in connection with it*'. The Courts have held that even where planning permission has been granted for a development, a statutory nuisance may be found to be occurring. Informative [1] is included in the recommendation to reflect this distinction.

Trees and landscaping:

- 3.13 Works to trees across the wider site have already been subject to separate consent and another submission proposing works is currently under consideration. This will be assessed on its own merits having regard to all relevant legislation and policy. Crucially in this respect, there is no indication by Environmental Protection Officers that any additional planting or barriers are required in order to make this development acceptable in planning terms.
- 3.14 Given the limited scope of the submission (which is solely seeking to vary planning conditions), it would not be necessary or reasonable to require the applicant to provide additional planting. However, it could be suggested by way of an informative that they seek to maximise any such opportunities wherever possible to do so.

Conclusions:

- 3.15 There remains an absence of any technical evidence to support a conclusion that the highways impacts would be severe, or that there would be unacceptable safety impacts. These are the specific thresholds that need to be reached to justify a refusal on highways grounds, set out under paragraph 111 of the NPPF.
- 3.16 Furthermore, it is considered that suitably worded planning conditions can properly and fully control the use of the site in an effective and proportionate way, whilst meeting the policy tests for imposition. These are reflected in the recommendation below.

4. Recommendation:

4.1 **Grant planning permission** in accordance with the following submitted details: Location Plan dated 26.07.2021, Existing Floor Plans dated 26.07.2021, Proposed Floor Plans dated 26.07.2021, Site Plan Car Park dated 26.07.2021, Letter covering dated 26.07.2021, Letter from applicant dated 26.07.2021, Flood Risk Assessment dated 26.07.2021, Statement Operations dated 26.07.2021, Assessment Planning and retail dated 26.07.2021, Transport Assessment dated 26.07.2021, Transport Technical Note dated 06.12.2021 subject to the following:

- The applicant entering into a planning obligation with the Borough Council to provide financial contributions towards public realm enhancements in the Tonbridge Central Area to mitigate development impacts.

4.2 It is expected that the section 106 agreement should be agreed in principle and the legalities completed within 3 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties within 3 months, a report back to the Area 1 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- The following conditions:

Conditions

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2 The use of the retail warehousing shall be limited to the retail sales of DIY home and garden products, hardware, self-assembly or pre-assembled furniture, household furnishings, floor coverings, electrical goods, motor accessories and motor vehicles office equipment and supplies, bicycles, pets, pet food and drink and pet products, camping equipment and computer equipment.

Up to 1,396 sqm (GIA) within 1C shall additionally be permitted to be used for the sale of convenience goods and associated comparison goods.

Unit 1D shall additionally be permitted to be used for variety retailing including the retail sale of food and drink goods from an area not exceeding 30% of the net

retail floorspace of Unit 1D, and otherwise shall be used for the sale of non-food comparison goods. It shall not be used for the principal purpose of the sale and display of clothing and footwear.

Reason: The site is located outside an area where general retailing would normally be permitted.

- 3 No delivery or despatch of goods shall be carried out outside the hours of 07.00 to 21.00 Mondays to Saturdays or 09.00 to 17.00 on Sundays, Bank and Public Holidays.

Reason: In the interests of residential amenity.

- 4 Before the use hereby approved is commenced details of an updated site management plan to coordinate deliveries to and the removal of waste from the new use at Unit 1C shall be submitted to and approved by the Local Planning Authority, and the approved plan shall be adhered to by all occupiers of the building in perpetuity. The management plan shall include specific details of which party(s) is/are responsible for opening and closing the barrier at the entrance of the site and what times of the day it is to be opened and closed in order to facilitate the effective management of deliveries and waste removal. The units shall be strictly operated in accordance with the approved management plan.

Reason: In the interest of residential amenity and highway safety.

- 5 The development shall be carried out strictly in accordance with all the recommendations contained within the submitted noise survey reference 07011/3/1/4 received on the 28th October 2021. The rating level of the noise from fixed plant and equipment emitted from the site shall be lower than the existing background noise level by at least 5dB at the nearest noise-sensitive premises. The measurements and assessment shall be made according to BS4142:2014 +A1:2019.

Reason: In the interests of residential amenity.

- 6 The use hereby approved shall not commence until the improvements to the local highway network to provide a widened two lane exit in accordance with approved drawing number 9843 P 301 have been completed (via a s.278 Agreement with Kent County Council if required) and thereafter retained in perpetuity.

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

- 7 No home delivery service shall operate from the store until a further noise survey has been submitted to and approved in writing by the Local Planning Authority, setting out noise impacts on any affected receptors and any recommended mitigation measures. The home delivery service shall thereafter be undertaken in

strict accordance with any such approved scheme and associated mitigation measures.

Reason: In the interests of residential amenity

- 8 The existing unit 1C shall not be subdivided into two or more units nor amalgamated with another unit without the prior consent in writing from the Local Planning Authority.

Reason: In the interests of retail impact and highways safety

- 9 Before the use hereby approved commences the floorspace will be reduced to 1,396 sqm GIA in accordance with the submitted details. Thereafter no additional floorspace shall be created through the insertion of another mezzanine floor or by any other method without the prior consent in writing from the Local Planning Authority.

Reason: In the interests of retail impact and highways safety.

- 10 No additional external lighting shall be installed in connection with the unit until any such external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed and maintained in accordance with the approved details in perpetuity.

Reason: In the interests of residential amenity.

Informatives:

- 1 The applicant is reminded that substantiated complaints of noise nuisance arising from the permitted use may result in formal enforcement action under statutory noise nuisance legislation.
- 2 The applicant is strongly encouraged to investigate all opportunities for soft landscaping and tree planting to the rear of the site.

Contact: Adem Mehmet

Report from 25 November 2021

**Tonbridge
Medway**

26 July 2021

TM/21/02064/FL

Proposal: Section 73 Application: Variation of condition 1 (use of warehouse) of planning permission TM/98/01517/FL to extend the range of the goods that can be sold from the unit

Location: Unit 1C Cannon Lane Retail Park Cannon Lane Tonbridge Kent

Go to: [Recommendation](#)

1. Description:

- 1.1 This is a broadly comparable resubmission of a previously refused application, proposing the variation of condition 1 (use of warehouse) of planning permission TM/98/01517/FL to allow the introduction of a food store to this retail unit (effectively, a new supermarket). The previous application, reference TM/20/02334/FL, was refused by the Council on the 28 May 2021 for the following reason:

“The Local Planning Authority is not convinced on the evidence presented by the applicant within the Transport Assessment and associated supporting documentation that sufficiently robust or up to date modelling has been undertaken to demonstrate the development can come forward in a wholly acceptable manner in highway terms. As such, the Local Planning Authority does not consider that sufficient evidence exists to demonstrate what potential significant impacts might arise from the development on the transport network in terms of capacity and congestion and subsequently whether any such impacts can be cost effectively mitigated to an acceptable degree. The development therefore fails to comply with the requirements of paragraph 108(c) of the National Planning Policy Framework 2019, policy CP2(e) of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ8 of the Managing Development and the Environment DPD 2010.”

- 1.2 An appeal has been lodged against the refusal of planning permission but at the time of writing no detailed programme had been set by the Planning Inspectorate regarding their consideration and determination.
- 1.3 This scheme is materially different in that it relates solely to Unit 1C instead of both 1C and 1B. The resulting floorspace that would change is therefore smaller than the previous scheme, with this unit having a GIA of 1,396 sqm, with a net sales area of around 995 sqm. A small mezzanine (95 sqm) will be included within the back of house area at the rear of the unit. The previous application would have seen a total floorspace of (GIA) of 1,900 sqm, and a new sales area

of around 1,235 sqm. This scheme therefore has 504sqm less GIA, and a sales area 240sqm smaller.

- 1.4 Otherwise, the proposal raises fundamentally the same matters as the previously refused application. As before, no operational development is proposed, and the parking provision and external appearance of the store would remain the same.
- 1.5 Any advertisements would be dealt with under separate consent. This time the applicant confirms that the intended operator is “Food Warehouse” by Iceland Supermarkets; however this is not a material planning consideration and should not be taking into account when assessing the application.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Matt Boughton to consider highways impacts and whether the application has overcome previous concerns.

3. The Site:

- 3.1 The site is currently a single retail unit within the Cannon Lane retail park development, currently occupied by Go Outdoors. The park falls outside of the Tonbridge High Street primary and secondary shopping areas and is also more than 300m away from these areas, and is therefore an “out of town” retail development for the purposes of retail planning policy, but does fall within the wider Tonbridge Central Area defined by the TCAAP.
- 3.2 The general character of the area reflects this, with a predominance of retail and commercial uses nearby, but also some residential elements including flats and houses adjacent to the site on Crabapple Road and Redbud Road.
- 3.3 The site is also within a Flood Zone 2 and 3.

4. Planning History (relevant):

TM/16/00820/FL	Approved	1 November 2016
New unit to accommodate an A3 occupier		
TM/16/00821/FL	Approved	1 November 2016
Extension to rear of building		
TM/16/00822/FL	Approved	1 November 2016
Insertion of mezzanine floors		

- 5.1.2 This Service remains concerned that the variation of this condition will impact the aural amenity of local residents. A food retailer occupying this site will cause increased noise impact due to delivery and chiller/associated equipment noise.
- 5.1.3 This application differs from the previous refused permission 20/02334 in that it is no longer for two stores merging into one so there will not be the previously assumed reduction in deliveries. It is noted Iceland propose to have a single hgv delivery per day (it would be of benefit if this can be conditioned) and the home delivery service will use smaller less noisy vans. There will be an increase to the background noise from the extra refrigeration equipment that will be needed for this store. The application does not include details of this.
- 5.1.4 It would be preferable if noise reports were provided prior to a decision being made. However, if on balance you are minded to approve this application the following comments are made:
- 5.1.5 Prior to first construction of the building the applicant is required to provide suitable reports to the Local Planning Authority for approval demonstrating the following:
1. Noise from all plant (including air-conditioning or refrigeration plant) installed on this site (including temporary units) shall not exceed NR35 at the nearest site boundary. The report to include details of such plant and any noise mitigation measures. After approval the work shall be carried out in strict accordance with the agreed details.
 2. The impact of all deliveries at this site. The report should consider the levels cited in BS8233:2014, namely:
 1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,1-hour, and a maximum upper limit of 55dB LAeq,1-hour; and
 2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.
- 5.1.6 The Applicant's attention is also drawn to the ProPG on Planning and Noise issued by the Association of Noise Consultants (ANC), the Institute of Acoustics (IoA) & the Chartered Institute of Environmental Health (CIEH).
- 5.1.7 The report shall detail any mitigation/attenuation measure needed to attain the abovementioned levels. It is important that the applicant's noise assessment includes specific data, and we will require these details for approval before any

decision can be made. Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, acoustic fencing etc) will also need to be submitted for approval.

5.2 KCC (H + T): Comments made as follows:

Site Access

5.2.1 Tonbridge Retail Park is located off A26 Cannon Lane, Tonbridge. The retail park is an existing development, which currently houses M&S Foodhall, Halfords, Costa, Jollyes, Carpetright and Home Bargains. Unit 1C which this application refers to is currently occupied by Go Outdoors.

5.2.2 Access to the site is a priority junction with single lane in either direction for ingress and egress. The give-way marking at the junction with A26, allows two vehicles to wait to exit from the retail park.

Sustainable Travel

5.2.3 The site is located approximately 1.5 km from Tonbridge Railway Station. Bus services operate along A26 Cannon Lane, with a stop located outside Tonbridge Retail Park. Further afield there are other stops on Hadlow Road, approximately 410 metres away from the site, which offer extended hours for staff and customers to access the site.

5.2.4 Existing infrastructure around Tonbridge provides for pedestrians. Tonbridge and Malling have a Cycle Strategy which identifies the existing network, as well as aspirational routes.

Trip Generation

5.2.5 The predicted trip generation between the proposed use and the existing use as Go Outdoors, and their respective floorspace, derived using TRICS, leave negligible change in traffic - 5 less vehicles during weekday PM hour and 4 more vehicles during Saturday peak hour. These numbers will not have a severe impact on the highway network, which is the criteria set out within Paragraph 111 of National Planning Policy Framework 2021 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Junction Improvement

5.2.6 The applicant, shown within Drawing number 9843/P/301, has proposed to improve the site access junction to help capacity, providing separation between left and right turning traffic to egress from the Retail Park, for approximately 35

metres stacking distance. This work will need to be undertaken by Section 278 Agreement.

Summary

5.2.7 As the change in traffic using the Retail Park between the extant planning permission and the proposed use are negligible, I can confirm that provided the following requirements are secured by Section 278 Agreement between applicant and highway authority, then I would raise no objection on behalf of the local highway authority:

- Access junction with A26 to be improved as per Drawing number 9843/P/301, labelled 'Proposed site plan car park' within Planning Application Documents on TMBC planning portal.
- Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
- Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
- Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
- Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.
- Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel> Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

5.3 Private Reps: 12 + site notice/0X/12R/0S on the following summarised grounds:

- Increased traffic
- Poor connection/design
- Lack of infrastructure
- No need
- Noise
- HGV manoeuvring difficult
- Increased delays
- Car park at capacity
- Will not enhance town
- Deliveries should be at the same times
- Should not interfere with shutting of the park
- Lights should be switched off at night
- Response to store alarms should be more robust
- Bollards should be placed at the end of parking spaces to protect fences
- Details of noise and smell pollution should be provided
- Needs updated transport statistics

6. Determining Issues:

6.1 As noted before, no operational development is proposed. The key issues are therefore restricted to the effect of varying the condition on the vitality and viability of the Tonbridge High Street (in consideration of adopted and national retail policy), parking and highways, and the amenity of neighbouring properties. The matters raised are directly comparable to the previously refused scheme except now that the floorspace has reduced, and it is proposed to vary this in relation to a single unit rather than two.

Matters of principle and retail impact – policy context:

6.2 As the proposed variation would result in the introduction of a food/convenience unit at this location, it is necessary to consider and apply local and national policy on retail developments.

6.3 The site lies in the defined Tonbridge Central Area (TCA) but away from the primary and secondary shopping areas defined in the TCAAP. It is therefore not considered to fall within a "town centre" location. Furthermore, as it is more than 300m from the defined primary and secondary shopping, it would also fail to meet the definition of an "edge of centre" location as defined by the NPPF. It is therefore an "out of centre" location for the purposes of applying national policy;

this also reflects the previous permission in 2016 for an expansion of the limited assortment of good sales from the units, to avoid the introduction of town centre uses on this out of centre location.

- 6.4 The Council's development plan policy on new retail development is set out in policy CP22 of the TMBCS. It explains that new retail development will be permitted if it maintains or enhances the vitality and viability of the existing retail centres, and properly respects their role in the retail hierarchy in accordance with a sequentially preferable locational assessment. The policy sets out a sequential test for the preferred location for retail development. Firstly, it should be accommodated on sites located within the defined limits of the town, district or local centres. If this is not possible, then on edge-of-centre sites, but only if there is sufficient capacity and a retail need is demonstrated that cannot be accommodated within a town, district or local centre.
- 6.5 Thirdly, if an edge of centre site cannot be found, then on out-of-centre sites, but only if there is sufficient capacity and a retail need is demonstrated that cannot be accommodated within or on the edge of a town, district or local centre. Sites that are well related to an existing retail area will be preferred to ones that have no such relationship. Finally, policy CP22 is clear that proposals which might harm the vitality or viability of an existing centre either in terms of retail impact or, in the case of smaller centres, undermining the balance of uses or harming their amenity, will not be permitted.
- 6.6 Policy R1 of the DLADPD expands on policy CP22 but does not apply to the TCA, which is instead covered by the TCAAP policy TCA8. This policy explains that proposals for new retail floor space outside the defined shopping areas will be resisted. A sequential approach will be applied in accordance with Core Policy CP22 to ensure retail activity remains the dominant use within the defined shopping areas.
- 6.7 The prioritisation of new retail development to the primary shopping areas in TCA8 is broadly consistent with retail policy set out in the NPPF, as follows.
- 6.8 Retail policy in the NPPF is set out under chapter 7, "*Ensuring the vitality of town centres*". Under paragraphs 86 – 88, the NPPF explains that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Among other things, paragraph 86 states that planning policies should:
- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;

b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;

e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre

- 6.9 Paragraph 87 explains that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 6.10 Finally, paragraph 88 explains that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 6.11 An edge of centre location is defined in the glossary to the NPPF as *“For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances”*.
- 6.12 The requirements of paragraphs 86 and 88 for retail centres to be defined, to be established in a retail hierarchy, and the need to consider sequentially preferable locations starting with main town centre areas, then edge of centre, then out of town locations, are generally consistent with the aims of policy CP22 and TCA8. Paragraph 87 builds on this and gives preference to well-connected edge of centre locations that are readily accessible.
- 6.13 Additionally, paragraphs 90 and 91 of the NPPF explain further requirements for retail development outside of town centres (this includes edge of centre locations). The requirements of paragraph 90 set out that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold. If there is no locally set threshold, the default threshold is 2,500m² of gross floor space. This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

- 6.14 Paragraph 91 makes it clear that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.
- 6.15 Before considering sites not within the defined limits of the retail centre, policy CP22 also requires an assessment as to whether *“there is sufficient capacity and a retail need is demonstrated that cannot be accommodated within a town, district or local centre”*
- 6.16 However, national policy in the NPPF does not require a specific retail need to be identified as part of the sequential test when considering edge of centre or out of centre sites when determining planning applications. The fact that the development is being proposed is sufficient grounds to then consider the sequential tests and if the development is satisfactory in this regard and all other matters, then it can be approved irrespective of whether a defined or specific “need” for the development is identified. This is also consistent with the National Planning Policy Guidance (NPPG) on Town Centres and Retail. The NPPG is a material consideration and aids in the interpretation of NPPF policy.
- 6.17 Within the NPPG there is a clear distinction between the requirements for a sequential test in plan making (i.e. production of a local plan) and when making decisions on planning applications. In relation to plan making, paragraph 010 of the NPPG section “Town centres and retail” says a need for main town centre uses must be assessed as part of the sequential test before allocating sites for retail development in a new local plan, but at paragraph 011 in relation to sequential tests for determining planning applications, there is no such requirement to assess a defined need for the development.
- 6.18 Therefore, policy CP22 is considered to be unduly restrictive in this regard. Because this test is not fully consistent with the NPPF, only limited weight can be afforded to this aspect of the policy. Therefore, whilst acknowledging the primacy of the adopted development plan as set out in legislation, it is considered that material considerations in the form of the more up to date NPPF justify not rigidly applying the terms of policy CP22 (b), insofar as a specific retail need has to first be identified. This interpretation has been confirmed by case law in *Warners Retail (Moreton) Ltd v Cotswold District Council & Ors [2016]* in which Lindblom LJ stated:

“The NPPF was published as planning policy for England in March 2012. It superseded much of the then extant national planning policy, including Planning Policy Statement 4 – “Planning for sustainable economic growth”, published in December 2009 (“PPS4”), which had replaced Planning Policy Statement 6 – “Planning for Town Centres”, published in March 2005 (“PPS6”). PPS6 had contained a policy requiring additional retail development outside a town centre to be justified by a demonstration of the need for the development, the two main elements of need being “quantitative need” and “qualitative need” (paragraphs 2.32 to 2.40). This component of national policy was not carried forward into PPS4, or subsequently into the NPPF. But the “sequential approach” was.” [Para 8 of his judgment]

- 6.19 The requirements for an identification of need in limb (b) to policy CP22 likely reflected the PPS guidance in place at the time the core strategy was adopted in 2007, long before the NPPF came into effect. This further demonstrates that an assessment of specific need should not be insisted upon.
- 6.20 Furthermore, the threshold for a refusal in terms of retail impact under policy CP22 is also significantly lower than the equivalent test set out under the more up to date NPPF. Paragraph 2 of policy CP22 sets out that “Proposals which might harm the vitality or viability of an existing centre either in terms of retail impact or, in the case of smaller centres, undermining the balance of uses or harming their amenity, will not be permitted”. However, the test under the NPPF for a refusal on retail impact on the vitality and viability of town centres is only where there is a “significant adverse impact”, as set out previously in this report under paragraph 91. “Significant adverse impact” is a much higher threshold than policy CP22’s “Proposals which might harm the vitality or viability of an existing centre”. “Might harm” is a particularly low threshold in comparison and suggests even when there is a vague prospect of a minor reduction in sales or footfall then planning permission should be automatically refused.
- 6.21 It is apparent from the framing of the wording in policy CP22 that its tests are not consistent with the requirements of the more up to date NPPF. As a result of this policy CP22 is again considered to be unduly restrictive in this regard. Because this test is not fully consistent with the NPPF, only limited weight can be afforded to this aspect of the policy. Therefore, whilst once more acknowledging the primacy of the adopted development plan as set out in legislation, it is considered that material considerations in the form of the more up to date NPPF justify not rigidly applying the terms of paragraph 2 of policy CP22, insofar as any retail development must be refused where it might harm the vitality and viability of retail centres.
- 6.22 Nonetheless, the overarching aim of CP22, TCA8 and the relevant sections of the NPPF and NPPG is to prioritise the placement of retail development within town centre locations, in order to encourage investment, footfall and purchasing in these places, and increase the likelihood of “linked trips” whereby consumers

visit multiple town centre businesses and help to support their vitality. Where retail development is located on edge of centre locations, the chances for this type of linked activity may decrease (although well connected sites may still enable this, hence their preference under paragraph 87 and CP22). With completely out of town locations the risk is that retail development will draw trade away from the town centre to the detriment of its vitality. For example, a very large out of town supermarket that can meet all the day to day needs of local people in a single trip, with no need to visit the town centre.

- 6.23 The application will therefore need to satisfy the locational requirements of policy CP22, TCA8 and paragraphs 86 – 89, have due regard to the established retail hierarchy set out in the TCAAP, and consider the policy requirements for retail impact highlighted under paragraphs 90 and 91, in order for this location for convenience goods development to be considered acceptable. Given that a number of third-party comments refer to there being no “need” for an additional supermarket in this location, it is also considered necessary to clarify this point.

Retail Impact – Whether there is a “need” for the proposed development:

- 6.24 As noted above, there is no policy requirement in the NPPF to consider if there is a particular identified need for an additional retail development. The fact that it is being proposed is sufficient grounds to apply the relevant policy tests. Whilst third party comments referring to the proximity of other supermarkets are noted, this does not preclude the applicant seeking permission for the proposed development. It is a matter for the applicant to satisfy themselves as to whether a further convenience store is viable in this location but this is not a material planning consideration. The planning merits of the proposed use must be considered rather than theoretical alternative uses or locations that are not before the Council.

Retail Impact – Location:

- 6.25 The applicants have provided a planning and retail assessment to consider whether there are any sequential preferable sites, as required by policy CP22, TCA8 and the NPPF.
- 6.26 The assessment sets out the following findings to determine whether a sequential preferable site exists for this this convenience store (as in, whether an available site exists within the primary or secondary shopping areas of the town). This is explained as follows:

“The Tonbridge Central Area Action Plan (April 2008) identified a number of development sites within Tonbridge, and their indicative capacity. The table below summarises the sites that have retail identified as a proposed use. In all cases, retail is identified as part of a mixed use development, none of the sites is solely allocated for retail development.

Of these seven sites, five sites (Tonbridge Station, River Lawn, Quarry Hill Road/Waterloo Road, Sovereign House and Waitrose/Iceland car park) either show no change in the amount of retail floorspace proposed, a reduction in retail floorspace, or only a small increase in retail floorspace that would not be able to accommodate the proposed food store, even when applying flexibility. These sites are therefore not considered suitable to accommodate the proposed development, and are not assessed further. In addition, the Sovereign House site has been redeveloped for residential use, and the Tonbridge Station site has also been developed to provide decked car parking for station use. These sites are also no longer available. The remaining two sites (Botany and Tonbridge Library) are considered below.

6.27 In respect of the Botany site (including Beales department store now closed), the assessment explains that the store is much larger than the Cannon Lane unit, being some 4,343sqm and, as the site is owned on a long lease by Sainsbury's, it was therefore unclear whether it is actually being marketed, such that it is "available" for the proposed development. Further information was sought from the applicants in this respect, and their agent approached Sainsbury's to inquire if the unit was available, potentially though sub-division.

6.28 The response from Sainsbury's is detailed in the letter from the agent dated 9th February 2021, who explains that:

"In respect of the former Beales unit I undertook a search of the local land registry which identified that the freehold is owned by Tonbridge & Malling Council and Sainsbury's have a 125 year lease from them. Beales had a further lease from Sainsbury's, but they are now in Administration. After extensive searches, I have not been able to find any marketing details, letting boards or particulars for the unit, so it is clear that the space is not currently being marketed for future occupation. Indeed, it has not been marketed since it became vacant in Spring 2020.

Notwithstanding the above, I spoke with Sainsbury's to understand the current position and was advised that the unit is not being marketed as Sainsbury's are currently reviewing its options for the space. It was suggested that at least part of the space could be incorporated into a reconfiguration of the existing Sainsbury's unit, but it was not known how much space this would involve. This is consistent with my understanding of Sainsbury's long held aspiration for the existing store.

My understanding is that even if there is some space available post a Sainsbury's extension, they would not let this to a competing food store operator."

6.29 Based on the information provided, it therefore appears that the site is not available since it likely to be incorporated into an enlarged Sainsbury's store, and any remaining space following this expansion (if there was any) would further be unlikely to be offered to a competing convenience goods operator, regardless of who the end company was.

- 6.30 Accordingly, it is considered that this site is not available for the broad type of development being proposed, even with some flexibility on size and footprint.
- 6.31 The assessment goes on to consider the Tonbridge Library site (owned by KCC and not currently available); the former Woolworth store (too small at 836sqm; even with some flexibility on the part of the operator, it is less than half that sought at the Cannon Lane site). All other vacant units are even smaller.
- 6.32 Beyond the shopping areas, the assessment has also considered edge of centre sites, including the following:
- “Key public car park sites have been considered in this assessment. All, however, are considered important facilities for Tonbridge, in terms of catering for both local residents and visitors, and all of these car parks have therefore been assessed as unavailable for development.*
- Public open space and recreation land has also been considered including identified important amenity areas. None of these sites is currently vacant or under-utilised and all perform an important local function, therefore none of these sites is considered suitable or available on the basis that the Council generally seeks to retain such facilities in the interests of preserving their use for residents and visitors to an area.”*
- 6.33 Overall, it is considered that the applicant has carried out a thorough assessment of all potentially available sites in the primary shopping areas and edge of centre sites and none are suitable or available for the type of development being proposed. Even with the reduced floorspace now proposed, the new store remains large and there is no evidence any new units of floorspace around 1,300sqm has subsequently become available since.
- 6.34 There is no evidence before the Council that the sequential assessment is flawed or has omitted a site that would be more preferable. As there are no sequentially preferable suitable or available sites within the primary and secondary shopping areas, or the edges of these centres, in accordance with policy CP22 and paragraphs 86 – 88 of the NPPF, out of town locations may be acceptable.
- 6.35 The Cannon Lane site falls within the wider Tonbridge central area, and there is a reasonable degree of connectivity via footpaths and adjacent roads, as well as public transport, to the primary shopping areas. Nonetheless, it is an “out of centre” location as it does not fall within the 300m distance of the shopping areas, which is the definition for an edge of centre site defined in the NPPF.
- 6.36 However, as the retail assessment has failed to identify any sequentially preferable suitable or available sites for the broad type of development being proposed, it is therefore considered that the out-of-town location of the proposed new retail store has passed the sequential tests set out under policy CP22, TCA8

and paragraphs 86, 88 and 89 of the NPPF. As such there are no policy objections on the principle of a new convenience store at this location.

Retail Impact – whether an assessment is required:

- 6.37 The final consideration on matters of retail policy is whether the introduction of a convenience store here would necessitate a retail impact assessment (RIA) to determine the impact on the vitality of the high street primary shopping areas.
- 6.38 Paragraphs 90 and 91 of the NPPF set out the circumstances in which a retail impact assessment (RIA) is required on retail development outside of a town centre location.
- 6.39 The NPPF is clear that where no local floor space threshold is set (CP22 is silent in this regard) then the default threshold is 2,500sqm. The proposed store is just 1,300sqm, falling very far below the default threshold set out in the NPPF. In choosing this threshold, it is apparent that in most circumstances the Government does not consider retail stores with a floor space below this level to warrant a RIA, or the wording of this paragraph would plainly have reflected this. It is clear that developments below this threshold, particularly in the absence of a locally defined threshold, are highly unlikely to have an impact on the main town centre that would be significant enough to warrant consideration through a full RIA. There is no evidence that a significant adverse impact would arise with a development so far below the default floor space threshold.
- 6.40 Policy CP22 is clear that proposals which might harm the vitality or viability of an existing centre in terms of retail impact will not be permitted, although as noted previously this test is inconsistent with the requirements of the NPPF and should not be used as a basis to justify refusal. However, given the comparatively low floor space against the threshold for assessment under an RIA set out in national policy, and the reasonable connectivity from the site to the primary and secondary shopping areas, it is not considered that there is sufficient evidence that the proposal would result in significant adverse impacts to the vitality or viability of the shopping areas in terms of retail impact.
- 6.41 Accordingly, it is not considered that there is any conflict with the requirements of paragraph 90 and 91 of the NPPF, and even where there is some limited conflict with policy CP22's stricter requirements, the weight that can be attributed to this conflict is greatly and decisively reduced as a result of inconsistencies with the NPPF.
- 6.42 Therefore, there is no policy basis for requiring an RIA.

Highways and Parking:

- 6.43 Paragraph 110 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) 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 degree.
- 6.44 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112 goes on to state that within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 6.45 Policy CP2 of the TMBCS advises that new development that is likely to generate a significant number of trips should:
- (a) be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres;
 - (b) minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities;

(c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking;

(d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated;

(e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and,

(f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

- 6.46 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided. It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 6.47 A number of third-party concerns have been raised regarding potential highways and parking impact. Following comments raised by KCC Highways and Transportation in the last application, the applicant provided updated traffic data to address initial concerns.
- 6.48 KCC's detailed response is set out earlier in the report. They note that the change in traffic would be - 5 less vehicles during weekday PM hour and 4 more vehicles during Saturday peak hour. They add that these numbers will not have a severe impact on the highway network, which is the criteria set out within Paragraph 111 of National Planning Policy Framework 2021, and accordingly raise no objections, subject to the implementation of the two way exit to ensure backing up does not occur into and out of the junction.
- 6.49 This scheme has already been granted planning permission under reference TM/18/00704/FL and the plans have been resubmitted with this application. It would provide a wider, two-lane exit from the site, easing traffic flow and reducing the chances of internal queuing that could then back up traffic trying to enter the site (**Appendix 1** – two lane exit approved plan).
- 6.50 The land for the revised access is within the control of the applicant and a Grampian style condition will ensure this is constructed before the use commences. The applicant has agreed in writing to the imposition of this type of condition.

- 6.51 These works would be implemented through a further S278 agreement with the County Council (if required). Subject to this, it is not considered that any unacceptable or severe highways impacts would result, being the specific test set out in national policy under paragraph 111 of the NPPF. Whilst it is noted that third parties raise objections on the existing traffic in the area, the proposal can only address the resulting effects from permission being granted, not any pre-existing traffic problems along the A26.
- 6.52 Furthermore, no changes to existing parking are proposed. Whilst some increased parking may result if the new use proves more popular than the existing, KCC Highways have not raised any safety objections in this regard. It is not considered that the existing parking arrangements would be inadequate even if there is some greater use.
- 6.53 Whilst the Council refused the previous application for the change of both units to comparison and convenience stores, this development proposes a lower level of floorspace and for the change of use of only a single unit.
- 6.54 Assessing this application on its own merits and in light of KCC Highway's lack of objection overall, the scheme would comply with Policies CP2 of the TMBCS, SQ8 of the MDEDPD and paragraph 111 of the NPPF, subject to the junction improvements being delivered prior to commencement of the new use. This will be secured by condition.

Neighbouring amenity:

- 6.55 In terms of neighbouring amenity, third party concerns are noted. It is important to recognise again that the scope of this application is to consider any greater impacts from varying the wording of the condition, and not any pre-existing problems with the operation of the retail park, including deliveries to other stores.
- 6.56 A separate planning enforcement investigation has also been conducted with regard to the closing of the barrier overnight to prevent anti-social use of the park, which was detrimental to the amenity of neighbouring properties. The landowners were reminded of their responsibility to securely lock the park at 9:30pm every night, after the investigation found the barrier to be open past this time on occasion. Since then, the land owners have confirmed their security team are reminded to lock the gate each night, as well as writing to existing tenants to ensure compliance with the site management plan, in accordance with previously imposed conditions. No further complaints from residents have been received since.
- 6.57 On this matter, all previously imposed conditions on hours of operation and deliveries would be re-imposed. This includes *"No delivery or despatch of goods shall be carried out outside the hours of 07.00 to 21.00 Mondays to Saturdays or 09.00 to 17.00 on Sundays, Bank and Public holidays, unless otherwise agreed in writing by the Local Planning Authority"* as well as a site management plan,

which should be updated to consider the changing use of the units. Furthermore, an updated noise survey has been provided to TMBC's Environmental Protection team, who raise no objections in regard to future noise of plant or ventilation subject to the imposition of conditions. At that time, the Council can consider whether it would achieve an appropriate noise climate based on the specific details and mitigation measures proposed.

- 6.58 Whilst there are concerns from Environmental Protection over any future proposals for any regular home deliveries service operating from that unit (due to the increased number and frequency), home deliveries are not an essential requirement for this type of use. The applicant has confirmed that there would be a maximum of 3 home delivery vehicles operating from the store and engines would not run whilst loading up at the bay.
- 6.59 Accordingly, it is considered that this matter can be addressed by planning conditions which would prohibit the operation of such a service unless and until a satisfactory noise mitigation scheme could be demonstrated and agreed by the EP team. This would not otherwise prevent the operation of the unit for a convenience and comparison store and it considered to meet the statutory tests to avoid undue disruption to nearby dwellings until further information has been provided.
- 6.60 Although it is noted that there have been complaints regarding the M&S store, that building is closer to a number of residential properties on Crabapple Road, whereas this building is located further away and with a deeper roof space to accommodate plant away from the nearest houses. If new plant and ventilation is required for the future use, it will be a matter for the applicants to resolve in a manner that does not result in unacceptable noise impacts to nearby residential properties. Unit 1C is also much further away from neighbouring dwellings
- 6.61 As to the number and frequency of general deliveries, there are no restrictions on this on the previous consent, only on the hours within which they can arrive. Given the location in an established retail park on which no restrictions apply to other units in terms of deliveries, it is not considered likely that the number of deliveries would change so substantially that any significant greater noise impact would arise. The hours of operation would continue to be restricted within the terms of the existing consent. Additionally, the improved two-way exit will ease traffic leaving the site and reduce the chances of car engines running whilst stationary close to neighbouring gardens. To consider this matter another way, it would not be considered reasonable (therefore failing the statutory tests for the imposition of conditions) to restrict the number of deliveries to this unit, but have an adjacent unit operating a far higher number of deliveries unrestricted.
- 6.62 Overall, whilst it is accepted that there would be some increase in activity, in the context of the existing park and adjacent road it is not considered that objections could reasonably be sustained with regard to any greater impact from the

variation of condition being sought. Therefore, the scheme would comply with policy CP24, SQ1 and SQ6 by not harming neighbouring amenity by reason of noise and disruption.

Planning Obligations:

- 6.63 Policy TCA19 of the TCAAP requires development proposals in the central area to provide an appropriate level of contribution towards the Tonbridge Central Area Regeneration Fund. Officers consider that the introduction of a food store at this location will place greater pressure on the public realm, particularly between the site and the primary shopping areas, as residents move between the two. This case was previously accepted by the applicants who agreed to provide a planning contribution to address this.
- 6.64 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) and paragraph 57 of the NPPF require that requests for development must comply with three specific legal tests, namely that they must be (1) necessary, (2) related to the development, and (3) reasonably related in scale and kind. It is considered that the contributions being sought meet these tests.
- 6.65 As a result of the introduction of a more intense use at this location, even for a single unit instead of two, it is considered that the development will still generate additional pressure on the public realm, triggering the requirements of policy TCA19. It is necessary and reasonable that the development provides funding to offset this impact, that is directly related to the introduction of this use at this location. Accordingly, officers consider that relevant statutory tests have been met.
- 6.66 Following discussions with the applicant, officers have secured a contribution of £11,500 towards the Tonbridge Central Area Regeneration Fund for public realm maintenance and enhancement to offset the impact of the development. This will be secured by a unilateral undertaking subject to a resolution to grant planning permission by APC1.

Conclusions:

- 6.67 The applicants have provided an extensive sequential search for more preferable sites located within or next to the primary and secondary shopping frontages. No alternative sites that are suitable or available have been identified. Although the development would result in an increase in traffic movements, subject to the provision of the two-lane exit Kent County Council Highways and Transportation are satisfied that no unacceptable safety or cumulative traffic impacts would arise. Furthermore, it is not considered that the proposal would result in any harmful impact on neighbouring amenity with open hours remaining controlled within original parameters. Any additional home delivery movements would first need a further approval with additional information.

6.68 Furthermore, a planning obligation, to be secured by a UU, would help mitigate from the additional pressure on the public realm as a result of the new use at this location.

6.69 Accordingly, it is considered that the proposed variation of condition to allow for a convenience/food store at this location would not result in any unacceptable impacts, subject to the agreed mitigation measures. There is no identified conflict with the development plan and national policy, and therefore the application is recommended for approval

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Location Plan dated 26.07.2021, Existing Floor Plans dated 26.07.2021, Proposed Floor Plans dated 26.07.2021, Site Plan Car Park dated 26.07.2021, Letter covering dated 26.07.2021, Letter from applicant dated 26.07.2021, Flood Risk Assessment dated 26.07.2021, Statement Operations dated 26.07.2021, Assessment Planning and retail dated 26.07.2021, Transport Assessment dated 26.07.2021, subject to the following:

- The applicant entering into a planning obligation with the Borough Council to provide financial contributions towards public realm enhancements in the Tonbridge Central Area to mitigate development impacts.

7.2 It is expected that the section 106 agreement should be agreed in principle and the legalities completed within 3 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties within 3 months, a report back to the Area 1 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- The following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. The use of the retail warehousing shall be limited to the retail sales of DIY home and garden products, hardware, self-assembly or pre-assembled furniture, household furnishings, floor coverings, electrical goods, motor accessories and motor vehicles office equipment and supplies, bicycles, pets, pet food and drink and pet products, camping equipment and computer equipment.

Up to 1,396 sqm (GIA) within 1C shall additionally be permitted to be used for the sale of convenience goods and associated comparison goods.

Unit 1D shall additionally be permitted to be used for variety retailing including the retail sale of food and drink goods from an area not exceeding 30% of the net retail floorspace of Unit 1D, and otherwise shall be used for the sale of non-food comparison goods. It shall not be used for the principal purpose of the sale and display of clothing and footwear.

Reason: The site is located outside an area where general retailing would normally be permitted.

3. No delivery or despatch of goods shall be carried out outside the hours of 07.00 to 21.00 Mondays to Saturdays or 09.00 to 17.00 on Sundays, Bank and Public holidays.

Reason: In the interests of residential amenity.

4. Before the use hereby approved is commenced details of an updated site management plan to coordinate deliveries to and the removal of waste from the new use at Unit 1C shall be submitted to and approved by the Local Planning Authority, and the approved plan shall be adhered to by all occupiers of the building in perpetuity. The management plan shall include specific details of which party(s) is/are responsible for opening and closing the barrier at the entrance of the site and what times of the day it is to be opened and closed in order to facilitate the effective management of deliveries and waste removal. The units shall be strictly operated in accordance with the approved management plan.

Reason: In the interest of residential amenity and highway safety.

5. The development shall be carried out strictly in accordance with all the recommendations contained within the submitted noise survey reference 07011/3/1/4 received on the 28th October 2021. The rating level of the noise from fixed plant and equipment emitted from the site shall be lower than the existing background noise level by at least 5dB at the nearest noise-sensitive premises. The measurements and assessment shall be made according to BS4142:2014 +A1:2019.

Reason: In the interests of residential amenity.

6. The use hereby approved shall not commence until the improvements to the local highway network to provide a widened two lane exit in accordance with approved drawing number 9843 P 301 have been completed (via a s.278 Agreement with Kent County Council if required) and thereafter retained in perpetuity.

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

7. No home delivery service shall operate from the store until a further noise survey has been submitted to and approved in writing by the Local Planning Authority, setting out noise impacts on any affected receptors and any recommended mitigation measures.

Reason: In the interests of residential amenity.

Informative:

1. Substantiated complaints of noise nuisance may result in formal enforcement action under statutory noise nuisance legislation.

Contact: Adem Mehmet



Appeal Decision

Site visit made on 6 January 2022

by **David Prentis BA BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th January 2022

Appeal Ref: APP/H2265/W/21/3279375

Units 1B and 1C, Tonbridge Retail Park, Cannon Lane, Tonbridge TN9 1PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by LondonMetric Saturn Limited against the decision of Tonbridge and Malling Borough Council.
- The application Ref TM/20/02334/FL, dated 15 October 2020, was refused by notice dated 28 May 2021.
- The application sought to extend the range of the goods that can be sold from Units 1B and 1C by varying a condition attached to planning permission TM/16/00818/FL, dated 1 November 2016.
- The condition in dispute is No 1 which states that:
The use of the retail warehousing hereby approved shall be limited to the retail sales of DIY home and garden products, hardware, self-assembly or pre-assembled furniture, household furnishings, floor coverings, electrical goods, motor accessories and motor vehicles, office equipment and supplies, bicycles, pets, pet food and drink and pet products, camping equipment and computer equipment.
Unit 1C shown edged green on plan shall additionally be permitted to be used for the sale of tents, camping and caravanning equipment and accessories, outdoor pursuit equipment and accessories and an associated ancillary outdoor clothing and footwear range equating to not more than 20% of the net retail floorspace of Unit 1C.
Unit 1D shown edged purple on plan shall additionally be permitted to be used for variety retailing including the retail sale of food and drink goods from an area not exceeding 30% of the net retail floorspace of Unit 1D, and otherwise shall be used for the sale of non-food comparison goods. It shall not be used for the principal purpose of the sale and display of clothing and footwear.
- The reason given for the condition is: *The site is located outside an area where general retailing would be permitted.*

Decision

1. The appeal is allowed and planning permission is granted for variation of condition 1 of planning permission TM/16/00818/FL to allow the sale of convenience goods from Units 1B and 1C at Units 1B and 1C, Tonbridge Retail Park, Cannon Lane, Tonbridge TN9 1PN in accordance with the terms of the application, Ref TM/20/02334/FL, dated 15 October 2020 and the plans Site Location Plan (11136-L-001), Existing Floor Layout (11136-P-001), Proposed Floor Layout (11136-P-002) and Proposed Site Plan Car Park Entrance Modifications (9843-P-301) submitted with it, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by LondonMetric Saturn Limited against Tonbridge and Malling Borough Council. This application is the subject of a separate decision.

Preliminary matters

3. A planning obligation in the form of a unilateral undertaking (UU) was submitted with the appeal. The UU would provide for a financial contribution to public realm works. I comment further on this matter below.

Background and main issue

4. The appeal relates to two units within a modern retail park. In summary, the appellant seeks to amalgamate the two units and enable them to be occupied by a food store.
5. The subdivision and extension of Unit 1, formerly occupied by B&Q, was permitted in 2016. A separate application (TM/16/00818/FL) was also approved, varying an earlier planning condition restricting the range of goods to be sold. This enabled Unit 1C to be used for the sale of equipment for camping, caravanning and outdoor pursuits. At the time of my site visit, Unit 1B was occupied by Carpet Right and Unit 1C was occupied by Go Outdoors.
6. The appellant seeks to vary the relevant condition again, by inserting the following wording into Condition 1 of planning permission TM/16/00818/FL (which is set out in full in the heading to this decision):

Up to 1,900 sqm (GIA) within Units 1B and 1C shall additionally be permitted to be used for the sale of convenience goods and associated comparison goods.

Unit 1C, the larger of the two units, currently has an extensive mezzanine floor which is in retail use. The proposal is that the mezzanine floor would be removed. This is reflected in the floorspace figure set out in the condition, as proposed to be varied.

7. In addition to the units which are the subject of this appeal, the retail park is also occupied by M&S (food hall), Halfords, Jollyes Pet Superstore and Home Bargains, together with a smaller unit occupied as a coffee shop. Although the site is within the central area of Tonbridge, in terms of retail policy it is neither in the town centre nor in an edge of centre location. Policy CP22 of the Council's Core Strategy (CS) sets out a sequential test for the preferred location for retail development. The Council considers that this approach is generally consistent with the approach to main town centre uses contained in the National Planning Policy Framework (the Framework). The retail assessment submitted with the application considered various potential sites within and around the town centre, concluding that there were no sequentially preferable sites available. The Council accepts those findings.
8. The Council and the appellant agree that the scale of the appeal proposal is below the threshold where a retail impact assessment would be required. Insofar as Policy CP22 requires retail need to be taken into account, the Council considers that this requirement is unduly restrictive and inconsistent with the Framework. Accordingly, the Council does not consider that the appellant has to demonstrate need in this case. The Council's overall conclusion is that the

sequential test has been passed and that there would be no threat to the vitality or viability of the town centre. Accordingly, no objection is raised on retail policy grounds. I see no reason to disagree with the Council's conclusions on these matters.

9. Interested parties have raised other concerns, which are discussed below. However, from the Council's perspective, the sole objection relates to impact on the highway network. The main issue is, therefore, the effect that varying the condition would have on the highway network.

Reasons

10. The retail park adjoins the A26, Cannon Lane, a main traffic route skirting the eastern side of the central area of Tonbridge. The retail units face two sides of a central car park. The appellant's transport assessment (TA) included a parking accumulation model which did not identify the need for any additional parking. The Council has not taken issue with that finding and no changes to existing parking arrangements are proposed.
11. Access to the retail park is directly from Cannon Lane, by way of a junction with one lane in and one lane out. Planning permission has previously been granted for junction improvements which would provide a second exit lane. This would increase junction capacity by separating left and right turning traffic. It would also provide more capacity for traffic queueing to leave the car park at busy times. The works would also include a pedestrian crossing facility for those crossing the access road at the junction. It is proposed that these works to the junction would be implemented as part of the appeal scheme. This is a matter that could be secured by a condition. The Council has not identified any concerns in relation to highway safety and I see no reason to take a different view.
12. The TA compared the traffic generated by the existing uses with the proposed use, focussing on the weekday PM peak hour and the Saturday peak hour. This exercise took account of the proposed reduction in retail floor area. The TA concluded that there would be a slight reduction in total trips in the weekday peak and a slight increase in the Saturday peak. However, the amount of change in each case was so slight that, in my view, it would not be material in planning terms.
13. Kent County Council (KCC), as highway authority, made two formal consultation responses to the application. In addition, KCC provided a note to assist the planning committee. The first response raised a highways objection, whilst making clear that the matters being raised might be capable of resolution. The letter questioned various aspects of the TA, including trip generation rates, committed developments affecting the A26 and the definition of the peak hours.
14. Further information was provided by the appellant and KCC provided a further consultation response to the Council¹. This stated that the highway authority was satisfied with the approach to trip generation, committed development and the definition of the peak hours. The letter expressed concern that there may be some queueing of traffic leaving the site during the peak hour. However, the summary comment was that, as the junction improvement scheme had been

¹ Dated 12 February 2021

assessed as part of this application, it was imperative that this mitigation measure be implemented to enable improved egress from the site.

15. KCC's note for the Committee meeting confirmed its view that there were no sustainable highways grounds for objection, that the proposal was expected to generate similar levels of traffic movements to the current use and that the residual cumulative impact would not be severe.
16. After the application had been determined, the Council commissioned a further highways report (the C&A report). The C&A report questioned the approach of the TA to trip generation rates, for both the baseline condition and the development scenario. It pointed out that the baseline was derived from the TA submitted in 2016, arguing that (for present purposes) those rates should have been validated either by surveys of actual rates at the site or by a fresh TRICS analysis². Similar points were made in respect of the trip rates assumed for the proposed food store, which were based on rates agreed by KCC in connection with an Aldi store which is located further along Cannon Lane. The C&A report also drew attention to the capacity assessment for the retail park access in the 2016 TA. That assessment predicted that the junction arm leading out of the retail park would be above capacity during the Saturday peak hour, resulting in some queuing.
17. The C&A report suggested that this could result in traffic entering the site backing up on Cannon Lane. It went on to argue that further modelling should be carried out and that it was inconsistent to propose junction improvement works in circumstances where the appellant's case was that there would be no material change in traffic generation.
18. In preparation for this appeal, the appellant carried out traffic surveys in June 2021 which showed that the traffic then being generated by the retail park was actually less than the predictions from the 2016 TA (taking account of other developments in the locality).
19. Whilst I note that the TA relied on traffic surveys from 2013, it has also been informed by annual average daily flow data for Cannon Lane, derived from automated traffic counts, up to 2018. Moreover, the June 2021 surveys were carried out at a time when most Covid restrictions had been lifted. I consider that they provide a useful check on the data used in the TA.
20. A local Borough Councillor carried out a traffic count in September 2021. The time of day has not been specified and figures for an 8 hour day appear to have been calculated by multiplying the figures for a single hour by 8. Given that traffic flows typically vary throughout the day, that seems unlikely to yield an accurate result. Consequently, I attach only limited weight to this data.
21. The key point of difference between the TA and the C&A report relates to trip generation rates. The appellant accepts that, in an ideal world, the baseline would have been established through fresh surveys. However, this application was submitted in October 2020 when it was simply not possible to carry out representative surveys because the pandemic had fundamentally altered travel patterns. In the circumstances, I consider that using data from the 2016 TA was a reasonable and pragmatic approach to determining the baseline.

² The TRICS database includes survey data from many sites and is widely used by those carrying out traffic assessments

22. The C&A report suggests that trip generation rates for the development scenario would be higher than those used in the TA. This conclusion was based on TRICS data for a number of sites around the UK, which the authors judged to be comparable with the appeal site. The use of TRICS requires the application of professional judgment, in relation to comparability of the sites chosen and other matters. In this case, the appellants have relied on agreed (albeit predicted) rates for the Aldi store. I regard this as a good comparator because it is near to the appeal site and in a similar relationship to the primary road system and the central area of Tonbridge. I also attach significant weight to the fact that KCC has reviewed the trip rates used in the TA and found them to be robust.
23. A further factor to consider is the way transferred trips and linked trips are accounted for in the assessments. These can be an important factor, particularly in cases such as this where the subject premises are located within an established retail park with an existing food store (M&S). It is not clear how the C&A report has taken account of transferred and linked trips in arriving at the trip rates it presents.
24. Although the C&A report suggests that the junction improvements have not been assessed, KCC has clearly stated that it is important that the improvements are implemented precisely because they have been included in the assessment³. I take this to be a reference to the assessment in the 2016 TA because KCC did not seek further modelling in support of the appeal application. I note that the junction modelling in the 2016 TA predicted some queuing during the Saturday peak. However, the predicted queuing was confined to the retail park arm of the junction. Both of the Cannon Lane arms were predicted to be within capacity.
25. There is a possibility that traffic queuing to leave the retail park could block traffic trying to turn right from the access road into part of the car park. This could, in turn, cause traffic to back up onto Cannon Lane. No party has attempted to quantify the likelihood of this happening, or the likely duration or extent of any such impact. The potential for internal queuing was considered in the second response from KCC but was not thought to be of such significance as to give rise to an objection on highways grounds. Nor was it seen as a matter that required further modelling. To my mind, there is no reason to think that internal queuing would result in a severe impact on the wider highway network.
26. Drawing all this together, I acknowledge that the pandemic has impacted on travel patterns in a way that has caused practical difficulties in carrying out assessments of this sort. Nevertheless, applicants and planning authorities are bound to proceed on the best available evidence, notwithstanding those difficulties. Whilst I note the trip rates proposed in the C&A report, for the reasons given above I attach greater weight to the trip rates set out in the TA. Taking account of the proposed reduction in trading floor area, I consider that the variation of the condition would not result in a significant change in traffic conditions at the retail park.
27. I conclude that the proposal would accord with CS Policy CP2 in that it would be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated. It would also accord with Policy SQ8

³ KCC second response, dated 12 February 2021

of the Managing Development and the Environment Development Plan Document which states that development proposals will only be permitted where they would not significantly harm highway safety and where the traffic generated can adequately be served by the highway network.

Other Matters

28. Local residents objected to the proposal on various grounds. Insofar as the objections related to retail policy, the need for a new food store and highway impacts, these matters have been covered above. Concerns were also raised in relation to noise and disturbance from delivery vehicles. The application relates to an established retail park which is subject to a condition limiting the hours of deliveries. This condition could be re-imposed. The relationship of the service yard to nearby housing would not be altered. There would be no impact on a nearby conservation area because the general character of the retail park would not be materially affected.

Conditions

29. The Council has suggested conditions which I have considered in the light of Planning Practice Guidance. These conditions have been accepted by the appellant. I have made some minor changes in the interests of clarity but the substance of the conditions I have imposed is consistent with that which has been agreed.
30. Condition 2 would restrict the range of goods to be sold, in the way proposed by the appellant. This is necessary in view of the location of the site outside the town centre of Tonbridge, in order to secure compliance with the development plan. Condition 3 would limit the hours at which deliveries could be made in the interests of the living conditions of nearby residents.
31. Condition 4 would require submission and approval of an updated site management plan in the interests of highway safety and the living conditions of nearby residents. It would be necessary for this condition to be discharged before the new use permitted by the condition is implemented because the impacts that the condition seeks to manage would occur at the outset. Condition 5 would require details of any external plant, and associated noise mitigation measures, to be submitted for approval in the interests of the living conditions of nearby residents. Condition 6 would secure implementation of junction improvements, in the interests of highway safety and capacity.

Planning obligation

32. The planning obligation would provide for a financial contribution towards public realm works. The Council's rationale for this contribution is that the proposal would result in a more intense use of the appeal site that would generate additional pressure on the public realm. However, the proposal would result in a significant reduction in retail floorspace and would not materially affect the amount of vehicle traffic at the retail park. The general character of the retail park would be unchanged and there is no evidence that there would be any impact on the public realm, such as to require some form of mitigation. I do not consider that the obligation has been shown to be necessary to make the proposal acceptable in planning terms, nor is it related to the development in

question. The obligation does not meet the relevant tests⁴ and, accordingly, I have not taken it into account in my decision.

Conclusion

33. I conclude that the proposal would accord with the development plan. No considerations have been identified that would indicate a decision other than in accordance with the plan. The appeal should therefore be allowed.

D Prentis

Inspector

⁴ Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The use of the retail warehousing shall be limited to the retail sales of DIY home and garden products, hardware, self-assembly or pre-assembled furniture, household furnishings, floor coverings, electrical goods, motor accessories and motor vehicles, office equipment and supplies, bicycles, pets, pet food and drink and pet products, camping equipment and computer equipment.

Up to 1,900 sqm (GIA) within Units 1B and 1C shall additionally be permitted to be used for the sale of convenience goods and associated comparison goods.

Unit 1D shall additionally be permitted to be used for variety retailing including the retail sale of food and drink goods from an area not exceeding 30% of the net retail floorspace of Unit 1D, and otherwise shall be used for the sale of non-food comparison goods. It shall not be used for the principal purpose of the sale and display of clothing and footwear.

- 3) No delivery or despatch of goods shall be carried out outside the hours of 07.00 to 21.00 Mondays to Saturdays or 09.00 to 17.00 on Sundays, Bank and Public holidays.
- 4) Before the use hereby approved is commenced details of an updated site management plan to coordinate deliveries to and the removal of waste from the new use at Units 1B and 1C shall be submitted to and approved in writing by the local planning authority, and the approved plan shall be adhered to by all occupiers of the building in perpetuity. The management plan shall include specific details of who is responsible for opening and closing the barrier at the entrance of the site and what times of the day it is to be opened and closed in order to facilitate the effective management of deliveries and waste removal. The units shall be strictly operated in accordance with the approved management plan.
- 5) No external plant (including air-conditioning or refrigeration plant) shall be installed on the building until details of such plant and any noise mitigation measures have been submitted to and approved in writing by the local planning authority, and the work shall be carried out in strict accordance with those details. Noise from all plant and equipment on site including temporary units shall not exceed NR35 at the nearest site boundary.
- 6) The use hereby approved shall not commence until the improvements to the local highway network to provide a widened two lane exit in accordance with approved drawing number 9843-P-301 have been completed (via a s278 Agreement with Kent County Council if required). The highway improvements shall be permanently retained thereafter.

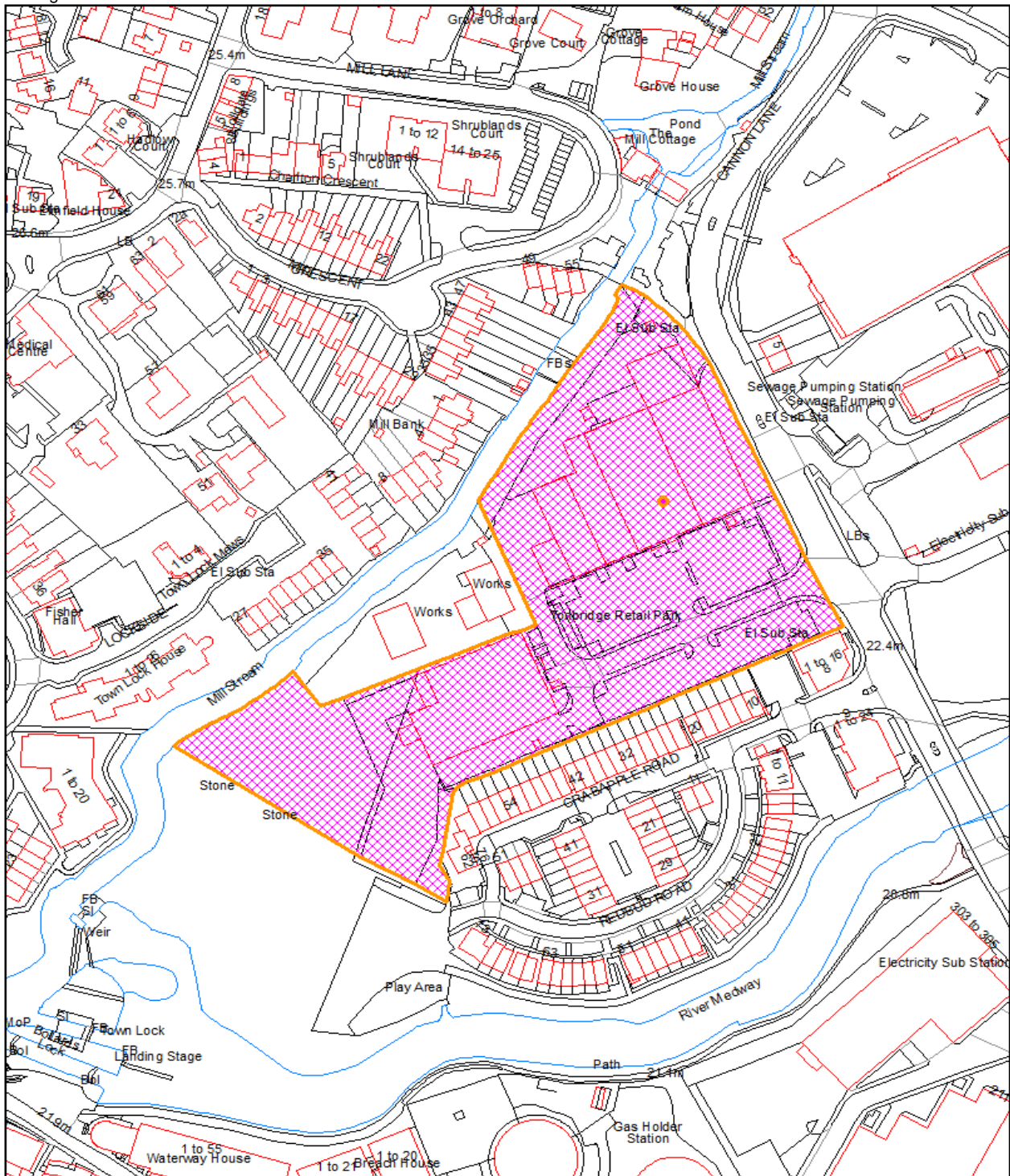
End of schedule

TM/21/02064/FL

Unit 1C Cannon Lane Retail Park Cannon Lane Tonbridge Kent

Section 73 Application: Variation of condition 1 of planning permission TM/16/00818/FL to allow the sale of convenience goods from Unit 1C

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank

Tonbridge
Judd

15 January 2019

TM/19/00014/OAEA

Proposal: Outline Application: construction of up to 125 new homes, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure

Location: Land North Of Lower Haysden Lane Tonbridge Kent

Go to: [Recommendation](#)

1. Description:

- 1.1 This item was due to be reported to the January meeting of the APC 1 but was withdrawn from the agenda before the meeting took place. The reason for doing so was that there was considered to be a lack of clarity set out in the papers as to what precisely the proposed measures would be to mitigate the impacts of the development in terms of highway safety.
- 1.2 These matters have now been clarified and set out in a final letter of representation by KCC (H+T). This letter is appended to this report at Annexe 1.
- 1.3 The mitigation measures in respect of highway impacts can be summarised (in full) as follows:
 - The applicant to provide a sustainable travel voucher to each of the households within the development (£250 per dwelling).
 - The provision of a financial contribution to the local highway authority (£131,851) to enable a shared cycle lane/footpath to be provided along Waterloo Road (from the junction with Brook Street to the railway station).
 - A financial contribution to the local highway authority of £1,000 per dwelling for (a) improvements to bus infrastructure in the vicinity of the site (a new bus shelter) and (b) improvements to bus services from/to Tonbridge town.
 - The provision of a Green Travel Plan which shall include the provision of a Travel Plan co-ordinator and the provision of a monitoring fee of £1,422 to the local highway authority.
- 1.4 The financial contributions to be payable are being secured via a section 106 agreement and a condition is recommended to require details of the Travel Plan to be submitted to and approved in writing by the Local Planning Authority.

- 1.5 Since publication of the January agenda, representations have also been received from KCC Ecology.
- 1.6 The January APC1 report (along with its various annexes) is reproduced at Annexe 2 to this report and should be read in conjunction with this latest report.

2. Consultees (received since 13 January 2022):

- 2.1 KCC (H&T): Final representations reproduced at Annexe 1.
- 2.2 KCC (Ecology): The ecological information has detailed the following are present on site:
- dormouse
 - 3 species of reptile
 - 9 species of foraging bats
 - 23 species of birds (including priority and red/amber listed species)
 - Trees with bat roosting potential
 - Potential evidence of otter north of the Ancient Woodland (AW)
 - Area of Ancient Woodland.
- 2.3 The survey data was over two years old an updated walk over survey has been submitted and it has confirmed that the habitats on site are largely similar to what was present during the species surveys. The main difference within the site was an increase in scrub/ruderal habitats along the northern boundary of the ecological survey area which is outside of the redline boundary.
- 2.4 From reviewing the submitted plans it appears that the majority of the species were recorded within the hedgerows or ditches within the site. As a result of comparing the phase one plan with the illustrative masterplan it appears that the hedgerows/ditches within the SE corner of the site will be lost or impacted by the proposed development.

Ancient Woodland

- 2.4.1 There is a block of AW in the north of the site which will not be directly impacted by the proposed dwellings but it's likely that the recreational use of the site will have a negative impact. The National Planning Policy Framework (NPPF) (2021) paragraph 180 states *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a*

suitable compensation strategy exists". We advise that we are satisfied that due to the space within the site measures can be put in place to minimise impacts and advise that a buffer area must be created to minimise impacts on the woodland from the development and reduce the risk of residents accessing the woodland.

Mitigation

- 2.4.2 A basic overview of the proposed mitigation and a mitigation management plan has been provided. The submitted information does provide us with an understanding of the proposed mitigation however it is not very detailed and the mitigation management plan does not reflect all the habitats detailed within the illustrative master plan (such as the additional hedgerow planting along the western boundary) - therefore it does not clearly demonstrate that the required mitigation will be implemented.
- 2.4.3 However from reviewing the mitigation management plan and the illustrative management plan we do accept that there is sufficient space within the proposed development site to implement the required mitigation but more habitat creation can be done than is currently proposed - for example the creation of a hedgerow along the northern boundary of the development site.
- 2.4.4 We note that the mitigation management plan has detailed that the open space habitat will be neutral grassland – as the site is currently farmland and therefore likely to be highly nutrient rich it's unlikely that botanically rich grassland can be created in the short term therefore there is a need to be realistic about the grassland to be created to ensure that the quality is as high as possible. We agree that in the long term if the management is appropriate the species diversity of some areas of the grassland can be improved.
- 2.4.5 We advise that if planning permission is granted there is a need for a detailed ecological mitigation strategy to be submitted as a condition of planning permission prior to any works commencing on site. The submitted information must provide the below information and we highlight that any landscaping plan must demonstrate that the measures will be implemented:
- Details of the species mitigation
 - Details of when the mitigation will be implemented and demonstrating that any habitat creation will be implemented.
 - Map showing habitat creation and enhancement (including AW buffer and hedgerow enhancement). Interim management plan until the site wide management plan is implemented.

Lighting

- 2.4.6 A lighting survey has been submitted and it has detailed that the majority of the site currently has light levels less than 1lux. The proposal will result in an increase in lighting within the site but there is a need to ensure that the site boundaries/areas of ecological interest do not result in a significant increase in lighting. The lighting must be designed to ensure those areas receive minimal lighting.
- 2.4.7 We note that there is a footpath going through the site and we recommend that no artificial lighting is included along the footpath.
- 2.4.8 We recommend that any street lighting proposed is turned off between 11pm/12am and 5am to further reduce light levels.

Management

- 2.4.9 An area of scrub is proposed to be retained within the eastern section of the site and it has been described as open space on the illustrative plan. However as it is dense scrub we highlight that this area will not provide recreational space within the development. There is a need to ensure that this area is managed and retained as dense scrub.
- 2.4.10 If TMBC are considering granting planning permission there is a need for a management plan to be produced to ensure that the areas of ecological interest are retained and enhanced over time.

3. Determining Issues:

- 3.1 My previous report set out in detail the assessment of the planning merits of the proposed development. However it can now be clarified that the raft of measures considered necessary to mitigate the impacts of the development in terms of highway safety are as follows:
- The provision of a sustainable travel voucher to each household within the development to the value of £250
 - The provision of a shared cycle lane/footpath along Waterloo Road
 - The developer making a financial contribution for the improvement of bus services within Tonbridge as well as providing a shelter for the bus stop on Brook Street, outside the Hayesbrook School.
 - The provision of a travel plan to promote the use of sustainable transport choices to residents of the development and reduce the amount of single occupier vehicle trips.

- 3.2 As has been highlighted by the latest (final) response from KCC H&T this package of measures will be satisfactory for it to now not object to the proposed development. The applicant has agreed to these measures and the financial contributions are being secured through a s106 Agreement.
- 3.3 It is noted that the highway authority would still prefer the shared cycle way/footpath to be provided by the developer under a s278 agreement. However, this issue has been discussed in my previous report and I can reaffirm that securing a financial contribution through a s106 agreement is an acceptable mechanism to secure the funding for this infrastructure.
- 3.4 The submission of the advice from the KCC (Ecology) does not raise new issues to be considered at this stage. A condition is still recommended requiring the submission of a detailed ecological management plan/strategy.
- 3.5 Taking this and the assessment in my previous report into consideration, I recommend that planning permission be granted subject to the applicant entering into the necessary s106 agreements with the Borough and County Councils, and the imposition of conditions.

4. Recommendation:

- 4.1 **Grant Planning permission** as detailed in the following submitted details: Plan 10246-HL-01C dated 04.01.2020, Location Plan 215 - P - 00 - A dated 04.01.2020, Report Geo-Environmental Parts 1&2 dated 04.01.2020, Statement Affordable Housing dated 04.01.2020, Planning Statement 181221 dated 04.01.2020, Environmental Statement 181221 Non Technical dated 04.01.2020, Environmental Statement Main Text dated 04.01.2020, Statement Community Involvement dated 04.01.2020, Environmental Assessment APPENDIX 1.1 Screening dated 04.01.2020, Environmental Assessment APPENDIX 1.2 Screening Option 4 dated 04.01.2020, Environmental Assessment APPENDIX 10.1 GLOSSARY dated 04.01.2020, Air Quality Assessment APPENDIX 10.2 dated 04.01.2020, Report APPENDIX 10.3 MODEL INPUT PARAMETERS dated 04.01.2020, Report APPENDIX 10.4 MODEL VERIFICATION dated 04.01.2020, Report APPENDIX 7.1 LEGISLATION AND PLANNING PO... dated 04.01.2020, Report APPENDIX 7.11 BADGERS dated 04.01.2020, Report APPENDIX 7.2 HABITATS AND BOTANY dated 04.01.2020, Report APPENDIX 7.3 BATS dated 04.01.2020, Report APPENDIX 7.4 HAZEL DORMOUSE dated 04.01.2020, Report APPENDIX 7.5 REPTILES dated 04.01.2020, Report APPENDIX 7.6 GREAT CRESTED NEWTS dated 04.01.2020, Report APPENDIX 7.7 WATER VOLE dated 04.01.2020, Report APPENDIX 7.8 WINTERING BIRDS dated 04.01.2020, Letter dated 02.04.2020, Plan FIGURE 1.2 DEVELOPMENT FRAMEWORK PLAN dated 04.01.2020, Environmental Assessment Chapter 9 Revised dated 28.01.2020, Transport Assessment Amended dated 28.01.2020, Letter ADDITIONAL INFORMATION dated 04.06.2021, Other

DESIGNERS RESPONSE TO STAGE 1 RSA OPTION 1 dated 04.06.2021, Drawing 10246-SK-05 REV C dated 04.06.2021, Report APPENDIX 7.9 WINTERING BIRDS dated 04.01.2020, Transport Assessment APPENDIX 9.1 dated 04.01.2020, Report FIGURE 10.1 SENSITIVE RECEPTORS dated 04.01.2020, Report FIGURE 10.2 TONBRIDGE AQMA dated 04.01.2020, Report FIGURE 10.3 WIND ROSE FOR GATWICK AIRPOR... dated 04.01.2020, Report FIGURE 8.9-8.23 VIEWPOINT PHOTOS dated 04.01.2020, Report FIGURE7.1_SITELOCDESIG dated 04.01.2020, Report FIGURE7.10A_BADGERS2014 dated 04.01.2020, Report FIGURE7.10B_BADGERS2015 dated 04.01.2020, Report FIGURE7.2A_PSR_BATS dated 04.01.2020, Report FIGURE7.2B_PSR_MAMMALS dated 04.01.2020, Report FIGURE7.2C_PSR_HERPS dated 04.01.2020, Report FIGURE7.2D_PSR_BIRDS dated 04.01.2020, Report FIGURE7.3_HABITATSFEATURES dated 04.01.2020, Report FIGURE7.4A_TREESURVEY dated 04.01.2020, Report FIGURE7.4B_MAYSURVEY dated 04.01.2020, Report FIGURE7.4C_JUNESURVEY dated 04.01.2020, Report FIGURE7.4D_AUGUSTSURVEY dated 04.01.2020, Report FIGURE7.4E_APRIL_MAY_2018 dated 04.01.2020, Report FIGURE7.5_DORMOUSERESULTS dated 04.01.2020, Report FIGURE7.6A_REPTILEREFGIA dated 04.01.2020, Report FIGURE7.6B_REPTILERESULTS_P1354 dated 04.01.2020, Report FIGURE7.7_PONDSWITHIN500M dated 04.01.2020, Report FIGURE7.8_BBSRESULTS dated 04.01.2020, Report FIGURE7.9_WINTERBIRDSURVEYRESULTS dated 04.01.2020, Report LVIA FIGURES dated 04.01.2020, Letter Cover dated 04.01.2020, Lighting 10246 LA02 REV1 dated 14.08.2020, Transport Statement 10246TA03 RV1 dated 14.08.2020, Transport Statement TA03 APPENDICES FULL dated 14.08.2020, Statement 10246 SS 03 RV1 dated 14.08.2020, Flood Risk Assessment 10246 FRA02 RV1 dated 14.08.2020, Design and Access Statement dated 14.08.2020, Plan 215-P-03 REV C dated 14.08.2020, Landscape Layout 215-P-01 Rev H dated 14.08.2020, Noise Assessment 10246 NM02 REV1 dated 14.08.2020, Arboricultural Assessment 7207 AA REV D dated 14.08.2020, Letter dated 14.08.2020, Schedule 200814 dated 14.08.2020, Environmental Statement dated 14.08.2020, Ecological Assessment ADDENDUM dated 14.08.2020, Management Plan Mitigation dated 07.01.2022, Transport Statement PARTS 1-5 dated 25.06.2020, Letter Ecology dated 07.01.2022, Flood Risk Assessment 10246TN19 dated , Flood Risk Assessment 10246 FRA02 RV2 dated 23.11.2021,

Subject to:

- The applicant entering into a s106 planning obligation with the Borough Council to make contributions for the enhancement of existing open spaces and NHS facilities in the locality.

The applicant entering into a s106 planning obligation with Kent County Council to make contributions towards the enhancement of secondary school accommodation and community facilities within the locality, improvements to bus infrastructure in Brook Street and bus services in Tonbridge as well as for the provision of a shared cycle lane/footpath along Waterloo Road.

It is expected that the section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 31 August 2022, a report back to the Area 1 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- The following conditions:

1. Approval of details of the layout and appearance of the development , the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. Applications for the approval of the reserved matters shall be in general conformity with the design principles described in section 3 of the Design and Access Statement and the following plans:

215-P-01 Rev H - Illustrative Landscape Masterplan

215-P-03 Rev C - Development Framework Plan

10246-HL-01 C - Proposed Access Arrangement

7202-E-01 - Mitigation Management Plan

Reason: In the interests of the amenity of the locality and to ensure continuity with the approved development principles

5. No development shall commence until a Construction Environmental Management Plan detailing how the woodland, habitats and hedgerows within and surrounding the site will be protected during the construction phase. This shall also include details of appropriate fencing to restrict access into key ecological areas, information on any timing restrictions and measures to prevent damage to sensitive ecological habitats. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local area.

6. Prior to the commencement of the development hereby approved, arrangements for the management of all 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:
 - o The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
 - o Procedures for managing all traffic movements associated with the construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;
 - o Procedures for notifying local residents 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
 - o The specific arrangements for the parking of contractor's 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 order that the development is managed in a way to minimise harm/disruption to the amenities of local residents.

7. None of the dwellings within the development shall be occupied until the following works have been undertaken under a s.278 agreement between the developer and the local highway authority:

- o Improvement to the junction of Brook Street/Lower Haysden Lane/site access as shown drawing no.10246-HL-01 C- Proposed Access Arrangement

Reason: In order to ensure the local highway network can adequately accommodate the traffic generated by the development hereby approved.

- 8. The details submitted in pursuance of Condition 1 shall show land, reserved for parking. None of the buildings shall be occupied until the parking provision for that particular building has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to reserved vehicle parking area.

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

- 9. None of the dwellings hereby approved shall be occupied until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: In order to reduce dependency upon the private motor car in the interest of highway safety.

- 10. 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 112 of the National Planning Policy Framework 2021.

- 11. No dwelling shall be occupied until secure cycle storage facilities have been provided for it, the details of which have first been submitted to and approved in writing by the Local Planning Authority. The approved facilities, once provided, shall be retained at all times thereafter.

Reason: In order to facilitate sustainable transport choices for the residents of the development, in the interests of highway safety and in accordance with paragraph 112 of the National Planning Policy Framework 2021.

12. Prior to or as part of the first submission pursuant to condition 1, a scheme detailing the layout of roads, footpaths, other means of access, communal car parking, the lighting and the drainage of those areas shall be submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the details approved.

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

13. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

14. No development shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority and the development will be undertaken in accordance with the approved details.

Reason: The National Planning Policy Framework paragraph 183 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

15. No development shall take place until the details required by Condition 1 have been submitted which demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

16. No development shall commence 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 be based upon the Flood Risk Assessment dated 14th August 2020 prepared by Brookbanks Consulting and 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 (with reference to published guidance):

o that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

o appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall also include details of the timescale for the provision of the approved scheme and it shall be implemented in accordance with the approved details.

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.

17. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

18. As part of or no later than at the submission of the Reserved Matters, details of the proposed ecological enhancement/mitigation measures shall be submitted to the Local Planning Authority for its approval. The details shall include a timetable for the provision of the proposed enhancement/mitigation measures and also for their management. The approved measures shall be undertaken in accordance with the details so approved.

Reason: In the interests of the ecological interest of the site.

19. No dwellings shall be occupied until full details of the open space to be provided (including amenity space, children's play areas and natural green spaces) as part of the development along with a timetable for provision and a scheme for future management of the spaces, have been submitted to and approved in writing by the Local Planning Authority. The details shall include any fencing and equipment to be installed. The approved scheme shall be fully implemented in accordance with the timescale approved and shall be maintained and retained at all times thereafter.

Reason: To ensure that the development is appropriately served by open space in accordance with the requirements of policy OS3 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010.

20. None of the dwellings identified within the Brookbanks Noise Appraisal ref. 10246/NM/02 as being noise sensitive, shall be occupied until the necessary noise mitigation measures have been incorporated into those dwellings, the details of which have first been submitted to and approved by the Local Planning Authority.

Reason: In order to provide an acceptable aural environment for the residential properties.

21. No development on any new building shall commence until detailed topographical plans and cross-section drawings of the site showing the proposed changes to the ground levels within the site in relation to the existing levels of the site and adjoining land have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

22. No development in relation to the construction of buildings above ground level shall take place until a plan showing the proposed finished floor level of the new dwellings in relation to the ground levels and finished ground levels of the site in relation to the existing levels of the site and adjoining land have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

23. No development shall take place above ground on any of the dwellings hereby approved 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 character and appearance of the existing building or the visual amenity of the locality in accordance with policy CP 24 of the Tonbridge and Malling Core Strategy 2007.

24. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

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.

25. Prior to commencement of development a scheme identifying the principles to be incorporated into detailed building design, together with on-site renewable energy devices, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide on-site renewable energy generation of no less than 10% of the annual energy requirement of the buildings. The approved scheme shall be implemented in accordance with the details so approved.

Reason: In the interest of reducing the energy demands of the development in accordance with paragraphs 112, 154 and 157 of the National Planning Policy Framework 2021 and the Borough Council's Climate Change Strategy.

26. No above ground development shall take place within any phase until details of the refuse storage facilities for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality in accordance with policy CP 24 of the Tonbridge and Malling Core Strategy 2007.

27. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

i archaeological (including geo-archaeological) field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further archaeological (including geo - archaeological) investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

28. (a) If during development, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

Informatives

- 1 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. 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 Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non-local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports.
- 3 With regard to condition 19, the applicant is advised to plan the layout of the built development in such a way to minimise the loss of existing hedgerows and trees within the site.
- 4 You are also advised that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 relating to the protection of species and habitats. The applicant is recommended to seek

further advice from the Natural England, Temple Quay House, 2 The Square,
Bristol, BS1 6EB.

Contact: Matthew Broome

This page is intentionally left blank



Tonbridge & Malling Borough Council
 Development Control
 Gibson Building
 Gibson Drive
 Kings Hill
 West Malling, Kent
 ME19 4LZ

Highways and Transportation

Ashford Highway Depot
 4 Javelin Way
 Ashford
 TN24 8AD

Tel: 03000 418181

Date: 24 January 2022

Our Ref:

Application - TM/19/00014/OAEA

Location - Land North Of Lower Haysden Lane, Tonbridge, Kent

Proposal - Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure.

Introduction and Application History

This further consultation response has been provided to clarify the position of the Local Highway Authority (*LHA*), Kent County Council (*KCC*) Highways and Transportation as requested by the Local Planning Authority (*LPA*), Tonbridge and Malling Borough Council (*TMBC*).

As is customary with large planning applications a Transport Assessment (*TA*) was submitted in support of the planning application when it was first validated in January 2019. KCC Highways consequently commented on the *TA* and provided initial comments via a consultation response dated 18th February 2019.

As a consequence of this authority's first and preceding consultation responses the applicant submitted numerous iterations of the *TA*, as well as additional Transport Technical Notes (*TTN*). Each of these documents were carefully scrutinised by KCC Highways, with consultation responses provided based upon position of the applicant at the time as set out in various *TA*'s and *TTN*'s.

Between February 2019 and October 2020 KCC Highways raised continued objections to the development because of the applicant's inability to demonstrate mitigating measures that would adequately mitigate the impact of the development.

Following KCC Highways consultation response of 16th October 2020 the applicant revised their approach to mitigating measures, proposing measures that would encourage trips by sustainable modes of transport, rather than physical junction improvements. Consequently, KCC Highways issued a final consultation response to *TMBC* on the 11th of June 2021, raising no objection subject to S278 works and S106 contributions. The reasons for this are explained

in the detailed consultation response in question, which is also appended to TMBC's previous committee report.

Assessment of Impact

To forecast the amount of traffic that the development is likely to generate during the highway peak hours of operation the applicant has utilised TRICS, the national trip generation database. The TRICS database is a database of recent traffic surveys for a variety of land uses that can be used for forecasting purposes.

The development is anticipated to generate 61 two-way movements (*combined arrivals and departures*) in the AM and PM peak hours. These forecasts have been derived from surveys with comparable locational characteristics to the development site and in KCC Highways view provide a suitable basis for forecasting purposes.

In addition, it should be noted that these forecasts do not account for any affordable housing provision, which is known to generate less traffic than private housing, or modal shift that may occur because of the applicant's mitigating measures. Consequently, it is likely than in practice the development will generate less traffic than forecast within the TA.

To assess the impact of the development on the local highway network (*LHN*) the applicant has undertaken junction capacity assessments along the A26/B2260 corridor. The impact of the development is most focused at the Brook Street roundabout, with the impact at other junctions more diluted, because traffic has had the opportunity to disperse across the highway network. KCC Highways are of the view that in the absence of a robust set of mitigating measures the impact of the development in congestion terms would be 'severe.'

In assessing the impact of the development KCC Highways have also considered the likely highway safety impacts of the development. The A26/B2260 Railway Approach corridor is of a high quality, suitable for the two-way flow of traffic and characterised by junctions that are designed to a high standard. It is therefore evident that hazardous conflicts because of sub-standard junctions or carriageway widths are unlikely to occur.

In addition, the applicant's site access arrangements are compliant with technical design standards and would enable safe access by all modes including pedestrians and cyclists. As a result, there is no evidence to demonstrate that safe access for all highway users cannot be achieved.

Analysis of the personal injury collision record for the highway network within the vicinity of the development confirms no crash cluster sites of common causation factors at the assessed junctions. The good PIC of the surrounding highway network demonstrates that the proposals would not adversely impact upon overall levels of highway safety.

Finally, in assessing the impact of the development KCC Highways have considered the ability to facilitate trips by sustainable modes because of the development's locational characteristics. Given the sites close proximity to Tonbridge town centre and its associated facilities KCC Highways consider there to be opportunity to encourage modal shift, thereby engaging the presumption in favour of sustainable development as set out in paragraph 14 of NPPF.

History and Assessment of Mitigating Measures

To mitigate the impact of the development the applicant initially proposed amendments to the geometry of the Brook Street and Pembury Road roundabout. The proposed amendments consisted of the following:

- Reducing the inscribed circle diameter of the Brook Street roundabout by 3 meters from 25 to 22 meters;
- Increasing the entry width Brook Street arm of the roundabout by 55cm from 4.4 to 4.95 meters
- Increasing the entry width of the A26 arm of the roundabout by 10cm from 7.2 to 7.3 meters;
- Increasing the entry of the A26, Quarry Hill Road south arm of the Pembury Road roundabout by 35cm from 7.8 to 8.15 meters

As set out in KCC Highways response of 16th October 2020, the LHA do not consider that these amendments would in practice demonstrably or meaningfully mitigate the impact of the development. This is because the proposed amendments would not increase the roundabouts storage capacity or allow 2 vehicles to site side by side at the give way line. In practice the physical alterations to the junction layout proposed by the applicant would simply create areas of unused carriageway, rather than providing an intervention that would mitigate the impact of the development.

Following KCC Highways consultation response of 16th October 2020 the applicant reconsidered their approach to mitigating the impact of the development. Rather than seeking to provide physical junction improvements, measures to encourage the use sustainable modes of transport were proposed. These measures consisted of enhancements to Waterloo Road to provide a shared cycle/footway, thereby providing complete off road route connectivity between the development site and Tonbridge town centre, a sustainable transport voucher that could be used for travel on public transport and the enhancement of the existing bus stop outside Haysden School via the provision of sheltered waiting facilities.

This revised package of measures is confirmed and explained in the applicant's covering letter of 4th June 2021. Following the receipt of this revised information KCC Highways provided a further consultation response withdrawing previous objections. KCC Highways final recommendation has been made having considered all material factors, including the development's highly sustainable location, requirement to promote and facilitate trips by sustainable modes first and foremost as set out in paragraph 108 and 110a of the NPPF, lack of evidence to indicate that the proposals would adversely impact upon highway safety and probability of success in the event of an appeal situation based upon a highway objection on congestion grounds alone.

It is the LHA's view that the package of mitigating measures proposed, coupled with the developments inherently sustainable location offer adequate opportunity to encourage modal shift that would mitigate the impact of the development. This assessment is based upon the professional judgement of KCC Highway Officers, having considered all material factors as set out in the previous paragraph

Final Package of Mitigating Measures

KCC Highways understanding it the final package of mitigating measures being offered by the applicant are as follows:

- Upgrading of the existing cycle infrastructure via a new shared foot/cycleway on Waterloo Road to provide complete route connectivity between the development and Tonbridge town centre;

- A financial contribution towards public transport improvements. This contribution is to facilitate the improvement of the existing stop outside Hayesbrook school, as well as services in Tonbridge town centre, which acts as a public transport interchange;
- A sustainable travel voucher that could be used towards sustainable transport measures, including travel on public transport.

As highlighted in KCC Highways final consultation response of 11th June 2021 it is also considered that the applicant should be required to provide a car club. The provision of a car club scheme would complement the package the final package of mitigating measures proposed and further discourage car ownership thereby helping to encourage trips via sustainable modes. The requirement for a car club could be secured via obligation within a S106 legal agreement, or planning condition. Whilst KCC Highways consider the requirement for a car club would meet the tests as set out in paragraph 57 of the NPPF, it is KCC Highways understanding that TMBC do not share this view.

It is understood that in lieu of providing a car club the applicant is willing to provide a financial contribution towards public transport improvements. This contribution could be used towards the upgrading of the existing bus stop outside the Hayesbrook school, in addition to service improvements in Tonbridge town centre. KCC Highways consider that a financial contribution towards the aforementioned improvements in lieu of the requirement for a car club would be a satisfactory replacement, whilst also offering similar benefits to a car club.

Whilst KCC Highways maintain the view that a club would also provide wider benefits in encouraging trips by sustainable modes, it is considered the lack of car club alone would not provide sustainable grounds for objection in isolation.

Amount of S106 Contribution

As set out in this authority's final consultation response of 11th June 2021 KCC Highways are firmly of the view that the proposed cycleway enhancements should be delivered via a S278 agreement with this authority. The proposed enhancements are intended to mitigate the impact of the development and it is therefore reasonable that any risks associated with delivering the works lie with the applicant and not KCC Highways. On this basis, KCC Highways have not checked the accuracy of the applicant's cost estimate and cannot verify if the figure quoted would cover the cost of the works, in the event of a S106 contribution being taken in lieu of the works being delivered via S278.

In respect of the upgrading of the existing sheltered waiting facilities and services within in Tonbridge town centre it is understood that the applicant is willing to offer a contribution of £1,000 per dwelling. This figure is commensurate with the figure that KCC Highways have sought towards public transport improvements for other large developments namely those is South Aylesford. A contribution of £1,000 per dwelling is therefore sought by KCC Highways.

To cover KCC Highways costs in managing and monitoring the applicant's framework travel plan (*FTP*) a fee of £1,422 should be sought from the applicant. This would allow the highway authority's dedicated travel plan coordinator to work with the applicant in the developing and monitoring of a robust travel plan with the aim of encouraging more sustainable travel behaviours.

Finally, in respect of the requirement for a car club should TMBC be minded to support KCC Highways request this would not necessarily necessitate a financial contribution. The obligation to provide a car club could be secured via obligation within a S106 or planning condition thereby

obligating the applicant to reach an agreement with a private provider, such as Enterprise, who are already providing car club services in other parts of Kent.

Summary and recommendation

KCC Highways raise no objection, subject to S278 works, S106 conditions and planning conditions

Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

Yours Faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

Tonbridge Judd	15 January 2019	TM/19/00014/OAEA
Proposal:	Outline Application: construction of up to 125 new homes, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure	
Location:	Land North Of Lower Haysden Lane Tonbridge Kent	
Go to:	Recommendation	

1. Description:

- 1.1 Outline planning permission is sought for a residential development of up to 125 dwellings on land currently used for agricultural purposes. Whilst the application is in outline form, access is a matter to be considered at this stage with all other matters reserved for future consideration. However, plans and documents have been submitted to illustrate how a development of this amount could be accommodated across the site.
- 1.2 Access is to be provided off a realigned junction at Brook Street and Lower Haysden Lane, with the latter being conjoined with the proposed access to the site.
- 1.3 The residential development is indicatively shown to be located towards the southern end of the site because the more northern section lies within Flood Zones 2 and 3. The proposed development would broadly sit within three separate parcels, corresponding with the existing field boundaries located within the site with the access entering the eastern most parcel.
- 1.4 A 40% provision of affordable housing would be provided as part of the development. In terms of open space, childrens' and young persons' play areas, amenity green space and natural/semi natural open space would be provided on site.
- 1.5 The submission indicates that the proposed dwellings would in the main be 2 storeys in height with 2.5 storey height building in key locations. It is envisaged that a mix of 2, 3, 4 and 5 bed units, both market and affordable, would be provided within the development.
- 1.6 The overall site area is approx. 10.64 ha with the proposed (indicative) development parcels making up 4.4ha of the site. Of the remaining area, approximately 5.6ha would consist of open space with the remainder being accounted for by the principal access road and realigned section of Lower Haysden Lane. The development would provide a new section of public

footpath, linking to the existing footpath along Brook Street. The new stretch of footpath would run along the site's southern boundary adjacent to Lower Haysden Lane and terminate at the western boundary of the site.

- 1.7 A Members' Site Inspection took place on 07 December where the attending Members viewed all of the parcels of land within the site, the existing boundary features as well the approach from Brook Street and Lower Haysden Lane

2. Reason for reporting to Committee:

- 2.1 Given the balance to be struck between diverging and significant material planning considerations.

3. The Site:

- 3.1 The site measures approx. 10.64 ha in area and comprises gently rising land that slopes up from north to south and which also slopes gently down from west to the central section of the site where a drainage ditch lies aligned north/south. The site is laid to pasture and the field boundaries are marked by mature hedgerows and trees.

- 3.2 A copse of Ancient Woodland (AW) lies adjacent to the northern boundary of the site, with a line of protected trees (Oak) running southwards from it. A separate group of protected trees (Oak and Ash) lies within the south east corner of the site, adjacent to the Hayesbrook School.

- 3.3 To the south of the site lies Lower Haysden Lane with Brook Street beyond it. To the west, the site adjoins the Vizards playing pitches associated with the Judd School. To the north lies more open agricultural land also owned/controlled by the applicant (as indicated by the blue line of the site location plan). This terminates on the southern side of the railway line. To the east lies the developed confines of Tonbridge (the boundary of Hayesbrook School and residential properties in Old Barn Close, Brook Street Farm, The Grange and Hazelwood).

4. Planning History (relevant):

TM/16/01715/EASC screening opinion EIA 21 June 2016
required

Request for Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for the proposed development of up to 250 dwellings, public open space and access on land north of Lower Haysden Lane, Tonbridge

TM/16/03305/EASP EIA opinion scoping 7 December 2016
application

Request for EIA Scoping opinion under the Town and Country planning (Environmental Impact Assessment) (Amendment) Regulations 2015 for the proposed development of up to 210 dwellings, public open space and access on land to the north of Lower Haysden Lane, Tonbridge

5. Consultees:

- 5.1 KCC (H&T): All representations reproduced at Appendices 1A-1E to this report
- 5.2 National Highways (formerly known as Highways England): All representations reproduced at Appendices 2A-2C
- 5.3 EA: All representations reproduced at Appendices 3A -3C
- 5.4 Southern Water: All representations reproduced at Appendices 4A-4C
- 5.5 KCC (SUDS): All representations reproduced at Appendices 5A-5C
- 5.6 KCC (Economic Development): All representations reproduced at Appendices 6A and 6B
- 5.7 NHS: All representations reproduced at Appendix 7
- 5.8 Natural England: No objections raised. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites.
- 5.9 Kent Wildlife Trust: Objections raised on the grounds that insufficient consideration has been given to potential recreational disturbance on Haysden Country Park, part of which is designated as Local Wildlife Site TM26 River Medway South of Leigh. Additional disturbance pressure to this site would be contrary to Policy LM13 of the Tonbridge and Malling Emergent Local Plan, which states that “development must protect and where possible enhance...Local Wildlife Sites”.
- 5.9.1 The Environmental Statement that forms part of the application states that “from viewing the available information for the designated LWSs within 2km of the Site boundary, vulnerability to public access and recreation is not identified”. While this might not be explicitly the case, the citation for Local Wildlife Site TM26 states that it has been designated in part for its significant breeding populations of mammal and bird species. These breeding populations would be inherently vulnerable to increase disturbance from public access and recreation pressure. Several of these species are designated as of principle importance under the s.41 NERC Act 2006, including otter, turtle dove, spotted flycatcher and bullfinch, placing a statutory duty on Local Authorities to protect them. The proposed on-site mitigation provides for an area of approximately 1.5 ha of open space including limited habitat enhancement. We do not consider

adequately compensates for both on- on-site habitat loss and potential off-site disturbance to an area of high ecological sensitivity.

- 5.9.2 The Environmental Statement also states that the provision of open space on-site will act to “draw people away from using other sites for recreation” (including Haysden Country Park), and as a result “the Development would not have a significant negative effect on these designated sites and therefore are not within the Zone of Influence”. We consider that the applicant has not adequately demonstrated this assertion. Given that the entrance to Country Park is less than 400m from the proposed development, we are of the opinion that it should be considered within the Zone of Influence and therefore appropriate compensation for disturbance should be provided.
- 5.9.3 Furthermore we note that the Design and Access Statement that forms part of the application explicitly states the intention to “facilitate a safe and enhanced access to Haysden Country Park”. This includes providing an “opportunity to improve the access for coaches / vehicles heading west to the Judd School sports complex and Haysden Country Park along Lower Haysden Lane” and creating “a new arrival green space to enhance the entrance to the site and to act as a gateway to the Haysden Country Park”. This document appears to support our assertion that the County Park is very likely to be subject to greater visitor pressure as a result of the development, and contradicts the assertions of the Environmental Statement.
- 5.9.4 In addition, we are concerned about the potential cumulative impact of this development when combined with other future developments in the area. The emergent Local Plan identifies this development as part of a larger strategic site (outlined in policy LM31) where it is anticipated that up to 480 homes will be built. In our response to the regulation 19 consultation for the emergent Local Plan, dated 26th November 2018, we have already stated that there should be a requirement that development on this strategic site should include “mitigation measures to account for increased visitor disturbance to TM26 River Medway South of Leigh Local Wildlife Site and Haysden Country Park”.
- 5.9.5 If this development is permitted it should be under the condition that the applicant enter into a s.106 agreement with Tonbridge and Malling Borough Council, as owners of the County Park, to provide a financial contribution towards the future management and enhancement of the site. If such an agreement is entered into with sufficiently robust measures to protect and enhance biodiversity in the Local Wildlife Site (in accordance with Policy LM13 of the Tonbridge and Malling emergent Local Plan) we would consider withdrawing our objection.
- 5.10 KCC Archaeology: The site of the proposed development lies on River Terrace Gravels. These deposits have potential to contain remains associated with Palaeolithic or early prehistoric activity. The site also lies adjacent to a historic

farm complex including the Listed Building of Brook Street Farm. This is a post medieval farm complex and remains associated with its earlier phases may survive on the site.

- 5.10.1 Cultural Heritage was scoped out of an EIA for this site and I agreed that, based on current information, there is unlikely to be any significant archaeological issue affected by development. However, there are heritage issues to address and this outline planning application is not supported by any assessment of heritage issues at all. I believe the 2016 Scoping Report Statement did mention that a separate Archaeological report would be submitted supporting an application (paragraph 2.56 on TM/16/03305). Given the size and scale of this development, this outline planning application should preferably have been supported by an assessment of archaeological issues
- 5.10.2 Although based on current information there seem to be no clear impact on known archaeological remains, there is potential for as yet unknown remains to survive on this site. In addition, in view of the presence of gravels there is potential for Palaeolithic remains. There are increasing and recent indications of wider prehistoric and later settlement in this area, particularly Iron Age settlements and industrial activity. Brook Street Farm is of historic interest and needs some consideration.
- 5.10.3 As such I am disappointed that there is no Cultural Heritage assessment supporting this outline application. I recommend that consideration of undertaking one now is reviewed. Issues which would benefit from some consideration are Palaeolithic, Prehistoric Archaeology, Archaeological Landscapes and Post Medieval agrarian heritage but a broad Archaeological DBA would be appropriate and in accordance with NPPF.
- 5.10.4 If it is considered appropriate to determine this application at this stage, I recommend that conditions are placed on any forthcoming consent

5.11 TMBC EP:

Noise:

- 5.11.1 If this application does proceed we would need further clarification on any potential noise nuisance arising from the Hayesbrook School especially as the playground is situated close to the proposed development and could adversely impact on future residents.

Additional representations:

- 5.11.2 I note the comments in the Noise report by Brookbanks. I have no objections to the methodology however whilst section 10.1 identifies noise from the Tonbridge-Redhill Railway as a significant source affecting the proposed development figure 8.11 shows properties on the northern boundary towards

the railways are not included in the additional mitigation. Given the railway also adjoins a working railyard which can operate 24/7 at times this must be addressed for the amenity of residents. I would also recommend methods of ventilation which allow 'purge' ventilation without the need to open windows should the resident so wish.

Contaminated land

- 5.11.3 There are no records of this land being previously developed so contamination does not need to be considered as part of the EIA.

Air Quality:

- 5.11.4 I do need to see data from monitoring location TN109 St Augustine's used in their models as this is the closest point to the development and there is two full years of data they can use from this main road. I would also like to see modelled receptors locations used along Quarry hill Road between the junction with Brook street and roundabout with Pembury Road as this will see an increase in traffic at peak times on the road.
- 5.11.5 Paragraph 10.98 states the number of exceedances of short term (24-hour) PM10 objective of 50 ug/m³ (A) has been calculated from the annual mean following the approach set out by DEFRA in LAQM.TG(09). This should be (16) not (09).

Additional representations:

- 5.11.6 I agree with the conclusions in the updated Env Statement. I would recommend that provisions to properties for EV charging be made to this development.
- 5.12 TMBC Housing: Affordable housing delivery of 40% of the total number of units developed complies with CP17. Within the 40% policy a tenure split of 70% affordable housing for rent and 30% intermediate housing (such as shared ownership).
- 5.12.1 The need for a Local Lettings Policy needs to be included in the S106 agreement, to allow for the prioritisation of households with a local connection to the area in which the development is sited. Nominations to the affordable homes for rent will be from the housing register.
- 5.13 TMBC Waste Services: Presentation of bins/boxes and The Service TMBC operates a two x wheeled bin and green box refuse and recycling collection service from the boundary of the property with the public highway. The service operates on an alternate week basis (general refuse one week and green waste/recycling the next). Bins/Boxes must be stored within the boundary of the property and placed at the nearest point to the public highway by 7 a.m. on

collection day and returned to its storage point on the property by the end of the day.

- 5.13.1 Vehicle access: It is important that our collection vehicles are able to have safe access and egress from the development generally and at each collection point. If this is not possible either on a permanent or temporary basis then we will be unable to provide the collection service.
- 5.13.2 It should also be noted that on-street car parking often gives rise to delays or inability to provide the service due to access problems. Adequate off-street parking/designated parking bays and the application of traffic restrictions e.g. double yellow lines can all aid provision of the service. Collection of bins from individual property boundaries, or specified presentation points and bin storage areas can be achieved where vehicle access is permitted and road constructed to highway standard and adequate to withstand frequent use by 32 tonne (gross vehicle weight) refuse freighters.
- 5.13.3 Appropriate turning areas (for vehicles 12.5 m x 3m, with 6m wheelbase and 4.5m height) must be designed in to the development. Parking restrictions e.g. enforceable yellow lines where necessary to aid access where the highway is adopted. Unadopted roads should be designed to eliminate parking in areas where access for the collection vehicles would be hindered.
- 5.13.4 Vehicle Access Consideration should be given to the type of materials used for road surfacing especially in turning areas and gateways/access areas for bin stores. Some surfaces, such as brick or block, that are more popular in some of the more modern developments can suffer unduly from wear and tear caused by normal but frequent large goods vehicle movements. This can be so particularly in spells of prolonged wet weather. TMBC will not be held liable for excessive wear and tear or sinking/shifting of block and brick, or any other road surfaces as a result of its contractors' vehicle movements during the provision of the collection services and necessary movements related thereto.
- 5.14 TMBC Leisure Services: Representations received are reproduced at Appendix 8 of this report.
- 5.15 Private Reps (including response to site and press notices): 18:5X/3S/99R. The reasons given for objecting to the proposed development are:
- The development will cause additional congestion in the local area
 - Impact upon the existing drainage systems
 - Adverse impacts upon biodiversity
 - There are more suitable sites in town

- Building upon the Green Belt
- The land is safeguarded and should be kept free from development
- Make use of empty buildings first
- There is already a need for more doctors and school places. The development will make this worse
- The buildings will be close to my property with the inevitable disturbance, noise, fumes etc during the construction phase
- The additional congestion will impact upon air quality and the safety of pedestrians
- It will have an adverse impact upon the character of the local area given that it will build on open countryside.
- No mitigation is shown for the increase in road traffic that will be caused by the development.
- The added congestion will harm the safety of the school children walking to the new school sports pitches in Lower Haysden Lane.
- The development is completely unnecessary
- The whole site is waterlogged in the winter and when Tonbridge flooded the water ingressed up to the boundary of the site.
- The development would not respect the setting of the adjacent dwellings.
- The heritage assessment does not consider the impact of vibration upon the adjacent Listed Building
- There is a lack of affordable housing in the area and the development would not help the situation.
- There's no plan for flooding
- Lack of segregated cycle way along Waterloo Road
- Just putting a cycle route along Waterloo Road will not help the traffic congestion
- Risk of people leaving the community centre and church office being hit by cyclists using the proposed cycle lane along Waterloo Road

6. Determining Issues:

6.1 As Members are aware, the Council cannot currently demonstrate an up-to-date five-year supply of housing when measured against its objectively assessed need (OAN). This means that the presumption in favour of sustainable development as set out at paragraph 11 of the NPPF (July 2021) must be applied. For decision taking this means:

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

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas 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.

6.2 In undertaking this exercise, it must be recognised that the adopted development plan remains the starting point for the determination of any planning application (as required by s.38 (6) of the Planning and Compulsory Purchase Act 2004) and which is reiterated at paragraph 12 of the NPPF. The consequence of this in these circumstances must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole.

6.3 Members will be aware that Council has taken the decision to withdraw the previously submitted draft local plan. As such, the policies contained within this plan hold no weight for decision making purposes at this time.

6.4 The adopted development plan therefore continues to consist of:

- Tonbridge and Malling Borough Core Strategy 2007 (TMBCS)
- Managing Development and the Environment Development Plan Document 2010 (MDE DPD)
- Development Land Allocation – Development Plan Document 2008 (DLA DPD)
- Tonbridge Central Area Action Plan 2008 (TCAAP)

- 6.5 In terms of the principles of the development, policies CP3 and CP4 of the TMBCS are the most important to the determination of this application, due to its specific locational characteristics being contained mainly within an area of land safeguarded for development, but with a small section of the south west corner of the site lying within the Green Belt.
- 6.6 Policy CP4 defines the majority of the land within the application as “Safeguarded Land”, reserved for future development. It states that this land will not be released for development before 2021 other than through a review of the Development Plan and only then if there is a demonstrable shortfall of housing land relative to the prevailing requirements of the South East Plan.
- 6.7 With regard to the first trigger point stipulated by policy CP4, the land would not, if permission is granted, be released for development before 2021 and therefore the policy would support the principle of the majority of the application site being developed (excluding the small south west corner that extends into the Green Belt).
- 6.8 Whilst there is no need to consider whether the other stipulations of policy CP4 would now be met, it is worth noting that the South East Plan was abolished some time ago and there is, as has been set out earlier in this report, a shortfall of housing land within the Borough (using the Government’s standard methodology). Therefore, notwithstanding the fact that a review of the Development Plan has not yet taken place, there is no principal objection within policy CP4 to the safeguarded land within the site now coming forward for development.
- 6.9 As policy CP4 seeks to keep the site available for development after a given point in time, it is not considered to be out of date with the NPPF. Full weight to this policy can therefore be afforded.
- 6.10 Policy CP3 of the TMBCS applies the current national Green Belt policy to development within the Metropolitan Green Belt that falls within the Borough. As such this policy is also not out of date with the NPPF either.
- 6.11 With regard to the application of the presumption in favour of sustainable development, regard must first be had for whether any restrictive policies within the Framework (paragraph 11 d (i), footnote 7) provide a clear reason for refusing the development proposed. In this case, some of the policies referred to in footnote 7 of the NPPF apply to the site the subject of this application, chiefly those relating to the Green Belt, flood risk and heritage assets. The development will, therefore, be assessed against each of the relevant policies to establish whether any of them provide a clear reason for refusing permission for the proposed development.
- 6.12 Turning first to Green Belt policy, paragraphs 147 and 148 state:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

- 6.13 Paragraph 149 states that LPAs should regard the construction of new buildings as inappropriate development unless they would fall within a particular type of development listed within that paragraph of the NPPF. The proposed development is not just for an additional 125 housing, although this is a significant part of it. The development includes a substantial element of open space as well (over 5ha in all). The submitted indicative masterplan shows how a layout of the proposed 125 could be accommodated to lie outside the area of Green Belt and for that part of the site to contain landscaped open space including a section of footpath that would form part of a wider circular walk around the site. This would be considered as being an engineering operation to which paragraph 150 of the NPPF applies. This states:

“ Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.”

- 6.14 The purposes of including land within Green Belt are listed within paragraph 138 of the NPPF as:

“a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

- 6.15 It is not shown in the submitted details that substantial reforming of the land would be required as part of the intended masterplan to provide the open space within the south west corner of the site. Even taking into account the possibility of providing a footpath within this area, this open, undeveloped part of the site would preserve the openness of the Green Belt and not conflict with any of the purposes of including land within it. As such I am satisfied that the proposed development would not be inappropriate development within the Green Belt.

- 6.16 With regard to policies concerning flood risk, Chapter 14 of the NPPF applies. Paragraph 159 states:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”

6.17 Paragraph 160 states:

“Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources.”

6.18 The site is, of course, safeguarded within the current development plan for development and that safeguarded status was, of course, informed by a Strategic Flood Risk Assessment. As such there can be no objection in principle on flood risk grounds to the proposed development.

6.19 As has been set out earlier in this report, whilst parts of the site lie within flood zones 2 and 3, the planned development parcels lie outside of these areas in parts of the site at lowest risk to flooding, which complies with the NPPF at paragraph 159. It must also be noted that the EA has not objected to the proposed development but did note that the site is subject to surface water flooding and the LPA will need to be satisfied that this particular risk can be adequately mitigated.

6.20 The Lead Local Flood Authority (KCC) has been consulted upon the proposed development and has not objected to the proposed development (which includes a drainage strategy for the site), subject to the use of conditions to secure a SUDS scheme and ensure that the approved scheme will be implemented and maintained going forward.

6.21 Consequently, there are no specific policies regarding flood risk within the NPPF that provide a clear reason to refuse permission for the proposed development.

6.22 Turning now to impacts upon the historic environment, the only designated heritage assets close to the site are the two Listed Buildings known as Brook Street Farm and The Grange, located to the south east of the application site. The NPPF provides guidance within chapter 16 as how to assess development proposals where they may affect such assets. Paragraph 197 states:

“In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.”

6.23 Paragraph 200 goes on to state:

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, **or from development within its setting**), should require clear and convincing justification.”* (my emphasis)

6.24 The masterplan indicates that some dwellings could be located immediately to the north of the cluster of dwellings that the two Listed Buildings form part of. However, the landscape strategy clearly shows that the existing boundary hedges located around this section of the site are to be retained and a reasonable degree of separation can be maintained between the Listed Buildings and the proposed dwellings. Moreover, the historic setting of these two historic dwellings has changed in more recent times, with the addition of Old Barn Close immediately to the east and the dwelling at Hazelwood to the west. Given the existing context and that the landscaping/layout of the site can be controlled at the RM stage to ensure that no unacceptable harm would be caused to the setting of the adjacent Listed Buildings, I am satisfied that policies within the NPPF that seek to protect heritage assets do not provide a clear reason to refuse the proposed development.

6.25 Having completed the assessment under paragraph 11 d (i) of the NPPF I am satisfied that there are no specific policies within the NPPF that would provide a clear reason for refusing permission. Consequently the assessment must now move on to consider the impacts of the development more generally as required by point d(ii) of paragraph 11. This states that permission should be granted for this development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when the proposal is assessed against the policies in the Framework taken as a whole.

Locational characteristics and associated impacts:

6.26 Paragraph 79 of the NPPF advises that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.” Paragraph 80 provides further guidance by stating that “planning policies and decisions should avoid the development of isolated homes in the countryside”.

6.27 Given that the site lies within the countryside as designated – and notwithstanding my earlier comments concerning the application of policy CP4 of the TMBCS – an assessment of the development on this basis must take place.

6.28 The interpretation of isolated homes in the countryside has been clarified in the Court of Appeal judgment in Braintree DC v SSCLG [2018] EWCA Civ. 610. In

this judgment, LJ Lindblom stated that when taken in its particular context within the policy “the word ‘isolated’ in the phrase ‘isolated homes in the countryside’ simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling that is, or is not, “isolated” in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand”. (paragraph 31 of the judgement).

- 6.29 The site is located next to the urban confines of Tonbridge and the proposed development would provide a spatial expansion of the existing urban area. The development confines of Tonbridge do not just terminate on the north side of Brook Street, at the eastern boundary of the site, they also encapsulate the existing residential area located opposite the site on the southern side of Brook Street. The site is also located a short distance from Tonbridge town centre itself, with the railway station a 10 minute walk away and the town centre supermarkets/shops a 15 minute walk away. Bus services run along Brook Street, and more are located on Quarry Hill Road. Therefore a whole range of shops/services would be located within close proximity and would be easily accessible from anyone living within the site. Therefore, from a spatial development perspective as well as connectivity to shops/services, the development would not provide isolated rural dwellings.

Character and pattern of development and impact upon visual amenities:

- 6.30 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape. These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments.

- 6.31 In particular, paragraph 126 states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

- 6.32 Paragraph 130 seeks to ensure that development will function well, be sympathetic to local character, establish a strong sense of place and create attractive, safe places in which to live, work and visit. Furthermore, paragraph 134 sets out that permission should be refused for development that is not well

designed especially where it fails to reflect local design policies and government guidance on design.

- 6.33 In this case, bearing in mind that the site contains land that is specifically safeguarded for development, the Borough Council has accepted that a development within it will fit in with the prevailing pattern of development in the locality. The detailed layout, form and design of the built form and the proposed open spaces will all be matters that will be considered at the detailed design (Reserved Matters) stage. However, the size of the site, its location and the quantum of development proposed are such that a development could be designed to be compatible with the built form located nearby. The development has assessed the local context and will provide buildings no higher than 2 ½ storeys in height and seeks to retain as much of the existing boundary treatments within and adjoining the site (mixed hedgerows, protected and other trees) as possible. Additional boundary hedge/tree planting will also take place as well as landscaping within the site.
- 6.34 In accordance with the NPPF, developments have to make an efficient use of land but this has to be balanced against the need to ensure developments respect their locality. In this case the density of the developed portions of the site would be c.28dph which is compatible with that of the adjacent residential developments. (The development including Amberley Close and Copper Beech View to the east of the proposed development is approximately 30dph. The development on the southern side of Brook Street is approximately 26dph).
- 6.35 Assessing how a development would settle in with the existing built form in the locality is of course an important consideration. However, consideration also has to be given to the likely impacts upon the existing landscape given the site is currently open, undeveloped fields.
- 6.36 The site forms part of the larger regionally assessed character area known as the Medway Valley. It is quite typical of the undeveloped land located elsewhere within the Landscape Character Area but contains notable positive features of interest such as the area of ancient woodland, stand alone, protected oak trees, a group of Oak and Ash trees (protected by TPO) and hedgerows framing field boundaries. The character area also notes the detractors to the site which include the sports pitches and lighting to the west (Vizards) and the hard urban boundary with Tonbridge to the east including the Hayesbrook School and its pitch that adjoins the site. In landscape terms the site is assessed as having a medium landscape value, being quite typical of the wider landscape character area, not having a particular rarity value, limited conservation interest and not being accessible for recreation purposes.
- 6.37 In this context it is considered that the site in landscape terms has the ability to accept change providing it is well planned and designed. The development is such that less than half of its area would be developed with built form (less than

5ha). Therefore, much of the landscape would be left undeveloped and that which will, in the main, will be focused on the southern side of the site (outside the areas more at risk of flooding, away from the ancient woodland land protected trees). The development would be located generally closer towards the existing built environment (the school and houses to the east, the road to the south and the school's playing pitches to the west, with the associated flood lighting). How the developed portions of the site would be laid out will be a key issue, but the landscape strategy shows the retention of much of the existing hedgerows and all of the protected trees within the site. I consider that, in overall landscape terms, the development would result in a slight adverse impact upon the landscape, principally because it would extend the existing urban area of Tonbridge into what is currently undeveloped farmland. That impact would have to be weighed in the balance with all other harms and benefits arising from the scheme.

- 6.38 In terms of visual harm, this differs from that to landscape as it concerns more how particular receptors would be impacted by the development. For example local residential properties that would have views over the development are likely to be quite sensitive to the change arising from the development. Road users would be less sensitive to change owing to how they would perceive the site whilst driving past it. Other visual receptors would include users of Haysden Country Park, people walking along the local PROW network, and rail users.
- 6.39 Existing residents with views across the site would see the changes to the character of the site the most. However, the retention of key landscaping features such as the protected trees, ancient woodland, hedgerows and the provision of a well thought out layout and landscaping scheme will help to reduce the impact upon these receptors in time.
- 6.40 There are no PROWs within the site. The one nearest to the site is footpath MU29 that runs between the western boundary of Amberley Close and Hayesbrook School. The footpath runs north across the railway to the Barden Road area of the town. Any users of this footpath would be sensitive to the proposed change in the character of the site given the surrounding land uses. To the west of the site PROW MU48 runs along the access to Haysden Country Park and joins up with other footpaths located to the north of the railway which run broadly east west, following the route of the river Medway into Tonbridge or the Leigh Barrier. Due to the location of these footpath away from the site, the intervening land uses including the country park itself, the vizards sports facility and the raised railway embankment, the sensitivity of these visual receptors will be low and unlikely to be adversely affected by the proposed development.
- 6.41 To the south of Lower Haysden Lane views from PROW WT61 towards the site are largely screened by the relatively level topography of the land and intervening vegetation. Further south views are obscured by the elevated A21.

Further south still the land rises up to the Bidborough Ridge (High Weald AONB) and the site is only visible from a limited number of places, due to the intervening woodland cover. From Bidborough Ridge itself, views of the site are again limited by the intervening trees/woodland/hedgerows and dwellings. Any views from this distance will also be in the context of the existing urban area as well.

- 6.42 The site therefore is considered to be visually well contained with views of the proposed development limited mainly to immediate neighbouring properties and around the junction of Lower Haysden lane and Brook Street. The mitigation strategy is to retain as many of the existing trees and hedgerows as possible and indeed additional landscaping will help to soften the impact of the development in years to come.

Highway safety, capacity and parking provision:

- 6.43 Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided.
- 6.44 It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures, and these must be provided before the development is used or occupied.

- 6.45 Concerning national planning policy, this has been updated in the latest iteration of the NPPF. Paragraph 110 states:

“ In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and

d) 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 degree.”

6.46 Paragraph 111 states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

6.47 Paragraph 112 goes on to state that within this context, applications for development should:

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

6.48 The applicant has provided a Transport Assessment (TA) with updated notes following responses from the highway authorities and following the change to the description of the development which removed the provision of a primary school from the development.

6.49 Since the time of the original submission in 2019, Highways England has requested additional pieces of technical information to be provided before

committing to an opinion concerning the likely effects upon the strategic road network (SRN) of the proposed development. Following the receipt of further information it has now concluded that the proposals will not materially affect the safety, reliability and/or operation of the SRN.

- 6.50 Concerning the local road network, there have been several reviews of the initial Transport Assessment resulting in subsequent technical notes/updates being submitted for consideration. The development will impact upon the local road network and it is acknowledged that several key local junctions between the site and Tonbridge town centre are already at or near capacity which will worsen over time with natural growth alone (setting aside the impacts of the proposed development).
- 6.51 Initially, when the application was received in January 2019, it was at a time when the draft local plan had been submitted and so the TA took into account the likely impacts arising from the then planned wider allocation of over 400 dwellings within the south west Tonbridge area. Now that the local plan has been withdrawn there is no requirement for the cumulative impacts of the wider allocation to be considered when assessing the transportation impacts associated with the current proposal.
- 6.52 It is apparent that whilst the local highway network is already under pressure, the part that would be most affected by the proposed development is the junction of Brook Street and Quarry Hill Road. During the two peak hours it is predicted that an additional 61 vehicles would use the Brook Street arm of this junction. This is forecast to result in delays of over 2 minutes at this junction for drivers and a potential queue during the AM peak of 29 vehicles. It should be clarified that the predicted queue of 29 additional vehicles is not a certainty as the 60 additional vehicles movements during the peak hour could be spread out or clustered together. The TA has also assumed that all of the dwellings would be market housing whereas 40% would indeed be affordable, which as KCC Highways notes normally results in less car ownership than market housing. Therefore, the predicted impact up the Brook Street roundabout is considered to be a robust and worst-case scenario.
- 6.53 Given the predicted impacts upon this junction, it has been explored whether it can be physically improved to mitigate the additional impacts arising from the proposed development. However, no scheme has come forward that the Highway authority considers would in reality mitigate the impacts arising from the proposed development. Consequently, a different approach to mitigation has been explored that would focus more on sustainable transport measures designed to encourage people not to use the private motor car given the close proximity of the site to Tonbridge town centre and alternate transport choices.
- 6.54 A route has been agreed between the local highway authority and the applicant to provide a cycle way between the Brook Street roundabout and Tonbridge

Railway Station along Waterloo Road. The applicant has agreed to enter into a s106 agreement to make the necessary payment to the highway authority to provide the cycle way as it will be on highway land. The highway authority would prefer the applicant to provide the cycle lane under a s278 agreement. Whilst this is noted, making a s106 contribution to the highway authority instead would be an acceptable way of providing this mitigation and would meet the relevant tests contained within s123 of the CIL Regulations. Of course in order to enable the provision of the cycle way at the earliest opportunity the payment will need to be made also at the earliest time. As such the applicant has agreed to make the payment prior to commencement of the development.

- 6.55 In addition to the cycle way, the applicant will provide a green travel voucher to each of the households upon first occupation that can be used to purchase equipment to facilitate cycle or walking to and from the site. The details of the voucher will need to be approved as part of the Travel Plan which itself will aim to reduce car dependency by 10%. A condition is recommended to ensure that appropriate measures are contained within a Travel Plan for this site.
- 6.56 The Highway authority has recommended that as part of the focus on sustainable transport measures, a contribution is made to enhance the local bus service. There are, of course, plans as part of this development to enhance the bus stop on Brook Street outside the application site and an enhancement to the local bus services themselves will be beneficial to all future residents of this development. The necessary contribution can be secured through a s106 planning obligation.
- 6.57 The development would also provide an extension of the existing public footpath along Brook Street towards Haysden Country Park. This would run along the southern side of the site parallel to Lower Haysden Lane and would terminate at the western boundary of the site (adjoining the Vizards playfields owned by Judd School). Members would have seen the existing footpath route running along the site which is for use only by pupils and staff of the Judd School to access its playing facilities on foot. Whilst the footpath would terminate short of Haysden Country Park, I would none the less extend the length of footpath from Tonbridge towards the country park. I understand that the Judd school is considering allowing access through its playfields site to Haysden Country Park. Whilst this would be a matter entirely outside of the planning system and not for consideration as part of this application, it is encouraging to know that different third parties are considering improving the footpath linkages in this area to enable pedestrian access to a well-used community facility.
- 6.58 All of these measures would help to mitigate the transport impacts of the development by improving the quality of alternative means of transport to residents of the development, other than the private motor car. Reducing the amount of car usage by future residents would of course, result in a lesser

impact upon the Brook Street roundabout arising from the development. In conclusion, the provision of these mitigation measures would result in the development not causing an unacceptable or cumulative severe impact upon highway safety and therefore complies with the NPPF and policy SQ 8.

Ecology:

- 6.59 As is expected for a site of this size, location and composition, it provides different habitats that have the potential to support different types of fauna. The hedgerows provide a habitat for Hazel dormouse as well as some nesting birds; the individual trees and wooded area in the south east corner of the site provide habitats for breeding birds and bats. The grassland within the site also provides some habitat for reptiles.
- 6.60 The Ecological surveys undertaken on behalf of the applicant have revealed that dormice, 3 species of reptile, 9 species of foraging bats and 23 species of birds were recorded within the site. With regards to habitats the existing grassland will be affected as approx. 4ha of the site would be developed with the proposed residential parcels and the infrastructure serving them. The Environmental Statement (ES) acknowledges that as this habitat will be lost suitable compensation will be required of an equivalent or better quality. To this end areas of better quality grassland, water meadow and habitat suitable for reptiles will be created within the larger, undeveloped areas of the site.
- 6.61 The ES also acknowledges that sections of the existing hedgerows, most notably located within the south eastern section of the site, would be removed for the development. These are principally located in the section of the site where the revised access arrangements are to be located, although one of the sections of hedgerow shown to be removed is located in the eastern most development parcel. However, as with the grassland, the ES also accepts that suitable compensation is required were these sections of habitat be removed and, a such proposals that suitable replacement hedgerows can be planted along the north and western boundaries of the site compensate for these removed.
- 6.62 The KWT has objected to the development on the basis that it will put additional pressure on local wildlife sites (and rare species using them) including Haysden Country Park from additional recreation users. Given the close proximity of the site to the park, it is likely to be a destination for future residents and of course the wider footpath network as well. The KWT considers that contributions should be secured from the applicant to mitigate impacts upon the country park itself. In accordance with policy OS 3 of the MDE DPD, contributions are indeed being secured via a s106 agreement for enhancement of the Haysden Country Park.

- 6.63 All trees that have been identified as being suitable habitats for bat roosts would be retained on site. Only one category B grade tree is shown for removal within the site, a multi-stemmed Field Maple located on the south east corner of the site. This lies close to but outside of the woodland group protected by the TPO that applies to the site. Whilst this is a category B tree, due to its lower amenity value and separation from the protected group it was not considered worthy of specific protection. The scheme illustrates that much tree planting will occur within and around the developed portions of the site, thereby offering new habitats for wildlife in time.
- 6.64 In conclusion, it is considered that whilst some of the existing habitats will be lost to the development (notably some hedgerows and grassland), suitable compensation will be provided within the site itself. It must not be forgotten that much of the site is land safeguarded for development within the current development plan and, as such, there is an acceptance that the habitats within the site will be affected to a degree. In this particular case, due to the large areas of land that are not proposed to be developed under this proposal, there is much scope to enhance the habitats in those areas to compensate for the habitats lost to the built development. A condition is recommended that will require specific details of the proposed ecological mitigation/compensation measures to be provided. I would also suggest the use of an information to encourage the retention of as much of the existing hedgerow habitat as possible when formulating the final layout of the proposed development.

Best and most versatile agricultural land:

- 6.65 Policy CP9 of the TMBCS states that development of the best and most versatile land (DEFRA Grades 1, 2 and 3a) will not be proposed in the LDF unless there is an overriding need, and
- (a) there is no suitable site in a sustainable location on land of poorer agricultural quality; or
- (b) alternative sites have greater value for their landscape, biodiversity, amenity, heritage or natural resources or are subject to other constraints such as flooding.
- 6.66 Paragraph 174 of the NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment. In particular section b) requires the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services to be recognised – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 6.67 Whilst I appreciate that policy CP9 relates to the allocation of sites rather than decision making, this policy when considered in conjunction with paragraph 174

(b) of the NPPF makes it clear that there is a need to balance the need for additional housing with the loss of agricultural land.

- 6.68 The site is classified as grade 2 which is typical of the surrounding area. Grades 1, 2 and 3a are referred to as 'best and most versatile' land. It is recognised that the site comprises the best and most versatile agricultural land, although it is a relatively small area (approx. 10 ha) in size. It is confined on all four sides by a railway line to the north, built development to the east, Lower Haysden Lane/Brook Street to the south and the Vizards sports pitches to the west. Furthermore, the site is currently safeguarded for development post 2021 so the LPA already considers the loss of this amount of agricultural land to be acceptable. Therefore, it is considered that the loss of this relatively small parcel of agricultural land would have little tangible impact on agricultural yield. Furthermore, the land itself is not currently being actively used for agricultural purposes.

Minerals:

- 6.69 The development would be undertaken on land that is not safeguarded within the Kent Mineral and Waste Local Plan for mineral extraction.

Renewable technologies and climate change strategy:

- 6.70 The Council's climate change strategy covers the period 2020-2030 and applies to all aspects of the Council's business, not just planning. It states quite clearly that where the local plan is silent on a specific issue, the NPPF and the climate change strategy will remain material planning considerations to be considered when determining planning applications. Whilst the current adopted development plan policies relating to climate change and renewables are largely out of date now, the NPPF provides clear policy guidance.
- 6.71 Paragraph 154 states that new development should be planned for in ways that:
- “can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.”*
- 6.72 Paragraph 157 states:
- “In determining planning applications, local planning authorities should expect new development to:*
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”

- 6.73 As has been outlined in the transport section of this report, the development will make contributions to improve the bus services in the locality and result in the provision of a new cycle lane along Waterloo Road. Green travel vouchers will also be provided to the first occupiers of the development as part of the travel plan. The development will, therefore, maximise opportunities for sustainable travel. EV charging points will be installed with all houses with independent car parking and provision will also be made for EV charging points where it is not.
- 6.74 The site itself is, as has already been mentioned earlier in this report, considered to be located in a sustainable location. Whilst it lies outside the confines of the town itself, due to the particular characteristics of the town, the railway station lies a 10 minute walk from the application site and the town centre supermarkets, shops and services are a 15 minute walk away. Bus services are also easily accessible from the site. From a location point of view, the site is considered to be sustainable and help to reduce green-house gas emissions by being well located to shops and services, which would be accessible by means other than the private motor car. The planned new cycle lane between Brook Street and the railway station will serve only to improve the attractiveness of the cycle journey between the site and the town centre.
- 6.75 As has been reported in the ecology section, the development has the ability to enhance the bio-diversity of the existing pasture land within the site and create/improve the existing wildlife habitats within it.
- 6.76 Matters such as passive solar gain and the use of renewable technology will be considered at the detailed design stage of the development. However, a condition can be used to ensure that such matters are submitted as part of those details and designed into the scheme from day one.
- 6.77 On this basis, I can conclude that the proposed development meets the national and Council requirements in terms of climate change and renewable technologies.

Contaminated Land:

- 6.78 Paragraph 183 of the NPPF states that planning policies and decisions should ensure that:
- “a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

6.79 Paragraph 184 makes clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

6.80 The site has not been previously developed, although it has been used for agricultural purposes where chemicals could have been used in the past. However, this would not preclude the site from being suitable for the proposed end use. Whilst there is a low likelihood of the land being contaminated, I would suggest the use of a condition that should unforeseen contamination be found during the course of construction, works cease until a mitigation strategy has been approved by the Borough Council and undertaken as part of the development.

Air Quality:

6.81 Paragraph 186 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

6.82 The site lies outside of any AQMAs with the nearest one being located at the south end of the High Street, between its junction with Vale Road and The Botany.

6.83 An air quality assessment has been submitted as part of the ES which concludes that the proposed development would have a negligible effect both during the construction and operational phases of the development. This is based on certain mitigation measures being adopted including the control of dust and pollutants during the construction phase which can be secured by condition (requiring a construction management plan) and, during the operational phase, the use of energy efficient boilers, a travel plan to encourage

sustainable modes of travel and the provision of EV charging points for the proposed dwellings. The first of these measures would be secured under the Building Regulations, and the other points can be controlled by conditions attached to a planning permission. The Environmental Health section has reviewed the assessment and raises no objections.

- 6.84 In line with the conclusions of the submitted Air Quality Assessment and the assessment of the Council's own expert, I am satisfied that the air quality effects of the development would not be significant. The development therefore accords with paragraph 186 of the NPPF.

Noise:

- 6.85 Paragraph 185 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 6.86 A Noise Assessment has been submitted in support of the application. The report details the measurement of the noise climate present at the site, compares this with appropriate standards, and offers advice on the attenuation measures that could be implemented to secure an acceptable environment.
- 6.87 It is considered that appropriate internal and external noise levels can be achieved for the proposed development although some appropriate noise mitigation measures will be required but this will be dependent upon the final overall site layout. A condition can added to ensure that the necessary noise mitigation/attenuation measures are incorporated into the development. The proposal therefore accords with paragraph 180 of the NPPF.

Archaeology:

- 6.88 Part of the land within the application site lies within an area of archaeological potential. The application submission considers that there is unlikely to be a significant impact upon archaeology, which KCC Heritage agrees with. Notwithstanding the likely lack of significant archaeological deposits within the site, given its size, KCC considers that further archaeological assessment should be undertaken to establish what, if any, archaeological remains may be present beneath the site. KCC has recommended the use of two separate conditions, should the LPA be minded to grant permission, to ensure that a proper assessment is undertaken prior to the commencement of the development. I am satisfied that this approach is reasonable and proportionate in the particular circumstances of this case.

Planning obligations:

- 6.89 Regulation 122 of the CIL Regulations (2010) set out the statutory framework for seeking planning obligations and states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 6.90 Paragraph 57 of the NPPF reflects this statutory requirement.
- 6.91 The scheme proposes to provide 40% of the total number of dwellings as affordable housing, which would be 50 residential units. The scheme therefore accords with Policy CP17 of the TMBCS. The approval of the specific size, type and tenure of affordable housing and implementation of the provision will be secured under a S106 agreement to ensure that the provision comes forward in a manner that reflects and meets local need.
- 6.92 Policy OS3 of the MDE DPD required all developments of 5 units or more (net) to provide an open space provision in line with Policy Annex OS3. The policy sets out that, where possible to do so, open space should be provided on-site. The indicative plans show that the development would incorporate children's play areas, amenity green space and areas of natural and semi-natural green space. After taking this on-site provision into account, financial contributions will be secured through a s.106 obligation for the enhancement of Haysden Country Park and the enhancement of outdoor sports facilities in the locality as well.
- 6.93 The applicant is proposing to provide a new cycle lane from the Brook Street roundabout, along the east side of Waterloo Road. This could either be provided by the applicant under a s.278 agreement, in agreement with and as requested by the Highway Authority, or by KCC as local highway authority directly, following a contribution being made to it by the applicant. The latter is being proposed by the applicant. In planning terms, either mechanism would be appropriate to secure this improvement to cycle infrastructure within the town and the applicant has agreed to make the necessary payment prior to the commencement of the development, an early trigger point in order that the infrastructure can be provided without undue delay.
- 6.94 With regard to education provision, it has been established with KCC as the relevant education authority that whilst the development will create a demand for additional primary school places, there is presently sufficient capacity to accommodate the demands generated by the development. As such no

contributions for primary education enhancement can be sought in respect of this development.

- 6.95 Concerning secondary schools, the development again generates a need for additional school places and there is not sufficient capacity within the existing schools to accommodate these pupils. As such a contribution of will be secured via a 106 agreement for enhancement of the Judd School.
- 6.96 The proposed development will also impact upon community facilities in the locality as well and, as such, contributions will be secured through a s106 agreement for the enhance of Tonbridge Adult Education Centre, Tonbridge Library, South Tonbridge Children's Centre and the Angel Centre Changing Places facility. The final sum of the contributions is not known at this stage as some of them are dependant on the mix of houses/flats within the scheme and the figures submitted by KCC date from 2019 and will need updating to reflect current requirements/values.
- 6.97 All of the contributions sought meet the tests of paragraph 122 of the CIL Regs as well as paragraph 57 of the NPPF.

Planning balance and overall conclusions:

- 6.98 The presumption in favour of sustainable development as set out at paragraph 11 (d) of the NPPF applies in this instance. The test in this case is whether or not there are any adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.99 I accept that the proposal would bring about significant benefits associated with the provision of 125 new dwellings and the inclusion of 40% affordable housing is also a significant benefit of the development. Significant weight must be given to these benefits
- 6.100 There will also be the inevitable economic benefits arising from the construction of the development which attracts moderate weight. The inclusion of measures to encourage sustainable transport choices (the cycle lane, contributions to enhance bus provision, Travel Plan and the green voucher) would also count as benefits of the scheme attracting weight.
- 6.101 It is considered that there would be slight adverse impacts arising from the development upon the landscape and some local receptors would see the change from undeveloped fields to a residential development on the southern side of the site.
- 6.102 Whilst it is proposed to encourage residents of the scheme to make sustainable transport choices, the planning system cannot make people do that. The Transport Assessment predicts that, as a worst case scenario, additional

queuing will occur at the Brook Street roundabout in both of the peak hours and this, of course, would be a negative impact of the development.

- 6.103 On balance, it is my judgement that these adverse impacts do not significantly and demonstrably outweigh the benefits of granting planning permission on this occasion. It is therefore recommended that outline planning permission be granted subject to the finalisation of a legal agreement securing various planning obligations as set out throughout this report and various planning conditions to ensure that the development comes forward in an acceptable, high quality fashion.

7. Recommendation:

- 7.1 **Grant outline planning permission** in accordance with the following submitted details: Plan 10246-HL-01C dated 04.01.2020, Location Plan 215 - P - 00 - A dated 04.01.2020, Report Geo-Environmental Parts 1&2 dated 04.01.2020, Statement Affordable Housing dated 04.01.2020, Planning Statement 181221 dated 04.01.2020, Environmental Statement 181221 Non Technical dated 04.01.2020, Environmental Statement Main Text dated 04.01.2020, Statement Community Involvement dated 04.01.2020, Environmental Assessment APPENDIX 1.1 Screening dated 04.01.2020, Environmental Assessment APPENDIX 1.2 Screening Option 4 dated 04.01.2020, Environmental Assessment APPENDIX 10.1 GLOSSARY dated 04.01.2020, Air Quality Assessment APPENDIX 10.2 dated 04.01.2020, Report APPENDIX 10.3 MODEL INPUT PARAMETERS dated 04.01.2020, Report APPENDIX 10.4 MODEL VERIFICATION dated 04.01.2020, Report APPENDIX 7.1 LEGISLATION AND PLANNING PO... dated 04.01.2020, Report APPENDIX 7.11 BADGEaRS dated 04.01.2020, Report APPENDIX 7.2 HABITATS AND BOTANY dated 04.01.2020, Report APPENDIX 7.3 BATS dated 04.01.2020, Report APPENDIX 7.4 HAZEL DORMOUSE dated 04.01.2020, Report APPENDIX 7.5 REPTILES dated 04.01.2020, Report APPENDIX 7.6 GREAT CRESTED NEWTS dated 04.01.2020, Report APPENDIX 7.7 WATER VOLE dated 04.01.2020, Report APPENDIX 7.8 WINTERING BIRDS dated 04.01.2020, Letter dated 02.04.2020, Environmental Assessment Chapter 9 Revised dated 28.01.2020, Transport Assessment Amended dated 28.01.2020, Letter ADDITIONAL INFORMATION dated 04.06.2021, Other DESIGNERS RESPONSE TO STAGE 1 RSA OPTION 1 dated 04.06.2021, Drawing 10246-SK-05 REV C dated 04.06.2021, Report APPENDIX 7.9 WINTERING BIRDS dated 04.01.2020, Plan FIGURE 1.2 DEVELOPMENT FRAMEWORK PLAN dated 04.01.2020, Report FIGURE 10.1 SENSITIVE RECEPTORS dated 04.01.2020, Report FIGURE 10.2 TONBRIDGE AQMA dated 04.01.2020, Report FIGURE 10.3 WIND ROSE FOR GATWICK AIRPOR... dated 04.01.2020, Report FIGURE 8.9-8.23 VIEWPOINT PHOTOS dated 04.01.2020, Report FIGURE7.1_SITELOCDESIG dated 04.01.2020, Report FIGURE7.10A_BADGERS2014 dated 04.01.2020, Report FIGURE7.10B_BADGERS2015 dated 04.01.2020, Report

FIGURE7.2A_PSR_BATS dated 04.01.2020, Report
FIGURE7.2B_PSR_MAMMALS dated 04.01.2020, Report
FIGURE7.2C_PSR_HERPS dated 04.01.2020, Report
FIGURE7.2D_PSR_BIRDS dated 04.01.2020, Report
FIGURE7.3_HABITATSFEATURES dated 04.01.2020, Report
FIGURE7.4A_TREESURVEY dated 04.01.2020, Report
FIGURE7.4B_MAYSURVEY dated 04.01.2020, Report
FIGURE7.4C_JUNESURVEY dated 04.01.2020, Report
FIGURE7.4D_AUGUSTSURVEY dated 04.01.2020, Report
FIGURE7.4E_APRIL_MAY_2018 dated 04.01.2020, Report
FIGURE7.5_DORMOUSERESULTS dated 04.01.2020, Report
FIGURE7.6A_REPTILEREFUGIA dated 04.01.2020, Report
FIGURE7.6B_REPTILERESULTS_P1354 dated 04.01.2020,

Subject to:

- The applicant entering into a s106 planning obligation with the Borough Council to make contributions for the enhancement of existing open spaces and NHS facilities in the locality
- The applicant entering into a s106 planning obligation with Kent County Council to make contributions towards the enhancement of secondary school accommodation and community facilities within the locality, as well as for the provision of a cycle lane along Waterloo Road.
- The following conditions:
 1. Approval of details of the layout and appearance of the development, the landscaping of the site, and the scale of the development (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of one year from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. Applications for the approval of the reserved matters shall be in general conformity with the design principles described in the Design and Access Statement and the following plans:

215-P-01 Rev H - Illustrative Landscape Masterplan
215-P-03 Rev C – Development Framework Plan
10246-HL-01 – Proposed Access Arrangement

Reason: In the interests of the amenity of the locality and to ensure continuity with the approved development principles

5. Prior to or as part of the first submission pursuant to condition 1, a scheme detailing the phasing of the construction of the development including the means of access, layout of buildings, car parking and servicing arrangements, shall be submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the details approved.

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

6. No development shall commence in any phase until a Construction Environmental Management Plan detailing how the woodland, habitats and hedgerows within and surrounding the site will be protected during the construction phase. This shall also include details of appropriate fencing to restrict access into key ecological areas, information on any timing restrictions and measures to prevent damage to sensitive ecological habitats. The development shall be carried out in accordance with the approved Management Plan.

Reason: To safeguard protected species and protect the biodiversity of the local area.

7. Prior to the commencement of the development in any phase hereby approved, arrangements for the management of all construction works for that particular phase 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:

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

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

o Procedures for notifying local residents 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

o The specific arrangements for the parking of contractor's 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 order that the development is managed in a way to minimise harm to the amenities of local residents.

8. None of the dwellings within any phase of the development shall be occupied until the following works have been undertaken under a s278 agreement between the developer and the local highway authority:

o Improvement to the junction of Brook Street/Lower Haysden Lane/site access in accordance with the approved plans.

Reason: In order to ensure the local highway network can adequately accommodate the traffic generated by the development hereby approved.

9. The details submitted in pursuance of Condition 1 shall show land, reserved for parking. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to reserved vehicle parking area.

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

10. None of the dwellings hereby approved shall be occupied until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: In order to reduce dependency upon the private motor car in the interest of highway safety.

11. 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 112 of the National Planning Policy Framework 2021.

12. No dwellings shall be occupied until details of secure cycle storage provision for all of the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The approved cycle storage facilities shall be provided prior to the occupation of the dwellings they would serve and retained at all times thereafter.

Reason: In order to facilitate sustainable transport choices for the residents of the development, in the interests of highway safety and in accordance with paragraph 112 of the National Planning Policy Framework 2021.

13. Prior to or as part of the first submission pursuant to condition 1, a scheme detailing the layout of roads, footpaths, other means of access, communal car parking, the lighting and the drainage of those areas shall be submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the details approved.

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

14. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

15. Prior to the commencement of the development in any phase details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority and the development will be undertaken in accordance with the approved details.

Reason: The National Planning Policy Framework paragraph 183 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

16. No development shall take place until the details required by Condition 1 shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

17. Development shall not begin in any phase 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 be based upon the Flood Risk Assessment dated 14th August 2020 prepared by Brookbanks Consulting and 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 (with reference to published guidance):

o that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

o appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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.

18. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to

controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

19. As part of or no later than at the submission of the Reserved Matters, details of the proposed ecological enhancement/mitigation measures shall be submitted to the Local Planning Authority and the measures shall be undertaken in accordance with the details so approved prior to the occupation of any of the houses within the development.

Reason: In the interests of the ecological interest of the site.

20. No dwellings shall be occupied until full details of the open space to be provided on site (including amenity space, children's play areas and natural green spaces) within the development along with a timetable for provision and a scheme for future management of the spaces have been submitted to and approved in writing by the Local Planning Authority. The details shall include any fencing and equipment to be installed. The approved scheme shall be fully implemented in accordance with the timescale approved and shall be maintained and retained at all times thereafter.

Reason: To ensure that the development is appropriately served by open space in accordance with the requirements of policy OS3 of the Tonbridge and Malling Borough Managing Development and the Environment DPD 2010.

21. None of the dwellings within any phase of the development shall be occupied until the necessary noise mitigation measures have been incorporated into those dwellings, their curtilages or the wider site, the details of which have first been submitted to and approved by the Local planning Authority.

Reason: In order to provide an acceptable aural environment for the residential properties.

22. No development on any new building shall commence until detailed topographical plans and cross-section drawings of the site showing the proposed changes to the ground levels within the site in relation to the existing levels of the site and adjoining land have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

23. No development above the ground shall take place until a plan showing the proposed finished floor level of the new dwellings in relation to the ground levels and finished ground levels of the site in relation to the existing levels of the site and adjoining land have been submitted for the written approval of the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

24. No development shall take place above ground on any of the dwellings hereby approved 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 character and appearance of the existing building or the visual amenity of the locality in accordance with policy CP 24 of the Tonbridge and Malling Core Strategy 2007.

25. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Authority gives written consent to any variation.

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.

26. No works shall commence above ground on any dwelling until a scheme that demonstrates how the dwellings will be designed to reduce energy demands and which shows where renewable technologies will be employed within the development have first been submitted to and approved in writing by the Local Planning Authority. The development will be carried out in accordance with the approved details.

Reason: In the interest of reducing the energy demands of the development in accordance with paragraphs 112, 154 and 157 of the National Planning Policy Framework 2021 and the Borough Council's Climate Change Strategy.

27. No above ground development shall take place within any phase until details of the refuse storage facilities for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality in accordance with policy CP 24 of the Tonbridge and Malling Core Strategy 2007.

28. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

i geo-archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further geo-archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of Palaeolithic archaeological interest are properly examined and recorded.

29. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

30. (a) If during development, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

Informatives

- 1 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. 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 Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non-local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports.
- 3 With regard to condition 19, the applicant is advised to plan the layout of the built development in such a way to minimise the loss of existing hedgerows and trees within the site.
- 4 You are also advised that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 relating to the protection of species and habitats. The applicant is recommended to seek further advice from the Natural England, Temple Quay House, 2 The Square, Bristol, BS1 6EB.

Contact: Matthew Broome



Tonbridge & Malling Borough Council

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 18 February 2019

Application - TM/19/00014/OAEA

Location - Land North Of Lower Haysden Lane, Tonbridge, Kent

Proposal - **Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure.**

Matthew,

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :

Introduction

It is noted that this application seeks permission for the construction of up to 125 homes and 2 form entry primary school, as well as a new means of access onto Lower Haysden Lane with new pedestrian and cycle links.

This application includes a Transport Assessment (*TA*), which has been informed by some pre-application discussions with Kent County Council (*KCC*) Highways. In addition to the *TA* a draft travel plan (*TP*) has also been submitted.

It is acknowledged that the site has been allocated for a development of up to 480 dwellings, a new 2 form entry primary school and health care provision (*TMBC SHLA reference: LP31*) in the emerging Local Plan.

Site Access

The applicant has proposed to amend the existing access arrangements onto Upper Haysden Lane/Brook Street. Essentially, the existing junction format will stay the same with a two-way priority junction arrangement retained, as well as the one-way/exit only arm onto Brook Street. Amendments that the applicant is putting forward include the introduction of a ghosted right turn lane and realignment of the carriageway to suit the alignment of the development's access road. In order to assist pedestrians whilst crossing the revised junction arrangements several improvements are also proposed, these include the introduction of new footways and

pedestrian refuse islands. The access arrangements are shown on the drawing titled '*Proposed Access Arrangement*,' drawing number '10246-HL-01.'

Having reviewed the submitted access drawing and undertaken a site visit it appears that the proposals have been overlaid on an Ordnance Survey base map. KCC Highways have recently undertaken a footway improvement scheme within the vicinity of Lower Haysden Lane linking Judd School with its off-site playing fields. These works involved the narrowing of the carriageway within the immediate vicinity of the existing access arrangements. It is unclear if the applicant has taken this into account in the access arrangements proposed. As a result, the access arrangements require overlaying on a recent topographical survey to ensure that they can be achieved in accordance with the technical specification's stipulated in Design Manual for Roads and Bridges (DMRB) Technical Directive (TD 42/95), without adversely impacting on the recently implemented footway improvements. An additional or amended drawing is also required demonstrating forward visibility on the approach to the proposed right-hand turn lane and uncontrolled dropped kerb crossing point.

In respect of the eastern exit only arm of the proposed access arrangements it appears that the alignment encourages left turning vehicles to approach the junction at an oblique angle, meaning that road users may have to look over their shoulder when turning out of the junction. As a result, the applicant should re-examine the access proposals to determine if a smoother alignment is possible in order to ensure that left turning vehicles are positioned perpendicular to Brook Street, prior to undertaking the left turn.

No independent stage 1 road safety audit of the access arrangements or corresponding designer's response has been provided for review by this authority. This is an important piece of work that requires undertaking, if not already done so.

The proposed emergency access arrangements have not been illustrated on any of the submitted plans/ drawings. An emergency access is required in accordance with the guidance for a major access road that is contained in the Kent Design Guide. Consultation is also strongly recommended with Kent Fire and Rescue Service (KFRS) to determine the suitability of the access arrangements for their requirements.

Finally, no swept path analysis has been provided to illustrate the adequacy of the access arrangements for the largest vehicle that will require access to it. In this instance it will be a 11-meter-long refuse freighter. Swept path analysis is required and should be submitted for review by this authority.

Sustainable Travel

Walking and Cycling

The TA provides an overview of how the site is situated within close proximity of a range of local facilities. Some nearby facilities include the Lidl supermarket, Foresters Arms and takeaways located on the B2260 and the Judd School, West Kent College and Hayesbrook school situated on Brook Street, all of which are situated within the preferred maximum walking distance of 1.2 kilometres quoted in '*Providing for Journeys on Foot*.' These facilities can be accessed via the existing shared foot and cycle way provision. Tonbridge train station, which provides services to a range of local and regional destinations is also within the preferred maximum walking distance of 2km. - (*Guidelines for Providing for Journeys on Foot, The Institution of Highways and Transportation, 2000*)

2-meter-wide footways abutting the development's access road and the realigned junction arrangement onto Upper Haysden Lane/Brook Street have been proposed by the applicant. In

addition, two uncontrolled dropped kerb crossing points with pedestrian refuse islands are proposed in association with the footways fronting Brook Street/Upper Haysden Lane. This provision will allow onward connections to the existing shared foot/cycleway on the south side of Brook Street and controlled crossing facilities situated further east on Brook Street, as well as Tonbridge town centre itself.

The footway that is proposed on Lower Haysden Lane terminates short of Haysden Country Park. In the interest of promoting sustainable modes of transport the applicant should be required to investigate the feasibility of extending the footway to link with the country park.

Paragraph 4.17 of the applicant's TA advises that there are no Public Rights of Way (*PROW*) within the immediate proximity of the development site. This is incorrect as *PROW* routes 0309/MU29/1 and 0309/MU43/1 are situated approximately 200 meters east of the development site and provide a direct route to Tonbridge train station via Douglas and Waterloo Road. To promote sustainable modes of transport the applicant should be required to investigate the feasibility of developing a link with the *PROW* route via their site. If not already undertaken, then consultation is also recommended with KCC's *PROW* team.

Details of the current modal travel to work split have been provided in section 4 of the applicant's TA. This breakdown is based on the '*Medway*' ward area, which is incorrect as the proposals are in fact situated in *the 'Judd'* ward area. The applicant should review this and provide modal split data for the correct ward area.

Public Transport

The nearest public bus stop to the site is situated on Brook Street outside Hayesbrook School. As well as providing a stop for services associated with the school this stop serves Arriva service 211 which provides a Monday to Saturday off peak service between Cottage Hospital and Barden Park. The applicant should be required to investigate the feasibility of providing sheltered waiting facilities at this location.

Although the stops situated on the A26, south and north of the Brook Street roundabout do provide more frequent services, as well as to a range of further afield destinations such as Tunbridge Wells and Sevenoaks, they are beyond the maximum recommend distance of 400 meters. -(*Guidelines for Planning for Public Transport in Developments, 1999*). However, these are still within the maximum desirable walking distance of 1.2 kilometres.

Travel Plan

Finally, in addition to the submitted TA a draft TP has also been provided. This plan aims to achieve an ambitious 10% modal shift to sustainable modes of transport. The applicant proposes to undertake baseline surveys with the development's new occupants, which will be followed by annual surveys upon the anniversary of the 50th occupation for a 5-year period. A travel plan coordinator will be employed by the developer for the 5-year period, with the applicant proposing that the travel plan responsibilities will fall to a residents' steering group after this period.

Measures to encourage modal shift have been outlined in the TP, with much focus given to the promotion of sustainable transport via resident welcome packs for example, which will include information such as maps illustrating local bus, cycle and pedestrian routes. In addition, it is proposed to promote various sustainable transport user groups including a bicycle user group, bus buddy scheme and the County Council's car share scheme (www.liftshare.com.uk/community/kent). It is proposed to promote these measures via a

dedicated travel website, as well as promotional leaflets, which will be the responsibility of the appointed Travel Plan Co-ordinator.

Should the proposals be granted consent then the applicant must register the plan with KCC's Jambusters website (www.jambusterstpms.co.uk), prior to the first occupation of the development. A fee of £5,000 is required in order to fund the County Council's Travel Plan Co-ordinator who will work with the development's appointed co-ordinator, in helping to achieve the objectives of the Travel Plan. This should be secured via a S106 agreement.

The draft travel plan also refers to the fact that the Travel Plan Co-ordinator for the residential element of the proposals will assist the proposed school's appointed Travel Plan Co-ordinator in developing a school travel plan (paragraph 6.5). A separate travel plan monitoring fee will also be required, which should be secured via a S106 agreement.

Trip Generation

The vehicle trip rates that underpin the forecasts for the residential element of the development have been derived through TRICS, the National Trip Generation database. It is anticipated that the residential element of the development will generate 0.486 two-way movements per dwelling in the AM peak (08:00-09:00) and 0.483 two-way movements per dwelling in the PM peak (17:00-18:00). These results have been sense checked and are considered to provide a robust basis for assessment.

Unfortunately, the TRICS outputs for the proposed two-form entry primary school and health centre element of the proposals have not been provided for review and validation by this authority. This information is required. It is important that these are agreed as any changes to them will impact on the results of the highway capacity assessments that have been undertaken.

No details of the proposed health care centre in respect of its total proposed gross floor area (GFA) have been included within the applicant's supporting information. These are also required.

As highlighted in paragraph 1.5 of the applicant's TA an adjustment has been made to the forecast trips associated with the 2-form entry primary school element of the proposals based upon census data. This is to account for the children who will attend the primary school but are anticipated to reside within the residential element of the proposals and will therefore not use the wider local highway network whilst travelling to school (*internalisation*). There are two middle census super output areas (*Tonbridge and Malling 012 and 013*) and several lower super output areas within the immediate proximity of the proposals, however, no clarity has been provided on the census area utilised by the applicant. In addition, the applicant appears to have carried this adjustment through in the up to 125 residential dwellings and 2 form primary entry school scenario, which is misleading, as this assumption is reliant on the remaining section of the site allocation being implemented.

Trip Distribution

No explanation of the methodology used to distribute the trips associated with either the residential or two form entry primary school element of the proposals has been provided. It is also unclear if the applicant has applied the same methodology for both aspects of the proposals. If so, this will not be appropriate as the travel patterns and therefore distribution of traffic associated with each element of the proposals will be different. Consequently, until

further clarity on the applicant's distribution methodology has been provided firm conclusions cannot be drawn on the validity of the resulting highway capacity assessments undertaken.

Should the anticipated catchment area of the new primary school provision be unknown at this stage, then it would be beneficial to contact KCC's Education Department to obtain information on anticipated future demand for the south east Tonbridge area.

Growth Rates

Paragraph 8.8 of the applicant's TA suggests that Temprow growth rates have been applied to baseline traffic flows to account for forecast background growth, in accordance with industry standard practice. However, no details on the specific growth rate or Temprow output area applied have been provided. I would therefore be grateful if the applicant could provide this information.

Traffic Impact

To quantify the anticipated impact of the proposals on the local highway network several junction capacity assessments have been undertaken. Fundamentally, any capacity assessment is founded on traffic surveys, which should be no older than 3 years to ensure that they are representative of baseline traffic conditions. No confirmation of when the traffic surveys were undertaken has been provided by the applicant. In addition, the raw survey data has not been appended to the TA. Therefore, confirmation on when the traffic surveys in question were undertaken is required

It is also standard practice for queue length surveys to be undertaken at the same time as the manual classified turning counts (*MCTC*), which inform the baseline highway capacity assessments. Having reviewed the TA, I can find no evidence of any such surveys. These surveys are important because they validate the results from the baseline highway capacity assessments. If not already undertaken, then these are required. Any new traffic surveys must be undertaken in a '*neutral month*' in accordance with the guidance in the DMRB.

Highway capacity assessments have been undertaken by the applicant at the following junctions: site access junction with Brook Street/Upper Haysden Lane, Brook Street junction with A26 (roundabout junction) and A26 junction with A2014 Pembury Road and B2260 (roundabout junction). At all the junctions where capacity assessments have been undertaken the following scenarios have been modelled: 2031 with background growth, 2031 with background growth and a development of 125 units, 2031 with background growth a development of 100 units and 2 form entry primary and a 2031 with the full Local Plan site allocation. Further commentary on the results of these capacity assessments is provided in the following paragraphs.

Site Access

The results of the junction assessment undertaken at this junction indicates that the junction will operate in capacity with minimal queuing on all arms in both the AM and PM peak periods. As discussed earlier in this consultation response KCC Highways have some concerns over the deliverability of the access arrangements, based upon the information currently submitted.

It should be noted that the junction capacity assessment results presented in the TA are based upon the access arrangements as proposed. Consequently, if it was to be found that the access arrangements were undeliverable and the provision of a ghosted right turn lane not possible, a less favourable set of results may be produced. As a result, it is not considered that

robust conclusions can be drawn from the results of the applicant's capacity assessment, until the outstanding information relating to the proposed access arrangements has been provided.

In addition, it is unclear if the impact of any blocking back from the left-hand exit only access onto Brook Street has been accounted for in the capacity analysis undertaken. It would therefore be prudent for the applicant to contact the Transport Research Laboratory (*TRL*) in order to obtain confirmation on if such a junction arrangement can be accounted for within the parameters of the Picady software.

Ensfield Road junction with Upper Haysden Lane

KCC Highways did not request that this junction was included within the scope of the TA during preliminary scoping discussions. None the less, it is accepted that the capacity analysis undertaken demonstrates that the junction will continue to operate within capacity in all development scenarios. However, KCC Highways would refrain from drawing firm conclusions on the robustness of the assessment undertaken until the outstanding information requested has been provided for review by this authority.

Brook Street junction with A26 (Brook Street roundabout)

The results of the junction assessment undertaken at this junction by the applicant indicate that the junction will operate in capacity with minimal queuing, even with the full development allocation, in the year 2031.

A TA was also commissioned by Tonbridge and Malling Borough Council (*TMBC*) in support of the emerging Local Plan, which has now been submitted for examination in public. Details of the commissioned TA can be found via this link:

<https://www.tmbc.gov.uk/services/planning-and-development/planning/planning-local-plans/local-plan-evidence>. The results of this TA contradict the applicant's capacity assessments, in that significant capacity issues on all arms of the roundabout are identified in 2031 with the development strategy contained in the emerging Local Plan.

As highlighted within this consultation response there are several areas where information has been omitted that has a direct impact upon the capacity assessments undertaken.

Consequently, it is not considered that firm conclusions can be drawn on the validity of the capacity assessments contained within the submitted TA.

A26 junction with A2014 Pembury Road and B2260 (Pembury Road roundabout)

The results of the junction assessment undertaken by the applicant indicate that the junction will operate over capacity in the AM peak period (08:00-09:00) with significant queuing on the A26, Quarry Hill Road southern arm. In the 2031 scenario with the full Local Plan development strategy a queue length of 214 vehicles is indicated, which equates to approximately 1.2 kilometres and would lead to blocking back to the Brook Street roundabout and beyond.

An improvement scheme is described in the applicant's TA (*paragraph 9.27*), however, the model outputs have not been submitted, no drawing illustrating the improvements has been provided or required stage 1 independent road safety audit and corresponding designer's response. KCC Highways do not therefore support the applicant's current conclusion that the impact of the proposals is '*negligible*.' Once the additional information required has been provided and impact on the junction confirmed KCC Highways will review what reasonable level of mitigation the applicant should be required to provide.

B2260 junction with Barden Road and Vale Road (Vale Road roundabout)

This junction has not been included within the scope of the applicant's TA. Once the omitted trip generation figures have been provided and distribution methodology agreed with this authority, KCC Highways will further review if the scope of the assessment requires extending to cover this junction also.

Any revised capacity assessments that are undertaken by the applicant should continue to include the outstanding residential dwellings and health care provision associated within the emerging Local Plans wider site allocation to ensure a robust assessment.

Section 4 of the submitted TA provides a review of the personal injury collision record for the proximity of the proposals for the 5-year period between 1st July 2001 and 30th June 2016. This is out of date and more recent personal injury collision data is available. Consequently, the applicant should contact Kent County Council Highway's Transport Intelligence Team (<https://www.kent.gov.uk/roads-and-travel/road-safety/crash-and-casualty-data>), to obtain the most up to date information.

Summary

There are several areas where important information has either been omitted by the applicant or further clarification is required. This information is required before the position of the local highway authority can be finalised.

Once the applicant has provided the additional information requested, I will provide further highway-based comments, however, if I can be of any further assistance in the interim period, then please do not hesitate to contact me.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Tom Harris
Development Planner

This page is intentionally left blank



Tonbridge & Malling Borough Council

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 1 April 2020

Application - TM/19/00014/OAEA

Location - Land North Of Lower Haysden Lane, Tonbridge, Kent

Proposal - **Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure.**

Matthew,

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Introduction

This response should be read in conjunction with this authority's initial consultation response dated the 18th February 2019. I note that the applicant has submitted a revised Transport Assessment (*TA*) and Transport Technical Note (*TTN*) in response to this authority's previous comments.

Site Access

Vehicular Access

To access the development, the applicant is proposing the realignment of Lower Haysden Lane at its junction with Upper Haysden Lane, in addition to the provision of a new ghost right turn lane. These arrangements have been subject to an independent stage 1 road safety audit (*RSA*), dated 19th January 2020 which was undertaken by Safety Engineering Services Ltd. The *RSA* is also supported by a corresponding designer's response.

The *RSA* has raised 9 problems. Problems 3.1 and 3.2 of the *RSA* raises concerns in respect of the location of the tactile crossing point opposite the proposed cycle track. The auditors have highlighted the potential for conflict between pedestrians and cyclists, who may be waiting in the cross hatching associated with the proposed ghost right turn lane, and vehicular traffic. In response the applicant has stated that they disagree with the auditor's comments and that they have adjusted the position of the tactile crossing point to avoid any conflicts. Kent County Council (*KCC*) Highways disagree with the applicant's response and do not consider that the

auditor's comments have been fully addressed. Amendments are therefore required to ensure compliance with the RSA.

Problem 3.4 of the RSA also highlights the fact that an existing mature tree will be brought closer to the edge of the carriageway because of the proposed road alignment. In response to the auditor's observations the applicant has stated Kent Design Technical Appendix (*section 2.9.4*) states that trees should be set back 1 meter from the edge of the carriageway and the tree in question is set 1.4 meter back from the edge of the carriageway. However, the Kent Design Technical Appendix has been superseded by more recent versions of the Kent Design Guide. The applicant should be required to provide a response from the auditor to their designer's response. The designer's responses to the remaining problems highlighted by the road safety auditor are satisfactory and address the issues raised.

Details of the visibility sight lines from all vehicular access points and on approach to all pedestrian crossing points have also been provided by the applicant. Visibility sight lines commensurate with the road's posted speed limit (*30 miles per hour*) and the relevant technical guidance (*Table 7.1 in Manual for Streets*) have been proposed, provision of such sight lines is acceptable to this authority.

There are two examples (*right hand visibility splays associated with the pedestrian crossing point on Lower Haysden Lane and left hand visibility splay at the pedestrian crossing for the development's main spine road*) where the visibility sight lines values indicated on the keys of the revised site access drawings do not correspond to the measured values on the drawings; consequently the drawing is incorrect. At these locations measured visibility is 25 meters and 30 meters, which is consistent with a design speed of 20 miles per hour and between 20 and 25 miles per hour. A revised drawing with accurate visibility measurements is required.

In accordance with this authority's initial comments a topographical survey, which identifies the location of the footway improvement recently undertaken by KCC Highways, has been undertaken by the applicant. The proposed access arrangements have then been overlaid on the topographical survey to establish if the access arrangements can be achieved, without adversely impacting on the existing footway. Having reviewed the revised site access plans (*drawing number: 10246-HL-02 Rev A titled 'Proposed Access Arrangement sheet 1 of 2' and drawing number: 10246-HL-02 Rev A titled 'Proposed Access Arrangement sheet 2 of 2'*), it is accepted that the access arrangements proposed can be accommodated, without reducing the adjacent footway to an unacceptable width.

Revised swept path analysis for a 11.2-meter-long refuse vehicle (*drawing number: 10246-VT-01 titled 'Vehicle Tracking Refuse Vehicle'*) has been provided by the applicant. This analysis demonstrates that such a sized vehicle can egress to and from the site.

The '*exit only*' arm of the existing gyratory system provides access to one residential dwelling known as '*Hazelwood*.' It is unclear from the revised access arrangements how access to this property would be managed. In addition, it is understood that the existing gyratory layout provides a turning circle and drop off area for students of the '*Judd*' school when using their off-site outdoor sports facilities. How this arrangement would be maintained without larger vehicles, such as coaches, being required to undertake an extensive turning manoeuvre or reversing movements back onto Upper Haysden Lane is unclear. If vehicles were required to undertake the movements described, then this would not be in the interests of highway safety.

Finally, the applicant has responded to this authority's requirement for an emergency access in line with the guidance contained within the Kent Design Guide by stating that Kent Fire and Rescue Service (*KFRS*) were consulted in December 2019. Review of Tonbridge and Malling

Borough Councils (TMBC's) planning portal confirms no such response from KFRS or agreement to a single point of access. Therefore, this authority's comments in respect of this matter also remain unaddressed.

Pedestrian Access

To facilitate pedestrian access to and from the site a 3.5-meter-wide pedestrian wide refuse island will be provided west of the sites vehicular access. This is consistent with the relevant technical guidance (*Paragraph 7.39 of Design Manual for Roads and Bridges Technical Directive 42/95*) and allows for a cyclist to wait on the island, without overhanging into the adjacent carriageways. It is also noted that the island has been located in such a manner to connect with the existing shared footways on the south side of Upper Haysden Lane, and therefore provide consequential connections for pedestrians to Tonbridge town centre and its associated facilities. It is also noted that 2 meter wide footways will be provided along the development's spine road; however, in the interests of continuity and promoting sustainable transport these should be widened to 3 meters to enable the provision of a shared foot/cycleway.

In addition to providing a pedestrian refuse island it is noted that it is now proposed to close the 'exit only' arm of Lower Haysden Lane and replace it with a dedicated cycle track. The applicant aims to achieve this via the imposition of bollards at either end of the 'exit only' arm, thus preventing vehicular access.

Finally, clarification on how the footpath that links Judd's school playing fields ties in with KCC's footway improvement scheme and the footways proposed alongside the development's spine road is required. Whilst it is assumed that the footpaths existing alignment will be altered to accommodate the new alignment of the carriageway, no confirmation that a replacement footpath will be provided west of the development's access road up to the playing fields has been given by the applicant. It is important that this clarification is provided as the existing footpath provides continuous off-road provision for pedestrians wishing to access the Judd School's playing fields.

Sustainable Travel

The applicant has stated that it is highly likely that as part of Tonbridge and Malling planning permission reference 15/03918 a new footpath link between the development site and Haysden country park will be delivered. How the applicant has come to this conclusion is unclear given the fact that this permission does not obligate developer to provide any off-site improvements via a S278 agreement or S106 contributions. Consequently, this authority's comments in respect of this matter remain unaddressed.

Travel Plans

A travel plan (TP) has previously been submitted by the applicant for the residential element of the proposals to act as a 'site wide' travel plan. However, review of the revised TA confirms that a separate framework TP for the school element of the proposals has not been provided. Given that the interventions to encourage the use of sustainable modes of transport for a school are likely to be different to those required for residential development, a separate framework TP should also be provided for school element of the proposals.

Public Transport

A commitment to enhancing the existing bus stop facilities via a S106 contribution has now been made by the applicant. Whilst this proposal is welcomed wider service enhancements will

be sought as part of the sites remaining allocation, which is yet to come forward as a planning application but included in the emerging Local Plan. The applicant should therefore be required to identify a wider range of service improvements to enhance bus capacity and promote the use of sustainable transport, if the development is to be considered cumulatively with the emerging Local Plan allocations. KCC Highways are currently awaiting confirmation from colleagues within Public Transport on what this appropriate contribution may be.

Trip Generation

School trips

Revised trip generation forecasts for this element of the proposals have now been submitted. In accordance with this authority's previous comments those sites located in Scotland and Wales have been removed, with only sites in England now remaining. All the sites included within the applicant's trip generation forecasts are located in an edge of town centre, edge of town or suburban locations, and are therefore considered to have similar locational characteristics to the development proposals; thereby providing a suitable basis for comparison.

Trip Distribution

Residential trips

Census '*Journey to Work*' data has now been included for all Middle Super Output Areas (MSOA's) within the Tonbridge and Malling (TMBC) area. As a consequence, the applicant has revised their distribution methodology so that all residential trips route left to and from the site, with no trips via routing right out the site to/from the direction of Haysden Lane south or Ensfield Road. Disappointingly, the applicant has provided no clear explanation as to how they have distributed the assigned trips onto the highway network according to the identified end destination, as requested in this authority's most recent set of comments.

All trips with an end destination outside of the TMBC or within the Tunbridge Wells administrative area have been distributed via the A21 Tonbridge bypass or A26 south. Based on this authority's analysis from appropriate industry standard software (*Google Real Time Journey planner*) this is a reasonable assumption. The one exception to this is workplace destinations within the administrative area of Maidstone, where trips have been distributed between the A2014 Pembury Road and B2260 Quarry Hill Road (*Tonbridge High Street*). Again, these are considered reasonable assumptions based upon this authority's own analysis.

Finally, trips with a workplace destination within the TMBC administrative area have been distributed via the A21 Tonbridge Bypass, B2260 Quarry Hill Road (*Tonbridge High Street*), Vale Road, A2014 Pembury Road or via A26 South, dependent on the MSOA in question. Where there is a choice of available routes with similar or equal journey times the applicant has evenly split the trips, this is considered reasonable. In summary, the distribution assumptions for this element of the proposals are considered representative of likely travel patterns.

School/education trips

In response to this authority's concerns about the use of Census '*Journey to Work*' data to distribute trips associated with the primary element of the proposals, the applicant has stated that they have revised their distribution methodology. Revisions undertaken by the applicant include removing destinations not in the Tonbridge area in order to ensure that the likely local nature of these educational trips is reflected within the distribution assumptions; however, review of Appendix H contained within the applicant's revised TA directly contradicts the response in the applicant's TTN. For example, destinations such as Bexley, Bromley, West

Berkshire and Ashford are contained within the distribution analysis in Appendix H of the TA. This authority's concerns regarding the applicant's distribution for this element of the development therefore remain unaddressed.

Growth rates

Revised Temprow growth rates have been applied by the applicant with an adjustment made to account for the wider site allocation as part of TMBC's emerging local plan. In addition, one growth rate has been applied to all roads under consideration, regardless of its characteristics or classification; this is contrary to KCC Highways previous comments. As per the previous set of comments adjusting the Temprow growth factor to account for the wider allocation as part of the emerging local plan is only acceptable when considering the 'cumulative' impact of the wider site allocation. KCC Highways comments in respect of this matter remain unaddressed.

Traffic surveys

It is noted that new traffic surveys were undertaken on Wednesday 16th October 2019, which is a traffic neutral day and month in accordance with Department for Transport (*DFT*) guidance. Consequently, on the basis that the surveys were undertaken outside of school holiday periods they provide an acceptable basis for assessment purposes. Queue length surveys have also been undertaken for validation purposes.

Traffic Impact

Junction capacity assessments have been undertaken for several different scenarios. A future year assessment with a horizon year of 2031 has been undertaken in line the modelling completed in support of the emerging Local Plan. Whilst the TA includes a baseline assessment for most junctions, no baseline assessment is included for the Waterloo Road or Vale Road junctions. The following scenarios have been modelled:

-125 residential dwellings (*Option A*)

-100 units and a two-form entry primary school (*Option B*)

-480 units and a two-form entry primary school (*The full emerging Local Plan allocation*)

Site Access

Baseline (2019) and future year assessments (2031) have been undertaken by the applicant for this junction, with the future year assessments including the amended site access arrangements. The results from the applicant's baseline assessments confirm that the junction is currently operating within practical capacity, which is also reflective of the applicant's queue length surveys.

Both development options and the wider site allocation proposed as part of the emerging Local Plan have been assessed, with the junction confirmed to operate within capacity without excessive queuing or delay in all scenarios.

Brook Street junction with A26 (Brook Street roundabout)

A baseline line and future year assessment has been undertaken by the applicant. The applicant's baseline assessment confirms that the junction is currently operating over practical capacity in the baseline scenario, this is consistent with the results from the queue length surveys at the junction.

In the future year assessment, without either of the development options, conditions worsen and the junction exceeds theoretical capacity on all arms with significant queuing and delays forecast. Traffic conditions are further worsened with the inclusion of the development, regardless of the development option in question. Assessment of the junction with the full development allocation for the emerging local plan confirms further exacerbation of the existing traffic capacity issues.

Traffic flows associated with the Shell Petrol filling station arm of the junction have been omitted from the applicant's capacity assessment on the basis that applicant considers the flows to be '*negligible*.' KCC Highways disagree with the applicants view and require these flows to be included in any future assessment to ensure a robust assessment of existing and future operating conditions at the junction.

An additional assessment of the junction with an '*improved layout*' has been undertaken by the applicant; however, it is unclear exactly what modifications to the junction are being proposed because no scheme drawing has been provided. In addition, no independent stage 1 RSA or corresponding designer's response for the proposed improvements has been provided in accordance with this authority's standard requirements. Any proposals that require modifications to the existing highway layout require a stage 1 RSA and corresponding designer's response.

The applicant considers that the proposals put forward adequately mitigate the impact of the development and that the impact cannot therefore be considered '*severe*.' KCC Highways disagree with the applicant's assessment. For example, in the future year scenario without the development an RFC of 1.03 and maximum queue length of 51 vehicles is forecast in AM peak on the Brook Street arm; however, following the inclusion of the development an RFC of 1.13 and maximum of queue of 136 vehicles (*Option A*) and RFC of 1.21 and 210 vehicles (*Option B*) is anticipated. Similar patterns of queuing and delay are also evident on other arms of the junction.

A26 junction with A2014 Pembury Road and B2260 (*Pembury Road roundabout*)

The applicant's baseline assessment confirms that the junction is currently operating over practical capacity and is subject to significant queuing and delays on all arms of the junction. This is reflective of the applicant's queue length surveys, thereby validating the baseline assessment.

The applicant again considers the impact from the additional development to be negligible and any additional delays or increases in anticipated queueing to be minimal. Consequently, no mitigating measures have been proposed by the applicant. KCC Highways disagree with the applicant's assessment in respect of this junction also.

Review of the applicant's future year assessment confirms that the junction is anticipated to exceed its theoretical capacity in the future year as a result of background growth, with significant queuing forecast on all arms of the junction. Inclusion of the development traffic from either option A or B further exacerbates the existing capacity issues, with further worsening of conditions forecast as a result of the inclusion of the traffic from the full emerging local plan allocation.

Waterloo Road junction with B2260 (*Waterloo Road signals*)

No baseline assessment for this junction has been undertaken by the applicant, with the reason for this being unclear. KCC Highways require a baseline assessment for all junctions assessed for comparative and validation purposes.

The applicant's future year assessment indicates that the junction operates within practical capacity in all scenarios without excessive queuing or delay. This is concerning as KCC Highways Intelligence Transport System (*ITS*) also recently undertook an assessment of the junction, which identified that the junction is currently operating over practical capacity with queues and delays.

A number of technical concerns in respect of the accuracy of the applicant's Linsig model have been raised by KCC Highways ITS team, these include: the fact that the geometric parameters used to model the B2260 out of Tonbridge are incorrect in that it has been modelled as two lanes long, instead of one lane with a flare. In addition, no details of the intergreen timings used within the submitted modelling have been provided. Given the high pedestrian demand within the proximity of the junction and presence of a puffin crossing within the junction configuration, the maximum extendable clearance times requiring modelling every cycle in order to be representative of existing and future operating conditions at the junction. The incorrect cycle time has also been used by the applicant within their junction model also. Finally, the PM peak hour traffic flows used within the applicant's model is based on a total traffic flow of 1421 passenger car units (*PCU's*), whereas KCC Highways own Linsig model is based on an observed traffic flow of 1965 *PCU's*. The reason for this discrepancy is unclear and requires justification.

Review of the traffic flow diagrams contained within Appendix H of the applicant's revised TA also confirms a number of anomalies in respect of the results of the traffic surveys and traffic flows inputted into the submitted Linsig models. For example, the traffic survey identifies a combined peak hour flow of 505 *PCU's* on the B2260 (*North*) arm of the junction between 17:00 and 18:00, yet the lower observed flows recorded between 18:00 and 19:00 appear to have been used within the submitted assessments. In summary, due to the technical concerns identified it is not considered that firm conclusions can be drawn in respect of the impact at this junction on the corridor.

B2260 junction with Barden Road and Vale Road (*Vale Road roundabout*)

A baseline assessment has also not been undertaken for this junction, with only the results of the future year assessment contained within the applicant's revised TA. A baseline assessment is required for comparative and validation purposes.

The applicant's future year assessment indicates that in all scenarios, including in the future year without development, the junction operates within its practical capacity without excessive queuing or delay. These results are inconsistent with the results of the applicant's queue length surveys, which confirm significant observed queuing in both the AM and PM peak periods, most notably on the High Street and Railway Approach arms of the roundabout. For example, in the AM peak period (*08:00-09:00*) a maximum queue of 38 vehicles is recorded between 08:40 and 08:45, yet the applicant's future year model without development indicates a maximum predicted queue of 1 vehicle and degree of saturation of 49.4%. Similarly, in the PM peak period (*17:00-18:00*) a maximum observed queue of 20 vehicles was recorded, yet the applicant's future year model without development indicates a maximum predicted queue of 1 vehicle and degree of saturation of 69.1%.

An assessment of this junction was also undertaken by the consultants Mott MacDonald's as part of the evidence base in support of the emerging Local Plan. This modelling confirmed that the junction is currently operating over practical capacity in the baseline scenario (2017) with queuing and delays, with the junction predicted to exceed theoretical capacity in the future year on some arms in the AM and PM peak, even without the addition of any development traffic. A number of the outputs for the assessments described in tables 9t-9w of the TA have also been omitted from the appendix of revised TA.

In summary, the applicant's junction assessment is not considered reflective of existing, or likely future operating conditions at the junction and KCC Highways do not therefore consider that any firm conclusions can be drawn from it.

Personal Injury Collision Record (PIC)

Analysis of the PIC record for the sites immediate proximity has been previously undertaken by the applicant for the 5-year period up to September 2018. Whilst it is agreed that this analysis confirmed that no crash clusters are evident and that the proposals are unlikely to exacerbate any pre-existing highway safety concerns, given the time lag between the application being submitted and the additional information being received, more up to date data has become available (*up to 30th September 2019*). The PIC analysis should be updated to include the most recently available data.

Summary and Recommendation

The applicant has not addressed KCC Highways previous comments in respect of the site access arrangements, or adequately addressed all points raised in the stage 1 RSA within their designer's response. A **holding objection** is therefore raised in respect of this aspect of the proposals on highway safety grounds.

In addition, the applicant has not adequately confirmed how access to the property known as '*Hazelwood*' or vehicular movements associated with the Judd Schools playing fields would be maintained, without potential adverse consequences for highway safety. A further **holding objection** on highway safety grounds is also raised on this basis.

The applicant has been unable to conclusively demonstrated that suitable mitigation of impact can be achieved on the A26/B2260 corridor (*Tonbridge High Street to Brook Street*). KCC Highways are therefore of the view that the residual traffic impact on the local highway network would be 'severe,' and an objection is raised on this basis.

In the event that the Borough Council is minded to grant planning approval against the advice of the Highway Authority, KCC Highways would seek agreement with the Borough Council on the use of financial contributions towards road capacity improvements on the A26/B2260 corridor.

A Section 278 Agreement is also required to secure any proposed Highways on the Upper Haysden/Lowe Haysden Lane corridor, including any works to facilitate access to the site. Any works to be completed under a S278 agreement shall subject to agreement with KCC Highways.

The following should be secured via a Section 106 Agreement and planning conditions as appropriate:

-An appropriate sum per housing unit as a contribution towards highway capacity improvements along the A26/B2260 corridor. All details to be agreed with KCC Highways;

- Provision of works to upgrade the existing bus stop facilities outside *'The Hayesbrook School;'*
- An appropriate sum per housing unit as a contribution towards improved bus service provision, through the enhancement of the existing service or the establishment of a new service. All details to be agreed with KCC Highways;
- The development/new school shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter;
- Provision of a Travel Plan monitoring fee;
- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
- Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development;
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction;
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction;
- Provision of measures to prevent the discharge of surface water onto the highway;
- All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing;
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority;

-Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

- (a) Footways and/or footpaths, with the exception of the wearing course;
- (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any);

-Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing;

-Provision and maintenance of 2 metres by 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Tom Harris
Development Planner



Tonbridge & Malling Borough Council

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 10 August 2020

Application - TM/19/00014/OAEA

Location - Land North Of Lower Haysden Lane, Tonbridge, Kent

Proposal - Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure.

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Introduction

This response should be read in conjunction with this authority's previous consultation responses dated 18th February 2020 and 1st April 2020. I note that in response to this authority's most recent consultation response, dated 1st April 2020, the applicant has submitted a further revision of the Transport Assessment (*Revision 5*) and Transport Technical Note (*Technical Note 12*).

Site Access

Vehicular Access

The applicant has revised the proposed site access arrangements (drawing numbers: 10246-HL-01 Rev K and 10246-SK-02 titled '*Proposed Access Arrangements*' and '*Proposed Footpath Link*') and it is now proposed to retain the no entry/exit only of the junction with access restricted for buses and access only. These arrangements ensure that turning provision for coaches that are dropping off students undertaking activities on the Judd School's nearby off-site sports facilities is maintained. This satisfactory addresses Kent County Council (KCC) Highways previous concerns about the potential for vehicles to undertake hazardous manoeuvres within the highway.

Should the proposals be granted consent then a Traffic Regulation Order (*TRO*) will be required, which should be obtained via this authority's third-party TRO process. This should be a requirement of any consent.

It is also acknowledged that a new Independent Stage 1 Road Safety Audit (RSA) has been submitted in support of the amended site access arrangements (*Safety Engineering Services Ltd document reference: SESL2006*). The audit has raised one minor problem relating to the tactile paving at pedestrian crossing points being too shallow for visually impaired highway users. KCC Highways agree that this is a detailed design issues, which would be addressed at any future S278/detailed design stage.

KCC Highways previously highlighted the fact that the visibility splays from some of the pedestrian crossing points shown on the key of the previous access drawing did not correspond to the drawing's measured value. Whilst the applicant has now revised the visibility splays and the measured values on the drawing correspond with the stated values, the sight lines proposed are less than required for the roads design speed (*43 meters required for a design speed of 30mph*). No rationale for providing visibility sight line less than the relevant technical guidance has been provided by the applicant.

In accordance with the Kent Design Guide (KDG) the applicant has also now proposed an emergency access on Lower Haysden Lane. This access will be 3 meters wide and double as a sustainable connection point with the adjacent land parcel, which is also allocated for residential development within Tonbridge and Malling Borough Council's (TMBC's) emerging Local Plan. The removal of obstructive vegetation at this location will be required to achieve the visibility sight lines from the proposed crossing points. Confirmation that the proposed access arrangements are adequate for the requirements of Kent Fire and Rescue (KFRS) has also now been provided by the applicant.

Pedestrian Access

Confirmation that the existing footpath which provides access to the Judd school's offsite playing fields will be retained has now been provided by the applicant. This amended footpath will be 3 meters wide and provide a link up to the existing playing fields; however, the section of footway located on the west side of the main spine road is still shown as 2 meters wide. As per KCC Highways previous comments this should be widened to 3 meters in order to enable the provision of a shared foot/cycleway.

Sustainable Travel

Further to this authority's previous comments in relation to providing a link between the development site and Haysden Country Park, the applicant has again stated that should a new footpath be delivered as part of planning permission 15/03918, then a new link will be provided between the site and country park. KCC Highways would again highlight the fact that this permission does not require the applicant for that consent to provide any such link via Grampian condition, S278 works or S106 contribution.

As 3rd party land would be required to provide a link between the site and the country park the applicant has suggested that it may be more feasible to provide the requisite link via Public Right of Way (PROW) MU50. This could be provided via the newly proposed pedestrian crossing point on Lower Haysden Lane and new connections to PROW MU50 within the adjacent land parcels allocated for housing within the emerging local plan. The crossing point should be secured as part of any S278 agreement to ensure a future connection with the country park.

Travel Plans

A School Travel Plan Statement (*STPS*) has now been provided by the applicant. Suggested measures to encourage trips by sustainable modes contained within the STPS include: the implementation of an active travel awareness strategy, sustainable travel events, cycle proficiency training, creation of a walking bus and provision of secure and covered cycle/scooter parking. These measures are considered reasonable and appropriate.

Prior to commencement of development the applicant shall submit for written approval of the Local Planning Authority a Travel Plan and register the plan with KCC Jambusters website (www.jambusterstpms.co.uk). The applicant shall implement and monitor the approved travel plan, and for each subsequent occupation of the development thereafter maintain and develop the travel plan to the satisfaction of the Local Planning Authority.

Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives of the travel plan. Completed post occupation survey forms from all new dwellings/occupants on the site will be required to be submitted on the final monitoring period. A fee of £2,370 is required (£1,422 for the school and £948 for the residential element), prior to first occupation of the development, to fund KCC's Travel Plan Advisor to review monitoring reports and work with the Travel Plan Coordinators to achieve the objectives.

Public Transport

KCC Public Transport colleagues have confirmed that a contribution of £1,100 per dwelling towards bus improvements, with no predetermined bus service identified upon receipt of funds is sought. This would enable the county council's public transport team to spend the money on enhancing existing services operating close to the site or encourage local operators to invest in the area via the provision of suitable roadside infrastructure.

Growth Rates

The applicant has responded to this authority's previous comments by stating that these have been addressed in paragraph 8.9 of the revised TA. KCC Highways disagree with the applicant's conclusion as review of the network diagrams in the revised TA confirms that the same Temprow growth rate applied in the previous iteration of the TA, have again been applied in this new revision of the TA. A single growth rate has also been applied, regardless of the classification or characteristics of the road.

KCC Highways would also again highlight the fact that adjustments (*alternative assumptions*) to the Temprow growth rate that account for the whole site allocation are only applicable when considering the '*cumulative*' impact of the wider site allocation. Consequently, KCC Highways previous comments in respect of this matter again remain unaddressed.

Trip Distribution

School/educational trips

The applicant's TTN (*TTN 12*) states that the distribution of the educational trips has been revised to only include destinations within the Tonbridge area. Review of the network diagrams and capacity assessment outputs in the revised TA confirms that the distribution of the educational trips remains unchanged from the previous iteration of the TA; therefore, contradicting the TTN. Consequently, KCC Highways previous comments in respect of this matter remain unaddressed.

Traffic Impact

Brook Street junction with A26 (*roundabout junction*)

As highlighted in paragraph 9.16 of the revised TA KCC Highways provided the applicant with a draft cycle improvement scheme, which included amendments to the Brook Street roundabout. These proposals were in outline form only and have not yet progressed to the detailed design stage or been subject to an independent stage 1 RSA. Neither a stage 1 RSA or a drawing illustrating how the revised layout complies with the relevant technical standards has been provided within the revised TA.

Revised baseline (2019) and future year (2031) assessments for this junction have been provided by the applicant, with the outputs from these assessments contained in Appendix I of the revised TA. Whilst the geometrical parameters and traffic flows used in the revised assessments are consistent with the previous iteration of the TA different slope/intercept/capacity values have now been used. For example, the capacity assessments in revision 4 of the TA use an intercept value of 987 PCU's an hour for the A26 south arm of the roundabout; however, this has been increased to 1017 PCU's an hour in the revised TA. Consequently, the results of the junction capacity assessments in the revision 5 of the TA are much more favourable than those in revision 4 of the TA. No rationale for amending the intercept values has been provided by the applicant

KCC Highways also note that the observed maximum queue lengths within the baseline assessments have been lowered. For example, in revision 4 of the TA a RFC of 1.02 and observed queue length of 43 vehicles is given for the A26 south arm of the junction in the AM peak; whereas this has now been revised down to an RFC of 0.95 with an observed queue of 35 vehicles in the latest iteration of the TA. No new queue length surveys have been provided by the applicant to substantiate the revised observed maximum queue lengths.

Due to the lack of stage 1 RSA, drawing demonstrating how the proposed junction improvements comply with relevant technical standards and anomalies identified within the applicant's revised junction capacity assessments; KCC Highways remain of the view that the applicant has not demonstrated with sufficient confidence that mitigation of impact has been achieved at this junction.

A26 junction with A2014 Pembury Road and B2260 (*roundabout junction*)

Revised junction capacity assessments have also been provided for this junction by the applicant. However, like the revised Brook Street assessments whilst the geometrical parameters and traffic flows used in the revised modelling are consistent with the previous iteration of the TA, revised slope/intercept/capacity values have now been used. For example, the capacity assessments in the previous iteration of the TA used an intercept value of 1132 PCU's an hour for the Quarry Hill Rod south arm of the roundabout; however, this has been increased to 1157 PCU's an hour in the revised TA. Again, no rationale for amending the intercept values has been provided by the applicant. In addition, KCC Highways would also highlight the fact that the flare length in the baseline and future assessments on the A26 arm of the junction has increased to 12 meters, which is in excess of that used in the previous iteration of the TA and not in accordance with the geometrical parameter drawing previously provided (*drawing number: 10246-JG-03*).

KCC Highways also note that the observed maximum queue lengths have been lowered within the baseline assessments at this junction also. For example, in the previous iteration of the TA a RFC of 0.99 and observed queue length of 35 vehicles is given for Quarry Hill Road South

arm of the junction in the AM peak; whereas this has now been revised down to an RFC of 0.97 and an observed queue of 26 vehicles in the latest iteration of the TA. No new queue length surveys have been provided by the applicant to substantiate the revised observed maximum queue lengths.

No independent stage 1 RSA or corresponding designer's response has been provided in support of the proposed junction improvements. Given that the proposals involve amendments to the public highway an RSA and supporting designer's response is required.

The applicant has concluded that mitigation of impact has been achieved, this is on the basis that on 2 of the 3 arms of the junction the anticipated queuing and delays would be no worse than in 2031 without the development traffic following the junction amendments. In respect of the B2260 arm of the junction the applicant's capacity assessment confirms that mitigation of impact has not been achieved, as even with the proposed junction amendments queuing and delays will exceed 2031 forecast conditions. Considering this the applicant has stated that this cannot be considered as 'severe' because the additional traffic generated by the development will be within daily variations; this is unsubstantiated.

Due to aforementioned reasons, KCC Highways remain of the view that the applicant has not demonstrated with sufficient confidence that mitigation of impact has been achieved at this junction.

Waterloo Road junction with B2260 (signalised junction)

A baseline assessment (2019) has now been undertaken for this junction. This assessment is supported by observed queue length surveys undertaken on Wednesday 16th October 2019, which suggest that all arms of the junction operate with minimal queuing. However, the capacity assessment indicate that much more significant queuing currently occurs at the junction; this is consistent with KCC Highways own observations from previous site visits. Clarification on why the modelled and observed queues differ so significantly is required.

KCC Highways traffic signals team have reviewed the applicant's revised baseline Linsig model and confirm that there are still several technical errors within the junction capacity assessment. Firstly, the incorrect inter green times have been used; the maximum extendable intergreen time of 15 seconds should be used within each pedestrian phase. In addition, the all red pedestrian stage needs to be modelled in every cycle with the maximum extendable intergreen times owing to significant pedestrian demands generated at the junction. Due to the aforementioned reasons, KCC Highways remain of the view that the applicant has not demonstrated with sufficient confidence that mitigation of impact has been achieved at this junction.

Finally, the TA makes no comment in respect of the exit blocking at the roundabouts north and south of the junction which is known to occur because of the signalised configuration of this junction and its close proximity to two other junctions.

B2260 junction Barden Road and Vale Road (Roundabout junction)

Baseline assessments (2019) have now been provided for this junction also. The results of these assessments confirm that the junction is currently operating over practical capacity, with queuing and delays on most arms of the junction in the AM and PM peak period. Comparison of the results of the queue length surveys previously undertaken by the applicant confirm that the capacity assessment significantly underestimates the extent of queuing currently occurring at the junction. For example, in the AM peak period a maximum queue length of 38 vehicles is recorded between 08:40 and 08:45 in the queue length surveys; yet the applicant's baseline line

assessment indicates a maximum observed queue of 10 vehicles and modelled queue of 6 vehicles on the B2260, High Street arm of the junction. The reason for this is unclear and requires explanation as the modelled queues do not represent observed conditions. Consequently, KCC are of the view that it is not possible to draw firm conclusions on the impact at this junction.

The applicant has concluded that the impact of the development cannot be considered 'severe' because the development proposals will generate a maximum of 74 two-way vehicle trips and is therefore likely to be within daily variations. Again, this is unsubstantiated. In addition, the applicant's approach also ignores how due to the presence of existing severe congestion even relatively small increases in traffic can have a disproportionality high impact on queueing and delays.

Finally, comparison of the junction capacity outputs with the tables (*Table 9n and 9o*) in the revised TA confirms several anomalies. Firstly, the results of the capacity assessments (*degrees of saturation and mean max queues*) in the outputs and tables differ with the reason for this being unclear and requiring explanation. In addition, the AM peak hour assessments uses the observed traffic flows from the October 2019 surveys for between 09:00 and 10:00 on the Barden Road arm of the junction. The reason for using the 09:00-10:00 flows is unclear because review of the traffic survey data confirms that peak hour flows between 08:00 and 09:00 were higher on this arm. The higher, more robust traffic flows should be used in any future assessment of this junction.

Personal Injury Collision Record (PIC)

Up to date PIC has now been provided by the applicant. This data covers the latest 5-year period currently available, up to 31/12/2019. No additional crash cluster site or patterns can be identified from the previous period of analysis (*5-year period up to September 2018*) and it is therefore accepted that the proposals will not exacerbate any existing highway safety concerns.

Summary and Recommendation

The applicant has been unable to conclusively demonstrated that suitable mitigation of impact can be achieved on the A26/B2260 corridor (*Tonbridge High Street to Brook Street*). KCC Highways are therefore remain of the view that the residual traffic impact on the local highway network would be 'severe,' and an objection is raised on this basis.

In the event that the Borough Council is minded to grant planning approval against the advice of the Highway Authority, KCC Highways would seek agreement with the Borough Council on the use of financial contributions towards road capacity improvements on the A26/B2260 corridor.

A Section 278 Agreement is also required to secure any proposed Highways on the Upper Haysden/Lowe Haysden Lane corridor, including any works to facilitate access to the site. Any works to be completed under a S278 agreement shall subject to agreement with KCC Highways.

The following should be secured via a Section 106 Agreement and planning conditions as appropriate:

-An appropriate sum per housing unit as a contribution towards highway capacity improvements along the A26/B2260 corridor. All details to be agreed with KCC Highways;

-Provision of works to upgrade the existing bus stop facilities outside '*The Hayesbrook School*,'

-An appropriate sum per housing unit as a contribution towards improved bus service provision through the enhancement of the existing service or the establishment of a new service. All details to be agreed with KCC Highways;

-The development/new school shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter;

-Provision of a Travel Plan monitoring fee;

-Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

-Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development;

-Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction;

-Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;

-Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction;

-Provision of measures to prevent the discharge of surface water onto the highway;

-All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

-Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing;

-The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority;

-Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

- (a) Footways and/or footpaths, with the exception of the wearing course;
- (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any);

-Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing;

-Provision and maintenance of 2 metres by 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Tom Harris
Development Planner



Tonbridge & Malling Borough Council

Highways and Transportation

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 16 October 2020

Application - TM/19/00014/OAEA

Location - Land North Of Lower Haysden Lane, Tonbridge, Kent

Proposal - Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure.

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Introduction

This response should be read in conjunction with this authority's previous consultation responses dated the 18th February 2019, 1st April 2020, and 10th August 2020.

It is noted that the proposals have now been amended to remove the requirement for a primary school, with permission now only being sought for 125 dwellings.

Finally, it is acknowledged that the applicant has produced a revised Transport Assessment (TA), revision 6, dated August 2020.

Access Arrangements

Vehicular Access

Vehicular access arrangements for the site remain unchanged from the previous iteration of the TA (*Revision 5*), with access proposed via a new priority junction and ghost right turn lane on Upper Haysden Lane. These arrangements have previously been the subject of an independent stage 1 road safety audit (RSA), which raised only minor concerns that can be resolved at any future detailed design stage via the S278 technical approval process.

The proposals in the revised TA maintain no entry/exit only arrangements for one arm of the junction, with access only permitted for buses. This continues to address Kent County Council (KCC) Highways requirement for the retention of adequate turning and dropping off arrangements for students undertaking activities at the Judd School's off-site playing facilities.

In accordance with KCC Highways most recent comments, dated 10th August 2020, should the proposals be granted consent a Traffic Regulation Order (*TRO*) will be required to facilitate the provision of the proposed access arrangements. This should be the requirement of any potential planning permission.

The applicant has now acknowledged the discrepancy between the visibility values shown on the drawings key (*drawing number: 10246-HL-01*) and measured values. In response to KCC Highways previous comments on this matter the applicant has highlighted that vehicles will either be approaching the crossing points from a stationary position or turning in at low speed. Additionally, the applicant has highlighted the fact that visibility sight lines of 11 to 25 meters are achievable from the crossing points, which is consistent with a design speed of 10 to 15 miles per hour (*mph*). This rationale is acceptable and therefore addresses KCC Highways previous comments.

Pedestrian Access

KCC Highways previously highlighted the requirement for the continuation of the proposed 3-meter shared foot/cycleway to be continued north into the site, owing to the possible provision of a primary school within the site. It is noted that this provision has now been removed due to the school being omitted from the development proposals.

KCC Highways maintain the view that the 3-meter cycleway should be continued into the site along the spine road in the interest of promoting sustainable modes of transport.

Growth Rates

Tempo growth rates using a future year of 2031 have been applied to the traffic surveys previously undertaken by the applicant. To avoid the double counting of development trips the '*alternative assumptions*,' function within the Tempo software has been used. This function removes the 125 dwellings for which permission is being sought, from the overall 2031 growth rate. The use of such an approach to avoid any double counting is acceptable to KCC Highways.

The applicant's revised TA contends that based upon analysis of historical Department for Transport (*DFT*) traffic data the forecast levels of growth are in-fact unlikely to occur. Figures 7b and 7c on page 26 of the TA graphically illustrate the results of this analysis. Whilst KCC Highways acknowledge that this analysis indicates traffic levels have remained stable or dropped between 2000 and 2018, the data does not include 2019. Consequently, traffic levels may have changed in the intervening period.

In addition, Tempo uses a wide range of data, including forecast housing growth and employment opportunities which have not yet been built out and will therefore contribute to future traffic levels. KCC Highways do not therefore agree with the applicant's conclusion that past trends can be used to accurately predict future growth patterns.

Trip Distribution

Census '*Journey to Work*' data for the middle super output area (*Tonbridge and Malling MSOA 13*), which the proposals are in has been used by the applicant to distribute the development trips across the assessment area.

All trips with an end destination outside of the TMBC or within the Tunbridge Wells administrative area have been distributed via the A21, Tonbridge bypass or A26 south. The one exception to this is workplace destinations within the administrative area of Maidstone, where

trips have also been distributed between the A2014, Pembury Road and B2260, Quarry Hill Road (*Tonbridge High Street*).

Finally, trips with a workplace destination within the TMBC administrative area have been distributed via the A21, Tonbridge Bypass, B2260, Quarry Hill Road (*Tonbridge High Street*), Vale Road, A2014, Pembury Road or via the A26, South, dependent on the MSOA in question. Where there is a choice of available routes with similar or equal journey times the applicant has evenly split the trips.

To assign the development trips across the assessment area the applicant has made use of a real time journey planner, in this instance the Google real time journey planner. This approach is also consistent with the methodology used in earlier iterations of the TA

Traffic Surveys and Assessment Periods

Traffic surveys were previously undertaken by the applicant on Wednesday 19th October 2019. These assessments have been used by the applicant for the purposes of their traffic impact assessments. The use of these surveys is acceptable in principle to KCC Highways.

To identify the peak hours of demand at each of the assessed junction the assessment the applicant has interrogated the October surveys to identify the actual peak hours of operation at every individual junction. Whilst this results in some assessments being outside the traditionally assessed hours e.g. 08:00 to 09:00 and 17:00 to 18:00, KCC Highways consider the applicant's to be robust as it is based on identified times of peak demand from observed traffic flows.

Traffic Impact

Brook Street junction with A26, Quarry Hill Road (*Roundabout Junction*)

To mitigate the impact of the development the applicant has proposed the following amendments to the existing junction layout: reducing the inscribed circle diameter (*ICD*) by 3 meters from 25 to 22 meters; increasing the entry width on the Brook Street arm of the junction by 0.55m (*55cm*) from 4.4 to 4.95 meters and increasing the entry width on the A26 arm of the junction by 0.10m (*10cm*) from 7.2 to 7.3 meters.

Neither a drawing illustrating the proposed revised layout of the junction or independent stage 1 RSA has been submitted in support of the proposals. In the absence of a satisfactory stage 1 RSA and corresponding designer's response KCC Highways are unable to form a view on the acceptability of the proposals in safety terms.

KCC Highways have several concerns about the suitability of the mitigating measures put forward by the applicant. Firstly, the Design Manual for Roads and Bridges (DMRB) confirms that the minimum permissible ICD for a non-mini roundabout to be 28 meters. Reducing the already sub-standard ICD of the roundabout is therefore likely to significantly impact on manoeuvrability at the junction for larger vehicles, such as Heavy Goods Vehicles (*HGV's*) and buses. No swept path analysis to demonstrate the suitability of the reconfigured junction layout for large vehicles has been provided by the applicant.

The applicant's capacity assessment suggests that widening of the entry width on the Brook Street Arm of the junction by 0.55m will achieve '*nil detriment*'. Should these amendments be implemented then the entry width at the give way line would increase to 4.95 meters. This is again contrary to the guidance in the DMRB, which confirms that a lane width of no greater than 4.5 meters shall be used at single lane entry roundabouts, such as the Brook Street roundabout. No increase in the number of entry lanes or in the entry flaring at the junction are

proposed on this arm of the junction, thereby creating the potential for areas of unused carriageway, rather than any meaningful improvement that would demonstrably mitigate the impact of the development. KCC Highways are therefore of the view that the results of the applicant's *'improved layout,'* assessment must be treated with significant caution.

Thirdly, in respect of the A26 south arm of the junction the applicant is again only proposing minor widening of the entry width (*by 0.10 meter*), without any increase in the number of entry lanes or entry flaring. The applicant's future year improved layout assessment suggests that this minor widening will again achieve mitigation of impact at this arm of the junction. Given the extremely limited increase in entry width KCC Highways are again of the view that the proposals are unlikely to demonstrably mitigate the impact of the development, particularly given the fact that this arm of the junction is anticipated to operate over theoretical capacity in all scenarios. This limits the confidence that can be attached to the applicants' conclusion that the improvement will achieve effective mitigation as the extent to which the junction is predicted to operate over capacity is likely to have distorted the modelling outputs.

Finally, the applicant's capacity assessment indicates that the entry/conflict angle on the A26 North arm of the junction will reduce by 6 degrees (*from 63 to 57 degrees*) as a consequence of the reconfigured junction layout, due to entry width reducing by 3 centimetres (*6.90 to 6.87m*). No explanation of how such a minor reduction in the entry arm of the junction could lead to the 6-degree change in entry angle has been provided by the applicant. KCC Highways are therefore of the view that the modelling results on this arm of the junction in the future year improved layout scenario represent an unjustified and unrealistic betterment in traffic capacity.

KCC Highways consider that the minor improvements proposed represent a manipulation of the Arcady outputs, rather than a tangible and meaningful improvement that would demonstrably mitigate the impact of the development in practice. It is therefore not considered that the applicant has demonstrated with sufficient confidence that mitigation of impact can be achieved at this junction.

The applicant's TA also highlights the fact that KCC Highways were seeking to bring forward their own cycle improvement scheme at the junction. I can confirm that these have not been progressed to detailed design and are no longer being pursued by KCC Highways. It is therefore unclear what scheme the applicant would make a financial contribution to as suggested within the TA.

A26, Quarry Hill Road junction with A2014, Pembury Road and B2260, Railway Approach (Roundabout Junction)

To mitigate the impact of the development the applicant has proposed minor widening of the junction on the A26, Quarry Hill Road south arm. The widening proposed involves increasing the entry width by 0.35m (*35cm*) from 7.80 to 8.15 meters.

Again, neither a drawing illustrating the proposed revised layout or independent stage 1 RSA and corresponding designer's response has been provided by the applicant. In the absence of a satisfactory stage 1 RSA and corresponding designer's response KCC Highways are unable to form a view on the acceptability of the proposals in safety terms.

The applicant's capacity assessments indicate that the minor widening proposed, without any increase in the number of entry lanes, or entry flaring on this arm of the junction would mitigate the impact of the development on at this arm of the junction. KCC Highways again consider that

in practice this has the potential to create areas of unused carriageway, rather than constituting an improvement that would demonstrably mitigate the impact of the development. On this basis it is considered that the results of the applicant's junction capacity assessment should be treated with significant caution, particularly given the fact that the junction is forecast to operate over theoretical capacity in all scenarios on most arms. This is likely to have distorted the model outputs.

The entry angle on the A26 south arm of the junction has been set at 0 degrees within the junction capacity assessments, this appears to be incorrect and requires correction.

Finally, the applicant has concluded that mitigation of impact can be achieved at this junction on the basis that in the future year scenario with the revised junction layout a the Ratio of Flow to Capacity (RFC), queues and delays are no worse than the 2031 scenario without development on the Pembury Road and A26 arms of the junction.

KCC Highways disagree with this conclusion as the applicant's own capacity assessments confirm that even with the revised layout the RFC, queues and delays on the B2260, Railway Approach arm of the junction will continue to be worse than the 2031 scenario without development. It is therefore not considered that the applicant has demonstrated with sufficient confidence that mitigation of impact can be achieved at this junction.

The applicant has again suggested that it may be more appropriate for a reasonable and proportionate contribution to be made towards a sustainable travel scheme. However, it is unclear what scheme that the applicant would contribute towards.

Waterloo Road junction with B2260, Railway Approach (*Signalised Junction*)

The applicant's capacity assessment model indicates that the junction currently operates with a degree of practical reserve capacity and without any excessive levels of queueing, with the junction anticipated to continue to do so in the future year scenario following the addition of the development traffic.

It should be noted that such are the limitations of the modelling software the LINSIG model cannot replicate the way in which north and south bound traffic on the B2260 Railway Approach is routinely affected by the presence of the signalised junction being in the middle of two roundabout junctions. The results therefore need to be reviewed in the context of these interdependencies.

KCC Highways also previously requested explanation for the significant discrepancy between the observed and modelled queues presented within the baseline assessment. The latest iteration of the TA is silent in respect of this matter, with it being unclear if this discrepancy is due to how the survey company have differentiated between slow moving and stationary queued traffic.

B2260, Railway Approach junction with Barden Road, High Street and Vale Road (*Roundabout Junction*)

A revised junction capacity assessment has been provided for this junction by the applicant. This assessment more accurately reflects the results of the queue length surveys previously undertaken. The applicant's assessment confirms that the junction is currently operating over its practical capacity on most arms in the AM and PM peak period with significant queues.

The applicant is forecast to exceed theoretical capacity in the future year, even without the development, with a further, all be it marginal, worsening of conditions because of the

development traffic. KCC Highways have reviewed the latest model files associated with this junction and consider there to be a critical coding error, which requires amendment before any firm conclusions can be drawn.

The applicant has modelled the junction in such a way that the Barden Road and B2260, Railway Approach arm of the junction has a separate approach to the roundabout, with Barden Road only giving way to Railway approach traffic. This is incorrect because in practice following the merge traffic from both approaches would have to give way to traffic on the circulatory carriageway of the roundabout. Corrections are therefore required to the capacity assessment to show traffic from both arms of the junction giving way to traffic on the circulatory carriageway, thereby correctly reflecting the operation of the junction in practice.

In addition, u-turning traffic has not been included within the capacity assessment. Given the relatively significant level of u-turning traffic this should be included to ensure a robust assessment of baseline and future conditions.

Summary and Recommendation

The applicant has been unable to conclusively demonstrate that suitable mitigation of impact can be achieved on the A26/B2260 corridor (*Tonbridge High Street to Brook Street*). KCC Highways are therefore remain of the view that the residual traffic impact on the local highway network would be **'severe.'** and an objection is raised on this basis.

In the event that the Borough Council is minded to grant planning approval against the advice of the Highway Authority, KCC Highways would seek agreement with the Borough Council on the use of financial contributions towards road capacity improvements on the A26/B2260 corridor.

A Section 278 Agreement is also required to secure any proposed Highways on the Upper Haysden/Lowe Haysden Lane corridor, including any works to facilitate access to the site. Any works to be completed under a S278 agreement shall subject to agreement with KCC Highways.

The following should be secured via a Section 106 Agreement and planning conditions as appropriate:

-An appropriate sum per housing unit as a contribution towards highway capacity improvements along the A26/B2260 corridor. All details to be agreed with KCC Highways;

-Provision of works to upgrade the existing bus stop facilities outside *'The Hayesbrook School,'*

-An appropriate sum per housing unit as a contribution towards improved bus service provision through the enhancement of the existing service or the establishment of a new service. All details to be agreed with KCC Highways;

-The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter;

-Provision of a Travel Plan monitoring fee;

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage

- Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development;

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction;

- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;

- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction;

- Provision of measures to prevent the discharge of surface water onto the highway;

- All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

- Completion and maintenance of the access shown on the submitted plans (*drawing number: 10246-HL-01 Rev K titled 'Proposed Access Arrangements*) prior to the use of the site commencing;

- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority;

- Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any);

- Provision and maintenance of the visibility splays shown on the submitted plans (*drawing number: 10246-HL-01 Rev K titled 'Proposed Access Arrangements*) with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing;

- Provision and maintenance of 2 metres by 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

INFORMATIVE: It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Tom Harris
Development Planner



Tonbridge & Malling Borough Council

Highways and Transportation

Ashford Highway Depot

4 Javelin Way

Ashford

TN24 8AD

Tel: 03000 418181

Date: 11 June 2021

Application - TM/19/00014/OAEA

Location - Land North Of Lower Haysden Lane, Tonbridge, Kent

Proposal - Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure.

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Introduction

This response should be read in conjunction with this authority's previous consultation responses dated 18th February 2019, 1st April 2020, 10th August 2020 and 16th October 2020.

Kent County Council (KCC) Highways has continually raised objections to the development, owing to its 'severe,' impact on traffic congestion and capacity, and the inability of the applicant to identify mitigating measures that would adequately mitigate the impact of the development.

The applicant has previously proposed minor amendments to the Brook Street and Pembury Road roundabout. The amendments involved the extremely limited widening of the entry widths on some arms at both these junctions.

Whilst the applicant contends that these measures would theoretically mitigate the impact of the development, KCC Highways do not consider that amendments would provide any demonstrable benefit in practice.

Consequently, the applicant has reassessed their mitigating measures and is now proposing a set of mitigating measures that aim to encourage travel by sustainable modes. KCC Highways latest comments are therefore considered in this context and the significant weight that the National Planning Policy Framework (NPPF) affords to matters of sustainable development and promoting the use of sustainable modes of transport.

A26/B2260 Railway Approach Corridor (Brook Street roundabout to Vale/Tonbridge High Street Roundabout junction)

The applicant's Transport Assessment (TA) demonstrates how in the absence of intervention the development will unacceptably exacerbate the significant levels of congestion that are known to be prevalent on this section of the highway network.

In the absence of mitigation the impact of the development is most pronounced at Brook Streets junction with the A26 on the Brook Street arm. This arm of the junction will have to accommodate an additional 61 car trips during the peak hours, as consequence of all the development traffic turning left out of the development onto Upper Haysden Lane.

During the AM peak hour the queue is anticipated to increase by 29 vehicles with delays also increased by over 2 minutes. The already significant levels of congestion on the other arms of the junction are also further exacerbated as a consequence of the development.

Because of the traffic generated by the development dispersing across the highway network, the development's impact is much less pronounced and therefore less significant at other locations along the corridor. This is most evident at Vale Roads junction with Tonbridge High Street where 14 vehicle trips are expected to pass through the junction during the peak hour periods. Given the strategic and heavily trafficked nature of the corridor such levels of additional vehicle trips will likely be within the daily variations of traffic flows.

The applicant's traffic generation forecasts assume that all the dwellings within the development will be privately owned; however, it is understood that the development will include an element of affordable housing. Affordable/social housing is known to generate less traffic than privately owned housing. This adds an element of robustness to the applicant's assessment.

Given the limited potential for physical junction improvements along this section of corridor, due to the extent of the existing highway boundary, the applicant has now proposed mitigating measures in the form of improvements to sustainable transport rather than junction capacity improvements.

The measures put forward by the applicant aim to discourage single occupant vehicle trips and encourage trips by sustainable modes. It is therefore imperative that the mitigations proposed are implemented at an early stage to establish sustainable travel behaviours.

This approach is consistent with paragraphs 108a and 110a of the NPPF, which confirm that first and foremost opportunities for the use of sustainable modes of transport should be enhanced and promoted.

Notes

Paragraph 108a of the NPPF states: *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

Paragraph 110a of the NPPF states: *Within this context, applications for development should:*

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

The location of the development on the edge of Tonbridge town centre and close to good rail and bus interchanges affords opportunities to promote the use of sustainable modes of transport by occupants of the development, as well as existing highway users. A cycle improvement scheme has been put forward by the applicant. The scheme covers the missing link between Brook Street and Tonbridge train station, which traverses along Waterloo Road.

Importantly, the implementation of this scheme will complete the route and provide a continuous shared off-road route between the development site and Tonbridge train station; therefore, providing complete off-road route connectivity. This offers the potential for an increased level of multi-modal end to end trips.

Completion of a complete off-road route also has the potential to encourage wider modal shift and a reduction in background traffic levels, as well as a reducing the volume of vehicular trips generated by the development. Should any wider modal shift occur then it would also be beneficial in helping to improve conditions on this corridor.

An independent stage 1 road safety audit (*RSA*) and corresponding designer's response has been provided by the applicant. Whilst the applicant has satisfactorily addressed the auditor's comments, KCC Highways consider that the existing steps that abut the route should be removed, and the additional width provided as suggested by the auditor. This would have benefits in that it would remove an existing safety hazard and ensure optimum route width for its duration.

As the improvements are required to mitigate the impact of the development the works should be secured via a S278 agreement with this authority. Delivery of the proposed mitigating measures via a S278 agreement will ensure timely delivery, prior to the impact of the development being realised on the highway network.

In addition, KCC Highways require the imposition of a condition preventing the occupation of the development until the works have been implemented. This will prevent the otherwise serve impacts of the development in traffic capacity terms from occurring.

To ensure a robust set of measures that will meaningfully mitigate the impact of the development, the applicant should also be required to provide a car club scheme. This should be additional to the sustainable transport vouchers proposed.

A financial contribution towards such measures should be secured via a S106 agreement. KCC Highways consider that the level of contribution should allow membership to the car club for every household for a minimum of 1 year. The location of the car club parking spaces required for such an incentive would be considered as part of a future reserved matters application (s), should the development receive permission.

Finally, KCC Highways will also require a fee of £948 towards the cost of monitoring the framework travel plan and liaison with the developer's appointed travel plan coordinator.

KCC Highways have developed a transport model covering this section of the network to better understand the reasons for the significant levels of congestion that are known to be prevalent.

Whilst the model requires further refinement it could be used to investigate if the remaining growth proposed in South West Tonbridge as part of the emerging Local Plan can come forward, without any unacceptable highway impacts. The model could also be used to identify the potential for more strategic transport network improvements across the network, as well as to investigate the adequacy of any measure proposed to mitigate the impact of further development in South West Tonbridge.

Summary and Recommendation

The applicant's TA demonstrates how the A26/B2260 corridor is already suffering from significant levels of congestion. This congestion is further exacerbated in the future year assessed, with the addition of the development traffic 'severely,' impacting upon conditions on the local highway network. Consequently, in the absence of appropriate and robust mitigating measures KCC Highways consider the impact of the development upon congestion to be 'severe.'

Commensurate with the aims and objectives of NPPF and in line with emerging Government transport policies the applicant has reassessed their mitigating measures and proposed a series of mitigations aimed at encouraging travel by sustainable modes of transport. These measures should be supplemented by the provision of a car club scheme and sustainable transport vouchers via S106 contributions.

KCC Highways therefore do not raise an objection to this planning application, subject to conditions being imposed that prevent occupation of the development until the following offsite highway improvements have been implemented:

- Off road shared foot/cycleway between Tonbridge train station and Brook Street as shown on drawing number: 10246-SK-05 titled '*Waterloo Road Cycle Route, Option 1*'

A section 278 agreement is required for the above referenced highway improvement works on Waterloo Road, as well as those on Upper Haysden Lane to achieve access to the development.

The recommendation of no objection is also subject to the applicant being required to enter into a Section 106 Agreement to secure financial contributions towards:

- A car club. The level of contribution should be sufficient to provide free membership for all residents for a minimum of 1 year, as well as covering any costs involved in setting up the car club. Responsibility for arranging the car club, providing the required space (s) and membership for residents should be the applicants and secured via obligation within the S106.
- A sustainable travel voucher for every household.
- The upgrading of the existing bus stop outside Hayesbrook School. The level of contribution should be sufficient to allow the provision of sheltered waiting facilities.
- £948 towards the highway authority's cost in monitoring the applicant's framework travel plan and ongoing liaison with the applicant's appointed travel plan coordinator.

Finally, the following should be secured via planning condition:

-The development/new school shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

-Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (a) Routing of construction and delivery vehicles to / from site

- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

-Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

-Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

-Provision of measures to prevent the discharge of surface water onto the highway.

-Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

-All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

-Use of a bound surface for the first 5 metres of the access from the edge of the highway.

-Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

-Completion and maintenance of the access shown on the submitted plans (**drawing number: 10246-HL-01 Rev K titled 'Proposed access arrangements' and drawing number: 10246-SK-02 Rev A titled 'Proposed footpath link' prior to the use of the site commencing.**)

-The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

-Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

- (a) Footways and/or footpaths, with the exception of the wearing course;
- (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

-Provision and maintenance of the visibility splays shown on the submitted plans (**drawing number: 10246-HL-01 Rev K titled 'Proposed access arrangements'**) with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.

INFORMATIVE: Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of

highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Yours faithfully

Tom Harris
Development Planner

From: [Bowie, David](#)
To: [Planning Applications](#)
Cc: [Planning SE](#); [Bradley, Alistair J](#); [Fisher, Rachael](#)
Subject: TM/19/00014/OAEA - Land North Of Lower Haysden Lane Tonbridge Kent - FAO Matthew Broome
Date: 08 February 2019 15:58:01

For the attention of: Matthew Broome

Planning Application No: TM/19/00014/OAEA

Site: Land North Of Lower Haysden Lane Tonbridge Kent

Proposal: Construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane

Highways England Ref: 83679 #6681

Dear Matthew,

Thank you for your email dated 21 January 2019, inviting Highways England to comment on the above planning application and indicating that a response was required by 11 February 2019.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A21 Tonbridge Bypass where it meets the A26.

Having reviewed the application and the Transport Assessment (TA) that supported this, Highways England would like to make the following comments for consideration by the applicant.

Although junction assessment has been limited to the locations where Kent County Council are Highway Authority, it is noted that there is no validation of baseline junction models. This is required to ensure they are reflective of current conditions to form the basis for assessing the impact of the development in the future year considered.

TRICS has been used to derive trip rates for the proposed development. The output for the residential land use has been provided and is acceptable but the TRICS assessment for the primary school and health centre is missing and should be provided for Highways England to review. Additionally, details of the health centre should be provided.

Internalisation of primary school trips has been applied on the basis of the full site allocation (identified in the TA as 480 dwellings) but the application is for up to 125 dwellings and so any internalisation should be based on this.

The distribution of residential development traffic is acceptable. However, this has also been applied to the primary school and the applicant may wish to review whether this is appropriate for education based vehicle trips with reasoning to be justified.

On the basis of the development trip generation estimated in the TA, the applicant should extend their development traffic assignment assessment to the A26 / A21 junction so that Highways England can understand development related traffic movements at this junction to determine whether any further assessment of this junction is required to ensure that the proposals will not result in a 'severe' impact on the SRN and therefore will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 para 10 and DCLG NPPF para 109).

Accordingly, we formally request that the Planning Inspectorate refrains from determining this application, (other than a refusal) until such time as we have received and considered all the requested information. Once we are able to adequately assess the above and its potential impact on the SRN, and this has been agreed with the applicant, we will provide you with our final formal response.

If, in the meantime, you wish to determine the application, please let us know and we will provide you with a formal response based on the information available at that time.

Should you have any queries regarding this matter, please contact us.

Kind regards

David

David Bowie

Area 4 Spatial Planning Team

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | Surrey | GU1 4LZ

Mobile: + 44 (0) 7900 056130

Web: <http://www.highways.gov.uk>

This email may contain information which is confidential and is intended only for use of the recipient/s named above. If you are not an intended recipient, you are hereby notified that any copying, distribution, disclosure, reliance upon or other use of the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender and destroy it.

**Highways England Company Limited | General enquiries: 0300 123 5000
|National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park,**

Birmingham B32 1AF | <https://www.gov.uk/government/organisations/highways-england> | info@highwaysengland.co.uk

*Registered in England and Wales no 9346363 | Registered Office: Bridge House,
1 Walnut Tree Close, Guildford, Surrey GU1 4LZ*

Consider the environment. Please don't print this e-mail unless you really need to.

This page is intentionally left blank

From: [Bown, Kevin](#)
To: [Planning Applications](#)
Cc: [Planning SE; growthandplanning](#)
Subject: FAO Case Officer Matthew Broome: Highways England response (our ref 83679#9576) re application TM/19/00014/OAEA Land North Of Lower Haysden Lane Tonbridge Kent
Date: 26 February 2020 18:33:20
Attachments: [20200226 HEPR 19_00014_OAEA Land North of Lower Haysden Ln.pdf](#)

For attention of:	Matthew Broome
Site:	Land North Of Lower Haysden Lane Tonbridge Kent
Proposal:	Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure
Your Reference:	TM/19/00014/OAEA
Highways England's Reference:	83679#9576

Dear Mr Broome,

Thank you for your email dated 29 January 2020, inviting Highways England to comment on the above planning application and indicating that a response was required by 26 February 2020.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A21 Tonbridge Bypass where it meets the A26.

Having reviewed the application and the TA that supported this, Highways England notes:

1. The site is within allocated land within the Tonbridge and Malling emerging Local Plan, and that the application is part of an overall site allocation. While this Transport Assessment (TA) includes assessment with the wider allocation and

we understand that expected trips will be increased as the rest of the allocated site is delivered, our assessment and review is on only the two options presented in the planning application:

Option A: 125 dwellings on application site

Option B: 100 dwellings together with a 2FE primary school on the application site

The rest of the allocation will be reviewed at a time when further planning application has been submitted.

2. We are satisfied with the TRICS methodology and parameters selected to assess the trip generation. Option B includes the school and therefore will generate greater trips than the residential units alone. This will have greater impact on the network during the AM peak than during the PM peak hour.
3. The trip distribution and traffic flow assessment shows there will not be a significant flow of traffic from the development onto the A21 via the A26. Based on the submitted traffic assignments, Option A will increase flow onto the SRN by 16 vehicles in AM peak and 7 vehicles in PM peak, whilst Option B will increase flows by 26 during the AM peak, and 8 in the PM peak.
4. That there is no inclusion of the SRN junction within the junction modelling. However, having examined the traffic assignment information provided, we are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and DCLG NPPF particularly paragraph 109) in this location and its vicinity.

I therefore attach our formal HEPR response of No Objection. Should you have any queries regarding this response, please contact us at:

PlanningSE@highwaysengland.co.uk.

Regards,

**Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial (Town) Planning Manager
Spatial Planning Team, South East Region Operations Directorate**

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ

Tel: +44 (0) 300 470 1046

Web: <http://www.highways.co.uk>

Safe roads, reliable journeys, informed travellers

Highways England: operating, maintaining and improving the strategic road network in England.

This email may contain information which is confidential and is intended only for use of the recipient/s named above. If you are not an intended recipient, you are hereby notified that any copying, distribution, disclosure, reliance upon or other

use of the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender and destroy it.

**Highways England Company Limited | General enquiries: 0300 123 5000
|National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park,
Birmingham B32 1AF | [https://www.gov.uk/government/organisations/highways-
england](https://www.gov.uk/government/organisations/highways-england) | info@highwaysengland.co.uk**

*Registered in England and Wales no 9346363 | Registered Office: Bridge House,
1 Walnut Tree Close, Guildford, Surrey GU1 4LZ*

Consider the environment. Please don't print this e-mail unless you really need to.



Developments Affecting Trunk Roads and Special Roads

Highways England Planning Response (HEPR 16-01)

Formal Recommendation to an Application for Planning Permission

From: Nicola Bell (Regional Director, South East)
Operations Directorate
South East Region
Highways England
PlanningSE@highwaysengland.co.uk

To: Tonbridge and Malling (FAO: Matthew Broome)
Planning.applications@tmbc.gov.uk

CC: growthandplanning@highwaysengland.co.uk

Council's Reference: 19/00014/OAEA

Location: Land North Of Lower Haysden Lane Tonbridge Kent

Proposal: Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure

Highways England Reference: 83679#9576

Referring to the planning application referenced above (consultation received 29 January 2020) in the vicinity of the A21 Tonbridge Bypass that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:

a) offer no objection*;

**this is on the basis that based on the evidence submitted and our own assessment, we are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and DCLG NPPF particularly paragraph 109) in this location and its vicinity.*

- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~
- ~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~
- ~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B (covering new access to the SRN) is not relevant to this application.¹

HIGHWAYS ENGLAND (“we”) have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This represents Highways England’s formal recommendation (prepared by the Area 4 Spatial Planning Team) and is made available to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority disagree with any recommendation made under b), c) or d) above, the application must not be determined before they have:

- i) informed Highways England; and
- ii) consulted the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gsi.gov.uk.

Signature:	Date: 26/02/2020
Name: Kevin Bown	Position: Spatial Planning Manager
PlanningSE@highwaysengland.co.uk	
Highways England: Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ	

¹ Where relevant, further information will be provided within Annex A.

This page is intentionally left blank

From: [Bown, Kevin](#)
To: planningtechnical@tunbridgewells.gov.uk; [Matthew Broome](#)
Cc: [Planning SE](#); [growthandplanning](#)
Subject: FAO Case Officer Matthew Broome: Highways England response (our ref 83679#9576#10606) re updated TA submitted in support of application TM/19/00014/OAEA Land North Of Lower Haysden Lane Tonbridge Kent
Date: 13 July 2020 18:02:25
Attachments: [20200226 HEPR 19_00014_OAEA Land North of Lower Haysden Ln.pdf](#)

For attention of:	Matthew Broome
Site:	Land North Of Lower Haysden Lane Tonbridge Kent
Proposal:	Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure
Your Reference:	TM/19/00014/OAEA
Highways England's Reference:	83679#9576#10606

Dear Mr Broome,

Thank you for your email dated 29 June 2020, inviting Highways England to further comment on the above planning application and further submitted information no later than 13 July.

Highways England previously responded on 26 February 2020. At that time, having assessed the application we had No Objection and attached our HEPR form (dated 20200226) to this effect.

Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A21 Tonbridge Bypass where it meets the A26.

Highways England has reviewed

- the submitted Transport Assessment provided by Brookbanks Consulting Limited (BCL) (Ref 10246TA02 Rev5, dated 02/06/20) on behalf of the applicant and

the comments submitted by Kent County Council (dated 1 April 2020).

Where there were slight concerns regarding Tempo, Highways England then considered the impacts upon trip generation and trip distribution with regards to potential impacts upon the SRN. Two options were considered in the original feedback from Highways England as follows:

- a. Option A (125 dwellings) will increase flow onto the SRN by 16 vehicles in AM peak and 7 vehicles in PM peak,
- b. whilst Option B (100 dwellings + 2FE primary school) will increase flows by 26 during the AM peak, and 8 in the PM peak onto the SRN.

The submitted Transport Assessment by BCL indicates that there would be likely to be approximately 18 AM and 8 PM trips for Option A, and 49 AM and 12 PM trips for Option B heading south towards the SRN from the site (taken from distribution methodology as established within the TA, Page 99). While the AM Peak period for Option B is slightly higher than originally indicated, it is not considered that this quantum of trips would cause any significant impact upon the safety, operation and reliability of the SRN in line with tests set out within DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF19 particularly paragraph 109).

As such, Highways England continues to be satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network within the vicinity of this development.

I therefore attach our previous formal HEPR response of No Objection, for ease of reference. Should you have any queries regarding this response, please contact us at: PlanningSE@highwaysengland.co.uk.

Regards,

**Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial (Town) Planning Manager
Spatial Planning Team, South East Region Operations Directorate**

Highways England | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ
Tel: 0300 470 1046 (all calls to this number will also patch through to my mobile)
Web: <http://www.highways.co.uk>

Please note that for the foreseeable future we are all working from home. All meetings will be via telephone, Skype or similar. We will continue to seek to work to our statutory and other deadlines. In case of IT or other issues, as a precaution, please copy all emails to PlanningSE@highwaysengland.co.uk . Thank you.

We are mindful that everyone is different and everyone's circumstances may be different. We are sharing the following NHS principles

- **People are not 'working from home', they are 'at their home during a crisis trying to work'**
- **People's physical, mental and emotional health are far more important than anything else at present**
- **If people are currently less productive they should not try to compensate by working**

longer hours

- **People should be gentle on themselves and others, not judging based on how they/ others are coping**
- **Individual and team success is not to be based on 'normal times' expectations**

Safe roads, reliable journeys, informed travellers

Highways England: operating, maintaining and improving the strategic road network in England.

This email may contain information which is confidential and is intended only for use of the recipient/s named above. If you are not an intended recipient, you are hereby notified that any copying, distribution, disclosure, reliance upon or other use of the contents of this email is strictly prohibited. If you have received this email in error, please notify the sender and destroy it.

Highways England Company Limited | General enquiries: 0300 123 5000
| National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park,
Birmingham B32 1AF | [https://www.gov.uk/government/organisations/highways-](https://www.gov.uk/government/organisations/highways-england)
[england](https://www.gov.uk/government/organisations/highways-england) | info@highwaysengland.co.uk

*Registered in England and Wales no 9346363 | Registered Office: Bridge House,
1 Walnut Tree Close, Guildford, Surrey GU1 4LZ*

Consider the environment. Please don't print this e-mail unless you really need to.

This page is intentionally left blank

Tonbridge & Malling Borough Council
Development Control
Gibson Building Gibson Drive
Kings Hill
West Malling
ME19 4LZ

Our ref: KT/2019/125210/01-L01
Your ref: 19/00014/OAEA
Date: 30 January 2019

Dear Sir/Madam

Outline application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and country park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure

Land North Of Lower Haysden Lane Tonbridge Kent

Thank you for consulting us on the above. We do not object to the proposed development the following planning conditions should be included in any planning permission granted.

GROUNDWATER AND CONTAMINATED LAND

Contamination

The Geo-Environmental Phase 1 Desk Study by Brookbanks Consulting Ltd (ref: 10246 DS03 Rv0) dated December 2018 has been carried out in line with relevant guidance. The assessment of risks and liabilities detailed in the submitted report are agreed in principle. A low risk from site contamination has been identified however there is always the risk that unforeseen contamination may be encountered during construction. This contamination could be mobilised, and migrate to pollute controlled waters. We therefore feel that the following planning condition should be included in any planning permission granted by the LPA.

Condition: 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

Drainage

We request this condition on a precautionary principle in case the outline surface water drainage strategy proposed in the Flood Risk Assessment by Brookbanks Consulting Ltd (ref: 10246 FRA01 Rv1) dated December 2018, changes at the more detailed design stage to include infiltration SuDs.

Condition: No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

Foul Water

The proposed development will be acceptable if the following scheme is implemented and secured by way of a planning condition on any planning permission.

Condition: The overall development hereby permitted shall not be commenced until such time as a scheme to connect all plots to mains foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Informative:

Developments should not be brought forward until relevant upgrades in main sewer provision are made for new development areas, or existing villages/hamlets where growth is expected. Cess pits and septic tanks pose a risk to water quality in principal and secondary aquifers and cumulative impacts of new developments must be considered. Multiple single discharges to ground cannot fall under the binding rules exemptions and developments of more than one property will not be considered for individual discharges to ground in principle.

Flood Risk

We have no objection to this outline application based on the information provided, and offer the following comments.

The Agency Flood Map allocates land to a Flood Zone and describes land with a probability of flooding of less than 1 in one thousand (0.1%), to be within Flood Zone 1 (Low Probability). The majority of the proposed development falls within the low probability category, with a section to the north falling into Flood Zone 2. Development proposals which exceed one hectare require a Flood Risk Assessment (FRA). The aim of such an FRA should assess the risk of flooding from all possible sources and include a detailed Drainage Strategy to ensure the proposed and existing development will be safe from flooding as a result of excess surface water runoff.

Flood Risk Assessment (FRA) (ref: 10246 FRA01 Rv1 - date: 12.12.18) has been provided by Hallam Land Management Ltd to support the outline application for 125 dwellings or 100 dwellings and a primary school. The FRA suitably covers the flood risk to the site from all potential sources. Fluvial flood risk on this site is judged to be low.

All development is planned to be in flood zone 1, with areas of flood zone 2 remaining as open fields, sport fields, woodland and water attenuation. This is demonstrated on drawing titled - Illustrative Landscape Masterplan Option 1 (ref: 215-P-01A Rev D, date: 08/11/18) and Illustrative Landscape Masterplan Option 2 (ref: 215-P-01 B rev B, date 08/11/18). We would expect to see this site layout at detailed design stage.

There is a risk of surface water flooding on this site. The Local Planning authority should be satisfied that this risk has been sufficiently mitigated.

We record the outcome of planning decisions and request the decision notice is emailed to kslplanning@environment-agency.gov.uk

Yours faithfully

**Ms Jennifer Wilson
Planning Specialist**

Direct dial 0208 474 6711

Direct e-mail kslplanning@environment-agency.gov.uk

This page is intentionally left blank

creating a better place



Tonbridge & Malling Borough Council
Development Control
Gibson Building
Gibson Drive
Kings Hill
West Malling ME19 4LZ

Our ref: KT/2019/125210/02-L01
Your ref: 19/00014/OAEA
Date: 17 September 2020

Dear Sir/Madam

AMENDED PLANS - OUTLINE APPLICATION: THE CONSTRUCTION OF UP TO 125 NEW HOMES, A 2 FORM ENTRY PRIMARY SCHOOL, THE FORMATION OF NEW MEANS OF ACCESS ONTO LOWER HAYSDEN LANE, NEW PEDESTRIAN AND CYCLE LINKS (INCLUDING LINKS TO THE EXISTING PLAYING FIELDS AND COUNTRY PARK TO THE WEST), THE LAYING OUT OF OPEN SPACE, NEW STRATEGIC LANDSCAPING, HABITAT CREATION, DRAINAGE FEATURES AND ASSOCIATED GROUND WORKS AND INFRASTRUCTURE

LAND NORTH OF LOWER HAYSDEN LANE TONBRIDGE KENT

Thank you for your consultation.

We have no additional comments to make on the amendments but refer you to our previous comments made on the original consultation.

If you require any further information, please do not hesitate to contact me.

Yours faithfully

Mrs Michelle Waterman-Gay
Planning Advisor

Telephone: 02084746762
E-mail kslplanning@environment-agency.gov.uk

This page is intentionally left blank

creating a better place



Tonbridge & Malling Borough Council
Development Control
Gibson Building Gibson Drive
Kings Hill
West Malling
ME19 4LZ

Our ref: KT/2019/125210/03-L01
Your ref: 19/00014/OAEA
Date: 06 December 2021

Dear Matthew Broome

OUTLINE APPLICATION: CONSTRUCTION OF UP TO 125 NEW HOMES, THE FORMATION OF NEW MEANS OF ACCESS ONTO LOWER HAYSDEN LANE, NEW PEDESTRIAN AND CYCLE LINKS (INCLUDING LINKS TO THE EXISTING PLAYING FIELDS AND COUNTRY PARK TO THE WEST), THE LAYING OUT OF OPEN SPACE, NEW STRATEGIC LANDSCAPING, HABITAT CREATION, DRAINAGE FEATURES AND ASSOCIATED GROUND WORKS AND INFRASTRUCTURE

LAND NORTH OF LOWER HAYSDEN LANE, TONBRIDGE, KENT

We have no objection to the amendments to the outline application based on the information provided, and offer the following comments.

A Flood Risk Assessment (FRA) (ref: 10246 FRA02 Rv2 - date: 22.11.21) has been provided by Brookbanks Consulting Ltd to support the outline application for 125 new dwellings. The FRA suitably covers the flood risk to the site from all potential sources.

The FRA confirms that all residential development is designed to be located within flood zone 1, with areas of flood zone 2 remaining as recreational space, woodland and water attenuation. This is demonstrated on *drawing No. 215 – P – 01 Rev H, dated 08/11/18 by Urban Wilderness*.

There is a risk of surface water flooding on this site. The Local Planning authority should be satisfied that this risk has been sufficiently mitigated.

Should you have any questions, please do not hesitate to contact us via the email below.

Yours sincerely

Ms Aida Grabauskaite
Planning Advisor

Direct e-mail KSLPLANNING@environment-agency.gov.uk

This page is intentionally left blank



Tonbridge & Malling B. Council
 Gibson Building
 Kings Hill West Malling
 Kent
 ME19 4LZ

Southern water
 Sparrowgrove House
 Sparrowgrove
 Otterbourne
 Hampshire
 SO21 2SW

Tel: 0330 303 0119

Email: developerservices@southernwater.co.uk

Your Ref
 TM/19/00014/OAEA
 Our Ref
 PLAN-026558
 Date
 18/02/2019

Dear Sirs,

Proposal: Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure.

**Site: Land North Of Lower Haysden Lane, Tonbridge, Kent TN9 2PL.
 TM/19/00014/OAEA**

Thank you for your letter of 21/01/2019.

Please find attached a plan of the sewer records showing the approximate position of a public foul and surface water sewers crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the public sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Should the applicant wish to divert apparatus:

1. The foul and surface water sewer require a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for

- maintenance. No development or new tree planting should be located within 3 metres either side of the external edge of the public sewers.
2. No new soakaways, ponds, swales or other water retaining or conveying features should be located within 5m of public sewers.
 3. All other existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items (1) – (4) above also apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example, “The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.”

Please note: Decommissioned foul sewer within the site.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Southern Water has undertaken a desk study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.

This initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water’s Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

Southern Water hence requests the following condition to be applied:

“Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development”

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.

Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required)
- Detail design, including land negotiations.
- Construction.

The overall time required depends on the complexity of any scheme needed to provide network reinforcement.

Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that Planning approval has been granted.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme.
- Specify a timetable for implementation.

- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that suitable means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

The design of drainage should ensure that no land drainage or groundwater is to enter public sewers network.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

The proposed development would lie within a Source Protection Zone as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the water supply source.

Yours sincerely



Claire Smith
Developer Services

SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

Based upon Ordnance Survey Digital Data with the permission of the controller of H.M.S.O. Crown Copyright Reserved Licence No. WU 298530



O.S. REF: TQ5745NE

Scale: 1:3000

Page 187

Printed By: reddyman

Date: 23-1-2019

Screen Print

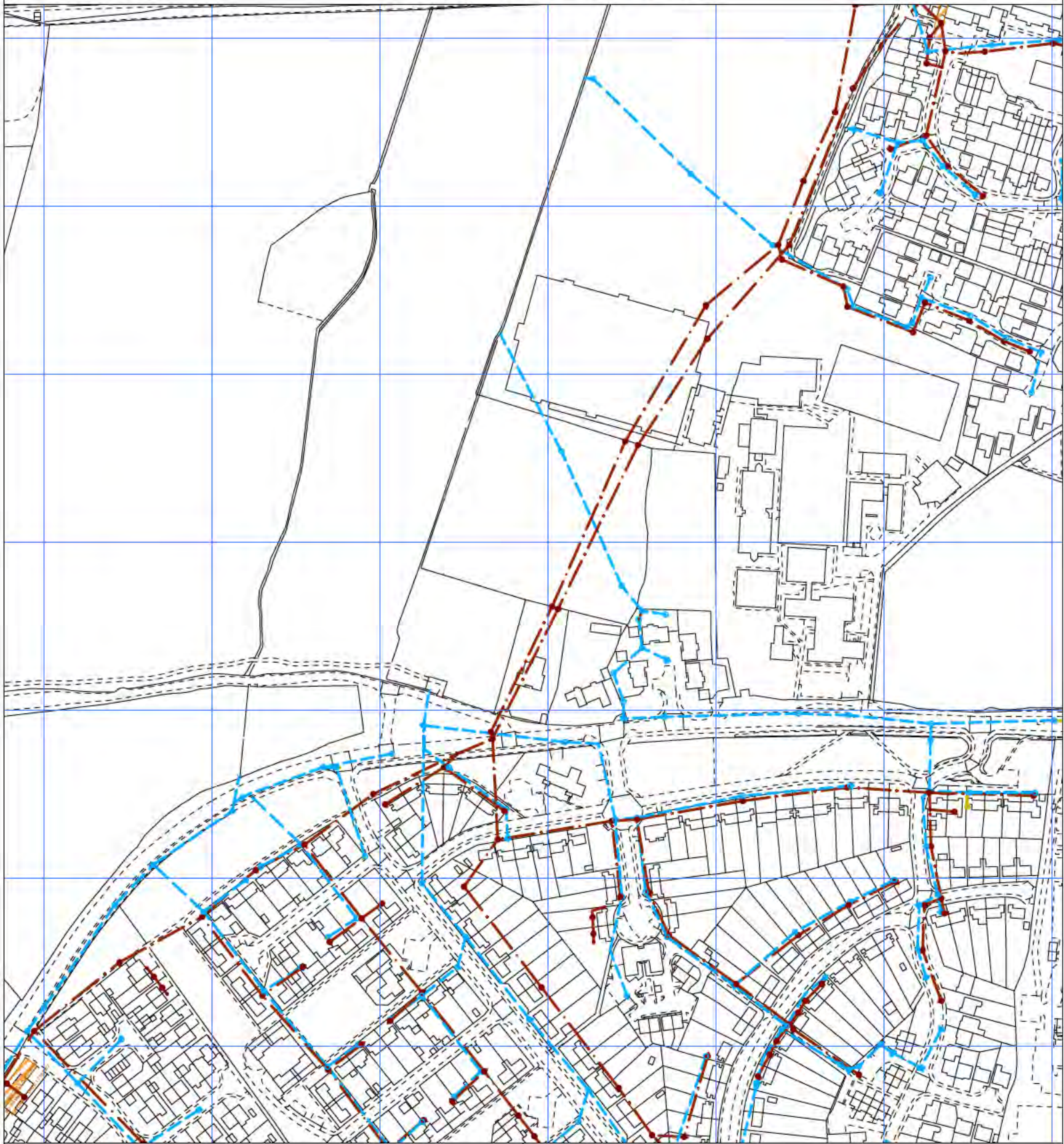
Southern Water MapGuide Browser

Requested By:

WARNING: BAC pipes are constructed of Bonded Asbestos Cement

WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement

SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

Based upon Ordnance Survey Digital Data with the permission of the controller of H.M.S.O. Crown Copyright Reserved Licence No. WU 298530

O.S. REF: TQ5745NE

Scale: 1:3000 Page 188

Printed By: reddyma

Date: 23-1-2019

Screen Print

Southern Water MapGuide Browser

Requested By:

WARNING: BAC pipes are constructed of Bonded Asbestos Cement

WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement





WATER
for LIFE

from
**Southern
Water** 

Director of Planning and Transportation
Development Control
Tonbridge & Malling B. Council
Gibson Building
Kings Hill West Malling
Kent
ME19 4LZ

Your ref
19/00014/OAEA

Our ref
PLAN-034733

Date
22/09/2020

Contact
Tel 0330 303 0119

Dear Sir/Madam,

Proposal: Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure.

Site: 19/00014/OAEA: - Land North of Lower Haysden Lane, Tonbridge, Kent TN9 2PL.

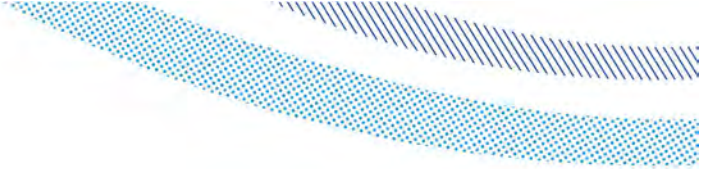
Thank you for your letter dated 26/08/2020.

Should planning approval be granted then Southern Water recognises its obligations under the new charging regime to provide capacity in the existing sewerage system to accommodate the needs of the proposed development. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (if any) and to design such works in the most economic manner to satisfy the needs of existing and future customers.



Our assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required).
- Detail design, including land negotiations.
- Construction.

The overall time required depends on the complexity of any scheme needed to provide network reinforcement. Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that outline planning approval has been granted.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

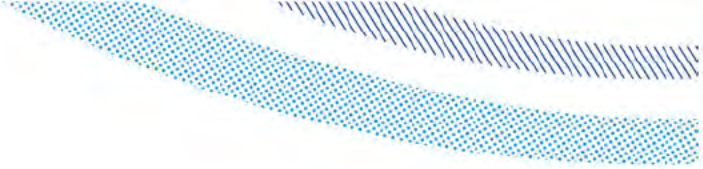
Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

All other comments in our response dated 18/02/2019 remain unchanged and valid for the amended details.



For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Yours faithfully,



Joff Edevane
Growth Planning Lead
Business Channels

SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

Based upon Ordnance Survey Digital Data with the permission of the controller of H M S O Crown Copyright Reserved Licence No WU 298530

O.S. REF: TQ5745NE

Scale: 1:2500

Screen Print

Page 192

WARNING: BAC pipes are constructed of Bonded Asbestos Cement

WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement



Printed By: kishoku

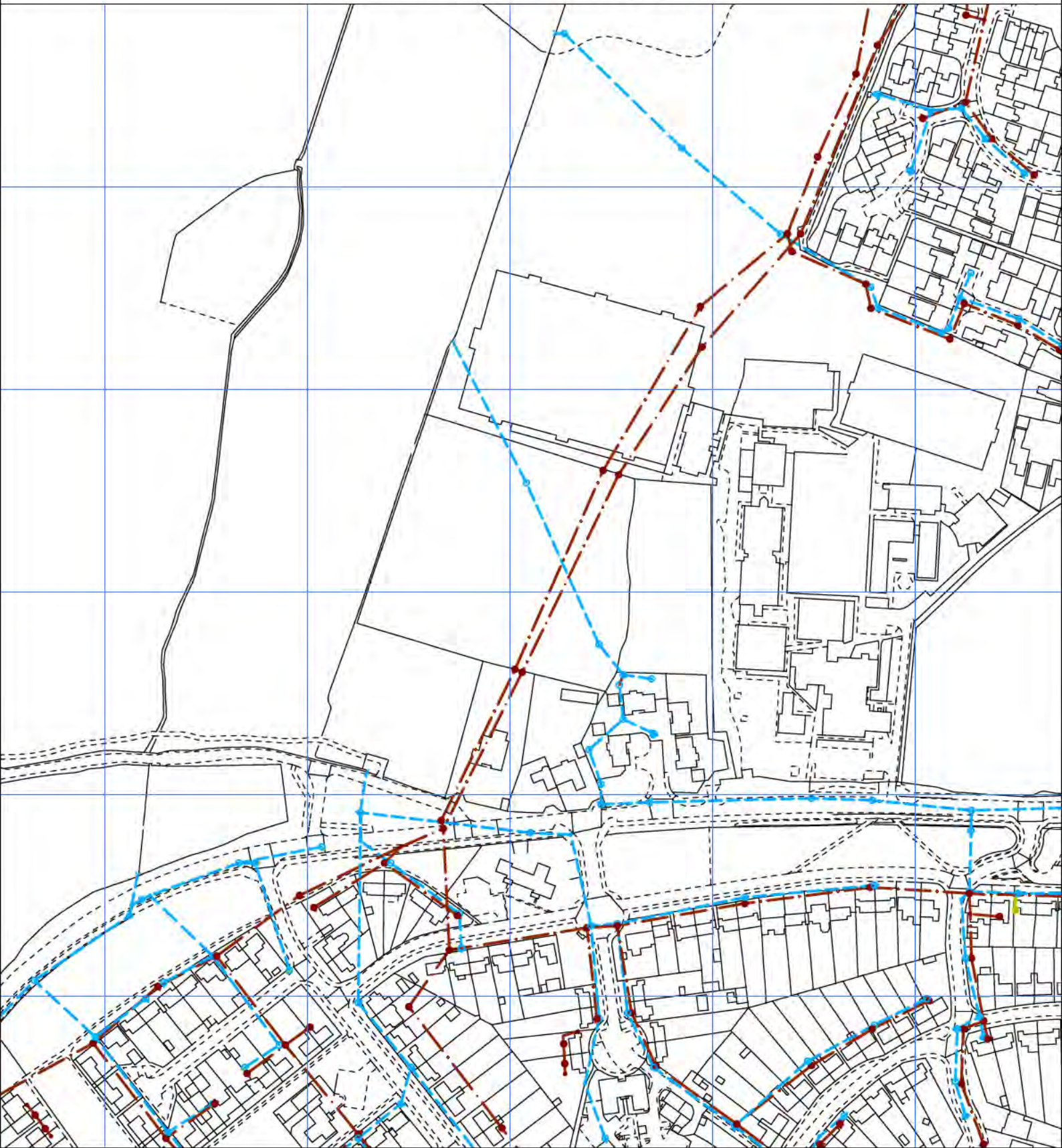
Date: 22-9-2020

Southern Water MapGuide Browser

Requested By:



SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

Based upon Ordnance Survey Digital Data with the permission of the controller of H.M.S.O. Crown Copyright Reserved Licence No. WU 298530

O.S. REF: TQ5745NE

Scale: 1:2500

Screen Print

WARNING: BAC pipes are constructed of Bonded Asbestos Cement
WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement



Printed By: kishoku

Date: 22-9-2020

Southern Water MapGuide Browser

Requested By:



This page is intentionally left blank



Director of Planning and Transportation
Development Control
Tonbridge & Malling B. Council
Gibson Building
Kings Hill West Malling
Kent
ME19 4LZ

Your ref
19/00014/OAEA

Our ref
PLAN-039835

Date
25/06/2021

Contact
Tel 0330 303 0119

Dear Sir/Madam,

Proposal: Outline Application: construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure.

Site: 19/00014/OAEA: - Land North of Lower Haysden Lane, Tonbridge, Kent.

Thank you for your letter dated 08/06/2021.

The comments in our previous response dated 22/09/2020 remain unchanged and valid.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

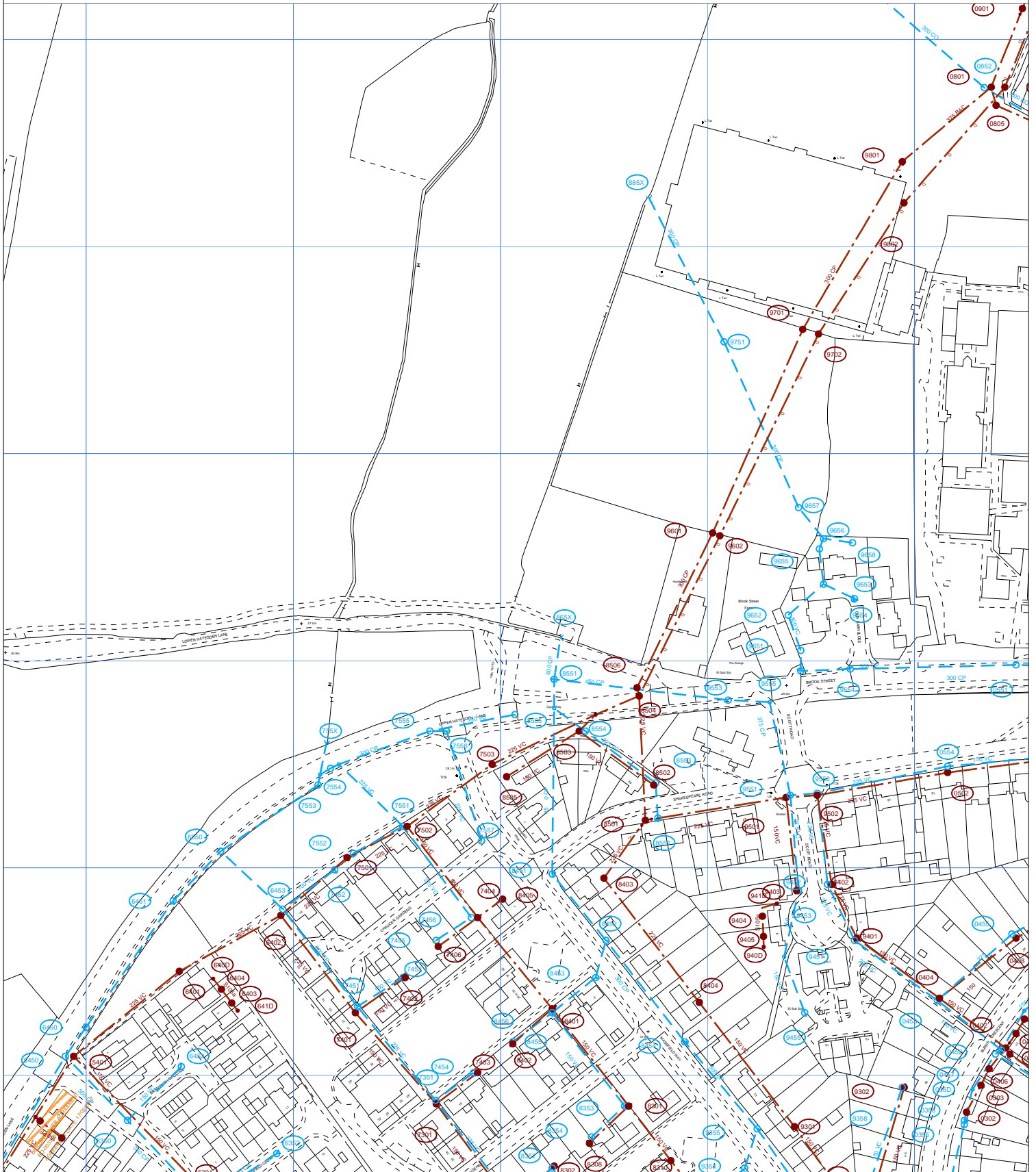
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Yours faithfully,

Growth Planning Team
Business Channels

southernwater.co.uk/developing-building/planning-your-development

SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

Based upon Ordnance Survey Digital Data with the permission of the controller of H.M.S.O. Crown Copyright Reserved Licence No. WU 298530



O.S. REF: TQ5745NE

Scale: 1:2500

Printed By: rudraps

Date: 25-6-2021

Screen Print

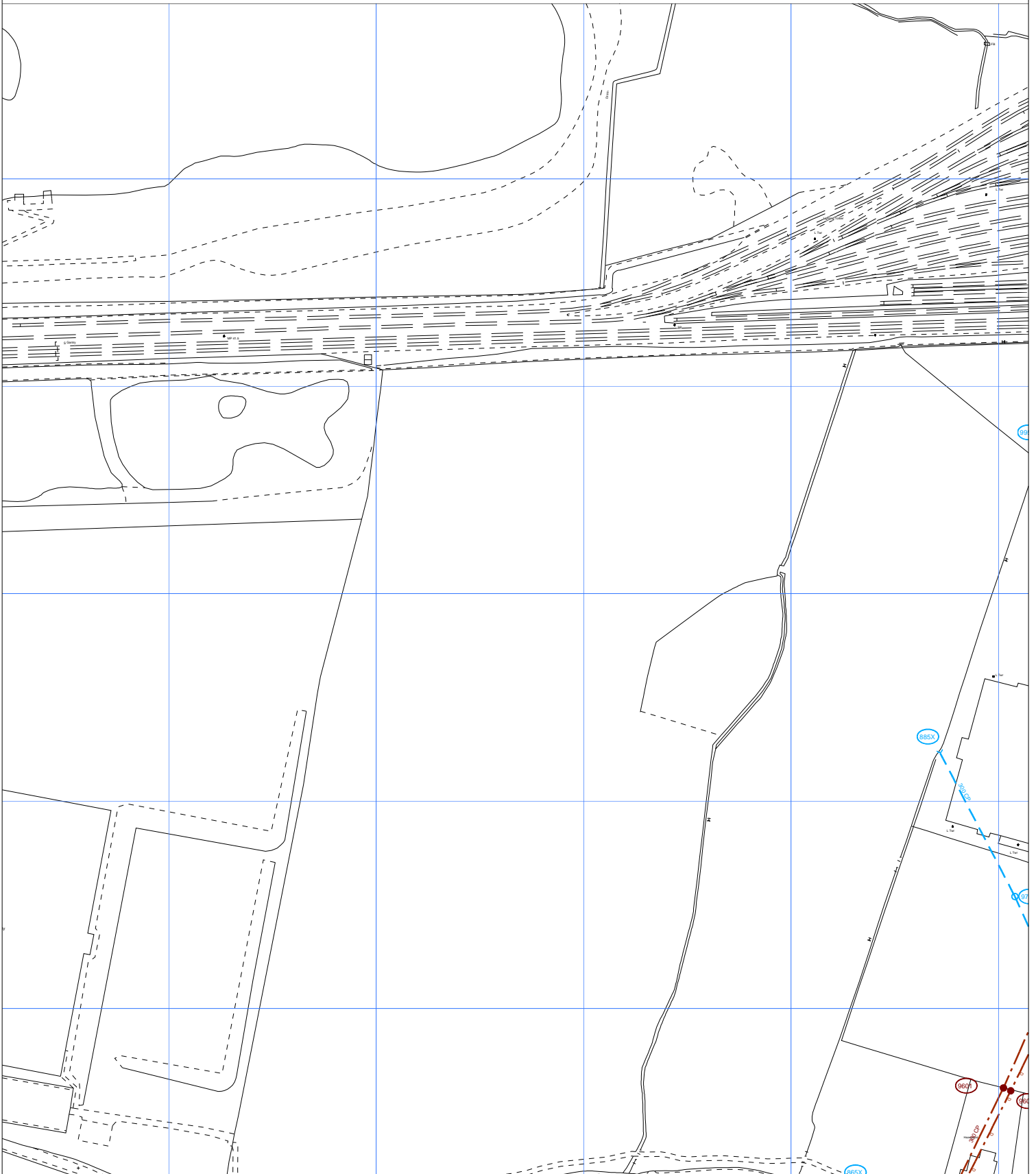
Page 196

Southern Water MapGuide Browser

WARNING: BAC pipes are constructed of Bonded Asbestos Cement
WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement

Requested By:

SOUTHERN WATER



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

Based upon Ordnance Survey Digital Data with the permission of the controller of H.M.S.O. Crown Copyright Reserved Licence No. WU 298530

O.S. REF: TQ5745NE

Scale: 1:2500

Screen Print

WARNING: BAC pipes are constructed of Bonded Asbestos Cement
WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement



Printed By: rudraps

Date: 25-6-2021

Southern Water MapGuide Browser

Requested By:



This page is intentionally left blank



Matthew Broome
Tonbridge & Malling Borough Council
 Development Control
 Gibson Building
 Gibson Drive
 Kings Hill
 West Malling, Kent
 ME19 4LZ

Flood and Water Management

Invicta House
 Maidstone
 Kent
 ME14 1XX

Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: TMBC/2019/071698
Date: 14 February 2019

Application No: TM/19/00014/OAEA

Location: Land North Of Lower Haysden Lane Tonbridge Kent

Proposal: Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure

Thank you for your consultation on the above referenced planning application.

Kent County Council as Lead Local Flood Authority have the following comments:

Based on both desk-based BGS information and infiltration tests undertaken in January 2017, the bedrock geology (Wadhurst Clay) is poorly drained and relatively impermeable. We are therefore satisfied with the final surface water outfall to the ordinary watercourse running through the site, which complies with our drainage hierarchy (SuDS Policy 1- Drainage and Planning Policy Statement, June 2017).

In principle, we are satisfied that various SuDS features will be employed. We are aware from the illustrative surface water drainage strategy (drawing 10246-DR-05) where the detention basins will be located, however we have the following concerns and recommendations:

1. As part of the full application we will require that drainage calculations and design details are provided for the porous paving and swales and that these areas are clearly indicated on plans.
2. We note that it is proposed to limit the discharge rate for the 100 year critical event for both catchment areas to 5l/s equating to 10l/s entering the watercourse, unfortunately this exceeds existing Greenfield runoff for the 100 year event. As part of the full application we will expect for it to be demonstrated that for all rainfall events the discharge rate does not exceed the existing Greenfield run off rate for that event or alternatively the rate of Q_{bar} (2.87) across all events.

3. At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017).
4. We would recommend that our drainage strategy summary form (from our Drainage and Planning Policy Statement) is adhered to and completed.

It should also be noted that the site falls within the jurisdiction of the Upper Medway Internal Drainage Board; any works whatsoever that may have the potential to affect any adjacent watercourse (or the network's ability to convey water) will require their formal prior written permission.

Until these concerns have been addressed we would recommend a holding objection to this application.

Our Drainage and Planning Policy Statement sets out how Kent County Council, as Lead Local Flood Authority and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development and should be referred to for further details about our submission requirements. This is available to download at www.kent.gov.uk.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Sophia-Harri Nicholaou
Flood Risk Project Officer
Flood and Water Management



Matthew Broome
Tonbridge & Malling Borough Council
 Development Control
 Gibson Building
 Gibson Drive
 Kings Hill
 West Malling, Kent
 ME19 4LZ

Flood and Water Management
 Invicta House
 Maidstone
 Kent
 ME14 1XX
Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: TMBC/2019/071698
Date: 04 April 2019

Application No: TM/19/00014/OAEA

Location: Land North Of Lower Haysden Lane Tonbridge Kent

Proposal: Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure

Thank you for your consultation on the above referenced planning application.

Kent County Council as Lead Local Flood Authority have the following comments:

We have reviewed the updated FRA (Brookbanks, March 2019). At detailed design, we would expect that design is compliant with KCC Drainage and Planning Policy Statement (June 2017), specifically that:

1. any attenuation storage is calculated on the full contributing development area
2. the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017).

These are technical matters which can be addressed during detailed design. In this instance there is sufficient open space to allow an increase in surface area of the attenuation ponds if necessitated by the change in design criteria.

Should your local authority be minded to grant permission for this development, we would recommend the following conditions:

Condition:

Development shall not begin in any phase 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 be based upon the drainage strategy drawing 10246-DR-05C (Brookbanks, March 2019). It 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 100yr

storm) can be accommodated with any offsite discharge limited to either Q_{BAR} or greenfield runoff rate as approved by the Local Planning Authority.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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.

Condition:

No building on any phase (or within an agreed implementation schedule) of 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 modelled 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; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Sophia-Harri Nicholaou
Flood Risk Project Officer
Flood and Water Management



Matthew Broome
Tonbridge & Malling Borough Council
 Development Control
 Gibson Building
 Gibson Drive
 Kings Hill
 West Malling, Kent
 ME19 4LZ

Flood and Water Management

Invicta House
 Maidstone
 Kent
 ME14 1XX

Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: TMBC/2019/071698
Date: 15 September 2020

Application No: TM/19/00014/OAEA

Location: Land North Of Lower Haysden Lane Tonbridge Kent

Proposal: Outline Application: The construction of up to 125 new homes, a 2 form entry primary school, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure

Thank you for your consultation on the above referenced planning application.

Kent County Council as Lead Local Flood Authority have the following comments:

Having reviewed the latest information submitted we are satisfied that the principles proposed for dealing with surface water are acceptable and are not greatly different to those approved previously.

However since our last correspondence we now require additional conditions and the wording of some of our conditions has altered slightly and so we would now recommend the following conditions be applied should you be minded to grant permission:

Condition:

No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

Condition:

Development shall not begin in any phase 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 be based upon the Flood Risk Assessment dated 14th August 2020 prepared by Brookbanks Consulting and 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 (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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.

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Neil Clarke

Senior Flood Risk Project Officer
Flood and Water Management

This page is intentionally left blank



Economic Development

Tonbridge & Malling Borough Council
 Development Control
 Gibson Building
 Gibson Drive
 Kings Hill
 WEST MALLING
 Kent
 ME19 4LZ

Invicta House
 County Hall
 Maidstone
 ME14 1XX

Phone: 03000 417075
 Ask for: Allan Gilbert
 Email: allan.gilbert@kent.gov.uk

6 March 2019

Your Ref: TM/19/00014/OAEA
 Our Ref: K/E/TM/19/00014 AG

FAO: Matthew Broome

Dear Matthew,

Provision and Delivery of County Council Community Services

I refer to the above planning application which concerns proposed residential development at **Land North of Lower Haysden Lane, Tonbridge, Kent** and comprising: **125 new households**.

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

- 1) Necessary,
- 2) Related to the development, and
- 3) Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Request Summary

	Per 'applicable' House (x125)	Per 'applicable' Flat	Total	Project
Primary Education	£4535.00	£1134.00	£566,875.00	Towards the new 2FE Primary School on the site
Primary Land	2.05ha Primary school delivered at nil cost in accordance with the KCC General Site transfer requirements within the above development			
Secondary Education	£4115.00	£1029.00	£514,375.00	Towards phase 1 Judd school expansion

	Per Dwelling (x125)	Total	Project
Community Learning	£32.57	£4071.17	Tonbridge Adult Education Centre additional equipment for the new learners
Youth	£13.47	£1683.78	Towards South Tonbridge Children's Centre
Libraries	£140.72	£17,590.48	Towards Tonbridge Library bookstock and additional shelving/display units
Social Care	£53.99	£6748.75	Towards Angel Centre Changing Place Facility
	2 Wheelchair Adaptable Homes as part of the on site affordable homes delivery		
High Speed Fibre Optic Broadband connection:	INFORMATIVE: Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk		
<i>Highways</i>	<i>Kent Highway Services will advise separately</i>		

Please note that these figures:

- are to be **index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment** (Oct-16 Index 328.3)
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

Justification for infrastructure provision/development contributions requested

The County Council has reviewed the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in the Appendices **1, 2 & 3** attached.

Primary Education

The proposal gives rise to 35 additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the provision of a new 2 form entry Primary School within this development.

The County Council requires a financial contribution towards construction of the new school at **£4535.00 per applicable house** and **£1134.00 per applicable flat** ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA, and any sheltered accommodation).

The County Council requires delivery of an undivided 2.05ha site for the new 2 form entry Primary School delivered to the County Council at nil cost in accordance with KCC General Site Transfer requirements (attached), not within a flood plain and free from contamination.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2019-23 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013.

.....

Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix **1**

A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to 25 additional secondary school pupils from the date of occupation of this development. This need can only be met through the Phase 1 expansion of The Judd School in Tonbridge.

Please note where a contributing development is to be completed in phases, payment may be triggered through occupation of various stages of the development comprising an initial payment and subsequent payments through to completion of the scheme.

The new secondary school accommodation will be provided through Phase 1 expansion of The Judd School Tonbridge and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Please note this process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

.....

Community Learning

There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 2, along with cost of mitigation.

To accommodate the increased demand on KCC Adult Education service, the County Council requests **£32.57 per dwelling** towards additional equipment at Tonbridge Adult Education Centre for the new learners, local to the development.

.....

Libraries

KCC are the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

Borrower numbers are in excess of capacity, and there is an assessed shortfall in bookstock provision of 1110 bookstock per 1000 population in Tonbridge which is below the County average of 1134, and both the England and total UK figures of 1399 and 1492 respectively.

To mitigate the impact of this development, the County Council will provide additional library books and a new Digital Den at Tonbridge Library to meet the additional demand generated by the people residing in these Dwellings.

The County Council therefore requests **£140.72 per household** to address the direct impact of this development, and the additional stock and shelving/display units will be made available in Tonbridge Library, as and when the monies are received.

.....

Youth Service

To accommodate the increased demand on KCC services the County Council requests **£13.47 per dwelling** towards South Tonbridge Children's Centre.

.....

Social Care

The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, therefore no

spare funding is available to address additional capital costs for social care clients generated from new developments.

To mitigate the impact of this development, KCC Social Care requires:

- a proportionate monetary contribution of **£53.99 per household** (as set out in Appendix 3) towards the Angel Centre changing place facility local to the development.
- Please also ensure the delivery of **2 Wheelchair Adaptable Homes** (as part of the affordable housing on this site); need as evidenced below:

Local Authority	High priority applicants needing wheelchair accessible housing	Comments on waiting time	Any other observations (Kent Agency Assessment: KAA)
Tonbridge & Malling BC	24	Average 106 weeks waiting time since March 2012	All Band A cases

.....

Superfast Fibre Optic Broadband

Broadband Delivery UK (BDUK), part of the Department for Culture, Media and Sport, requires delivery of superfast broadband to all.

It is requested Tonbridge & Malling Borough Council include within any Planning Consent the requirement to provide 'fibre to the premise' (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings, as set out in the above Request Summary.

.....

Implementation

The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory obligation. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement.

Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available. If you do not

consider the contributions requested to be fair, reasonable and compliant with CIL Regulation 122, it is requested that you notify us immediately and allow us at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision making process in advance of the Committee report being prepared and the application being determined.

Kent County Council confirms, in accordance with CIL Regulation 123, there are no more than 4 other obligations towards these projects.

We look forward to hearing from you with details of progress on this matter.

Yours faithfully,



Allan Gilbert
Development Investment
Kent County Council

cc Hallam Land Management Ltd, c/o LRM Planning Ltd, 22 Cathedral Road,
Cardiff CF11 9LJ – FAO: Mr Owen Jones
KCC Education & Communities, Invicta House
File

Appendices:

The following Appendices contains the technical details of the County Council's assessment:

1. Education assessment
2. Communities assessment
3. Social Care assessment

General Site Transfer Terms

1. The developer/landowner to provide a formal site investigation report by a competent registered expert confirming that the land prior to transfer is free from the following:
 - contamination (including radiation),
 - protected species
 - ordnance
 - rubbish (including broken glass)
 - any adverse ground and soil conditions
 - occupation
 - archaeological remains

Should any of the above be present the developer/owner to implement an agreed strategy of remediation/removal prior to transfer to KCC.

2. The site to be a single undivided site, and regular in shape capable of accommodating sports pitches.
3. The County Council to be granted a Licence for access onto the site, prior to transfer for the purpose of surveying and carrying out technical investigations.
4. The site and any associated areas i.e. playing fields are fit for purpose, above flood plain level, adequately drained and close to public transport.
5. The site to be provided to KCC level, if works are required to do so then they shall be undertaken by the owner and to an agreed specification and form of works
6. The site to be clearly pegged out on site to the satisfaction of the delegated representative of KCC's Head of Property, and fenced with GIS co-ordinates prior to completion of the transfer.
7. The site to be freehold unencumbered and conveyed with full title guarantee and vacant possession with no onerous covenants.
8. Prior to site transfer the developer/landowner is to provide, at their own cost and subject to KCC approval suitable free and uninterrupted construction access to a suitable location on the site boundary. Haul roads should be constructed, at no cost to KCC, and maintained to a standard capable of accommodating HGV's and other construction traffic.
9. Prior to the site transfer the developer/landowner is to provide, at their own cost and subject to KCC approval adopted services and utilities to an agreed location(s) on the site boundary of sufficient capacity and depth to accommodate the maximum potential requirement without mechanical aide upon transfer. Utilities to include, fresh water, foul, surface water, gas, electricity and telecommunications. Necessary statutory undertakers' plant (such as electricity sub-stations or transfer stations) shall be located outside

of the site boundary and KCC shall not be liable for any costs (including legal costs) associated with the installation and commissioning of such plant.

10. The owner to provide KCC with full surface water drainage rights to allow discharge of all surface water from the school site into the owner's infrastructure without the requirement for storage tanks.
11. The developer/landowner is to provide temporary electricity and water supplies to the site from the start of construction if formal permanent utilities are not yet present.
12. Prior to the use of the site for its intended purpose ie a school, an adopted highway (or highway capable of being adopted), which is suitable for the intended use of the site is to be provided up to a suitable point on the site boundary together with a suitable alternative vehicular access for deliveries etc., if required. The highway and any alternative access is subject to approval by KCC and no maintenance charges shall be borne by the KCC should the developer chose not to adopt the road.
13. The developer/landowner to provide separate entrance and exit points on to the adoptable highway from the school site, capable of satisfying the Highway Authority's 'in and out' access requirements.
14. No mobile phone masts, overhead cables etc within 250m of a school site and where possible the developer/landowner to impose a covenant that none will be erected within this distance of any site boundary.
15. Rights to enter so much of the adjoining land within the ownership of the Developer as is reasonably necessary to carry out construction works on the site. The County Council to be responsible for making good any disturbance caused to the reasonable satisfaction of the adjoining owner in the exercise of these rights.
16. The landowner to be responsible for the County Council's legal costs and surveyor's fees together with administrative costs incurred during negotiations and in completing the Section 106 Agreement, taking transfer of the land including Land Registry costs, the granting of any easements/licences, or any other documentation and any Project Management agreements.
17. Plan of the site to a scale of 1:1250 to be supplied prior to transfer showing site levels, access, boundaries and details of any adjoining development. The plan is to be provided in a suitable electronic format together with paper copies. GPS Coordinates are to be marked on the plan.
18. Adjoining uses should not cause interference, conflict or be inappropriate in any way to the use of the site i.e. the curriculum delivery for schools. This also includes adverse conditions disruption and inconvenience by noise, dust, fumes, traffic circulation, artificial lighting etc.

PRIMARY SCHOOL Service requirements – 2 Form Entry:

INCOMING SERVICES

Electricity – 200 kVA (280A)

Gas – 60 cu m/hr 430,000 kWh/year

Water - 15 cu m / day, 4 l/s (63mm NB)

Fire hydrant: to be in the Highway adjacent to the School entrance and within 90m from an entrance to the school building. In accordance with the fire regulations: 200 dia 20 l/s fire supply.

Broadband – Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations to all buildings. This shall provide sufficient capacity, including duct sizing, to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future educational delivery. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

DRAINAGE

Foul water discharge is usually as water supply; with a 150mm dia outlet.

Surface water is variable depending on ground conditions.

For a typical school with a playground and small car park, a SW discharge rate of c. 60 l/s is required. Any restrictions on the flow will require attenuation tanks to be installed at no cost to the County Council.

NOTE

Clearly these are indicative, and KCC would need to confirm exact requirements at the detailed design stages.

January 2017

KCC developer contribution assessment for Primary Education

District:	Tonbridge and Malling	1-bed:	0
Site:	Land North Of Lower Haysden Lane Tonbridge	Houses:	125
Plan ref:	TM/19/00014	Flats:	0
Date:	08/02/2019	Total units:	125

Current and forecast pupils on roll for schools within

Tonbridge South planning area

DfE no.	School	2017-18 (A)	2018-19 (F)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)
2086	Bishop Chavasse CE Primary School	37	69	102	137	172	206
2085	Royal Rise Primary School	160	154	151	152	149	148
2155	Slade Primary School	379	386	393	404	401	397
2156	Sussex Road Community Primary School	442	440	437	442	449	422
Current and forecast pupils on roll (excluding the expected pupil product from all new developments)		1,018	1,049	1,082	1,135	1,170	1,174
Required capacity to maintain 5% surplus capacity		1,072	1,104	1,139	1,195	1,232	1,236

Current and forecast capacity for schools within

Tonbridge South planning area

DfE no.	School	2017-18 (A)	2018-19 (F)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)
2086	Bishop Chavasse CE Primary School	60	120	180	240	300	360
2085	Royal Rise Primary School	210	210	210	210	210	210
2155	Slade Primary School	375	390	405	420	420	420
2156	Sussex Road Community Primary School	450	450	450	450	450	420
Current and forecast capacity (1)		1,095	1,170	1,245	1,320	1,380	1,410

(1) including expansion projects at **existing schools** that have successfully passed through statutory processes but may not yet be complete

Expected pupil product from new developments within:

Tonbridge South planning area

Planning reference	Development	Houses	Flats	Primary product
TM/18/02401	60A Priory Street, Tonbridge, Kent TN9 2AW	12	0	3
TM/18/02206	Land r/o West Kent College off The Spinney Tonbridge	20	23	7
TM/18/01412	The Car Company Priory Road Tonbridge (S106)	14	0	0
TM/18/00893	77-81 High Street Tonbridge	0	12	1
TM/18/00423	2-12 Avebury Avenue Tonbridge Kent RN9 1TF	0	13	1
TM/17/02635	R Allen (Tonbridge) Ltd, Lyons Crescent, Tonbridge	0	12	1
TM/16/03373	133 High Street, Tonbridge	0	11	1
	North of Dryhill Park Road, Tonbridge	44	0	12
	South West Tonbridge	355	0	99
	South of Vauxhall Gardens, Tonbridge	61	0	17
	Drayton Road Industrial Estate, Tonbridge	51	0	14
Previously assessed developments in the area		557	71	157
This development		125	0	35

480 Allocation of which this site represents 125

Assessment summary

Detail	2017-18 (A)	2018-19 (F)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)
Surplus / (deficit) capacity (excluding the expected pupil product from all new developments)	23	66	106	125	148	174
Expected pupil product from previously assessed developments	157	157	157	157	157	157
Surplus / (deficit) capacity including the expected pupil product from previously assessed developments	-134	-91	-51	-32	-9	17
Expected pupil product from this development	35	35	35	35	35	35
Surplus / (deficit) capacity including the expected pupil product from previously assessed developments and this development	-169	-126	-86	-67	-44	-18
Expected pupil product from this development that on current plans for school provision cannot be accommodated	35	35	35	35	35	35

Background notes:

Pupil forecasts 2018 (base + migration) employed from September 2018. Incorporating roll data from Schools Census Autumn 2017. Data from the Health Authority includes pre-school children born up to 31st August 2017. Forecasts use trend data over the previous three years.

Expected pupil product from new developments within the planning area

Where a section 106 agreement has been secured for a development (indicated by code S106 in brackets), the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been mitigated by the developer.

KCC developer contribution assessment for Secondary (Years 7-11) Education

District:	Tonbridge and Malling	1-bed:	0
Site:	Land North Of Lower Haysden Lane Tonbridge	Houses:	125
Plan ref:	TM/19/00014	Flats:	0
Date:	08/02/2019	Total units:	125

Current and forecast pupils on roll for schools within		Tonbridge & Tunbridge Wells non-selective and West Kent selective planning areas										
DfE no.	School	2017-18 (A)	2018-19 (F)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)
5464	Bennett Memorial Diocesan School	1 227	1 290	1 348	1 396	1 438	1 469	1 475	1 474	1 465	1 456	1 421
4009	Hadlow Rural Community School	327	369	391	418	433	436	448	455	457	458	449
5455	Hayesbrook School	495	442	409	396	425	441	450	460	460	460	452
5450	Hillview School for G r s	898	896	920	948	968	1 008	1 026	1 044	1 044	1 043	1 023
5431	Hugh Christie School	706	724	741	753	777	787	805	818	817	810	793
4622	Judd School	814	833	864	896	934	949	965	974	972	972	951
5439	Masalls Academy	1 070	1 075	1 110	1 129	1 180	1 209	1 233	1 239	1 221	1 222	1 173
5418	Skinner's School	763	779	796	812	836	853	859	857	852	848	830
6916	Skinner's Kent Academy	855	932	977	1 005	1 034	1 073	1 078	1 070	1 058	1 055	1 034
5435	St. Gregory's Catholic School	974	1 055	1 117	1 120	1 153	1 185	1 181	1 177	1 164	1 151	1 119
5443	Tonbridge Grammar School	887	895	910	928	951	982	995	1 000	997	992	967
4043	Tunbridge Wells Girls' Grammar School	729	758	781	801	821	850	849	844	835	828	807
4045	Tunbridge Wells Grammar School for Boys	951	987	1 031	1 083	1 117	1 136	1 146	1 143	1 137	1 129	1 097
4046	Wea d of Kent Grammar School	1 094	1 178	1 246	1 337	1 387	1 389	1 413	1 424	1 424	1 419	1 385
Current and forecast pup is on roll (exclud ng the expected pupil product from all new developments)		11 790	12 214	12 641	13 032	13 455	13 767	13 922	13 969	13 905	13 841	13 499
Required capacity to maintain 5% surplus capacity		12 411	12 856	13 307	13 718	14 163	14 492	14 655	14 704	14 637	14 570	14 210

Current and forecast capacity for schools within		Tonbridge & Tunbridge Wells non-selective and West Kent selective planning areas										
DfE no.	School	2017-18 (A)	2018-19 (F)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)
5464	Bennett Memorial Diocesan School	1 260	1 290	1 350	1 350	1 320	1 290	1 260	1 200	1 200	1 200	1 200
4009	Hadlow Rural Community School	345	360	375	390	390	375	375	375	375	375	375
5455	Hayesbrook School	773	773	764	755	755	755	755	755	755	755	755
5450	Hillview School for G r s	1 040	1 072	1 104	1 104	1 104	1 104	1 072	1 040	1 040	1 040	1 040
5431	Hugh Christie School	935	895	855	855	855	825	825	825	825	825	825
4622	Judd School	800	825	850	875	900	900	900	900	900	900	900
5439	Masalls Academy	1 215	1 200	1 200	1 200	1 200	1 200	1 200	1 200	1 200	1 200	1 200
5418	Skinner's School	750	750	765	775	785	790	800	800	800	800	800
6916	Skinner's Kent Academy	930	960	990	990	960	930	900	900	900	900	900
5435	St. Gregory's Catholic School	990	1 050	1 110	1 110	1 110	1 080	1 050	1 050	1 050	1 050	1 050
5443	Tonbridge Grammar School	872	900	900	900	900	900	900	900	900	900	900
4043	Tunbridge Wells Girls' Grammar School	705	710	715	720	725	725	725	725	725	725	725
4045	Tunbridge Wells Grammar School for Boys	960	1 020	1 050	1 080	1 110	1 080	1 050	1 050	1 050	1 050	1 050
4046	Wea d of Kent Grammar School	1 090	1 210	1 295	1 385	1 420	1 385	1 355	1 325	1 325	1 325	1 325
Current and forecast capacity (1)		12 665	13 015	13 323	13 489	13 534	13 429	13 257	13 045	13 045	13 045	13 045

(1) including expans on projects at existing schools that have successfully passed through statutory processes but may not yet be complete

Expected pupil product from new developments within:		Tonbridge & Tunbridge Wells non-selective and West Kent selective planning areas		
Planning reference	Details	Houses	Flats	Secondary product
TM/18/02401	60A Priory Street Tonbridge Kent TN9 2AW	12	0	2
TM/18/02268	St Georges Court West St Wrotham TN15 7D	26	12	1
TM/18/02206	Land r/o West Kent Co lege off The Sp riney Tonbridge	20	23	5
TM/18/01412	The Car Company Priory Road Tonbridge	14	0	3
TM/18/00893	77-81 High Street Tonbridge	0	12	1
TM/18/00423	2-12 Avelbury Avenue Tonbridge Kent RN9 1TF	0	13	1
TM/17/02635	R Allen (Tonbridge) Ltd Luena Crescent Tonbridge	0	0	2
TM/16/02380	Deve opment Site at Brunwick Yard Pound Road East Peckham Tonbridge	10	0	2
TM/16/03373	133 High Street Tonbridge	0	11	1
TM/18/03977	Tibbs Court Farm Tibbs Court Lane Brenchley Tonbridge Kent TN12 7AW	9	0	2
TM/18/03959	Masalls Oast Badsell Road Paddock Wood Tonbridge TN12 6LR	7	0	1
TM/18/03805	Land Adjacent To Hornbeam Avenue Southborough Royal Tunbridge Wells Kent	10	5	2
TM/18/03797	Land West Of Sychem P ace Five Oak Green Tonbridge Kent	12	4	3
TM/18/03703	Brck Kiln Pigger es Chantlers Hi l Paddock Wood Tonbridge TN12 6LY	8	0	2
TM/18/02618	Land between Speldhurst Road and Br ght R dge Southborough Tunbridge Wells	12	2	3
TM/18/01976	Land at Gibbet Lane and Furnace Lane Horsmonden Tonbridge	45	2	9
TM/18/01876	123 S lverdale Road Tunbridge Wel s TN4 9HX	6	7	2
TM/18/01680	Tanyard Cottages The Broadway Lamberhurst	8	0	2
TM/18/00602	Phase 4 Knights Park Tunbridge We ls	49	0	10
TM/18/00052	Multi Storey Car Park Garden Street Tunbridge Wel s	18	0	4
TM/17/04224	Land at Willow Lane Willow Lane Paddock Wood Tonbridge Kent TN12 6NL	10	0	2
TM/17/03715	Union House Edge Rd Tunbridge Wells TN4 8HF (S106)	0	86	0
TM/17/03480	Masalls Farm Paddock Wood (S106)	309	0	0
TM/17/02325	Water Mann n 141 London Road Southborough Tunbridge Wells	3	9	1
TM/17/02328	RTA Jo nery Ltd 5 Birling Road Tunbr dge Wells Kent TN25LX	9	0	2
TM/17/02262	Former ABC Cinema Site Mount Pleasant Road Royal Tunbridge Wel s (S106)	0	79	0
TM/17/01848	Homeopath c Hospital 41 Church Road Tunbridge Wel s	12	0	2
TM/17/01608	Avante Care and Support Barmetts 68 Frant Road Tunbridge Wells	12	13	3
TM/17/01399	Trav s Perk ns Trading Co Limited Belgrave Road Royal Tunbridge Wells	4	14	2
TM/17/01142	Land between Long Leas and Pear Tree Cottage Maidstone Road Matf eld Tonbridge	11	7	3
TM/17/00987	25-27 Tunnel Road Tunbridge Wells	0	14	1
TM/17/00763	Land West of Ma destone Road Horsmonden	11	4	2
TM/17/00756	Sturgeons 32-34 Henwood Green Road Pembury Royal Tunbridge Wells (S106)	12	5	0
TM/17/00497	Land to East of Benha l Mill Road Royal Tunbridge Wells	114	15	24
TM/16/502260	Garages Allan Close Tunbridge We ls	5	0	1
TM/16/501720	1 London Road Southborough Tunbridge Wells	7	0	1
TM/16/500883	Land adjacent to B rchlands Business Centre Benhall Mill Road Royal Tunbridge Wells	37	8	8
TM/16/07023	Holly Farm Hawkenbury Farm Hawkenbury Tunbridge Wells (S106)	235	0	0
TM/16/06981	Spectrum Southborough Town Centre 137 London Road Southborough Tunbridge Wel s (S106)	0	69	0
TM/15/508259	Home Farm Ponshurst Road Bilsborough	9	0	2
TM/14/506766	Masalls Court Farm Masalls Court Road Paddock Wood Tonbridge (S106)	338	18	0
TM/14/504140	Church Farm And Land Church Road Paddock Wood Tonbridge (S106)	238	26	0
SE/17/02363	Warren Court Farm Knockholt Road Halstead	29	0	1
SE/17/02040	Elbt E Ryeda e Court Riverhead	0	12	0
SE/16/03938	Hamsell Mead Farm Sunnyside Edenbridge	11	6	1
SE/15/03394	Land to West of Rosslare Close London Road Westerham	23	11	1
SE/15/00628	Land at Fort Halsead Kent	394	29	20
	Tonbridge and Little Trench Farm	54	0	11
	North of Dryhi l Park Road Tonbridge	44	0	9
	South West Tonbr dge	355	0	71
	South of Vauxhall Gardens Tonbridge	61	0	12
	Coblands Nursery Trench Road Tonbridge	352	0	70
	Drayton Road Industrial Estate Tonbridge	51	0	10
Previously assessed developments in the area		3 016	528	315
This development		125	0	25

80 Allocat on of which this site represents 125

Assessment summary

Details	2017-18 (A)	2018-19 (F)	2019-20 (F)	2020-21 (F)	2021-22 (F)	2022-23 (F)	2023-24 (F)	2024-25 (F)	2025-26 (F)	2026-27 (F)	2027-28 (F)
Surplus / (deficit) capacity (exclud ng the expected pupil product from all new developments)	254	159	16	-229	-629	-1 063	-1 398	-1 659	-1 592	-1 525	-1 165
Expected pupil product from previously assessed developments	315	315	315	315	315	315	315	315	315	315	315
Surplus / (deficit) capacity nclud ng the expected pupil product from previously assessed developments	-60	-156	-298	-543	-944	-1 377	-1 712	-1 974	-1 906	-1 839	-1 479
Expected pupil product from this deve opment	25	25	25	25	25	25	25	25	25	25	25
Surplus / (deficit) capacity nclud ng the expected pupil product from previously assessed developments and th s deve opment	-85	-181	-323	-568	-969	-1 402	-1 737	-1 999	-1 931	-1 864	-1 504
Expected pupil product from this deve opment that on current plans for school provision cannot be accommodated	25	25	25	25	25	25	25	25	25	25	25

Background notes:

Pupil forecasts 2018 (base migration) employed from September 2018. Incorporating ro l data from Schoo s Census Autumn 2017. Data from the Health Authority includes pre-school children born up to 31st August 2017. Forecasts use trend data over the previous three years.

Expected pupil product from new developments within the planning area

Where a section 106 agreement has been secured for a development (indicated by code S106 in brackets) the expected pupil product from that development has been shown as zero. This indicates that the pupil product need arising from the development has been met gated by the developer.

APPENDIX 2

KCC Communities

Development Contributions Assessment

Site Name	Land North of Lower Haysden Lane, Tonbridge
Reference No.	TM/19/00014
District	Tonbridge and Malling
Location (Ward)	Judd
Assessment Date	22/01/2019
Development Size	125

E

COMMUNITY LEARNING & SKILLS		
	Centres	Outreach
Current adult participation in Tonbridge and Malling district	1,988	468
LESS Current Service Capacity	1,436	451
Initial capacity shortfall/surplus (Year ending 2011)	-552	-17
New adult participation from this development	5.72 clients	3.08 clients
Will service capacity be exceeded?	YES	YES
Contributions requested from this development		<u>£32.57 per dwelling</u>
<i>125 dwellings from this proposal</i>		<u>£4,071.17</u>
Contributions requested towards additional equipment at Tonbridge Adult Education Centre for the additional learners from this development		

YOUTH SERVICE	
	Centres
Current youth participation in Tonbridge and Malling district	812
LESS Current Service Capacity	536
Initial capacity shortfall/surplus (Year ending 2011)	-276
New youth participation from this development	4.11 clients
Will service capacity be exceeded?	YES
Contributions requested from this development	<u>£13.47 per dwelling</u>
<i>125 dwellings from this proposal</i>	<u>£1,683.78</u>
Contributions requested towards South Tonbridge Children's Centre	

LIBRARIES		
	Tonbridge Library	Library Stock
Libraries assessed for this development		
Current overall library borrower numbers in assessed area	9,178	9,178
LESS Area Service Capacity	7,215	9,178
Initial capacity shortfall/surplus (Year ending 2011)	-1,963	0
New borrowers from this development	67.94 borrowers	67.94 borrowers
Will service capacity be exceeded?	YES	YES
Contributions requested from this development		<u>£140.72 per dwelling</u>
<i>125 dwellings from this proposal</i>		<u>£17,590.48</u>
Contributions requested towards Tonbridge Library bookstock and Digital Den		

Net contributions requested for KCC Communities' Services	£23,345.43
--	-------------------

APPENDIX 3				
	Social Care			
	Land North of Lower Haysden Lane, Tonbridge			
	TM/19/00014			
	125 Households			
	<u>Project</u>		<u>Cost per Household</u>	<u>Cost for this Site</u>
	Angel Centre Changing Place Facility	£	53.99	
		£	53.99	£ 6,748.75
and	2 Wheelchair Adaptable Homes	delivered as part of the on site affordable homes		

This page is intentionally left blank

TM/19/00014/OAEA Land North Of Lower Haysden Lane Tonbridge

The proposed development of 125 houses forms part of the strategic allocation LP25(ac) South West Tonbridge: 480 units in the Borough's draft Local Plan. The proposed level of growth within this allocation combined with LP25(ad) & LP25(af) will place additional demand for primary school places that will necessitate the commissioning of additional provision.

The existing schools within the area do not have the scope to accommodate expansion and therefore it is proposed that a new school be established to accommodate the growth. In its representations to the Local Plan the County Council has expressed that it anticipates establishment of the school later in the local plan period. There is currently a small surplus in Year R places in the vicinity which is expected to diminish over time. The current small surplus is largely as a result of the opening of a new 2FE primary free school offering 60 Year R places; the lumpy nature of provision means that primary schools typically must open offering either 30 or 60 places, providing a fixed level of capacity whilst demand rises more gradually with time. The establishment of the free school followed many years of Year R deficits in Tonbridge Town; demand rose significantly in response to the construction of apartment units and existing schools could not expand to accommodate the growth, resulting in a change to what were established travel patterns, for example additional pressure on schools in North Tonbridge was in part attributed to this.

Viewed in isolation and assessed against the shorter term forecasts, the construction of 125 houses will not necessitate additional primary places being commissioned. Viewed alongside the other proposed growth in the town then it would. We understand that the Local Planning Authority has little scope to view this planning application in a strategic manner and due to planning law must currently process individual proposals in a piecemeal manner. Individual proposals when combined will still have the same impact on infrastructure but will not bring with them the solutions to mitigate this impact.

In response to the long term need for a new primary school in this area, the draft local plan includes a requirement for LP25(ac) to make available a site of 2ha to the County Council in order for a school to be constructed on. TM/19/00014/OAEA forms part of the proposed allocation but will not make provision for the school land, therefore assuming the rest of the site comes forward in a period where proposals can be viewed against the site's policy this will mean the school site would be located in a later part of the allocation, potentially not the best part of the site for a school to be situated on.

We assume a mechanism is in place that will reassess whether the infrastructure planned for in the draft local plan is still deliverable, both in terms of practically deliverable and financially, should developments be granted consent outside of the Local Plan.

This page is intentionally left blank

Matthew Broome
Planning Department
Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
ME19 4LZ

Primary Care Team
Wharf House
Medway Wharf Road
Tonbridge
Kent, TN9 1RE

Tel: 03000 425158

Email: wkccg.primarycare@nhs.net

Our Ref: TM/19/00014/OAEA

Date: 18 February 2019

Dear Matthew

Ref: TM/19/00014: Land North of Lower Haysden Lane, Tonbridge

NHS West Kent Clinical Commissioning Group (CCG) has delegated co-commissioning responsibility for general practice services in West Kent and is the body that reviews planning applications to assess the direct impact on general practice.

I refer to the above outline planning application which concerns the proposed residential development comprising 125 new dwellings and understand that this forms part of the general strategic site in South West Tonbridge detailed in the new Local Plan.

The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

We have applied these tests in relation to this planning application and can confirm the following specific requirements. The calculations supporting this requirement are set out in Appendix 1.

	Total Chargeable units	Total	Project
General Practice	125	£105,480	Towards refurbishment, reconfiguration and/or extension at Warders Medical Centre and/or Hildenbrough Medical Group.

██████████ also include the provision for the re-imbusement of any legal costs incurred in completing the agreement.

Justification for infrastructure development contributions request

This proposal will generate approximately 293 new patient registrations based on an average of 2.34 per dwelling.

There is currently limited capacity within existing general practice premises to accommodate growth. The need from this development, along with other new developments in the area, will need to be met through the creation of additional capacity in general practice premises. It is not possible at this time to set out a specific premises project; we can however confirm that the contribution will support refurbishment, reconfiguration or extension at Warders Medical Centre and/or Hildenborough Medical Group. Any premises plans will include the pooling of S106 contributions where appropriate.

Planning for growth in general practice is complex; physical infrastructure is one element but alongside this workforce is a critical consideration both in terms of new workforce requirements and retirements. Any plans developed need to support delivery of sustainable services for the future.

General practice premises plans will be kept under regular review and priorities may be subject to change as the CCG must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

We request that any agreement regarding a financial contribution also allows the contribution be used towards new general practice premises in the area (should this be assessed as a requirement at a point in the future) and also for professional fees associated with feasibility or development work for existing or new premises. In addition and in order to support the proactive development of premises capacity we request that the trigger of any healthcare contribution be available linked to commencement or at an early stage of development.

The CCG is of the view that the above complies with the CIL regulations and is necessary in order to mitigate the impacts of the proposal on the provision of general practice services. In accordance

with CIL regulation 123 the CCG confirms that there would not be more than four other obligations towards the final project(s).

I would be grateful if you could advise me of the Council's decision in due course, should you require any further information, or points of clarification in the meantime please contact me using the above email address.

Yours sincerely

A solid black rectangular box used to redact the signature of Gail Arnold.

Gail Arnold
Deputy Managing Director – Dartford Gravesham and Swanley CCG and Swale CCG
Primary Care Portfolio Lead West Kent, North Kent and Medway

Appendix 1

The CCG uses a formula for calculating s106 contributions which has been used for some time and is calculated as fair and reasonable. This calculation is based the number of proposed units multiplied by the assumed occupancy multiplied by £360.

Where the application identifies unit sizes the following predicted occupancy rates will be used.

- 1 bed unit @ 1.4 persons
- 2 bed unit @ 2 persons
- 3 bed unit @ 2.8 persons
- 4 bed unit @ 3.5 persons
- 5 bed unit @ 4.8 persons

Where the unit sizes are not identified then an assumed average occupancy of 2.34 persons will be used.

The calculation for this development is set out below:

The application does not detail the unit sizes and should be updated (based on the above) once the final unit sizes are confirmed at a later date. The calculation is therefore as follows:

125 units X 2.34 average occupancy = 293 people
292.5 people X £360 = £105,480

From: [Matthew Broome](#)
To: [Planning Applications](#)
Subject: FW: Consultation on planning application TM/19/00014/OAEA
Date: 25 February 2019 11:02:38
Attachments: [ufm23.pdf](#)
[Land North Of Lower Haysden Lane Tonbridge Kent TM.19.00014.OAEA feb 2019.xls](#)

Please upload these comments from leisure to uniform/ web (sensitive)

Thanks

Matt

-----Original Message-----

From: Michael Harris
Sent: 22 February 2019 11:50
To: Matthew Broome <Matthew.Broome@tmbc.gov.uk>
Cc: darren.lanes@tmbc.co.uk; Joanne Sonnex <Joanne.Sonnex@tmbc.gov.uk>
Subject: FW: Consultation on planning application TM/19/00014/OAEA

Matthew,

There is insufficient detail to determine any specific comments regarding this application. A confirmed layout, square meterage of types of open space provision and number and size of units would need to be given in order for concise comments.

That being said, based on the picture of the site and assuming the units were all 3 bed houses, the attached contribution sheet could be given as a guidance (most likely taking off the amenity, natural green cost as this appears to be provided in the drawings). I would expect some play provision in the development and would strongly hope clear links to Haysden Country Park could be given- which it doesn't appear to give.

Any contribution would most likely go towards Haysden park and Tonbridge racecourse Sportsground.

Jo - please file.

Regards

Mike

-----Original Message-----

From: Leisure Services
Sent: 24 January 2019 12:09
To: Michael Harris <Michael.Harris@tmbc.gov.uk>
Subject: FW: Consultation on planning application TM/19/00014/OAEA

-----Original Message-----

From: Planning Applications
Sent: 21 January 2019 14:47
To: Leisure Services <Leisure.Services@tmbc.gov.uk>
Subject: Consultation on planning application TM/19/00014/OAEA

Please find attached details of a recently received planning application on which you are being consulted.

OPEN SPACE CALCULATOR

Calculation 1

Location of Development	1=Yes	Categories of Open Space Deficient in Quantity
Tonbridge Urban*	1	Parks & Gardens, Outdoor Sports Facilities, Children's and Young People's Play Areas
Medway Gap Urban**		
Rural Service Centres***		
Rural Settlements (under 1000 pop)****		
Rural Settlements (over 1000 pop)*****		

Calculation 2

Dwelling Size	Nos. of Proposed Units (Net)	Av. Household Size*	Total Persons
1 Bed Flat		1.25	0
2 Bed Flat		1.64	0
3+ Bed Flat		2.17	0
1 Bed House		1.3	0
2 Bed House		2.11	0
3 Bed House	125	2.62	327.5
4+ Bed House		3.25	0
Total Number of Persons generated by the Proposed Development			328

*Source: The New Build Survey 2005, Kent County Council

Calculation 3

Category of Open Space	Area	Total Number of Persons	Adopted Standard of Open Space per person (sq.m)	Proposed On-Site Open Space (sq.m)	Open Space Requirement (Net) (sq.m)
Parks & Gardens	Borough-Wide	328	25	0	8187.50
Amenity Green Spaces	Tonbridge Urban	328	7.6	0	2489.00
	Medway Gap Urban	0	13.3	0	0.00
	Rural Service Centres	0	3.3	0	0.00
	Rural Settlements (< 1000 pop)	0	30	0	0.00
	Rural Settlements (> 1000 pop)	0	24	0	0.00
Outdoor Sports Facilities	Borough-Wide	328	20.5	0	6713.75
Children's and Young People's Play Areas	Borough-Wide	328	1	0	327.50
Natural Green Spaces	Tonbridge Urban	328	7.3	0	2390.75
	Medway Gap Urban	0	28	0	0.00
	Rural Service Centres	0	18.3	0	0.00
Total Open Space Requirement (Net) (sq.m)					20108.50

Calculation 4

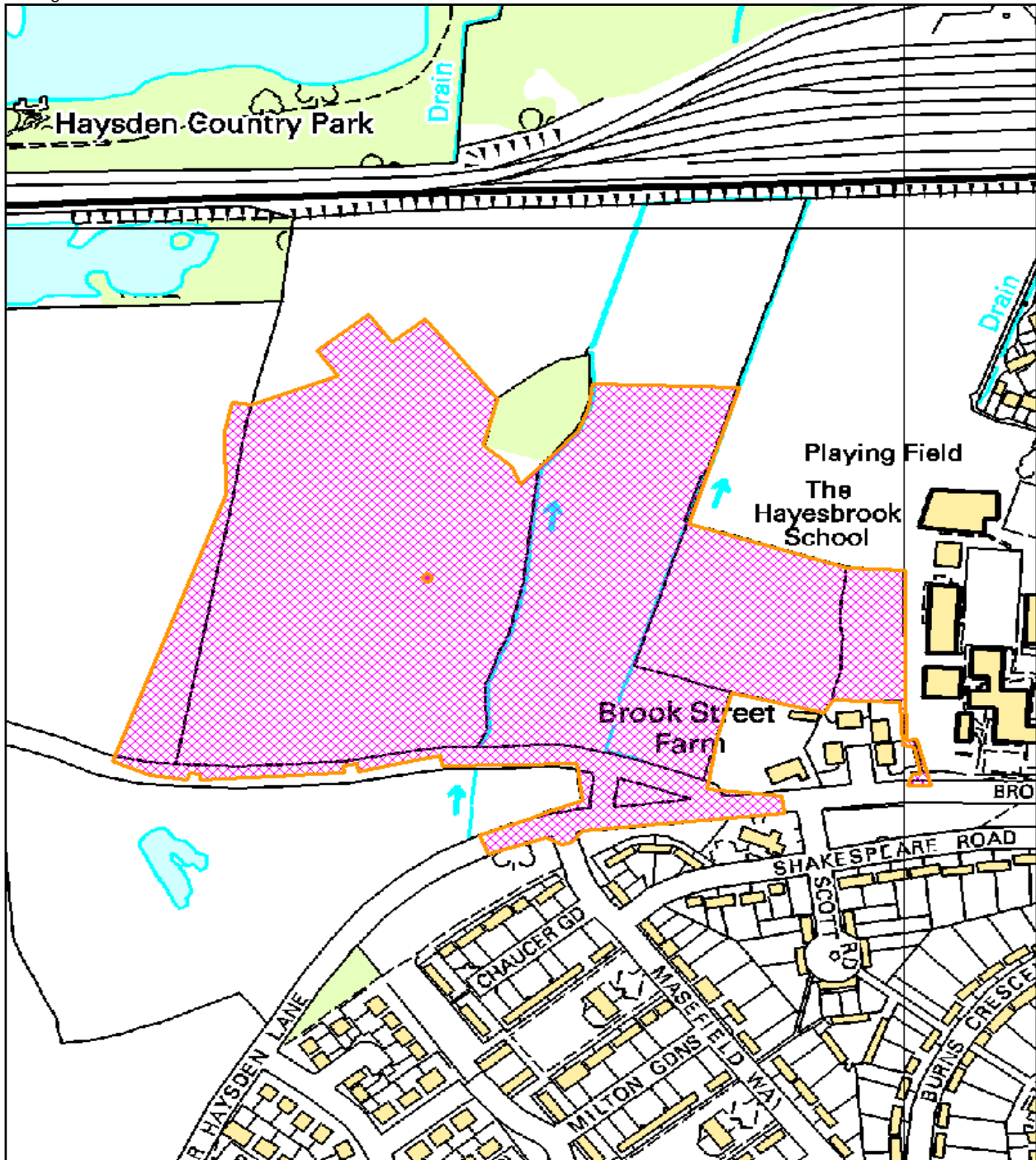
Category of Open Space	Area	Open Space Requirement (sq. m) (from Calc. 3)	Contribution per sq.m (exc. maintenance)	Contribution Required (£) (exc. maintenance)
Parks & Gardens	Borough-Wide	8187.5	£18.62	£152,451
Amenity Green Spaces	Tonbridge Urban	2489	£6.38	£15,880
	Medway Gap Urban	0	£6.38	£0
	Rural Service Centres	0	£6.38	£0
	Rural Settlements (< 1000 pop)	0	£6.38	£0
	Rural Settlements (> 1000 pop)	0	£6.38	£0
Outdoor Sports Facilities	Borough-Wide	6713.75	£41.66	£279,695
Children's and Young People's Play Areas	Borough-Wide	327.5	£112.14	£36,726
Natural Green Spaces	Tonbridge Urban	2390.75	£6.38	£15,253
	Medway Gap Urban	0	£6.38	£0
	Rural Service Centres	0	£6.38	£0
Total Contribution Required (£) (exc. Maintenance)				£500,005

TM/19/00014/OAEA

Land North Of Lower Haysden Lane Tonbridge Kent

Outline Application: construction of up to 125 new homes, the formation of new means of access onto Lower Haysden Lane, new pedestrian and cycle links (including links to the existing playing fields and Country Park to the west), the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank

Tonbridge Castle	15 June 2021	TM/21/01677/FL
Proposal:	Demolition of the existing buildings and the erection of 13no. apartments with associated access, landscaping, parking and infrastructure	
Location:	2 Yardley Park Road Tonbridge Kent TN9 1NE	
Go to:	Recommendation	

1. Description:

- 1.1 Planning permission is sought for the demolition of the existing buildings on site and the construction of a new building containing 13no. apartments with associated access, landscaping, parking and infrastructure.
- 1.2 The building will provide 12no 2-bed and 1no 3-bed apartments. A total of 15 parking spaces are to be provided including 1 space per apartment and 2no visitor spaces. The existing access to the north of the site onto Yardley Park Road is to be retained serving 4no parking spaces. A new access onto Shipbourne Road is proposed with a parking area for the remaining 11 parking spaces and a cycle store to the southern section of the site.
- 1.3 Landscaping is proposed around the building with tree planting indicated to the north, west and southern boundaries of the site.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Branson to allow for consideration by APC1 of the impact on the Conservation Area and highway safety.

3. The Site:

- 3.1 The application site consists of a residential corner plot located to the south of Yardley Park Road. The site contains a large, detached dwelling, brick air raid shelter and outbuilding to the rear. The site has two existing accesses: the first onto Yardley Park Road to the north of the site and another unused access to the south-west of the site onto Shipbourne Road.
- 3.2 The immediate street scene of the site along Yardley Park Road predominately contains large, detached dwellings. Higher density development lies to the west and south of the site. The wider area has a variety of size and style of building but is predominately red brick.
- 3.3 The site lies within the urban confines of Tonbridge. It forms part of the Tonbridge Conservation Area and is within an area of archaeological potential. Both Yardley Park Road to the north and Shipbourne Road to the west are classified roads.

4. Planning History (relevant):

TM/63/10163/OLD Refuse 30 July 1963

Outline application for the erection of a detached house.

TM/09/02987/FL Approved 21 January 2010

Retrospective application for replacement gates, posts and boundary wall with railings

TM/10/03299/TNCA No Objection 31 December 2010

Remove various trees of poor quality (indicated on plan)

TM/13/02376/TNCA No Objection 20 September 2013

Cut back branches of 2 large Lime trees encroaching over 57 Shipbourne Road

TM/13/03160/TNCA No Objection 19 November 2013

Crown reduction by approximately 30% to Horse Chestnut. Crown reduction to 4no. Lime Trees

TM/15/01668/TNCA No Objection 29 June 2015

(T1) Yew - Fell and stump grind remaining stump

TM/17/02661/TNCA No Objection 1 November 2017

To pollard 4 Lime trees and cut back the low hanging branches of the Yew tree

TM/21/01672/PPA 17 June 2021

PPA in relation to demolition of the existing buildings and the erection of 14no. apartments with associated access, landscaping, parking and infrastructure

TM/21/02660/TNCA No Objection 26 November 2021

H1 Large Leylandii to trim top and all sides to shape and tidy; T1 Gelditsia Tricanthos to prune to reduce by approx 1m by reduction of overextended branches back into profile of remaining crown; H2 Castlewellan screen to trim top and all sides (including cottage side) to shape and tidy; G1 Group of Tulip tree, Beech and Cherry to carry out annual pruning, back to vicinity of previous cuts

TM/21/03151/TNCA No Objection 26 November 2021

G2 Group of 2 large Lime pollards overhanging neighbouring cottage - to prune overhang hard back to vicinity of boundary to give clearance to building

5. Consultees:

5.1 KCC (LLFA):

Representations received on 17.06.21

5.1.1 Surface water drainage strategy required.

Representations received on 21.06.21

5.1.2 The proposed site is underlain by Weald Clay; therefore it is expected that attenuation with controlled discharge to the adjacent sewer system will be required. A public surface water sewer is located in Yardley Park Road. We would expect that discharge rates from the site are compliant with Kent County Council's Drainage and Planning Policy for re-developed land. We therefore are prepared to accept a condition applied to any planning approval for the submission of a sustainable drainage strategy for the proposed development to ensure that surface water from the site is managed appropriately. Condition recommended.

5.2 KCC (H+T):

Representations received on 29.06.21

5.2.1 Vehicular and Pedestrian Access: Access to the development is proposed via the two existing accesses that currently serve the private dwelling. These accesses will provide access to two separate car parking areas. Whilst the existing access on Yardley Park Road is to be retained in its current format, the application proposes to slightly relocate the site's secondary access on the A227, Shipborne Road and upgrade it to a bell mouth arrangement. To ensure continued priority for pedestrians KCC Highways consider that both accesses should be provided in the form of enhanced vehicle crossing points. The plans should be amended to reflect this.

5.2.2 A review of the personal injury collision (PIC) records for both the existing accesses and the area within their immediate proximity has been undertaken by the applicant. This analysis confirms that in the 3-year period up to 31st December 2020, 2 collisions have been recorded, both of which were slight in severity. However, neither of these collisions are associated with either of the existing accesses, consequently, both the existing accesses have good PIC records.

5.2.3 The applicant has confirmed that to achieve the proposed access arrangements for the access onto the A227, Shipbourne Road several existing on street parking spaces will require removal. This is also required to provide the necessary visibility sight lines, which should be secured via condition. Importantly, the visibility sight lines proposed are commensurate with the road's

posted speed limit of 30 miles per hour and are therefore acceptable to Kent County Council (KCC) Highways.

- 5.2.4 Should permission be granted, then the applicant will need to liaise with Tonbridge and Malling Borough Councils (TMBC's) Parking Service Team to secure the necessary permissions for the proposed amendments to the existing on street parking arrangements.
- 5.2.5 It is proposed to achieve pedestrian access to the development via a dedicated pedestrian entrance onto the footway that abuts Yardley Park Road, with secondary access points also provided via the site's car parking areas. This is appropriate in how it ensures direct access to the high-quality pedestrian infrastructure adjacent to the site.
- 5.2.6 Sustainability and Public Transport: An assessment of the development's sustainable credentials, including opportunities for the use of sustainable modes of transport, has been undertaken by the applicant. This assessment concludes that the site is located in a sustainable location, with access to a good range of services and facilities that could be accessed by sustainable modes.
- 5.2.7 KCC Highways agree with the applicant's conclusions, given its location on the edge of Tonbridge town centre and proximity to its associated facilities, including the various bus stops on Tonbridge High Street and Tonbridge train station. There is considered to be significant potential for trips by sustainable modes of transport.
- 5.2.8 Traffic Impact: An assessment of the net difference in traffic movements from the site because of the development has been undertaken by the applicant. This exercise compares the amount of traffic that could be generated by the developments existing use as a single residential dwelling, against the sites proposed use as 14 residential flats.
- 5.2.9 The sites used to forecast the traffic generation from the site's existing and proposed use have been derived from the TRICS database. Importantly, they have similar location characteristics to the development site, therefore providing a suitable basis for assessment.
- 5.2.10 Although the result of these assessment confirms that there will be an increase in traffic movements, as a result of the development, the amount of traffic that the development is anticipated to generate is still limited. In the AM peak period (08:00-09:00) the development is anticipated to generate 3 additional movements, where compared to its existing (extant) use, 4 additional movements in the PM peak period (17:00-18:00) and 30 additional movements across a 12-hour day. Such modest levels of additional traffic generation are likely to be within the day-to-day variations in traffic flow.

- 5.2.11 Given the extremely modest amounts of additional traffic that the development is likely to generate, KCC Highways do not consider that the impact of the development in congestion or capacity terms could be reasonably described as 'severe.'
- 5.2.12 **Parking:** 14 car parking spaces are proposed. Kent Design Guide, Interim Guidance Note 3 (IGN3), which is the county council's adopted parking standards states that 1- and 2-bedroom flats in an edge of centre location should be provided with a minimum of 1 space per unit, with visitor parking provided at a rate of 0.2 space per unit. Consequently, a total of 17 car parking spaces are required. There is scope to achieve full compliance with IGN3 via amendments to the site layout.
- 5.2.13 **Cycle Parking:** 14 cycle parking spaces are proposed. This level of provision is compliant with the county council's adopted guidance, which requires flatted dwellings to be provided with a minimum of 1 cycle parking space per unit. This is to be provided via a central store in the southern section of development. Such an approach is acceptable to KCC Highways.
- 5.2.14 **Turning and Servicing:** It is proposed to retain the existing on street servicing arrangements to service the development. KCC Highways consider this approach to be acceptable and commensurate with the scale of the development, particularly given the short stay and infrequent nature of such vehicles, including refuse freighters and delivery vans.
- 5.2.15 Swept path analysis demonstrating the suitability of the turning areas in the development's car parks has also been provided, thereby confirming their suitability.
- 5.2.16 **Summary and Recommendation:** KCC Highways wish to raise a holding objection, on the basis that the applicant should provide the following information/make the following amendments:

- Visitor parking provision to ensure full compliance with IGN3.

Representations received on 18.01.22

- 5.2.17 Kent County (KCC) Highways note that following this authority's initial consultation response the application has been amended, reducing the total number of units from 14 to 13. In addition, the total parking provision has been increased to a total of 15 spaces across the development to better accommodate this authority's adopted standards.
- 5.2.18 As the access arrangements remain unchanged and the number of units reduced, KCC Highways previous comments in respect of the suitability of the site access arrangements and traffic impact remain unchanged.

5.2.19 In summary, KCC Highways consider the amendments to the development address this authority's previous comments and I can therefore confirm that having considered the development proposals and the effect on the highway network, I raise no objection on behalf of the local highway authority subject to conditions.

5.3 KCC (Economic Development): Contribution requested in relation to Secondary Education (£14,755.00), Community Learning (£213.46), Youth Services (£851.50), Library Book stock (£720.85), Social Care (£1909.44), Waste (£2387.71)

5.4 TMBC Environmental Protection:

Noise:

5.4.1 I would recommend that a Condition be included with any approval requiring the applicant to submit a noise report detailing the current noise climate at the proposed site covering traffic noise.

Construction Management Plan:

5.4.2 Prior to commencement of development, arrangements for the environmental management control of all demolition and construction works shall be submitted to and approved by the Local Planning Authority.

Contaminated land:

5.4.3 Our earliest available map dated 1867, shows a row of houses along the west side of the site. These have been demolished by 1896, with the current building developed by 1936. This in turn will need to be demolished as part of this application. As soft landscaping is minimal and will be shared, I would recommend a watching briefing condition.

5.5 TMBC Conservation Officer: 2 Yardley Park Road is an inter-war house, which appears to be part of a small 1920s or 30s development of parcels of land formerly belonging to Yardley Court, whose lodge was demolished to make way for the houses lining the road to the north of No. 2. The Tonbridge Conservation Area clearly includes this particular short row of houses in the boundary, possibly as a reminder that they were the original development over Yardley Court. Otherwise, when applying TWBC's local list criteria, which are based on the Historic England guidance and therefore generally relevant, the house is not of sufficient age, is not a particularly good example of inter-war housing (no particular art deco or Modernist features), and as far as I know is not attributed to any particular architect. In terms of historic associations, a Herbert Ellis Hall is mentioned, but after some research I understand that he was an engineer who formed a local company and so this is not of sufficient interest to meet the historic interest criterion. Otherwise, it appears not to meet

the other criteria, particularly as it has been altered. I would not consider it to be a non-designated heritage asset.

5.5.1 The density of what is proposed appears at first at odds with the historic development of this area, as it seems that most buildings are single dwellings, but please note that I've not had the benefit of a site visit, and I note when reviewing the elevation treatments that an early 20th century aesthetic is proposed. I understand that the essential character of the area that contributes towards significance comes from the earlier, higher density late Victorian and Edwardian developments in Dry Hill and Dry Hill Park Road, which also exhibit high quality architectural form and detailing. As above, this house doesn't appear on historic maps until the 1929-1952 date range on the KCC Heritage Map, and is of no architectural merit.

5.5.2 Finally, the air raid shelter is notable but could be recorded and the information submitted to the HER, should permission be granted.

5.6 Private Reps 5 reps + site notice & Press Notice 1X/218R/0S

Original submission - Objections summarised as follows.

- Highways - Traffic, Access, Parking, Construction Management, impact on adjacent business (One Stop)
- Character - Loss of historic building/character, prominent position, overdevelopment (size, scale and number of units), insufficient front garden, impact on street scene, not in keeping
- Conservation Area - Harm to and does not conserve.
- Heritage - Demolition of WWII air raid shelter, loss of Edwardian dwelling (on 1911 census)
- Trees - loss of mature trees, economic impacts on their removal, incorrect assessment in relation to horse chestnut (decay detection).
- Ecology/Biodiversity - bats
- Pollution - additional dwellings, traffic
- Infrastructure - impact on doctors, schools, dentists,
- Amenity - Overlooking, loss of privacy, loss of light, noise, parking
- Lack of demand for flats
- Lack of green space

- No SUDS scheme proposed
- Open Space to the east within the Haydens is private land

Neutral summarised as follows:

- Green land at The Haydens is for the use of residents only

Amended Scheme - Objections summarised as follows:

- Highways - Insufficient parking, access (safety and visibility), impact on adjacent business (One Stop), loss of on-street parking, pollution
- Impact on infrastructure - doctors, education
- Location - inappropriate type of development for this location
- Revisions do not address concerns
- Amenity - impact on neighbours
- Character - Out of keeping, overdevelopment, prominent location
- Conservation Area - Harm to and does not conserve.
- Open space at The Haydens is private
- Amenity - overlooking
- Lack of demand for flats
- Heritage - loss of Edwardian dwelling

6. Determining Issues:

Principle:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF at paragraph 12 asserts that it *'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'*.
- 6.2 In the absence of a five year supply of housing, it is necessary to apply the presumption in favour of development as set out in paragraph 11 of the NPPF. Firstly, this means giving consideration to whether policy CP11 is out of date for

the purposes of decision making and thus whether there is conflict between the requirements of the policy and the requirements of the NPPF.

- 6.3 In all respects, the NPPF seeks to maximise opportunities for the supply of housing in appropriate locations that can contribute towards supply and maintain and enhance the vitality of existing communities. Policy CP11 sets out that development will be concentrated within the confines of the urban areas which include Tonbridge. In seeking to concentrate development within appropriate urban locations this policy would be in accordance with the NPPF and therefore remains up to date. Notwithstanding that, due to the lack of a five year supply of housing by the Borough Council the presumption in favour remains to be applied.
- 6.4 The presumption in favour of sustainable development under paragraph 11 (d) of the NPPF requires that, for decision making, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas 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.
- 6.5 With regards to paragraph 11 (d) (i), footnote 7 explains the concept of “specific policies” in the NPPF indicating that development should be restricted. This includes development which impact on designated heritage assets such as Conservations Areas. It is therefore necessary to assess whether the proposal would be appropriate within the Tonbridge Conservation Area before applying an assessment under Paragraph 11 (d) (i).

Impact on the Conservation Area:

- 6.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.7 Paragraph 197 of the NPPF requires that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 6.8 Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.9 Paragraph 206 of the NPPF sets out that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 6.10 Paragraph 207 continues that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
- 6.11 The requirements for when Historic England are required to be consulted is set out within schedule 4 of the DMPO. This requires them to be consulted on any application involving the demolition, in part or whole, or material alteration to a Grade I or Grade II* listed building, development likely to affect the site of a scheduled monument or affect any battlefield, garden or park of special historic interest. The proposed development will not impact on any of those listed heritage assets and therefore there is no requirement to consult Historic England.
- 6.12 The application site currently consists of a detached dwelling built in the 1930's and a brick air raid shelter built shortly after. The cartographic evidence provided within the applicant's heritage statement identifies that at the time of the 1895 maps the site lay outside the residential area and formed part of the open estate of Yardley Court. Yardley Park Road was first formed in the early 1900's (as shown on the 1907 map) with only 9/10 dwellings having been constructed along the road at that time including those at 1 and 3 Yardley Park Road opposite the application site. The dwelling was however constructed in the 1930's and is visible on the 1936 maps.

- 6.13 The Tonbridge Conservation Area Appraisal sub-divides this large Conservation Area into several sub-areas with the application site forming sub-area E3 - Dry Hill Park Road including London Road, Dry Hill Park Crescent and Yardley Park Road. The appraisal sets out that the Dry Hill Park Estate appears on a map of about 1870 with the current road layout but no buildings shown. The area was developed during the 1870s - 1890s following creation of a reliable piped water supply. The houses were individually designed but laid out as a residential park. The buildings within this area are generally substantial detached or semi-detached properties in large plots, set back from the road behind brick boundary walls and landscaped front gardens. Building heights range from 2 – 4 storeys and the predominant building materials are red brick and tiles with stone details and white painted windows. Specifically in relation to Yardley Park Road the appraisal sets out that it comprises large detached and semi-detached interwar and post war houses in generous plots. A group of mature garden trees create a green entrance to this area and the houses are set behind landscaped front gardens. The map for sub-area E3 identifies trees to the northern and north-west corner of the site as being important trees acting as focal points.
- 6.14 The Conservation Area appraisal along with the cartographic maps identifies the site as a later addition to the residential area within sub-area E3. Whilst the dwelling was erected after the properties to the west and the older properties on Yardley Park Road, it was done so predominately echoing the settlement pattern and use of materials within the character area. The Conservation Officer has noted that the dwelling is not considered to be a particularly good example of inter-war housing (no particular art deco or Modernist features), and as far as is known is not attributed to any particular architect. Whilst the dwelling may have some local historic associations, this is not considered to be of sufficient interest to meet the historic interest criterion. In addition, taking into account the alterations to the building over the years it appears not to meet the other criteria, particularly as it has been altered and therefore would not be considered to be a non-designated heritage asset which would require retention. Notwithstanding this, I would still be of the view that the dwelling and plot would contribute to some degree to the character of the Conservation Area. The demolition of this dwelling would therefore impact on the Conservation Area which must form part of the consideration in the determination of this application.
- 6.15 The apartment building proposed is undoubtedly larger than the dwelling it seeks to replace. With the revised design now proposed the building would not be overly larger than the surrounding built form in terms of eaves and ridge height. It is to be 2.5 stories in height and incorporates several design features found locally in the use of the gable projections, stone cornice and mock Tudor detailing. The building has variety in its frontages to both Yardley Park Road and Shipbourne Road to seek to break up the mass of the building. Materials are proposed to be red Flemish bond brickwork, clay tile hanging to first floor, stone bays, cornices and gable elevations, white painted render within black

timbers and black soffit and eaves. The revised scheme has also brought the building back from the boundary of Shipbourne Road to allow replacement planting along this boundary as well as the reinstatement of trees to the north-west corner noted as a focal entrance feature in the Conservation Area appraisal. Whilst the proposal would result in a different form of development within the site the proposal seeks to replicate character features within the Conservation Area and mitigate its impact through planting. On balance, my judgement is that the proposal would not result in harm to the character of the Conservation Area to justify refusal on these grounds.

- 6.16 The site also contains a brick-built air raid shelter. The building is simple in its form and would have some value as an example of a World War 2 structure but does not contribute to the character of the wide area. This building will be demolished as part of the proposal and therefore its heritage interest will be lost. It is proposed to re-use the brick from this structure to create the proposed cycle store. As with the main dwelling this building not considered to be a non-designated heritage asset. However as per the Conservations Officer's recommendation a recording of the building should be secured by way of condition.
- 6.17 Considering the above, I can conclude that there are no specific policies relating to Heritage that provide a clear reason to refuse the development as is the test in paragraph 11 (d)(i). The presumption in favour of development re-emerges to be applied and paragraph 11(d) (ii) is therefore engaged. I am therefore required to consider whether there are any adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, as is the relevant test set out within paragraph 11 (d) (ii) of the NPPF.

Design and appearance:

- 6.18 Policies CP24 of the TMBCS and SQ1 of the MDE DPD and the most relevant design policies and require development to be well designed and through its scale, density, layout, siting, character and appearance respect the site and its surroundings. Development should also protect, conserve and where possible enhance the character and local distinctiveness of the area, including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.19 Paragraph 130 of the NPPF sets out that planning policies and 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 over 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);

6.20 Paragraph 134 of the NPPF sets out that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

6.21 As has been set out above, the proposal will provide an alternative form of built form than the detached dwelling which is to be demolished. The proposal however seeks to replicate architectural features found locally and will use materials to match those within the local area. I consider the development to be in keeping with the character of the area and would accord with the requirements of Policy CP24, SQ1 and Paragraph 130 and 134 of the NPPF.

Highway safety and parking provision:

6.22 Paragraph 110 of the NPPF sets out that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and

d) 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 degree.

6.23 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.24 Paragraph 112 of the NPPF requires that within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.25 Policy SQ8 of the MDE DPD requires that;

1. Before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided.

2. Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.

3. Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road network will be permitted.

4. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

5. Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

- 6.26 At present, the main access to the application site is to the north onto Yardley Park Road. This access is proposed to be altered and re-used as part of the proposed scheme serving a hard surfaced area with 4 parking spaces. In addition, the application site has an access gate to the south-west corner of the site onto Shipbourne Road and provides access to a garage/outbuilding. This access is not known to have been used in recent years. The scheme will block up this access point and form a new vehicular access further north along the western boundary of the site onto Shipbourne Road. This will be the main vehicular access point into the site and serves 11 parking spaces.
- 6.27 The applicant has provided a Transport Statement to support their application. This report assesses the personal injury collisions (PIC) data for the surrounding road network identifying 2 incidents within the last 3 years. They however conclude that those incidents are due to road user error and not a fault with the highway layout or condition. They have also provided a prediction for the proposed trip generation for the development. Whilst the trip generation for the site would increase in region of 30 movements across a 12-hour period this is a negligible increase. Construction traffic and deliveries are proposed to be dealt with on-site. The applicant has also provided drawing number H-01 REV P3 which sets out the revised access arrangements for the site and the proposed visibility splays. The Transport Statement and the layout plan have been reviewed by KCC (H+T) who accept the assessment and raise no objection in relation to the access arrangements. With these factors in mind, the development is not considered to have an adverse impact on highway safety through the impact of trips to accord with Paragraph 110 (b), (c) and (d) and points 1 – 3 of Policy SQ8. The site is in a sustainable location close to good public transport links and local facilities. Due the scale of the application there would be no requirement for off-site road or cycle infrastructure improvements however the scheme does include a cycle and electric vehicle charging points to meet the general goals of Paragraph 112 of the NPPF.
- 6.28 The proposed scheme now includes provision of 15 parking spaces on site. This allows for 1 space per unit plus 2 visitor parking spaces. The Borough Council's Adopted parking standards contained within Kent Design Guide Review: Interim Guidance Note 3 Residential Parking (IGN3) would require 13 allocated parking spaces for the development and 0.2 visitor parking spaces per unit therefore generating a requirement of 2.6 spaces typically rounded up to 3. Whilst only 2 visitor parking spaces are proposed which would not fully meet this require the undersupply of 1 visitor parking space is not considered to result in an adverse impact on highway safety to an extent to justify a refusal of planning permission in this location.
- 6.29 I note that local concerns have been raised in relation to the impact of the parking for the adjacent One Stop shop on Shipbourne Road. Due to the proposed visibility splays required for the new access onto Shipbourne Road approximately 4 bays of on-street parking will be required to be removed

leaving only the parking directly in front of the One Stop extending part of its frontage. The development will therefore remove some of the on-street parking within the locality, although some would be retained. The development would therefore not preclude deliveries or customers stopping outside the shop. For that reason, I do not consider that the loss of these on-street parking spaces would result in a under provision of parking for the One Stop to result in an adverse impact on highway safety to refuse the application on these grounds.

- 6.30 As set out above the road network and traffic generation for the proposed development does not raise any unacceptable highway safety impacts. The provision of the visibility splay and details of construction management can be secured by way of condition. The proposal will underprovide in terms of visitor parking by 1 space and will reduce the on-street parking offer for the adjacent shop: however this is not considered to result in an adverse impact on highway safety. The development therefore accords with the requirements of Paragraph 110, 111 and 112 of the NPPF and Policy SQ8.

Residential amenity:

- 6.31 The closest residential neighbour to the application site lies directly to the east. There are also residential properties directly to the south of the site above and adjacent to the One Stop shop. The proposed building will sit on a similar building line as the existing dwelling however due to the L-shaped form will project beyond the rear of the neighbouring dwelling. Due to its position to the west of the closest neighbour the building may result in some loss of direct sunlight to the neighbour's property and garden: however this will be limited to late evening. There building does not lie within a 45-degree angle of any of the rear facing windows of the neighbouring dwelling to the west and it is considered there is sufficient separation distance between the properties to not result in a loss of daylight or sunlight to significantly harm their residential amenity. The properties to the south lie 18m from the rear most part of the building at the closest point. Considering the separation and specific orientation, it is not considered to result in a loss of light to these properties.
- 6.32 In terms of privacy, the existing dwelling has east facing windows at ground, first and second floor level looking directly at the adjacent neighbour. The proposed scheme limits east facing windows to the rear projection therefore setting it away from the neighbouring boundary. The east facing windows includes 1 door at ground floor level and windows at first and second floor level all serving communal hallways. The windows on first and second floor have been indicated to be obscure glazed which can be secured by way of condition. The application also includes windows to habitable rooms that face south towards those adjacent neighbours. At present overlooking is obscured by tree screen, some of which is to be removed and replaced as part of the scheme. Replacement planting is however proposed to re-instate some of this screening. Given the distance of 18m to those properties and the existing/proposed tree

screening, it is not considered there would be direct overlooking to significantly impact on the privacy of those neighbours. All the remaining windows overlook the highway to the north and west.

- 6.33 The proposal is not considered to result in a significant impact on the residential amenity of the neighbouring properties in terms of loss of light, being overbearing or privacy.

Trees and landscaping:

- 6.34 Whilst the site lies within the Tonbridge Conservation Area, none of the trees on site are subject to any individual or group Tree Preservation Orders. The applicant has provided an arboricultural tree survey and impact assessment. This identified 21 trees currently on the site all located to the western and southern boundary which vary in species and size. All the trees on site, excluding the horse chestnut to the south-west of the site (T012), are Category C and therefore of low quality and value with horse chestnut (T012) considered Category B being of modest quality and value.
- 6.35 The proposal seeks to remove a total of 16 trees from the site all of which fall within Category C. These trees will be replaced in alternative locations and would be selected from either Common Beech, Silver Birch, Alder, Hornbeam, Common Lime, Field Maple, Sessile Oak, Yew or similar. The remaining 6 trees being a Horse Chestnut, English Yew, Oak and Poplars are proposed to be retained and protect during the works. The tree report recommends a site-specific method statement should be produced to ensure adequate protection and maintenance of these remaining trees on site.
- 6.36 The proposal will result in the loss of many trees on site, specifically along the western boundary of the site where they are most publicly visible and form part of the street scene within the Conservation Area. These trees are not noted within the Conservation Area Appraisal as being focal points at the time of the drafting of the conservation area appraisal. The arboriculture tree survey and impact assessment identified the trees to be removed as category C being of a low quality and amenity value. I would generally agree with this assessment. Whilst no scheme is currently available showing the proposed replanting there is opportunity available to enhance the amenity value towards the conservation area by re-instating the focal point planting to the north-west corner of the site and replanting to mitigate the visual impact of the development.
- 6.37 The site also contains a mature Horse Chestnut. The revised scheme seeks to retain this tree with a new access formed to its north. This would maintain its benefit to the visual amenity of the area. The arboriculture tree survey and impact assessment notes that the access has the potential to impact on this tree through the incursion into its root protection area and to provide appropriate mitigation methods they recommend a site specific method statement. They suggest this method statement can provide a detailed technical solution to

excavations within Root Protection areas, Pollution control methods, Installing new surfacing in RPA's and Landscaping in RPA's. Given the level of intrusion into the root protection area and likely land level changes to facilitate the access further information through a method statement could be required by way of condition. Guidance on the exact details of what will be required by this condition is being sought from the Borough Council Tree and Landscape Officer and these will be addressed as a supplementary matter.

- 6.38 On balance, and with a suitable replanting strategy and with a site specific method statement both secured by way of condition, I do not consider the proposed removal of the trees will significantly harm the amenity of area.

Ecology:

- 6.39 The application site does not lie within any specific ecological designation and as a maintained residential property within an urban setting is unlikely to have a high ecological potential. The public consultation has however raised that bats have been seen within the local area. It is suggested the mature trees on site could provide roosts for the bats. The application has not been accompanied by an ecological appraisal. If bats are present on site then it is likely that the applicant would be required to obtain an European Protected Species licence. Given the information received, it would be necessary to ascertain whether there are any protected species on site and that any mitigation as deemed necessary is put in place. This can be secured by way of a pre-commencement condition.

Drainage:

- 6.40 The development proposes 13 units and is therefore considered to be major development as defined within the NPPF. There is therefore a requirement to incorporate a suitable sustainable urban drainage system (SUDS) to the satisfaction of the lead flood authority. No formal details of a drainage scheme have been provided with this application. KCC SUDS team have been consulted on the application and have outlined that the proposed site is underlain by Weald Clay; therefore it is expected that attenuation with controlled discharge to the adjacent sewer system will be required. They note that a public surface water sewer is located in Yardley Park Road. They would expect that discharge rates from the site are compliant with Kent County Council's Drainage and Planning Policy for re-developed land. Whilst no formal details have been received at this time they are prepared to accept a condition applied to any planning approval for the submission of a sustainable drainage strategy for the proposed development to ensure that surface water from the site is managed appropriately. This condition will be imposed as requested.

Climate Change and renewable technologies:

- 6.41 Adopted policies CC1 and CC2 within the MDE DPD are considered to be out-of-date. This is because The Housing Standards Review in 2014 removed the voluntary Code for Sustainable Homes and made it clear that local plans should not be setting any additional local technical standards or requirements relating to the energy performance of new dwellings. The energy performance of new build homes is a matter for the national Building Regulations. Notwithstanding this position, it is clear that (whilst not adopted for Development Management purposes) the Council's corporate Climate Change Strategy is a material consideration. As such, it is for the decision maker to decide what weight should be afforded to it in the overall balance.
- 6.42 The Council's Climate Change Strategy covers the period 2020-2030 and applies to all aspects of the Council's business, not just planning. It states that where the local plan is silent on a specific issue (which is the case given that the adopted policies are out of date and the current position with the new local plan progression), the NPPF and the climate change strategy will remain material planning considerations to be considered when determining planning applications. This application must therefore be determined in accordance with the requirements set out within the NPPF, as follows:
- 6.43 Within the NPPF, at paragraph 152, it states that:
- "The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure."
- 6.44 Paragraph 157 of the NPPF also advises:
- "In determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."
- 6.45 In light of the above, the proposed building should be as energy efficient as possible to seek to meet new climate change guidelines within building control and to create a long lasting and sustainable property for the future. This submission includes a document outlining the combatting climate change

commitment for the development. This outlines the fabric first approach to construction ensuring an energy efficient building is created and the use of air source heat pumps and PV solar cells. The development will also include electric car charging points and green roof for the ancillary structures.

- 6.46 The proposed development is in a highly accessible and sustainable location and by following the measures set out within the combatting climate change commitment document will achieve the goals set out within the Tonbridge and Malling Climate Change strategy. The development therefore meets the national and Council requirements in terms of climate change and renewable technologies by way of the Council's Climate Change Strategy and paragraphs 152 and 157 of the NPPF.

Planning obligations:

- 6.47 Kent County Council have requested contributions towards Secondary Education (£14,755.00), Community Learning (£213.46), Youth Services (£851.50), Library Book stock (£720.85), Social Care (£1909.44), Waste (£2387.71).
- 6.48 The site would also be subject to a public open space contribution in accordance with Policy OS3.
- 6.49 We have received confirmation from the applicant that they would be willing to enter into an agreement based on the request made. If Members are minded to grant planning permission a S106 can be drafted and agreed based on the terms within this report.

Conclusions and overall planning balance:

- 6.50 The proposal is considered, on balance, to not be harmful to the character of the Conservation Area for the reasons set out throughout this report. The presumption in favour of development under paragraph 11 (d) (ii) falls to be applied. This requires an assessment as to whether there are any adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.51 The benefits of the scheme centre on the provision of new housing within a sustainable and accessible part of the Borough. This must be given substantial weight in the overall planning balance.
- 6.52 It is accepted that a level of harm would arise resulting from the loss of trees within the site, although the assessment overall is that this harm alone is not sufficient to justify a refusal. As such, the adverse impact in this respect does not significantly and demonstrably outweigh the benefits.

7. Recommendation:

7.1 Grant Planning Permission. This was recommended in accordance with the following submitted details: Location Plan P001 dated 15.06.2021, Block Plan P002 Existing dated 15.06.2021, Design and Access Statement dated 15.06.2021, Planning Statement dated 15.06.2021, Transport Statement dated 15.06.2021, Assessment Heritage impact dated 15.06.2021, Tree Report dated 06.12.2021, Existing Plans and Elevations P003 dated 06.12.2021, Block Plan P004A dated 06.12.2021, Site Layout P005A dated 06.12.2021, Boundary Treatment P006 dated 06.12.2021, Proposed Floor Plans P100A dated 06.12.2021, Proposed Elevations P200A dated 06.12.2021, Street Scenes P201A dated 06.12.2021, Drawing P202A dated 06.12.2021, Landscaping LC-2825-02 dated 06.12.2021, Artist's Impression MG-1018 dated 06.12.2021, Artist's Impression MG-1018 dated 06.12.2021, Other Betterment document dated 06.12.2021, Drawing H-01 Rev P3 dated 06.12.2021, Drawing T-10 Rev P3 dated 06.12.2021, Documents Combatting Climate Change Commitment doc dated 18.01.2022, subject to the following:

- The applicant entering into a s106 planning obligation with the Borough Council to make contributions for the enhancement of existing open spaces in the locality in accordance with policy OS3 of the MDE DPD
- The applicant entering into a s106 planning obligation with Kent County Council to make contributions towards the enhancement of secondary school accommodation and community facilities, youth services, libraries, social care and waste services within the locality

- 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. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

3. Prior to the first occupation of the dwellings hereby approved a scheme of landscaping and boundary treatment submitted to and approved by the Local Planning Authority. This shall include a scheme of replating to replace the trees which have been lost through the development and should include full details of the trees to be planting including species and standard. 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: 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.

4. The dwellings hereby approved shall not be occupied until the areas shown on the submitted layout for a vehicle parking 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 and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

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

5. Prior to the first use of the new access hereby approved the visibility splays as shown on drawings no H-01 REV P3 shall be provided in accordance with those details. Thereafter they should be retained in perpetuity.

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

6. Prior to the commencement of development the applicant shall submit a construction management plan to the Local Planning Authority for approval. This shall include the following:

(a) Routing of construction and delivery vehicles to/from site

(b) Parking and turning areas for construction and delivery vehicles and site personnel

(c) Timing of deliveries

(d) Provision of wheel washing facilities

(e) Temporary traffic management/signage

Reason: In the interest of highway safety.

7. Prior to the first occupation of the dwellings hereby approved the first and second floor windows on the east elevation shown to be obscure glazed on

drawing nos 4190/p100A & 4190/p200A shall be fitted with obscure glass and shall be non-opening except for the top hung casements. Following installation the obscure glazing should be retained for these windows in perpetuity.

Reason: In the interest of the residential amenity of the neighbouring dwellings

8. Prior to the commencement of any above ground development the applicant should submit to the Local Planning Authority for approval a noise report detailing the current noise climate at the proposed site due to the close proximity of the M20. The report should consider the levels cited in BS8233:2014, namely:
 1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,16-hour, and a maximum upper limit of 55dB LAeq,16-hour; and
 2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2).

Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

The Applicant's attention is also drawn to the ProPG on Planning and Noise issued by the Association of Noise Consultants (ANC), the Institute of Acoustics (IoA) & the Chartered Institute of Environmental Health (CIEH). The report should also detail any mitigation/attenuation measure needed to attain the abovementioned levels. It is important that the applicant's noise assessment includes specific data and we will require these details for approval before any decision can be made. Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, etc) will also need to be submitted for approval.

Any attenuation measures identified by the Applicant will need to be submitted to and approved by the Local Planning Authority. Further information on compliance with this condition should be sought from the Local Planning Authority.

Reason: In the interest of the aural amenity of the further occupants.

9. Development shall not begin in any phase 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 (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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.

10. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

11. Other than the demolition of the existing buildings, no development shall take place until details of the existing ground levels and the proposed slab levels have been submitted to and approved by the Local Planning Authority and the work shall be carried out in strict accordance with those details.

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

12. Prior to the demolition of the air raid shelter the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording for the air rain shelter in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded

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 addresses to the new properties. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. 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.

Contact: Paul Batchelor

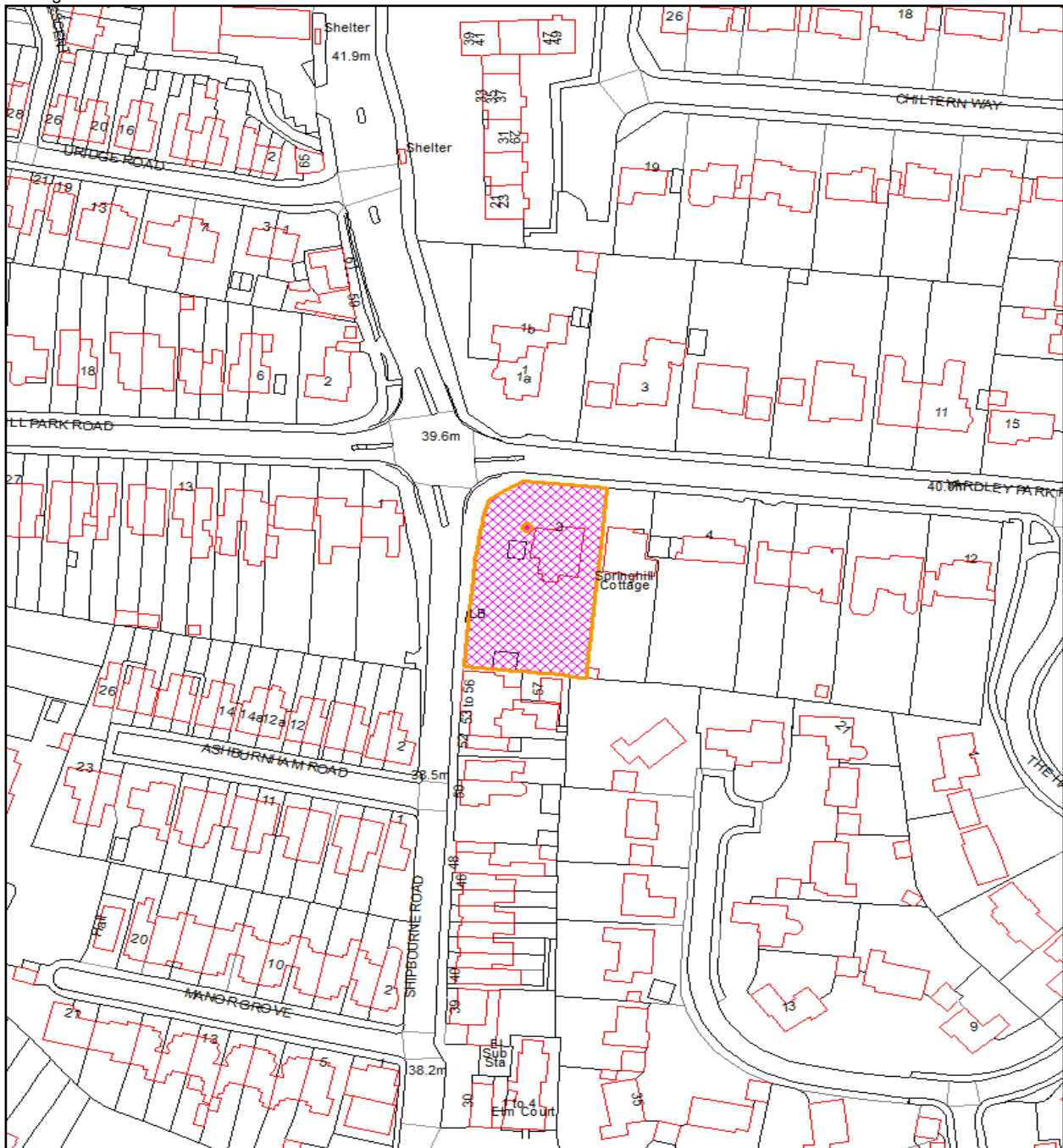
This page is intentionally left blank

TM/21/01677/FL

2 Yardley Park Road Tonbridge Kent TN9 1NE

Demolition of the existing buildings and the erection of 13no. apartments with associated access, landscaping, parking and infrastructure

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank

Tonbridge
Medway

29 October 2021

TM/21/02915/FL

Proposal: Construction of a single detached dwelling with associated parking and erection of an ancillary garden building
Location: 105 Hadlow Road Tonbridge Kent TN9 1QE
Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought for the construction of a single detached dwelling, with parking and access, and an ancillary garden building, at 105 Hadlow Road. The building would be two storeys and of a conventional design, finished in a mix of brick and render with a small front gable. The property would have three bedrooms, two parking spaces, and an outbuilding in the rear garden providing ancillary accommodation.
- 1.2 This is a resubmission following the withdrawal of a previous scheme over design concerns. This scheme is amended to omit the three-storey rear dormer that was previously proposed and redesign the property.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Boughton to consider whether the revised proposals adequately overcome concerns relating to neighbour amenity and overlooking, both in respect of the main home and also the outbuilding.

3. The Site:

- 3.1 The site is currently part of the side garden of the existing property at 105 Hadlow Road. It has a fairly wide side plot which is less typical for the houses on this part of the road that are generally closer together. The land levels rise towards to the back of the site, and the properties are elevated from the road.
- 3.2 The site lies on the Hadlow Road, a main throughfare into the town, within an established residential area. Dwellings are a mix of forms and styles. The property is within the urban boundary of Tonbridge and not subject to any relevant policy constraints.

4. Planning History (relevant):

TM/07/04272/OA Refuse 25 January 2008

Outline Application: Demolition of existing buildings, erection of one detached and pair of semi-detached houses, creation of new vehicular and pedestrian access and associated infrastructure

TM/21/01993/FL Application Withdrawn 7 September 2021

Construction of a single detached dwelling with associated parking

5. Consultees:

5.1 TMBC Environmental Health:

Noise:

5.1.1 Due to the proximity of the A26, prior to first occupation of the building full details of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

5.1.2 The details should consider the levels cited in BS8233:2014 and how these will be achieved, namely:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,1-hour, and a maximum upper limit of 55dB LAeq,1-hour; and

2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

5.1.3 The Applicant's attention is also drawn to the ProPG on Planning and Noise issued by the Association of Noise Consultants (ANC), the Institute of Acoustics (IoA) & the Chartered Institute of Environmental Health (CIEH).

5.1.4 The report shall detail any mitigation/attenuation measure needed to attain the abovementioned levels. It is important that the applicant's noise assessment includes specific data and we will require these details for approval before any decision can be made. Specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, acoustic fencing etc) will also need to be submitted for approval.

6. Private Reps: 6 + site and press notice/5X/0S/5R. The reasons given for objecting to the proposed development are:

- Land ownership queried
- Parking and highways problems
- No parking

- Increased flooding
- Question use of garden room
- No information on materials or wastewater
- Cramped
- Loss of green space
- Roof different
- Loss of sunlight and daylight
- Main objection is outbuilding
- Outbuilding looks like a bungalow
- Concern over noise impacts
- How will services reach the bungalow
- Garden grabbing
- Construction impact concerns
- No sewer capacity
- Overlooking
- Outbuilding a self contained unit
- Not in keeping

7. Determining Issues:

7.1 The site lies within the urban boundary of Tonbridge, where new development is directed in accordance with policy CP1 of the TMBCS. Accordingly, there is no objection in principle to the erection of a dwelling here, with the key issues being the impact on the character and appearance of the area, neighbouring amenity, parking and highways, and consideration of 5-year housing land supply.

Character and appearance:

7.2 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.

7.3 These policies are broadly in conformity with those contained within the NPPF which relate to quality of new developments, in particular paragraph 130 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be 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).

7.4 The development patterns along Hadlow Road are very varied, with a wide range of dwelling types and plot sizes. The gaps either side of 105 Hadlow Road and its neighbour at 107 are comparatively large in comparison, and so the infilling of

this gap would not be considered to be out of keeping with existing space and separation along the street scene.

- 7.5 The new dwelling would sit comfortably within the gap, with good levels of separation maintained on each side of 1m, both between the host property and its neighbour. There is further separation between the neighbour's boundary and the neighbouring dwelling which increases the separation from the proposed house. This would be commensurate with the level of separation that would be expected for a suburban area.
- 7.6 In terms of the design of the dwelling, the scheme has been revised from earlier iterations to omit a large three store rear dormer. The simple gable end and mix of brick and render would match neighbouring properties and would be an unobtrusive addition to the street scene, in keeping with existing palettes and materials. The ridge height is slightly larger than the host property, but below that of the neighbour at 103. Overall, it is considered the design is appropriate for this suburban area and can enhance the street scene with a landscaping scheme, secured by condition.
- 7.7 Finally, as to the garden outbuilding, it would appear as a typical garden structure to provide additional ancillary space. Overall, it is not considered that the development would harm the character and appearance of the area, which would accord with policy CP24 of the TMBCS, and SQ1 of the MDEDPD.

Neighbouring Amenity:

- 7.8 On this matter neighbouring comments are noted. The principal considerations for neighbouring amenity are the impact of built form on adjoining gardens and properties (overbearing/overshadowing), loss of privacy from overlooking, and whether any noise impacts would be justified.
- 7.9 Dealing firstly with potential overbearing and overshadowing effects, I note that the property maintains good separation from number 103, which is further separated by its own side garden area. Whilst the building does extend beyond the rear building line of this property, given the level of separation it is not considered that this would be unusual or harmful for a suburban location. The property is also to the north-east of the neighbour at 103, and since the sun moves east to west, the impact on daylight and sunlight is not considered to be substantial, with the new development having no effect at all past a certain point in the day as the sun moves west.
- 7.10 Equally for the host dwelling at 105, the depth of the new dwelling is less so than the single storey rear projection of this property. It would not be expected to harm this dwellings amenity, or any other properties beyond given the greater levels of separation.

- 7.11 In terms of privacy and overlooking, all side facing windows can be obscure glazed to minimise overlooking. The rear outbuilding is single storey and so, although the rear garden is on a raised elevation, the building would not offer any vantage points into neighbour's gardens beyond existing ground levels. Any side facing windows can be obscure glazed by condition.
- 7.12 Whilst third party comments have been raised regarding potential noise impacts, it must be remembered that ordinary residential use will occasionally generate some noise and activity, but it is not usually beyond what would be expected in a residential area. This may include some parties or gatherings, but it is not reasonable or realistic to try and regulate these through the planning system. However, if noise and activity exceeded what is considered reasonable, then there is an alternative means to raise complaints, via noise/statutory nuisance legislation, through the Council's Environmental Health team or even the police. However, based on the proposed plans, there is no reason to think any excessive noise levels would occur.
- 7.13 In terms of outlook and visual impact of the outbuilding/development, it must be remembered that there is no right to a view in the planning system, particularly over third-party land. Some properties at the back of the site may be able to see the new outbuilding, but this does not suggest it would be harmful. It is also probable that a similar outbuilding could be constructed under permitted development once the dwelling was completed. New outbuildings are a routine occurrence in a suburban residential area. But a mere change in view or outlook does not equate to recognised harm in the planning system. It would also be open to neighbours to plant screening or fences if there was concern.
- 7.14 For these reasons it is not considered that the proposed development would have a harmful impact on the amenity of any adjoining properties.

Highway safety and parking provision:

- 7.15 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy SQ8 of the MDE DPD sets out that before proposals for development are permitted, they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development, is in place or is certain to be provided. It goes on to state that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network.
- 7.16 The development would provide two parking spaces on the front drive. It is understood that it would be accessed over highways land owned by Kent County Council. The applicant has served the correct notices on the landowner, and they would need to satisfy themselves that permission can be obtained from the

landowner to access the parking spaces over this land. The parking area would need to be installed and laid out prior to occupation as part of the standard planning conditions imposed.

- 7.17 For a single dwelling within an urban area, it is considered that the level of parking is appropriate. It would also accord with the Council's adopted parking standards and, although they were adopted some time ago, it is considered that the level of parking provided would be adequate to meet the needs of a 3-bedroom home. The site is also within walking distance of bus services into town which would at least offer some opportunities for car free travel.
- 7.18 Ultimately, parking can only be a justifiable refusal reason if the displacement of cars onto the road would cause an unacceptable safety impact, or the displacement of parking would cause such inconvenience to neighbouring properties as to unacceptable harm their amenity. The additional parking from a single dwelling with two off street parking spaces would simply not reach these high policy thresholds. Any overspill would be so minor that it would not represent a robust or sustainable reason for refusal.
- 7.19 As to any other highways impacts, a single dwelling not on a main road would not trigger the threshold for consultation with KCC Highways and, as before, the number of additional vehicle movements would be very minor. For these reasons, it is not considered that the development would harm highways safety, nor provide a level of parking that would be considered unacceptable, either in terms of neighbouring amenity or for the impact on the safety of the road. As a result, the development would not conflict with policy SQ8 of the MDEDPD, nor paragraph 111 of the NPPF.

Climate change/sustainability:

- 7.20 It should be noted that adopted policies CC1 and CC2 within the MDE DPD are considered to be out-of-date. This is because The Housing Standards Review in 2014 removed the voluntary Code for Sustainable Homes and made it clear that local plans should not be setting any additional local technical standards or requirements relating to the energy performance of new dwellings. The energy performance of new build homes is a matter for the national Building Regulations.
- 7.21 Notwithstanding this position, it is clear that (whilst not adopted for Development Management purposes) the Council's corporate Climate Change Strategy is a material consideration. As such, it is for the decision maker to decide what weight should be afforded to it in the overall balance.
- 7.22 The Council's Climate Change Strategy covers the period 2020-2030 and applies to all aspects of the Council's business, not just planning. It states that where the local plan is silent on a specific issue (which is the case given that the adopted policies are out of date and the current position with the new local plan progression), the NPPF and the climate change strategy will remain material

planning considerations to be considered when determining planning applications. This application must therefore be determined in accordance with the requirements set out within the NPPF, as follows:

7.23 Within the NPPF, at paragraph 152 it states that:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

7.24 Additionally, paragraph 157 of the NPPF advises:

“In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”

7.25 The proposed dwellinghouse should be as energy efficient as possible to seek to meet new climate change guidelines within building control and to create a long lasting and sustainable property for the future. Whilst no specific details are provided at the planning stage, it is likely that measures can be introduced following consent, for example, the property’s front roof slope is south-east facing and on an elevated position, which could make it suitable for solar panels or tiles, subject to visual impact consideration.

7.26 As such, it is considered necessary to require a scheme to be formally submitted prior to any above ground development taking place. The scheme should detail specifically how the dwellinghouse will be designed and constructed to reduce energy demands and which shows where renewable technologies will be employed and embedded within the construction of the building and the materials to be utilised.

7.27 National guidance sets out that conditions can enhance the quality of development and enable development to proceed in a wholly acceptable manner. Furthermore, where conditions can be used to make development acceptable, these should be utilised. As such, this is an acceptable way of ensuring the development comes forward in an acceptable manner in this respect and certainly result in a more sustainable building than what currently exists on site.

7.28 On this basis, I can conclude that the proposed development meets the national and Council requirements in terms of climate change and renewable technologies by way of the Council's Climate Change Strategy and paragraphs 152 and 157 of the NPPF.

Other material considerations:

7.29 The site does not have any trees that would warrant protection in proximity to the development, and as the plot is largely cleared it is not considered that there would be any ecology impacts or harm to biodiversity. Biodiversity enhancement can be incorporated into any future landscaping scheme.

7.30 Third party comments have questioned the outbuilding to the rear of the property and whether it would be a separate unit. For the avoidance of doubt, permission is sought on the basis of it being an ancillary outbuilding, providing additional living space for the occupants. This means it cannot be used as a self-contained property or a separate dwelling without planning permission being required. If such a use occurred in future, it would be open to the Council to seek enforcement action. The outbuilding does not have a separate access and shares the garden area of the main host dwelling, and so there is no reason to think this would occur.

7.31 As to the accuracy of the drawings, the applicant has declared them to be accurate when submitting the planning application and the Council must accept this at face value. If the dwelling was not built in accordance with the submitted plans, then it could be subject to enforcement action.

7.32 Matters of drainage and provision of services and infrastructure would be dealt with under the building control regime for a small development of this size. There is no reason to think such services could not be provided in a main town location.

7.33 The Council's Environmental Health team have requested conditions to ensure suitable noise mitigation is provided, given the proximity of the road. This is considered reasonable and necessary to ensure suitable living conditions for future occupants.

7.34 Tonbridge and Malling Borough Council cannot currently demonstrate a 5 year housing supply. In such circumstances paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development applies and the provision of new housing carries significant weight. This presumption is only disengaged if the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. There are no relevant policy designations in place that would justify disengaging the tilted balance.

7.35 Furthermore, there are not considered to be any adverse impacts that would significantly and demonstrably outweigh the benefits of one new home towards

local shortfall, which is the specific test provided for at paragraph 11 (d) (ii) of the NPPF in terms of applying the presumption in favour of sustainable development. Accordingly, the presumption in favour of sustainable development must be applied further increasing the weight in favour of granting permission. Subject to conditions, the application is therefore recommended for approval.

8. Recommendation:

- 8.1 **Grant planning permission** in accordance with the following submitted details: Proposed Elevations 30082A_13 A received 29.10.2021, Street Scenes 30082A_16 I received 29.10.2021, Proposed Floor Plans 30082A_17 A received 29.10.2021, Site Layout 30082A_18 K received 29.10.2021, Location Plan 30082A_50 D received 29.10.2021, Design and Access Statement 30082A_800 E received 29.10.2021, Letter Covering received 29.10.2021, Proposed Floor Plans 30082A_14 K received 26.01.2021, Proposed Elevations 30082A_15 M received 26.01.2021, subject to the following conditions:

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.
- 2 No above ground development shall take place until details of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.
- 3 The development hereby approved shall not be occupied until the areas shown on the submitted layout for a vehicle parking spaces 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 and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.
- 4 Prior to the first occupation of the development hereby approved a scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning authority. 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. 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.

- 5 The windows on the first floor side (flank) elevation shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be completed before the extension is occupied and shall be retained thereafter.

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

- 6 Prior to first occupation of the building full details of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The details should consider the levels cited in BS8233:2014 and how these will be achieved, namely:

1. for gardens and other outdoor spaces, in particular those in para 7.7.3.2 which states a desirable limit of 50dB LAeq,1-hour, and a maximum upper limit of 55dB LAeq,1-hour; and

2. to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in dining rooms/areas (ref para 7.7.2). Particular attention is drawn to the notes accompanying Table 4 in para 7.7.2 and that these levels need to be achieved with windows at least partially open, unless satisfactory alternative means of ventilation is to be provided.

The Applicant's attention is also drawn to the ProPG on Planning and Noise issued by the Association of Noise Consultants (ANC), the Institute of Acoustics (IoA) & the Chartered Institute of Environmental Health (CIEH).

The report shall detail any mitigation/attenuation measure needed to attain the abovementioned levels and specific details of any necessary noise insulation/attenuation requirements (e.g. acoustic glazing, acoustically screened mechanical ventilation, acoustic fencing etc).

Reason: To ensure an acceptable noise environment for future occupants.

- 7 No above grounds works shall take place until a detailed scheme that demonstrates how the approved dwellinghouse will be designed and constructed to reduce energy demands and which shows where and how renewable technologies will be employed across the development have been submitted to

and approved in writing by the Local Planning Authority. The development will be carried out in strict accordance with the approved details.

Reason: In the interest of reducing the energy demands of the development in accordance with paragraphs 112, 152 and 157 of the National Planning Policy Framework 2021 and the Borough Council's Climate Change Strategy.

- 8 The development shall be constructed at the level indicated on the drawing referenced 30082A_16 REV I received on the 29th of October 2021.

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

Informatives

- 1 A formal application for connection to the public sewerage system is required in order to service this development. More information is available on Southern Water's website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>. The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

- 2 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 addresses to the new properties. To discuss the arrangements, you are invited to e-mail to 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.

Contact: Adem Mehmet

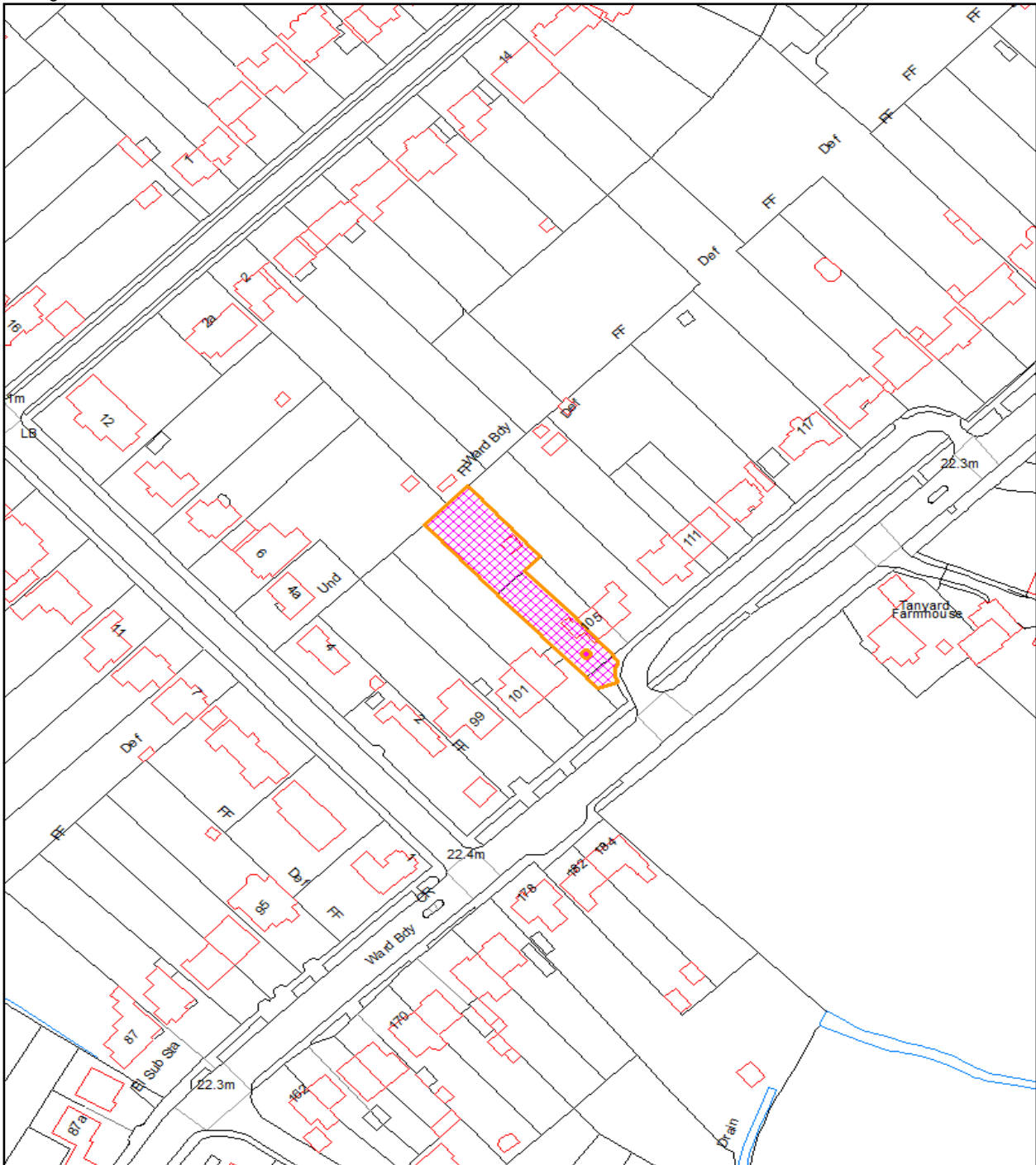
This page is intentionally left blank

TM/21/02915/FL

105 Hadlow Road Tonbridge Kent TN9 1QE

Construction of a single detached dwelling with associated parking and erection of an ancillary garden building

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank