

Tonbridge
Judd

18 September 2018

TM/18/02206/FL

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

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

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1. Description:

- 1.1 Members will recall that this application was deferred from the February meeting of the Area 1 Planning Committee to enable a Members' Site inspection to take place and for further information to be provided. A copy of my previous report is annexed in full for ease of information.
- 1.2 The inspection has been scheduled for 26 March at 8.30am. Any issues arising from the Members' Site inspection will be reported as a supplementary matter.
- 1.3 Since the application was deferred from the February APC1 meeting, the size and design of the dwellings or plots 1 and 2 within the south west corner of the site (adjacent to 4 Hillside) have been amended. Revised floor plans and elevation drawings have been submitted as has an additional street section drawing showing the relationship of these two amended dwellings in relation to the adjacent property at 4 Hillside. These revised drawings have been subject to a further round of consultation with local residents.
- 1.4 This pair of dwellings has been amended to achieve an overall height reduction at ridge level as well as at eaves level. The pair of dwellings would now stand 8.2m high at ridge level (reduced from 10.5m). The eaves level has also now been reduced to 4.9m high from 7m as previously proposed on unit 1 adjacent to no.4 Hillside.
- 1.5 The applicant has also submitted a further site layout plan (ref: 2675-A-1006.2-A) on which the back to back distances between the rear elevations of the dwellings within The Spinney and the above ground rear elevations of the proposed dwellings within plots 3-10 have been superimposed. The dimensions show that a distance of over 21m would be maintained between the proposed dwellings within plots 3-10 (above ground level) and the rear elevations of the dwellings at 17-25 The Spinney (odd). The ground floor of the dwellings within plots 3-10 of the proposed developed extend by 1.8m beyond the rear elevation of the upper floors of these dwellings.

1.6 The applicant has undertaken an additional parking count within the college campus on the 06 March 2019 and the results of that are shown in a letter dated 11th March alongside the data collected when the previous parking count was undertaken on 28 March 2018. The table showing the parking count data is reproduced below.

Time	Number of Cars Parked On-Campus		Future college parking capacity after Implementation of Ashill Scheme (350)
	Based on 28/03/19 Survey	Based on 06/03/19 survey	
08.00	72	52	350
09:00	254	219	350
10:00	315	244	350
11:00	342	335	350
12:00	330	346	350
13:00	308	316	350
14:00	260	303	350
15:00	203	245	350
16:00	167	193	350
17:00	102	129	350

1.7 The applicant has also stated that it owns most of the application site and has exchanged contracts with the college to purchase the remainder of the site in August 2019.

1.8 Members should also be aware that the college itself has now submitted an update to the previously approved Travel Plan which has to be assessed as a separate, albeit related, matter to the application currently under consideration. That Travel Plan accounts for the reduction in car parking spaces that the proposed development will cause and seeks to promote means of transport to/from the college by staff and students other than the private motor car. Alternative transport modes for staff/students will be promoted by the College website and other marketing materials and be provision of secure cycle stands within the site. Presently, 69% of staff travel to the site by car and the plan to encourage staff to switch to more sustainable modes of transport will also help to promote a more healthy lifestyle for them as well. In addition to promoting the use of these alternative means of transport, the Travel Plan also seeks to promote car sharing by creating a database of addresses amongst college staff and by

promoting the website “Liftshare”, a national car sharing website. The revised details of the Travel Plan for the college are likely to be determined in mid to late April.

2. Consultees (since 21 February 2019):

2.1 Private reps: 1 additional response has been received raising the following objections to the additional/revised drawings submitted:

- The back to back distances between the proposed dwellings and the existing ones in The Spinney are taken from the above ground level of the proposed house which is set 1.5m back from the ground floor of the dwellings. The plans do not, therefore, give true distances.
- The plans submitted are woefully short on information, including true distances and ridge height.
- The fresh plans for units 1 and 2 give very large roofs, unnecessarily so. The ridge height could be reduced significantly.

3. Determining Issues:

3.1 The applicant has amended the scale, form and design of the dwellings within plots 1 and 2, located within the south east corner of the site. This is in response to the comments made by the owner of 4 Hillside during the Area 1 Planning Committee in February, prior to the application being deferred for a MSI.

3.2 The two dwellings now take a more simple appearance than as previously shown. At ridge level, they have been reduced by 2.7m. Their finished internal floor level has also been reduced by 0.45m. The section drawing submitted shows the relationship between this pair of dwellings and no.4 Hillside to the west. Plots 1 and 2 would have the same eaves height as this neighbouring dwelling and they would stand 1m higher at ridge level. This pair of dwellings would also stand 1m lower at ridge level than the adjacent terrace of dwellings within plots 3-5. As now shown there would be a gradual increase in height of buildings between no. 4 Hillside and the dwellings within plots 3-5. As amended, the dwellings within plots 1 and 2 would provide an entirely comfortable transition between the development within Hillside and the taller buildings within the development itself.

3.3 The dwellings within plots 1 and 2 would still be sited and designed to avoid causing an unacceptable loss of privacy or overshadowing to the neighbouring properties within Hillside and The Spinney.

3.4 With regard to car parking, some criticism was previously made that only one survey had been undertaken by the applicant of how many car parking spaces were occupied by the college during a typical day. Criticism was also made that the survey was undertaken on the Wednesday before Maundy Thursday last year

(just before the Easter break). An additional parking survey has now been undertaken (on Wednesday 06 March) and the results of this shows that the proposed parking arrangements for the college post development (350 spaces) would be sufficient to cater for the needs of the college. This parking survey shows a similar level of parking to that shown in the earlier parking survey.

- 3.5 There was a suggestion made that air quality should be monitored at the junction of Dame Kelly Holmes Way and Brook Street, during the Members' Site Inspection. Officers undertook to liaise with the Environmental Protection Team in this regard and the following information seeks to explain why a one off analysis of air quality at this junction at this time would not be beneficial to the consideration of this particular planning application.
- 3.6 TMBC has a duty to review air quality in the Borough and this is undertaken primarily by means of installing a diffusion tube network for the pollutant Nitrogen Dioxide, to establish the annual average mean of Nitrogen Dioxide levels for comparison to the annual objective limit of 40ug-3. However Statutory Guidance states this objective should only apply at locations where members of the public might be regularly exposed, including the building facades of residential properties, schools, hospitals etc. For this reason where diffusion tubes are located at the kerbside or roadside for practicality, a distance correction will always be applied to establish the pollution level at the closest relevant building façade.
- 3.7 In choosing the placement of the diffusion tube network in areas where the objective limit may be exceeded, regard is given to a number of factors including, but not exclusively, the volume of traffic, the likelihood of traffic queueing (stationary traffic will generate more pollution), and whether there are any factors such as the existence of a street canyon which may inhibit pollution dispersal.
- 3.8 In the case of the junction at Dame Kelly Holmes Way/Brook St several factors indicate the objective level for NO₂ will not be exceeded and that monitoring at this time is not warranted, including;
- The volume of traffic/likelihood of queueing is unlikely to exceed other major junction areas where monitoring is already undertaken and the objective not exceeded, such as Cannon Lane/Hadlow Road (21.4ug-3 in 2017) and Bordyke/High Street (29.3ug-3 in 2017).
 - The area around the Dame Kelly Holmes Way/Brook St junction is very open giving a greater amount of pollution dispersal.
 - In relation to point 2 above, monitoring at the kerb/road side would require significant distance correction meaning exceedance at relevant receptors is unlikely.
- 3.9 The revisions to the scheme now provided serve only to improve the integration of the proposed dwellings with the existing neighbouring properties and the scheme

remains acceptable subject to the conditions set out below. As was stated in section 1 of this report, any issues that arise from either of the Members' Site Inspections will be report as a supplementary matter.

4. Recommendation:

4.1 **Grant Planning permission** in accordance with the following submitted details: Tree Protection Plan ASH21697-03B 1 of 2 dated 18.09.2018, Tree Protection Plan ASH21697-03B 2 of 2 dated 18.09.2018, Arboricultural Survey Impact and Method Statement dated 18.09.2018, Site Layout 2675-C-1005 L dated 18.09.2018, Flood Risk Assessment dated 15.10.2018, Other Appendices dated 05.11.2018, Flood Risk Assessment dated 18.09.2018, Statement support of development dated 18.09.2018, Assessment GEO-ENVIRONMENTAL dated 18.09.2018, Statement Foul Drainage and Utilities dated 18.09.2018, Ecological Assessment dated 18.09.2018, Transport Assessment dated 18.09.2018, Travel Plan dated 18.09.2018, Noise Assessment dated 18.09.2018, Statement community involvement dated 18.09.2018, Energy Statement and sustainability dated 18.09.2018, Design and Access Statement dated 18.09.2018, Location Plan 2675-A-1000 C dated 18.09.2018, Topographical Survey 2675-A-1002 A dated 18.09.2018, Sections 2675-A-1012 D dated 18.09.2018, Existing Plans 2675-A-1100 A dated 18.09.2018, Existing Plans 2675-A-1101 A dated 18.09.2018, Sections 2675-C-1211 F dated 18.09.2018, Sections 2675-C-1212 E dated 18.09.2018, Proposed Plans and Elevations 2675-C-3000 D dated 18.09.2018, Proposed Plans and Elevations 2675-C-3005 D dated 18.09.2018, Proposed Plans and Elevations 2675-C-3010 D dated 18.09.2018, Proposed Plans and Elevations 2675-C-3015 C dated 18.09.2018, Proposed Floor Plans 2675-A-3700 G dated 18.09.2018, Proposed Plans and Elevations 2675-C-3701 D dated 18.09.2018, Proposed Plans and Elevations 2675-C-3702 C dated 18.09.2018, Artist's Impression 2675-3D-5001 C dated 18.09.2018, Artist's Impression 2675-3D-5002 C dated 18.09.2018, Artist's Impression 2675-3D-5003 C dated 18.09.2018, Master Plan 1534/001 rev E landscape dated 18.09.2018, Letter dated 30.10.2018, Drawing 2675-A-1006-2-A dated 01.03.2019, Sections 2675-C-1212-F dated 01.03.2019, Sections 2675-C-1215-A dated 01.03.2019, Site Layout 2675-A-1004 D dated 01.03.2019, Site Layout 2675-A-1005-N dated 01.03.2019, Sections 2675-C-1210-G dated 01.03.2019, Proposed Plans and Elevations 2675-A-3000-H dated 01.03.2019, Proposed Plans and Elevations 2675-A-3001-A dated 23.11.2018, Email dated 11.03.2019, Other Parking Survey dated 11.03.2019, Section 2675-C-1216-A dated 11.03.2019, subject to:

- The applicant entering into planning obligation(s) under section 106 of the Town and Country planning Act 1990 (as amended) with the local planning authority to:
 - (a) provide a scheme of affordable housing as part of the development that would deliver no less than 17 units of affordable housing, and

(b) make financial contributions towards the enhancement of existing open spaces with the locality,

- The applicant entering into a planning obligation under section 106 of the Town and Country planning Act 1990 (as amended) with the Council to make financial contributions towards the enhancement of community infrastructure, consisting of:
 - phase 1 of the Judd School expansion
 - Improvement to South Tonbridge Children's day centre
 - Increasing library bookstock at Tonbridge library, and
- The following conditions:

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

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

2. No above ground works shall take place 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.

3. No above ground works shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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

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

5. The bathroom window on the rear elevation at first floor level of unit 2 shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the extension is occupied and shall be retained thereafter.

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

6. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) Results of additional ground gas monitoring at WS4 and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

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

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

Reason: In the interests of amenity, public safety and human health

7. Following completion of the approved remediation method strategy, and prior to the first occupation of the development, a relevant verification report that

scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

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

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

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

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

Reason: In the interests of amenity and public safety

9. Prior to the commencement of the development hereby approved, arrangements for the management of all construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:
 - The days of the week and hours of the day when the construction works will be limited to and measured to ensure these are adhered to;
 - 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;
 - Procedures for notifying the existing residents of Riverbank House as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
 - The specific arrangements for the parking of 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 the interests of residential amenity and highway safety in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

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

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

11. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:
- o A description of the drainage system and its key components
 - o A general arrangement plan with the location of drainage measures and critical features clearly marked
 - o An approximate timetable for the implementation of the drainage system
 - o Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
 - o Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime
 - o The drainage scheme as approved shall subsequently be maintained in accordance with these details.

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

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

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

13. The measures set out in the Travel Plan shall be implemented within the timescales prescribed therein.

Reason: In the interests of promoting sustainable travel choices to future residents in order to minimise impact upon highway safety.

14. The buildings hereby approved shall be built at the levels shown on approved plans.

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

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

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, or E of Part 1 of Schedule 2 of that Order.

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

17. None of the dwellings shall be occupied until details of a scheme to install electric vehicle charging points within the development has been submitted to and

approved by the Local Planning Authority. The work shall be carried out in strict accordance with those details prior to the occupation of any of the dwellings within the site.

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

18. The development shall be carried out in accordance with the following plans:

Sections 2675-C-1211 G dated 01.03.2019, Proposed Plans and Elevations 2675-C-3005 D dated 18.09.2018, Proposed Plans and Elevations 2675-C-3010 D dated 18.09.2018, Proposed Plans and Elevations 2675-C-3015 C dated 18.09.2018, Proposed Floor Plans 2675-A-3700 G dated 18.09.2018, Proposed Plans and Elevations 2675-C-3701 D dated 18.09.2018, Proposed Plans and Elevations 2675-C-3702 C dated 18.09.2018, Master Plan 1534/001 rev E landscape dated 18.09.2018, Drawing 2675-A-1006-2-A dated 01.03.2019, Sections 2675-C-1212-F dated 01.03.2019, Sections 2675-C-1215-A dated 01.03.2019, Site Layout 2675-A-1004 D dated 01.03.2019, Site Layout 2675-A-1005-N dated 01.03.2019, Sections 2675-C-1210-G dated 01.03.2019, Proposed Plans and Elevations 2675-A-3000-H dated 01.03.2019, Proposed Plans and Elevations 2675-A-3001-A dated 23.11.2018, Section 2675-C-1216-A dated 11.03.2019

Reason: In order that the development conforms with the approved drawings

Informatives

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@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 Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.

Contact: Matthew Broome