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**Report from 21 February 2019**

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**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 Planning permission is sought to redevelop part of the existing college campus at Brook Street, Tonbridge for a residential development comprising the following:
- A building to contain 33 no apartments (10 no. 1-bed and 23 no. 2-bed)
  - 12 no. 3 bedroom dwellings
  - 8 no. 4 bedroom houses.
- 1.2 The site will be accessed from Dame Kelly Holmes Way along the route of the existing access road serving the rear section of the college campus. The existing road would be extended along the current alignment of the college access road from the point where Dame Kelly Holmes way terminates.
- 1.3 The site will be laid out with a terrace of 4 no. dwellings located adjacent to the existing block of dwellings located at the southern end of Dame Kelly Holmes Way, although they would be set further back from the road frontage to provide frontage car parking for each dwelling (2 no spaces for each dwelling). This terrace of dwellings would stand 10m high at ridge level and 5.5m high at eaves level. Accommodation will be arranged over three levels with the upper level being located within the roof of the dwellings. The drawings indicate that the dwellings would be of dark brown stock brick construction and the pitched roofs would be clad with grey coloured tiles.
- 1.4 To the south west of this first terrace of houses, the apartment building would be located. This building would face onto the existing college building located on the opposite side of the access road. This apartment building would be located on part of the site where a sharp change in land level occurs. The front of the apartment building would stand between 9m and 13m above the ground level of the access road. A small section of this building located at its eastern end would stand approx.6m above ground level due to the raised level of that part of the site. To the rear, the apartment building would stand between 6.6m and 10m high

above ground level. This building would have flat roofs and be formed mainly of the same brick to be used on the adjacent terraced dwellings, although sections of the building on all four elevation would be faced with white coloured render. Panels of vertical grey panelling would also be used to clad the top floor elevations of the building and horizontal panelling would also be used adjacent to the some of the windows, as well.

- 1.5 Parking for the apartments would take place on the basis of 1 dedicated space per apartment. These spaces would be provided in bays to the front of the building and within a shared parking court behind the apartment building. Eleven no. parking spaces would be provided for visitors as part of the overall development.
- 1.6 The remaining dwellings would be arranged along the southern part of the site in two terraces of three dwellings and four pairs of semi-detached houses. These dwellings would be aligned in a general north/south alignment and be accessed from a shared block paved driveway. The dwellings would stand between 5.5m and 7m high at eaves level and between 9.5m and 10m high at ridge level. They would be finished externally from render and brickwork.
- 1.7 The applicant has confirmed agreement to providing 17 of the proposed dwellings as affordable housing. This equates to a provision of 32%. The proposed tenure is 12 units for shared ownership and 5 units for affordable rent.

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

- 2.1 In light of the significant local interest that the application has generated.

## **3. The Site:**

- 3.1 The site is located within the urban confines of Tonbridge and forms part of the existing campus site of West Kent College. The site is located at the southern end of the campus site and is accessed from Dame Kelly Holmes Way. Currently, the site contain two buildings; one used by the college and the other a former children's day nursery. The site also contains car parking areas currently associated with the college and the nursery building.
- 3.2 Residential properties in The Spinney lie to the rear (south) of the site. Residential properties in Hillside adjoin the west boundary of the site and dwellings within Quarry Bank adjoin the site to the east. As has been referred to above, the residential properties in Dame Kelly Holmes Way are located to the north east of the site. The existing college buildings are located immediately to the north of the application site as well as a car park that will remain in use by the college.
- 3.3 The land levels change significantly across the site. A steep bank is located between the accessed road the position of the former nursery building. The land continues to slope up towards the rear (southern) boundary.

3.4 A woodland Tree Preservation Order includes part of the south east corner of the site (between the college land and properties in Quarry Bank).

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

TM/99/00846/FL Grant With Conditions 13 October 1999

erection of single storey nursery (510sq.m) and associated car parking provision (18 dedicated spaces)

TM/03/02632/FL Grant With Conditions 8 October 2003

installation of new modular building along side Ashurst building

TM/04/00775/FL Grant With Conditions 14 June 2004

Change area of grassland into temporary car parking area

TM/04/02949/EASC screening opinion EIA 8 September 2004  
not required

Request for screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulation 1999 for partial demolition and development of the campus for educational purpose

TM/04/02960/EASC screening opinion EIA 8 September 2004  
not required

Request for screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulation 1999 for residential development

TM/05/00780/OA Grant With Conditions 16 September 2005

Outline Application for residential development comprising 50 dwellings and associated access and landscaping

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TM/05/00787/OA      Grant With Conditions      16 September 2005

Outline Application for partial redevelopment and improvements to the existing college campus

TM/07/01081/EASC      screening opinion EIA      29 March 2007  
not required

Request for Screening Opinion under Regulation 5 of the Town And Country Planning (Environmental Impact) Regulations 1999 for proposed erection of new buildings (up to five storeys in height) for purposes within use class D1 (non-residential education) with ancillary hard and soft landscaping forming the new West Kent College Campus 21 Development

TM/07/01286/FL      Approved      31 July 2007

Proposed college master plan project consisting of the erection of new educational buildings, improved access arrangements and associated car parking, landscaping and ancillary development

TM/12/00729/FL      Approved      5 September 2012

Demolition existing educational buildings and full application proposing 51 residential units with associated car parking and ancillary development

TM/12/00767/EASC      screening opinion EIA      13 March 2012  
not required

Request for Screening Opinion under Part 2 Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for proposed residential development consisting of 51 units with associated car parking, landscaping and ancillary development

TM/12/00768/EASC      screening opinion EIA      13 March 2012  
not required

Request for Screening Opinion under Part 2 Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 for a new technology centre, car parking and proposed sports hall

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## 5. Consultees:

### 5.1 KCC (H&T):

#### Original Comments

##### **Access**

- 5.1.1 The applicant has proposed amendments to the existing access road that serves the car parking areas situated south of the main college building. Modifications to the access road include: removal of the existing one-way road markings, signage and barriers, with the replacement of two-way road markings and centre lining to enable two-way traffic flows (drawing number '2017/4089/004' Rev E titled '*Proposed Access Arrangements*'). I also note that a carriageway width of 6 meters will be maintained for the duration of the access road. The width of the carriageway is in accordance with the guidance contained in the Kent Design Guide for a '*Major Access Road.*'
- 5.1.2 As demonstrated on drawing 'A-1004' Rev A titled '*Site Layout Context,*' several parking spaces allocated to the proposed apartment block will front directly onto the reconfigured access road.
- 5.1.3 Given the low number of properties that the access road will serve and when considering the advice in paragraph 7.9.3 of Manual for Streets (MfS), this is considered an acceptable approach in this instance.
- 5.1.4 I note that an overrunable area is proposed approximately 54 meters north of plot 12. It would be helpful to understand the purposes of this area, for example, is it designed to accommodate the swept paths of larger vehicles such as a refuse freighter? If this is the case, then additional swept path analysis should be provided demonstrating that the turning manoeuvres are isolated to the overrunable area only, and not the adjacent footway. In addition, a further or amended scaled drawing should be produced that clarifies the forward visibility at this point. Confirmation of the intended design speed of the road would be helpful to confirm that a commensurate level of forward visibility is proposed.
- 5.1.5 It is important to note that the existing access road does not form part of the publicly maintained highway, as shown in the highway definition plan, which is contained in Appendix C of the applicant's Transport Assessment (TA). Therefore, the applicant will not be required to enter into a section 278 agreement under the 1980 Highways Act in this instance. It is noted that the proposals have not been subject of an independent stage 1 road safety audit (RSA), however, as none of the proposed works affect the public highway, this is not something that Kent County Council Highways and Transportation (KCC H and T) could insist upon.

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## **Sustainable travel**

### **Walking and cycling**

- 5.1.6 The TA highlights how the site is well placed in relation to key local facilities. Examples of nearby facilities include Tonbridge train station, Tonbridge town centre and its associated shops and services, which fall within the '*preferred maximum*' walking distance of 2km for commuting and sight-seeing and 1.2km elsewhere quoted in '*Providing for Journeys on Foot*' (Guidelines for Providing for Journeys on Foot, The Institution of Highways and Transportation, 2000).
- 5.1.7 To ensure that the site has adequate pedestrian links and encourage sustainable modes of transport the applicant has proposed a 2-meter-wide footway on the eastern side of the access road.
- 5.1.8 As demonstrated on the submitted drawings this will connect with the footways in the development's internal layout. It is also noted that a dropped kerb crossing point with tactile paving will be provided at the development's boundary with the recently constructed Bellway development (TMBC reference: 12/00729/FL). Although KCC H and T have no fundamental objection to these proposals, the rationale behind it is unclear. It appears a connection to the footway constructed as part of the Bellway development could be provided, whilst still providing access to the existing pedestrian crossing facilities on the northern section of Dame Kelly Holmes way and Brook Street itself.

### **Public transport**

- 5.1.9 The nearest public bus stop to the site is situated on Brook Street outside the Judd School, which is within 400 meters of the site. Additional bus stops are also situated outside The Hayesbrook School and the A26 near to Spring Well Road, all of which are within approximately 500 meters of the site. Details of the services associated with these stops have been listed within the applicant's TA (Table 3.1).

Both the Judd and Hayesbrook School stops primarily provide school services, besides from bus number 211 which provides a circular route around Tonbridge, meaning they will have limited attractiveness to residents of the development. However, the A26/ Springwell Road stop provides a greater range of more frequent services to both local and further afield destinations. Although the distance to the stop is outside of the 400 meters recommended in paragraph 5.22 of The Institution of Highway & Transportation publication titled '*Guidelines for Planning for Public Transport in Developments*,' it is still within the maximum recommended walking distance.

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## **Trip generation**

### **Baseline situation**

5.1.10 To quantify the net change in traffic generation from the site because of the proposals the applicant has compared the amount of traffic generated by the existing nursery, against that likely to be generated by their proposals. It should be noted that the applicant has not undertaken any '*discounting*,' of trips associated with the '*Oaks Building*,' which helps to ensure a robust assessment.

I note that the applicant has forecast that the existing children's day nursery situated on the site generates 33 two-way movements in the AM peak (08:00 to 09:00), 30 two-way movements in the PM peak (17:00 to 18:00) and 169 two way-movements across a daily period. To derive these rates the applicant has interrogated TRICS, the national trip generation database, to identify sites in a comparable location.

### **Future situation**

5.1.11 The applicant has forecast that the proposals are anticipated to generate 25 two-way movements in the AM peak, 25 two-way movements in the PM peak and 233 two-way movements across a daily period. These forecasts are based upon the housing schedule (flat/houses) put forward and would become invalid, should the housing schedule change.

5.1.12 As for the existing day nursey the applicant has interrogated TRICS to identify sites in a comparable location and derive the referenced trip rates. I note that the applicant has focused primarily on sites in an edge of town centre, suburban and edge of town location. The rates proposed have been sense checked and are considered to provide a suitable basis for assessment.

5.1.13 In order to further validate the trip rates put forward the applicant has also undertaken a survey of the adjacent Bellway site. I note that this survey was undertaken on a day in a neutral month (Wednesday 13th June 2018) across the AM and PM peak in accordance with the guidance in the Design Manual for Roads and Bridges (DMRB) advice note TA/23/81. As demonstrated in table 6.2 of the applicant's TA the trip rates for '*houses*' are broadly similar to those identified from the TRICS database, ensuring a greater degree of robustness to the applicant's adopted methodology.

Finally, to identify the net change in traffic generation because of the proposals the applicant has compared the difference in traffic movements between the existing nursery and the 53 dwellings proposed (table 6.6 in applicant's TA). Importantly, this confirms that the proposals are anticipated to lead to an overall reduction in traffic from the site during the AM and PM peak periods. It is noted that the proposals are likely to lead to increase in movements across a daily period, however, these additional movements will be outside of the highway's peak hours of operation, when there is less demand on it and a greater amount of spare capacity as a result.

### **Trip distribution**

- 5.1.14 The distribution of traffic onto the local highway network has been based on the distribution observed in the manual classified turning count (MCTC) surveys undertaken by the applicant.
- 5.1.15 From analysis of the MCTC survey undertaken the applicant anticipates that 79.5% of trips will route to/from the east (towards/from the A26/Tonbridge town centre) in the AM peak with the remaining 20.5% of trips routing to/from the west (towards/from Quarry Hill Road and A21). However, in the PM peak the applicant has anticipated that 91% of trips will route to/from the east with the remaining 9% of trips routing to/from the west. A full breakdown of the distribution applied by the applicant is shown in their flow diagrams, which are contained in the appendix of their TA.

### **Traffic Impact**

- 5.1.16 The assessment of the traffic impact that the proposals are likely to have has been founded on traffic surveys undertaken by the applicant on Wednesday 13th June 2018. These surveys were undertaken at both the college accesses j/w Brook Street and the A26/Brook Street roundabout, with the full details located in Appendix J of the applicant's TA. However, it appears that the survey data for arms B and C of junction 2 (Brook Street j/w Dame Kelly Holmes Way) has been omitted from Appendix J. This information should be provided for validation by this authority.
- 5.1.17 In addition to the traffic surveys the applicant has provided an analysis of the personal injury collision record for the proposal's immediate proximity, which covers the last 5-year period up to the 30th September 2017. It is noted that this information has been sourced from Kent County Council's Transport Intelligence Team. This analysis has identified 8 collisions within the study period, 3 of which occurred at the Brook Street/A26 roundabout. However, it is noted that of the 3 collisions recorded at the Brook Street/A26 roundabout 2 were because of driver error and 1 the result of the driver suffering a medical episode, with none the direct result of any defects in the highway or its layout.
- 5.1.18 Two collisions also occurred within close proximity of Dame Kelly Holmes j/w Brook Street. One of these collisions was the result of a pedestrian stepping out from the footway into the path of a turning vehicle, whilst the other was the result of a vehicle moving off from a parked position and hitting the face of a pedestrian as a result. Neither of these collisions resulted in any serious injuries.
- 5.1.19 To account for future traffic growth and ensure a robust assessment of traffic impact the applicant has used growth rates, which have then been applied to the results of the traffic surveys. However, it is noted that no '*committed development*' has been accounted for. Having checked Tonbridge and Malling Borough Council's (TMBC) Planning Portal, KCC H and T are not aware of any additional development that should be included as '*committed development*', within the traffic impact assessments undertaken.



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**Dame Kelly Homes Way/Brook Street**

5.1.20 The applicant has undertaken a junction capacity assessment for the site access junction. I note that the junction capacity assessment includes the existing situation (2018 observed), future situation without development (2023 baseline) and future situation with development (2023 with development). The results of this assessment confirm that the junction will continue to operate within capacity with minimal queuing once the development proposals have been accounted for.

**Brook Street/A26**

5.1.21 To assess the residual cumulative affects of the proposals the applicant has also undertaken a junction capacity assessment of the Brook Street/A26 roundabout, this assessment includes the existing situation (2018 observed), future situation without development (2023 baseline) and future situation with development (2023 with development).

5.1.22 Results of the capacity analysis undertaken confirm that the junction is currently operating within capacity. As part of Tonbridge and Malling Borough Council's emerging Local Plan a TA has been commissioned, which includes a junction capacity assessment of the Brook Street roundabout junction. The results of this assessment are broadly similar to those contained within the applicant's TA and also confirm that the junction is operating within capacity

5.1.23 It should be noted that the results of the junction capacity assessments contained within the TA for the emerging Local Plan are not directly comparable to those contained within the applicant's TA. This is because the AM and PM peak period modelled are based upon peak times identified in the traffic surveys undertaken, rather than the highways traditional peak hours of operation (08:00 to 09:00 and 17:00 to 18:00).

5.1.24 The applicant has undertaken capacity assessments at the junction both with and without the development's traffic. The results of this assessment confirm that the junction will continue to operate within capacity with no additional queuing, over and above that anticipated because of forecast background growth.

5.1.25 Further modelling of the junction which has been undertaken as part of the TA for the emerging Local Plan confirms that the junction will be over capacity in the Local Plan period because of background future growth and planned development. However, the proposals in themselves are not anticipated to lead to any worsening of conditions at the junction or overall increase in movements through the junction that originate from the site in the AM of PM peak periods. As a result, it is not considered that requesting a contribution from the applicant towards any improvements would pass the required tests in terms of reasonableness as set out in paragraph 55 of the National Planning Policy Framework (NPPF).

[DPHEH: Members should note that the junction will not be over capacity once mitigation coming forward through the local plan is implemented]

## Parking

5.1.26 The applicant has proposed to provide 93 car parking spaces (paragraph 5.1.3 of TA and drawing number 'C-1005', titled '*Site Layout*'), which includes 11 visitor parking spaces. Based upon the housing schedule contained within the applicant's TA (table 5.1) a total of 78 car parking spaces should be provided in accordance with Kent Design Guide: Interim Guidance Note 3 (IGN3). Upon review of the layout drawing submitted it appears that the applicant has included both garages/car barns and tandem spaces associated with the 4-bedroom dwellings within the stated provision, contrary to IGN3 guidance. IGN3 states that garages are only to be counted as additional and dwellings with 4 bedrooms or above are to be provided with 2 spaces, which are independently accessible in design. There is scope to achieve full compliance with IGN3 through amendments to the layout.

5.1.27 However, it should be noted that even once the total number of garage/car barn and tandem spaces proposed (11) are subtracted from the overall stated provision (93), the quantum of parking proposed accords with the requirements in IGN3.

5.1.28 I note that a level of cycle parking will be provided that is in accordance with Supplementary Planning Guidance (SPG4) Kent Vehicle Parking via secure cycle stores in the gardens of the houses and a communal cycle store on the ground floor of the apartment building. This approach is acceptable to KCC H and T.

## Turning and servicing

5.1.29 Swept path analysis has been submitted in the '*drawings*' section of the applicant's TA. This analysis indicates that both a 12-meter-long refuse freighter and 7.9-meter-long fire appliance will be able to turn within the turning heads proposed and egress back onto Dame Kelly Holmes Way in a forward manner. It would be helpful at this stage to understand if the applicant proposes to offer any of the development for adoption. I note that the applicant has confirmed that the works will be undertaken to adoptable standards (paragraph 4.2.8 of the TA). However, the section of road preceding the proposals is not public highway, meaning it may be difficult to retrospectively provide the technical details required that demonstrate the section of road in question has been built to an adoptable standard.

5.1.30 Consultation is recommended with Kent Fire and Rescue Service (KFRS) to ensure that the access arrangements and layout is adequate for their requirements.

## College car parking provision

5.1.31 As requested in KCC H and T formal pre-application advice letter the applicant has undertaken a parking beat survey to determine the impact of the proposals on the college's parking provision.

5.1.32 SPG4 advises that further and higher education establishments (use class D1: Non-Residential Institutions) should be provided with a maximum of 1 space per 1 staff and 1 space per 7 students. Therefore, based upon the number of staff and students that

are anticipated to attend the college daily (1630) following the removal of the 'Oaks Building', a maximum of 396 spaces would be required. Therefore, the future provision (350 spaces) is still in accordance with SPG4 guidance.

5.1.33 I note that an independent survey company was commissioned to undertake hourly parking beat surveys on 23rd March 2018 between 08:00 and 17:00, which is within the college's term dates. It is noted that the results of this survey have been factored by 19 vehicles to reflect in the change in future parking demand, because of the loss of the 'Oaks Building' and relocation of the students who currently attend courses within this building.

5.1.34 The results of this survey (shown in table 5.2 and figure 5.1) demonstrate that during the period surveyed the capacity of the existing car park was not exceeded at any point. Highest accumulations were observed at 11:00 when 342 of the 524 available spaces were occupied. Crucially, the applicant has then gone on to forecast future car parking demand against the college's future car parking capacity, after the proposals have been implemented. This analysis confirms that the future capacity of 350 car parking spaces will be adequate for the forecast operational demands of the college, without any overflow parking on adjacent residential streets.

5.1.35 It is noted that a barrier and permitting system will also be introduced as part of the revised car parking strategy, this will prevent long stay parking by vehicles not associated with the college, such as commuters. This is a measure that the college could choose to implement at any time, irrespective of the outcome of this planning application.

5.1.36 As advised by KCC H and T in our formal pre-application advice to the applicant it is understood that there are existing student parking issues on the roads adjacent to the development, namely Dame Kelly Holmes Way, Shakespeare Road, Scott Road and College Road. It would be helpful to understand if the applicant has commissioned any parking beat surveys in these areas to identify the base line situation and any spare on street parking capacity that may or may not be available.

### **Travel plan**

5.1.37 The applicant has stated that several measures, including an updated travel plan, will be implemented to discourage vehicular trips and promote the use of more sustainable forms of travel. Unfortunately, the travel plan in question does not appear to have been submitted with the applications supporting documents. Checks with colleagues within KCC H and T confirm that no travel plan has ever been submitted to the Jambusters site. I would therefore be grateful if the applicant could provide a copy of the document in question for review by this authority.

### Further comments:

### **Access**

5.1.38 I am grateful for the additional swept path analysis undertaken (*drawing number: '2017/4089/008' titled 'Refuse Swept Path Analysis'*), which demonstrates that turning

manoeuvres will be isolated to the overunable area only. Clarification has also been provided in respect of the overunable areas intended purpose and design speed of the proposal's internal roads. As stated within the applicant's response dated 29th October 2019 the near 90-degree bend will have a natural traffic calming effect at this point in the carriageway. I note that an additional drawing has been provided demonstrating the forward visibility splay at this point. It is accepted that a level of forward visibility can be achieved through the bend that is in accordance with the guidance in Manual for Streets (MFS).

### **Traffic impact**

5.1.39 The traffic survey data that had been omitted from the appendix of the transport assessment that was previously submitted by the applicant has now been provided. The results of this survey have been validated by this authority.

### **Electric vehicle charging points**

5.1.40 It is noted that the applicant is willing to provide the level of electric vehicle charging points requested in this authority's initial consultation response.

### **College car parking provision**

5.1.41 I note that the applicant has undertaken a parking survey of the adjacent residential roads as requested in Kent County Council Highways, Transportation and Waste (KCC H, T and W) formal pre-application advice. It is important to note at this point that Dame Kelly Holmes Way does not form part of the public highway and is therefore the responsibility of the land owner to maintain. As a result, the existing double yellow line parking restrictions are the responsibility of the management company appointed by the landowner to enforce.

5.1.42 It is acknowledged that the results of this survey confirm that the residential streets nearby to the proposals are suffering from a high level of parking stress. However, having undertaken a site visit I note that a range of parking restrictions are prevalent that include both double and single yellow lines on some sections of the roads in question. The on-street parking controls already in place enable me to conclude that the proposed development will not result in on-street parking behaviour that could cause hazards to other road users. Accordingly, a highway-based objection on parking or highway safety related grounds is not considered to be sustainable in this instance. In addition, as highlighted within this authority's initial consultation response the applicant has demonstrated that the future college car parking provision will be adequate for forecast demand.

### **Summary**

5.1.43 I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority.

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

- Secondary Education enhancement: £105,967 (Phase 1 Judd School expansion).
- Community Learning: £1726.19 (Tonbridge Adult Education Centre)
- Youth: £713.93 (Towards South Tonbridge Children's Centre)
- Library bookstock: 2544.84 9Towards Tonbridge library bookstock)
- Social Care: £2861.47 (Towards Tonbridge Derwent Day Centre for older people – kitchen improvements)

5.3 KCC (SUDS): The drainage strategy proposed within the Flood Risk Assessment is acceptable for this development. Where possible we recommend that a slightly slacker gradient of 1:3 is used for open attenuation features applied for both safety and maintenance. However, we believe that this could be considered for incorporation at the detailed design stage.

5.3.1 As this is a full application, we request pre-commencement conditions are attached to this application because full details of the drainage system are necessary before any work on site can take place. This ensures the proposed drainage strategy is suitable to manage surface water for the site and to not increase the risk of surface water flooding.

5.4 Natural England: No objection. Consideration must be given to national and local planning policy concerning the development in relation to the High Weald AONB.

5.5 Southern Water: Southern Water can provide foul sewage disposal to service the proposed development.

5.6 EA: The application has a low environmental risk. There are no constraints therefore we have no comments to make.

5.7 Private reps: 36 + site + press notices: 0X/1S/25R: The 25 letters raise the following objections to the proposed development:

- Loss of privacy.
- Impact upon fresh air and lighting.
- Noise nuisance would increase to an unacceptable level.
- The development would squeeze too many properties into a site which is not large enough. Individual house footprints are too small.

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- Not enough parking for each dwelling.
  - No provision is made for infrastructure for services such as schools, putting added pressure on existing services.
  - The existing car parks are full and additional student parking is required.
  - Overlooking to the neighbouring residential properties in the Spinney due to the close proximity of the new houses and three floors of accommodation.
  - Loss of summer sunlight to end of adjacent rear gardens.
  - The dwellings would dominate the outlook from the neighbouring properties and are too tall.
  - The scheme is an overdevelopment of the site.
  - The dwellings are out of keeping with the neighbouring ones which have lower roof profiles and more space per plot.
  - It is not realistic for the students to travel to the college by modes of transport other than the car. Therefore, there will be additional car parking within the adjacent residential streets.
  - The land should be safeguarded for the college to expand into if needed.
  - The ecological appraisal does not reflect the ecology of the site.
  - The existing utilities will be unable to cope with the additional demands from the proposed dwellings.
  - The access road aligns itself with Hillside. A condition should forbid a vehicle access being gained between the site and Hillside.

## 6. Determining Issues:

### Principle of the development:

- 6.1 Policy CP 11 of the TMBCS states that development will be concentrated within the defined confines of urban areas within the Borough including Tonbridge. The proposed development therefore accords with this development plan policy.
- 6.2 In the absence of a five year supply of housing, consideration must be given to whether the development plan now conflicts with the current NPPF which was published on the 24 July 2018. With regard to the principle of the proposed development given that the Development Plan (policy CP 11) supports additional residential development within the Tonbridge urban area, there is no conflict between this and the NPPF, the principle purpose of which is to achieve

sustainable development through the application of the presumption in favour of sustainable development. Consequently, the presumption in favour of sustainable development, which is set out in paragraph 11 of the NPPF applies to the proposed development.

6.3 Paragraph 11 (d) of the NPPF states that, planning permission should be granted 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.

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.4 The policies to which this applies are set out in footnote 6. The site does not lie within any of the areas specifically referred to in footnote 6 of the NPPF and as such, the presumption in favour of sustainable development must be invoked unless any adverse impacts of the development would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF.

6.5 Members will be aware that the Council has now submitted its Local Plan for examination by the Secretary of State. The policies contained within the plan at this time (pending examination) carry only limited weight. In any event, there are no policies contained within the Plan that seek to resist development of this nature in locations such as this. Any implications for the strategic objectives (in particular the allocation of land nearby known as “south Tonbridge” will be addressed in the assessment that follows where appropriate to do so.

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

6.6 Policy CP24 of the TMBCS requires all developments to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its surroundings.

6.7 MDE DPD Policy SQ1 states that, inter alia, proposals for development will be required to reflect the character and local distinctiveness of the area including its historical and architectural interest as well as the distinctive setting of, and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.

6.8 The site of the proposed development is surrounded predominantly by residential areas (to the north east, east, south and west). The streets and dwellings vary in terms of age in terms of layout, form, design and use of materials. The dwellings

in Dame Kelly Holmes Way fronting the access road consist of mainly of terraced and semi-detached, two storey dwellings of red brick construction with cream weather boarding detailing at first floor level. These dwellings contain rooms within their roofs, with some of the dwellings presenting dormer windows within the front roof slope.

- 6.9 The dwellings within the Spinney are arranged on both sides of a cul de sac and date from the 1980's. The dwellings are detached and larger than the terraced dwellings located in Dame Kelly Holmes Way and have been developed at a lower density than that newer development. The dwellings in the Spinney are constructed from buff and red brickwork under pitched roofs clad with grey concrete tiles.
- 6.10 Quarry Bank to the south east of the site is a clustered cul-de sac development. It has a tighter, more densely built feel than The Spinney and contains detached dwellings formed predominantly from red/brown brickwork, although buff brick and render also feature. The dwellings are detached and have more steeply pitched roofs than those in The Spinney.
- 6.11 Of course to complete the context of the site, regard must be given to the buildings within the West Kent College site that will remain were the development to be built. The building located closest to the siting of the proposed dwellings is a part three storey, part four storey, flat roofed building finished externally from black brickwork and contrasting white render. This faces directly onto the access road, opposite the position of the proposed flatted building. To the south of this building a buff brick building with a pitched roof stands side on to Dame Kelly Holmes Way.
- 6.12 It is apparent, therefore, that the character and layout of buildings surrounding the site varies considerably and it is in this particular context that the layout and form of the development has to be considered.
- 6.13 The development can be considered in three distinct elements as far as the layout is concerned. Each will be considered in light of its immediate context as well as the development as a whole.
- 6.14 A terrace of four dwellings would be built on the south east side of Dame Kelly Holmes Way and would follow the alignment of the existing dwellings fronting onto this road, although the proposed dwellings would be set further back from the road to allow for curtilage car parking. This terrace would have a similar scale as the existing dwellings within Dame Kelly Holmes Way and would incorporate pitched roofs sloping the same direction (front to back). The proportions of each dwelling including the size of the roof would be similar to those of the existing neighbouring dwellings, although it is noted that they would stand taller, being located on higher land. The dwellings would have a more contemporary external appearance than the exiting dwellings, due to the size of the window openings but they would none the less respect the pattern and scale of development in Dame Kelly Holmes Way.



- 6.15 The element of the scheme next to this terrace of dwellings is the proposed apartment building located approximately in the position of the existing nursery building. This would be finished externally with similar brick work to the proposed terraced building, as well as white rendered panelled walls and panels of cladding. This building would stand opposite the part 3, part 4 storey college building located at the southern end of the site and would have a form, design and height that has been influenced by this building.
- 6.16 These two elements of the development have been designed to respect their particular context in terms of overall scale, height, form and design. These buildings would not appear incongruous when viewed from Dame Kelly Holmes Way, or indeed other vantage points.
- 6.17 The third element of the scheme is the row of terraced and semi-detached dwellings that would extend across the southern part of the site, extending from West Rise in the west, to Quarry Bank in the east and standing behind the dwellings on the north side of The Spinney. The arrangement of these respects the patterns of the existing adjacent residential developments in The Spinney, West Rise and Quarry Bank. Whilst this element of the development contains semi-detached and terraced dwellings rather than detached dwellings found in The Spinney and Quarry Bank the arrangement and scale of the dwellings are such that they would not be an incongruous form of development when considering the layout of existing dwellings in the locality.
- 6.18 The plots and individual dwellings would be narrower than those of the neighbouring properties in The Spinney and Quarry Bank. However, the density of the development would not appear discordant with that of those neighbouring properties. It must be recognised that current national planning policy supports making an efficient use of land in section 11 of the NPPF. It states at paragraph 118 that planning decisions should:
- “give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs”.*
- 6.19 Paragraph 122 states that planning decisions should support developments that make an efficient use of land. Paragraph 123 states:
- “Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities...”*
- 6.20 The proposed development is an efficient use of land and of a scale, density and layout that does not detract from the prevailing character of development in the locality.
- 6.21 It is noted that the dwellings that are located in the row across the southern side of the site and which would back onto The Spinney would be taller than the

dwellings currently located within this neighbouring street. The pairs of semi-detached dwellings would stand 7m high at eaves level and 10.5m at ridge level and would have gables facing the communal access road to the front and facing towards The Spinney dwellings to the rear. Whilst these dwellings would be taller than the ones within the Spinney, they would be located on land that is lower (approx.1m). This would still result in the ridge level of these new dwellings standing higher than the dwellings in The Spinney to the rear, by approx. 0.7m. However, this marginal difference in height does not result in the dwellings being out of character with the neighbouring dwellings.

- 6.22 The development has been laid out to safeguard the protected trees located along the south east boundary of the site. The development would not include the erection of new buildings in this part of the site. Instead it would be laid out with car parking and rear gardens. The development would be undertaken with appropriate tree protection measures in place for the duration of the demolition and the construction works.
- 6.23 Trees that are not the subject of the Tree Preservation Order are shown to be removed as part of this development. However, the indicative landscaping plans show that numerous trees would be planted in the communal areas and between the parking bays that would front onto the access roads. The replacement indicative tree planting as part of the overall development would offset the impact of removing the existing trees shown to be removed.
- 6.24 Whilst details of materials are not submitted at this stage, the development would have a co-ordinated but limited palette of materials that would suit the different types of buildings proposed as part of the development. As has been discussed earlier, a variety of materials has been used in the surrounding developments, but include different colours of brickwork, rendered walls and concrete tiles. The external appearances shown in the submitted drawings would not result in any part of the development appearing incongruous in the street scene.
- 6.25 The comments from Natural England are noted. However, for the avoidance of doubt, the site lies outside the High Weald AONB. The A21 and existing residential development stands between the application site and the High Weald AONB. In light of this and given that the site comprises the college car park and buildings, any views of the site towards the site would be seen in the context of the A21, residential and college buildings. The development would not therefore detract from any views or the landscape interest of the AONB
- 6.26 In conclusion, the development is a well-conceived layout that would safeguard the existing protected trees and be of a density, form and scale that would respect the layout and scale of buildings that surround the site. The development would be in keeping with its sub urban location which being an efficient use of land in a sustainable location. In addition, the development would make a meaningful contribution to the supply of houses in the Borough where there is an absence of a

5 year supply at present. In light of all of these factors, the development is considered to comply with development plan policies CP 24 and SQ 1, as well as current Government guidance contained within the NPPF regarding making an efficient use of land and quality of development more generally.

Impacts upon residential amenity:

- 6.27 Policy CP1 of the TMBCS states that when determining applications, residential amenity will be preserved and, where possible enhanced. Paragraph 127 of the NPPF echoes this policy by requiring planning decisions to ensure that developments have a high standard of amenity for existing and future users.
- 6.28 The layout of the dwellings would avoid causing an unacceptable loss of privacy to the existing residential properties that adjoin the site. This is due to the positioning and orientation of the dwellings within the site and the separation between them and the neighbouring residential properties. For example the dwellings located along the southern section of the site would stand back to back with the dwellings on the north side of The Spinney. A distance of over 21m would be maintained between the upper floor windows of the new dwellings and the rear elevations of the Spinney dwellings. This arrangement is typical for suburban residential areas surrounding the site and in the wider town area. Whilst the pairs of semi-detached dwellings contain three floors of accommodation, the top floor windows facing the Spinney would not cause such additional overlooking to these neighbouring properties that would warrant a recommendation to refuse planning permission.
- 6.29 The orientation and detailed design of units 1 and 2 have changed since the application was first submitted. The rear elevations of this pair of semi-detached dwellings would face towards the rear garden of 15 The Spinney. This neighbouring dwelling stands side on the boundary with the application site and so has a different relationship with the development to the other dwellings in The Spinney that back onto it. However, as now shown this pair of dwellings have been angled away from looking towards the rear elevation of this neighbouring dwelling. The dwelling in plot 2 also does not contain rear facing windows serving habitable rooms. A bathroom window would face towards the private garden area of 15 The Spinney, but this can be required to be fitted with obscure glazing to prevent unacceptable overlooking. Two roof lights would be located within the rear facing roof slope, but these would be located high enough above the floor level to not allow unacceptable overlooking to this neighbouring property.
- 6.30 The development has also been designed to prevent unacceptable overlooking into the neighbouring dwellings in West Rise, Hillside, Quarry Bank and Dame Kelly Holmes Way again due to the position of the proposed dwellings.
- 6.31 With regard to the issue of loss of light, again the site layout and design of buildings has been carefully considered to avoid causing unacceptable overshadowing to the existing dwellings adjoining the site as well.

6.32 Concerns have been expressed that the development will appear over bearing and domineering from the neighbouring properties. However, due to the relative positions of the existing and proposed dwellings and taking into account the appropriate height and scale of the dwellings, they would not appear unduly overbearing when viewed from the neighbouring residential properties.

6.33 Taking all of the above into account, the development is acceptable in terms of its impacts upon residential amenity and complies with policy CP 1 of the TMBCS and paragraph 127 of the NPPF.

Highway safety and parking provision:

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

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

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

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

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

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

6.38 The proposed development would cause two different sets of impacts, each of which needs to be carefully considered. One is the impact of the development

itself in terms of additional traffic generation and car parking provision. The second are the impacts arising from the reduction in parking provision within the college site.

- 6.39 The application is accompanied by a Transport Assessment which has been scrutinised by KCC (H &T) as the Local Highway Authority. Additional information and clarification was sought by KCC which was then provided by the applicant. The highway authority is satisfied with the methodology employed within the applicant's TA.
- 6.40 With regard to the forecast trip generation, the development was considered against the baseline situation which includes the children's day nursery which has now ceased operation. However, as this is a lawful use of that part of the site it is necessary to consider the transport impacts of that as part of the baseline assessment.
- 6.41 It has been found that the proposed development would increase the overall number of traffic movements across the site across a daily period, but would result in a reduction in the number of trips during the AM and PM peak periods. Therefore the anticipated increase in traffic movements to and from the site would occur where there is a greater amount of capacity within the highway network.
- 6.42 Junction capacity assessments have been undertaken of the Brook Street/Dame Kelly Holmes Way junction and at the Brook Street/A26 roundabout. The assessments conclude that both junctions will continue to operate with either no additional queuing (Brook Street/A26) or minimal additional queuing (Brook Street/Dame Kelley Holmes Way). These assessment take account of background future growth.
- 6.43 The local highway notes that the junction of Brook Street/A26 would be over capacity in the forthcoming local plan period due to planned and background growth. However it notes that the currently proposed development would not lead to a worsening of the conditions at the junction itself or an overall increase in traffic movements during both the AM and PM peaks. In any event, I must make clear that the junction would not be over capacity once the mitigation coming forward as part of the local plan process is implemented. As such, the local highway authority does not consider that contributions should be sought from the developer for improvements to highway infrastructure. The issue of the capacity of the Brook Street/A26 junction is correctly being considered through the local plan process and as and when applications are submitted for those planned sites.
- 6.44 With regard to the proposed car parking provision, 93 spaces are to be provided to serve the proposed 53 dwellings. This overall number complies with the Council's adopted parking standards set out within the IGN 3 (which requires 78 car parking spaces to be provided for this development). Of the overall provision, 8 spaces would be located within car barns, which are not counted as parking spaces within the IGN 3 and should be provided in addition to open parking spaces. However,

even when discounting these 8 spaces from the total, the development would still provide car parking that accords with the IGN 3. The plans show that each of the houses will have 2 car parking spaces and the flats would have 1 space each. 11 visitor parking bays would also be provided.

- 6.45 The development has been designed with secure cycle storage provision within the apartment building. Bus stops are readily accessible in Brook Street with links to the High Street and Tonbridge railway station. The scheme is located within a sustainable location and has been designed to be readily accessible from means other than the private motor car.
- 6.46 In light of the above, the proposed development in terms of the impacts arising from the occupation of the proposed dwellings, would not cause an unacceptable impact upon highway safety and promotes sustainable transport modes as well.
- 6.47 Turning now the loss of the college car park, this has caused much concern amongst local residents. The adopted car parking standards demonstrate that following the demolition of the Oaks Building as part of this development, a maximum of 396 car parking spaces would be required to serve the college. The current proposal would result in the college having 350 car parking spaces available. As it noted in the response from KCC (H&T), this provision accords with the adopted parking standards as they are expressed as a maximum amount that could be required.
- 6.48 Parking surveys undertaken by the applicant show that the level of car parking within the college site did not exceed the amount of car parking proposed to be left within the college campus. The peak parking observed amounted to 342 vehicles.
- 6.49 Consequently, there should be sufficient car parking available to serve the college following the proposed development. It is, of course possible that if students cannot find a parking space within the campus, they will seek to find parking elsewhere within the locality. There are of course parking restrictions in some of the local roads (including Brook Street, College Avenue, Shakespeare Road and Burns Crescent) that would prevent parking that would cause hazards to road safety, in the opinion of the highway authority.
- 6.50 The local highway authority has concluded that a highway based objection to the development could not be sustained and for the reasons set out above, I have to agree with this assessment.
- 6.51 The preceding assessment of the anticipated highway impacts arising from the proposed development takes into account the draft housing allocations for south Tonbridge within the forthcoming Local Plan. It is considered that the likely impacts arising from the current proposal would not prejudice the strategic objective of the Local plan in bringing forward that allocation for housing development. Of course, as and when planning applications come forward in

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respect of the south Tonbridge allocations, account will need to be taken of the cumulative impacts of those specific applications prior to their determination.

6.52 Taking the above into consideration, the development would not be contrary to development plan policies CP 2, SQ 8 and national planning policies contained within paragraphs 108 and 109 of the NPPF.

*Air Quality:*

6.53 Policy SQ 4 of the MDE DPD states that developments will only be permitted where they would not result in a significant deterioration of the air quality of the area and where they would not result in the creation of a new AQMA. There must also be no impact upon the air quality of internationally, nationally or locally designated sites of nature conservation interest. Paragraph 181 of the NPPF states that planning decisions should contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of AQMAs and the cumulative impacts from individual sites.

6.54 Impacts upon the highway (in terms of traffic generation) interrelate with those concerning air quality. As has been found in the preceding section of this report, there is likely to be a reduction in the number of vehicle trips during the AM and PM peak times compared to the baseline situation. It therefore follows that due to such a reduction in vehicle trips, there would not be an unacceptable impact upon air quality during the same times of the day. Whilst vehicle trips would increase across the day as a whole, it has been found that this would not result in additional queuing at the Brook Street roundabout and only minimal additional queuing at the junction of Dame Kelly Holmes Way and Brook Street. Taking these factors into account, the proposed development proposed would not cause demonstrable harm to air quality in the locality including the Brook Street roundabout.

6.55 Given that the development would not cause demonstrable harm to air quality in the locality, it follows, as with the highway impacts, that the development would not prejudice the delivery of the allocated sites in south Tonbridge. Of course, any applications coming forward in respect of these sites will also need to take into account the impacts of the development currently proposed upon air quality should permission be granted.

6.56 The development therefore complies with Development Plan policy SQ 4

*Ecological impacts:*

6.57 With regard to ecological matters, policy NE 3 of the MDE-DPD states that development that would adversely affect the biodiversity value of the wildlife habitats will only be permitted if appropriate mitigation measures are provided.

6.58 There are no designated sites located within or directly adjacent to the site. The habitat within the site is of low value to wildlife. The mature trees shown to be

removed as part of the development have been assessed to be low suitability for roosting bats. They will, however be soft felled. The development will result in the loss of foraging habitat within the site (trees and hedges to be removed). However the landscaping plans submitted show that compensatory tree planting will be taken place as part of the development. The mature belt of protected trees will also be retained as part of the development.

- 6.59 Given the limited value of the existing site in ecological terms and that comprehensive soft landscaping will be taking place as part of the development, the development is considered to be acceptable in terms of its ecological impacts. Consequently the development complies with policy NE 3 of the MDE DPD.

Planning obligations:

- 6.60 Policy CP 17 of the TMBCS states that within urban areas of the Borough, affordable housing will be sought on all development with 15 dwellings or more at a level of 40%. The proposed development for 53 dwellings therefore triggers the requirement to provide affordable housing as part of the development.
- 6.61 Initially, the applicant proposed a provision of 11 units which equated to 21%. The applicant provided a viability assessment to demonstrate why the scheme could not deliver affordable housing in compliance with policy CP 17. That viability assessment was reviewed by the Council's independent viability consultants who considered that whilst the development could not provide the full 40% required by policy CP 17, it could support a greater amount of affordable housing than that originally proposed by the applicant. Following subsequent discussions with the applicant and the Council's viability consultants, the affordable housing provision has increased to 32% or 17 units. This would consist of 12 of the flats for shared ownership and 5 for affordable rent. This provision, whilst still falling short of the current policy requirement has been demonstrated to be the most that could be delivered by this scheme and it is a provision that would be deliverable by a registered provider. Material considerations in the form of the NPPF, National Planning Guidance and the Council's current housing need indicate that the current proposal for affordable housing provision as part of this scheme is now acceptable. The applicant would be required to enter into a planning obligation with the Borough Council to deliver this affordable housing.
- 6.62 Due to the scale of the proposed development, open space has to be provided in accordance with policy OS 3 of the MDE-DPD. Whilst amenity green space will be provided on site, the applicant has agreed to make a financial contribution of £159,148 for the enhancement of other types of public open space in the locality. This will include the enhancement of sports facilities at Tonbridge Racecourse sportsground, children's play equipment and other areas of at Haysden Country Park.



6.63 The applicant has also agreed to make a financial contribution to Kent County Council in respect of the following:

- Judd School Phase 1 expansion £109,225.77
- Improvements to south Tonbridge Children's centre £713.93
- Improvement to Tonbridge library book stock £2,544.84

6.64 The request for the monies in respect of above projects meets the tests set out in Regulation 122(2) of the CIL Regulations 2010 (as referenced in paragraph 56 of the NPPF). As such it is considered to be necessary to seek these contributions from the applicant and they will also need to be dealt with by way of a s.106 planning obligation. The development will, therefore, accord with the requirements of policy CP 25 of the TMBCS which requires the necessary service, transport and community infrastructure to be provided at the time it is needed.

Conclusions:

6.65 Returning now to the presumption in favour of sustainable development set out within paragraph 11 (d) of the NPPF. With regard to point (i) there are no specific policies within the NPPF that provide a clear reason for refusing this proposal. Additionally, with regard to point (ii) in light of the preceding assessment of the planning merits of this development, the benefits of providing the proposed additional housing in this sustainable location are considered to clearly outweigh any adverse impacts that may arise from it. Consequently, the presumption in favour of sustainable development is engaged and planning permission should be granted.

6.66 The development is, therefore, acceptable as a matter of principle, being located within the urban confines of Tonbridge and would result in an efficient use of the land in question. The development would make a meaningful contribution towards the Borough's housing supply and would include the provision of an acceptable level of affordable housing.

6.67 The development is considered to be of s scale, form and layout that would not appear as a discordant or incongruous feature within the local area and has been designed to preserve the existing protected trees that are located within or close to the site.

6.68 The development would not cause unacceptable impacts upon the amenities of the neighbouring residential properties and will not result in unacceptable detriment to highway safety.

6.69 Contributions will be made to the Borough and County Councils to enhance existing open spaces and community infrastructure in the locality that would be impacted upon as a result of the development itself.

6.70 Taking all of the above factors into consideration and for the reasons explained in the report as a whole, the development is considered to be acceptable in terms of its planning merits, and accords with the relevant planning policies and current Government guidance contained within the NPPF. As such, I recommend that planning permission be granted subject to the applicant entering into planning obligation(s) and the conditions set out below.

## **7. Recommendation:**

7.1 **Grant planning permission** as detailed in 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, Site Layout 2675-A-1004 C dated 18.09.2018, Site Layout 2675-A-1005 L dated 18.09.2018, Sections 2675-A-1010 D dated 18.09.2018, Sections 2675-A-1011 D 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-1210 F 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, Site Layout 2675-A-1005-M dated 23.11.2018, Proposed Plans and Elevations 2675-A-3000-F dated 23.11.2018, Proposed Plans and Elevations 2675-A-3001-A dated 23.11.2018, 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. Other than the demolition of the existing buildings, no development 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 development 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.

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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 use shall not be commenced, nor the premises 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 the site investigations (including any necessary intrusive investigations) 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 and in accordance with the National Planning Policy Framework.

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

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

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

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

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

Reason: In the interests of amenity and public safety

9. Prior to the commencement of the development hereby approved, arrangements for the management of all 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 measures 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:
- A description of the drainage system and its key components
  - A general arrangement plan with the location of drainage measures and critical features clearly marked
  - An approximate timetable for the implementation of the drainage system
  - Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
  - Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any

other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

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

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

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

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

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

Reason: In the interest 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.

## **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](mailto: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.

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