

Tonbridge
Judd

16 July 2019

TM/19/01632/FL

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

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

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1. Description:

- 1.1 This planning application was reported to APC1 in September 2019 where Members resolved to grant planning permission subject to conditions and the applicant entering into a Section 106 legal agreement with the Borough and County Councils to secure various planning obligations. During the course of finalising the legal agreement, the applicant advised officers that the College required a change to the Travel Plan from that previously assessed by Members in reaching the resolution to grant planning permission.
- 1.2 The Travel Plan is proposed to be amended through the omission of the mini-bus collection service that the College had previously undertaken to provide. The information submitted in support of this revision cites two reasons for the change; being:
 - The service would not be practicable
 - The service is not financially viable
- 1.3 These matters will be explored further in the main body of this report.
- 1.4 The September 2019 committee report and supplementary papers are reproduced in full at Annexes 1 and 2 respectively for ease of information. I would make clear that consideration of this amendment to the Travel Plan does not provide an opportunity to reassess the scheme as a whole afresh, but only to determine whether the omission of the minibus service from the Travel Plan has a material impact. It is this matter the assessment that follows focuses on.

2. Reason for reporting to Committee:

- 2.1 To consider an amendment to the scheme which has been forthcoming since APC1 resolved to grant planning permission.

3. Consultees: (solely in respect of change to Travel Plan)

3.1 KCC (H&T):

Introduction:

3.1.1 The proposals seek an amendment to the Travel Plan for West Kent College which was approved under TMBC reference: 19/000614/FD. This amendment seeks the removal of the requirement for the college to provide a mini-bus service due to it not being financially viable or practical.

3.1.2 I note that the consultants RGP have provided a letter dated 30th March 2020 (*RGP reference: ASHL/4089*) outlining why they consider that the provision of the aforementioned service is not required in highway or transportation terms. It should be noted that RGP were also the authors of the Transport Assessment (TA) submitted in support of the planning application for the redevelopment of the existing car parking area with residential dwellings (*TMBC reference: 19/01632/FL*).

Discussion:

3.1.3 As highlighted in the applicant's letter of 30th March 2020 the TA submitted in support of the residential redevelopment proposals included junction capacity assessments for two local junctions, these being Dame Kelly Homes at its Junction with Upper Haysden Lane and the Brook Street roundabout. Importantly, any reduction in vehicular trips from the site because of the proposed mini-bus service was not accounted for within the capacity assessments in question. The applicant's conclusion that the results of the capacity assessments within the original TA represent a 'worst case' scenario is therefore considered reasonable. It should also be noted that the residential proposals are anticipated to lead to a reduction in traffic from the site at peak times, when compared to the sites extant (*lawful*) use; with both of the assessed junctions continuing to operate within acceptable levels during the AM and PM peak periods in the future year scenario.

3.1.4 In respect of the college car parking provision the applicant has also highlighted the fact that this was also assessed as part of the residential development proposals, via surveys undertaken on the 28th March 2018 and 6th March 2019. Again, the results of this analysis did not take into account any reduction in car parking demand as a consequence of the mini-bus service proposed within the college's Travel Plan. Consequently, the applicant's conclusion that the college's Travel Plan, subject to its implementation and success, would serve to reduce parking demand and improve parking conditions locally is also considered reasonable.

3.1.5 Finally, as highlighted in Kent County Council's previous consultation responses it is acknowledged that the area within the vicinity is subject to extensive existing on street parking controls. The presence in such restrictions reduces the likelihood of

errant parking on the public highway that could be considered prejudicial to highway safety. A mixture of double and single yellow line restrictions already exist on nearby streets such as Dame Kelly Holmes Way, Shakespeare Road and Burns Crescent, which will or are subject to parking controls by Tonbridge and Malling Borough Council's Parking Services Department or the appointed representatives; dependent upon the status of the road. 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.

3.2 Private Reps: 79: 0X/0S/3R. Objections (3) received are made on the following grounds:

- The amendments to the Travel Plan will only make the traffic situation worse in the locality;
- More students will seek to park on local streets;
- The loss of the mini bus service will add to congestion on local roads;
- Additional car parking should be provided for the college and local residents;

4. Determining Issues:

Background Information:

4.1 Since the time the application was last reported to this Committee the College went into administration and is due to be taken over by another institution. As part of that process, the administrators have scrutinised the College Travel Plan and found the mini bus service to be unviable, costing up to £120,000 per year.

4.2 The practicalities of this service have also been considered further. The purpose of the service is to collect students from areas less well served by public transport. Collecting them has been estimated to be a 2-3 hour trip each way because of the dispersed location of students. Arranging to have them at college in time for a 9.00 am start would mean that some students could be picked up as early as 6.00am (and of course would be dropped off as late as 8.00pm assuming the minibus leaves site at 5.00pm). It is conceivable, therefore that some students could be subject to a 12+ hour day factoring in journey time to and from college. This only serves to highlight that the scheme, when first proposed for the Travel Plan, was not well thought through in this respect.

4.3 Whilst these factors give important context explaining how this change has come about, the main issue for the Planning Committee to now consider is whether the proposed amendment to the Travel plan would result in such unacceptable impacts upon the highway that it would now be necessary to refuse the development as a whole.

Highway safety and parking considerations:

- 4.4 It is clear from the representations made by KCC (H+T) that when the Transport Assessment (TA) in support of this application was prepared on behalf of the applicant, specific account was not taken of the provision of a minibus service. The measure was subsequently incorporated as part of a package within the Travel Plan but it was not tested as part of the Transport Assessment or expressly considered necessary on that basis. Moreover, any vehicle movements to and from the site that this service would have displaced, were not taken into account when the TA was made and then assessed by the highway authority as statutory consultee. Therefore, whilst the minibus scheme would have taken some of the planned for car journeys off the road, that level of traffic generation had already been accounted for and been found to be acceptable when assessing against adopted policy and having regard to all other material planning considerations including the requirements of the NPPF (which are set out in full within the September 2019 and not repeated here).
- 4.5 As such, the removal of the minibus service as part of the package of measures within the Travel Plan would not cause any additional impacts upon the highway network beyond those impacts considered in the TA for the development as a whole (which have been found to be acceptable by both the highway authority and this Authority when resolving the grant permission last September). Furthermore, on this basis, it is not considered that any additional measures are required to be included within the Travel Plan to offset the loss of the minibus service.
- 4.6 The main function of the college Travel Plan is to promote the use of more sustainable transport choices for students and staff (such as travelling by bus, train cycling or walking) as well as car sharing. This will be achieved through various means including a dedicated part of the college web page, welcome packs for new students and will be overseen by the Travel Plan co-ordinator. It is still intended for a forum to be created in order to promote the measures within the Travel Plan and review their effectiveness on an ongoing basis.
- 4.7 Taking all of the above into account, I consider that the omission of the minibus scheme from the Travel Plan would not render the development unacceptable in highway safety terms. Similarly, the omission would not undermine the fundamental purpose of the Travel Plan which would still promote the use of means of transport to and from the college other than the private motor car. Consequently, there are no justifiable or reasonable grounds to now resist the development, which as a whole remains acceptable in planning terms (and I reference the September 2019 report accordingly) and I therefore recommend as follows.

5. Recommendation:

- 5.1 **Grant planning permission** in accordance with the following submitted details:
Letter DHA LETTER TO TMBC dated 28.04.2020, Letter FINAL SUBMISSION

LETTER dated 28.04.2020, Letter RGP LETTER TO KCC dated 28.04.2020, Travel Plan dated 28.04.2020, Management Plan Parking dated 28.04.2020, Site Layout 2675.1-C-1005-PI J dated 18.07.2019, Sections 2675.1-C-1213-PI G dated 18.07.2019, Proposed Plans 2675.1-A-1006-PI B dated 10.09.2019, Site Layout 2675.1-A-1004 B dated 10.09.2019, Sections 2675-A-1012-B dated 13.07.2020, Transport Assessment Part 1 dated 10.07.2019, Transport Assessment Part 2 dated 10.07.2019, Environmental Assessment Geo dated 10.07.2019, Environmental Assessment Figures dated 10.07.2019, Statement Community Involvement dated 10.07.2019, Drainage Statement dated 10.07.2019, Noise Assessment dated 10.07.2019, Other Addendum Appendices July 2019 dated 10.07.2019, Other Appendices SCI 2018 dated 10.07.2019, Arboricultural Assessment dated 10.07.2019, Letter Revised Cover dated 18.07.2019, Schedule of accommodation dated 30.07.2019, Artist's Impression 2675.1-3D-5001-D(1) dated 10.07.2019, Artist's Impression 2675.1-3D-5002-D(1) dated 10.07.2019, Artist's Impression 2675.1-3D-5003-D(1) dated 10.07.2019, Sections 2675.1-A-1011-A dated 10.07.2019, Existing Plans and Elevations 2675.1-A-1100-A Nursery dated 10.07.2019, Existing Plans and Elevations 2675.1-A-1101-A Oaks building dated 10.07.2019, Proposed Plans and Elevations 2675.1-A-3000-B dated 10.07.2019, Proposed Plans and Elevations 2675.1-A-3005-B dated 10.07.2019, Proposed Plans and Elevations 2675.1-A-3010-B dated 10.07.2019, Proposed Plans and Elevations 2675.1-A-3015-B dated 10.07.2019, Proposed Floor Plans 2675.1-A-3700-B dated 10.07.2019, Proposed Elevations 2675.1-A-3701-A dated 10.07.2019, Sections 2675.1-C-1210.1-PL-A dated 10.07.2019, Street Scenes 2675.1-C-1211-PL-A dated 10.07.2019, Street Scenes 2675.1-C-1212-PL-A dated 10.07.2019, Section 2675.1-C-1216-PL-A dated 10.07.2019, Section 2675.1-A-1010A Existing dated 10.07.2019, Proposed Elevations 2675.1-A-3702-A dated 12.07.2019, Tree Protection Plan ASH21697-03C SHEET 1 OF 2 dated 16.07.2019, Tree Protection Plan ASH21697-03C SHEET 2 OF 2 dated 16.07.2019, Landscape Layout 1534/001 M dated 18.07.2019, Plan 2675.1-A-1005.1-E Site Analysis dated 18.07.2019, Location Plan 2675.1-A-1000-A dated 10.07.2019, Flood Risk Assessment dated 10.07.2019, Supporting Statement WKC dated 10.07.2019, Planning Statement dated 10.07.2019, Design and Access Statement dated 18.07.2019, Ecological Assessment dated 10.07.2019, Transport Assessment Addendum dated 18.07.2019, Statement Sustainability & Energy dated 10.07.2019, subject to:

- The applicant and West Kent College entering in to a planning obligation with the Borough Council to agree to undertake measures set out in the Travel Plan
- The applicant entering into a planning obligation with the Borough Council to make financial contributions towards the enhancement of existing open spaces within the local area

- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards the enhancement of Judd School, local library provision and adult education services

It is expected that the section 106 agreement (for which the principles have already been agreed with the applicant) should be completed within 3 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 6 November 2020, a report back to the Area 1 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- The following conditions

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

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

2. No above ground works shall take place save for the works to Dame Kelly Holmes Way as detailed on Drawing 2017/4089/004 Rev E Proposed Access Arrangements (contained within the Transport Assessment) until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

4. The relevant unit shall not be occupied until the relevant parking space for that unit shown on plan no. 2675.1-C-1005-J 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 save for the works to Dame Kelly Holmes Way as detailed on Drawing 2017/4089/004 Rev E Proposed Access Arrangements (contained within the Transport Assessment) until the following have been submitted to and approved by the local planning Authority:

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

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

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

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

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

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

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

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

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

Reason: In the interests of amenity and public safety

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

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

- Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to) the delivery of building materials to the site (including the times of the day when those deliveries will be

permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to;

- Procedures for notifying the existing residents of properties in Dame Kelly Holmes Way, The Spinney, Hillside and Quarry Bank which adjoin the application site as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and

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

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

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

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

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

11. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components

- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

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

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

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

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

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

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

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

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

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

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

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

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

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

Sections 2675.1-A-1011-A received 10.07.2019, Sections 2675.1-A-1012-B received 13.07.2020, Existing Plans and Elevations 2675.1-A-1100-A Nursery received 10.07.2019, Existing Plans and Elevations 2675.1-A-1101-A Oaks building received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3000-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3005-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3010-B received 10.07.2019, Proposed Plans and Elevations 2675.1-A-3015-B received 10.07.2019, Proposed Floor Plans 2675.1-A-3700-B received 10.07.2019, Proposed Elevations 2675.1-A-3701-A received 10.07.2019, Site Layout 2675.1-C-1005-J received 18.07.2019, Sections 2675.1-C-1210.1-PL-A received 10.07.2019, Street Scenes 2675.1-C-1211-PL-A received 10.07.2019, Street Scenes 2675.1-C-1212-PL-A received 10.07.2019, Sections 2675.1-C-1213-PL-E received 10.07.2019, Section 2675.1-C-1216-PL-A received 10.07.2019, Site Layout 26751A1004 B received 10.09.2019, Plan 26751A1006A Separation distance received 10.07.2019, Section 26751A1010A Existing received 10.07.2019, Proposed Elevations 2675.1-A-3702-A received 12.07.2019, Tree Protection Plan ASH21697-03C SHEET 1 OF 2 received 16.07.2019, Tree Protection Plan ASH21697-03C SHEET 2 OF 2 received 16.07.2019, Landscape Layout 1534/001 M received 18.07.2019, Plan 2675.1-A-1005.1-E Site Analysis received 18.07.2019, Location Plan 2675.1-A-1000-A received 10.07.2019

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

18. No above ground works shall take place save for the works to Dame Kelly Holmes Way as detailed on Drawing 2017/4089/004 Rev E Proposed Access Arrangements (contained within the Transport Assessment) until details of external lighting within the development have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be installed in accordance with the approved scheme prior to the first occupation of any dwelling within the development hereby permitted.

Reason: To ensure that appropriate lighting is provided as an integral part of the development in the interests of amenity.

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@tmbs.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