



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

**Highways and Transportation**

Ashford Highway Depot  
 4 Javelin Way  
 Ashford  
 TN24 8AD

**Tel:** 03000 418181

**Date:** 24 January 2022

**Our Ref:**

**Application - TM/19/00014/OAEA**

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

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

**Introduction and Application History**

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

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

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

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

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

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

### **Assessment of Impact**

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

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

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

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

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

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

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

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

### **History and Assessment of Mitigating Measures**

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

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

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

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

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

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

### **Final Package of Mitigating Measures**

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

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

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

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

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

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

### **Amount of S106 Contribution**

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

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

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

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

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

### **Summary and recommendation**

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

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

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

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

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

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

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

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

Yours Faithfully

**Director of Highways & Transportation**

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