

Tonbridge

TM/22/02694/FL

Cage Green and Angel

Proposal: Erection of a 9 storey building comprising of 118 residential units, together with associated car and cycle parking, landscaping and associated works

Location: Formerly River Centre Car Park Medway Wharf Road
Tonbridge Kent

Go to: [Recommendation](#)

1. Description:

1.1 The application seeks full planning permission for a residential re-development of the currently vacant car park to the River Centre. The scheme proposal is seeking redevelopment of a brownfield site to provide 118 residential apartments and ancillary floor space within a part 7-, part 8-, and part 9-storey building, together with associated car and cycle parking and works to public realm, landscaping and other associated works.

1.2 The application follows two previous refused schemes on the site for significantly larger developments of 252 units (TM/18/00886/FL) and 183 units (TM/20/02554/FL). The previous application proposed a built form of up to 16 storeys in height with the current application now reducing the maximum height down to nine storeys.

1.3 The proposed Housing Mix can be broken down as follows;

- Total Residential Units - 118
- Studio units - 22no. (18.5%)
- 1-Bed units - 47no. (40%)
- 2-Bed units - 46no. (39%)
- 3-Bed units - 3no. (2.5%)

1.4 Also included as part of the development is the following;

- 37 car parking spaces which are proposed to be active electric charging spaces, and will include car club and accessible parking spaces;
- 118 secure cycle spaces, including electric charging spaces and oversize spaces for larger cycles
- 8 visitor cycle spaces

- 1.5 The proposals have taken on board the previous concerns regarding the bulk and height of the development and have been designed with consideration of the surrounding context, particularly the key views from Tonbridge Castle.
- 1.6 The buildings are proposed up to 9-storeys, with the heights stepping down to 7-storeys to the south. The tallest element will be towards Medway Wharf Road and the lower element will be closer to the River.
- 1.7 The overall built form is designed with the blocks undulating in height to allow views through the development. The roof style proposed is similar to other developments in the area with a wharf-style roof line to blend in with the existing roof-scape of the town. This style allows views through the gaps in the massing and gives the impression it is a group of buildings rather than a single continuous mass.
- 1.8 Different heights are proposed to each 'section' of the building and through varying the roof ridge angles. The roof ridge line proposes a combination of flat roof and pitched roof elements with building heights varying between 7 and 9 stories over three separate blocks, with lower flat roof terraced areas in between.
- 1.9 The largely east and west facing orientation has resulted in the residential units avoiding a northerly outlook, with smaller units facing east and west and larger units benefitting from dual aspect and southerly outlooks. Each unit has access to a balcony area.
- 1.10 Access to the site would be via the existing vehicular access from Medway Wharf Road. This would remain the sole vehicular access to the site, with pedestrian and cycle access also available via the existing footbridge to the south of the site.
- 1.11 The proposed landscaping would include a footpath link from Medway Wharf Road through to the pedestrian bridge over the Gas Works Stream to the south of the site. The landscaping design delivers new hard and soft landscaping around the building at ground floor level, which will include new paving, planting, trees and street furniture. A grass amenity space is provided adjacent to the steps and the river bank. Three existing mature trees are retained along the river bank. Ten new trees are proposed at ground level to replace three low quality existing trees to be removed.
- 1.12 Further open space is proposed in the form of two roof terraces, with the sixth floor terrace proposed to be divided into a series of outdoor rooms for varying purposes, including sunbathing, outdoor dining and relaxing. The seventh floor terrace also provides a large communal roof terrace, which is divided into a number of outdoor spaces. Sculptural play boulders would be provided for younger children at both levels.

2. Reason for reporting to Committee:

- 2.1 Originally at the request of Cllr Boughton when the ward member but repeated by the current ward members due to the history of the site and its relationship to the setting of Tonbridge Castle and the wider surroundings.

3. The Site:

- 3.1 The application site is located on the south side of Medway Wharf Road, within the urban confines of Tonbridge, on the south side of the River Medway. The site comprises about 0.29ha and was previously used as a car park to serve the adjacent River Centre. It is situated between the 2 storey (four storey height) River Centre building and single storey (two storey height) industrial buildings of Tannery Trading Estate adjacent to the west and north west. The 8 storey Ashby's Point building comprising residential units is adjacent to the south east, and Waterway House which is 6 storeys high, with a two storey glazed curved element to the west elevation, lies to the north of the site. The Gas Works Stream forms the physical boundary to the south of the site, over which spans an existing footbridge from the south east corner of the site to the Council car park on the southern side of the stream.
- 3.2 The site lies within the Tonbridge Central Area as defined in the Tonbridge Central Area Action Plan (TCAAP), and is just beyond, but abutting the town centre boundary. It is also adjacent to development allocations site, Tannery Trading Estate, identified in policy TCA11(I) of the TCAAP for mix of residential commercial office and business space.
- 3.3 The Tonbridge Conservation Area lies approximately 50m to the north west and comprises a lower density and scale of development. It is located within an Area of Archaeological Potential, Flood Zone 3, and a Groundwater Source Protection Zone (SPZ3).
- 3.4 Tonbridge Castle which is a Scheduled Ancient Monument and Grade I Listed Building is situated in the wider setting to the north west and forms an important part of the surrounding context of the site.
- 3.5 As mentioned, a mix of building heights surround the site ranging from single storey (double height) industrial units, to 8 storey residential flatted developments. The buildings surrounding the site are a mix of uses and architectural styles. Residential flats are the predominant use in the immediate vicinity, with the community use of the River Centre adjacent and industrial and commercial uses in the wider surrounding area. Much of the surrounding residential use is within wharf style buildings of varying heights, whereas Ashby's Point immediately adjacent to the east has a more modern design style incorporating a rounded end to the north.

4. Planning History (relevant):

TM/99/02620/FL Grant With Conditions 6 September 2000

Conference centre and residential development comprising 100 dwellings, associated car parking (undercroft and surface), new access and landscaping

TM/06/03402/FL Approved 21 June 2011

Redevelopment of site to provide 73 residential apartments, 34 units of boarding accommodation for students and conference delegates, lecture and meeting rooms and ancillary facilities, a children's nursery, pedestrian and cycle bridge and associated parking, landscaping and servicing

TM/13/03956/FL Approved 19 March 2014

Removal of conditions 9 and 12 (Provision of footbridge and details of traffic management scheme) of planning permission TM/06/03402/FL (Redevelopment of site to provide 73 residential apartments, 34 units of boarding accommodation for students and conference delegates, lecture and meeting rooms and ancillary facilities, a children's nursery, pedestrian and cycle bridge and associated parking, landscaping and servicing)

TM/18/00996/FL Refuse 22 June 2018

Development of 252 self-contained build to rent residential apartments (comprising 123 studio, 80 one-bedroom and 49 two-bedroom apartments), associated car parking, roof garden and public realm landscape amenity areas and servicing

TM/20/02554/FL Refuse 25 October 2021

Erection of a building of 8 to 16 storeys comprising 183 x residential units. Associated car and cycle parking, landscaping and other associated works

5. Consultees:

- 5.1 Given the detailed comments received from KCC Highways, KCC Lead local flood authority, Environment Agency, Historic England, Southern Water, KCC Estates and the NHS these comments are appended in full at the end of this report
- 5.2 Environmental Health- contamination: No objection subject to conditions
- 5.3 Environmental Health – noise: in agreement that the 'Agents of Change' principle is not an issue and that proposed properties can be appropriately treated to ensure no noise impacts from adjacent uses.

- 5.4 Housing Services: Satisfied with the level of affordable housing provision given the viability issues.
- 5.5 Leisure Services: No objections subject to contributions towards off-site open space provision and enhancement.
- 5.6 Conservation Officer: Was involved in the pre-application process and consider that the proposed design is acceptable in terms both designated and non-designated heritage assets.
- 5.7 Kent Police: No objections
- 5.8 HSE: No objections
- 5.9 Kent Fire and Rescue: No objections
- 5.10 Tonbridge Civic Society:
- Generally speaking, the proposal aligns with the approach to further develop the central part of Tonbridge. As per the Civic Society's recent response to the Local Plan consultation the centre of Tonbridge is well suited to some additional mid-level (in terms of height) housing and other development, given the town's retail, transport and leisure facilities and its evolving needs. However, there are some areas of the town where such added density is approaching its limits, and we would argue that the Medway Wharf Road area is one of these, for the reasons given below. There are also specific constraints on the site, which are also detailed below. These caveats means that while development on the site appears inevitable, we ask the planning authorities to reject this proposal, or to seek substantial changes to it.
 - Our first concern is the overall size of the building. This is a very big structure, covering both a very large percentage of the constrained site as well as pushing higher than the surrounding buildings. Indeed, the proposal seems likely to be the tallest building in Tonbridge. With such height the building would loom over near-neighbours (a large number of whom have separately complained to this proposal), as well as stand very large within the townscape. While the developers claim it will not make a significant impact on the sightline from the castle, even their own projections show that the proposal is tall enough to interfere with the ridgeline. At six storeys – our preference for a maximum height in this part of town – this would not be the case. Meanwhile, efforts to break up the frontage and rooflines (the claimed “broken-down massing with articulated roofscape and use of high-quality robust materials”) instead make the building appear confused and incoherent.
 - The second concern regards parking. At 37 spaces for 118 apartments, this is insufficient and does not reflect the inevitable need among residents. And given the present difficulties with car parking in the immediate area – which this

development will worsen, given it's being built on a car park – this should be a matter to be addressed with seriousness.

- Which leads onto access. Medway Wharf Road has one main exit - westerly onto Sovereign Way / High Street. Adding another hundred plus apartments means more traffic (not just residents but services, deliveries etc). Traffic in the town in general has reached a point where it is causing significant difficulties but there are specific concerns around safety around Medway Wharf Road. Consideration should be given to requiring access via a bridge across the Gas Works Stream onto Sovereign Way North Car Park. Certainly there should be a requirement that public access is in place through the site from the above-mentioned car park to the main riverside to the north of the development.
- As other objectors have noted, the history of this site is complex and not particularly edifying, and is surrounded by other developments of significant housing density. It is also situated close to the Tonbridge Conservation Area and so care needs to be taken on the impact on the setting of heritage assets. In its current form, the proposed development would result in a dominant built form with a direct visual impact on views of the skyline and harmful impacts to views from Tonbridge Castle. As such it is contrary to the requirements of paragraphs 189, 199, 200 and 202 of the NPPF. Moreover, the development also represents an overdevelopment of the site which would have detrimental impact on the character of the area. The height, scale, design and use of materials would result in an intrusive built form contrary to policies CP1 and CP24 of TMBC's strategy 2007 and policy SQ1.

5.11 Tonbridge Historical Society:

The proposed development at the site known as River Centre Car Park, lies south of the River Medway and abuts a stream known as Gas Works Stream and within the towns historic flood plan.

In Tonbridge Historical Society's opinion, whilst the proposals have some merit over recent proposals, they still represent an overdevelopment of the site in relation to the neighbouring properties.

The articulated roofs respect the towns commercial riverside industries whilst partly acknowledging the towns low-rise roofscape - a reduction in height over previous scheme. However, the high monolithic mass of the elevations dominate and overpower the adjoining properties.

The Society also has concerns about the level of parking and whether the site can promote sustainable transport opportunities.

The Society would take issue with the Heritage Consultants view that the site would have limited archaeological interest due to the lack of prehistoric and medieval finds in the southern part of the town. THS, contend this is due to

either wrong attribution or the lack of opportunities and as such deserves greater study. Especially given that late Jursaic finds have been identified during the A21 works in the late 1960's and more recently during the works towards Pembury.

Within Appendix 1 & 2 of the Archaeological Desk Based Assessment various organic matter including - 1m layer of peat, timber and leaf litter and tree branches etc, have been identified in a number of trial pits, at depths, that deserve closer archaeological examination.

However, notwithstanding the schemes limited merits the Society cannot fully support this scheme for the above reasons.

Should the Council decide to approve this scheme, the Society would ask that a Planning Condition be placed on the developers for a geo-archaeological field evaluation study and a programme of post excavation assessment and publication be attached to any consent.

This is to ensure that features of geo-archaeological interest are properly examined, recorded and disseminated.

5.12 Private Reps:

60 letters of objection received raising the following issues:

- Building too large for the site and too high.
- Out of keeping with the surrounding area.
- Too many flats
- Site is in a flood risk area.
- Lead to overshadowing of neighbouring buildings
- Loss of privacy to neighbouring buildings
- Would be an eyesore
- Noise and disturbance
- Too much development in Tonbridge which is leading to overcrowding.
- Not enough parking and will lead to nuisance parking in the vicinity.
- Inadequate local medical facilities
- Impact on traffic generation

- Site should be used as parking for the church
- Site should be used as an open space for the benefit of the town.

3 letters of support received making the following points:

- Should grasp the opportunity to deliver new housing stock to alleviate restricted supply and let the town flourish
- Scheme is an excellent example of high density sustainable town centre housing being only a short walk from all facilities
- Perfect opportunity to develop on brownfield land rather than build on the greenbelt
- Opportunity to stimulate local economy with more footfall in the high street
- Chance to deliver green, walkable, modern homes for Tonbridge

6. Determining Issues:

- 6.1 Policy CP11 of the TMBCS seeks to concentrate development within the confines of a number of specified urban areas in the Borough, including Tonbridge, where there is the greatest potential for re-use of previously developed land and where the need to travel can be minimised by being located close to existing services, jobs and public transport. The proposed development would not conflict with the intention of this policy in the broadest of policy terms.
- 6.2 The principle of development on this site is also established by the previous Extant permission granted in 2011 for a mixed-use development providing 73 residential apartments, 34 units of boarding accommodation for students and conference delegates, lecture and meeting rooms and ancillary facilities, a children's nursery, pedestrian and cycle bridge and associated parking, landscaping and servicing, (TM/06/03402/FL). This comprised a 9-storey building with a 13-storey ovate glazed tower element to the front.
- 6.3 Following this, permission was granted in March 2014 to remove conditions 9 & 12 under a Section 73 application, (TM/13/03956), which related to details of the traffic management scheme and a provision of a footbridge over the Gas Works Stream. The permissions have been implemented due to the piled foundations constructed in the southwest corner of the site which commenced in May 2014, and therefore within the 3 year period stated within condition 1 of the permission.
- 6.4 There were two subsequent applications that were refused for developments of up to 16 storeys in height, one for 252 units and the second 183 units. This last application (TM/20/02554/FL) was refused for the following three reasons:-

1. The proposed development by virtue of its scale, siting, height and appearance would result in harm to the significance of Tonbridge Castle and the Conservation Area within which it sits, due to the detrimental impact upon the setting of these heritage assets. The scale and form in conjunction with the siting of the development would result in an overly dominant built form with a direct visual impact upon views of the skyline, which would give rise to harmful impacts to views from Tonbridge Castle. This would result in less-than-substantial harm to the Conservation Area and Tonbridge Castle. There are no public benefits arising from the proposed development that would outweigh this identified harm. The proposal would therefore be contrary to the requirements of paragraphs 189, 199, 200, 202 of the National Planning Policy Framework (2021).

2. The proposed development, by virtue of the number of units, overall footprint, associated scale and subsequent high density which is not commensurate to other development in the locality, would result in a significant overdevelopment of the site that would have a detrimental impact on the character of the area. Furthermore, the associated height, scale, unsympathetic design and use of external materials of the tower building, would result in a visually dominant and intrusive built form and appearance within the townscape and broader urban landscape. These factors when taken in combination would be demonstrably harmful to the character and visual amenities of both the immediate and wider locality. The development is therefore contrary to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment Development Plan Document 2010, policy TCA1 of the Tonbridge Central Area Action Plan 2008 and paragraphs 126, 130, and 134 of the National Planning Policy Framework (2021).

3. The development proposes a level of affordable housing provision that is significantly below the level required by adopted policy. Insufficient evidence has been submitted to sufficiently justify such an under provision and therefore the development is contrary to Policy CP17 of the Tonbridge and Malling Borough Core Strategy 2007 and paragraphs 62 and 63 of the National Planning Policy Framework (2021).

6.5 The current application has been prepared with the previous refusal reasons in mind and the aim of satisfying the local planning authority that they have now been overcome to such a degree as to merit a grant of permission.

6.6 The key differences to note are:

- A reduction in maximum number of storeys from 16 to 9;
- A reduction in number of units proposed from 183 to 118;

- A reduction in parking provision from 49 to 37 and the provision of 118 cycle storage spaces;
- Provision of 20% affordable housing on-site;
- A new design approach and improved quality of accommodation for occupiers.

6.7 The site is a sizeable area of brownfield land within the centre of Tonbridge. The governments Levelling-up and Regeneration Bill is seeking to make such sites more attractive for developers by allowing local planning authorities to take a more flexible approach in applying planning policies that would otherwise inhibit making the most efficient use of a site. As a result of this bill the government has published a consultation document for brownfield land. Whilst this document carries no weight at present it identifies that the 'brownfield first' approach is being promoted to further incentivise the effective and efficient use of brownfield land.

6.8 The Council cannot presently demonstrate a five year supply of housing when measured against its objectively assessed need. This means that the requirements of paragraph 11 of the NPPF (2023) fall to be applied. This sets out the presumption in favour of sustainable development which for decision taking means:

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

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

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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

6.9 The development plan must remain the starting point for determining any planning application (as statutorily required by s38 (6) of the Planning and Compulsory Purchase Act 2006) which is overtly reiterated at paragraph 12 of the NPPF, the consequence of this must be an exercise to establish conformity between the development plan and the policies contained within the Framework as a whole and thus ultimately the acceptability of the scheme for determination.

- 6.10 The footnote to this paragraph defines ‘the policies’ as mentioned above to include those relating to a number of protections and constraints. Included in this list are designated heritage assets and areas at risk of flooding. It is therefore necessary to consider the development proposals against these restrictive policies in order to establish whether the presumption re-emerges to be applied in this case. I will consider each in turn below.

Flood risk

- 6.11 Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 6.12 At paragraph 168, it states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 6.13 Paragraph 169 states that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.
- 6.14 Paragraph 170 explains that the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Paragraph 171 states that both elements of the exception test should be satisfied for development to be allocated or permitted.
- 6.15 Paragraph 173 sets out that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site,

the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 6.16 Paragraph 175 finally states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.
- 6.17 These requirements are broadly reflected within policy CP10 of the TMBCS and pertinent policies within the TCAAP.
- 6.18 The site lies within Flood Zone 3. The FRA submitted with the current application is supported by a sequential test which confirms the site is appropriate as no other suitable alternative locations were considered to be reasonably available in Flood Zone 1 or 2. The FRA findings deemed this to be acceptable and to pass the exception test as per the NPPF requirements.
- 6.19 The development proposed incorporates a number of flood mitigation measures including no land raising on the application site; no sleeping accommodation proposed at ground level with all of the proposed apartments at first floor level or higher with finished floor levels set nearly 4m above the 1:100+70% floor level required by the EA; the ground floor open car park and bin and bike storage areas will be floodable; all new plant will be located either on the first floor or ninth floor; flood resilient construction measures will be used, where possible, in the construction of the building; and a Flood Warning and Evacuation Plan has been prepared.
- 6.20 The proposals also include Sustainable Drainage Systems ('SuDS'), as detailed within the Flood Risk Assessment ('FRA') and Drainage Strategy report. The surface water drainage strategy incorporates the following measures:
- Rainwater harvesting via the roof terraces and green roof area;
 - An attenuation based drainage strategy;
 - Discharge of post development runoff to the Gas Works Stream, at greenfield runoff rates; and

- Provision of tanked permeable pavement beneath the parking areas.

- 6.21 This strategy is considered acceptable by KCC LLFA.
- 6.22 Sewage capacity was discussed with Southern Water prior to the submission of the application. They confirmed their aim to provide the necessary capacity within 24 months following a grant of permission. It is proposed to use mains sewers to service the building.
- 6.23 The Environment Agency has confirmed agreement with the findings of the FRA and are supportive of a grant of permission subject to a number of conditions being attached. Given the submitted information and the consultation responses I consider that there are no restrictive policies in respect of flood risk that lead to a clear reason for refusal.

Heritage Impacts

- 6.24 The proposed development site is within a historic environment of high significance including the setting of a scheduled monument and Grade I listed building, Tonbridge Castle.
- 6.25 Paragraph 200 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 6.26 Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.27 In terms of considering potential impacts arising from development proposals, paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential

harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 6.28 Paragraph 208 goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.29 Paragraph 209 sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.30 It must also be remembered that the LPA has statutory duties placed on it by the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the 1990 Act requires the decision maker to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest that they possess. Section 72(1) of the 1990 Act similarly requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.31 The site is located outside of the Conservation Area boundary and is approximately 35m south-east of the southern boundary. The nearest listed building is over 350m from the site. At present, despite their close proximity, the site is not considered to contribute to the character and appearance of the Conservation Area, nor the setting of the listed buildings, by virtue of interposing development and the lack of intervisibility or historic functional relationship between the two.
- 6.32 The application is supported by a detailed Heritage, Townscape and Visual Impact Statement. The Heritage Assessment concludes that the proposed development would be relatively innocuous from many of the key views. Although the proposed development is more visible in the townscape views, the proposal is not considered to disrupt or unduly obscure the relationship between Tonbridge Castle and its surrounding topography. Therefore, there is very limited potential for the proposals to limit our understanding of the Castle's historic purpose and present heritage value. As such the level of potential 'harm' to its significance is considered to be very low. The proposed development would not detract from the ability of the observer to recognise and appreciate the special interest of Tonbridge Castle nor Tonbridge Conservation Area. There would be no potential impacts on the Quarry Hill Conservation Area either.

- 6.33 The proposed development has been subject to detailed discussions with Heritage England at pre-application stage. The detailed comments from Heritage England confirm that whilst the proposed development would be highly visible from the viewpoint on the top of the Castle Gatehouse they note that the proposed height is not substantially higher than the Ashby's Point building just east of the proposal. A number of design choices, such as the wharf-like gabled roofline, the stepped heights, the articulation of the structure, and the use of darker, brick tone materials that are more in keeping with the surrounding structures also help to integrate the proposals within the historic environment of the area more broadly. This integration is considered to lessen the impact of the structure within the setting of the scheduled monument.
- 6.34 The comments received from Historic England consider that the current proposals for this site have substantially reduced the potential for harm to the significance of the scheduled monument and historic environment overall when compared to the previous planning application for which permission was refused (TM/20/02554/FL). Historic England does not object to the application on heritage grounds. However, they consider the proposed development would still result in some adverse effects due to the alteration of views from Tonbridge Castle. Their view is though the effect on Tonbridge Castle would be on the lower end of less-than-substantial harm in NPPF terms. This is because the development proposals have considered the heritage sensitivity of the site and limit harm to designated heritage assets through design, but ultimately the height and massing of the structure would still be highly visible in key views out from the castle, although this is balanced against the height of the surrounding buildings.
- 6.35 As per paragraph 208 in the NPPF, any remaining harm to heritage assets needs to be balanced against the public benefits of the application. In doing so great weight must be given to the conservation of the heritage assets regardless of whether the harm is less than substantial and the more important the asset, the greater the weight should be (para 199).
- 6.36 The Councils Conservation Officer has also been involved with the pre-application discussions on the revised submission. The design is now considered to not have a detrimental impact on the overall townscape and the setting of the wider conservation area as a whole. The revised massing of the building is considered to be of a size and design that respects the site and its wider conservation area surroundings.
- 6.37 It is therefore concluded that the whilst the development is within a historic environment of high significance including the setting of a scheduled monument and Grade I listed building, Tonbridge Castle and the wider Tonbridge Conservation Area it would amount to less than substantial harm in NPPF terms. The harm relates only to the height of the building which is though commensurate with those in its immediate surroundings.

- 6.38 It is considered that the NPPF tests regarding harm are therefore met and as such the presumption in favour of sustainable development set out at paragraph 11 (d) (ii) re-emerges and needs to be applied. The remainder of the assessment must therefore be undertaken within the context of the tilted planning balance. It is on this basis that the remainder of the analysis, and the conclusions drawn, follow.

Character, Townscape and Visual Amenity

- 6.39 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Any new development which is adjacent to the river should respect its sensitive location and the local character at that particular section of the river and should aim to improve the appearance and biodiversity of the riverside. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area.
- 6.40 Policy TCA1 of the TCAAP sets out as follows in respect of quality of new development within the town:
- 6.41 Development within the Central Area of Tonbridge, will be required to satisfy the following requirements:
- a) on sites adjoining the River Medway, or its tributaries, proposals must positively address the water, to include the location of doors and entrances, principal windows, shop fronts, balconies or other features, and allow for unrestricted public access to the waterside through the provision of pedestrian and cycle links and enhancements to the public realm;
 - b) proposals must provide a well designed, animated frontage adjoining all streets, squares, bridges, gateways and other public spaces through the location of doors and entrances, principal windows, shop fronts (or shop window displays where non-retail uses are accepted in retail units), balconies or other features, providing a clear definition, but seamless character between public and private space;
 - c) proposals must make provision for, or not prejudice the provision of, a connected network of streets, footpaths and cyclepaths, which is integrated within the existing street network, giving priority to pedestrians through the design and layout of all routes, width of pavements and positioning of crossings, and permitting appropriate access for service and emergency vehicles;
 - d) car, motorcycle and bicycle parking provision must be integrated into the design and layout of development, and minimise visual impact within the public realm;

e) the design of development, encompassing scale, layout, site coverage, and orientation of buildings, external appearance, roofscape (including any necessary provision for the screening of service plant), materials and hard and soft landscape, must respect the context of the site and the character of the part of the Town Centre within which it is located, especially when viewed from the Castle and from high view points to the south of the Town Centre, and facilitate the proper use of CCTV; and

f) a mix of land uses will be sought on individual sites where consistent with other policies in the plan, but regard should be had to the compatibility of neighbouring uses. New development should not cause harm to the amenities or character of the area in terms of noise, vibration, smell, safety or health, traffic or other impacts.

- 6.42 Section 8 of the NPPF requires developments to achieve healthy, inclusive and safe places which promote social interaction in terms of their street layouts and allow for easy pedestrian and cycle connections within and between neighbourhoods and active street frontages. As per paragraph 96 of the NPPF, layouts of new developments should enable and support healthy lifestyles, through encouraging walking and cycling.
- 6.43 Paragraph 131 of the NPPF emphasises that good design is key to creating better places to live and work. Paragraph 135 requires the LPA to ensure that development will contribute to the quality of an area for the lifetime of the development, is visually attractive, sympathetic to the local character and history of both surrounding built environment and landscape setting, without discouraging increased densities for example. This is exactly the balance that needs to be struck with this proposed development.
- 6.44 Paragraph 135 also encourages the establishment of a strong sense of place, with development that creates attractive, welcoming and distinctive places to live, work and visit. Optimising site potential with an appropriate amount and mix of development, whilst creating safe inclusive and accessible places which aid in the promotion of health and wellbeing for users of the development are also required attributes.
- 6.45 Paragraph 139 (b) of the NPPF states that significant weight should be given to developments which help raise the standard of design more generally in the area, so long as they fit in with the overall form and layout of their surroundings. Paragraph 139 of the NPPF is also key in that it requires development to reflect local design policies and government design guidance, including SPDs such as design codes and guides. The balance between design and new development is mentioned in that design must not be used as valid reason to object where it complies with the clear expectations of planning policies.

- 6.46 Paragraph 162 (b) states that new development should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.47 The National Design Guide is also a material consideration, in this case most notably in respect of context, identity and built form.
- 6.48 The concept of a high density development with a tower element on this site has been considered for a number of years. The extant permitted scheme included a tower of 13 storeys, a building which would introduce a prominent mass of built form to this part of Tonbridge. Most recent refused applications for the site have proposed larger, higher density schemes of up to 16 storeys.
- 6.49 The design has now been revised to feature a building of a maximum of 9 storeys, with the density, layout, scale and massing and architectural style of the proposed development being amended to reflect the context of the site. The proposal has been designed to make efficient use of the land and positively contribute to the position of the site adjacent to the River Medway whilst preserving the setting of heritage assets in the surrounding area.
- 6.50 The proposals have been designed to maximise healthy and sustainable living through the encouragement of sustainable modes of transport such as walking and cycle, and reducing car dependency.
- 6.51 The ground floor comprises car parking, cycle stores, refuse stores, plant and communal entrances to the two cores. The floors above comprise the residential units, with necessary plant rooms towards the front of the scheme.
- 6.52 The site layout has been derived to meet the requirements of local and national policy. The proposed site layout enables an opportunity to redevelop the underutilised site to bring new life and an appropriate response to an urban location, adjacent to an important local amenity in the River Medway. The proposed scheme is formed of a single block which is proportionally articulated to step back from the site boundaries in response to the articulation of the neighbouring building lines and also to create meaningful landscaping opportunities at ground floor level and assist in servicing and vehicle movements. The proposed site layout also enhances permeability through the creation of a new pathway to link to the footbridge to the south of the site.
- 6.53 With regard to the design itself, this has been revised for this submission to now be more of a wharf-style development with a roof line that is broken up to respect the existing roof-scape of the town and give views through the gaps in the massing. This gives the impression of a group of buildings rather than a single continuous mass. The effect is increased by the use of a material palette consisting of a rich red facing brick, and a complementary lighter red multi-brick for the main elevation treatments, with a bronze finish triangular-profiled articulated aluminium cladding at the upper level of each of the pitched roof

segments, with standing seam metal roofs in a matching colour. The balcony balustrades, handrails and railing would be finished in grey powder coated aluminium and would break up the brickwork. Similarly grey powder coated metal window frames are proposed to be used to give an industrial style appearance.

- 6.54 The elevations of the proposed building have reduced considerably the scale and massing of the scheme so that it now respects the general character of the townscape of this area. The reduction in the perceived massing of the building also has the impact of reducing the bulk of the building in the longer views through the town.
- 6.55 The design of the proposal enables a number of improvements to the public realm in the surrounding locality by way of the improved connectivity to the surrounding town centre and attractive hard landscaping and planting scheme to enhance this riverside location. These elements would make a positive contribution to this element of the function of the townscape for both residents and visitors by way of these improvements, all of which would potentially encourage greater footfall and benefit the town centre in this way.
- 6.56 The proposal is therefore considered to successfully overcome the reasons for refusal related to harm to character in the previous decisions. The more detailed design elements of the scheme are considered to be much improved, breaking up the mass of the building and creating interest in both roofscape and streetscape. The improvements to the design are therefore felt sufficient to overcome the harm resulting from the intended scale and height of building in this location. It is therefore considered that the proposal now accords with Policies CP24 of the TMBCS, SQ1 of the MDE DPD, TCA1(e) of the TCAAP, Chapter 12 of the NPPF requiring good design and the National Design Guide.

Housing and Affordable Housing

- 6.57 Policy CP17 of the TMBC sets out the adopted policy position in respect of affordable housing provision for all new developments across the Borough. Chapter 5 of the NPPF addresses the need to deliver a sufficient supply of homes, including affordable housing. The requirements of CP17 are broadly consistent with the requirements of the NPPF in this respect.
- 6.58 NPPF paragraph 61 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The adopted development plan does not contain specific housing mix policies, although Core Strategy Policy CP1 states that provision will be made for housing to meet the needs of existing and future residents of the borough.
- 6.59 The proposals will provide 118 residential units in a mix of unit sizes and types, including studio, 1 bed, 2 bed and 3 bed homes. 10% of the homes are designed to provide wheelchair user homes.

- 6.60 Policy CP24 of the Core Strategy requires all new developments to be of high quality and be designed to sit well within the context. The proposals will deliver a high standard of residential accommodation and will meet or exceed relevant residential quality standards set by the 'Technical Housing Standards – Nationally Described Standards'. 10% of the homes will provide wheelchair user homes complying with the Building Regulations Part M4(3). All other units will comply with Building Regulations Part M4(2). The wheelchair user homes are situated on a number of floors and different locations throughout the building in order to offer a range of options for future residents.
- 6.61 Dual aspect layouts have been maximised wherever possible. There are no north-facing single-aspect units proposed. Furthermore, large floor to ceiling windows have been utilised in the main habitable rooms wherever practicable to optimise levels of light and residential quality. All main habitable spaces (living areas and bedrooms) will have a ceiling height that meets or exceeds the nationally described standard of 2500mm for at least 75% of the gross internal area. This ensures adequate quality of ventilation, light and sense of space.
- 6.62 Overall the proposed dwelling mix is considered to be acceptable.
- 6.63 With regard to affordable housing provision, Policy CP17 of the Core Strategy requires sites within Urban Areas to provide 40% affordable housing on sites of 15 dwellings or more, or a site size 0.5ha or more. Supporting text confirms that this will be the starting point for negotiations on a site by site basis and is subject to viability considerations.
- 6.64 The application is supported by a viability report that indicates that the site would not be able to provide policy compliant affordable housing. The viability report has been reviewed by independent assessors and they concur with the position that the development is unlikely to be viable with any provision. The applicants have however countered this and recognising the priority need for affordable housing within Tonbridge have therefore proposed to offer 20% affordable housing on a habitable room basis despite the viability challenges affecting the proposal. Offering affordable housing even where there are viability challenges does not conflict with Policy CP17 of the Core Strategy and should be supported as a significant planning benefit associated with the development.
- 6.65 To tackle the challenging economic circumstances currently affecting the site, the applicant is wishing to maintain flexibility by proposing either private sale or Build to Rent housing. If the housing is delivered in the private sale tenure, the affordable tenure would be Shared Ownership. If the housing is delivered in the Build to Rent tenure, the affordable tenure would be Discount Market Rent. Whilst this is not a common approach to affordable housing delivery the applicants have provided examples of developments that have been assessed by Planning Inspectors and have been considered sound. It is therefore

considered that the ability to seek affordable housing even with viability issues is welcomed and that the affordable housing tenure can be appropriately secured via a s106 agreement.

- 6.66 Overall, whilst the development does not provide policy compliant affordable housing provision it is considered that the benefits of providing dwellings in a sustainable brownfield town centre location outweigh the under provision and in this instance is acceptable.

Parking provision and Highway safety

- 6.67 Paragraph 114 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 6.68 Paragraph 115 goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116 states that within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

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

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

- 6.69 Finally, paragraph 117 sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 6.70 These requirements are broadly in conformity with policy CP2 of the TMBCS (sustainable travel), policy SQ8 of the MDE DPD and TCA12(1) of the TCAAP.
- 6.71 The site is located within a sustainable location, just beyond the town centre boundary and within walking distance of Tonbridge High Street, train station and a number of bus routes. A number of pedestrian and cycle routes surround the site, with a public right of way in close proximity to the north west.
- 6.72 The development proposes 37no. standard car parking spaces including 4no. disabled parking bays, equating to 10% of the total provision. The spaces will be provided on-site in garages, within the undercroft of the building and externally to the south of the building. All parking spaces will benefit from 'Active' Electric Vehicle Charging Provision, in accordance with the recent updates to Approved Document S of the Building Regulations.
- 6.73 The parking ratio for this scheme equates to 0.31 spaces per dwelling. Although this is below the maximum provision stipulated within KCC's parking standards document, and as outlined above, the emerging proposals have been designed in accordance with the 'Kent Design Guide Review: Interim Guidance Note 3' which advises that residential flats should have a maximum parking ratio of one space per unit, however, in town centre locations, such as this Site, *"reduced, or even nil provision is encouraged in support of demand management and the most efficient use of land"*. Therefore it is considered the County Council indicate a clear view to reduce car usage and parking provision in town centre locations, and seek to encourage the use of sustainable transport modes. Furthermore, the previous application (LPA ref: 20/02554/FUL) proposed a parking ratio of 0.27 spaces per dwelling, which is significantly less than the permitted standards outlined above and this was not objected to by KCC. This low provision was justified through parking survey data, and this application has repeated these surveys in support of this planning application.
- 6.74 The level of parking provision on site is constrained by the location within Flood Zone 3, which precludes any basement level parking as a possible option. The Highways Authority have confirmed that the level of parking proposed in this location is acceptable. The Kent Design Interim Guidance Note 3 advises 1 & 2 bed flats in such a location should have a maximum provision of 1 space per flat

and visitor parking in nearby car parks. Proposed parking provision is therefore in compliance with these standards, as confirmed by the Highways Authority. The Borough Council has judged that the standards set out in IGN3 are out of date and therefore diminished weight should be afforded to them, instead with an emphasis to be placed on the site specific characteristics and credentials of the locality and individual schemes in assessing an appropriate level of parking provision. These aspects are further discussed below.

- 6.75 The Highways Authority confirmed a high level of parking controls on surrounding streets in the form of double and single yellow lines. These existing parking restrictions and the supporting parking enforcement is considered sufficient to prevent residents or visitors using on street parking for long stay purposes, and therefore preventing hazard to road users. As such a highway based objection to the current scheme is not considered to be sustainable.
- 6.76 It is noted there is a significant amount of neighbour objection on the grounds of the existing parking problems and the fact that this would, in their view, be exacerbated to dangerous levels by the proposal. The Highways Authority have however confirmed that the publicly maintained highway extends only as far as Medway Wharf Road. Remaining areas within the vicinity used for residents parking does not fall within their control and is the management responsibility of the leaseholders/management companies for these sites.
- 6.77 In order to further reduce the potential for car ownership as part of the development the applicants have provided a framework residential travel plan that sets out how they would seek to reduce travel by the private motor vehicle and encourage travel by alternative, more sustainable modes. Examples of methods proposed include provision of a travel pack for residents, site specific travel website, provision of secure cycle parking and the provision of a dedicated car club space to discourage car ownership.
- 6.78 It is proposed to secure the travel plan for a 5-year period, with baseline surveys undertaken 9 months post occupation and targets for reductions based upon existing travel patterns. To ensure the success of the proposed car club scheme appropriate financial contributions to secure 1 vehicle for the life of the travel plan and membership for all residents for a minimum period of 1 year should be secured. The travel plan and car club provision can be controlled by planning condition and S106 legal agreement.
- 6.79 Kent parking standards set out the minimum cycle parking standards for flats and maisonettes at one space per unit. The proposal will provide 118 cycle parking spaces which equates to 1 space per unit, as per the standards set out above. 10 of these spaces are to be provided as oversize cycle spaces (8% of the total), to allow for accessible cycles to use the cycle storage areas. 4no Electric Bicycle Charging spaces are also proposed, which is considered appropriate for the size of the development. As such, the proposed level of

cycle spaces is compliant with Policy CP2 of the Core Strategy which encourages the promotion of sustainable travel modes such as walking, cycling and the use of public transport.

- 6.80 The existing access will be used for vehicles, whilst pedestrians and cyclists will have the additional option of using the existing footbridge. It is accepted that the new footpath link between this bridge and Medway Wharf Road will improve links with the town centre and increase permeability in this part of Tonbridge for future residents and existing users from a wider area. The access arrangements are considered to be acceptable.
- 6.81 In terms of traffic generation, the tests carried out by the applicant and then confirmed by the Highways Authority conclude that the proposed use is anticipated to generate less traffic than the extant use, in line with the overall conclusions of the Transport Assessment. The results conclude that the proposed development is anticipated to generate 34 and 37 two-way vehicular trips in the AM and PM peak, respectively. The conclusions also show that the net reductions in vehicular trips in both the AM and PM Peak that are predicted to occur as a result of the development will result in significant improvements with regards to the operation of the local highway network when compared to the extant 2011 Permission.
- 6.82 With regards to servicing, the proposed development is predicted to generate 2 two-way servicing trip rates in the AM and PM peak respectively, and it is concluded that the minimal servicing movements will have a negligible impact on the local highway network.
- 6.83 In conclusion it is considered that the site offers accessibility by a choice of transport modes, being located within an area where there are good rail and bus connections, as well as being within walking and easy cycling distance of Tonbridge Town Centre. The existing access off Medway Wharf Road is considered appropriate to provide vehicular access that is safe and suitable to accommodate the proposed development. The proposed development would provide an appropriate level of car and cycle provision and the proposed layout incorporates good permeability for pedestrians and cyclists to and from Tonbridge Town Centre. The development proposals therefore accord with Policy CP2 and the National Planning Policy Framework and there are no highway or transportation reasons to preclude the development as proposed.

Residential Amenity

- 6.84 Consideration of the impact upon sunlight/daylight levels is important for both existing residents and future occupants. Paragraph 129 of the NPPF balances the need to make efficient use of land and achieving acceptable living standards with regards to daylight and sunlight. A flexible approach is advised in applying policies or guidance on this matter, provided that this does not of course lead to unacceptable living standards.

- 6.85 As a result of the proximity of Waterway House to the north and Ashbys Point to the east a detailed sunlight/daylight assessment has been undertaken in accordance with the Building Research Establishment '*Site layout planning for daylight and sunlight – a guide to good practice*'.
- 6.86 The study uses the baseline position of the extant consent and compares this to the proposed development. The results of the assessment demonstrate that at both Ashbys Point and Waterway House, whilst not all windows adhere to the numerical recommendations within the BRE Guidance, when compared to the already consented scheme, the impact is neutral and therefore, the impacts are within the parameters of acceptability. Consequently, the impact on daylight, sunlight and overshadowing should not be considered a constraint upon the development of this site.
- 6.87 Whilst each proposal is assessed on its own planning merits the comparison of impacts between the approved and proposed scheme is a relevant consideration. It should also be noted that the previous applications have not been refused on the grounds of harm to amenity, and these were much larger developments with more.
- 6.88 Taking account of the above conclusions I am therefore satisfied that any additional impacts on sunlight and daylight to neighbouring properties compared to the extant scheme, would be neutral. Similarly, I do not consider that the proposed development would present significant differences to that of the extant approved scheme that would give rise to an unacceptable level of overlooking and loss of privacy of neighbouring properties. The resulting relationship between existing and proposed buildings would not be unusual within an urban setting such as this, albeit different to the current more open setting. The development is therefore considered to accord with the requirements of Policy CP1 and paragraph 129 of the NPPF.
- 6.89 With regard to the impact of noise and air quality on the proposal, the site has been subject to scrutiny due to the proximity of the Tannery Road Industrial Estate. In this case the Agent of Change principle is relevant due to the presence of this nearby industrial use. The Agent of change principle is referred to in paragraph 195 of the NPPF which confirms a requirement for new developments to be compatible with any existing businesses and community facilities in the surrounding area. The 'Agent of Change Principle' aims to protect existing uses such as these and avoid any new permission resulting in unreasonable restrictions being imposed upon them. A full noise assessment has therefore been undertaken which has concluded that any impact on the proposed development can be successfully mitigated by treatments of the units themselves. This can be controlled by planning condition. On this basis it is not considered that the residential use would impact on or be adversely affected by the surrounding uses.

- 6.90 Similarly it is not considered that there are any air quality or odour issues in the area which would require mitigation. As such the proposal complies with paragraph 192 which requires planning decisions to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones.

Landscaping, trees and open space provision

- 6.91 Policy CP24 of the Core Strategy seeks to ensure proposals deliver a high quality development which includes development which seeks to enhance its existing open spaces. Paragraph 136 of the NPPF also notes that trees make an important contribution to the character and quality of urban environments. Hard and soft landscaping are proposed with the aim of complementing both the development and the wider townscape, creating biodiversity and accessibility benefits. This would include a new footpath link from Medway Wharf Road through to the existing footbridge which spans the Gas Works Stream to the south of the site.
- 6.92 The hard landscaping strategy involves the introduction of paving for the public realm areas. Furniture such as benches and sunlounges are also proposed to be distributed around the development. A number of informal play features are also proposed to provide door-step play space for younger children.
- 6.93 The soft landscaping strategy involves the introduction of green walls, green screens, flower-rich perennial planting and extensive green roofs. As part of the soft landscaping strategy, the scheme will remove 3no. low quality existing trees from the site which are located along Medway Wharf Road, and replace these with 16no. new trees across the development.
- 6.94 As part of the development two communal rooftop terrace areas are proposed. At sixth floor level, there is a communal roof terrace which is divided into a series of outdoor rooms for varying purposes, including sunbathing, outdoor dining and relaxing. Informal play opportunities for young children, with adjacent bench seating for adults are proposed with a mix of planting proposed. At the seventh floor a larger communal roof terrace is proposed along similar lines to that proposed on the floor below.
- 6.95 Whilst the provision of these open communal areas are appreciated the development would result in a shortfall of open space provision in line with adopted policy OS3 requirements. In order to address these the applicants have agreed to provide a contribution of £208,432 to enhance existing off site open spaces.
- 6.96 The landscaping and open space provision is therefore considered to be acceptable.

Contamination

- 6.97 In accordance with paragraph 190 of the NPPF which requires contaminated sites to be rendered safe for redevelopment by the developers, proposals for remediation are a key part of this application. The application is supported by a comprehensive site investigation desk top study and site walkover. The findings did find the presence of potential sources of contamination which will require further investigation. The Council's Environmental Protection Officer has therefore requested conditions to require further investigations, should permission be granted.

Ecology and Biodiversity net gain.

- 6.98 Policy NE3 of the Management Development and the Environment Development Plan requires development that would adversely affect biodiversity to only be permitted should appropriate mitigation and/or comprehensive measures be provided within the scheme. The policy goes on to add that development proposals must make provision for the retention of the habitat and protection of its wildlife links, whilst taking opportunities to maximise the creation of new corridors and improve permeability and ecological conservation value where possible.
- 6.99 A Preliminary Ecological Appraisal has been submitted which confirms that the site is dominated by hardstanding that forms a car park that provide limited opportunity for biodiversity. The woodland strip in the south of the site is in moderate condition and offers opportunity for breeding birds and bats. The scrub in the north of the Site in poor ecological condition and provides limited opportunity for biodiversity, however it is possible that breeding birds and invertebrates will utilise this habitat. Overall, the site has limited biodiversity value.
- 6.100 The desk study returned five Local Wildlife Sites (LWS) within the Zone of Influence (Zol), however there is limited to no ecological connectivity between these areas and the site so it is concluded that the development will not impact on these LWS.
- 6.101 The desk study also returned a wide range of records of protected and notable species within the Zone of Influence of the site, however the Extended Phase 1 Habitat Survey found little opportunity for most of these on site, with the woodland strip and scrub providing the only opportunities for biodiversity on site.
- 6.102 The woodland strip is being retained as part of the development, and measures are proposed to ensure that light pollution does not negatively impact this habitat.

- 6.103 A Biodiversity Net Gain calculation has been carried out using the Biodiversity Metric 3.1 tool in order to assess the area's baseline value to biodiversity and to compare this then to the post-development value of the same site. The existing site's calculation results show that the habitat units on site have a BNG value of 0.12 and the hedgerow units 0.00. Whereas post-development the habitat units show a value of 0.59 and the hedgerow units 0.03. This shows that the total net unit change for habitat units is 0.47 and the hedgerow units is 0.03. The overall increase in habitat units is attained primarily through new urban tree planting and the creation of areas of native planting and green roofs. The increase in hedgerow units is attained through the creation of a section of native hedgerow. The submitted information indicates that the development will achieve a biodiversity net gain of 393% for habitat units, and 100% for hedgerow units, this significantly exceeding the future legislative requirement for 10% net gain.
- 6.104 As such, it is considered that the development proposals accord with Local Policy, particularly Policy NE3 and the NPPF.

Fire safety

- 6.105 Measures to ensure the consideration of fire safety matters as they relate to land use planning at the planning stage for schemes involving high rise residential buildings were brought into effect in the Building Safety Bill. The Health and Safety Executive is the Building Safety Regulator for this development due to the height of the building being a 'Higher Risk Building' (HRBs) as defined in the Building Safety Bill, which would be more than 7 storeys in height.
- 6.106 A Fire Strategy Statement and Gateway One Statement have been prepared and are submitted alongside this planning application. A number of fire precautions have been designed into the scheme to ensure the scheme is providing safe long-term residential accommodation. Following a review of the information provided in the planning application the HSE is satisfied with the fire safety design to the extent that it affects land use planning. Similarly, the Fire and Rescue service are satisfied that the off-site access requirements that they have, have been met by the proposal.

Archaeology

- 6.107 The site of the application lies south of the historic core of Tonbridge and within the river valley base. Until the 19th century this area was mainly open land, probably seasonally flood or meadow land or hinterland activities. In the late 19th century it developed as industrial space for gasworks.
- 6.108 There is in addition some potential for Palaeolithic remains and palaeo-environmental remains due to the location of the scheme being on river terrace gravels and alluvial deposits.

- 6.109 With regard to buried archaeology, the proposed development may have an impact on Early Prehistoric remains, and buried 19th century industrial remains. On this basis it is considered that the site should be subject to further study in relation to both archaeological field evaluation and geo-archaeological investigation. These can be sought by condition.

Planning Obligations

- 6.110 Policy CP25 of the Core Strategy requires new development to “incorporate the infrastructure required as a result of the scheme or make provision for financial contributions and/or land to secure such infrastructure or service position at the time it is needed, by means of conditions or a planning obligation”.
- 6.111 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests as set out in paragraph 122 of the CIL Regulations 2010 (as amended). These state that obligations must be :
- 1.necessary to make the development acceptable in planning terms;
 2. directly related to the development; and
 3. fairly and reasonably related in scale and kind to the development.

The requested obligations are as follows :-

- 6.112 Open space contribution of £208,432. With contributions towards Parks & Gardens at Haysden Country Park, Tonbridge Castle and Memorial Gardens; Outdoor Sports Facilities at Tonbridge Racecourse Sportsground; Children’s and Young People’s Play Areas at Tonbridge Racecourse Sportsground and Natural and Semi Natural Green Spaces at the area opposite Tonbridge Moorings.
- 6.113 The on-site provision of affordable housing as detailed previously, being the on-site provision of 20 percent affordable housing with a tenure of either a shared ownership or discounted market rent tenure.
- 6.114 KCC Highways consider the following should be secured via S106/legal agreement:
- A financial contribution towards a new controlled crossing facility on Cannon Lane
 - Car club scheme, with minimum membership of 1 year for all residents
- 6.115 Kent and Medway CCG submitted their requests for contributions associated with the proposed development. This proposal will generate approximately 188

new patient registrations in an area of currently limited capacity. A contribution would be required to meet this need through the creation of extra capacity in existing general practice premises. The figure requested is £67,752. The CCG contribution would again be secured as part of a section 106 agreement were permission to be granted.

6.116 In line with the provisions of CIL Regulation 122, the County Council has also requested financial contributions to mitigate the impacts that the proposal would have upon its services. The contribution amounts are broken down as follows:

- Primary Education : £56,864.50
- Secondary Education : £55,615.00
- Community Learning : £1,937.56
- Youth Service : £7,729.00
- Library Bookstock : £6,543.10
- Social Care : £17,331.84
- Waste : £21,673.06

6.117 The agreed contributions requests when assessed against the tests set out in paragraph 122 are considered to meet the tests and will be secured by way of the S106 agreement.

Planning Balance and overall conclusions

6.118 Due to the Council's lack of a 5 year housing land supply the tilted balance is engaged in this case. As the site is affected by both heritage and flooding constraints the proposal is assessed against paragraph 11 d (i) of the NPPF, the conclusion being that the impact of the proposed development to both heritage assets and the risk of flooding would not cause a level of harm that would provide a clear reason to refuse the proposal.

6.119 Following this it is necessary to apply consideration under paragraph 11 d (ii) of the NPPF, and whether any potential adverse impacts significantly and demonstrably outweigh the benefits of the proposal when assessed against the rest of the NPPF policies.

6.120 The development provides a level of affordable housing on-site that whilst not fully policy compliant is considered appropriate given the viability issues surrounding the development. An appropriate living environment for both proposed and existing residents will result from the development and the scheme has the significant benefit of providing much needed housing in a sustainable urban location utilising an area of brownfield land. This, combined

with the improvements to the connectivity of the area to the existing river crossing are considered to be a substantial benefit when viewed against the less than substantial harm to the significance of the setting of the designated heritage asset of Tonbridge Castle in accordance with paragraph 208 of the NPPF.

- 6.121 There are no outstanding objections from statutory consultees.
- 6.122 Taking these considerations into account, the presumption in favour of sustainable development, and having assessed the proposal in light of paragraph 11d (i) and (ii), it is the officers view that on balance the proposal accords with adopted local and national planning policy.
- 6.123 It is therefore recommended to grant the proposal subject to S106 requirements and the necessary conditions.

7. Recommendation:

7.1 Grant Planning Permission, subject to:

- The applicant entering into a S106 agreement to make financial contributions and securing affordable housing provision; 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 The development hereby approved shall be carried out in accordance with the following plans and documents:

Planning Statement and Planning Supplementary Note
Design and Access Statement
Air Quality Assessment
Archaeological Desk-Based Assessment
Preliminary Ecological Appraisal
Daylight, Sunlight and Overshadowing Assessment
Statement of Community Involvement
Flood Risk Assessment and Drainage Strategy
Flood Risk Sequential Assessment and Exceptions Test
Heritage, Townscape and Visual Impact Assessment ('HTVIA')
Landscape Strategy
Transport Assessment
Residential Travel Plan
Tree Survey and Arboricultural Statement
Acoustics Report (Rev. 2)

Acoustic Mitigation Note
Energy and Sustainability Strategy
Planning Fire Strategy Statement
Gateway One Statement
Viability Response
Overheating Assessment
Site Location Plan (Drawing Ref No. 1581 PL 001)
Existing Site Layout Plan (Drawing Ref No. 1581 PL 002)
Ground Floor Plan (Drawing Ref No. 1581 PL 100)
First Floor Plan (Drawing Ref No. 1581 PL 101)
Typical Floor Plan- 2nd to 4th Floors (Drawing Ref No. 1581 PL 102)
Fifth Floor Plan (Drawing Ref No. 1581 PL 105)
Sixth Floor Plan (Drawing Ref No. 1581 PL 106)
Seventh Floor Plan (Drawing Ref No. 1581 PL 107)
Eight Floor Plan (Drawing Ref No. 1581 PL 108)
Attic Plant Floor Plan (Drawing Ref No. 1581 PL 109)
Roof Plan (Drawing Ref No. 1581 PL 113)
Accessible Layout Type 1 (Drawing Ref No. 1581 PL 150)
Accessible Layout Type 2 (Drawing Ref No. 1581 PL 151)
Accessible Layout Type 3 (Drawing Ref No. 1581 PL 152)
Accessible Layout Type 4 (Drawing Ref No. 1581 PL 153)
Accessible Layout Type 5 (Drawing Ref No. 1581 PL 154)
GA Elevations SE & NW (Drawing Ref No. 1581 PL 200)
GA Elevations NE & SW (Drawing Ref No. 1581 PL 201)
Sectional Elevations D-D, E-E, F-F, G-G (Drawing Ref No. 1581 PL 202)
Contextual Elevations SE & NW (Drawing Ref No. 1581 PL 210)
Contextual Elevations NE & SW (Drawing Ref No. 1581 PL 210)
Sections A-A,B-B,C-C (Drawing Ref No. 1581 PL 300)

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents.

- 3 No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- 4 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The CMP shall incorporate details of:
- a) Routing of construction and delivery vehicles to / from the site;

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

Reason: In the interests of highway safety.

- 5 The vehicle parking spaces and / or garages shown on drawing no. 1581 PL 100 shall be provided prior to first occupation of the development hereby approved and shall be kept available for such use thereafter.

Reason: To ensure that adequate parking is provided, and maintained and retained.

- 6 The vehicle loading / unloading and turning facilities shown on drawing no. 1581 PL 100 shall be provided prior to first occupation of the development hereby approved and shall be permanently retained for such use thereafter.

Reason: In the interests of highway safety.

- 7 The access shown on drawing no. 8582/204 shall be provided prior to first occupation of the development hereby approved and shall be permanently retained and maintained for such use thereafter.

Reason: In the interests of highway safety.

- 8 The secure cycle storage shown on drawing no. 1581 PL 100 shall be provided prior to first occupation of the development hereby approved and shall be kept available for such use thereafter.

Reason: To ensure that cycle bays are provided and maintained in accordance with the Council's adopted standards.

- 9 The visibility splays shown on drawing no. 8582/204 shall be provided prior to first occupation of the development hereby approved and shall be permanently retained and maintained thereafter. The visibility splays shall ensure no obstructions over 0.6 metres above the carriageway level within the splays.

Reason: In the interests of highway safety.

- 10 Prior to first occupation of the development hereby approved, 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access shall be provided and shall be permanently retained and maintained thereafter. The

visibility splays shall ensure no obstructions over 0.6 metres above the footway level within the splays.

Reason: In the interests of highway safety.

- 11 No development (except for site clearance) shall 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 and the development shall be implemented in accordance with the approved scheme.

The scheme shall:

- Specify the responsibilities of each party for the implementation of the scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development, including arrangements for adoption by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

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.

- 12 Prior to first occupation of the development hereby approved, a Verification Report pertaining to the sustainable surface water drainage system and prepared by a suitably competent person shall be submitted to and approved in writing by the local planning authority.

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

- 13 Prior to above ground works, details of the proposed means of foul sewerage and surface water disposal shall be submitted to and approved in writing by the local planning authority and the development shall be implemented in accordance with the approved details.

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.

14 No development shall commence until the following details have been submitted to and approved in writing by the local planning authority:

a) contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with paragraph 180 of the NPPF

15 No development shall commence, other than as required as part of any relevant approved site investigation works, until the following details have been submitted to and approved in writing 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 shall 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 paragraph 180 of NPPF.

- 16 Prior to first occupation of the development hereby approved, a relevant Verification Report that 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 Verification 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 those 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: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with the NPPF.

- 17 No infiltration of surface water drainage into the ground is permitted other than with the written consent 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 contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework.

- 18 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the National Planning Policy Framework.

- 19 Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;
 - iii. programme of post excavation assessment and publication.

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

- 20 Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i. geo-archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii. further geo-archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;
 - iii. programme of post excavation assessment and publication.

Reason: To ensure that features of geo-archaeological interest are properly examined, recorded, reported and disseminated

- 21 Prior to first occupation of the development hereby approved, details of a phased occupation which aligns with the delivery by Southern Water of any sewerage network reinforcement required to ensure adequate wastewater network capacity is available to adequately drain the development, shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the amenities of new residents and those of surrounding properties and to ensure that the development does not have a detrimental impact upon the existing sewerage network.

22 For dwellings affected by noise from the adjacent industrial Unit 12, no occupation shall take place until details of noise insulation / attenuation requirements (e.g. glazing, façade build up, appropriate ventilation) have been submitted to and approved in writing by the Local Planning Authority having regard to the operations from Unit 12 as provided in 'Planning Application Report – Acoustics' prepared by MZA Acoustics (Rev 02 dated 1st November 2023). The proposed noise insulation / attenuation requirements should consider the following internal noise targets applicable at any time of the day or night and in any habitable room (living room, bedroom) when windows are closed:

- 35 dB LAfmax from external operational noise (such as loading/unloading of goods)
- NR25 from noise emitted by extract fans on the exterior of the building.

The residential units shall not be occupied until the approved measures have been implemented in accordance with the approved details.

Reason: To safeguard the amenity of occupiers of the proposed dwelling hereby approved, from the noise impacts from the neighbouring industrial unit (unit 12 Tannery Road Industrial Estate)

23 The development shall be carried out in accordance with the measures set out in the conclusion of the submitted flood risk assessment 8582 produced by Cole Easdon.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

24 Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. The development hereby approved shall be carried out in such a manner that all trees are protected in accordance with the recommendations within BS 5837 – Trees in relation to design, demolition and construction.

Reason: In the interests of good horticultural practice.

25 Prior to the first occupation of the development hereby approved a scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved by the Local Planning authority. The landscaping details shall accord with the approved Landscape Strategy 13592A-30-R03-01. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs

removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

Contact: Robin Gilbert

Appendix 1 – KCC Highways comments



Tonbridge & Malling Borough Council
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Kings Hill
West Malling, Kent
ME19 4LZ

Highways and Transportation
Kroner House

Eurogate Business Park
Ashford

TN24 8XU

Tel: 03000 418181

Date: 15 February 2023

Our Ref:

Application - TM/22/02694/FL

Location - Formerly River Centre Car Park Medway Wharf Road Tonbridge Kent

Proposal - Erection of a 9 storey building comprising of 118 residential units, together with associated car and cycle parking, landscaping and associated works

Introduction

The proposals seek permission for the erection of a 9-storey building comprising of 118 residential units, together with associated car and cycle parking, landscaping and associated works.

Kent County Council (KCC) note that the site was the subject of a previous planning application Tonbridge and Malling Borough Council (TMBC) reference: 20/02554/FL, which was refused for non-highway related reasons.

This consultation response should be read in conjunction with this authority's response to the previous application dated 11th January and 25th March 2021, as many of the comments remain pertinent and valid.

The proposals are supported by a Transport Assessment (TA) and Framework Travel Plan (FTP), which are dated November 2022 and was produced by the consultants Cole Easdon. I have the following highway comments to make in respect of it:

Access

Vehicular

The TS indicates that the access proposals would be identical to those proposed for the previously refused application. Whilst this approach is acceptable in principle, for the avoidance of doubt a drawing indicating the proposed access arrangements, including proposed visibility sight lines and any entry control features should be provided.

Pedestrian

Consistent with the pedestrian access strategy for the previous application pedestrian access to the site is proposed via an access on the eastern side of the building, which fronts onto Medway Wharf Road. This entrance is to provide access to the building's internal staircase, bin storage facilities and cycle parking facilities. KCC Highways consider this approach to be

acceptable given the high-quality pedestrian infrastructure adjacent to the development at this location.

Importantly, the applicant is also continuing to propose an additional pedestrian access adjacent to the bridge that provides access to nearby public car parks. KCC Highways consider this access to be essential in ensuring direct and convenient access to the car parks opposite the site.

Sustainability

Walking and Cycling

Analysis of the site's sustainable transport credentials has been undertaken by the applicant and is contained in section 4 of the TA. This analysis identifies that the site is within close proximity of a range of different facilities and sustainable transport infrastructure due to its proximity to Tonbridge Town Centre.

As identified in table 4.1 on page 18 of the TA facilities within an acceptable walking distance of the development include Waitrose and Sainsbury's supermarkets, the Angel Leisure Centre and the Slade Primary School. Medway Wharf Road, which connects to the B2260, High Street and Sovereign Way, benefits from continuous footways with uncontrolled pedestrian crossing facilities, in the form of dropped kerb crossings, thereby allowing suitable access to the facilities located to the north and south of the site. Tonbridge High Street also benefits from existing dedicated controlled crossing facilities that allow access to Tonbridge train station.

Cycle routes within the immediate proximity of the site are illustrated in figure 3.2 on page 17 of the applicant's TA. Figure 4.1 demonstrates that the nearest designated route, National Cycle Route 12, is located to the south of the site. This route offers a dedicated off road, traffic free route for the most part and continues in an easterly direction out of Tonbridge towards Haysden Country Park and beyond. Consequently, the route is likely to be attractive to leisure and recreational cyclists.

No designated off-road routes are available in a northern direction, towards Tonbridge's northern residential suburbs or further south towards Tunbridge Wells, meaning that cyclists would have to cycle on carriageway. Owing to the heavily traffic nature of these routes they are likely to be less attractive to leisure and recreational cyclists undertaking trips for whatever purpose. However, this is somewhat mitigated by the potential for multimodal end to end trips owing to the development's central location.

Finally, whilst KCC Highways are mindful of how Tonbridge town centre is likely to be the primary pedestrian trip attractor, the existing amenities such as Aldi supermarket and employment areas will attract a degree of pedestrian trips.

Any pedestrians wishing to cross the A26, Cannon Lane are likely to face a degree of difficulty in crossing the road, owing to the heavily nature of the route and lack of existing controlled crossing facilities. Consequently, the applicant should be required to provide a financial contribution towards a new controlled crossing facility at this location.

Public Transport

The TA identifies that the site is located close to Tonbridge High Street and its associated bus stops as well as Tonbridge Train station, which provide a range of services to local and regional destinations at a reasonable frequency with enhanced levels of services at peak times. Again, this infrastructure can be accessed via the existing pedestrian network. KCC Highways are

therefore in agreement with the applicant's conclusion that the site is in a very sustainable location.

Travel Plan (TP)

The applicant's framework TP sets out how they would seek to reduce travel by the private motor vehicle and encourage travel by alternative, more sustainable modes. Examples of methods proposed include provision of a travel pack for residents, site specific travel website, provision of secure cycle parking and the provision of a dedicated car club space to discourage car ownership.

It is proposed to secure the TP for a 5-year period, with baseline surveys undertaken 9 months post occupation and targets for reductions based upon existing travel patterns. To ensure the success of the proposed car club scheme appropriate financial contributions to secure 1 vehicle for the life of the TP and membership for all residents for a minimum period of 1 year should be secured.

Traffic Impact

Extant (Lawful)

As set out in section 6.9 of the applicant's TA the site benefits from an extant (*lawful*) planning permission for residential flats, student boarding accommodation, including ancillary facilities such as meeting and lecture rooms and a children's nursery (*TMBC reference: 06/03403/FL*).

It is KCC Highways understanding that TMBC are content for this historic permission to be used as the baseline to assess the development's likely impact against, owing to the fact that piled foundations for the aforementioned proposals have been constructed, meaning that the development has been implemented.

As such the applicant's approach comparing the level of traffic the extant permission could generate, against the amount of traffic the proposed development could generate is considered reasonable, owing to how the historic permission is a material consideration in the determination of the application.

To forecast the amount of traffic that the site's extant use is expected to generate the applicant has extracted the trip generation forecasts from the TA submitted in support of the 2006 application. This TA utilised data from TRICS, the national trip generation database, for forecasting purposes. Given the fact that the 2006 proposals have now been implemented, KCC Highways consider it reasonable to use the historic forecasts for assessment purposes.

Proposed and Net Impact

The development is anticipated to 34 trips (*combined arrivals and departures*) in the AM peak (08:00-09:00) and 37 trips in the PM peak (17:00-18:00).

To forecast the amount of traffic the development is likely to generate the applicant has utilised the TRICS database. The applicant's forecasts focus on sites in a town centre or edge of town centre location. KCC Highways consider such site selection parameters to provide a suitable basis for assessment given the development's location in central Tonbridge.

As total person trip forecasts, which include all modes of transport and not just vehicle based trips, have been utilised the applicant used Census Travel to Work Data. Whilst this approach is acceptable in principle, given how it is reasonable to assume that resident travel patterns are likely to be similar to that of the existing population, the applicant has used Census data for

Census Middle Super Output Area (MSOA) 009. The reason for this is unclear, given the fact that the development is actually located in census MSOA 12. Clarification on this matter is required.

Parking

Car Parking

37 car parking spaces are proposed, inclusive of 1 car club and 4 blue badge spaces.

Kent Design Interim Guidance Note 3 (IGN3), advises that 1- and 2-bedroom flats in a city/town centre location should be provided with a maximum of 1 space per unit, with visitor parking to be provided via public car parks and no standard given for 3-bedroom flatted units. Therefore, based upon KCC Highways adopted standards a maximum of 118 spaces could be provided, meaning that the proposed provision represents a shortfall of 81 spaces against the maximum possible provision.

The maximum nature of the standard means that compliance has been achieved. It is also highly likely prospective owners/tenants will consider their vehicular and transport needs before taking residence in the knowledge that limited on-site parking will be available.

KCC Highways note that the areas of public highway within the immediate proximity of the development benefit from extensive existing on street parking controls, in the form of double and single yellow lines.

Double yellow lines are present on Sovereign Way and the majority of Medway Wharf Road, besides from a section of Medway Road between Whitefriars Wharf and its junction with Sovereign Way. Single yellow lines effective Monday to Saturday 09:00 to 19:00 are present at this location. These restrictions are subject to existing enforcement patrols by Tonbridge and Malling Borough Council's Parking Services Team and will deter long stay on-street parking by residents and their visitor's, which is more commonly associated with the type of development that permission is sought for.

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.

KCC Highways would also highlight the fact that the extent of the publicly maintainable highway is limited to Medway Wharf Road, with the areas that provide parking for the existing properties, such as Ashby's Point for example, not forming part of it. Consequently, the management of these areas is a private matter between the tenants, leaseholder and any appointment management company, which is beyond KCC Highway's jurisdiction.

Consistent with the most recently refused application the applicant has undertaken extensive parking beat surveys of the nearby streets and public car parks. These surveys identify the existing level of stress experienced by nearby car parks and streets, as well as any residual capacity to cater for any excess demand that cannot be catered for within the development.

The surveys were undertaken in a neutral period (28th and 29th September 2022) across multiple times of day at 01:00 AM when residential parking demand is likely to be greatest, thereby providing a suitable basis for assessment, whilst also avoiding the risks and limitations associated with a single days worth of surveys.

In addition, it is noted that the applicant has maintained the same scope of assessment agreed in the previously refused application, given its extensive nature such an approach is considered acceptable

Review of the applicant's surveys confirm that at no point during the survey period did any of the surveyed roads, or nearby public car parks exceed capacity. As set out in the applicant's TA it can therefore be concluded that the nearby streets and car parks are suffering a low level of parking stress.

Finally, as demonstrated within the applicant's analysis even if the maximum level of parking that could be required in line with adopted standards was provided, there is sufficient spare capacity in the existing public car parks to accommodate this demand. For the reasons set out above it is not therefore considered that the proposed level of parking provision would provide sustainable grounds for refusal.

Cycle Parking

118 cycle parking spaces are proposed.

Supplementary Planning Guidance Note 4 (SPG4), Kent Vehicle Parking Standards states that flatted units should be provided with a minimum of 1 space per unit. Therefore, the overall proposed provision is in accordance with adopted standards and acceptable to KCC Highways. Provision of the requisite cycle parking spaces on the ground floor of the development within secured facilities is also acceptable.

Turning and Servicing

The TA confirms that servicing is to be undertaken from within the development's curtilage, with a dedicated turning point provide for refuse vehicles to ensure that they can egress onto the highway in a forward motion. Swept path analysis to demonstrate the suitability of this arrangement has also been provided by the applicant. KCC Highways consider the site servicing strategy to be acceptable.

Personal Injury Collision (PIC) Record

Whilst PIC analysis for a 3 year period up to 31/03/2023 has been undertaken by the applicant, only serious and fatal collisions have been assessed, with all slight collisions discounted for an unspecified reason. KCC Highways disagree with the exclusion of slight collisions from the assessment and require revised PIC analysis to be undertaken for collisions of all severity using the most up to date available data.

Summary and Recommendation

KCC Highways wish to raise a *holding objection* to the proposals on the basis that the applicant should be required to provide the following additional information:

- Submission of a drawing, preferably at scale 1:500, demonstrating the proposed vehicular access arrangements;
- Confirmation that the applicant is willing to provide a financial contribution towards a new controlled crossing facility on Cannon Lane;
- Confirmation why Census Travel to Work data for Census MSOA 009 and MSOA 012 has been used;

- Revised PIC analysis for collisions of all severity using the most up to date available data.

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.



Tonbridge & Malling Borough Council
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Highways and Transportation
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Tel: 03000 418181
Date: 23 May 2023
Our Ref:

Application - TM/22/02694/FL

Location - Formerly River Centre Car Park Medway Wharf Road Tonbridge Kent

Proposal - Erection of a 9 storey building comprising of 118 residential units, together with associated car and cycle parking, landscaping and associated works

Introduction

Kent County Council (KCC) Highways note that in response to this authority's previous consultation response the applicant has provided a Transport Technical Note (TTN). I have the following comments to make in respect of it:

Access

Vehicular

The TTN confirms that the access arrangements would remain unchanged, with the existing access continuing to be used. As previously requested, a drawing (*drawing number: Plan 8582/204*) has been provided demonstrating the proposed visibility sight lines. Visibility sight lines of 2.4 by 43 meters have been proposed in either direction. The provision of such sight lines is acceptable to KCC Highways.

Sustainability

Walking and Cycling

It is noted that the applicant does not consider a financial contribution towards a controlled crossing facility on Cannon Lane would be appropriate. This is on the basis that the primary pedestrian trip attractors would be away, and not towards, Cannon Lane, given the location of Tonbridge town centre and its associated facilities to the west of the site. In addition, the applicant contends that Cannon Lane itself contains primarily industrial uses, which do not in themselves attract significant numbers of pedestrians, with existing uncontrolled facilities also being available to enable pedestrians to cross.

Whilst KCC Highways acknowledge that Tonbridge town centre is likely to be the primary pedestrian trip attractor, a contribution towards a new controlled crossing facility on Cannon Lane is considered reasonable none the less. As such KCC Highways maintain the view that the applicant should be required to provide a financial contribution towards such a facility.

Traffic Impact

Proposed and Net Impact

The TTN confirms that there was a typographical error in the Transport Assessment (TA) and that Census data for the correct Middle Super Output Area (MSOA), Tonbridge and Malling 012, was used. To determine the impact of the proposals a net impact assessment was completed by the applicant, with the results shown in Table 6.6 on page 43 of the TA. This assessment confirms that in both peak periods, as well as across the day as whole, the proposed development would generate less traffic than the site's extant use.

Whilst KCC Highways acknowledge that central and southern Tonbridge already suffer from significant levels of congestion, given how the proposed development would generate less traffic than the sites extant use, a congestion-based objection is not considered reasonable or sustainable.

Personal Injury Collision (PIC) Record

Updated PIC data from the 1st April to 30th September 2022 has been provided by the applicant. During the period in question 3 collisions occurred, one of which was serious in severity and occurred at High Street junction with Lyons Crescent as a result of a bus passenger falling over whilst the bus was pulling into the bus stop.

The remaining two collisions occurred because of driver error as a result of a driver ignoring road closed signs and driving the wrong way down a street, or a vehicle colliding with the rear of another vehicle when it thought that it was pulling out. Neither the highway layout or any defects are listed as a contributory factor in any of the recorded collisions within the updated PIC analysis, or that presented as part of the TA. It is therefore not considered that the proposals exacerbate any pre-existing highway safety concerns.

Summary and Recommendation

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 subject to the following being secured via condition/legal agreement:

The following should be secured via S106/legal agreement:

- A financial contribution towards a new controlled crossing facility on Cannon Lane
- Car club scheme, with minimum membership of 1 year for all residents

The following should be secured via condition:

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

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

-Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

-All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing a 7kw output) and SMART (enabling Wifi connection).

Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

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

-Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.

-Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

-Completion and maintenance of the access shown on the submitted plans (*drawing number: Plan 8582/204*) prior to the use of the site commencing.

-Provision and maintenance of the visibility splays shown on the submitted plans (*drawing number: Plan 8582/204*) with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.

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

Informative: It is 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.

Appendix 2: KCC LLFA comments



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

Flood and Water Management
Invicta House
Maidstone
Kent
ME14 1XX
Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: TMBC/2022/093448
Date: 28 February 2023

Application No: TM/22/02694/FL

Location: Formerly River Centre Car Park Medway Wharf Road Tonbridge Kent

Proposal: Erection of a 9 storey building comprising of 118 residential units, together with associated car and cycle parking, landscaping and associated works

Thank you for your consultation on the above referenced planning application.

This application is supported by a Flood Risk Assessment & Drainage Strategy prepared by Cole Easdon (November 2022). The drainage strategy proposes to attenuate surface water runoff in tanked permeable paving, before discharging to the Gas Works Stream at a discharge rate of 1.8 l/s.

The applicant has provided further evidence in response to our previous comments (dated 10 January 2023) and we have no further objections. If your authority is minded to approve this application, we would recommend the inclusion of the following conditions with any approval:

Condition 1:

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment & Drainage Strategy prepared by Cole Easdon (November 2022) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

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

Reason:

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

Condition 2:

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

Reason:

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

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Nicole Boakye
Flood Risk Project Officer
Flood and Water Management



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

Flood and Water Management
Invicta House
Maidstone
Kent
ME14 1XX

Website: www.kent.gov.uk/flooding
Email: suds@kent.gov.uk
Tel: 03000 41 41 41
Our Ref: TMBC/2022/093448
Date: 17 April 2023

Application No: TM/22/02694/FL

Location: Formerly River Centre Car Park Medway Wharf Road Tonbridge Kent

Proposal: Erection of a 9 storey building comprising of 118 residential units, together with associated car and cycle parking, landscaping and associated works

Thank you for your consultation on the above referenced planning application.

We have no further comment to make on this proposal and would refer you to our previous response (28/02/2023).

This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

Yours faithfully,

Gideon Miller
Graduate Flood Risk Officer
Flood and Water Management

Appendix 3: Environment Agency comments

creating a better place
for people and wildlife



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

Our ref: KT/2022/130335/01-L01
Your ref: 22/02694/FL
Date: 06 January 2023

Dear Robin

Proposal: Erection of a 9-storey building comprising of 118 residential units, together with associated car and cycle parking, landscaping and associated works

Location: Formerly River Centre Car Park Medway Wharf Road Tonbridge Kent

Thank you for your consultation. We object to the proposal for the following reasons.

Reason(s) The details do not ensure the proposed development will be as safe as it could be under flood conditions.

The current design is contrary to Part B of the Exception Test, as described in para 164 of the National Planning Policy Framework (NPPF).

The following comments are made in response to the Flood Risk Assessment & Drainage Strategy Issue 3, dated November 2022, prepared on behalf of the applicant by Cole Easdon Consultants Ltd.

We note the plant room is proposed to be located at first or ninth floor to ensure power to the development can be maintained during periods of flooding. However, we also note from General Arrangement Plan: Groundfloor Layout drawing No. 1581 PL 100 dated October 2022, that a sub-station is to be located towards the northern elevation at groundfloor. It is not clear whether this will impact the ability to provide power to the development during flood conditions but given the estimated flood depths are forecast to be approximately 0.9m at this location, the sub-station will be at risk to flooding and unable to remain operational during flood conditions. It is therefore contrary to paragraph 167 parts a) and b) and contradictory to details provided in the Flood Risk Assessment. If the sub-station forms part of this application and is required to provide power to this or other adjacent development, it must be demonstrated it will be flood resilient and can remain operational during flood conditions.

The same drawing also indicates ramped access along the eastern boundary to the footbridge over the Gasworks Stream and onto an area of lower flood risk. This footbridge was intended to provide safe access during flood conditions for residents of Ashby's Point and potentially, residents from the Riverside Car Park, to an area of lower flood risk south of the Gasworks Stream. Unfortunately, access from the Riverside Car Park site will be at ground level and so residents will not be able to reach the footbridge without wading through floodwater.

Paragraph 167 part e) of NPPF, requires safe access and escape routes to be provided as part of an emergency plan. The Flood Warning & Evacuation Plan (FWEP) is described in section 3C of the FRA. It correctly describes the Flood Warning Service which we provide and recommends residents remain within the building during flood conditions. Paragraph 3.60 also highlights the danger of entering floodwater.

Unfortunately, the FWEP does not identify safe access routes and whilst it is for local authority emergency planning staff to comment on emergency plans, the FRA should inform the design of the development to maximise safe access where it is possible to do so.

Overcoming our objection

It may be possible to make slight changes to the first-floor layout in order to provide safe pedestrian access for all residents onto the existing footbridge from where they can reach land to the south of the Gasworks Stream. This land is at lower flood risk in Flood Zone 2. It also provides access to the road network that currently benefits from flood protection up to an including the 100-year return period flood event and so will enable future residents to access the wider community during most flood events. This would not be the case for access on Medway Wharf Road.

We therefore strongly recommend access for all potential occupiers be provided from the first floor onto the footbridge. This will significantly improve safe access and egress during flood conditions not only for residents, but also for emergency services.

In summary, if it can be demonstrated the development can:

1. maintain power and other utilities during periods of flooding and,
2. provide pedestrian access above the design flood level from the first floor onto the footbridge,

it is likely the proposal will pass Part B of the Exception Test and we will be pleased to remove our objection.

If the applicant would like us to review any documents prior to a formal submission, outside of a statutory consultation, and/or meet to discuss our position, this will be chargeable in line with our cost recovery service.

If they wish to request a meeting, or document review, they should contact us at KSLPlanning@environment-agency.gov.uk

I hope you find our response helpful. If you require any further information, please do not hesitate to contact me.

Yours sincerely

Mrs Michelle Waterman-Gay
Planning Advisor

e-mail kslplanning@environment-agency.gov.uk

Area 1 Planning Committee

Our ref: KT/2022/130335/02-L01

Your ref: 22/02694/FL

Date: 27 March 2023

Dear Alice

Erection of a 9 storey building comprising of 118 residential units, together with associated car and cycle parking, landscaping and associated works

Formerly River Centre Car Park Medway Wharf Road Tonbridge Kent

Thank you for the Technical Note 8582/02 dated February 2023.

Section 2.1 of the Note confirms the proposed substation will be set on a raised plinth above a level of 22.79m AOD, as confirmed on General Arrangement Section AA, DWG 1581 PL 300 A. We are therefore pleased to remove the objection to this aspect of the application.

However, whilst we are satisfied all dwellings will be located above flood level and essential utilities can remain operational during flood conditions, residents will be isolated when this need not be the case if minor amendments to the design are made.

It is correct that future occupants of planning application TM/21/02298/FL will not have safe access under flood conditions but for that site, it is not feasible to provide such access. The difference with the River Centre Car Park proposal is that it is feasible to provide access from the development to an area south of the Gasworks Stream that is currently within Flood Zone 2.

Admittedly, this area is surrounded by Flood Zone 3 and so completely dry access is unlikely to be achievable from here to the wider community during the 100Yr +35% design event but, as stated in our letter of 6 January 2023, safe access would be achievable during the present day 100Yr event, whilst the site itself and Medway Wharf Road would be flooded.

Para 047 of the NPPF flood risk technical guidance states. "Wherever possible, safe access routes should be provided that are located above design flood levels and which avoid flow paths. Where this is not possible, limited depths of flooding may be acceptable, provided that the proposed access is designed with appropriate signage etc. to make it safe." Whilst it is for the local authority to consider whether the Flood Warning & Evacuation Plan is acceptable, we reiterate that minor changes to the development could provide raised pedestrian access to the footbridge over the Gasworks Stream.

This will provide significantly improved access arrangements than those currently described in section 3c of the Flood Risk Assessment. Such modifications would also be in accordance with the aspirations of the local authority when pre-planning discussions were first held with the developer of Ashbys Yard.

In summary, the local authority should consider whether the proposal in the current format should pass the Exception Test when it is known that arrangements for safe access could be considerably improved during flood conditions.

If you require any further information, please do not hesitate to contact me.

Yours sincerely

Mrs Michelle Waterman-Gay Planning Advisor
e-mail kslplanning@environment-agency.gov.uk

Appendix 4: Historic England comments.



Mr Robin Gilbert
Tonbridge & Malling Borough Council
Gibson Building, Gibson Drive
Kings Hill
WEST MALLING
Kent
ME19 4LZ

Direct Dial: 02079733015

Our ref: P01556179

1 March 2023

Dear Mr Gilbert

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**FORMERLY RIVER CENTRE CAR PARK MEDWAY WHARF ROAD TONBRIDGE
KENT
Application No. 22/02694/FL**

Thank you for your letter of 10 February 2023 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Summary

The proposed development site is within a historic environment of high significance including the setting of a scheduled monument and Grade I listed building, Tonbridge Castle.

Tonbridge Castle is a key element and dominant landmark of Tonbridge Conservation Area. Motte and bailey castles such as Tonbridge typically dominate their settings and are the most visually impressive monuments of the early post-Conquest that survive in the modern landscape. The significance of Tonbridge Castle is therefore greatly enhanced by its setting; by views out of the scheduled area, and its presence in views from the surrounding landscape.

Historic England consider that the current proposals for this site have substantially reduced the potential for harm to the significance of the scheduled monument and historic environment overall when compared to the previous planning application for which permission was refused (TM/20/02554/FL). However, our comments here will be focused on the current proposal in its own right.

Historic England does not object to the application on heritage grounds. However, we think the proposed development would still result in some adverse effects due to the



alteration of views from Tonbridge Castle. In this matter, we disagree with the findings of the applicant's Heritage, Townscape and Visual Impact Assessment (HTVIA; para 10.55).

The effect on Tonbridge Castle would be on the lower end of less-than-substantial harm in NPPF terms. This is because the development proposals have considered the heritage sensitivity of the site and limit harm to designated heritage assets through design, but ultimately the height and massing of the structure would still be highly visible in key views out from the castle.

Historic England Advice

Significance of Tonbridge Castle

Tonbridge Castle is a scheduled monument as well as a Grade I listed building and is a key element and dominant landmark of Tonbridge Conservation Area.

It originally was a Norman motte and bailey castle built to defend the river crossing, and includes later alterations, notably from the 13th century. The circular earth motte stands up to 20m high and was surmounted by a keep in which several buildings stood.

Motte and bailey castles are nationally important monuments of high heritage significance. They occupied strategic positions and dominated the surrounding countryside or town, and functioned as garrison forts, strongholds, aristocratic residences and administration centres.

They typically dominate their settings and are the most visually impressive monuments of the early post-Conquest that survive in the modern landscape. They are particularly important for the study of Norman Britain and the development of the feudal system.

In many cases, their continuing use, adaptation and eventual disuse adds to their historic and archaeological interest. Tonbridge Castle is also significant due to its good survival and due to its adaptive reuse during the Georgian period. The surviving structures include numerous features of architectural interest, such as the details of the gatehouse and the garderobe chutes in the curtain wall. Tonbridge Castle also has historic interest as a place frequented by royalty and is of high amenity value and capacity to inform the general public.

The significance of Tonbridge Castle is greatly enhanced by its setting; by views out of the scheduled area, and its presence in views from the surrounding landscape. The castle occupies an elevated position and focal point within the town.

It derives significance from its setting due to the course and open space along the



river, the historic elements of the streetscape, and longer views across the town to the surrounding landscape. These views illustrate the original landscape and topographic setting and context of the castle, and help viewers understand and appreciate why the castle was constructed in this location.

The town and the surrounding landscape can be experienced from a series of viewpoints at different heights along the River Walk, Castle Bailey and Castle Motte.

The views to the south-west and south-east are key views because observation of the vistas along the river, and across the landscape to the skyline behind, is an integral part of the castle's original function as a dominating and defensive installation.

To the south-east and east (in the direction of the proposed development), the Big Bridge and the Medway Navigation make a notable contribution to the historic value of the view, as does the palimpsest of low-rise architecture that has developed within the town over the last few centuries.

The castle is also a dominant presence in views along the River Walk and parts of the town such as the High Street, although in views from the south-east (near the proposed development) it is generally screened from view by buildings.

Impact of the proposal on Tonbridge Castle

The proposal is for a maximum 9 storey residential building, plus associated works. The proposed development would stand approximately 380m from Tonbridge Castle scheduled monument, separated by the Medway and by a relatively low-rise streetscape on the southern side of the river.

We agree with the applicant that the proposed development site (in its existing form) currently makes no contribution to the significance of Tonbridge Castle (HTVIA, para. 10.24). However, the proposed development would introduce a new element to views from the castle, most notably from the higher viewpoints on the gatehouse and the motte.

These are key views in term of their contribution to the significance of the scheduled monument and Grade I listed building. The applicant provides a number of verified views, including from the key views on the motte (HVIA, view 3) and from the top of the gatehouse (HTVIA, view 9).

Historic England consider that the proposed development would be highly visible from these key views, most notably from the viewpoint on the Gatehouse.

However, we also note that the proposed height is not substantially higher than the Ashby's Point building just east of the proposal. The current view of Ashby's Point is



also considered harmful to the setting of the Castle when viewed from these key locations as the light colour and compact, block-like massing distinctly stands out from its surroundings. Ashby's Point is 8 stories compared to the proposed maximum of 9 stories for the proposed development. It is worth noting that the proposed development would effectively block the view towards Ashby's Point, so the harm here would not be compounded.

The line of the more distant topography of the surrounding landscape is broadly maintained when viewed from the top of the gatehouse.

A number of design choices, such as the wharf-like gabled roofline, the stepped heights, the articulation of the structure, and the use of darker, brick tone materials that are more in keeping with the surrounding structures also help to integrate the proposals within the historic environment of the area more broadly. This integration is considered to lessen the impact of the structure within the setting of the scheduled monument.

Policy considerations for this proposal

The National Planning Policy Framework states (para.194) that you should require the applicant to describe the significance of affected heritage assets, including their setting, to a level of detail proportionate to the assets' importance and no more than is sufficient to understand the potential impact on their significance.

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal, including development that would affect the setting of a heritage asset. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (para 190).

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance (para 199).

We note that a scheduled monument is of the highest level of designation and is of national importance. Any degree of harm to the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 200).

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the



public benefits of the proposal (para 202).

Para 206 is clear that local authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

It is also our understanding that this site is not allocated in either the adopted local plan (2015) or the Development Land Allocations DPD (2008); we assume therefore it to be speculative application that is not in conformity with the development plan for Tonbridge & Malling.

Historic England's position on the proposals

The proposed development would cause harm to Tonbridge Castle, a heritage asset that is dual designated at the highest levels of importance.

Harm would come from development within the setting of the monument, which at present is surrounded by development that is relatively low in height, and which best reflects the elevated and dominant position the castle was strategically designed to be set within.

Historic England consider that this development proposal does consider the heritage sensitivity of the site and limits harm to designated heritage assets. We consider that harm would only be further reduced or avoided by reducing the height of the development to match the maximum of the surrounding structures (8 storeys).

For the purposes of NPPF, we therefore consider that the harm to this designated asset would be on the lower end of 'less than substantial'.

As per paragraph 202 in the NPPF, any remaining harm to heritage assets needs to be balanced against the public benefits of the application. In doing so great weight must be given to the conservation of the heritage assets regardless of whether the harm is less than substantial and the more important the asset, the greater the weight should be (para 199).

Recommendation

Historic England has no objection to the application on heritage grounds.

In reaching a decision on this proposal, your Authority will need to decide whether you consider the level of harm caused by the proposal has been minimised and the extent to which there are public benefits, including heritage benefits before undertaking the



weighing exercise as required by paragraph 202 of the NPPF.

In determining the application, you should bear in mind that scheduled monuments are assets of the greatest importance and great weight is to be applied to their conservation as required by paragraph 199 of the NPPF.

In determining this application, you should also bear in mind the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the 1990 Act requires you to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest that they possess. Section 72(1) of the 1990 Act requires you to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Please note that in our advice we have restricted our comments to the likely effects on Tonbridge Castle scheduled monument and Grade I listed building. We recommend you refer to your Conservation Officer and Kent County Council's heritage advisors regarding effects on the conservation area and non-designated archaeological and built heritage.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Yours sincerely

Christina Reade
Inspector of Ancient Monuments
E-mail: Christina.Reade@historicengland.org.uk

Appendix 5: NHS Primary Care comments



Date: 13 October 2022

Robin Gilbert
Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent
ME19 4LZ

Primary Care Estates Team

Gail House
2nd floor, Lower Stone Street
Maidstone
Kent
ME15 6NB

Email: kmicb.gpestates@nhs.net

Our Ref: 22/02694

Dear Robin,

Letter reference: Formerly River Centre Car Park Medway Wharf Road Tonbridge Kent

NHS Kent and Medway has responsibility for planning healthcare services in Kent and Medway and reviews planning applications to assess the direct impact on healthcare.

Further to our response on 15 December 2022, I refer to the above full planning application which concerns the proposed residential development comprising up to 118 dwellings.

NHS Kent and Medway has assessed the implications of this proposal on delivery of healthcare services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution.

In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

We have applied these tests in relation to this planning application and can confirm the following specific requirements. **The calculations supporting this requirement are set out in Appendix 1.**

	Total Chargeable units	Total (See Appendix 1)	Project
Healthcare services provided in the community	118	£67,752	Towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development <u>or</u> new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.

The obligation should also include the provision for the re-imburement of any legal costs incurred completing the agreement (where relevant).

Justification for infrastructure development contributions request

This proposal will generate approximately 188 new patient registrations in general practice based on the dwelling mix provided in Appendix 1. The proposed development falls within the current practice boundaries of Warders Medical Centre, Tonbridge Medical Group and Hadlow Medical Centre. The proposal will also increase demand on other healthcare services provided to the local population and will be considered as part of the integrated models of care that will be developed along with the infrastructure strategy for the West Kent Health and Care partnership area.

There is currently limited capacity within existing healthcare premises to accommodate growth in this area. The need from this development, along with other new developments, will therefore need to be met through the creation of additional capacity in general practice and other healthcare premises. Whilst it is not possible at this time to set out a specific premises project for this contribution we can confirm that based on the current coverage of health care services and location of this application, we would expect the contribution to be utilised as set out above. Any premises plans will include the pooling of S106 contributions where appropriate.

In addition to the above we request that any S106 agreement regarding a financial contribution recognises the following:

- Supports the proactive development of premises capacity with the trigger of any healthcare contribution being available linked to commencement or at an early stage of development.
- Allows the contribution to be used towards new premises in the area serving this population in line with the Infrastructure Strategy and priorities for the West Kent Health and Care Partnership area.
- Allows the contribution to be used towards professional fees associated with feasibility or development work for existing or new premises.

I would be grateful if you could advise me of the Council's decision in due course, should you require any further information, or points of clarification in the meantime please contact me using the above email address.

Yours sincerely

Sent via email

Funmi Owolabi
Senior Programme Manager

Appendix 6: KCC Economic Development comments.



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

FAO: Robin Gilbert

Economic Development

Invicta House
County Hall
Maidstone
ME14 1XX

Phone: 03000 41 41 76
Ask for: Richard Kidd
Email: richard.kidd@kent.gov.uk

Thursday 19th January 2023

Your Ref: TM/22/02694/FL
Our Ref: K/E/TM/22/02694/FL RK

Dear Robin

Planning Application: TM/22/02694/FL
Provision and Delivery of County Council Community Services:

We refer to the above planning application, which concerns proposed residential development at Formerly River Centre Car Park, Medway Wharf Road, Tonbridge and comprising: 118 new households.

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Request Summary

('applicable' means: all dwellings except 1 bed of less than 56sqm GIA).

	Per applicable Flat (x 49)	Total	Project
Primary Education	£1,160.50	£56,864.50	Towards the expansion of primary schools within the Tonbridge South Primary Education Planning Group ¹
Secondary Education	£1,135.00	£55,615.00	Towards the expansion of Tunbridge Wells Grammar School for Boys

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. Please confirm the 47 x 1 bed units and 22 x units (unknown bedrooms) proposed are below this threshold?

	Per Dwelling (x 118)	Total	Project
Community Learning	£16.42	£1,937.56	Towards additional equipment and resources for Adult Education Centres and outreach facilities serving the development
Library Bookstock	£55.45	£6,543.10	Towards additional equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at Tonbridge Library.
Youth Service	£65.50	£7,729.00	Towards additional equipment and resources for the Kent Youth Service to enable outreach work in the vicinity of the development.
Social Care	£146.88	£17,331.84	Towards the Priority areas of: Assistive Technology, Adapting Community facilities, Sensory facilities and Changing Places within the Borough.
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£21,673.06	Towards improved HWRC and replacement of WTS facilities at North Farm to serve Tonbridge and Malling residents
Highways	<i>Kent Highway Services will respond separately</i>		

Please note that these figures:

- are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3)
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

¹ in accordance with the Department of Education guidance on Securing Developer Contributions for education dated November 2019 (Para 20), which recommends that a preferred and contingency school expansion project is identified in a planning obligation to enable local authorities to respond to changing circumstances and new information.

Justification for infrastructure provision/development contributions requested

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out in Appendices below.

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Education

Kent County Council is the Statutory Authority for education and is the Strategic Commissioner of Education Provision.

Primary Education

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1.

The proposal gives rise to three additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the expansion of primary schools in the Tonbridge South Primary Education Planning Group.

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of *'first come, first served'* assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and other new residential developments in the locality.

Build Contribution

The County Council requires a financial contribution towards construction of expanded school facilities at £1,160.50 per 'applicable' flat ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA and any sheltered accommodation – please confirm the proposed 47 x 1 bed flats and 22 x units (unknown bedrooms) are below this threshold).

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2022-26 and Children, Young People and Education Vision and Priorities for Improvement 2018-2021.

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Secondary School Provision

The impact of this proposal on the delivery of the County Council's services is assessed in Appendix 1.

A contribution is sought based upon the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded.

The proposal is projected to give rise to two additional secondary school pupils from the date of occupation of this development. This need can only be met through the expansion of Tunbridge Wells Grammar School for Boys and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

Build Contribution

The County Council requires a financial contribution towards construction of the school expansion of £1,135.00 per 'applicable' flat ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA and any sheltered accommodation – please confirm the proposed 47 x 1 bed flats and 22 x units (unknown bedrooms) are below this threshold).

Please note this process will be kept under review and may be subject to change as the Local Education Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

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Community Learning

KCC provides community learning facilities and services for further education in line with KCC policies as set out in its [Strategic Statement Increasing Opportunities, Improving Outcomes](#) (adopted Spring 2015). Community Learning and Skills (CLS) helps people moving to a new development overcome social isolation and encourages community cohesion, as well as improving skills in a wide range of areas.

There is an assessed shortfall in provision for this service: the current adult participation in both District Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 1 along with the cost of mitigation.

To accommodate the increased demand on KCC Adult Education service, the County Council requests £16.42 per dwelling towards additional equipment and resources for Adult Education Centres and outreach facilities serving the development.

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Libraries

KCC are the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

Borrower numbers are in excess of capacity, and book stock in Tonbridge and Malling Borough at 1,110 items per 1,000 population is below the County average of 1,134 and both the England and total UK figures of 1,399 and 1,492 respectively.

To mitigate the impact of this development, the County Council will need to provide additional services and stock to meet the additional demand which will be generated by the people residing in these dwellings.

The County Council therefore requests £55.45 per household to address the direct impact of this development, and the additional services and stock will be made available towards additional equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at Tonbridge Library.

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Youth Service

KCC has a statutory duty to provide Youth Services under section 507B of the Education Act 1996. This requires KCC, so far as reasonably practicable, to secure sufficient educational leisure-time activities and facilities to improve the well-being of young people aged 13 to 19 and certain persons aged 20 to 24.

To accommodate the increased demand on the Kent Youth Service, the County Council requests £65.50 per dwelling towards equipment and resources for local youth centres, and to enable outreach youth services in the vicinity of the development.

The increased demand on the Kent Youth Service in Tonbridge and Malling means that KCC is adapting its delivery model to appropriately serve its client base. This is leading to a mixture of youth centre-based work, and projects and programmes provided via outreach teams within areas of particular need.

New Youth participation is assessed to be generated from this development. Therefore, the County Council requests £65.50 per dwelling towards additional equipment and resources for the Kent Youth Service to enable outreach work in the vicinity of the development.

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Adult Social Care

The proposed development will result in additional demand upon Social Care (SC) (older people, and also adults with Learning or Physical Disabilities) services, however all available care capacity is fully allocated already, and there is no spare capacity to meet additional demand arising from this and other new developments which SC are under a statutory obligation to meet. In addition, the Social Care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from new developments.

To mitigate the impact of this development, KCC Social Care requires:

- a proportionate monetary contribution of £146.88 per household (as set out in Appendix 2) towards specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places locally in the Borough.
- The Ministry of Housing, Communities and Local Government identified in June 2019 guidance *Housing for older and disabled people* the need to provide housing for older & disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely. Accessible and adaptable housing provides safe and convenient homes with suitable circulation space and suitable bathroom and kitchens. Kent Social Care request these dwellings are built to **Building**

Reg Part M4(2) standard to ensure they remain accessible throughout the lifetime of the occupants to meet any changes in the occupant's requirements.

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Waste

Kent County Council is a statutory 'Waste Disposal Authority', responsible for the safe disposal of all household waste arising in Kent, providing Household Waste Recycling Centres (HWRC) and Waste Transfer Stations (WTS). Each household produces an average of a quarter of a tonne of waste per year to be processed at HWRC's and half a tonne per year to be processed at WTS's. The existing HWRCs and WTSs are over capacity and additional housing is having a significant impact on the manageability of waste within Kent.

While development of new HWRC and WTS facilities is underway in the North of the borough, residents in the South of the borough are likely to access waste facilities at North Farm in Tunbridge Wells due to their closer proximity and show a more desirable proximity to this application site.

Future housing growth/population increase from developments such as the proposed development indicates a significant increase in capacity will be required in the local area.

A contribution of £183.67 per household is therefore required towards an improved HWRC and replacement of WTS facilities at North Farm to serve Tonbridge and Malling residents from this proposed development to accommodate the increased waste throughput and mitigate the impact that will arise.

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Implementation

The County Council is of the view that the above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory responsibility. Accordingly, it is requested that the Local Planning Authority seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the agreement. We would be grateful if you could share at your earliest convenience a draft copy of any section 106 agreement or UU prior to its finalisation.

Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available? If you do not consider the contributions requested to be fair, reasonable and compliant with CIL Regulation 122, it is requested that you notify us immediately and allow us at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision-making process in advance of the Committee report being prepared and the application being determined.

We look forward to hearing from you with details of progress on this matter.

Appendix 7: Southern Water comments.

Director of Planning and Transportation
Development Control
Tonbridge & Malling B. Council
Gibson Building
Kings Hill West Malling
Kent
ME19 4LZ

Your ref
TM/22/02694/FL

Our ref
DSA000018981

Date
04/01/2023

Contact
Tel 0330 303 0119

Dear Sir/Madam,

Proposal: Erection of a 9 storey building comprising of 118 residential units, together with associated car and cycle parking, landscaping and associated works.

Site: TM/22/02694/FL: - Formerly River Centre Car Park, Medway Wharf Road, Tonbridge, Kent TN9 1RE.

Thank you for your letter dated 15/12/2022.

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water will liaise with the developer in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for more complex applications our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24-month period:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required)
- Detailed design, including land negotiations.
- Construction.

Southern Water hence requests the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

The submitted drainage details indicate the SuDS to be maintained within private ownership and maintenance.

However, under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: [southernwater.co.uk](https://www.southernwater.co.uk) or by email at: SouthernWaterPlanning@southernwater.co.uk

Yours faithfully,

Future Growth Planning Team
Business Channels

[southernwater.co.uk/developing-building/planning-your-development](https://www.southernwater.co.uk/developing-building/planning-your-development)