

## Amendment of junction configuration at new school access road and Gibson Drive, Kings Hill, West Malling

A report by Head of Planning Applications Group to Planning Applications Committee on 8<sup>th</sup> April 2015.

Application by Kent County Council Education Department for a non-material amendment of junction configuration at junction of new school access road and Gibson Drive, Kings Hill, West Malling, Kent – TM/15/00500/CR3 (TM/14/1929/R)

Recommendation: Approval be given.

Local Member: Mr M. Balfour

Classification: Unrestricted

### Site

1. The site is located in the heart of the Kings Hill estate and was formerly occupied by the KCC Commercial Services warehouse building, which was demolished in Summer 2014. The former warehouse building site is generally square in shape and is surrounded on all sides by existing largely commercial buildings of a variety of heights, styles and designs. Gibson Drive lies to the south east of the site.

### Background

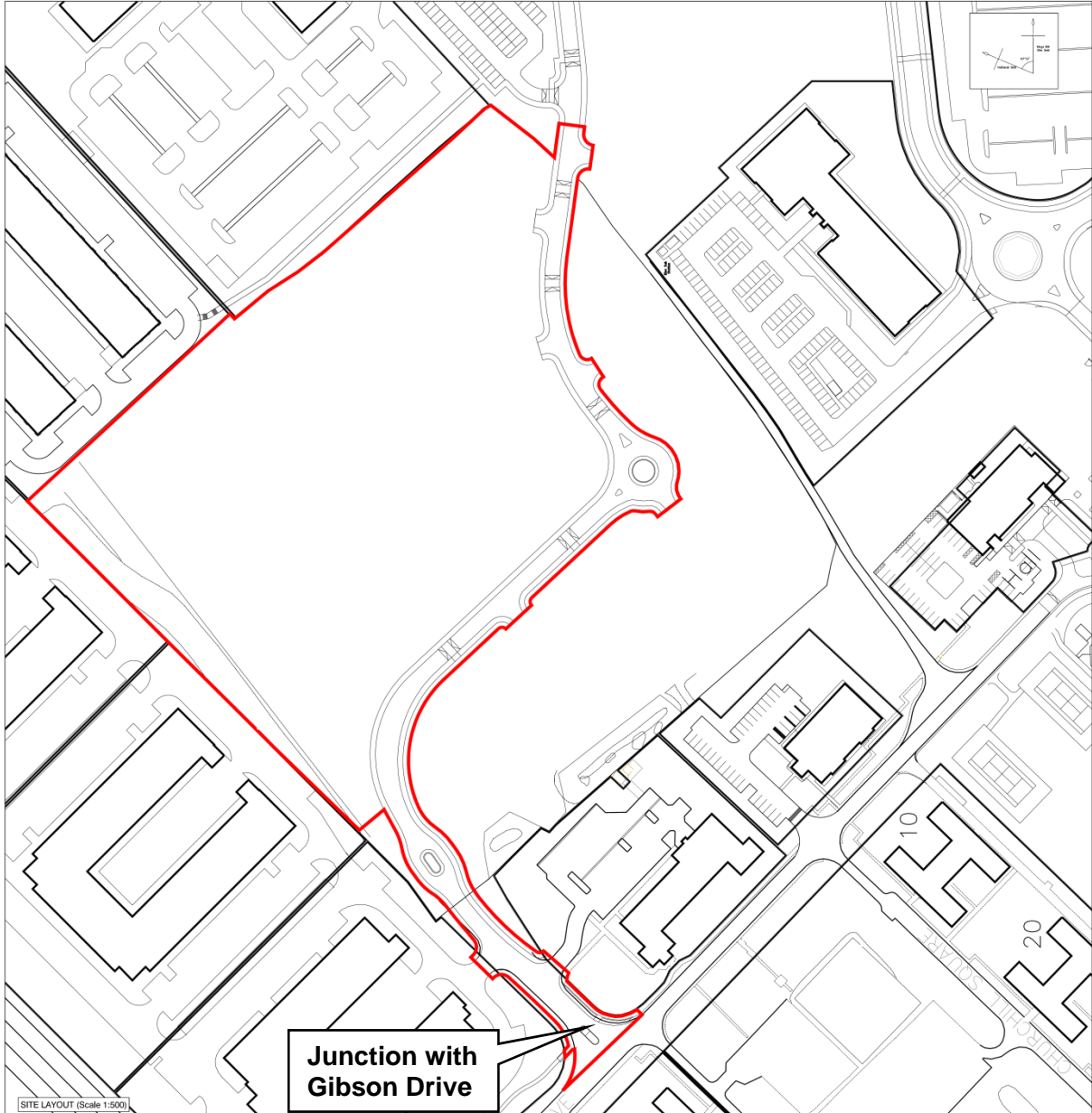
2. In October 2014 Kent County Council approved (under delegated powers) a planning application for the construction of a new three form entry primary school on this site, along with a new access road which linked Gibson Drive with a spur off Tower View to the north.
3. At the time of the application the junction layout for the school site with Gibson Drive was shown as a restricted Left in/Left or Right out (LI/LORO) junction. The planning permission had a condition requiring the development to be carried in accordance with the permitted details and that there shall be no deviation from these without the prior approval of the County Planning Authority. The applicants now wish to amend this layout to an all-manoeuvres junction and have therefore applied for a non-material amendment to the earlier permission.

### Recent Site History

4. TM/14/1929 - Demolition of existing KCC commercial services building (see application reference 13/01535/OAEA and 14/01174/DEN); Construction of new access road between Gibson Drive and spur off Tower View (approved under KCC/TM/0386/2013); Construction of new two-storey, three-form entry primary school and associated vehicle and pedestrian access, car park and landscaping.

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**General Location Plan and Site Boundary**



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**Proposed Junction Layout**



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**Originally Approved Junction Layout**



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### Proposal

5. The previously proposed junction layout at the access point to the site from Gibson Drive only allowed motorists to turn left into the school access road, but permitted left or right turns back out onto Gibson Drive. The current proposal would alter this layout to an all-moanoeuvres junction, with a pedestrian refuge island in the centre and pedestrian crossing points (dropped kerbs) either side. All other elements of the originally approved planning application remain the same.

### Planning Policy

6. The most relevant Government Guidance and Development Plan Policies summarised below are pertinent to the consideration of this application:

- (i) **National Planning Policy Framework (NPPF)** March 2012 and the **National Planning Policy Guidance** (March 2014), sets out the Government's planning policy guidance for England, at the heart of which is a presumption in favour of sustainable development. The guidance is a material consideration for the determination of planning applications but does not change the statutory status of the development plan which remains the starting point for decision making. However the weight given to development plan policies will depend on their consistency with the NPPF (the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given).

In determining applications the NPPF states that local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.

In terms of delivering sustainable development in relation to this development proposal, the NPPF guidance and objectives covering the following matters are of particular relevance:

- Consideration of whether the opportunities for sustainable transport have been taken up and safe and suitable access to the site can be achieved for all people;
- Achieving the requirement for high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- The great importance that the Government attaches to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand or alter schools.

- (ii) **Policy Statement – Planning for Schools Development** (15 August 2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system.

- (iii) **Tonbridge and Malling Core Strategy 2007:**

**Policy CP2 Sustainable Transport:** New development that is likely to generate a significant number of trips should (a) be well located relative to public transport cycle and pedestrian routes and with good access to local service centres; (b) minimise the need to travel through the

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implementation of Travel Plans and the provision or retention of local services and facilities; (c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking; (d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated; (e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and (f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

### (iv) **Tonbridge and Malling Managing Development and the Environment Development Plan Document (April 2010):**

**Policy SQ8 Road Safety:** (1) Before proposals for development are permitted they will need to demonstrate that any necessary transport infrastructure, the need for which arises wholly or substantially from the development is in place or is certain to be provided; (2) Development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network; (3) Development will not be permitted which involves either the construction of a new access or the increased use of an existing access onto the primary or secondary road network (as defined by the Highway Authority) where a significantly increased risk of crashes or traffic delays would result. No new accesses onto the motorway or trunk road will be permitted; (4) Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document; and (5) Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied.

### Consultations

#### 7. **Tonbridge & Malling Borough Council** raises no objection.

**Kings Hill Parish Council** object to the application to change the entrance layout. There are significant concerns about how the change would impact on the use of the one-way section in Gibson Drive. The original entrance layout would discourage drivers from driving the wrong way down the one way section. However, the amendment could lead to an increase in drivers driving the wrong way.

Following further correspondence, Kings Hill Parish Council have written again to advise that it was unanimously agreed that their objection to the application as previously stated should remain.

**Kent County Council's Highways and Transportation Officer** has no objection to the proposal. They advise that a traditional priority junction layout is considered acceptable and preferable. A restricted Left in/Left or Right Out (LI/LORO) junction could compromise safety by encouraging other unconventional movements such as nearby u-

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turns or oblique or multiple manoeuvres. The previous arrangement represented an unnecessarily overdesigned layout, which could be open to abuse, with unusual and potentially unsafe manoeuvres.

### Discussion

8. In considering this proposal regard must be had to the Development Plan Policies outlined in paragraph 6 above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Therefore the proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
9. This application is being reported to the Planning Applications Committee following the objection received from the Parish Council. In my view the main issue is whether the revised design of the junction layout is acceptable and appropriate for this particular location from a highway safety point of view.
10. The Highways and Transportation officers have provided clear advice that the originally proposed restricted junction layout could result in unsafe vehicle manoeuvres and that in their view the revised 'all manoeuvres' layout would be preferable. They have also advised that a restricted junction is only usually implemented where there is a history of unsafe manoeuvres that provide a justification for it. Restrictions that are proposed out of a perceived need are often an over-design in highway terms.
11. Although the Parish Council's concerns are noted, the Highway Officers views are quite clear that the proposed scheme is the most appropriate in this particular case. In the light of the Parish Council's continued concern and difference of opinion, I have liaised further with Kent Highways, and their professional advice remains unchanged that the latest junction is the safest and most appropriate for this particular location, taking account of its intended use and the local road network. They advise that there is no evidence to show that motorists would be encouraged to drive the wrong way down the one-way section of road as a result of this layout, and therefore the junction need not be designed to try and overcome such problems that do not exist.

### Conclusion

12. Whilst I note the Parish Council's difference of opinion, highway design is a technical matter, informed by Government design criteria, and I can see no reason to ignore the Highway Authority's professional advice and judgement on this matter. In particular, where there are highway safety aspects involved, it would be wrong to base a decision on conjecture when professional advice is available, but in the event that the Parish Council's concerns are realised then it would always be possible to revisit the design at a later date. In the meantime though it is considered that the revised junction layout is acceptable and preferable from a highway safety point of view than the previously approved layout, and therefore the application for a non-material amendment is recommended for approval.

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and Gibson Drive, Kings Hill, West Malling

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Recommendation

I RECOMMEND that APPROVAL BE GIVEN.

Case Officer: Helen Edwards
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Tel. no: 03000 413366
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Background Documents: see section heading
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