

## REPORT SUMMARY

**REFERENCE NO - 22/03262/FULL**

### APPLICATION PROPOSAL

Proposal for the Change of Use of Existing Commercial Building to Provide a Car Showroom and MOT / Garage Facility and Associated Operations and External Works to the Building / Site Including the Works to the Elevations of the Existing Building and Reconfiguration and Amendment of Car Park Areas and Associated Works

**ADDRESS** Former John Lewis At Home Kingstanding Business Park Kingstanding Way Royal Tunbridge Wells Kent TN2 3UP

**RECOMMENDATION** to give **DELEGATED POWERS TO GRANT PLANNING PERMISSION** subject to the resolution of the outstanding highway matters to the satisfaction of the Head of Planning Services subject to conditions (please refer to section 11.0 of the report for full recommendation)

### SUMMARY OF REASONS FOR RECOMMENDATION

- The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied.
- The proposal provides economic benefits and the re-use of a redundant employment site within a designated Key Employment Area.
- The quantum of development proposed is considered to be appropriate for the context of the site and would create a high quality development, which respects its locality.
- The development would provide significant and a variety of employment opportunities.
- The development would not have a detrimental impact upon the residential amenity of any neighbouring properties.
- The development would not be considered to have a detrimental impact upon highway safety.
- Adequate on-site parking would be provided to support the development.
- The proposal would not result in an unacceptable impact upon drainage and flood risk in the locality.
- The development would not have an unacceptable impact upon trees, wildlife and ecology

### INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

**Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):** N/A

**Net increase in numbers of jobs:** 86 (approximately).

**Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:** £292,000.00

The following are not considered to be material to the application:

**Estimated annual council tax benefit for Borough:** N/A

**Estimated annual council tax benefit total:** N/A

**Annual New Homes Bonus (for first 6 years):** N/A

**Estimated annual business rates benefits for Borough:** £221,000.00

<b>REASON FOR REFERRAL TO COMMITTEE</b>			
The proposal comprises the creation of non-residential floor space by means of the change of use and alterations to an existing commercial building of more than 2000m <sup>2</sup> and is recommended for approval.			
<b>WARD</b> Sherwood	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Prudential Assurance Company Limited And Hendy Group Limited <b>AGENT</b> Miss Katie Parfett	
<b>DECISION DUE DATE</b> 17/02/23	<b>PUBLICITY EXPIRY DATE</b> 22/02/23	<b>OFFICER SITE VISIT DATE</b> 07/12/22	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No.</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
19/01183/ADV	Advertisement: Various free standing, mounted and plaque signage	Approved	12/08/19
10/01939/CPD	Certificate of Lawful Development (Proposed): Repositioning of mezzanine floorspace	Approved	27/07/10
10/01733/FUL	Alterations to elevations of the existing retail unit and provision of lift overrun	Approved	09/07/10
10/01731/FUL	Demolition of the existing garden centre enclosure and its replacement with a new car parking area and reconfiguration of the existing car parking layout	Approved	09/07/10
09/01594/FUL	Change of use of section of car park to car washing and valeting, with installation of storage container	Approved	01/07/09
09/00644/FUL	Retrospective: Change of Use of section of car park to car washing & valeting facility, with installation of storage container	Refused	24/04/09
03/01124/FUL	Fencing of existing service yard to form secure yard.	Approved	20/08/03
02/02232/CPD	Certificate of Lawful Development (proposed) - Erection of new gallery floor within existing retail unit.	Approved	19/11/02
96/00837/FUL	Removal of condition 14 of TW/86/1486 - use limited to the retailing of home improvement, DIY goods	Approved	16/08/96
92/00825/FUL	Erection of a garden centre conservatory	Approved	21/10/92
88/01531/FUL	Alterations to existing vehicular access and provision of temporary access during construction	Approved	07/10/88
86/01486/FUL	Retail warehouse (amended proposals)	Approved	29/12/86
86/00156/FUL	Retail warehouse	Approved	28/04/86
85/00742/FUL	Retail warehouse	Refused	20/08/85
84/01577/OUT	Outline (means of access not reserved) -	Approved	07/03/85

	Industrial business park		
80/00826/FUL	Warehousing with ancillary workshops and offices	Approved	16/11/81
<b>Land East of Kingstanding Way</b>			
22/02789/FULL	Amendment to approved application 19/02267/OUT (Alteration to conditions 2 and 3) to allow redistribution of B1 and B8 uses.	Approved	29/11/22
22/01970/NMAMD	Non material amendment in relation to application 19/02267/OUT to enable Plot 10 to come forward as phase 1 and be used for B8 Storage and Distribution with no change to the maximum floorspace per use as restricted by condition 4 of 19/02267/OUT.	Approved	02/09/22
19/02267/OUT	Outline (Access not reserved) - Development of up to 74,000sqm GEA of floorspace within Use Classes B1 (Business) and B8 (Storage and Distribution), including creation of a new vehicular and pedestrian site access, cycle way, landscaping, ancillary café (A3) and associated works.	Approved	12/03/21

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is located in the Kingstanding Business Park in Tunbridge Wells and is situated to the northwest of the junction where Longfield Road meets Kingstanding Way. The site is just under 0.9ha in size and is occupied by a single, rectangular shaped, former retail (non-food) warehouse located towards the northeast of the plot, previously occupied by John Lewis. The site has two vehicular access points located along the site's eastern boundary and from Kingstanding Way with additional pedestrian links along the southern boundary onto Longfield Road. One of the vehicular access points serves the main car parking area and the additional access, located approximately 20m further north, provides access to a service area, which was used for deliveries. The south of the site comprises a car parking area and the northeast corner of the plot comprises a service area. The land levels of the site are generally consistent albeit sloping down towards the west; however, it is noted that the site sits on a lower land level to Kingstanding Way.
- 1.02 The existing building and site was last occupied by John Lewis Partnership who occupied the site for approximately 10 years prior to vacating the site in April 2021. Since this, the site and building has remained vacant. The existing building/unit fronts towards the south and Longfield Road and is finished in a dark coloured metal cladding. The unit measures approximately 5316.46 sqm gross internal area ('GIA') of which 4125.02 sqm is located at ground floor and 1191.44 sq. m at first floor level. A small number of trolley stores are located within the car parking areas.
- 1.03 The site falls within the North Farm/Longfield Road Economic Development Area, which is the largest area for commercial floorspace within the Tunbridge Wells area. It is located to the northeast of the town at the edge of its urban boundary and comprises a mix of economic development uses including traditional warehousing

and office uses, retail uses, leisure uses and car showrooms and garages. Approximately 400m to the east lies the A21. To the immediate southwest of the site lies a bus stop.

- 1.04 The site is relatively to open when viewed from the south and Longfield Road as well as the east and along Kingstanding Way, albeit there are a small number of trees situated along these boundaries. To the immediate north of the site lies a commercial unit/warehouse presently occupied by a wholesaler (Booker). To the immediate west of the site lies a small, wooded area made of dense trees (subject to a blanket TPO) and beyond this lies the Great Lodge Retail Park. A Public Right of Way (WB6) runs along this boundary connecting Longfield Road to a wider Public Right of Way network.
- 1.05 The site is located inside the Limits to Built Development (LBD), a Key Employment Area, within an Area of Outstanding Natural Beauty (AONB), within Gas Pipeline Buffer Zones and within an Area of Potentially Contaminated Land. The site also includes a number of TPO trees.

## **2.0 PROPOSAL**

- 2.01 The application seeks permission for the change of use of the site and building from retail (Class E) to a car showroom and MOT/garage facility (sui generis) along with alterations to the existing building and reconfiguration and amendments to the car park areas and associated works.
- 2.02 The proposed external works to the building at the site include:
- The introduction of a glazed frontage across the front (south) elevation of the building, with the proposed glazed area wrapping around almost half of the side (east elevation) and incorporating four entrance doors to serve the proposed showrooms.
  - Creation of two new service doors on the east elevation to serve the proposed MOT and garage facility.
  - Removal of existing outbuildings and plant equipment (presently located in the northeast of the site).
  - Removal of two existing doors on the north elevation and replaced with a single door.
  - Removal of an existing door in the west elevation and replaced.
  - Inclusion of Pv Panels on the roof.
- 2.03 The proposed development includes the reconfiguration of the internal floorspace to accommodate the following:
- Five showrooms (including car display and customer and employee areas) are to be located to the front (south) of the building.
  - The proposed garage and MOT element and associated facilities are to be located primarily within the central area of the building.
  - Car storage areas to be located at the northern side of the unit.
- 2.04 The existing first floor area is also proposed to be configured and expanded (from 1191.44 sq. m GIA to 1,985.25 sqm GIA) to provide additional tool storage space and plant areas and areas for employees including offices, meeting rooms and toilets, lockers and changing areas.
- 2.05 The existing retail car park and service vehicle access points from Kingstanding Way are proposed to be retained as existing. The car parking areas at the site are proposed to be reconfigured to provide a mix of customer parking spaces, disabled

spaces, display areas for cars and vans, demonstrator car parking spaces, handover spaces, servicing spaces, employee car parking spaces, cycles spaces, service area/delivery spaces.

- 2.06 The proposed development also includes the creation/erection of a single storey sales office (measuring circa 53 sqm) located within the south east of the site.
- 2.07 The proposal includes the provision of new landscaped areas including ornamental shrub planting within car parked areas, and new wildflower meadow planting along the boundary of the site at the junction of Kingstanding Way. No existing landscaping features or trees are proposed to be removed as part of the proposal.
- 2.08 The proposed development and change of use is estimated to provide 86 employment positions split across a range of different types of roles, including sales, administerial, engineering, managerial and service roles. The majority of the employment positions are likely to be full-time (estimated to be approximately 76 full-time positions), but that the development will also provide part-time employment opportunities and opportunities for flexible working.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed
Site area	8984.05sqm	8984.05sqm
Land use	Class E (retail)	Sui generis (car showroom and MOT/garage facility)
Total floor space	5316.5sqm	6151.8sqm
Number of jobs	0 (presently vacant)	86 (estimated)
Car parking space	158	167

#### Main Building

	Existing	Proposed
Max height	9.0m	9.0m
Max depth	85.4m	85.4m
Mx width	53.2m	53.2m

#### Proposed Sales Office

	Proposed
Max height	4.3m
Max depth	13.0m
Max width	15.4m

*\*The above measurements are approximate and have been calculated from measuring the submitted plans via the Council's online measuring tool.*

### 4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification Grade 4
- Area of Outstanding Natural Beauty AONB (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)
- Ashdown Forest 15 Km Habitat Regulation Assessment Zone
- High Pressure Gas Main 110m Buffer High Pressure Gas Pipeline
- High Pressure Gas Pipe - Middle Zone Kemsing Trodgers
- High Pressure Gas Pipe - Outer Zone Kemsing Trodgers

- Kent Minerals & Waste Sites 250m Buffer Kent Minerals And Waste Sites
- Key Employment Area
- Limits to built development INSIDE LBD1
- Potentially Contaminated Land
- Public Right of Way – WB6 (to the immediate west of the site)
- Tree Preservation Order - various

## **5.0 POLICY AND OTHER CONSIDERATIONS**

### **DEVELOPMENT PLAN:**

#### **Tunbridge Wells Borough Core Strategy 2010**

Core Policy 1: Delivery of Development

Core Policy 3: Transport Infrastructure

Core Policy 4: Environment

Core Policy 5: Sustainable Design and Construction

Core Policy 7: Employment Provision

Core Policy 9: Development in Tunbridge Wells

#### **Tunbridge Wells Borough Local Plan 2006**

Policy LBD1: Development outside the Limits to Built Development

Policy EN1: Development Control Criteria

Policy EN8: Outdoor Lighting

Policy EN13: Tree and Woodland Protection

Policy EN16: Protection of groundwater and other watercourses

Policy EN18: Flood Risk

Policy EN19: Development on contaminated land

Policy ED1: Location of large-scale (500 sq metres or greater gross floorspace) or greater proposals for B1 light industrial development within Economic Development Areas.

Policy ED3: Location of B2 and B8 Uses within Economic Development Areas

Policy TP1: Major development requiring Transport Assessments and a Travel Plan

Policy TP4: Access to the road network

Policy TP5: Vehicle Parking Standards

Policy TP9: Cycle Parking

### **OTHER POLICY GUIDANCE**

#### **National Planning Policy Framework 2021**

#### **National Planning Practice Guidance**

#### **Tunbridge Wells Borough Submission Local Plan 2020-2038**

Policy STR1: The Development Strategy

Policy STR2: Place Shaping and Design

Policy STR3: Brownfield Land

Policy STR4: Ensuring Comprehensive Development

Policy STR5: Infrastructure and Connectivity

Policy STR6: Transport and Parking

Policy STR7: Climate Change

Policy STR8: Conserving and Enhancing the Natural

Policy STR/RTW1: The Strategy for Royal Tunbridge Wells

Policy EN1: Sustainable Design

Policy EN2: Sustainable Design Standards

Policy EN3: Climate Change Mitigation and Adaptation

Policy EN8: Outdoor Lighting and Dark Skies

Policy EN9: Biodiversity Net Gain

Policy EN12: Trees, Woodland, Hedges, and Development

Policy EN13: Ancient Woodland and Veteran Trees  
Policy EN14: Green, Grey and Blue Infrastructure  
Policy EN16: Landscape within the Built Environment  
Policy EN19: The High Weald Area of Outstanding Natural Beauty  
Policy EN21: Air Quality  
Policy EN24: Water Supply, Quality and Conservation  
Policy EN25: Flood Risk  
Policy EN26: Sustainable Drainage  
Policy EN27: Noise  
Policy EN28: Land Contamination  
Policy ED1: The Key Employment Areas  
Policy ED2: Retention of Existing Employment Sites and Buildings  
Policy TP1: Transport Assessments  
Policy TP2: Transport Design and Accessibility  
Policy TP3: Parking Standards

**Other and Supplementary Planning Documents (SPD)**

Tunbridge Wells Borough Landscape Character Assessment  
Kent Design Guide  
Renewable Energy  
Noise and Vibration  
Contaminated Land  
AONB Management Plan  
Sevenoaks and Tunbridge Wells Economic Needs Study  
KCC Parking Standards

**6.0 LOCAL REPRESENTATIONS**

- 6.01 Four site notices were displayed on the 7<sup>th</sup> December 2022 around the application site. The planning application was also publicised in the Kent Messenger on the 2<sup>nd</sup> December 2022.
- 6.02 No responses have been received from local residents or parties.

**7.0 CONSULTATIONS**

**National Highways**

- 7.01 **(14/03/23)** Recommend that conditions should be attached to any planning permission that may be granted.
- 7.02 National Highways will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the A21 at Pembury Bypass.
- 7.03 Having reviewed further information submitted by the applicant, National Highways are content that traffic impacts on the SRN will not be significant during the operational phase of the development. However, National Highways have potential concerns relating to the construction phase. The potential concerns may be allayed by means of the preparation, agreement, and adherence to a Construction Environmental Management Plan.
- 7.04 Accordingly, having assessed application 22/03262/FULL National Highways are content that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in

the vicinity of the site (A21) provided that conditions are imposed, reflecting DfT Circular 01/22 and MHCLG NPPF 2021 (Para 110-113 tests).

- 7.05 National Highways recommends that a Construction Environmental Management Plan (CEMP) condition and informative are attached.
- 7.06 **(13/12/22)** National Highways have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 as the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such National Highways work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.
- 7.07 National Highways will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN; in this case, particularly the A21 in the vicinity of Pembury.
- 7.08 Having reviewed the information submitted, it is noted that there are matters requiring further clarification or information in order for us to be able to assess the implications of the proposal on the SRN. Until such time as the requirements are fully met, Highways England will not be able to assess whether the proposals comply with national planning and transport policy set out in DfT C2/13 (especially paras 8 to 11) and MHCLG NPPF2021 (especially paras 110 to 113). Until such time as sufficient information has been provided to enable Highways England to obtain a clear view of the impact of this proposed development on the SRN, our formal recommendation is that your Council should not determine this application (other than a refusal) because of the potential for harm to the strategic road network.

### **SGN**

- 7.09 **(06/12/22)** Although SGN has a high pressure gas pipeline in the vicinity, the safety and integrity of our assets will not be affected by the proposal. However, should your proposal change please contact SGN immediately and SGN will re-assess. The pipeline is of prime importance to the gas supplies of this area. It is essential that you comply with the restrictions detailed below and in the document SGN/WI/SW2 in order to protect our plant and equipment and for the safety of your own operatives. An SGN representative must be contacted before any works commence.

1. No mechanical excavation is allowed within 3 metres either side of pipeline.
2. No plant or storage of equipment shall be made within any easement strip.
3. If any metallic pipes or cables are being laid in proximity to gas pipelines then interference testing will be required, the cost of which to be borne by the promoter of the works. A minimum clearance of 600mm is required.
4. All precautions stated in publication SGN/WI/SW/2 (Safe Working in the Vicinity of High Pressure Gas Pipelines) shall be fully complied with in all respects. Acceptance of SGN/WI/SW/2 shall be acknowledged by the responsible site person signing and returning the form Appendix A (back page) to the SGN representative contacted in (7).
5. No thrust boring shall take place within 3 meters of the pipeline.
6. All planting within the easement strip should comply with 'Notes for Guidance on Tree Proximity'.
7. Before commencing work on site you must contact our Pipeline Maintenance Section on the number above at least seven days before work commences. A Southern Gas Networks representative will then contact you to arrange to visit site. Details of working near to high pressure gas pipelines can then be discussed.



8. Pipeline sections that are planned and agreed by SGN to be permanently covered (i.e. by road surface) will require a coating survey. SGN will repair any indicated coating defects free of charge. The survey costs will be borne by the promoter of the works. Prior to any surface cover cathodic protection coupons and reference cells will require installation at no cost to SGN.

9. This pipeline is cathodically protected and as such has test cables located in test posts, were these to be lost through this work we would look to you for remedial action at no cost to SGN.

10. Intrusive construction methods will require an agreed method statement prior to work starting.

11. Any extended period of SGN site supervision may incur charges to you. These will be charged based on visiting times, materials and occurrences. You will be informed when these come into effect and be invoiced direct.

12. Any piling or boreholes within 15 metres of the pipeline may require vibration monitoring. No piling or boreholing must take place within 3 metres of the pipeline.

### **HSE**

- 7.10 **(21/03/23)** Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

### **Southern Water**

- 7.11 **(19/12/22)** The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. 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. The applicant has not stated details of means of disposal of foul drainage from the site. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

- 7.12 Southern Water request that should this planning application receive planning approval, an informative is attached to the consent:

### **KCC Flood and Water Management**

- 7.13 **(23/03/23)** Kent County Council as Lead Local Flood Authority have reviewed the updated Drainage Statement for Discharge of Conditions prepared by Calcinotto (03/03/23) and have no objections to the proposals outlined.
- 7.14 Should the Local Planning Authority be minded to grant planning permission for the proposed development, the LLFA would request a verification report condition be attached. We would also emphasise the need for jetting of the existing system and subsequent further CCTV survey as part of this report.
- 7.15 **(12/12/22)** Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment and Drainage Strategy prepared by Calcinotto (27/10/22). We understand that surface water will be conveyed via two piped networks, before being discharged into a surface water sewer via two existing outfalls at restricted rates of 30.9 l/s and 18.7 l/s, a 50% reduction compared to existing rates from these outfalls. Permeable paving will also be utilised throughout the site. Whilst KCC have no objection in principal to these plans KCC do have the following comments:
- 7.16 1. The KCC Planning and Drainage Policy states:  
"Redevelopment on previously developed land or "brownfield land" has the potential to rectify or reduce flood risk. For developments which were previously developed,

the peak runoff rate from the development must be as close to the greenfield runoff rate from the development as reasonably practicable for the same rainfall event, but must not exceed the rate of discharge from the development prior to redevelopment for that event. As a minimum KCC would expect to see evidence that a 50% reduction in the peak runoff rate from the existing site has been sought "

- 7.17 Whilst KCC acknowledge that the minimum required 50% reduction in runoff rates will be achieved we would appreciate that the applicant provides a statement that a reduction in surface water runoff, with the aim of restricting to greenfield rates as much as possible, has at least been considered.
- 7.18 2. The LLFA requests for all developments to adhere to the guidance stipulated within the CIRIA SuDS Manual (2015) Part E Section 26. This section within the manual contains details of treatment levels and anticipated pollution from different land uses. It is noted that paragraph 10.8 with the Drainage Strategy indicates this will be addressed fully at detailed design.
- 7.19 3. Causeway modelling provided indicates flooding of up to 2.6m<sup>3</sup> at several locations within network 2, at the 100(+CC) year event. However, KCC also note that permeable paving has not been included within this model despite it being indicated there within drawing 114530 sheet 2. KCC would expect for the additional attenuation provided by the permeable paving to eliminate flooding of this network, however this must be demonstrated at detailed design. Exceedance plans must be produced for any flooding that may remain.
- 7.20 4. It is noted that existing outfalls are to be used within the drainage network. If existing drainage features are to be utilised then a CCTV survey should be conducted to confirm presence and condition of this network.
- 7.21 Should the Local Planning Authority be minded to grant planning permission for the proposed development, the LLFA would request conditions be attached:

### **KCC Highways and Transportation**

#### **7.22 (29/3/23 & 30/3/23)**

##### Traffic Generation

Confirm that the highway authority will not require any further traffic impact assessment and has concluded that the development is not likely to result in a severe impact. However, the highway authority would support a contribution to sustainable transport options if this is in keeping with your policies.

##### Access

- 7.23 A plan showing for 'indicative purposes' the works to be implemented under a S.278 agreement to include dropped kerbs and tactile at the entrance and bus boarding kerbs on the eastbound bus stop is required. This can then be included in a Grampian condition.

##### Parking

- 7.24 The level of parking still remains an area of significant concern for the highway authority and whilst the increase in staff parking is most welcomed, as this is often a major issue at this type of development, as no additional car parking has been provided across the site, this raises concern with the level of parking for other uses across the site.
- 7.25 With 43 spaces provided for staff parking, this would broadly accommodate the 86 staff which has been confirmed by the LPA, in keeping with KCC guidance for car

sales and servicing. However the dual use of 13 demonstrator/employee car parking should be explained and it would seem in practice that these will not be available for staff parking on a regular basis which will reduce overall staff parking.

- 7.26 For customer and servicing parking, it is evident that parking ratios are below those at Eastleigh where there are fewer car showrooms and where overspill parking appears evident, as previously noted by the highway authority.
- 7.27 The previously proposed 64 spaces for customers are now reduced to 38 spaces which seems very low, for maximum provision would require of the order of 92 spaces, based on the earlier floor area figs. Also compared with the site at Eastleigh there will be a ratio of under 8 spaces per car showroom compared with 10 spaces per showroom at Eastleigh.
- 7.28 It is also now evident that 36 of the 57 car service/storage spaces, listed on the earlier schedule are in fact for longer term storage which leaves only 21 customer service parking spaces for the 18 service bays. This is a significantly lower ratio (1.17/bay) than at Eastleigh where there is in excess of 2 parking spaces per service bay (2.22/bay). KCC standards would recommend 4 spaces/bay.
- 7.29 The additional information has also not addressed where the cars from the loading bay will be accommodated when the transporter is on site. It would also be useful to know how often a car transporter is expected to visit the site, together with comparable information from Eastleigh.
- 7.30 Therefore it is recommended in the first instance, that the long term car storage and outdoor display areas are reappraised to help address customer and servicing parking demands at the site.
- 7.31 Concerns this proposal has a lower level of provision than at the Eastleigh, where significant overspill is noted. The highway authority considers that as a minimum this site should have the same level of provision as at Eastleigh, coupled with a condition to prepare and submit for approval a parking and site management plan and to also monitor overspill on the public highway, together with a contribution to cover the costs of amendment to the TRO for additional parking and servicing control in the area should it become necessary.
- 7.32 It is also important that any approved plans clearly identify the agreed area for outdoor car sales, which should be limited by condition, together with identification of other parking areas by proposed use, also covered by condition. *(Officer Note: It is unlikely that such a condition could be worded in a way that met the required tests for*
- 7.33 **(16/03/23)** Please note that there weren't any pre-application discussions on this site with the highway authority.
- 7.34 Access  
With regard to the operational layout of the site, it is not clear how the level difference is accommodated to allow direct access from say the employee accessible car parking spaces at the bottom of the ramp to the car wash area which would appear to be at the same level as Kingstanding Way and clarification is requested.
- 7.35 It is recommended that the footpath connection to the site from Longfield Road is upgraded to allow access for cyclists in keeping with current guidance and that the entrance to the site is upgraded with dropped kerbs and tactiles.

- 7.36 The position regarding the bus boarder is not clear from google and needs confirmation on site, which we will aim to do.
- 7.37 It is considered regrettable that no improvement to pedestrian access from Kingstanding Way can be delivered.

*Officer note: that the site has two pedestrian access points. One via Longfield Road and one via the existing vehicular access ramp from Kingstanding Way where the pavement run along Kingstanding Way wraps around into the site. The creation of an additional pedestrian access to Kingstanding Way would result in the loss of established trees, planting and landscaping. This planting and grass surfaced areas are considered to contribute positively to the area where there is generally a limited level of planting and landscaping. It is therefore considered that the benefit of a new pedestrian access would not outweigh the visual harm it would result in.*

#### Parking

- 7.38 Concern raised with parking levels and clarification sought. *Officer Note: This has since been superseded by more recent comments.*

#### Servicing

- 7.39 Use of the service bay by the car transporter will require removal of up to 15 vehicles from the car wash arrangements but it isn't clear as to where these vehicles will be relocated across the site on a very regular basis to accommodate each delivery and this will require an intensive management routine. Experience across the county shows that car transporters are readily displaced to the highway. In this instance loading/unloading from the car transporter on the highway cannot be tolerated particularly as Kingstanding Way gives access to the bus depot and other premises with servicing demands. The highway authority requests revisions to provide robust arrangements to ensure access to the servicing area for these large vehicles and that the car transporter is not displaced to the highway or required to reverse across the highway.

#### Traffic Impact

- 7.40 Concern regarding the traffic generation. *Officer Note: This has since been superseded by more recent comments.*

#### **(23/12/22)**

#### 7.41 Access

- No alterations are proposed to the existing vehicular and pedestrian accesses.
- Pedestrian access is via Kingstanding Way on the eastern side of the site and Longfield Road on the south side.
- The route for pedestrians from Longfield Road is shown on the proposed Site Plan Drawing No. PL\_003 RevP4, however the route for pedestrian from Kingstanding Way doesn't extend to the site entrances. Please could this be provided. The pedestrian pathway is only 1.17m in width along the southern boundary of the proposed building and only 0.45m along the eastern boundary. This is too narrow to allow safe access for all and a width of 2m is recommended.
- Dropped kerbs and tactiles are required across the site accesses.
- A shared footway/cycleway is provided along Longfield Road and it is recommended that the footpath connection into the site is widened to 3m to also allow access for cyclists.
- The route for cyclists from Kingstanding Way to the customer cycle parking spaces appears to involve cycling around the car park and the most direct route

would be opposing a one-way working lane. It is likely that the most direct route would be used and this could lead to safety issues.

- The operational layout of the site is unclear, for instance how do customers access the parking spaces, is it through the service area or via the area marked with bollards? Where the access lanes to the parking spaces are less than 6m it is assumed that one-way working is proposed, please clarify on the site plan.
- Bus boarders are required at the nearby eastbound bus stops on Longfield Road.
- Vehicular access is via Kingstanding Way with a separate service access also located on Kingstanding way approximately 20m north of the car park access. Visibility splays of 2.4m x 43m are shown on Fig 3.2 rev P1. Please add a scale bar to the drawing. The full extent of the visibility splay from the service access is not shown in relation to the edge of the carriageway and this detail is required.
- Crash data is provided and no particular problems are identified.

#### 7.42 *Parking*

- The car parking provision proposed for the car sales is significantly below the recommendations given in the Kent and Medway Vehicle Parking standards and no rationale is provided as to why the level of parking proposed would be sufficient for the proposed use. Without such information the parking requirements should be increased to reflect the standards.
- How is access made to the customer parking spaces?
- Parking spaces dimensions should be in accordance with the Kent and Medway Vehicle Parking Standards.
- 12 cycle parking spaces are proposed and this reflects the minimum requirement. Please indicate where the staff spaces are located.

#### 7.43 *Servicing*

- Tracking for the car transporter is very tight and is likely to result in the car transporter either delivering from Kingstanding Way or reversing onto Kingstanding Way to the detriment of highway safety.
- The swept path drawings also show that the car transporter requires both sides of the carriageway for some considerable distance along Kingstanding Way to be able to turn out of the site in a forward gear.
- Parking occurs along Kingstanding Way which will impact on the space available for turning and should be considered in the swept path drawings.
- If the parking spaces in the car wash area are occupied when the car transporter arrives, the car transporter would need to wait on Kingstanding Way interfering with the safe passage of through traffic and visibility from other accesses.
- Further information is therefore needed to show that the car transporter can deliver to the site in a safe manner. Please also provide tracking for the oil tanker and a 11.4m refuse vehicle.
- Please provide a scale bar on all technical drawings.

#### 7.44 *Traffic Generation*

- TRICs has been used to estimate the traffic generated by the extant use. Site HW-01-G-01 has been deselected and so not included in the calculations. Although the TS states that the 'site is not reflective of our site, trip rate seems disproportionate' further detail of why this is the case should be given.
- Traffic generation has been estimated from surveys completed at Hendy's three franchise showroom in Villeneuve St Georges Way Eastleigh. Please provide a plan of the Eastleigh site showing the site entrances and exits and annotate on the survey which arms are A, B and C.
- Whilst a comparison of the floor areas of the Eastleigh site and the proposed site is provided, it would also be useful to have a comparison of the uses on the site

and parking provision for those uses. It is noted that the proposed uses are as listed and a similar list for the Eastleigh site and the planning application number and link to the planning portal would be helpful.

- Please also provide an assessment using the Trics data base for vehicle trip generation.
- Looking at the parking at the Eastleigh site on Google it would appear that insufficient parking is provided as it can be seen that there is overspill parking on street in the vicinity of the car dealership site as can be seen from the extract from Google below. These trips should be included in the trip generation calculations.
- The trip generation details provided indicate that the site would generate 73 two-way trips in the AM pk and 43 two-way trips in the PM peak and the net increase when taking into account the previous non food retail use of the site is +62 two-way trips in the AM peak and – 53 in the PM peak.
- An analysis of the Saturday peak is also required.

7.45 *Distribution of development traffic*

- Please provide details of the distribution of the development traffic on the highway network.

7.46 *Impact*

- Please provide an impact assessment for the junction of Kingstanding Way/Longfield Road. Once the additional information concerning trip generation and distribution is provided, I will be able to advise whether there is a requirement for capacity assessments of other nearby junctions.

**Environmental Protection**

- 7.47 **(16/12/22)** It is evident from our GIS database that this site does not fall within an Air Quality Management Area (AQMA) nor is it suspected to be on, or near to, contaminated land. Environmental Protection do not have any major concerns to raise regarding the nature of this development; it is unlikely to give rise to complaints of noise, lighting and/or dust.

Recommendation - No objections.

**TWBC Landscape and Biodiversity Officer**

- 7.48 **(17/02/23)** The ecological report is accepted, and matters can be dealt with via a condition which secure s a scheme of avoidance, mitigation and enhancements. As there is no change in footprint or loss of green space, one would suggest that BNG can be achieved via the suggested condition for ecology which includes enhancements. A condition would also be needed to control lighting – this should perhaps specifically mention that light pollution will need to be minimised through luminaire choice, design and light source with controls for timing and dimming.
- 7.49 A landscape plan has been submitted but can be greatly improved through further planting and possibly replanting of some failed trees planted by KCC as part of the road improvements a few years ago. This would need to recognise and take account of the proposed use as a car showroom (e.g. cars need to be visible and trees that drop fruit or encourage bird droppings on cars should be avoided or planted away from the cars). A scheme of landscaping can be secured by condition
- 7.50 Overall, this is a suitable use in this location and subject to the conditions above and would have no further concerns or comments.

**8.0 APPLICANT'S SUPPORTING COMMENTS**

*Summary of key points*

- The proposal accords with the relevant policies in the development plan.
- The proposal accords with the principal material considerations, namely the objective to secure sustainable economic development established by the NPPF.
- There are no other material considerations that should outweigh the presumption in favour of granting planning permission for sustainable development.

## **9.0 BACKGROUND PAPERS AND PLANS**

PL\_001-P1 - Site Location Plan  
PL\_002-P1 - Existing Site Plan  
PL\_110-P1 - Existing Ground Floor Plan  
PL\_111-P1 - Existing First Floor Plan  
PL\_112-P1 - Existing Roof Plan  
PL\_113-P1 - Existing Elevations  
PL\_003-P5 - Proposed Site Plan  
PL\_004-P5 - Proposed Site Plan - External Finishes and Materials  
PL\_005-P2 - Covered Car Park  
PL\_006-P2 - Proposed Car Wash GA  
PL\_007-P1 - Proposed Sales Office GA  
PL\_008-P1 - Proposed Sales Office Elevations  
PL\_210-P1 - Proposed Ground Floor Plan  
PL\_211-P2 - Proposed First Floor Plan  
PL\_212-P2 - Proposed Roof Plan  
PL\_213-P1 - Proposed Sections  
PL\_214-P3 - Proposed Elevations  
PL\_410- P4 - Landscape General Arrangement Plan  
Hendy Royal Tunbridge Wells - Energy and Sustainability Report P02  
Preliminary Ecological Appraisal and Preliminary Roost Assessment  
R221104 Planning and Economic Statement  
Transport Statement  
Travel Plan  
L221104 - Cover Letter  
R221104 - Design and Access Statement  
LTR KCC with Appendices  
LTR National Highways with Appendices  
114530 - Hendy Tunbridge Wells - Flood Risk Assessment for Planning Rev 1.5  
114530 Hendy Tunbridge Wells Condition Discharge Report Rev B  
23-03-03 LTR National Highways with Appendices

## **10.0 APPRAISAL**

### **Principle of Development**

- 10.01 For the purposes of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant policies of the Development Plan (Tunbridge Wells Local Plan (2006) and the Council's Core Strategy (2010)) are the starting point for the assessment of the planning application and an assessment on the acceptability of this application. In addition, it is important to consider the material considerations of the National Planning Policy Framework (2021) and other guidance contained within the Planning Policy Guidance.
- 10.02 Furthermore, the evidence base that underpins the Council's Submission Local Plan, in particular and the Employment Needs Survey (August 2016) carries weight on the matter of the quantum of employment land required in the borough, and the principle of employment development in this location. The Submission Local Plan has been through examination and the Inspectors initial findings letter has been received. The

Council are currently considering the initial findings of the Inspector and how to proceed. Whilst it is noted that Paragraph 48 of the NPPF allows Local Planning Authorities may give weight to relevant policies in emerging plans and that the more advanced its preparation, the greater the weight that may be given; at this time it is considered that limited weight can be attached to the Submission Local Plan.

- 10.03 The site is located inside the Limits to Built Development (LBD) of Tunbridge Wells and within a designated Key Employment Area.

*National Policy and Guidance*

- 10.04 The NPPF places great weight on sustainable economic development. Planning policies and decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (Paragraph 81).
- 10.05 The NPPF also states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations (Paragraph 83).
- 10.06 The proposed development would result in the re-use of a presently dis-used premises within the Key Employment Area, resulting in 6151.8sqm of employment floor space and the creation of approximately 86 jobs. It is considered to have significant economic benefits and promote economic growth in the borough. The proposal would be considered be in accordance with the guidance and aspirations set out within the above NPPF paragraphs.

*Adopted Policies*

- 10.07 One of the principle aims of the Core Strategy is to ensure a sufficient level of good quality employment land in the Borough to meet strategic and local requirements. The Core Strategy identifies Key Employment Areas (a redefinition of Economic Development Areas defined in the Local Plan) which are areas comprising the main concentrations of traditional economic development activity in the borough outside of the town centres (Core Strategy paragraph 5.175).
- 10.08 Core Strategy Core Policy 7 seeks to deliver developments to meet the employment needs of the borough through a number of ways. This includes the provision of new/intensification of existing, floorspace in the Key Employment Areas (KEAs), where the loss of existing employment floorspace will also be resisted. This reflects the aspirations of Local Plan Policy ED1 which seeks to retain employment floorspace within Key Employment Areas. This Policy also comments that sui generis uses of an appropriate type and scale are appropriate in the Royal Tunbridge Wells North Farm/Longfield Road area. This is reflected by the fact that there are a number of other similar car showrooms within the surrounding area.
- 10.09 The proposal site is considered to be well related being within an existing Key Employment Area, well located to main roads and public transport networks, and capable of providing good quality modern accommodation attractive to the market and capable of meeting a range of employment uses to support the borough and local economy. The proposal would result in the re-use of a vacant unit/site, provide a good level of employment opportunities, and assist with meeting the boroughs employment needs. The principle is considered to be acceptable, subject to other



policies in the Plan, in accordance with the statutory development plan for the borough (Local Plan and Core Strategy).

*Submission Local Plan*

- 10.10 Paragraph 48 of the National Planning Policy Framework (NPPF) sets out that 'Local planning authorities may give weight to relevant policies in emerging plans...'. The Council submitted its proposed Local Plan (Submission Local Plan) to the Inspector in November 2021, upon which the Examination took place between March and July 2022. The Inspector's letter setting out their initial findings was received in November 2022 and is currently being considered by the Council. At this time limited weight is attached to the policies within the Submission Local Plan.
- 10.11 The most relevant policies within the Submission Local Plan to this application are considered to be Policy STR/RTW1, Policy ED1 and Policy ED2.
- 10.12 Policy STR/RTW1 relates to the Strategy for Tunbridge Wells and as part of the strategy seeks to make the best use of previously developed land by the intensification of uses/sites whilst still protecting the town's important character and heritage, provide significant employment growth through the allocation of a new business park to be located at Land adjacent to Longfield Road (Policy AL/RTW 17) to deliver approximately 80,000sqm floorspace of new employment (Class E(g)(iii), B2 and B8) and to promote the retention, expansion, and intensification where relevant of existing employment premises and support leisure uses within the Key Employment Areas (KEA).
- 10.13 Policy ED1 of the Submission Local Plan relates to the Key Employment Areas. The application site forms part of a designated KEA. Policy ED1 sets out that proposals for the retention and creation of new floor space in KEAs, or on allocated sites, will be supported in principle. It also sets out within a table that proposals for new employment provisions (including sui generis uses) in the KEA of Royal Tunbridge Wells North Farm/Longfield Road area will be acceptable. The proposed development is therefore considered to comply with Policy ED1 of the Council's Submission Local Plan.
- 10.14 Policy ED2 relates to the 'Retention of Existing Employment Sites and Buildings'. The policy sets out within the pre-ambule that the in addition to the provision of new sites and allocations to meet the employment needs of the borough, it is also important that the stock of existing employment sites is maintained across the whole borough (not just within the Key Employment Areas). The Council's Economic Needs Study 2016 (ENS), its Economic Development Topic Paper, as well as the Tunbridge Wells Retail, Commercial Leisure and Town Centre Uses Study Update (2021) provide strong economic justification for the retention and protection of the borough's supply of existing employment sites and buildings where they are well located, in order to continue to be available to meet the needs of existing and expanding/modernising businesses. This applies to a range of business uses and types of employment across the borough, including office use, light manufacturing, workshops, storage use, and smaller business enterprises in the rural areas.
- 10.15 The policy itself sets out that existing employment sites and buildings will be retained where they are well located to a main road and public transport networks, provide, or are physically and viably capable of providing, through redevelopment, good quality modern accommodation attractive to the market and where they are capable of meeting a range of employment uses to support the local economy or where they have been identified as being suitable for alternative uses in the Local Plan or another adopted development document. The proposal site, being situated within an

established industrial estate and Key Employment Area and the existing building being of good/reasonable quality to meet the requirements for retention.

- 10.16 The proposed development would be considered to comply with these policies by virtue of the retention of an existing employment site and the creation of employment opportunities in the borough.

*Economic Needs Study*

- 10.17 The Submission Local Plan and the policies discussed above have been drafted to take account of the findings of the Economic Needs Study 2016, undertaken by Turley in association with Colliers International on behalf of the Council. The overall findings of this study are that there is a lack of available land and premises, as well as ageing employment stock within the Borough and that there has been a significant loss in employment space in recent years with little significant new development. Therefore, it is a key aim of the Submission Local Plan to plan positively for new employment development over the next 20 years of at least 14 hectares and that opportunities should be provided to actively facilitate new business growth and expansion. With this in mind the study sets out the importance of retaining and modernising employment sites within KEA's and those which are well connected to main road networks. The proposed development would therefore be in accordance with the guidance set out within this study.

*Sustainable Development*

- 10.18 Clearly, an important element of the principle of development is whether the proposal would constitute sustainable development having regard to the local plan policies and the more up to date NPPF. This is outlined within Paragraphs 7 to 11 of the NPPF which goes on to explain that there are three dimensions to sustainable development:

*“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

*a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

*an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

- 10.19 It is therefore clear that sustainability is a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position with regard to the sustainability of the scheme overall.

*Social objective*

- 10.20 In terms of principle of the development it would provide additional employment opportunities within the borough via the re-use of a vacant building and site, which would contribute to the creation of a sustainable community at Tunbridge Wells. In terms of the location, the site is within the Limits to Built Development (LBD) and a

designated Economic Development Area and Key Employment Area. The site lies to the north of Longfield Road which forms the main route through the North Farm employment area linking the north eastern side of Tunbridge Wells with the A21 which lies to the east of the site. As such, the site offers good connectivity with the existing highway network travelling both west into the urban area and east to the A21 and Pembury Hospital.

- 10.21 In terms of pedestrian links, there is currently a pedestrian access onto Longfield Road (located to the south of the site). A PROW runs along sites west boundary, which connects to High Brooms and wider afield. It is also noted that a bus stop is located to the immediate southwest of the site.
- 10.22 The building has been vacant for a period of approximately 2 years and has resulted in some graffiti and if the building is left vacant and deteriorates it may become the focus of further anti social behaviour. The occupation of the building by a new business would prevent this from occurring and would be seen as a benefit.
- 10.23 Taking the above points in to consideration, the proposal is considered to offer some good attributes and would be sustainable from a social perspective.

*Environmental objective*

- 10.24 In terms of the environmental objective, the site is in a sensitive location due to being the site being situated in the AONB, albeit forming part of an established industrial estate and Key Employment Area. There are clear views of the site from the footpaths running along Longfield Road and Kingstanding Way along with limited views from the adjacent Public Right of Way. The site is largely seen in context of the wider industrial estate and other existing built form. The site largely contains hardstanding and a large building (last in use for retail purposes).
- 10.25 The proposal is to utilise the existing hardstanding and built form at the site to provide car showrooms and an MOT/garage facility. The proposal does include an additional, relatively small, single storey building in the form of a sales office proposed to be located in the southeast of the plot. The proposal includes a good level of additional planting and landscaping at the site along with the retention of surrounding trees and woodland.
- 10.26 Whilst the proposal would result in a small increase in built form at the site there would not be considered to be any significant landscape harm; by virtue of the site forming part of a wider industrial estate. The proposal would be seen in context with the surrounding built form and commercial units and the addition of a sales office would not appear at odds with the locality. The proposal also offers a good level of additional planting and landscaping at the site, which would aid to soften its overall visual and landscape impact. It is considered that the proposal would be sustainable from an environmental perspective.

*Economic Objective*

- 10.27 A number of important economic considerations have already been discussed above such as the contribution of the development towards maintaining employment land and opportunities within the borough and within a sustainable location. Once complete, the site could provide 86 new jobs at a vacant site within a Key Employment Area and also has the potential to create additional jobs in the supply chain through processes once operational providing a significant and valuable boost to the local economy. The proposed development would also provide a number of short-term employment opportunities during the construction phase.

- 10.28 Core Policy 7 of the Council's Core Strategy, which relates to Employment Provision, seeks to maintain the overall net amount of employment floorspace across the borough. The policy also promotes the retention of existing floorspace and encourages the creation of new employment floorspace in the defined Key Employment Areas.
- 10.29 The Economic Need Study 2016, which forms part of the evidence base for the Council's Submission Local Plan, considers that all of the existing Key Employment Areas, are performing well and should therefore be retained as broad employment locations to provide future economic development opportunities over the plan period.
- 10.30 As discussed previously Policy ED2 of the Council's Submission Local relates to the retention of existing employment sites and buildings. The pre-ambule to this policy sets out that in addition to the provision of new sites and allocations to meet the employment needs of the borough, it is also important that the stock of existing employment sites is maintained across the whole borough (not just within the Key Employment Areas). The Council's Economic Needs Study 2016 (ENS), its Economic Development Topic Paper, as well as the Tunbridge Wells Retail, Commercial Leisure and Town Centre Uses Study Update (2021) provide strong economic justification for the retention and protection of the borough's supply of existing employment sites and buildings where they are well located, in order to continue to be available to meet the needs of existing and expanding/modernising businesses. This applies to a range of business uses and types of employment across the borough, including office use, light manufacturing, workshops, storage use, and smaller business enterprises in the rural areas.
- 10.31 The development would be considered to provide a positive contribution towards maintaining the borough's employment land/opportunities as identified with the Submission Local Plan and the Economic Needs Study.
- 10.32 As such, the economic impacts and benefits of the scheme would clearly provide significant economic stimulus to the borough and local area. With this in mind, it is considered overall that the proposal would be sustainable from an economic perspective.
- 10.33 It is also noted that the proposal may release other sites within Tunbridge Wells (which are allocated for housing in the SALP 2016) and the wider area for redevelopment purposes, by virtue of the relocation of existing car showrooms and garages to this site. Whilst the acceptance of this proposal would likely result in further benefits of allowing these town centre/edge of centre sites to come forward for redevelopment there are no planning controls to ensure this is the case and therefore minimal weight is attributed to it.

#### *Summary*

- 10.34 Overall, the proposal is considered to constitute sustainable development having assessed the development against the three objectives as highlighted within the NPPF and set out above. The proposal is considered to be in accordance with national, local and emerging policy and is considered to provide positive economic benefits to the borough. It is therefore considered that the principle of the development is acceptable.

#### **Visual Impact and Impact upon the AONB**

- 10.35 Chapter 12 of the NPPF emphasises the importance of achieving good design through the development process. Paragraph 126 sets out that good design is a key aspect of sustainable development and Paragraph 134 states that permission should

be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

- 10.36 The site is located within an Area of Outstanding Natural Beauty (AONB). Paragraph 176 of the NPPF sets out that Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.
- 10.37 Core Policy 4 of the Council's Core Strategy comments that the Borough's built and natural environments are rich in heritage assets, landscape value and biodiversity, which combine to create a unique and distinctive local character and seeks to conserve and enhance this locally distinctive sense of place and character.
- 10.38 Policy EN1 of the adopted Local Plan requires that the design of the proposal, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, would respect the context of the site, would not result in the loss of significant buildings, related spaces, trees, shrubs, hedges, or other features important to the character of the built up area or landscape, there would be no significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements, the design, layout and landscaping of all development should take account of the security of people and property and incorporate measures to reduce or eliminate crime, and that the design of public spaces and pedestrian routes to all new development proposals should provide safe and easy access for people with disabilities and people with particular access requirements.
- 10.39 Within the emerging Submission Local Plan, Policy EN1 outlines various criteria which all proposals for development will be required to satisfy. With regard to visual impact, the policy requires that proposals should retain and, where appropriate, enhance buildings that contribute positively to the locality and street scene, heritage assets, open spaces, trees/vegetation, features of biodiversity/geodiversity, or other features important to the built or landscape character of the area, unless the proposed development is demonstrably improved overall. In addition, the siting, layout, density, spacing, orientation, and landscaping must respect site characteristics including its topography, natural features, relationship with immediate surroundings, historic setting, and views into and out of the site. The scale, form, height, massing, proportions, external appearance, and materials should also be compatible with existing buildings, building lines, landscape, treescape, roofscapes, and skylines. Moreover, any car parking and/or servicing should be appropriate to site context and designed and located so as not to cause material harm to the visual amenity and not dominate the street scene and/or public realm.
- 10.40 Policy EN19 of the Submission Local Plan relates to the High Weald AONB and sets out that proposals must seek to conserve and enhance the AONB's landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan. It goes on to comment that developments in the AONB should be limited in scale and extent, appropriate in terms of its nature and location, and should demonstrate a positive contribution to the objectives of the AONB Management Plan.
- 10.41 The application site, whilst within the AONB, is within a predominantly urban setting, forming part of a wider industrial site and Key Employment Area. The main building at the site is not proposed to be extended, although additional floorspace is proposed to be created internally, and would largely retain its current form and appearance. The proposed external alterations which include the introduction of a glazed frontage

along with other more minor alterations would not be considered to significantly alter the character or appearance of the existing building, be at odds with the sites locality, or detract from the character and setting of the area.

- 10.42 The proposed alterations to the areas of hardstanding and parking areas include the removal of existing trolley bays and reconfiguration of the car parking area are considered not considered to significantly alter the appearance of the site or appear visually intrusive.
- 10.43 The proposed development includes the introduction of single storey sales office structure within the southeast of the plot. The structure is of a relatively simple design and of a relatively small scale. Whilst the proposed structure would be visible from the immediate public vantage points it is not considered to be uncharacteristic of the locality. It is not considered to be of a scale or design that would appear dominant within the landscape or street scene or appear visually harmful to the locality.
- 10.44 The proposal seeks to retain existing planting on the perimeters of the site and proposes additional planting within the site. The proposed additional planting would be considered to soften the overall visual impact of the development and the additional office building when viewed from the immediate surrounding public vantage points.
- 10.45 Details such as materials, landscaping, lighting, boundary treatments can be adequately dealt with and secured via conditions to ensure the development is of a high quality.
- 10.46 For the above reasons the proposed development is considered acceptable, subject to conditions, in regard to its visual impact. The proposed development is not considered to have a detrimental impact upon the street scene and is considered to preserve the site's setting within the AONB. The Council's Landscape and Biodiversity Officer raises no objections in terms of the impact on the AONB or landscape. The proposal is considered to meet the requirements of national and adopted and emerging local policy and is therefore considered acceptable in regard to this matter.

#### **Residential Amenity**

- 10.47 Policy EN1 of the Council's Local Plan, requires under criterion 2 that proposals would not cause significant harm to the residential amenities of adjoining occupiers, and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight and privacy.
- 10.48 Within the Submission Local Plan, Policy EN1 outlines various criteria which all proposals for development will be required to satisfy. With regard to residential amenity, the policy requires that proposals should not cause significant harm to the amenities of occupiers of neighbouring properties and uses. Criterion 1 requires that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity, vehicular movements, or overlooking and criterion 2 requires that the built form does not create an unacceptable loss of privacy and overbearing impact, outlook, or daylight and sunlight enjoyed by the occupiers of adjacent/nearby properties. In addition, the policy requires that proposals should create safe and secure environments and incorporate adequate security measures and features to deter crime, fear of crime, disorder, and anti-social behaviour.
- 10.49 The closest residential properties to the site are located in excess of 350m (the closet being that of Hunters Lodge, located to the southeast). By virtue of this separation

distance and that the site already has a lawful commercial use it is not considered that the proposed development would result in a detrimental impact upon any nearby residential property. The proposal is therefore considered to be acceptable regard to this matter.

### **Highways and Parking**

- 10.50 Paragraph 111 of the NPPF sets out 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'*.
- 10.51 Core Policy 3 of the Council's Core Strategy relating to Transport Infrastructure seeks to promote sustainable modes of transport, including cycling, walking and the use of public transport in order to reduce dependence on private car use. It seeks to improve pedestrian and cycle links across the borough and pursue improvements to transport links in the rural areas along with conserving and enhancing the rural lanes network to ensure that they are convenient and safe for users. The policy also seeks to provide adequate provision for the maintaining and improvement of transport infrastructure at the strategic and local levels through working with partners and seeks to improve the strategic rail and highways networks.
- 10.52 Policy TP1 of the Council's Local Plan relates to Travel Plans and requires that proposals for large scale non-residential developments to be accompanied by a transport assessment and travel plan to demonstrate the adequacy of the transport infrastructure to serve the development. Policy TP4 relates to access to the road network and sets out that proposal will be permitted provided that the road network has adequate capacity to cater for the traffic which would be generated from the development, that a safely located access with adequate visibility splays can be created/provided, that outside the LBD the development would not involve the provision of an additional access onto a primary or secondary route and that the traffic generated from the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others. The policy also requires that where a proposal requires highway improvements that the developer will be required to meet the cost of the improvements where these are fairly and reasonably related to the development. Policies TP5 and TP9 of the adopted Local Plan seek to ensure adequate parking and cycling provisions respectively.
- 10.53 Policy TP1 of the Council's Submission Local Plan relates to transport statements, travel plans and mitigation. The policy seeks to ensure that developments provide a satisfactory transport assessment and are able demonstrate that the impacts of trips generated from a proposal will be mitigated to avoid causing an unacceptable impact on highway safety. Policy TP2 relates to transport designs and accessibility and seeks to ensure that proposals are safe for all users and create a high quality built environment that enhances the public realm, which greatly contributes to the attractive character of the borough. It also seeks to ensure that schemes enable sustainable travel, including active travel and public transport as alternative modes of transport to the private car as well as permeability through sites through the maintenance and enhancement of linkages to the public footway network. Policy TP3 which relates to parking standards seeks to ensure that adequate parking is provided and that proposals for non-residential developments within the borough shall apply the maximum parking standards in accordance with Kent County Council's guidance.

### *Access and Deliveries*

- 10.54 The development proposals seek to retain and utilise the existing access arrangements from Kingstanding way. The site will therefore be accessible to the public via a ramped entrance/exit on the eastern boundary of the site to the main

parking area, and a separate service access will be provided/retained 20m north of the car park access, also from Kingstanding Way. It will also be possible for cars from the service parking area to access the service yard, and thus the service access to the building, from inside the site via a ramp.

- 10.55 Bollards are proposed at the entrance and exit of the display parking area, with a one-way clockwise route proposed for customer vehicles along the western edge of the main building.
- 10.55 The existing access points have sufficient visibility splays to ensure a safe access arrangement. The delivery access is sufficient to deal with refuse collection and deliveries of car parts and other items. However, there is some concern raised by KCC Highways in relation to the access of a car transporter into the service/delivery area. This is a matter that requires a bit more clarity and consideration to ensure that the transporter arrives at times when the parking spaces in the service area are not in use and can access if cars are parked along Kingstanding Way. This is likely to be solved through a condition relating to a Delivery Management Plan and, if necessary, Section 106 agreement for money to undertake a Traffic Regulation Order to deal with any car parking on Kingstanding Way that affects access. This is a matter to be worked through by officers alongside the applicant and highways colleagues.
- 10.56 There are pedestrian/cycle access points from Longfield Road, close to the bus stop.

#### *Parking*

- 10.57 The proposal is to provide 145 car parking spaces across the external area of the site. There would be an addition 18 car parking spaces located within the building for vehicles awaiting MOTs, servicing or repair with an additional 36 spaces inside the building for car storage/service. In the delivery area there would be 15 spaces adjacent to the car wash area for cars awaiting washing.
- 10.58 A bike shelter is proposed to be located adjacent to the customer accessible parking and is proposed to contain three Sheffield stands for six cycles. An internal cycle store is also proposed to be provided for staff. There are changing facilities within the building for those that cycle to work.
- 10.59 There is a considerable amount of parking proposed across the site and within the building. KCC Highways have some concerns regarding the ratio of parking between sales/display, customer and staff parking. This matter remains to be concluded to officers' satisfaction but there is likely to be a solution following further clarity and assessment of the operational arrangements as well as the attachment of a condition requiring a travel plan and parking monitoring so that if there is insufficient space for customers or staff then less sales spaces would be provided.

#### *Vehicle Movements and Trip Generation*

- 10.60 The site is in relatively close proximity to the junction with the A21, which is part of the Strategic Road Network (SRN) and it is important that any change of use and the associated traffic generated would not have a harmful effect on the SRN and the free flow of traffic around the junction.
- 10.61 A trip generation assessment has been carried out by the applicant comparing the site's previous use (John Lewis at Home) and the proposed use. The assessment concludes that the proposed development would likely result in a significant reduction in evening peak hour trips (circa 53 less movements), along with a reduction across the whole day (estimated to be 799 less movements). The proposal would however generate an increase of movements during the morning peak hours (circa increase of



37 arrivals and 25 departures) although this equates to an increase of 1 movement per minute, which is not considered to have such a detrimental impact upon highway safety and the highway network that would be significantly harmful.

- 10.62 An Assessment of the OGV (Ordinary Goods Vehicle) movements suggests there is likely to be just one OGV movement per day at the showroom. This again is not considered to have such a detrimental impact upon highway safety or the highway network to warrant the application being refused.
- 10.63 National Highways are a statutory consultee on applications that have an impact on the SRN. Following some initial concerns and further information supplied by the applicant National Highways raise no objections to the proposal subject to the imposition of a condition in relation to a Construction and Environmental Management Plan (CEMP).
- 10.64 Additional information has also been received from the applicant in order to address concerns raised by KCC Highways in relation to the traffic on roads within the wider industrial estate. Following consideration of this additional information KCC Highways have confirmed that no further traffic impact assessment or modelling is required and they have concluded that the traffic from the development is not likely to result in a severe impact on the surrounding highway network.

#### *Summary*

- 10.65 It can be seen that the highway impact of the development has been given close attention as part of the consideration of this application. Conclusions reached by the consultees demonstrate that the proposal would not have a harmful impact on the SRN and would not generate objections in terms of the remaining highway network. The access points, deliveries and refuse collection have been deemed to be acceptable. There remains a slight question on the car transporter deliveries and the parking ratios/arrangement/management and it is recommended that Members resolve to grant delegated powers to officers to resolve these final aspects prior to approving the application.

#### **Drainage and Flooding**

- 10.66 Paragraph 159 of the NPPF sets out 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.'*
- 10.67 Paragraph 167 of the NPPF goes on to require that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 10.68 Policy EN18 of the Local Plan relates to flood risk and seeks to avoid increased flood risks from developments and that developments incorporate practicable and effective flood protection and mitigation measures that would be maintained for the lifetime of the development along with practicable and effective measures would be included as part of the development proposals to prevent the increased risk of flooding elsewhere.
- 10.69 Policy EN25 of the Submission Local Plan comments within the preamble that it is essential that new development across the borough does not increase flood risk, either on site or elsewhere and provides adequate drainage provision so that flood risk is managed effectively.

- 10.70 The surface water proposals consist of conventional piped drainage and manholes conveying runoff to below ground attenuation in the form of geo-cellular attenuation tank. Bioretention channel drainage is proposed to be utilised to collect runoff from the external paved areas to treat the runoff prior to entry into the main drainage system.
- 10.71 The application site does not fall within an area at high risk of flooding. In accordance with the guidance within the NPPG the proposal would also represent less vulnerable development.
- 10.72 From discussions with KCC Flood and Water Management and Southern Water it is considered that the proposed drainage details are appropriate for the site, subject to a verification report condition, and its locality and would not significantly increase surface water run-off or flood risk in the area or to such an extent that would warrant the application to be refused on such grounds.

### **Ecology**

- 10.73 Paragraph 174 of the NPPF sets out that decisions should contribute to and enhance the natural and local environment including by minimising impacts on and providing net gains for biodiversity. Paragraph 179 seeks to enhance biodiversity and promote the conservation, restoration, and enhancement of priority habitats, ecological networks and recovery of protected species and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 of the NPPF comments that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 10.74 Core Policy 4 of the Council's Core Strategy sets out that the borough's built and natural environments are rich in biodiversity. The policy seeks to avoid net loss of biodiversity and geodiversity across the borough as a whole and that opportunities for biodiversity enhancements will be identified and pursued by the creation, protection, enhancement, extension and management of green corridors and through the development of green infrastructure networks in urban and rural areas to improve connectivity between habitats.
- 10.75 Criterion 5 of Policy EN1 of the Local Plan requires developments to not have a significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements. Policy EN9 of the Council's Submission Local Plan seeks for developments to provide net gain.
- 10.76 An ecological appraisal has been submitted in support of the application, which has been prepared by a suitable professional and its findings are largely accepted. The assessment concludes that the site is of low-negligible ecological value, comprising predominantly built form and hardstanding within a wider industrial estate setting. The site is considered to be unsuitable for protected species, other than bats, where a suitable roosting feature was identified in a Hazard Beam tree. However, this tree is proposed to be retained and unaffected by the proposed development. No further surveys were recommended, but ecological enhancements were recommended.
- 10.77 The ecological report has been assessed by the Council's Landscape and Biodiversity and is accepted. They consider that matters can be adequately dealt with via a condition to secure a scheme of avoidance, mitigation and enhancements. As there is no change in footprint or loss of green space it is considered that BNG

(biodiversity net gain) can be achieved via the condition for ecology which includes enhancements. A condition has also been attached requiring details and controls for lighting in order to protect wildlife.

- 10.78 Subject to conditions the proposed development is considered to be acceptable and policy compliant in regard to this matter.

### **Trees**

- 10.79 Policy EN13 of the Council's adopted Local Plan comments within the preamble that 'Trees and woodland contribute greatly to the appearance of the countryside, and the character of many of the towns and villages within the Plan area, as well as providing valuable wildlife habitats.' The policy itself sets out that *'Development will not be permitted if it would damage or destroy one or more trees protected by a Tree Preservation Order, or identified as Ancient Woodland, or in a Conservation Area, unless:*

- 1. The removal of one or more trees would be in the interests of good arboricultural practice; or*
- 2. The desirability of the proposed development outweighs the amenity value of the protected tree'*

- 10.80 Policy EN12 of the Submission Local Plan relates to Trees, Woodland, Hedges, and Development. The policy sets out that permission will not normally be permitted where the proposal adversely affects important trees, woodlands, and hedgerows and that where there is an unavoidable loss of trees on-site, however, an appropriate number of suitable replacement trees (in terms of species and size) that replaces or exceeds that which is lost will be required to be planted on-site.

- 10.81 The proposed development seeks to retain the existing trees and planting at the site along with additional landscaping. The proposed development is not considered to have a detrimental impact upon existing trees at the site. However, to ensure that existing trees are adequately protected during construction a condition has been recommended requiring tree protection details to be submitted and approved by the Local Planning Authority.

### **Energy and Sustainability**

- 10.82 Paragraph 152 of the NPPF sets out that the planning system *'should support the transition to a low carbon future in a changing climate..'* Paragraph 157 goes on to state that *'In determining planning applications, local planning authorities should expect new development to:*

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

- 10.83 Core Policy 5 of the Council's Core Strategy sets out that the Council will apply and encourage sustainable construction principles and best practice in order to combat avoidable causes of climate change adapt to and/or mitigate already-unavoidable impacts of climate change. All new developments are expected to make efficient use of water resources and meet local and national renewable energy and energy efficiency targets, as well as wider carbon reduction targets.

- 10.84 The Council recognises the benefits of renewable energy technologies and the significant opportunities that exist within new builds to integrate them. Consequently, and as set out with the Council's Renewable Energy SPD, the Council expects all major development to incorporate renewable energy technologies.
- 10.85 Policy EN3 of the Council's Submission Local Plan relates to climate change mitigation and adaptation. The policy sets out that the Council will strongly support proposals for zero carbon and low emission development. It requires the construction of new buildings to incorporate design features that help deliver radical reductions in greenhouses emissions and help mitigate climate change impacts. The policy aims to achieve this using the following measures:
- '1. A 'fabric first' approach in which all development comprising the construction of new buildings is required to reduce operational CO2 emissions by at least 10% below the Target Emission Rate (TER) as set out in Building Regulations Part L (2013);  
2. Requirement for major development comprising the construction of new buildings to reduce operational CO2 emissions by 15% using renewable energy-generating technology to be installed on site. The 15% reduction will be calculated only after the 'fabric first' approach has been applied.'*
- 10.86 The policy also requires that development must incorporate measures that adapt to the impacts of climate change. The Council's Submission Local also accounts for the 2021 uplift to Part L of Building Regs which came into effect on 15th June 2022.
- 10.87 An Energy and Sustainability report has been submitted in support of the application, which has been prepared by a suitable professional. The report sets out that a fabric 1st approach has been used/proposed, minimising the heating and cooling loads and any unnecessary energy consumption. The proposal includes the addition of photo voltaic panels to be installed on the roof. Overall, the proposed scheme is indicated to provide a 33% reduction in CO2 emissions over the notional (existing) building or TER (target emission rate).
- 10.88 The proposed development is therefore considered to be acceptable in this regard and policy compliant.

### **Other Matters**

#### *Public Right of Way*

- 10.89 With regard to Public Rights of Way, there is a Kent County Council Public Right of Way (PROW; WB6) which runs along the south east boundary of the site.
- 10.90 The adopted Core Strategy 2010 recognises that PROWs provide an important recreational facility, providing useful links for non-leisure trips such as trips to work. PROWs can also be an important part of a wider green infrastructure network which need creating, protecting and enhancing.
- 10.91 The Submission Local Plan also recognises the importance of the PROW network, whereby Strategic Policy 6 (Transport and Parking) seeks to prioritise active travel through enhancing PROWs (including footpaths, bridleways, and byways) for non-motorised transport. Policy EN1 (Criterion 6) also requires that the design and layout of all new development is accessible to all and maintains and maximises opportunities for permeability and linkages to existing PROWs. Policy TP2 (criterion 4) also states that development proposals will only be permitted provided that the existing public footway, bridleways, and PROW networks are safeguarded.

- 10.92 The proposed development would not be considered to have an adverse effect upon this adjacent Public Right of Way. An informative has however been attached to ensure that it remains open at all times unless agreed with the KCC Public Rights of Way Team.

*Land Contamination*

- 10.93 The site falls within an area of Potentially Contaminated Land 50m buffer zone/area.

- 10.94 Core Policy 5 (Sustainable Design and Construction) of the Council's Core Strategy requires that all new developments manage, and seek to reduce, air, light, soil and noise pollution levels, acknowledging that the presence of contaminated land can be a risk to human health and the environment. It is recognised, however, that development proposals can present an opportunity for the remediation of contaminated land and as such developments are expected to conform to the principles and requires set out in the Borough Contaminated Land Inspection Strategy. Furthermore, any development on previously developed land, or development with sensitive end uses, should take potential land contamination into consideration.

- 10.95 In addition, the Submission Local Plan at Policy EN28, relating to land contamination, sets out that development proposals on a site that is known, or suspected, to be affected by contamination will only be permitted (in lined with the requirements of the Council's latest adopted Contaminated Land SPD) where practicable and effective measures are taken. These measures should avoid: exposing future occupiers and users of the development or people in the locality to unacceptable risk to health; threatening the structural integrity of any existing building or structure built on, or adjoining, the site; causing the contamination of any watercourse, water body, or aquifer; causing the contamination of adjoining land, its residents or users, or allowing such contamination to continue; and, damaging or putting at unacceptable risk the quality of the natural environment. The policy consequently requires a risk assessment to be undertaken at the earliest stage, detailing the methodology by which risks will be addressed and ensuring the treatment and/or removal of all contaminants prior to the commencement of development.

- 10.96 The Council's Environmental Protection Team has commented upon the application and have not raised any concerns in regards to land contamination issues at the site. The application would therefore not be considered to warrant refusal on such grounds.

*Air Quality*

- 10.97 Policy EN21 of the Submission Local Plan sets out the Council's approach toward protecting air quality in the borough. The policy sets out that development will not be permitted when it is considered that the health, amenity, or natural environment of the surrounding area would be subject to unacceptable air quality effects (that are incapable of being overcome by a condition or planning obligation), taking into account the cumulative effects of other proposed or existing sources of air pollution in the locality. In addition, sensitive receptors will be safeguarded at all times. The policy also states that where detailed assessments are required, developments are expected to at least be air quality natural, with air quality positive proposals strongly encouraged. In the interest of improving air quality borough-wide, however, all relevant development is required to install the following small-scale mitigation measures: low NOx heating, i.e., emitting less than 40mg NOx per kWh; electric vehicle charging infrastructure (points and cabling, or any new technology requirements); and, cycle storage that is sufficient and convenient. Finally, as set out in Policies STR 6, TP1, and TP2, contributions towards mitigation measures may

also be considered necessary, and the use of sustainable transport measures, such as supporting sustainable public transport, shared transport initiatives, cycle/footways, improved connectivity, and green infrastructure to reduce pollution concentrations and exposure are strongly encouraged.

- 10.98 It is evident from our GIS database that this site does not fall within an Air Quality Management Area (AQMA). However, it is considered that due to the scale of the proposed development and its site position that it does not warrant an Air Quality Emissions Reduction condition to be applied. It is also considered that the installation of EV Charging Points would assist in the promotion of a sustainable travel option. Consequently, conditions have been applied relating to such matters.

### **Conclusion**

- 10.99 Based on the findings as outlined above, the proposal is considered to be sustainable development. It would also provide public and economic benefits, which have been outlined earlier. The development is considered to be acceptable in respect to all other relevant planning matters. Overall, the proposed development is considered to be acceptable in the overall balance of issues discussed within this report and there are not considered to be any other material planning considerations which would indicate a refusal of planning permission.
- 10.100 The remaining outstanding matters in relation to the highway considerations discussed earlier in the report can be satisfactorily dealt with following further clarification from the applicant and their representatives and appropriate conditions and/or S106 requirements.
- 10.101 All pre-commencement conditions and contributions have been agreed with the applicant's agent.

## **11.0 RECOMMENDATION –**

**A. Delegated Powers be given to Grant planning permission subject to the resolution of the outstanding highway matters to the satisfaction of the Head of Planning Services and if necessary, the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended), in a form to be agreed by the Head of Legal Partnership Mid Kent Legal Services by 31 May 2023 (unless a later date be agreed by the Head of Planning Services)**

**And subject to the following conditions which may be altered by the Head of Planning Services if further/amended conditions are required following consideration of the highway matters:**

#### Implementation

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### Approved Drawings

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

PL\_003-P5 - Proposed Site Plan  
PL\_004-P5 - Proposed Site Plan - External Finishes and Materials  
PL\_005-P2 - Covered Car Park  
PL\_006-P2 - Proposed Car Wash GA  
PL\_007-P1 - Proposed Sales Office GA  
PL\_008-P1 - Proposed Sales Office Elevations  
PL\_210-P1 - Proposed Ground Floor Plan  
PL\_211-P2 - Proposed First Floor Plan  
PL\_212-P2 - Proposed Roof Plan  
PL\_213-P1 - Proposed Sections  
PL\_214-P3 - Proposed Elevations  
PL\_410- P4 - Landscape General Arrangement Plan

Reason: To clarify which plans have been approved.

External Materials

3. Written details including source/ manufacturer, and samples of bricks, tiles, cladding and roofing materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before above ground development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

Construction Environmental Management Plan

4. Prior to the commencement of the construction works, including earthmoving, for any phase of the development a Construction Environmental Management Plan relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Construction Environmental Management Plan and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The Scheme shall include details of:

- A programme for carrying out the works, including set up, preparation and clearance of the site;
- Details of the number and frequency of construction vehicle movements;
- Construction vehicle routes to and from and within the site with distance details;
- A construction workers' travel plan;
- A detailed traffic management plan to control traffic during the construction phases,
- Details of on-site parking and site operatives', contractors and construction vehicles;
- Details of any temporary buildings, enclosures and staff facilities;
- Measures to minimise and control noise, vibration, dust, odour, exhaust, smoke and fumes during construction;
- Construction delivery hours;
- Design and provision of site hoardings;
- Details of noise mitigation;
- Measures to minimise the potential for pollution of groundwater and surface water;
- Measures to protect water resources;
- Measures to protect ecology;

- Measures to protect trees, woodland and planting;
- The arrangements for public consultation and liaison during the construction works;
- Measures to prevent the transfer of mud or other detritus onto the highway and its prompt removal if it occurs;
- Details for soil management in accordance with the DEFRA construction code of practice for sustainable use of soils on construction sites;
- Details of the storage and removal of any spoil from the site including likely number of vehicle trips;
- Provision of wheel washing facilities.
- Temporary traffic management / signage.
- Provision of measures to prevent the discharge of surface water onto the highway.

The construction of the development shall be carried out in accordance with the approved Construction Environmental Management Plan relating to that phase of development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to protect the amenities of the area, air quality, water resources, trees and ecology during the construction phase. Such details are fundamental to the application and are therefore required prior to its commencement.

#### Tree Protection

5. Notwithstanding the details submitted, no development shall take place until details of tree protection in accordance with British Standard BS 5837:2012 have been submitted to and approved in writing by the Local Planning Authority. These details shall be set out in a standalone Arboricultural Method Statement (AMS) and scaleable Tree Protection Plan (TPP) or, where appropriate, a combined AMS/TPP or set of statements and plans.

The approved AMS and TPP shall be provided to the site foreman prior to commencement of development, and all contractors on site shall be made aware of the specified tree protection measures.

The AMS and TPP shall cover all trees to be retained which could be impacted by the development, and shall include specific measures to protect these trees through all phases of the development, including measures for:

- The location of site facilities and materials storage;
- Changes in ground levels, including the location of construction spoil;
- Excavation, including for drainage and other services;
- Installation of new hard surfaces; and
- Preparatory works for new landscaping

Where these may encroach into root protection areas and/or present canopy spreads.

The contact details of the arboriculturist to be appointed by the developer or his agents to oversee tree protection on the site, including the frequency of visits, and the reporting of findings shall be submitted to the LPA.

All construction activities shall be carried out in accordance with the approved AMS and TPP, unless otherwise agreed in writing by the Authority.



Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990, to safeguard existing trees to be retained, mitigate impacts from development which could lead to their early loss and protect the public amenity and character of the local area.

Landscaping

6. Prior to the commencement of above ground works, details of hard and soft landscaping and a programme for carrying out the works within that phase shall be submitted to the Local Planning Authority for approval. The submitted scheme shall include details of hard landscape works, including hard surfacing materials; and details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: In order to protect and enhance the amenity of the area. Such details are fundamental to the application and are therefore required prior to above ground works commencement.

Landscape Implementation

7. The landscaping scheme approved for the development shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In the interest of visual amenity and in order to protect and enhance the amenity of the area.

Boundary Treatments

8. Prior to the commencement of above ground works, details of boundary treatments details (including planting, walls, fences and railings) within that phase shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first use of the development hereby approved. The development shall be carried out in accordance with the approved details and shall be permanently maintained.

Reason: To ensure a satisfactory appearance for the development in the interests of visual amenity and to secure a reasonable degree of privacy for occupiers of the proposed dwellings. Such details are fundamental to the application and are therefore required prior to its commencement.

External Lighting

9. No external lighting shall be installed shall be installed without the prior written approval of the Local Planning Authority. Any submission shall refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with any approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of visual amenity, residential amenity and in the interest of wildlife.

Measures to mitigate dust, odours or vapours

10. Full details of all measures to be taken to deal with the emission of dust, odours or vapours arising from the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first use of the premises. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: To prevent the transmission of odours into neighbouring properties to protect amenity.

Refuse Storage

11. Prior to the first use of the hereby approved development, details of refuse storage and screening shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, be made ready for use prior to the first use of the hereby approved development and be retained as such thereafter.

Reason: To facilitate the collection of waste, preserve visual amenity of the development and to reduce the occurrence of pests.

Earthworks – Sales Office

12. Prior to the commencement of construction of the hereby approved sales office (as shown on the approved plans), details of the proposed earthworks for that phase shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development of each phase shall be carried out in accordance with the approved details unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area. Such details are fundamental to the application and are therefore required prior to its commencement.

Finished Floor Levels – Sales Office

13. Prior to the commencement of construction works of the hereby approved sales office (as shown on the approved plans), details of the finished ground floor levels shown in relation to the proposed site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area. Such details are fundamental to the application and are therefore required prior to its commencement.

Cycle and EV Charging provision

14. The hereby approved cycle parking provisions and EV charging points, as shown on the approved plans, shall be fully implemented prior to the first use of the hereby approved development and be retained as such thereafter.

Reason: To ensure a sufficient level of cycling parking and EV charge points are

provided and in the interests of highways safety.

Remove PD for Fences/Gates

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure (other than those shown of the approved plans) shall be erected unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to protect the visual amenities of the locality.

Remove PD for Extensions & Change of Use

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development or change of use shall be carried out unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the character and amenities and highway safety.

Parking & Turning provision

17. The area shown on the approved drawings as vehicle parking space, garages and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the businesses, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

Surface Water Drainage

18. No building 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.

Travel Plan

19. Notwithstanding the details submitted, no part of the development hereby permitted shall be occupied until a detailed Travel Plan, has been submitted to and approved in

writing by the local planning authority and implemented. The Travel Plan shall include arrangements for monitoring, review, amendment and effective enforcement and details of the measures to support sustainable travel modes. Thereafter, all businesses occupying any part of the development shall be responsible individually and severally for the monitoring, review, amendment and effective enforcement of the approved Travel Plan.

Reason: To minimize traffic generated by the development and to ensure that surrounding highway network is not compromised.

Deliveries Plan

20. Prior to the occupation of the development, a full and detailed Deliveries Plan which shall include details of site delivery times and arrangements (including delivery of vehicle parts, vehicles via transporter and associated deliveries) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that appropriate arrangements are in place to ensure detrimental impacts are minimised.

Parking Monitoring Plan

21. Prior to the occupation of the development, a full and detailed Parking Monitoring Plan shall be submitted to and approved in writing by Local Planning Authority. The Parking Monitoring Plan shall include arrangements for monitoring, review, amendment and effective enforcement to ensure that there is adequate parking available for staff and customers without creating overspill parking harmful to the free flow of traffic on the surrounding highway network. Thereafter, all businesses occupying any part of the development shall be responsible individually and severally for the monitoring, review, amendment and effective enforcement of the approved Parking Monitoring Plan.

Reason: To ensure adequate parking is available on site for staff and customers.

## **INFORMATIVES**

The CEMP shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

The applicant is advised to engage at an early stage with Southern Water with regard to foul drainage.

**B. If the highway issues cannot be resolved to the satisfaction of the Head of Planning Services or the applicant fails to agree to necessary conditions and/or enter into a suitable legal agreement by 31 May 2023 The Head of Planning Services shall be authorised to REFUSE PERMISSION (unless a later date be agreed by the Head of Planning Services) for the following reasons (or similar highway reason(s) for refusal depending on the specific outcomes of the additional information received and assessment of such information):**

- 1 It has not been demonstrated that the highways impacts of the proposed development can be appropriately mitigated to ensure there would not be a harmful impact on highway safety. The development as proposed would therefore lead to an unacceptable impact upon highway safety contrary to paras 110 and 111 of the National Planning Policy Framework 2021 and TP4 of the Tunbridge Wells Local Plan 2006.

Case Officer: James Moysey

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.