

Our Ref: 2245/AL/LT20210604

4<sup>th</sup> June 2021 (amended through deletion only 10<sup>th</sup> May 2022)

Mr Stephen Baughen  
Head of Planning  
Tunbridge Wells Borough Council  
Town Hall, Mount Pleasant Road  
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**MRPP**  
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### **Representations Via Email Only**

Dear Mr Baughen,

#### **REPRESENTATIONS ON BEHALF OF TESCO STORES LIMITED TOWN AND COUNTRY PLANNING (LOCAL PLANNING) REGULATIONS 2012 TUNBRIDGE WELLS (REGULATION 19) LOCAL PLAN CONSULTATION**

As you know, we act on behalf of Tesco Stores Ltd, in respect of their various interests in Tunbridge Wells Borough and respond on their behalf to the Regulation 19 Tunbridge Wells Local Plan consultation, under the following headings.

#### **Background**

MRPP has extensive knowledge of both Tesco's activities in the Borough and the present (and historic) formalisation of planning policy in the Borough. We welcome the opportunity to engage with the emerging Local Plan and do so positively both in terms of representing our client's interests, and in terms of helping the Council to formulate effective policies which support development for the benefit of the Borough's businesses and residents.

Tesco Stores Ltd engaged with various components of the adopted Local Plan, both in terms of the development needs identified in the existing Core Strategy (primarily in relation to retail capacity) and the treatment of its various interests in the Borough in the subsequent Site Allocations DPD. We have, on their behalf, thoroughly reviewed the Reg 19 Local Plan and have sought to respond only to those policies and issues which directly or indirectly affect their property interests. We trust that this targeted approach assists officers, who will find our comments generally supportive, subject to several clarifications regarding evidence and the justification for designations, allocations and policies.

For ease, we set out our representations in a single letter and have, for each relevant policy or supporting text, used the Council's recommended responses (i.e. objection, support, support with conditions, or general observation). We have also set out some basic background to our client's presence in the Borough.

Martin Robeson Planning Practice is a trading division of Martin Robeson & Partners Ltd  
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## **Tesco in Royal Tunbridge Wells**

Tesco has been represented in Royal Tunbridge Wells since 1969 when its store at 29 Grosvenor Road first opened. Tesco has continued to serve the community, uninterrupted, since then and has subsequently enhanced its presence to now include:

- Supermarket Format – Woodsgate Corner (Pembury)
- Metro Format – Grosvenor Road, Tunbridge Wells Rye Road, Hawkhurst
- Express Format - St. Johns Road (Tunbridge Wells), London Road (Southborough) and Commercial Road (Paddock Wood)
- One Stop Format – Badsell Road (Five Oak Green), Forest Road (Hawkenbury)

It is well documented that Tesco, having secured planning permission for a substantial replacement superstore at Pembury, took the difficult decision not to implement this, arising from significant changes in the convenience shopping sector and other local factors. However, several of its stores, including Pembury, have undergone improvements as part of the firm's 'refresh' programme, with a greater focus on customers, merchandising and the quality of the retail environment.

## **Responses to Policies**

### **Policy STR1 - The Development Strategy (support with conditions)**

Tesco broadly supports the Council's development strategy, particularly the intention to make provision for all development needs inside the Borough boundary (i.e., without the assistance of neighbouring authorities). Tesco also supports the proposed growth of Paddock Wood (see later) but questions, in terms of the scale of new development to be directed there, and to Capel/Tudeley, whether the full potential of existing settlements to accommodate growth has been explored, and in so doing, enhancing their sustainability. Indeed, there appears to be an imbalance between the scale of development directed to certain settlements relative to their scale and sustainability. Such distribution must be fully justified and, if maintained as currently proposed, accompanied by proposals for commensurate improvements in local infrastructure, and services.

### **Policy STR6 - Transport and Parking (support)**

The entirety of this policy is supported (in terms of encouraging sustainable behaviour), and it is welcomed that the Council have considered the rural character of the Borough by promoting the development of the strategic sites (Paddock Wood and east Capel and Tudeley Village), that are surrounded by rural settings by requiring integrated active travel, together with improvements to inter-settlement travel. It is satisfying that the Council will work alongside Kent County Council, Highways England, Network Rail and other train operating companies to maximise the provision of public transport infrastructure which will reduce travel demand through the securing of such infrastructure, which will meet the day-to-day needs of residents and businesses.

The proposed local highway improvements to mitigate and address the impacts on the highway network are welcomed and the measures together with the A228/A264 including junction capacity improvement at Woodsgate Corner and a roundabout at the Pembury

Road/Halls Hole Road/Blackhurst Lane. These improvements will directly benefit the existing Tesco Superstore in Pembury and the proposed allocated site AL/PE 6.

We also observe that despite the policy heading including 'parking', the policy does not contain explicit objectives for parking in the Borough (albeit we note the provisions of Policy TP3). In this regard, we would point out that where opportunities for reduced parking provision exist, care should be taken not to rely on a formulaic approach, but to take account of the actual operational characteristics of the existing and/or proposed development.

#### Policy AL/PE6 – Woodsgate Corner (support with conditions)

As you may be aware, Hendy Group previously promoted the redevelopment of the site for a Motor Village proposal on surplus land at Pembury. Tesco firmly supported this proposal and wrote to the Council on 15/07/2019 confirming its position.

Following the second Regulation 18 Consultation process in 2019, Hendy Ford submitted a formal planning application ref:19/00884/FULL, for the Motor Village proposal, which was recommended by officers for a grant of planning permission subject to planning conditions and entering into a legal agreement. The application was presented at Planning Committee on 28/10/2020. A motion was proposed by Councillors to approve the application, on the basis that members were satisfied that all relevant planning considerations had been covered within the committee report. This motion was not carried, and a separate motion was proposed by other Councillors to refuse the application, which was upheld resulting in the application being refused planning permission.

The primary reasons for the application's refusal, centred around failing to demonstrate the three overarching objectives of sustainable development within the NPPF, along with failing to demonstrate exceptional circumstances that the development is in the public interest and failing to comply with the AONB test within the paragraph 172 of the NPPF 2019. Subsequently, Hendy Group have now abandoned their intentions to pursue any future development upon this site.

The site is currently being allocated within the emerging local plan under Policy AL/PE6 for extra care accommodation (Class C3)/ residential care home (Class C2). In respect of Policy AL/PE6, Tesco supports the policy criteria subject to the following comments:

~~Paragraph 5.733 of Policy AC/PE7 states that Use Class C2 does not count as fully equivalent dwellings for housing supply purposes. The capacity range is identified as 62-80 units net. Therefore, should a Class C2 scheme comes forward on the site, the allocation needs to allow for the potential for general needs housing (Class C3) to come forward as well, otherwise the site is not delivering the housing supply anticipated within the Plan period. Flexibility to provide general needs housing (Class C3) as part of a care led (Class C2/C3) scheme is also required, to make efficient use of land should the optional quantum of care accommodation in this location not fully optimise the development potential of the site. This approach is supported by paragraph 117 of the NPPF 2019 to promote the effective use of land in meeting the needs for homes and other uses.~~

~~In this respect Tesco, propose the following amendments (highlighted in bold) to Policy AL/PE6 to allow for the provision of general needs housing (Class C3) in order to~~

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contribute towards the housing supply, that has been identified to be delivered from this site during the Plan period:

~~“...This site, as defined on the Pembury Policies Map, is allocated for provision of specialist housing for older people and others with care needs. The allocation provides for up to 80 units of extra care accommodation (Use Class C3) or up to 120 units of residential care home/nursing care (Use Class C2). **A proportion of general needs housing (Class C3) will also be acceptable to make efficient use of land and contribute to the Council's housing supply identified from these sites during the Plan period...**”.~~

~~The ‘open space and landscape buffer’ shown on the eastern edge of the site on Map 67 should be reconsidered to allow the development footprint to be expanded to fully maximise the development potential of the site for housing and C2/C3 care. The developable area should be expanded to reflect the site boundary approved under planning permission 09/01265/FUMJ which established the principle of development within the buffer zone (see attached plan).~~

It is welcomed that the allocation AL/PE 6 is included and retained within the new LBD boundary as referenced within the Limits to Built Development Topic Paper for Pre-Submission Local Plan February 2021.

#### Policy EN15 Local Green Space (support)

Tesco support the Council, reconsidering allocating the ‘Green space adjacent to Tesco Superstore, Pembury’ as Local Green Space under Policy EN15 as identified in the Local Green Space Assessment (draft Publication February 2021).

#### Policy PSTR/PE1 - The Strategy for Pembury Parish (support)

Tesco widely supports the strategy for Pembury Parish, particularly the allocation AL/PE 6, for the Woodgate Corner, Pembury (See our response to AL/PE 6) and the proposed highway improvement and mitigation measures, which include the improvement to the crossroads at Woodgate Corner. These improvements will benefit visitors to the Tesco superstore in Pembury as well as the future development on the adjacent allocated site AL/PE6.

#### Policy STR/SS1 - Strategy for Paddock Wood, including land at east Capel (support)

Tesco broadly supports the strategic approach for the expansion of Paddock Wood and east Capel and acknowledges the improvements to three neighbourhood centres providing approximately 2,000sqm of commercial floorspace (Class E) in total. It is agreed that this would be appropriate given the substantial planned growth in population here, secure more sustainable attitude and provide qualitative benefits (i.e., choice and competition).

#### Policy STR/ SS2 - Strategy for Paddock Wood Town Centre (support/ object with conditions)

Tesco notes and supports the shift in the Council's approach here, from a relatively small, allocated area in the present Local Plan (i.e., Site Allocations DPD), to a much broader policy approach towards the town centre generally.

However, the previous objections remain to the town centre allocations here, primarily on the basis that the Council's focus on commercial and community facilities, and enhanced public realm (whilst laudable), is unrealistic given complex ownership, site constraints (e.g., flooding) and a lack of viability. Indeed, the Council's own Viability Consultant previously advised the Council that the current allocation was fundamentally unviable, even taking account of a modest number of dwellings.

The previous objection sought assurances from the Council that it would: (a) use its own resources to coordinate with landowners in respect of the intended Masterplan; (b) use its compulsory purchase powers to help assemble the site; (c) support high density residential development over ground floor commercial uses to improve viability; and (d) seek s106 obligations from urban extension schemes elsewhere in Paddock Wood to fund public realm improvements in the town centre. It is acknowledged that the foregoing has been included within the policy criteria and these additional points of clarity are welcomed.

The Council's aspiration for a Master planned approach remains, with a separate Paddock Wood Town Centre, Framework Masterplan SPD to set out the strategic vision of the town centre. However, the production of the town centre masterplan is subject to feeding into the production of the four wider masterplans for the surrounding parcels of land surrounding Paddock Wood for development extension, as identified in Map 27. We uphold our previous objection in which we stated that the latter are long-term, phased proposals which could take many years to come forward and therefore harm the town centre in the meantime and is not an acceptable sustainable planning outcome.

Thus, whilst Tesco still maintains support for the broad redeveloping parts of the town centre, the policy text must reflect relevant constraints and issues as they stand today, and not complicate them further through onerous criteria. This could be addressed by:

1. Removing the need for a town centre masterplan (and certainly the contingency on the wider masterplanning of Paddock Wood);
2. Using Policy STR/PW1 to better define the Council's aspirations and by also confirming (as the present policy does) that individual sites within the allocated area may come forward now on the basis they do not prejudice the delivery of the intended uses across the wider areas;
3. Facilitate and encourage development by making a clear statement about its own position as freeholder of the existing town centre car park;
4. Confirming within the policy text that the Council will, if necessary, use its various planning and compulsory purchase powers;
5. Setting out the detail of a mechanism for cross-subsidy from growth surrounding Paddock Wood (with necessary changes to those policies and allocations); and
6. Reinforcing that higher density residential development will, subject to meeting relevant design criteria, be supported to enhance viability.

Notwithstanding these suggested changes, our sense is that expanding the area covered by the allocation is ultimately problematic and less certain, and should be replaced with a

series of smaller, more targeted allocation policies, where, arising from engagement with relevant interests (primarily landowners, but also occupiers, residents, business, and the Town Council) clearly defined allocation policies can be drafted.

Following the previous written representations submitted by MRPP on behalf of Tesco Stores Ltd during the two Regulation 18 consultation stages of the emerging Local Plan, we welcome Tunbridge Wells Borough Council acknowledging part of the previous comments and discussions points raised and implementing them within the various policies identified in this Regulation 19 representation.

We trust our comments are of assistance and we look forward to continuing to liaise with officers and other interest groups in respect of the emerging Local Plan. We reserve the right to attend any hearing sessions on the topic matters we have commented on above should the Inspector need to raise any questions during the Local Plan Examination.

Yours sincerely,

**Abraham Laker**

Cc: Ms Louise Ford – Town Planning Manager, Tesco Stores Ltd