

MRPP

**MARTIN ROBESON
PLANNING PRACTICE**

*Town Planning Consultants
Development Advocacy*

**HEARING STATEMENT ON
BEHALF OF TESCO STORES
LIMITED**

**WOODSGATE CORNER,
PEMBURY,
POLICY AL/PE6**

MAY 2022

Background

1. Tesco Stores Limited are the freehold owners of this proposed allocation site. They also own and operate the adjacent 1,999 m² (gross) supermarket with its associated car park, an area of managed woodland sits to the west screening the proposed allocation from Pembury Road, and on the other side of the site's highway access (to its south west) a smaller area of undeveloped land. To the south west of that parcel and of the proposed allocation is a long boundary with the A21 which runs in a cutting. Beyond the A21 there is open countryside. This is part of the extensive High Weald Area of Outstanding Natural Beauty (AONB).

Material Necessary to Respond to Q's 31,32 and 33

2. Original plans for a Tesco supermarket of 3,252 m² (gross) on the site were supported by the Council in 1991. It was accepted that such a store in this location would not undermine national and local planning policy in respect of harm to the vitality and viability of existing shopping centres (paragraph 7 of appeal decision T/APP/M2270/A/97/277893/P4). However, in 1993, an appeal in respect of such a proposal was dismissed because the site was within an area of generalised green belt in the Kent Structure Plan and because of concern about visual impact on the AONB.
3. The proposed supermarket was then subject of a Local Plan allocation (SP8) in the Adopted Tunbridge Wells Borough Local Plan. A store of up to 2,000 m² (gross) was considered appropriate. The allocation required bunding and strategic landscaping to screen development from the AONB to the south. The Council chose not to include the site and adjacent land within its detailed green belt boundary. Land adjacent to the supermarket was allocated for a park and ride car park (VP7).
4. Planning permission was subsequently granted in 1998 for the supermarket including provision for the park and ride facility and recycling centre. Whilst this

permission was granted on appeal, the determining issues limited themselves to the imposition of a condition and the terms of a legal agreement. However, it is noted that the Inspector identified that, *“Although the appeal site is now excluded from the green belt any development in this location should not be such as to injure the visual amenities of the adjoining green belt or High Weald AONB and Special Landscape Area (SLA). The topography of the appeal site and its surrounds is such that open views from the site towards and across the adjoining countryside to the south and south-east are available. However, the appeal proposals make provision for remodelling of levels across the site, as well as for significant amounts of earth mounding towards the southern edge of the site. The mounding would immediately screen the majority of the development on the site, including the large car parking areas, although the roof of the main supermarket building would be seen until the vegetation on top of the mounds becomes established”* (paragraph 11).

5. The Inspector therefore found that, *“Because of these factors I am satisfied that the appeal proposals would not be harmful to the appearance of the adjoining attractive countryside”*. And that after referring to various policies found that *“The Borough Local Plan contains policy EN23, which protects the High Weald AONB and SLA, and EN24 protecting the landscape setting of settlements. In each case I find no conflict between the appeal proposals and the objectives of these policies”* (Paragraph 12).
6. The condition (16) requiring the landscaped bund and associated structural planting to be fully implemented prior to the opening of the supermarket, was complied with. It is understood that the planting strip along the south west boundary extends for up to a depth of 25m.
7. A substantial extension of the supermarket, to 5,539 m² (gross), was granted planning permission by the Council in 2012. The permission remains extant (see paragraph 5.714 of the Submission Local Plan). Appended to this Statement is the approved proposed site plan. The store car park would be

expanded and a park and ride facility continued to be offered to the Council.¹ The now mature planting area on the south west boundary is shown to be retained together with that on the eastern boundary. As in 1997, relevant landscape impact assessments were undertaken to ensure that effects on the open countryside to the south, in the context of its various designations, would not be harmed.

8. After a lengthy gestation, the High Weald AONB was eventually designated in 1983. Its boundary generally extends up to the immediate edge of towns and villages. Pembury was no exception. The land now occupied by the Tesco store and its car park and the Cornford House Care Home at Cornford Lane, were on the very edge of the designated area but included within it. The Pembury (A21) Bypass opened subsequently in 1988. By the mid 1990's the detailed green belt boundary had excluded the Tesco land, and assessment informing the designation of the Kent Special Landscape Area chose to exclude the Tesco store and its car park (as identified in the later Tunbridge Wells Borough Local Plan, March 2006).
9. However, this is not a case of designations catching up after development has taken place, rather that the development took place in a plan led manner where it was 'conditioned' to create a visual foil or barrier to important views outwith but towards the site. Thus, an effective boundary through a 'visual break' utilising bunding and strategic landscaping accommodated necessary development but ensured that the AONB would not be adversely affected by the 'nature, scale and setting' of the necessary new development.
10. Thus, when assessed in the context of the NPPF's paragraph 177's footnote (60) ie., whether a *"proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined"*, it can be demonstrated that the approach to

¹ The reasoned justification to the proposed Policy explains, at its paragraph 5.715, the Council's position, following a feasibility study, to no longer progress a park and ride strategy.

accommodating development on the now proposed allocation site has very carefully had regard to avoid adverse impacts on the designated area because of the manner in which the 'nature, scale and setting' of proposed development has been managed through earlier plan led processes. Designations under the control of local planning authorities such as the green belt and the Kent Special Landscape Area have thus been able to manage the then subsequent and now, the current approach. That serves to avoid any suggestion that the proposed allocation could represent 'major development in the AONB'.

11. In respect of Q31¹, the proposed allocation's scale of development (80 units of extra care or up to 120 units of residential care home) can readily be accommodated within the available site because of its 'contained nature and setting'. The Council's specific justification of the proposed allocation is contained within its Strategic Housing and Economic Land Availability Assessment (January 2021) (Site Assessment Sheets for Pembury Parish) (Examination Paper 3.22m). For reference, it is understood that the neighbouring Cornford House development accommodates 78 units.
12. There are no constraints of significance. The site is generally level and has a good access arrangement. Trip generation rates would be limited and unlikely to cause 'severe' impacts to the highway network thus minimising the necessity to fund improvements.
13. In respect of Q32², there does not appear to be justification to specify a 10m landscaping strip since the existing development has created an effective landscaped bund. That can either be maintained or minimised to meet assessed landscape needs. The extent of "*Open Space & Landscape Buffer*" and thus the specific location of the "*Residential Use*" should therefore (again) be matters that are determined in the context of any planning application's

² Q31. How have the mix of uses and scale of the proposed development been established? Are they deliverable given the identifiable constraints?

³ Q32. What is the justification for specifying a 10m landscaping strip?

particular scale, form and design as “*informed by a landscape and visual impact assessment*” which is set out as a “*requirement*” (2) in the wording of the proposed Policy rather than being prescribed within the accompanying ‘Map 69 Site Layout Plan’.

14. In respect of Q33³, the allocation does not constitute ‘major development’ in the AONB. As set out above, see in particular at paragraphs 9 and 10 , the ‘nature, scale and setting’ of development on the site has been conditioned and structured through previous plan led processes to ensure a containment that avoids adverse effects on the character of the open countryside and ‘on the purposes for which the area has been designated or defined’ as AONB. Those purposes no longer engage with the land subject to the proposed allocation.

Martin Robeson

MRPP

on behalf of Tesco Stores Limited

11 May 2022

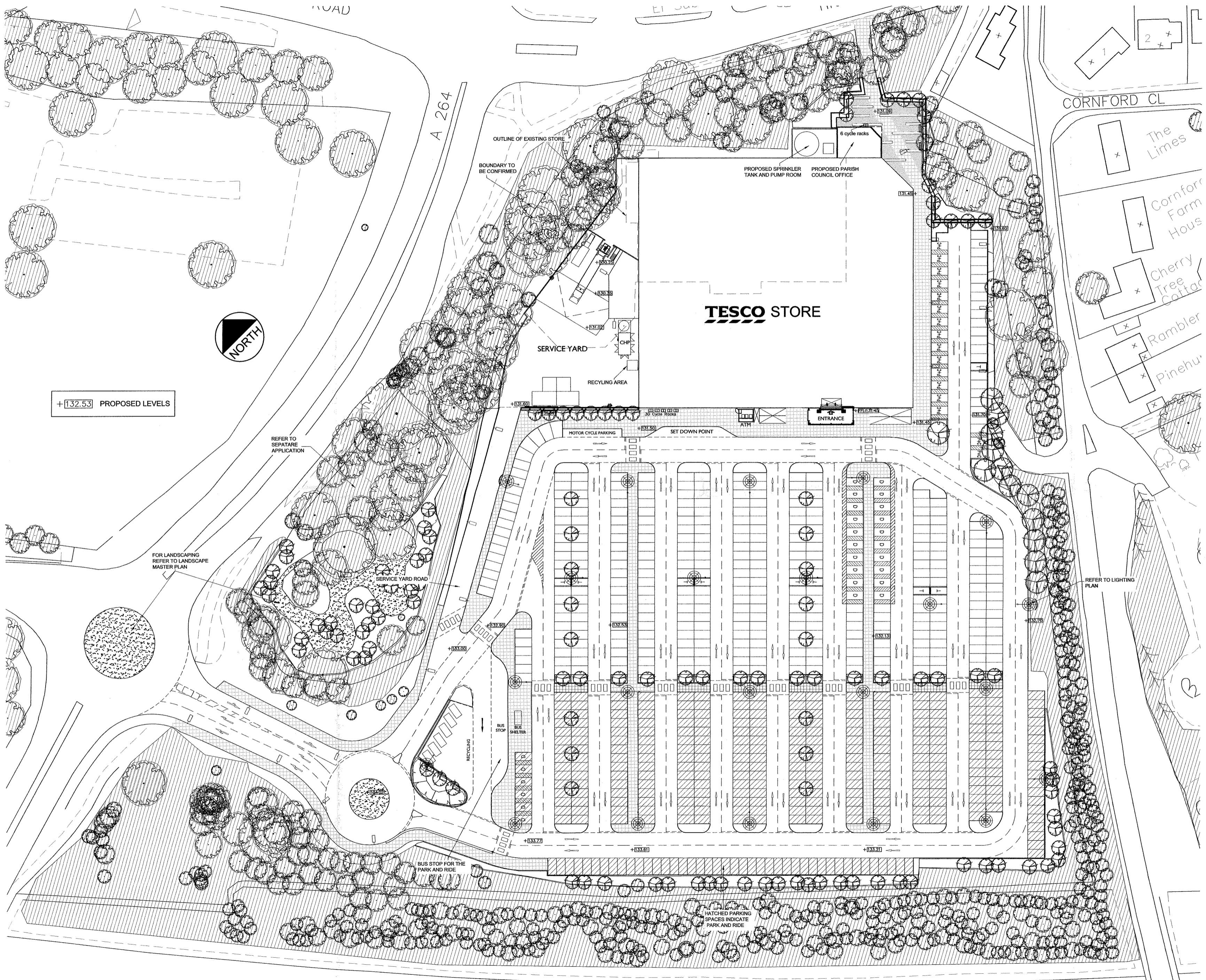
⁴ Q33. Does site allocation AL/PE6 represent major development in the AONB, and if so, is it justified? How have the effects of the development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

NOTES
 This drawing to be read in accordance with the specification/Bills of Materials and related drawings.
 No Dimensions to be scaled from this drawing. All stated dimensions to be verified on site and the Architect notified of any discrepancies.
 Scale bar 100mm at 1:1

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SCHEDULE OF PARKING

SPACE WIDTH	2.5M
aisle WIDTH	6.5M
PARKING SPACES	360
DISABLED	20
PARENT AND TODDLER	16
TOTAL	396
TROLLEY BAYS	9
PARKING RATIO (PARKING SPACES+P&T)	114.7
PARKING RATIO (TOTAL)	113.9
EXISTING PARKING TOTAL	321
PARK AND RIDE	
PARKING SPACES INC. DISABLED	306
TOTAL PARKING SPACES (INC. PARK & RIDE)	702
PROPOSED GROSS INTERNAL AREA	58,804 SQ.FT
PROPOSED GROSS EXTERNAL AREA	59,622 SQ.FT
	5,539 SQ.M



+132.53 PROPOSED LEVELS



FOR LANDSCAPING REFER TO LANDSCAPE MASTER PLAN

REFER TO SEPARATE APPLICATION

REFER TO LIGHTING PLAN

TWBC PLANNING
 28 APR 2009
 RECEIVED

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Project
TESCO STORES LTD
PEMBURY ROAD
TUNBRIDGE WELLS
 SID No. 3007
 Title
PROPOSED SITE PLAN

Scale 1:500 @A1 Date MARCH 2009
 Drawn MY Checked SG
 Drawing Number F/EXT/1294/PL221 Revision -
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