REPORT SUMMARY

REFERENCE NO - 19/00884/FULL
APPLICATION PROPOSAL Development of a Motor Village Car Dealership and Minor Alterations to Tesco Foodstore Car Park.
ADDRESS Land Adjacent Tesco Car Park, Cornford Lane, Royal Tunbridge Wells, Kent
RECOMMENDATION - Grant subject to conditions and Legal Agreement (see section 11.0 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 significant economic benefits of the development are considered to hold significant weight in the balance of issues. • The significant economic benefits of the development are considered to outweigh the harm to the character and appearance of the Area of Outstanding Natural Beauty (AONB). • The quantum of development proposed is considered to be appropriate for the context of the site and would create a high quality development. • The development would not be harmful to the residential amenity of any neighbouring properties. • The highways impact of the proposal would be appropriately mitigated by off-site highways works to be secured by condition and S106. • The proposal would achieve a net gain for biodiversity.
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:-** • Woodsgate Corner - Signal controller, MOVA and loops, etc. - (£25,000) • Relocation of the signalled crossing south of the site (Puffin crossing) – (£50,000) • Tonbridge Road footway/cycleway improvements – (£200,000) • Hendy operated Shuttle Bus **Net increase in numbers of jobs:** 50 job roles **Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:** £228,912 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 year): N/A** **Estimated annual business rates benefits for Borough:** £269,748
REASON FOR REFERRAL TO COMMITTEE The proposal comprises non residential floor space by means of new build or conversion of 2000m^2 or more.

WARD Pembury	**PARISH/TOWN COUNCIL** Pembury Parish Council	**APPLICANT** Mr Paul Hendy **AGENT** Mr James Brown
DECISION DUE DATE **31/12/2020**	**PUBLICITY EXPIRY DATE** 13/06/19	**OFFICER SITE VISIT DATE** 30/04/2019, 25/10/2019 and 16/10/2020

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

Planning Applications

Reference	Proposal	Decision	Date
19/00883/ADV	Advertisement: Erection of two site entrance	Pending	-

	signs, one totem sign and one direction sign	consideration	
18/03835/ENVSCR	EIA Screening Opinion - Development of a motor village car dealership and alterations to Tesco car park	EIA not required	28/12/18
09/01275/EIASCR	EIA Screening Opinion - Construction of a new foodstore to replace existing foodstore on the site, associated car parking and landscape works. Construction of 306 Park and Ride spaces and associated bus facilities (TW/09/01265/FULMJ refers)	EIA not required	15/10/09
09/01265/FULMJ	Construction of a new foodstore to replace existing foodstore on the site, associated car parking and landscape works. Construction of 320 Park and Ride spaces and associated bus facilities	Permitted	12/01/12
01/02502/OUT	Renewal of consent ref. no. TW/98/02206 - Outline (all matters reserved) Erection of community centre with parking.	Permitted	08/04/02
98/02206/OUT	Outline (All matters reserved) Erection of community centre with parking	Permitted	10/03/99
97/00218/FUL	Development of foodstore, park and ride facility and recycling centre with associated landscaping, engineering and highway works	Deemed Refused	12/05/98
97/00217/OUT	Outline (all matters reserved) development of a foodstore (3253 sqm gross internal area) with associated service yard, landscaping, engineering, access & highway works	Not determined	18/04/97
96/01797/FUL	Development of foodstore, park and ride facility & recycling centre with associated landscaping, engineering & highway works	Not determined – Appeal allowed	20/02/97
92/00420/OUT	Outline (means of access not reserved) - Supermarket, together with associated parking, service yard & landscaping, community building, park & ride car park, bus layby, passenger shelter & landscaping, demolition of dwelling (Philomel), creation of new access, associated access road, engineering works & other operations on land	Not determined – Appeal dismissed	08/06/92
91/01132/OUT	Outline - Community open space; amenity area including pavilion, community building; changing rooms and car parking	Not proceeded with	12/05/98
91/01131/OUT	Outline (means of access not reserved) - Supermarket with landscaping; associated parking; service yard and access works	Not proceeded with	12/05/98
87/01490/OUT	Outline (Means of access & siting not reserved) - 21 starter homes	Refused	02/02/88

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site comprises approximately 2.99 ha of land and is sited predominantly to the south and east of the existing Tesco store in Pembury. The site encompasses part of the Tesco store car parking area (which would be partially re-configured as part of the proposed development), together with an area of unused land to the south up to its southern boundary with the A21. The site boundary also extends to a strip of landscaping parallel to Cornford Lane to the east, although the site boundary only abuts Cornford Lane in a small area in its north eastern corner. The existing access from the A228 Pembury Road roundabout which serves the site and the Tesco store is also within the application site.

1.02 The site falls across the Limits to Built Development (LBD) boundary of Pembury with only a strip adjacent to the eastern boundary falling within this designation. The remainder of the site is outside the LBD. The boundary of the LBD runs across the middle of the existing Tesco store car park with the store and northern part of the car park in the LBD and the southern part of the car park outside the LBD. The site is within the Area of Outstanding Natural Beauty (AONB), which extends into the LBD encompassing the Tesco store and dwellings within Cornford Park to the east but lies outside of the Green Belt (GB) which extends up to the perimeter of the site.

1.03 The topography of the site varies with a difference of approximately 1m from west to east and also a 1m difference from north to south. The application has been accompanied by a site survey illustrating the existing levels of the site.

1.04 There is an existing belt of trees which is present along the western boundary of the site forming a natural feature between the Tesco store, the application site and the A228 Pembury Road. This area is covered by a Tree Preservation Order (TPO) although this designation lies outside of the application site. There are also established hedging and trees along the southern boundary and along the eastern boundary of the site, although these are not subject to TPOs or Conservation Area (CA) protection.

1.05 In terms of the site history, the original Tesco store scheme, which was allowed on appeal, was fully implemented (96/01797/FUL), and an expansion was then approved in 2012 under 09/01265/FULMJ. The Tesco store expansion application has been implemented through the completion of external works, however the existing Tesco Store remains as per the 1996 application consent. This extant planning permission for the Tesco Store established the principle of development on the application site through the approved construction of a Park and Ride facility under this application.

2.0 PROPOSAL

2.01 Planning permission is sought under this application for the development of a Motor Village Car Dealership and alterations to the Tesco Foodstore car park. The proposed building would be ‘L’ shaped in form and positioned in the south eastern corner of the site with the building extending along the southern and eastern boundaries. This building would comprise seven car showrooms, service centre, circular car display courtyard with 245 spaces to the front of the building, a further used car sales pavilion building in the forecourt, parts storage warehouse (B8 use), accident repair centre (B2 use), valet area, workshop (B2 use), ancillary offices (B1a use), rear service yard and car parking.

2.03 The building is a bespoke design and has been devised following consideration of the characteristics of the site with regard to most appropriate positioning, form and

height. The building would comprise two main elements being the car showrooms section which is shallower in depth. The height of the car showroom building would be approximately 8.65metres for both wings at the front of the site, with the workshop ridge to the hipped roof at a constant level of approximately 9.04 metres with the perimeter parapet at a constant level of approximately 7.3 metres. The workshop will be set 1 metre below the ground level of the car show room areas due to the level change on the site.

2.04 The vast majority of the facilities and offices would be provided on the ground floor with only a small number of offices and staff welfare facilities provided on a mezzanine floor which would occupy the rear part of the showroom and front part of the workshop areas.

2.05 The site will be accessed via the existing Tesco access road from the A228 Pembury Road roundabout. A right-hand filter lane will be used for access to the car dealership.

2.06 The development would incorporate 51 customer car parking spaces for the showrooms, including 4 Electric Vehicle Charging spaces with additional disabled spaces immediately in front of the showrooms. The agent has specified that the EV spaces would have the infrastructure to install additional EVC spaces as required in the future.

2.07 A service yard with space for the storage of vehicles before and after undertaking work is located in the south east corner next to the service area. This area will also provide flexible space for the delivery of new vehicles, service parking, staff parking and space for holding/stock transfer space within the site.

2.08 Works are also required to the Tesco car parking area which will include removal of 72 parking spaces, adjustments to parking aisles, re-siting of trolley bays, recycling facilities, car wash bays, and Click & Collect facilities, revisions to surface water drainage and alterations to footway/cycleway.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	2.99 ha	2.99 ha	-
Land use(s) including floor area(s)	-	Sui Generis Car Showroom use (with other ancillary uses as set out above)	As stated
Number of jobs	-	180 jobs roles required. 130 jobs moved from existing sites operated by Hendy. Net increase of 50 job roles	As stated
Car/Cycle parking spaces	-	51 customer	As stated

		car parking spaces, including 4 Electric Vehicle Charging spaces and disabled spaces	

4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification Grade 3
- 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
- Metropolitan Greenbelt
- Part inside/part outside Limits to built development
- Potentially Contaminated Land + 50M Buffer
- Tree Preservation Order VAR

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2019
National Planning Practice Guidance (NPPG)

Development Plan

Site Allocations Local Plan Adopted 2016
Policy AL/STR 1: Limits to Built Development
Policy AL/VRA 2: Woodsgate Corner

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 Royal Tunbridge Wells

Tunbridge Wells Borough Local Plan 2006
Policy LBD1: Development outside the Limits to Built Development
Policy EN1: Development Control Criteria
Policy EN13: Tree and Woodland Protection
Policy EN16: Protection of Groundwater and other watercourses
Policy EN18: Flood Risk
Policy EN25: Development affecting the rural landscape
Policy TP4: Access to Road Network
Policy TP5: Vehicle Parking Standards
Policy TP9: Cycle Parking

Draft Local Plan (Regulation 18 Consultation Draft November 2019)
Policy ED1: Key Employment Areas
Policy AL/PE7: Woodsgate Corner

Supplementary Planning Documents:

Landscape Character Area Assessment 2018
Renewable Energy SPD

Other documents:
Kent Design Guide
High Weald AONB Management Plan 2014-2019
Historic England guidance note, GPA3 'Settings and Views
Sevenoaks and Tunbridge Wells Economic Needs Study 2016
Tunbridge Wells Borough Green Belt Strategic Study 2016
Tunbridge Wells Landscape Sensitivity Study 2017

6.0 LOCAL REPRESENTATIONS

6.01 Site notices were displayed on the 30/04/2019 at four locations within the vicinity of the site. A newspaper advert was also commenced on 03/05/2019.

6.02 Overall, 575 responses raising objections have been received largely from neighbouring residents (some of whom have submitted more than one submission as well as photos). The points raised include the following:-

- Existing congestion on Pembury Road which will be made worse by proposal.
- How can the road cope with additional car trips from this development.
- Disruption to Pembury Village.
- Impact upon quality of life.
- Insufficient parking proposed within development.
- Impact from removal of parking for Tesco store.
- Development should be sited within North Farm, not the proposed site.
- Impact upon accessibility for emergency vehicles.
- Level of employment stated by Hendy is overstated.
- Highways safety issues as a result of this development.
- Loss of allocation for Park and Ride.
- Impact upon advisory cycle lanes in Pembury.
- Impact from noise and air pollution.
- The development is not sustainable.
- Deliveries to the site will cause highways issues.
- Impact upon ecology and presence of protected species.
- Loss of habitat.
- Impact upon Cornford Lane.
- Development is too large for the size of the site.
- Impact upon the AONB and Green Belt.
- Impact upon the local road network including potential for queueing on the A21.
- Staff and visitors from Pembury Hospital already park within the site and surrounding area.
- Will result in additional parking in surrounding roads in Pembury.
- Visual impact of the proposed development.
- Impact from construction of the development.
- This would have a detrimental impact upon TW Town Centre due to accessibility issues.
- Access to and from the existing Tesco store.
- No need for the proposed development.
- If permitted, there should be restrictions of traffic movements to and from the site.
- S106 contributions should be secured for highways improvements.

- Inappropriate scale and appearance to the proposed buildings.
- Loss of trees and landscaping within the site.
- Loss of informal path in to Tesco's car park.

6.03 20 letters of support has been received which raise the following points:-

- Long standing family owned business which would be retained in the borough.
- Existing Mount Ephraim sites are not fit for purpose.
- Would secure 180 jobs
- Would secure retention of jobs.

A letter has also been received from Tesco in support of the proposal. The following points are made:-

- Following a number of parking surveys, it is apparent that parking provision is currently over provided at the site (296 spaces). The surveys have identified a maximum level of 171 spaces required. After applying an operational capacity buffer and level of comfort to accommodate busy times (such as Christmas), the parking requirement is 224 spaces.
- Tesco are satisfied that the store can continue to operate effectively including accommodation of delivery vehicles (two at once if this was to occur).
- Tesco has worked closely with the applicant in the development of this scheme. Tesco will retain control over the Pembury Road access and that there is sufficient space within the site to accommodate Tesco traffic as well as that associated with the proposed development.
- The design solution has been worked up to ensure it compliments the operation of the store and that Tesco can continue to operate efficiently and effectively.

7.0 CONSULTATIONS

7.01 **Pembury Parish Council (17/05/19)** – Raise objections with the following comments (provided in full):-

7.02 The principal objection relates to the inevitable extra traffic congestion along Pembury Road, which at many times of the day is at full capacity so that gridlock often ensues. The extra vehicle movements forecast in the morning and evening rush hours are very concerning, however we suspect that they underestimate what would occur in reality. With no imminent prospect of improvements to Pembury Road (such as a roundabout at Halls Hole Road junction, or additional lanes), it simply lacks the infrastructure to take more traffic. Traffic generated from the likely future expansion of both Pembury and Paddock Wood, will serve to exacerbate this problem. Any major new developments (such as the Motor Village) along the line of the Pembury Road should not be granted whilst there is an infrastructure deficit.

- Since we understand that the emerging Local Plan will contain a Transport Assessment, it is important that the Planning Committee and the Parish Council are given access to the most up to date site specific surveys integral to that Assessment, so that both parties can better judge the likely traffic impact of this proposed development.

- We are also concerned about the effect of the resulting extra traffic on other local Pembury roads, such as Cornford Lane and Pembury High Street. Please note that we have contacted Greg Clark M.P. who has recently requested that KCC carry out its own Highways Assessment, not just for

Pembury Road but also for the Cornford Lane/Halls Hole Road rat run which tends to suffer whenever Pembury Road clogs up.

7.03 We are concerned about the access to and egress from the site, which will be shared with Tesco related traffic. The roundabouts on the adjacent stretch of Pembury Road are often gridlocked, and we perceive that additional traffic, including large Hendy delivery vehicles and transporters, will struggle and add to the melee.

7.04 It seems inevitable that there will be marked increases in vehicle emissions, both within the site and on its approaches.

7.05 We are not convinced that there will be enough car parking available on the overall Hendy/Tesco site. We anticipate that drivers will inevitably look to park on other streets in the vicinity (in fact this already occurs), causing further obstruction on Pembury High Street and inappropriate parking in nearby residential roads. We are concerned that Tesco customers will find that the spaces nominally reserved for them are taken by Hendy's clients and staff, and the loss of trade will drive Tesco away, despite the supermarket being a major asset for Pembury. (An associated issue is that the current lack of sufficient parking at Tunbridge Wells Hospital, is encouraging some hospital staff and visitors to park within Tesco's car park or residential roads in Pembury.)

- We also note that over 100 parking spaces are included within the red line of the application but are allocated for Tesco customers. Presumably this will entitle the motor dealerships to have a right over those spaces, with the potential to further reduce parking spaces for Tesco customers and exacerbate problem parking in the village.

7.06 Crucially, the land concerned is pre-allocated in the current Local Plan for park and ride, with its aim to reduce traffic congestion into Tunbridge Wells town centre, not a mammoth car dealership complex. (It seems inconceivable that the Planning Dept. could even consider this major application before the draft Local Plan has been published.) Moreover the site falls within an AONB, and abuts the Green Belt. The sheer scale of the development is inappropriate for the site, and we are concerned about its impact on the AONB, with loss of trees and scrubland parallel with Cornford Lane and towards the A21.

7.07 There is potential nuisance for those living in a rural setting nearby particularly regarding noise from vehicles manoeuvring and workshop machinery used on the site. It would be far better if the development fell within a true brownfield site such as on North Farm, where many other dealerships are sited. (*We note that in another submission it is claimed that there is an economic benefit to Pembury; we do not agree with this, since in reality most of the jobs would be for existing Hendy staff travelling to Pembury.)*

7.08 Should the Planning Committee, however perversely, be minded to grant this application, we would wish to seek a significant Section 106 contribution towards highways improvements in the locality. (*We note it has been suggested in another submission that such a contribution be used in part to make the cycle lanes in Pembury High Street permanent, thus removing on-street parking. We do not support this idea, as it would remove essential parking for a variety of residential and business users, who would otherwise be tempted to relocate their vehicles to purely residential side roads*)

7.09 In summary, we urge the Planning Committee to Refuse this Application, which we feel is wholly inappropriate for the site, and for Pembury. The Parish Council's position is fully supported by our Borough Councillors and our County Councillor.

Further Comments (24/07/19):-

7.10 The Parish Council would now like to make some additional comments.

Transport Assessment

7.11 The Parish Council found it hard to reconcile local residents daily experience of widespread traffic congestion in Pembury with the applicants submitted Transport Assessment (TA) (Mayer Brown consultants March 2019), which concluded that the traffic impact of such large-scale development proposals can be satisfactorily accommodated on the local highway network, provided that minor junction improvements are carried out.

7.12 Therefore, the Parish Council commissioned a specialist transport consultant Les Henry Associates to examine the TA and the traffic surveys, modelling techniques and assumptions, and the engineering judgements that underlie its conclusions. Mr Henry concludes that the TA has not correctly identified the existing traffic conditions within the local area and subsequently have not accurately assessed the implications of the proposals on the local highway network or identified any appropriate mitigation because:

- *The TA relies on very sparse data much of which is not detailed in the document (i.e. a single day traffic count and lack of data to back up trip assignment diagrams) (*NB. The traffic count was on a single Thursday, whereas food superstore traffic generally peaks on Friday evenings and around the middle of the day on Saturdays and Sundays).
- *The TA has not identified any clear initiatives or improved public transport and highway improvements that would provide a modal shift away from the private motor car as a form of transport.*
- *The transport issues associated with the proposals have not been correctly considered and therefore the impacts of the proposed development have not been addressed.*
- *The environmental impacts of traffic and transport infrastructure have not been identified, assessed and considered.*
- *The significant impact from the proposed development in terms of capacity and congestion and highway safety have not been fully identified and therefore, no mitigation is proposed.*
- *The proposals have therefore been prepared by a strategy that fails to meet the infrastructure requirements and cannot therefore satisfy the NPPF requirement for soundness.*

7.13 A copy of Mr Henry's report is attached for your information, so that you can see the detailed analysis on which he draws. The Parish Council asks that you liaise with KCC Highways on the significant issues he raises about the dependability of the applicants' TA as a basis for determining this important planning application and, as necessary, takes up these matters with the applicants, so that the traffic impact of the development can be properly understood.

7.14 *Strategic development allocations in the forthcoming local plan*
Since the Parish Council prepared its initial comments, the Borough Council has announced that the forthcoming local plan for Tunbridge Wells Borough up to 2036 which include strategic development allocations at Capel, Paddock Wood and

Tudeley, which will together provide around 6,000 new homes, employment, social and physical infrastructure (such as schools and health facilities), and retail development in Paddock Wood centre. This set of proposals will have very significant implications for transport along the A264 / A228 corridor between Tunbridge Wells, Pembury and Paddock Wood.

7.15 The applicants in this case could not have known about these proposals in framing their TA. However, the Parish Council consider it essential now that the strategic allocations are in the public domain their transport implications are fully taken into account for this planning application in terms of both:

a. future traffic levels along the A264 / A228 corridor and its implications for major development there, such as the application proposals
b. options for promoting sustainable transport along the A264 / A228 corridor including public transport, walking, cycling, and modal transfer measures, such as park and ride

7.16 *Planning policies*
In considering this planning application, the Parish Council asks the Borough Council to give careful consideration to relevant national and local planning policies, in particular:

7.17 *National Planning Policy Framework (February 2019): paragraphs 102 -111*
This part of the national planning policy seeks to promote sustainable transport, so that (para.102) :

> a. *the potential impacts of development on transport networks can be addressed;*
> b. *opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised for example in relation to the scale, location or density of development that can be accommodated;*
> c. *opportunities to promote walking, cycling and public transport use are identified and pursued;*
> d. *the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
> e. *patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*

7.18 In particular, the national policy states that *significant development should be focused on locations which are, or could be made, sustainable through limiting the need to travel and offering a choice of travel modes.* (Para. 103) The Parish Council does not consider that this site offers such choices, as its customers and employees will be drawn from a wide area and the site has infrequent bus services, which do not operate early or late enough for workers to use in their commute, and is distant from railway stations. These factors, and of course the very nature of a motor village development, are likely to make it highly car dependent.

7.19 The NPPF goes on (para.104) to state that *planning policies should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choices and realise opportunities for large scale development.* This national policy is very relevant as much of the

application site has been allocated for a park and ride facility in a recently approved development plan (2016).
The site is within the High Weald AONB. Paragraph 172 of the NPPF states that:

7.20 *Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight.*

7.21 *Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.*

7.22 Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

7.23 The Parish Council does not consider that the proposed development meets these tests. Whilst it may bring some local economic benefits, there is clearly no national need for such a development, and the applicants have not demonstrated that any need for it could not be met on a site outside the AONB.

7.24 Local planning policies: Much of the application site was first allocated for a park and ride facility to serve Tunbridge Wells in 2006 (policy TP17 of the 2006 Local Plan), subsequently a saved policy after 2007. This policy provided a large surface car park with frequent and attractively priced bus services into the town centre. The intention of the policy is to relieve traffic and to improve air quality on the A264, and to relieve traffic congestion and pressure on car parks in the town centre. Park and ride was also endorsed as part of the transportation strategy set out in policy 3 of the Core strategy (2010)

7.25 The Borough Council's draft Transport Strategy (2013) retained the park and ride strategy and a specific allocation of land on the application site was carried forward into the Site Allocations Local Plan (2016) as follows:

> *Policy AL/VRA 2 Park and Ride facilities Land at Woodsgate Corner, adjacent to Tesco, Pembury This site, as shown on the Villages & Rural Areas (Pembury) Proposals Map, located outside the Limits to Built Development of Pembury, is allocated for development as a Park and Ride facility. Proposals for development of this land to provide Park and Ride facilities must demonstrate that: landscape proposals can minimise the impact of development on the surrounding landscape. Proposals shall include detailed planting schemes to screen the new development the erection of buildings, structures, lighting and signage shall be kept to a minimum.*

7.26 The terms of this policy reflect the location of the site within the High Weald AONB, adjacent to the Metropolitan Green Belt, and outside the limits to built development. Policy AL/VRA2 seeks a development which is sensitive to the surrounding

landscape, is well landscaped and screened, and where the erection of buildings, lighting and signage is kept to a minimum (in other words, an essentially open use where impact is mitigated as far as possible by planting measures). The proposed development involving well over 7,000 square metres of new buildings, which will be brightly lit, and with extensive direction and corporate signage, would clearly fail the requirements the Borough Council has set for this site in a nationally protected landscape.

7.27 Local planning policies reflect the national policy to protect and enhance the AONB in saved policy EN26 (Local Plan 2006) and policy 4 (Core Strategy 2010).

7.28 The new Local Plan will soon be published for consultation and, whilst it will attract limited weight at this stage, still needs to be considered as part of the emerging policy background for this application. In particular, the effect of proposals for strategic development allocations at Capel, Paddock Wood and Tudeley on the A264 / A228 corridor needs to be carefully considered. These allocations must require consideration of measures to manage traffic flows on this route. It would be short-sighted in the extreme to lose the opportunity to widen travel choice by providing park and ride facilities at a critical location on a radial route into Tunbridge Wells.

7.29 The Parish Council re-iterates its very strong objection to the Motor Village proposals and urges the Borough Council to refuse this application. These proposals are contrary to national and local planning policy, will harm the High Weald AONB, and will limit the scope for sustainable transport proposals to support the development strategy in the forthcoming local plan.

7.30 Officer Comment
A highways consultant has submitted detailed highways comments on behalf of the Parish Council. A number of submissions have been received with the most recent of which dated 29/09/2020.

7.31 **Environment Agency (02/05/19)** – Raise no objections with the following comments:-

7.32 No objection to the proposal providing conditions requested are imposed on any permission granted. The conditions cover details of drainage systems, contamination, surface water drainage and foul water drainage.

7.33 **Southern Water (09/05/19)** – Raise no objections with the following points:-

7.34 Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

7.35 Should this application receive planning approval, the following informative is attached to the consent:

7.36 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link https://beta.southernwater.co.uk/infrastructure-charges.

7.37 Our initial investigations indicate that there are no dedicated public surface water sewers in the immediate vicinity to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

7.38 The application contains a proposal for vehicle washing facilities. The competitive non household market is now open. Non-household customers are now able to switch water and wastewater retailer. Trade effluent (TE) is non-household and if TE consent is required then developers and their agents will need to contact a retailer so they can apply for a consent. A list of retailers is available on the Open Water website:
http://www.open-water.org.uk/forcustomers/find-a-retailer/suppliers/english-waterand-wastewater-retailers/

7.39 Southern Water proposes the following condition: "The developer should ensure that the trade effluent licence has been obtained before the connection to the public sewerage network can be approved." Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

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

7.41 **Highways England (28/08/19)** – Raise the following comments:- Summarised below

7.42 Final Comments (14/10/20):-
Recommend that conditions should be attached to any planning permission that may be granted covering the following matters:-

- Water runoff
- Geotech
- Structures
- Landscaping on A21 boundary
- Lighting
- Construction Management Plan
- Works to A228 Pembury Road/Tonbridge Road Junction
- Travel Plan

Further Comments (08/07/20):-

7.43 *Trip Generation*
Updated information was uploaded on the Tunbridge Wells Planning Website (23 October 2019). This was followed by a meeting between the applicant's agent and KCC on 20 November which resulted in further assessment measures being required. We have reviewed the submitted Transport Assessment and relevant materials submitted to the website, and the outcomes of the 20 November meeting. During the meeting it was agreed that the following trip rates were accepted by KCC in order to progress the application: 161 AM peak period and 127 PM peak period two way movements.

7.44 The previously agreed extant permission was for 191 AM Peak period and 176 PM Peak Period two way movements. Thus there is a proposed net decrease in trips associated with the proposed development onto the highway network than previously accepted. A closer examination of the trip generation and distribution specifically onto the SRN indicates that there is likely to be in the region of 57 two-way movements in the AM peak period and 44 two-way PM peak period trips (both north and south A21 access slips); which equates to one vehicle per minute at a maximum during the AM peak period either entering or exiting the SRN. Given a) the absolute volume of movement and b) the relative reduction in movement compared to the original permission, the trip generation and distribution are accepted.

7.45 *Mitigation*
Proposed mitigation was presented previously as part of the Tesco Expansion and Park and Ride application (09/01265/FULMJ). It considered not only an increase to the size of the Tesco, but also a provision for 320 Park and Ride spaces. The Park and Ride scheme has not been implemented. We note that the Local Transport Strategy 2015 stated that *a Park and Ride is not feasible at this time, however the bus priority interventions along A246 Pembury Road, keep this option under review for the future* (Para 6.4).

7.46 We also note that the Council commissioned WSP in 2018 to undertake a feasibility study of the park and ride. As far as we are aware, the Council remains of the opinion that a park and ride remains not feasible and will not form part of its emerging Local Plan However, despite the Park and Ride being no longer part of the current planning application, the mitigation measures proposed at the time have been proposed as part of the current package. The mitigation is to provide a signalisation upgrade at Woodsgate Corner (Tonbridge Road/A228 Pembury Road) and the widening of the junction to incorporate a dedicated left turn lane onto Tonbridge Road.

7.47 We have reviewed the current submitted plans (DWG 16461-OS-005) and consider that there is a large proportion of traffic which turns right at this junction; however, in principle, the plan is accepted, subject to confirmation that the detailed designs comply with DMRB and have been subject to the normal WCHAR/ RSA process. The proposed mitigation is welcomed by Highways England as the Pembury Road corridor is particularly congested during both AM and PM peak periods. While demand towards Pembury is slightly less than that towards Tonbridge Wells at this junction, the interconnectivity of the A21/Pembury Road roundabouts and further along Pembury Road West means that congestion in this area can be felt from Halls Hole Road to Woodsgate Corner. As such, the proposed benefits of the Woodsgate Corner mitigation measures are likely to ease congestion slightly heading north/east and Highways England recommends that this mitigation is in place prior to occupation.

7.48 Therefore we recommend that the necessary designs are produced capable of enabling the WCHAR and RSA processes to proceed. Given the proximity of the works to the SRN Highways England would need to be party of the WCHAR and RSA processes. Once completed we would look to the agreed drawing references being included in our standard worded condition as follows:

> *No part of the development hereby permitted shall be occupied until the completion of the improvements to [location] shown on drawing number [Dwg No]. Thereafter the improvements shall be retained and maintained unless otherwise agreed in writing by the local planning authority (who shall consult Highways England)*

Reason: to ensure that the A21 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

7.49 If the applicant and/or Council wish to use alternative wording, please let us know. With the above mentioned condition in place we would be satisfied that the development (from the perspective of traffic generation) would not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 paras 9 & 10 and DCLG NPPF para 109).

7.50 *Locational Impact*
The development site sits on land at the top of an embankment above the A21. Highways England has consulted with internal colleagues within Structures & Engineering Services (SES), who have reviewed the submitted information and request further information/clarification from the applicant prior to agreeing any planning permission or the provision of any formal recommendation from Highways England. Their comments are as follows:

7.51 *Water Runoff:*
DfT C2/13 para 50 is clear that development sites must ensure that no run-off or other sources of water be allowed to enter the SRN either freely or by connections into the Highways England drainage network. SES advises that details of the proposals to prevent water runoff (both over-ground and / or underground (through the embankment) reaching the A21 are needed, prior to any planning permission being granted.

7.52 The submitted flood assessment has not included any information on flooding, or risk of flooding, on the A21. Flooding is a common occurrence in this area. Action Required: Sufficient details are required to demonstrate how the site, during construction and operation, will ensure that no water generated by, or flowing through, the development site enters either HE land or its drainage system.

7.53 *Geotech*
Given the presence of the embankment, we are concerned to ensure that during the construction, operation and/or maintenance of the site, any risks to the stability and/or integrity of the embankment are assessed and suitably mitigated. We note that the proposals include a mix of cut, fill and retaining structures upon which will sit buildings. SES advises - The development will add load to the cutting so the impact of this will need to be addressed in order to ensure the embankment remains stable.

7.54 Action Required: Sufficient details are required to demonstrate that the scheme has complied with the requirements of DMRB CD622 for the assessment of any risks posed to the A21 by that part of the scheme shown on and/or in the vicinity of our embankment.

7.55 *Structures*
In addition to the buildings themselves, given the presence of vehicle parking and manoeuvring spaces at the top of the embankment, we are also concerned to ensure that the risk of errant vehicles overtopping or breaking through the barriers and entering the embankment/ A21 as assessed and, as appropriate, mitigated. Also to ensure that there is no risk of glint or glare, dazzle or distraction arising from the construction, operation and/or maintenance of the site and affecting the A21. SES states - With regards the suitability of the safety barrier, this is complicated by the fact that these will be located in a car park where they are likely to be impacted at low

speed, but at a high angle. This is not a scenario under which standard safety barriers are tested (this being high speed, low angle). There are a number of systems marketed as car park barriers available and a testing methodology in BS 6180:1999 Code of Practice for Barriers in and about Buildings' is available. But it is not clear from the submitted materials whether the barriers would meet both this standard and those in DMRB for road restraints. Action Required: Sufficient details are required to demonstrate that the design, construction and/or operation/maintenance have been subject to and comply with a fully considered DMRB GG 104 risk assessment that may, as a minimum, be used to identify the level of risk, and the mitigation measures employed to reduce this risk as low as reasonable practicable. The risk assessment will include reference to the testing that has, or will be undertaken, on the barrier design intended for this location. A copy of the RRRAP (Road Restraint Risk Assessment Process) should also be submitted for review.

7.56 *Full Construction Management Plan*
Given the location of the site close to an already highly congested junction with short slips, we are concerned to assess and minimise/mitigate the impacts of construction traffic. For a full construction Management Plan, we consider that it is rather light on content. Matters affecting the operation of the A21 Trunk Road forming part of the SRN are as follows; although there are details of travel planning there is no mention of the requirement to minimise both site deliveries and collections during the busy AM and PM network periods. There should be a requirement to avoid the period 7.45 to 9.15 in the morning and 4.45 to 6.15 in the afternoon/ early evening. This is to ensure site traffic does not unduly increase the traffic burden on the network (both local and SRN), although sheeting loose loads and general cleanliness of the road network is mentioned, the finer detail of this is left to the contractor. This is not acceptable. The Construction Management Plan should state exactly what is required. In this instance wheel washing facilities should be provided as well as a standby road sweeper.

7.57 There is no mention of temporary site lighting during the construction period. Whilst this is unlikely to have implications to the SRN this is something that we would expect to be provided for checking. There are no details of Traffic Management to TSM Chapter 8 and therefore we are unable to consider any temporary signing for site traffic from the SRN. If this is something that is required then the details must be provided. The plan needs to include more details that a simple cross reference to the Ecologists Appraisal regarding protection of woodland/woodland edge/ embankment areas.

7.58 *Full External Lighting Assessment Report*
As mentioned above, we are concerned to ensure that there is no risk of glint or glare, dazzle or distraction arising from the construction, operation and/or maintenance of the site and affecting the A21. The Appendices to the report are missing and therefore no conclusion to the acceptability or otherwise of the lighting assessment can be made.

7.59 *Landscaping*
Given the topography of the embankment we are concerned to ensure that the interplay between the proposed construction, operation and maintenance of the site, the revised hydrological environment and the proposed landscaping to not have an adverse impact on the landscaping within the highway nor the stability, integrity and drainage of the highway land.

7.60 We note from drawing 6610/LSP Rev H, the intention to retain and enhance, using native species planting, the A21 boundary. The tree and woodland edge planting lists

are considered acceptable. While, we are content with the basic proposed protection measures for the existing woodland/ woodland edge areas as set out in the March 2019 Ecological Appraisal Report, this is subject to the outcome of the above mentioned overarching DMRB GG104 risk assessment and individual assessments regarding the water run-off, Geotech and structures.

7.61 Therefore, as can be seen from the above, further evidence is required to support this application (from the perspective of its locational impact) in order to provide sufficient information to assess whether the proposals would be likely to avoid an unacceptable impact the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 and MHCLG NPPF2019).

7.62 Consequently, we request that the Council continue to refrain from determining the application (other than a refusal if it so wishes) until such time as the required information has been received, assessed and agreed. If the council wishes to determine the application before this point, please contact us and we will provide our formal recommendations as they stand at that point.

7.63 Original Comments (28/08/19)

Trip Rates

7.64 The trip rates derived from TRICS have only been obtained for a car showroom. As can be seen from the car parking provision, a significant amount of car parking has been allocated to vehicle servicing and repair. Therefore we would expect that in order for a robust assessment to be undertaken, trip rates would be identified for the servicing and repair use via TRICS (an appropriate selection under vehicle services) as they have a much higher trip generation than a car showroom. The car showroom trip rates also appear to be low for this use and we recommend that they are revised in order to provide a robust assessment.

7.65 We note that TRICS Version 7.5.4 has been used; with the output dated 27/06/2019. TRICS 7.6.1 was introduced in March 2019 and TRICS 7.6.2 in July 2019. The analysis should ensure that it includes consideration of the most up to date and relevant sites in TRICS.

Park and Ride / Tesco Extension

7.66 We request confirmation from KCC as to if they have agreed that the Park and Ride is considered an extant planning permission at this time and the distribution.

7.67 The MB response states that A lawful development certificate was submitted and granted in June 2015 (Ref: 15/503095/LDCEX) which confirms that the Park and Ride/Tesco Extension permission (ref: TW/09/01256) has been lawfully implemented through development involving the layout of part of a road. Please see attached the decision notice for your ease of reference. This position has also been ratified by the Tunbridge Wells Borough Council Case Officer.

7.68 The attachments pdf file did not appear to include the confirmation of lawful implementation. However a review of material on the planning portal for TW/09/01256 appeared to verify that the proposal for Lawful development certificate (existing) Development involving the laying out of part of a road, pursuant to planning permission TW/09/01256 and implementing that permission was approved on 12 June 2015, stating that the Local Planning Authority is satisfied that these works constitute the implementation of planning permission TW/09/01265.

7.69 Therefore unless KCC / the Tonbridge Wells Case Officer confirms otherwise, we accept that the Park and Ride is considered an extant planning permission.

Trip Comparison

7.70 The trip generation comparison section within the TA does not specify if the trips are taken from the approved planning applications for the Tesco extension and Park and Ride. Please can this be clarified.

7.71 The MB response states that The extant permission trips were taken from the submitted material on the planning portal for the approved Tesco extension/PnR scheme. The Tesco Extension flows were heavily discounted as part of their application (compared to a typical TRICS assessment) as the store was identified as over-trading. These reduced figures were used for our comparison exercise, which we consider a robust approach. We haven't been able to verify the appropriateness of these trips as no associated documents could be located on the planning portal. These documents should now be provided for verification.

Junction Modelling

7.72 Highways England considers the impacts of proposals on the safe and efficient operation of the network i.e. in terms of volumes of additional trips and impacts on queues and delays and do not consider percentage impacts to be an appropriate methodology to assess this. Percentage increases do not account for existing local network conditions i.e. existing queues and / or slow moving traffic.

7.73 Overall, in accordance with national policy, we look to promotors of proposals to promote strategies, policies and land allocations which will support alternatives to the car and the operation of a safe and reliable transport network. We would be concerned if any material increase in traffic were to occur on the SRN and/or its junctions as a result of planned growth without careful consideration of mitigation measures. It is important that the development plan provides the planning policy framework to ensure development cannot progress without the appropriate infrastructure in place. When considering proposals for growth, any impacts on the SRN will need to be identified and mitigated as far as reasonably possible. We will support proposals that considers sustainable measures which manage down demand and reduce the need to travel. Due to our ongoing concerns and our request for further information to clarify matters, we request that the council continues to refrain from determining the planning application (other than a refusal) until we have received the additional information from the applicant and reviewed it accordingly. This will allow us to provide a formal response to the planning application in accordance with the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018.

7.74 **KCC Highways –** Raise the following comments:- Summarised below

<u>Final Comments (21/09/20):-</u>

Woodsgate Corner mitigation

7.75 Following confirmation that KCC will not be able to accept a S106 contribution for the mitigation works proposed at Woodsgate Corner, the applicant has submitted a proposal plan (HGPEMBURY.1/Figure 02/Revision 1) supported by transport modelling. This has been assessed and accepted by KCC Highways as a suitable scheme to address the impact of the proposal. Should the application be approved the developer would be required to construct the mitigation scheme prior to occupation on site through a S278 agreement.

Tonbridge Road footway/cycleway improvements

7.76 It is disappointing that the applicant does not feel able to make a contribution to the wider sustainable transport agenda in order to aim to reduce traffic impact on the local network.

Puffin crossing relocation

7.77 The applicant has offered £50,000 towards 'Relocation of the signalled crossing south of the site (Puffin crossing)'. This should be included in a S106 should this application be permitted.

Shuttle bus

7.78 The details proposed are acceptable and should be written into the S106 for TWBC to monitor. The Travel Plan submitted with the application should be updated to reflect this proposal, and implementation of the updated travel plan should be conditioned.

7.79 Finally, please note that I maintain my objection to this application (as stated on 19th September 2019) as follows:-

> The current Local Plan policy for this site (from the Site Allocations Local Plan adopted July 2016) states:-
> **Policy AL/VRA 2**
> **Park and Ride facilities: Land at Woodsgate Corner, adjacent to Tesco**
> This site, as shown on the Villages & Rural Areas (Pembury) Proposals Map, located outside the Limits to Built Development of Pembury, is allocated for development as a Park and Ride facility. Proposals for development of this land to provide Park and Ride facilities must demonstrate that:
>
> - landscape proposals can minimise the impact of development on the surrounding landscape. Proposals shall include detailed planting schemes to screen the new development
> - the erection of buildings, structures, lighting and signage shall be kept to a minimum.

7.80 This planning application is in contravention of this allocation.

7.81 The current congestion experienced on this part of the network, alongside the emerging Local Plan 2013-2036 and levels of growth likely as a result of this in the town centre and at Paddock Wood/Tudeley mean that this site could be vital in providing a P&R facility as an alternative to the private car which could be vital in terms of absorbing traffic growth on the network. The Draft Local Plan 2013-2036 shows this site allocated as a car showroom (Policy AL/PE7). KCC as the Local Highway Authority is not in support of this allocation at the current time, as transport scheme mitigation work for the proposed Local Plan has not yet been completed, and therefore the requirement for a Park & Ride facility in this location has not yet been justified/disproven.

<u>Further Comments (19/09/19):-</u>

Trip Rates

7.82 The trip rates proposed both in the original TA and in the Mayer Brown letter of 18th July 2019 (the result of only 3 site surveys) are not acceptable as a true representation of likely trips. The comment regarding filtering may result in a more representative set of survey data. In the TA TRICS survey data, only 1 site of 16 cited the number of service bays. This could mean that the other 15 sites did not have service bays which would skew the trip rate results. Trip rates for the site with service bays are much higher than those used in the TA, at 2.981 trips per 100sqm in the AM peak, and 2.196 in the PM peak. Applying these rates to a revised GFA of 10,408sqm results in a much higher number of trips.

Trip Distribution

7.83 It is acknowledged that the proposed land use will attract trips from further afield, however the proportion of trips from surrounding settlements (i.e. Royal Tunbridge Wells and Pembury) were low or are unaccounted for. This has been addressed in the revised data (figure 5.1B) to reflect local traffic to/from Pembury and Tunbridge Wells, but as the comments from HE point out, there are some still some anomalies regarding assignment of traffic. This means figures 5.1-5.9 cannot be assessed owing to the trip rate inaccuracy and trip assignment query outlined above.

Parking

7.84 The applicant has confirmed that staff benefitting from use of a demonstrator vehicle or a vehicle for sale will be eligible for parking in the 43 dual-use (staff and sales) parking spaces. The applicant has also stated that an additional 14 dual use parking spaces could be provided (bringing the total number of staff spaces to 90) which is the maximum permissible in line with KCC standards (1 space per 2 members of staff). The applicant also states that potential overspill into the Tesco store will not occur owing to parking management measures. No details have been provided regarding how this would work.

Traffic counts

The 31st October 2018 traffic count data has now been received, and validates the July 2018 surveys as previously stated.

Junction modelling

7.85 Without the correct trip rates, the modelling results submitted are not acceptable. As previously stated the modelling does not take any account of the very congested conditions in this part of the network during existing highway peaks. Although some of the assessed junctions may operate in an efficient manner in isolation, queueing vehicles regularly extend back to the site access junction from both directions causing exit blocking. Any additional trips added to the network during these peaks would effectively be joining the back of a queue and would not be able to enter/exit the site in the free-flowing manner suggested by the junction modelling. The impact assessment should incorporate consideration of the exit blocking/congestion occurring on the surrounding network to provide a more accurate picture of the impact of the proposals.

Cycle routes

7.86 The applicant has acknowledged that the cycle facility on Pembury High Street which is currently advisory would be made mandatory at their expense (subject to costs being fair and reasonable) should planning permission be granted. The developer should fund the TRO consultation and scheme implementation process.

Travel Plan

7.87 A travel plan monitoring fee of £1,422 should be secured, payable to KCC, should this application be granted permission. The Travel Plan states that at least 10 parking spaces with electric vehicle charging points will be provided on site. This should be conditioned should the application be permitted.

Recommendation

7.88 In summary, the Local Highway Authority is objecting to this scheme on the following grounds:

1) Due to the loss of the site for potential P&R as allocated within current local plan policy AL/VRA2.

2) Owing to lack of information (as outlined in the comments above) I have been unable to ascertain the impact on the highway network. The trip rates

submitted are not acceptable, and the transport modelling submitted does not take account of the very congested conditions in this part of the network during the peak hours.

7.89 Original Comments (13/06/19):-

Park & Ride Local Plan Allocation

The applicant provides a feasibility study for Park & Ride in the town which states:

> *It cannot be concluded that a Park and Ride on the site is technically feasible or operationally viable and accordingly it does not seem appropriate to continue to pursue such a facility at the Tesco Pembury Road location.*

7.90 TWBC are currently reviewing their Local Plan, and a part of this process is the assessment of the current transport situation in the borough followed by the overlaying of additional trips expected from the planned growth. Until this work has been completed, the requirement for a Park & Ride site in this location has not been proven or otherwise.

7.91 Until a conclusion is reached, KCC Highways are concerned that any development on this site will undermine the future provision of Park & Ride.

7.92 Concerns regarding the Trip generation and distribution and appropriateness of the estimated trips associated with the extant permission on the site. (A lawful development certificate was submitted and granted in June 2015 [Ref: 15/503095/LDCEX] which confirmed that permission TW/09/01256 had been lawfully implemented through development involving the layout of part of a road.) The applicant proposes that the net impact of trips is a reduction if the extant use trips are discounted. This matter is not agreed at this time. A number of questions are also raised with regard to the trip rates.

Junction modelling

7.93 Critically the modelling does not take any account of the very congested conditions in this part of the network during highway peaks. Although some of the assessed junctions may operate in an efficient manner in isolation, queueing vehicles regularly extend back to the site access junction from both directions causing exit blocking. Any additional trips added to the network during these peaks would effectively be joining the back of a queue and would not be able to enter/exit the site in the free-flowing manner suggested by the junction modelling. The impact assessment should incorporate consideration of the exit blocking/congestion occurring on the surrounding network to provide a more accurate picture of the impact of the proposals.

7.94 All models should be re-run based on revised traffic volumes as per comments above relating to trip generation, trip distribution and background growth. Assumptions have been made in the TA that the Halls Hole Road/Blackhurst Lane junction is not affected by this development. When the revised assessment work has been completed the traffic movements through this junction will be reconsidered. As stated in pre-app discussions, it is vital that this junction is fully and robustly assessed, so further modelling may be required in this location. Concerns have also been raised by objectors regarding Cornford Lane. Consideration should be made regarding the impact of this development on this road.

Staff

7.95 180 staff would be employed at this site. 76 staff car parking spaces are provided, but this includes 43 that are proposed to be dual-use staff or sales display spaces. As mentioned in the trip-rates section above, this is a concern. There could be as few

as 33 car parking spaces for 180 staff. More information is required to illustrate how these spaces will be allocated, as overspill of staff parking onto adjacent sites/roads is a common problem with this use class. The obvious place for staff to park will be the Tesco car park. How will this be prevented?

Travel Plan

7.96 The travel plan proposes a number of measures to reduce unnecessary vehicular trips undertaken by staff and visitors to the site, including:

- Appointment of a company Travel Plan Coordinator
- 6 month post-completion survey
- Production and approval of full travel plan prior to 1-year of occupation to achieve the following:
  - A decrease in the percentage of staff travelling by single-occupancy private car to the and from the site; and
  - An increase in the percentage of staff utilising active (walking/cycling) and sustainable (electric car) modes of transport, public transport, and car sharing to access the site.
- Monitoring and reviewing measures and targets
- Liaison with the Local Planning and Highway Authorities

7.97 **KCC Flood and Water Management (09/05/19)** – Raise the following points:-

7.98 We note that the ground investigation report by Applied Geology, undertook three infiltration tests with only one of those tests undertaken was successful, obtaining an infiltration rate of 1.14x10-5 (0.041 m/hr). This is considerably less than the infiltration rate stipulated in the accompanying calculations.

7.99 Additionally, we note that the eastern infiltration tank at an invert level of 3mBGL would provide only 0.5m unsaturated zone above the groundwater level noted in the ground investigation report.

7.100 Therefore, we have concerns as to whether the drainage strategy proposed can adequately manage surface water on site. We recommend that further infiltration testing is submitted that is undertaken at the proposed location and invert level of both soakaways. This will ensure that an accurate infiltration rate is obtained and a suitably sized soakaways can be designed with appropriate levels of storage. The design should also ensure an absolute minimum 1m unsaturated zone be provided.

7.101 Due consideration should be given to the use of source control measures, such as permeable paving, which could reduce the issues with long half drain times as well as providing higher quality treatment of run-off than interceptors. These systems may also assist in providing a greater unsaturated zone.

7.102 We are therefore object under the current information supplied until our concerns above have been addressed.

7.103 <u>Further Comments (13/06/19) – Raise no objections with the following comments:-</u>
We have reviewed the additional ground investigation report from Delta-simons (2012) and note that the infiltration testing undertaken had mixed infiltration results. The report did identify areas of weathered sand strata which provided higher infiltration rates of between 2.5x10-5 and 4x10-6m/s. However, the report concluded that any sizeable soakaway may result in encountering discontinuities within the underlying geology that may greatly affect the infiltration rate.

7.104 We would advise that further infiltration testing should be undertaken at the proposed location and invert level of the geo-cellular soakaways. This additional testing would ensure that soakaways are not located within less permeable sandstone as identified within the Assessment report. It must be ensured that infiltration only occurs within clean, competent, uncontaminated natural ground.

7.105 As part of the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement.

7.106 We are able to remove our previous objection provided that a pre-commencement condition is attached to this application as further infiltration testing is required to confirm the correct size of attenuation required. Should the LPA be minded to grant permission for the above development, conditions securing a detailed surface water drainage scheme and Verification Report should be imposed.

7.107 **KCC Archaeology (16/05/19)** – Raise no objections with the following comments:- No archaeological measures are required in this instance.

7.108 **Maidstone and Tunbridge Wells NHS Trust (17/01/20)**:- Advised neutral feelings concerning the proposal with no comments of objection or in support.

7.109 **TWBC Environmental Protection (02/05/19)**:– Raise no objections with the following comments:-
Noise: The acoustic report submitted with the application identifies the road (A21 Hasting Road to the South) as the most significant noise sources. The proposed development is considered acceptable in terms of noise impact upon nearby sensitive locations.

7.110 Land contamination: There is no indication of land contamination based on information from the contaminated land database & historic maps databases. The submitted Ground Investigation report meets requirements and is acceptable.

7.111 Air Quality: The site is outside the councils air quality management area and the application includes an air quality assessment. The assessment is acceptable and concludes that the no further mitigation measures are required to protect future residents from poor air quality.

7.112 Lighting: The submitted external lighting report is acceptable and meets requirements. However, I do consider that installation of a publically accessible Electric Vehicle charging point would be a useful promotion of a sustainable travel option. Although this has been mentioned in the submitted design and access statement.

7.113 RECOMMENDATIONS:
No objections subject to conditions and informative covering details of EV charging and the Environmental Code of Development Practice.

7.114 **TWBC Parking Services (03/05/19)** – Raise the following points:-

7.115 Two principle concerns raised. Firstly, the sites previous allocation and consent for Park & Ride purposes. It is accepted that this may not be the Councils preferred option at present; views may well change, especially if congestion on the A264 worsens. Once the site is lost, the opportunity and ability to provide such a facility

may well be gone altogether since alternatives will be difficult to find. I will, however, leave others to comment in more detail on that point.

7.116 The second point relates to the advisory cycle lanes in Pembury High Street. The TS refers to these as dedicated cycle lanes but, being advisory, there is no restriction on vehicles either travelling or parking in them. At present there is a high level of abuse in this respect with parking in them being more or less a daily occurrence. Although there are a considerable number of on-site parking spaces proposed to be provided in connection with the use, motor dealerships are prone to over-spilling onto nearby highways because of the manner in which they operate. I would recommend therefore that, if the development is to be granted consent, the developer be required to upgrade these to mandatory cycle lanes to avoid any suggestion that they are worsening the situation.

7.117 **TWBC Tree Officer (02/08/19)** – Raise no objections with the following comments:-

7.118 In short, my only concern is the impact of the proposed staff / service car park on the various category B trees growing between the existing superstore and Cornford Lane, especially oaks T1 and T14.

7.119 The tree protection plan shows minor-moderate manual excavation within the root protection areas of T2 (beech) and T14 and substantial above-soil surfacing within the RPA of T1, at the limit of what is acceptable under BS 5837. However, there appears to be a founded retaining wall along the edge of the proposed car park and, separately, lowered levels within the RPA of T1 of 160mm, which would preclude no-dig surfacing and may involve substantial root severance for oak T1.

7.120 Those impacts alone are not grounds for an objection, but they will put pressure on some of the largest and most prominent trees on the site and, if my understanding of the external works / proposed levels plan is correct, would need to be addressed in the tree protection plan and arboricultural method statement.

7.121 Overall, this scheme is acceptable on arboricultural grounds. If approved, the standard TPP and AMS conditions should be fine.

7.122 **TWBC Planning Environment Officer** Raise the following comments:-

7.123 Final Comments (14/10/20):-
The suggested measures outlined by the agent in the supporting letter of 25/09/20 are considered acceptable and a condition securing renewable energy and energy conservation is requested.

7.124 Original Comments (29/10/19):-
The applicant has used recognised methodology to calculate baseline emissions and subsequent proposed reductions (SBEM and NCM). The applicant intends to meet the energy policy requirements by implementing a combination of fabric improvements and renewable energy generating technology. The energy hierarchy has been followed with fabric improvements implemented prior to renewable technology. The fabric improvements result in the greatest proportion of emission reductions (13%).

7.125 PV and Air Source Heat Pumps have both been proposed as the most suitable choices for renewable/low carbon technology. These both seem reasonable in the circumstances. I note that the potential for a PV array is limited by the implementation of an extensive green roof designed to help compensate for loss of

grassland and I would not seek to challenge this. However, there does still appear to be an extensive roof area, beyond the green and curved roof, that could house a PV array in an optimum south-westerly orientation.

7.126 The developer has informed me that they have considered the practicalities of utilising this roof area but decided against it due to concerns about visual impacts, particularly with regards to the AONB setting. I have discussed this concern with the Landscape and Biodiversity Officer and reviewed the Landscape and Visual Impact assessment submitted by the applicant. We are both confident that the secluded location and surrounding mature trees would preclude any significant visual impact here. My preference, therefore, is that PV is installed on this development, in addition to the already mentioned improvements.

7.127 Since the Sustainability Assessment report was first prepared, the importance of taking action on climate change has become ever more critical. Climate Emergency declarations have been made by central government and Tunbridge Wells Borough Council1 and are both accompanied by national and local targets to become carbon neutral by 2030 and 2050 respectively. Furthermore, the 2008 Climate Change Act has now been updated to reflect these targets. These are extremely challenging and now legally binding targets and planning has an important role to play in achieving them.

7.128 Tunbridge Wells is in the process of updating existing policy and the (already ambitious) emergency Local Plan to take account of these important changes and, in the past 6 months, has undertaken various viability and feasibility studies to support this work2.

7.129 In addition, paragraph 148 of the 2019 NPPF states that:

> *"The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that* ***contribute to radical reductions in greenhouse gas emissions****, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings;"* (emphasis added)

7.130 Every opportunity should be taken to mitigation climate change and it is my feeling that there are opportunities to do more with this proposal that have not been taken.

7.131 *Recommendations:*
I can not support this application on the grounds that it does not ensure a satisfactory standard of development which meets the needs of current and future generation in accordance with Core Policy 5 of the Tunbridge Wells Core Strategy 2010.

7.132 **TWBC Landscape and Biodiversity Officer (14/06/19)**:- Raise the following comments:-

7.133 This application was well developed and supporting information largely complete at the pre application stage and changes to the application and supporting information are relatively minor. Consequently I have copied my detailed comments on the pre application consultation below and have set out here any significant changes and developed my comments on the substantive issues that remain.

7.134 In respect of trees I was concerned about T1, this is now shown to be retained and I will leave any further comments to the Tree Officer.

Ecology

7.135 The surveys and reports have been carried out by suitable professionals to a recognised methodology and as such the findings are broadly accepted. The main concerns raised was that of reptile translocation and whether it could b e concluded that the scheme overall resulted in a net gain for biodiversity. The matter of reptile translocation has a potential solution subject to final agreement with the landowner and the payment of the necessary sum through the s106 agreement for ongoing management and improvements for reptiles. I have reviewed the report again considering the net gain question in more detail.

7.136 The report acknowledges the need for "net gains for biodiversity" (2.6.2) and that "where residual effects remain after mitigation it may be necessary to provide compensation" (2.6.4) which is different to a general requirement for enhancements. It is accepted that the habitats on site are of limited value and are of only local significance and its is lacking in management and a clear ecological function. Never the less it is an area of semi natural habitats that adjoin notable habitats outside the site providing buffers and contribute to variety and the site does support notable breeding and foraging species and is a local resource for reptiles, birds and bats in particular.

7.137 The loss of areas of woodland is not quantified but is probably in excess of 1000m2. It is suggested that improvements to retained woodland, which is very minor, and new planting which in the main is replacing only a small portion of that which is lost will offset any net loss through "increasing diversity" (4.4.8). This is difficult to accept as the new planting and improved areas will be highly compromised in terms of any ecological functionality owing to their close proximity to new built development. These measures are in my view are best described as mitigation for retained woodland and off site woodland to compensate for the loss of the existing buffer and the now closer proximity of development.

7.138 The rank grassland which supports the reptiles is to be lost in its entirety as is considered to be 550m2 (4.5.5) and the loss is to be compensated through the provision of the green roof of 800m2. The Aspect plan "Habitats and Ecological Features" shows the rank grassland and although the plan does not have a scale it is readily apparent that the area of rank grassland greatly exceeds that of the green roof and is likely to be in excess 2000m2. The green roof is welcome and does provide a significant degree of compensation but is not sufficient to claim that there is no residual effect for grassland. Compensation for the loss of the scrub (4.6) appears to be wrapped up in the woodland mitigation and there is no compensation for the loss of the ruderal vegetation. Overall it appears to me that around 1 to 1.5 ha of semi natural habitat will be lost to the development and the main effective mitigation is improvements to retained areas with new and additional planting with some nest boxes and the main means of compensating for the loss is 800m2 of green roof or less than 10% of the total semi natural habitat lost.

7.139 Consequently as expressed in my previous comments I believe that some form of off site compensation or biodiversity offsetting will be required if this proposal is to meet the biodiversity net gain requirement of current government policy. There are however some difficulties with taking this approach as:

- There is the history of a previous and extant consent on site that did not require this.
- There is no agreed method in place for calculating net loss and gain for biodiversity.

- The Council does not yet have a policy or mechanism for biodiversity offsetting as this is still in development as part of the emerging Local Plan.

7.140 Planning decisions do require a balanced judgement weighing up all material considerations and it must be recognised that biodiversity is just one such consideration. Whilst net gain is an important principle the ecological value of this site is relatively low and the measures for mitigation are as effective and comprehensive as they could given the nature and type of development. I would suggest that under the circumstances some further discussion with the applicant to see how they might contribute towards a local net gain project would be a pragmatic and proportionate approach.

Landscape

7.141 It should be noted that the layout and resulting landscape scheme have changed during the course of the pre application consultation to respond to my previous comments by adding new landscape buffers, setting development back further from boundaries to avoid pinch points and important trees and improving the landscape scheme generally.

7.142 This has been revised but it appears that the revisions are very minor. The resulting conclusion (6.7) has not changed:
"It is considered that the application site and receiving environment have the capacity to accommodate the proposals. The proposal will not result in significant harm to the landscape character or visual environment and, as such, it is considered that the proposed development can be successfully integrated in this location and is supportable from a landscape and visual perspective".

7.143 In essence the landscape harm, taking account of site context and the proposed mitigation is considered by the report to be not so great as to justify refusal. I think that taking account of the extant permission, the particular site circumstances, and the economic benefits that is a reasonable conclusion and even though I might at points disagree with the LVIA and find some aspects more harmful I am inclined to the same conclusion. I think it is particularly important to note the immediate context of the site and the precarious state and transitory nature of the existing vegetation and the failure for the extant permission to be completed. The site might properly at present be considered a detractor with no clear future. This scheme would resolve that and provide a permanent edge to development in this location.

7.144 I have not explicitly considered the tests for major development set out in para 172 of the NPPF as this is already an allocated site with an extant permission and the difference between that consent and this does not when considering extent, nature or context, in my view amount to major development but this may be something you will wish to discuss further. In any event criterion c) environmental effects and mitigation, have been considered in my comments above.

7.145 Further considerations and refinement of landscape design and materials can be resolved via condition. These conditions should specifically consider building colour and lighting to ensure any effects on the wider landscape are successfully mitigated.

Lighting

7.146 Light spill onto adjacent woodland is generally less than 1.0 lux but I believe could in key locations be reduced further by re-siting some luminaires. The lighting column on the south east corner is a concern as it may affect wider views. This changes can be secured by condition. The type of fittings proposed are appropriate but on sensitive boundaries should be reduced from 4000-6000k to 3000 to 4000k as this lower range

is more bat friendly. The LED units are fully controllable and the report makes reference to switch off and a part lighting strategy. This can be secured by condition.

Further Comments (13/08/19):-

7.147 I have received the attached proposals for addressing the question of biodiversity net gain on the Hendy development. The proposal is under the circumstances a reasonable and proportionate one and should be accepted. The sum offered for an offsetting project can be secured through the S106 agreement. I have no further comments in relation to ecology.

Further Comments (29/10/19):-

7.148 The Technical Note submitted is a response to dormice being found on site during site clearance works and does in my view set out a suitable mitigation strategy in respect of dormice. I note that a licence is required from Natural England but I would suggest that in relation to the application under consideration (19/00884) that this is likely, subject to the proposed mitigation measures, to be granted. From the Councils point of view the mitigation, should you be minded to approve the application, can be secured by a pre commencement condition. I should note that the Technical note and proposed mitigation is submitted under application 19/00884 but in so far as I am aware the works on site are being carried out under the extant permission.

8.0 APPLICANT'S SUPPORTING COMMENTS

8.01 The site is designated as a Park and Ride in the Local Plan; however, the Park and Ride facility has not been delivered for a variety of reasons, including:

- The cost of acquiring the site;
- The limited projected benefit – a maximum three-minute journey time reduction and limited take-up with minimal impact on current traffic levels;
- The significant physical challenges of delivering the necessary road widening measures to achieve the necessary bus priority measures on the A264 Pembury Road;
- The impact on existing town centre parking charges;
- The need to amend existing parking restrictions;
- The annual operating costs for the facility would run at a significant deficit.

8.02 There is no realistic prospect of the site coming forward for a Park and Ride use. The site is also within the High Weald AONB, but due to the well-established tree and hedge boundary the site is considered to be visually contained, and as such there will be limited harm to the wider AONB. Any harm will be mitigated by the substantial economic benefits and wider regenerative benefits through the release of the existing Hendy town centre site.

8.03 As demonstrated in this Statement (and the accompanying Design and Access Statement) the proposed development will have no materially greater impact on the surrounding AONB designation than the existing Tesco store or proposed Park and Ride facility.

8.04 Within the framework set out above it can be seen that the proposed development offers the following specific benefits:

- The application proposal will facilitate a significant number of new jobs;
- The development of this site will facilitate the release of a key site at Mount Ephraim, in the centre of Tunbridge Wells;

- The proposal will encourage wider investment in the Borough;
- The location of the proposed development is entirely appropriate and will result in no significant environmental or social impacts which cannot be addressed through appropriate mitigation secured by conditions; and
- The application proposal is of a high-quality design that has been subject to detailed scrutiny and which responds to its surroundings.

8.05 A wide range of technical assessment work has been undertaken which has informed the preparation of this proposal and which demonstrates that there are no technical obstacles to granting planning permission. Indeed, there are a number of opportunities for wider improvements.

8.06 On the basis of the above, we conclude that the development meets all relevant policy requirements and offers a wide range of benefits for Tunbridge Wells.

9.0 BACKGROUND PAPERS AND PLANS

- Site Location Plan (Drawing 1710-PL01) (Rev P2);
- Existing Site Survey & Levels (Drawing 1710-PL02) (Rev P1);
- Existing Site Plan (Drawing 1710-PL03) (Rev P2);
- Site Plan (Drawing 1710-PL04) (Rev P2);
- Ground Floor Plan (Drawing 1710-PL05) (Rev P2);
- First Floor Plan (Drawing 1710-PL06) (Rev P2);
- Roof Plan (Drawing 1710-PL07) (Rev P2);
- Elevations (Drawing 1710-PL08) (Rev P2);
- Sections 1 - 1 & 2 - 2 (Drawing 1710-PL09) (Rev P2);
- Sections 3 - 3, 4 - 4 & 5 – 5 (Drawing 1710-PL10) (Rev P2);
- Elevation Materials (Drawing 1710-PL11) (Rev P2);
- External Materials & Street Furniture (Drawing 1710-PL12) (Rev P2);
- Plans & Sections Tesco - Hendy Boundary 1 of 2 (Drawing 1710-PL13) (Rev P2);
- Sections & Details Tesco - Hendy Boundary 2 of 2 (Drawing 1710-PL14) (Rev P2);
- Site Sections - Cornford Lane (Drawing 1710-PL15) (Rev P2);
- Site Sections - A21 Dual Carriageway (Drawing 1710-PL16) (Rev P2);
- Used Car Sales pavilion (Drawing 1710-PL17) (Rev P2);
- Tesco Car Park Facilities (Drawing 1710-PL18) (Rev P2);
- Hendy External Works - Plans & Sections (Drawing 1710-PL19) (Rev P2);
- Landscape Strategy Plan (Aspect) (Drawing 6610/LSP) (Rev H) (September 2018);
- External Lighting Light Spill Plan (Silcock Dawson & Partners) (Drawing No. 180259SDP-XX-XX-SK-001) (December 2018);
- Flood Risk Assessment and Drainage Strategy, Appendix D Drainage Strategy/Layout (Drawing No. 100) (Rev P13)
- Changes to A228/Tonbridge Road/High Street Junction Option 1 (Mayer Brown) (Drawing Figure 02) (Rev P1) (February 2020);
- Proposed Site Levels Earthworks Cut and Fill (Drawing No. 150) (Rev P5) (October 2018)
- Proposed Levels (Drawing No. 120) (Rev P6) (September 2018)
- Proposed Levels (Drawing No. 121) (Rev P6) (September 2018)
- Proposed Levels (Drawing No. 122) (Rev P7) (September 2018)
- Planning Statement (ShrimplinBrown) (March 2019);
- Design and Access Statement

(LDA Architects) (March 2019);

- Air Quality Assessment (Cundall) (ref: 018023-RPT-AQ-001) (25 October 2018);
- Arboricultural Impact Assessment (Aspect) (ref: 9933_AIA.001) (Rev B) (March 2019);
- Arboricultural Briefing Note (Aspect) (September 2019)
- Construction Management Plan (Lambert Smith Hampton) (Version 1) (14 March 2019);
- Ecological Appraisal (Aspect) (Ref: 1220-03 EcoAp vf6 RL/DW) (March 2019);
- 1220-04 005 let KH (Nightingale Letter) (Aspect) (17 May 2020)
- 1220-04 006a let KH (BIA Letter)
- Technical Note TN01: Addendum to the Ecological Appraisal (Aspect) (28 October 2019)
- Economic Benefits Assessment (Lambert Smith Hampton) (January 2019);
- Economic Benefits Assessment: Response to Lichfields Review (Lambert Smith Hampton) (June 2020);
- Energy and Sustainability Assessment (Silcock Dawson & Partners) (Version 6.0) (November 2018);
- External Lighting Assessment Report (Silcock Dawson & Partners) (Rev P5) (December 2018);
- Flood Risk Assessment and Drainage Strategy (Nolan Associates) (Rev 5) (January 2019);
- Addendum: Soakaway Assessment summary report (delta-simons) (29th February 2012);
- Hendy North West Kent Regional Hub Site Search (Lambert Smith Hampton) (9th January 2019);
- Landscape and Visual Impact Assessment (Aspect) (Ref: 6610.LVIA.009) (March 2019);
- Noise Impact Assessment (Acoustic Consultants LTD) (Rev B) (14th March 2019);
- Park and Ride Feasibility Review (Mayer Brown) (21st December 2018);
- Phase 1 Ground Investigation (Applied Geology) (Issue 2) (November 2018);
- Transport Assessment (Mayer Brown) (Rev A) (14th March 2019);
- As amended and clarified with updated modelling and information sent on the following dates:
- 16th May 2019 MB to KCC
- 22nd July 2019 MB to KCC
- 6th August 2019 MB to HE
- 13th September 2019 MB to HE
- 14th October 2019 MB to KCC
- 13th November 2019 MB to KCC
- 4th December 2019 MB to KCC
- 19th December 2019 MB to KCC (mitigation)
- 8th January 2020 MB to HE (Summary of responses to date)
- 4th February 2020 MB to HE
- 11th March 2020 B&Co to Council (mitigation)
- 17th July 2020 MB to KCC (modelling)
- 5th August 2020 Nolans to HE (Bank Stability)
- 14th August 2020 MB to KCC
- 20th August 2020 MB to KCC (survey results)
- Travel Plan (Mayer Brown) (Rev A) (15th March 2018).

10.0 APPRAISAL

Principle of Development

10.01 The site is located within the High Weald Area of Outstanding Natural Beauty (AONB) and with most of the site falling outside of the limits to built development (LBD). The relevant policies of the Development Plan being the Tunbridge Wells Local Plan (2006), the Core Strategy (2010) and the Site Allocations Local Plan (2016) are the appropriate assessment for the acceptability of this application. In addition, it is important to consider the significant material considerations of the National Planning Policy Framework (2019) and other guidance contained within the National Planning Policy Guidance. Furthermore, the evidence base that forms the basis of the recently published draft Local Plan, in particular the Employment Needs Survey undertaken by Turley Associates on behalf of Tunbridge Wells BC and Sevenoaks DC and published in August 2016 carries considerable weight on the matter of the quantum of employment required in the Borough. The site is allocated in the draft Local Plan under policy AL/PE7 for car showrooms and associated employment uses.

10.02 Due to the early stage of this Local Plan (A Regulation 18 consultation was recently conducted) only little weight can be given to its content in the balancing exercise at this time.

10.03 An important element of assessing the principle of development here, is the allocation of the site within the adopted Site Allocations Local Plan 2016 under Policy AL/VRA 2 for a Park & Ride facility. This was also previously allocated within the previous 2006 Local Plan and was carried forward as part of the transport strategy work which informed the 2016 Local Plan.

10.04 A number of specific reviews have been commissioned by TWBC relating to the feasibility of a Park and Ride service since the 2006 Local Plan and these reviews have highlighted the measures required both in operational terms but also in terms of infrastructure. The most recent of these reviews comprises the Park and Ride feasibility study 2018 which forms part of the evidence base for the New Local Plan. This assesses several sites including this Woodsgate Corner site for potential to provide a successful P&R service. This is a high level assessment and is not site specific but does outline that this site could be pursued for P&R purposes. If this was to be the case, there are several key actions which would be required:-

- Acquisition of the site by the Council in order to develop the site for P&R purposes. This does not include an estimate of the land value and it is not included within the capital costs.
- Changes to the Town Centre car parking provisions and restrictions to allow a model shift towards P&R travel.
- Further specific route testing to understand the deliverability of the service.

10.05 By virtue of the characteristics of the A228 Pembury Road (which would provide the principle route to the town centre), with minimal highway land to accommodate bus priority lanes and with a number of residential properties close to the highway. The challenges involved in the deliverability of necessary road widening to achieve the bus priority measures have not been examined in this report. Previous studies on the feasibility of P7R services have highlighted that there are substantial barriers to the necessary improvement works. The capital expenditure to set up a Park and Ride facility at Pembury Road site would cost in the region of £1.725 million- £2.18 million (However, as set out above, this does not include the cost of acquiring the land).

10.06 The report also projects that there could be an estimated annual deficit of £124,950 - 211,923 annually depending on the P&R option taken forward. With an additional estimated parking revenue loss of between £258,782 and £336,065 per annum.

These are large sums which would require significant financial management by the Borough Council in order to sustain such a service and is likely to need ongoing subsidy. Following review of the findings of the study, the Council's Planning Policy Team consider that it is therefore unlikely a scheme to deliver such a service would come forward on this site and therefore it is no longer appropriate to retain an allocation on this basis (hence the car showroom allocation in the Emerging Local Plan). Given the findings above, it is considered that there is not evidence to indicate a different conclusion could be reached with regard to this application. This matter will be discussed again in more detail later in this report, although for the purposes of principle, AL/VRA 2 is acknowledged.

10.07 Also, the matter of principle falls to be assessed against the current policies of general restraint of being outside the LBD and within the AONB and potential exception tests for allowing development in these designations. This is whether this proposal is classed as major development in the AONB, as set out in the NPPF, and whether there are exceptional circumstances including whether the development is in the public interest.

10.08 In regard to saved policy EN25 of the Local Plan 2006, this concerns development outside of the LBD and outlines criterion that are required in order for proposals to be supported:-

- The proposal would have a minimal impact on the landscape character of the locality;
- The development proposal would have no detrimental impact on the landscape setting of settlements;
- The development proposal would not result in unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance;
- Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be well screened by existing vegetation; and
- Where an extension or alteration to an existing building is proposed, it would respect local building styles and materials, have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.

10.09 The site is well contained by existing boundary features both within the site and those beyond the site boundaries. Whilst much of the interior landscaping would be removed, the immediate landscaped context of the site would remain with significant landscape features present around the majority of the site boundaries. As a result, the site would not be significantly visually harmful or present significant harm to the landscape character of the area.

10.10 The provisions of Policy EN25 in terms of built structures on the site are not considered to be met by this proposal (clearly aside from the re-use of buildings) and therefore, the proposal is not considered to be in contravention of this policy.

10.11 Policy CP7 of the adopted Core Strategy 2010 is also relevant in its reference to Employment Provision. The policy seeks the retention of existing floorspace and the encouragement of new floorspace, the intensification or redevelopment of existing sites is also encouraged. The wider site context provides an employment use and the

proposed development would generate significant enhancement to this. It is acknowledged that this area is not within a designated employment area, although its position would compliment these areas by providing localised employment in a location with very good accessibility. As such, this proposal would deliver a significant enhancement to employment provision within the Borough.

Emerging Policy

10.12 As highlighted above, Tunbridge Wells Borough Council has produced a draft borough wide Local Plan over the plan period which extends to 2036. This plan is currently at regulation 18 stage and holds very little weight, however, it is a material consideration. The plan has been supported by a full suite of supporting evidence (which is publicly available on the Council's website) and has informed land allocations for housing and employment in response to identified need as set out within the evidence base.

10.13 The application site has been included within these draft allocations under Policy AL/PE7 as an employment allocation. This policy sets out a number of criteria and again, whilst this only hold limited weight at this time, it is appropriate to discuss these requirements as below:-

- Provision of car showroom and associated uses/employment;

  The proposal satisfies this criterion with the scheme comprising seven dealerships.

- Ecological survey to inform ecological mitigation that will include a scheme for the enhancement of biodiversity on the site (see Policy EN 11: Net Gains for Nature: biodiversity).

  Detailed ecological assessments have been submitted as part of this application as well as detailed discussions with the Council's Landscape and Biodiversity Officer. These reports set out the ecological impact of the development as well as a mitigation strategy. Following review, and further clarification being submitted, the Landscape Officer considers the mitigation measures proposed to be suitable and that net gain for biodiversity would be achieved through an offsetting contribution but forward by the developer. Such a contribution would be secured through a S106 legal agreement.

- Opportunities to be explored to increase the tree coverage along boundaries of the site (Tree Preservation Orders) (see Policy EN 14: Trees, Woodlands, Hedges, and Development and criterion 3 of Policy EN 1: Design and other development management criteria);

  This has been discussed as the scheme has evolved and space has been retained for additional planting along the southern and eastern boundaries of the site. There are also pockets of additional tree planting within the centre of the site also to help support the existing character of the boundary areas.

- Landscape and visual impact assessment (see Policy EN 1: Design and other development management criteria and EN 20: Rural Landscape);

  The application has been accompanied by a detailed Landscape and Visual Impact Assessment (LVIA) which has been assessed by the Council's

Landscape Officer. This sets out the presence of the development within the landscape and how this impact could be mitigated.

- A robust and thorough assessment as to the impact of the proposal on transport and highways, and the provision of contributions to mitigate any impact that is considered to be severe;

  The application has been accompanied by a detailed Transport Assessment detailing the likely impact upon the local and strategic highway networks. This has been assessed by KCC Highways and Highways England and detailed discussions concerning points of clarification have taken place.

- Avoidance of demolition wherever possible (see Policy EN 2: Sustainable Design and Construction);

  No existing structures or buildings are proposed to be demolished as part of this proposal.

- Regard to be given to the Groundwater Source Protection Zone affecting the site, in consultation with the Environment Agency.

  This matter has been considered as part of the surface water drainage strategy. Both the Environment Agency and KCC Surface Water Management have been consulted on the details.

- It is expected that contributions will be required towards the following if necessary, to mitigate the impact of the development:
  a. Improvements to the public realm at the centre of Pembury;
  b. Any other highways related works;
  c. Measures to enhance bus travel.

  Necessary mitigation measures have been considered and discussed with KCC Highways and an appropriate package of obligations has been secured as part of this proposal. This is set out in detail later in this report.

10.14 The proposed design is considered to have addressed the main requirements of this policy in terms of the type of development, characteristics of the scheme, relationship to the site context and surrounding landscape and the enhancement and mitigation to sustainable travel and the highway network. Many of these are material considerations in their own right and would be addressed/incorporated where possible in any case. Further assessment is outlined in relation to these individual elements throughout the rest of this report.

National policy

10.15 In terms of national planning guidance, the NPPF sets out at that great weight should be given to conserving and enhancing the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and goes on to state that the scale and extent of development within designated areas should be limited. At para 172, the NPPF sets out a test for major development within the AONB advising that such applications should be refused other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Such applications should include an assessment of:-

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

10.16 Firstly, in terms of whether the proposal is major development or not, footnote 55 of on page 50 states that:-

"It 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"

10.17 Having considered this, the Local Planning Authority (LPA) as the decision maker, considers the scale of the development is such that it would comprise major development in the AONB. The proposal will be assessed against the three tests for major development later in this report following assessment of the key environmental impacts.

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 NPPF. This is outlined within paras 7 to 11 of the NPPF (including footnote 7) 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 location, the site abuts the Limits to Built Development (LBD) at its north eastern corner with a small section falling within the LBD. The site lies to the east of the A228 Pembury Road which provides one of the key routes in the Tunbridge Wells from Maidstone and surrounding areas linking to the A21 and key sites such as

Pembury Hospital. As such, the site offers good connectivity with the existing highway network travelling both south in to the urban area and west/east along the A21.

10.21 In terms of sustainable links, there is currently a defined footpath and cycleway which runs along the A228 Pembury Road and cross entrance to the site. Footpaths then extend in to the site providing easy access to the proposed dealerships and Tesco store. This link extends in to the town centre and is an arterial pedestrian route between Pembury and the town centre. There is also easy access in the Pembury and the Hospital with existing connections linking to these destinations.

10.22 It is also a material consideration that the proposed development is likely to result in the vacation of the existing Hendy operated car showroom site in Mount Ephraim. This site is allocated within the Draft Local Plan for residential development (Policy AL/RTW 8) and clearly the vacation of this Mount Ephraim site (which is not sustainable in its current use) would assist in bringing a scheme forward for residential redevelopment which would assist in meeting the housing needs of the borough and the social objective of sustainability. Having said that, this issue holds little weight in the overall balance of issues for this current application which must be assessed on its own merits.

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 its AONB designation and landscape setting. Having said that, the site is well contained from extensive views by virtue of the existing landscaping which extends along the boundaries, both inside and outside the application site. Any public views that would be possible would generally be confined to public roads around the site as there are no public rights of way within the vicinity.

10.25 In terms of the ability of the site to accommodate change within this landscape setting, this point is covered within the submitted LVIA which outlines a low susceptibility level. Having assessed this, it is considered that given its context abutting the edge of Pembury (with a small part of the site falling within the LBD), and with the main road corridors (A228 and A21) along the site boundaries, a low susceptibility level for the site is therefore considered to be an appropriate judgement to make. Another important point to highlight is that the robust landscape features to the western and southern sides of the site (outside of the application site red line boundary) form a clear border between the urban fringe setting of the site and the wider AONB rural setting which extends to the south which also has a bearing on the susceptibility level of the site.

10.26 The landscape sensitivity of the site is also set out within the submitted LVIA which concludes that the site has a medium level of sensitivity. This is primarily due to the absence of key principles of AONB landscapes within the site which are notably present within the more rural AONB landscape to the south. In contrast, the LVIA assesses this land to be very high in landscape sensitivity. The Landscape and Biodiversity Officer has also reviewed the LVIA and does not disagree with these conclusions on sensitivity.

10.27 The LVIA concludes that whilst there would be some landscape harm by virtue of the introduction of this development, this harm would be localised to the immediate character and setting. Therefore, the development could be accommodated within

the site without having a detrimental effect upon the special characteristics of the High Weald AONB. The design qualities and landscape mitigation secured within this scheme would also help to reduce the impact of the development and its presence within the locality. Furthermore, it is important to note that this site has previously been identified as suitable for development through the previous planning permission for a larger foodstore and the allocation as Park and Ride site. Therefore, to conclude that no development is appropriate on this site would be contrary to those previous planning decisions.

10.28 With this in mind, it is considered that the proposal would be sustainable from an environmental perspective. A more detailed assessment of the impact upon the AONB (including assessment against para 172 of the NPPF) is outlined within the sections below.

Economic objective

10.29 The scale of the development together with the nature of the business would clearly have a positive economic impact upon the locality and Tunbridge Wells. The application is supported by an Economic Benefits Assessment which sets out the envisaged benefits in terms of investment, additional employment and wider economic stimulus. This report sets out that the scheme would comprise a **£15 million investment into the site** and would create significant employment opportunities. This would be in the region of **200 job roles** during the construction of the project also with the wider economic impact through the sourcing of specialist labour and construction materials.

10.30 Operationally, the applicant has put forward that the development would create **180 operational job roles**. 79 existing staff are employed at the existing Hendy site in Mount Ephraim which would have the opportunity to relocate to the proposed site, other staff from existing Hendy operated sites outside the Borough would be relocated here, although **50 new job roles** above the staff relocation levels would be created. Overall, once operational it is estimated that the scheme would contribute **at least £1.77 million net direct Gross Value Added per annum** into the local economy.

10.31 The Council engaged a consultant to review the Economic Benefits Report submitted. This review highlighted some areas where an alternative methodology could be used (mainly relating to the calculation of net FTE (Full Time Equivalent) jobs provided, although the number of job roles created (as outlined within the paragraph above was not disagreed with. The conclusion of the review was that the general level of investment and wider financial impact was not considered to be unrealistic by the Council's consultant. As such, the economic impacts and benefits of the scheme would be significant and provide valuable economic stimulus to the borough and local area. It is also relevant to highlight that Hendy Group operate a training academy for new recruits and existing staff to support career development and young people starting in the automotive industry. The applicant also supports apprenticeship opportunities which will continue in this proposed development.

10.32 In terms of economic need, the Council's Economic Needs Study (2016) which forms part of the evidence base for the Draft Local Plan outlines the economic need within the borough taking in to consideration the objectively assessed need (OAN). This sets out a number of scenarios for growth and outlines the level of B1, B2 and B8 provision which would be needed. Based on this, the Draft Plan sets out that a minimum of 14ha required over the plan period to 2036. The proposed development would have a primary use class as a car showroom which would be a Sui Generis use, although the associated uses which would also form part of this development

(which would be ancillary to the main use) would include B1, B2 and minor elements of B8. The proposed development would therefore assist in the delivery of the employment growth for the next plan period and would allow continued economic stimulus within the Tunbridge Wells area. With this in mind, it is considered overall that the proposal would be sustainable and provide significant benefits from an economic perspective.

10.33 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. It is then necessary to assess the wider impact of the proposal in order to determine the overall impact upon the AONB and whether the proposal would conserve and enhance overall.

Trees and Landscaping

10.34 The application has been accompanied by a detailed Arboricultural Assessment outlining the likely tree impacts associated with this proposal. This impact primarily relates to the removal of trees within the interior of the site to facilitate the development, although these trees and low in quality and does not extend to higher quality trees along the boundaries of the site or any protected by TPO to the western boundary. The Council's Tree Officer has been consulted on this proposal and he has reviewed the Aboricultural Assessment. Whilst no objections are raised, a concern was highlighted relating to the potential impact upon T1, T2 and T14 in the north eastern corner of the site, adjacent to the site boundary. The submitted plans appear to show excavation and other surfacing works (including lowering of levels) within the root protection areas of some trees and construction of a wall.

10.35 Following these comments, a further technical note was provided by the developer's arboricultural consultant providing clarification of these points. This sets out that the plans had been reviewed which showed a lower level point in error. This has subsequently been updated and confirmation is provided that the finished levels will be c.210 above the existing ground level, allowing for the use of CellWeb (or similar) to construct the parking bays, a no dig solution. It is also confirmed that no wall will be installed within the RPA of the retained trees.

10.36 In terms of mitigation planting and landscaping, the submitted landscape plan illustrates the provision of additional tree planting along the southern boundary of the site as well as more sporadic planting along the eastern boundary where sufficient gaps are present. This level of mitigation planting is considered to be appropriate to support the landscape character of the boundary areas. Additional tree planting and landscaping is proposed to the front of the proposed buildings within the centre of the site and adjacent to the site access. This also supports the existing character and AONB setting of the site as well as softening the appearance of these public areas of the development. Some details are provided within the landscaping plan, although full details would be secured by condition.

10.37 Overall, there is not considered to be any significant issues as a result of the impact upon trees and landscaping and the mitigation planting detailed is acceptable in relation to this proposal.

Drainage

10.38 A Drainage Strategy and Flood Risk Assessment has been submitted to accompany this application. This outlines that the site is within flood zone 1 and has a low risk of flooding and also outlines an initial surface water drainage strategy. KCC Flood and Water Management have been consulted on this information who have reviewed these detailed reports. Comments have been received which highlight some

concerns with regard to the stated infiltration method for surface water drainage and its ability to accommodate the surface water from the site.

10.39 Discussions were held between the two parties and further clarification submitted by the applicant's Drainage Consultant. Further comments were then received from KCC advising that the provision of soakaways within the site may encounter difficulties due to the underlying geology of the site and that further infiltration testing should be carried out. This response then goes on to confirm that such details can be controlled by condition with specific conditions advised to deal with such matters. The initial drainage strategy is therefore considered acceptable and no objections raised subject to the imposition of these conditions which will be included within the recommendation below.

10.40 In terms of foul drainage, southern water have been consulted in this respect who have confirmed that foul drainage can be provided for the development. The comments also highlight that trade effluent from washing of vehicles should be appropriately disposed of. Conditions concerning this requirement as well as details of foul and surface water drainage are requested and will be included within the recommendation (only where this is not already secured by virtue of the conditions required by KCC Flood and Water Management).

10.41 Overall, the outline drainage strategy submitted is considered to be acceptable and sufficient to determine that surface water could be appropriately managed and mitigated on site. Conditions securing detailed drainage design for foul and surface water are included within the recommendation under section 11. There is therefore not considered to be any significant drainage or flooding issues as a result of this development.

Layout and Design

10.42 This planning submission is accompanied by a number of detailed site assessments and wider landscape impact assessments which have informed the layout and design of the scheme. It has been important to ensure that particular characteristics were retained and harm minimised, a good example of this is the positioning of the proposed building within the site and the ability of the scheme to minimise harm to and loss of trees to the southern and eastern boundaries, whilst also retaining adequate space for additional planting in these areas.

10.43 The extent of hardstanding has also been reduced and realigned within the site. This achieved a better relationship with the eastern boundary and existing trees here as well as softening the appearance of the site internally. The forecourt area to the front of the building is circular in form to add interest and also to provide an efficient use of the space available. Given the compact size of the site and its relatively close relationship with the existing Tesco site, the opportunities for significant alterations in layout and form are minimal. Having said that, it is considered that the layout as proposed and positioning of the building is most appropriate providing space and reducing its dominance as you enter the site and also with a treed backdrop to help settle the building in to its context.

10.44 In terms of the design of the building itself, this comprises two main forms which join to create an 'L' building. The elevations are simple in form and incorporate a high level of glazing as would be expected of a building with this intended use. This allows for a modern and uncluttered fenestration with clean lines and simple framing details providing articulation for each partition and each dealership. This detail has been carefully considered and revised following the original design to ensure this is retained within the elevation and does not break the eaves. This continues the eaves

level linking the two sections of the building and a more open frontage. The eastern section of the building is much deeper than the southern section as this incorporates servicing and associated areas, however, this depth is broken up by architectural features on the north facing side elevation adding height and interest. This section of the building has a pitched roof due to this depth, although this has been kept to a minimum in the interests of minimising visual impact.

10.45 The southern section of the building incorporates a different curved roof form which is possible due to the much reduced depth. This reduces the dominance of this roof which would also incorporate irrigation to provide a green roof. This would create a more lightweight appearance to this section of roof and would enable it to be sympathetic to the tree coverage on the southern boundary beyond as well as provide biodiversity benefits. In general, the proposed scheme is considered to be appropriate in its form and design and would achieve a high quality appearance and character to the development.

Ecology

10.46 The application is supported by an ecological appraisal setting out the impact and key issues in respect of ecology. The Council's Landscape and Biodiversity Officer has reviewed this information and considers the methodology and findings to be acceptable.

10.47 The surveys carried out and the following species were recorded:-

10.48 *Reptiles* - Populations of both common lizards and slow worms within the site and therefore a reptile translocation is recommended given that the proposals will result in the loss of suitable habitat within the site. The Landscape Officer considers this to be appropriate.

10.49 *Bats* – Site likely to support foraging and no roosts recorded within the buildings. A number of trees within potential for roosts were recorded and the trees in question would be retained as part of the development. Mitigation measures are suggested incorporating an appropriate lighting scheme (avoiding excessive illumination) which would be secured by condition. The felling of trees to be lost within the site should also be soft felled to safeguard any bats roosting. Additional tree planting and landscaping would also be introduced for roosting purposes to help mitigate those lost.

10.50 *Badger* – A single hole was recorded within the site with evidence of badger use, although no other holes or sets were found. It could not be determined whether the hole was a set or a foraging hole. This would need to be reviewed prior to commencement of development and details of a Badger mitigation strategy can be secured by condition. A series of measures are suggested to prevent badgers from entering the site.

10.51 *Dormice* – No evidence of dormice were recorded and the characteristics of the site are considered to offer limited opportunities for dormice. However, a dormouse was found on site during some clearance works which have already taken place (under the extant permission. A Technical Note was subsequently submitted to outline a mitigation strategy which the Landscape Officer considers to be acceptable and this can be controlled by planning condition

10.52 *Other Mammals* – No evidence of any protected, rare or notable mammal species was recorded within the application site.

10.53 *Amphibians* – No waterbodies are present within the site. There are ponds present within 250m although these are well separated from the site by main roads and existing development. There are not considered to be any direct habitat links between the off-site ponds and the application site and as such the report that's that it is unlikely that Great Crested Newts or other amphibians utilise the application site.

10.54 *Birds* - No bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), RSPB Red or Amber Lists of Birds of Conservation Concern were recorded. The loss of trees within the site will have an impact upon the habitat, although much of the established woodland within the locality exists outside of the site and therefore would be retained. Mitigation is suggested in the form of controlled removing of vegetation outside of (1st March to 31st August inclusive).

10.55 *Invertebrates* - No evidence for the presence of any protected, rare or notable invertebrate species was recorded within the application site. Dead wood and wood piles are suggested to be provided within the site to mitigate the loss of habitat. This can be provided within areas where landscaping will remain (along the eastern boundary would be most appropriate).

10.56 Overall, it is considered that the impact upon species as a result of this development can be appropriately mitigated through the details as set out above and imposition of suitable conditions as listed.

10.57 In terms of Net Gain for biodiversity, the report acknowledges the need for "net gains for biodiversity" (2.6.2) and that "where residual effects remain after mitigation it may be necessary to provide compensation" (2.6.4) which is different to a general requirement for enhancements. It is accepted that the habitats on site are of limited value and are of only local significance and it is lacking in management and a clear ecological function. Nevertheless it is an area of semi natural habitats that adjoin notable habitats outside the site providing buffers and contribute to variety and the site does support notable breeding and foraging species and is a local resource for reptiles, birds and bats in particular.

10.58 Discussions have been ongoing between the developer and the Council's Landscape and Biodiversity Officer concerning this matter. The reptile translocation is a key part of this which has already taken place as part of the extant consent. A payment of £10,000 has been agreed to cover the management of this which is considered to be acceptable.

10.59 A Further Technical note has been provided by the developer's consultant detailing the DEFRA Biodiversity Metric for assesses net gain. This note explains the calculations as well as noting that the site has extant permission (TW/09/01256) for extension to the Tesco store and a park and ride facility, which has been lawfully implemented. This did not require any offsite biodiversity contribution. Accordingly, should the extant permission be used as the baseline condition of the site, which would not be unreasonable, the loss (if any) of biodiversity under the proposals would be significantly less. However, taking this in to account as well as the scores within the metric, a financial contribution of £25,000 would be secured through a legal agreement in order to achieve net gain for biodiversity along with the measures proposed. The Landscape Officer considers that this proposed figure is under the circumstances a reasonable and proportionate one and is accepted. The sum offered for an offsetting project can be secured through the S106 agreement. The total contributions towards ecology would therefore equate to £35,000 for net gain and translocation.

10.60 Overall, as the net gain for biodiversity would be delivered off site, there is considered to be a neutral impact upon biodiversity at this site overall. There is not considered to be any significant ecological issues which would result in significant harm and which cannot be mitigated against through translocation, S106 and the other mitigation measures outlined above.

Residential Amenity

10.61 There is only one existing residential property which is in close proximity to the site on the same western side of Cornford Lane, although this is positioned adjacent to the north tip of the site. Whilst there would be a car parking area within 30m (approx.) of this property's southern boundary, it would be some 120m from the closest part of the proposed building and therefore there are not considered to be any significant harm to residential amenity enjoyed by the occupiers of this property which would warrant refusal of planning permission.

10.62 Other nearby properties are located to the eastern side of Cornford Lane with the closest one being Pinehurst positioned with some 47m between the closest part of the proposed building and the front boundary of this property. There would also be a retained strip of landscaping (ranging between 13m and 15m in depth) between the development and these properties running along the western side of Cornford Lane. With this in mind together with the separation distances, there is not considered to be any significant harm to the residential amenity enjoyed by occupiers of these properties which would warrant refusal of planning permission.

10.63 Overall, there is not considered to be any significant amenity issues (including impact upon light, outlook, overshadowing and privacy) to any nearby properties due to their proximity to the application site, proposed development and the landscaping and roads which exist between them.

Impact on AONB (including landscape impact, design, ecology and landscaping)

10.64 This (especially AONB impact) is assessed in more detail below, but in summary it is considered that overall there is likely to be some localised harm to the AONB by virtue of the immediate site context (as highlighted earlier in this report).

Development Plan and NPPF AONB and landscape policy

10.65 Adopted Development Plan Policy (including Core Policies 4 and 14) requires the conservation and enhancement of the AONB and rural landscape. The NPPF within paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. As outlined within the principle of development section above, paragraph 172 sets out that planning permission should be refused for major development in the AONB except in exceptional circumstances, and where it can be demonstrated that it is in the public interest. The NPPF then states three bullet points which should be considered in this regard and these are set out in the headings below.

10.66 It should be noted that many of the matters to be taken into account as set out in Para 172 form material considerations in their own right and the assessment against these matters will take place on the basis of the impact being, slight, moderate, major or neutral.

Para 172: Need for the development and the impact of permitting it or refusing it on the local economy

10.67 In terms of need, as discussed above, the Council's Economic Needs Study (2016) which forms part of the evidence base for the Draft Local Plan outlines the economic need within the borough taking in to consideration the objectively assessed need (OAN). This sets out a number of scenarios for growth and outlines the level of B1, B2 and B8 provision which would be needed. Based on this, the Draft Plan sets out that a minimum of 14ha required over the plan period to 2036. Policy AL/PE7 of the Draft Local Plan allocates the site for the provision of a car showroom and associated employment uses. The primary use class of a car showroom would be a Sui Generis use, although the associated uses which would also form part of this development (which would be ancillary to the main use) would include B1, B2 and minor elements of B8. The proposed development would therefore assist in the delivery of the employment growth for the next plan period and would allow continued economic stimulus within the Tunbridge Wells area. As such, the need for the development is considered moderate.

10.68 The impact of permitting this development would be split in to two key areas, construction and operation. The development would have a slight short term beneficial economic impact due to the employment opportunities from construction, the supply chain for materials and skilled labour. In terms of operational impact, the submitted economic benefits assessment details that there would be some permanent beneficial impacts. The Council has sought the views of an Economic Consultant to review the submitted benefits assessment and provide an independent opinion in this regard. Having reviewed the feedback provided, and whilst there are several elements where alternative methodologies for calculating benefits are suggested or could have been applied, the Council's consultant agrees that the development would have a positive economic impact. Examining this in more detail the proposed development would create approximately 180 job roles. 79 job roles currently exist at the existing Mount Ephraim operation which would be transferred to the application site if permission is granted. A number of other roles would be filled by skilled existing Hendy staff transferring from roles outside the borough resulting in a net increase of 50 job roles. This is a significant employment stimulus to Tunbridge Wells and the wider area as well as ensuring the retention of a large number of existing local roles. In terms of economic output, the submitted economic assessment outlines once the development is operational, it would generate approximately £1.77 million net direct Gross Value Added (GVA) Per Annum. As such, it is considered that there would be a substantial economic impact as a result of this development.

10.69 The impact of refusing the proposal would be that the site could remain in its current state with a partially implemented consent. It is in the ownership of Tesco, and the remainder of the extant permission could be carried out at some time in the future (09/01265). The applicant has been clear that there are no other sites which are available and are able to accommodate a scheme of this nature and scale within the borough and so it is likely that this development, as well as the existing roles at the Mount Ephraim operation, would be lost from the Borough.

10.70 Having regard to the above, it is considered that:
- the economic impacts of permitting the scheme are substantially positive;
- the economic impacts of refusing the scheme are substantially negative;

Para 172: Cost of and scope for developing elsewhere outside the designated area, or meeting need in some other way

10.71 It is recognised within the evidence base for the Draft Local Plan that there is limited availability of potential economic sites and existing sites able to accommodate the levels of growth required to deliver the employment space needed. Bearing in mind

the level of employment land required (as discussed above) together with the nature of such sites which generally comprise large buildings with extensive areas of hardstanding, such sites are better positioned within or next to existing built up areas. Another important factor is the connectivity of the sites and their positioning in relation to the surrounding highway and public transport networks. More isolated sites in rural areas (but outside of the AONB) are less suited to this type of use purely due to connectivity and even if such sites were to be allocated, they are less desirable in the market which therefore jeopardises the delivery of planned employment growth. It is also acknowledged within the Council's Economic Needs Study that there is limited number of available sites within the Borough for employment uses.

10.72 Comments have been made that the proposed development would be better sited within the North Farm industrial area where a number of other similar car dealerships are located. However, having assessed this, the availability of sites within this area is very limited, particularly to accommodate a development of this size. The nature of a car dealership use is such that it is not necessary that this should be limited to industrial areas (such as a large B8 storage and distribution use) and indeed, other dealerships operate in more urban and residential areas, such as the existing Hendy dealerships within the town centre which is also true of many other towns. These two factors are recognised in the allocation of the application site within the Draft Local Plan.

10.73 The proposed site is very close to the LBD boundary of the tier one settlement of Tunbridge Wells, immediately adjacent to Pembury and adjacent to the A21 providing a major road link between this area, rural areas to the south and Tonbridge, Sevenoaks and London in the north, the only major trunk road in the Borough. Furthermore, it is within 2km of one of only 3 mainline train stations within the Borough and on an existing network of cycle routes, which link to Tunbridge Wells. Connectivity attributes which could not be met by any other deliverable sites outside of this site and therefore the AONB. With this in mind, it is considered that the opportunities for the development to take place outside of the AONB are very limited.

10.74 It should also be noted that the need for additional employment land/floorspace would remain and therefore, this demand would need to be met within other sites within the locality and elsewhere within the Borough, which have less beneficial connections or nearby populations for future employees. This is most likely to comprise other green field sites due to the scale of employment land required and the lack of appropriate PDL sites for this purpose.

10.75 It is also relevant to highlight that this site has been previously considered appropriate for development which has been accepted through the historic P&R allocations and the extant food store permission (09/01265).

Para 172: Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

10.76 It is then, a question of whether the degree to which any negative effects of the development can be moderated. By virtue of the AONB designation this is a sensitive location within the landscape, although, as discussed earlier in this report, there are features of the site which are likely to reduce the overall impact of future development. These characteristics and the presence of the site within the landscape are assessed within the submitted Landscape and Visual Impact Assessment (LVIA).

Viewpoints

10.77 In order to assess this, the submitted LVIA has assessed a number of viewpoints within the surrounding landscape to determine the landscape impact. In total, 10 viewpoints have been assessed, four of which being either within the site or immediately abutting a boundary. Two further viewpoints are taken from the bridges which cross the A21 to the south/south east of the site. The remaining four viewpoints are taken from a bridleway (WB43) which extends approximately 0.8 miles (1.29km) (as the crow flies) to the south of the site. Due to the topography of the wider landscape, this bridleway sits on lower land and therefore is an appropriate position to assess visual impact.

10.78 Having reviewed the findings of this work, it is clear that by virtue of the mature vegetation and existing development which is present around the site and its boundaries, views in to the site within the locality are limited. Long range views to the south and south west would generally be screened by existing tree coverage, which would be retained, although some heavily filtered views may be possible of the roof scape in the winter months. This is not considered to be significantly detrimental in landscape terms given the extent of the roof which would be visible and that it would only be for part of the year. The additional tree planting along the southern boundary and the use of a green roof would also help to mitigate this impact with the effectiveness of this mitigation increasing as the trees mature. This is also true of closer viewpoints from the site access and from Cornford Lane, although the filtered views in the winter months may be a little more extensive by virtue of the closer proximity. However, it is considered that this presence and visual impact would not be significant and these impacts can be appropriately mitigated through the addition of new trees and landscaping. This conclusion is shared by the Council's Landscape and Biodiversity Officer who raises no objections to the proposal in relation to the impact on the AONB.

10.79 It is also important to note that the development will be seen in the context of the existing Tesco store (and associated development) and so the introduction of the additional development within this immediate setting of retail development and extensive car parking would not be significantly out of character and would be within a site which has been previously considered appropriate for development as evidenced by previous site allocations and the extant planning permission.

10.80 As such, bearing the above in mind, it is considered that there would be slight harm (with moderate localised impact decreasing to slight as mitigation planting matures) to the landscape and AONB as a result of this development. This impact holds significant weight in the balance of issues relevant to this application. It is then a question of whether in the balance of issues, other positive impacts of the development would outweigh this harm. This matter is dealt with in the sections below.

Conclusion in respect of the impact relating to the AONB

10.81 The proposal is considered (subject to the conditions recommended below) to accord with other relevant adopted Development Plan and national policy in respect of landscape impact, ecology and design.

Component of overall "environment impact"	**Considered impact (neutral, slight, moderate, substantial)**
Landscape Character/Appearance (and AONB)	Slight negative (with moderate localised impact decreasing to slight as mitigation planting matures)
Ecology	Neutral

Drainage	Neutral
Residential Amenity	Neutral
Conclusion	Slight negative (with moderate localised impact decreasing to slight as mitigation planting matures)

10.82 It is therefore considered that the proposed development would have a **Slight negative impact (with moderate localised impact decreasing to slight as mitigation planting matures)** upon the environment as a matter to be considered under para 172 of the NPPF.

10.83 Of the three elements within para 172 of the NPPF considered above, it has been concluded that there would be a **Substantial positive economic impact.** Balanced against a slight with localised moderate impact on the environment with no realistic scope for developing large scale, sustainable employment land abutting or close to the LBD, connection routes, and outside the AONB.

10.84 Overall, the proposed development will cause some harm to the landscape of the AONB, although the level of harm would not be significantly greater than the extant permission on the site. Also, in consideration of para 172 of the NPPF, it is considered that the landscape impacts are likely to be appropriately mitigated and that overall, the substantial positive economic benefits of the development outweigh the harm to the AONB in this particular case having regard to the economic need for the development and the contribution this development would make to that need.

10.85 As such, it is considered that principally due to the employment delivery benefits outweighing the identified harm to the landscape and environment, there are exceptional circumstances where the development is in the public interest in this instance to depart from the NPPF presumption against major development in the AONB.

Highways and Parking

Highways impact and required mitigation

10.86 A detailed Transport Assessment has been submitted as part of this application. This assessment sets out the potential highways impact of the development and the necessary mitigation. Review of this report and early engagement with the developer and their transport consultant was carried out by Highways England (HE) and KCC Highways. Initial comments received from both consultees raised a number of concerns relating to predicted trip rates, trip distribution as well as modelling queries resulting in the inability of both HE and KCC being able to fully quantify the potential impact upon the highway network and as a result, what mitigation, if any, would be required.

10.87 Following detailed discussions and a number of detailed responses from both HE and KCC, the trip rates, distribution and modelling associated with the proposal were agreed with trips equating to 161 AM peak and 127 PM peak (two way movements). When this is compared to the trip rates associated with the extant permission (09/01265), these were 191 AM peak and 176 PM peak (two way movements). As such, there is a proposed net decrease in trips associated with the proposed development of the site onto the highway network than previously accepted. The impact of the development upon the highway network has therefore been assessed.

10.88 Highway mitigation was proposed previously as part of the Tesco Expansion and Park and Ride application (09/01265/FULMJ). This extant permission comprises an increase to the size of the Tesco store and also provision for a 320 Park and Ride facility. This current proposal is clearly significantly different and does not comprise either of these elements, and whilst a reduction in trip rates would be associated here (as discussed above), in order to achieve significant improvements to the local network, similar mitigation measures within the vicinity are proposed:-

- Widening of the Woodsgate Corner junction with additional Northbound Lane (Pembury Road > Tonbridge Road). Including a left turn filter signal head(s).

10.89 This would be delivered in full by the developer, rather than providing a financial contribution towards the works and in total, the projected cost would amount to a £300,000 enhancement. In addition to this, other improvement works would be provided to assist mitigation. This comprises:-

- Improvements to the alignment of the A21/A264 roundabout and the site entrance which will also improve the flow of traffic.

10.90 Again these works would be delivered in full by the developer and the projected cost for this would amount to £187,500. Meaning overall highway enhancements delivered by the development would be in the region of **£487,500.**

10.91 This mitigation package is considered suitable and would allow the effective use of these junctions to accommodate the proposed development.

10.92 There is not considered to be any impacts upon the accessibility of emergency vehicles within the local road network as a result of this proposal.

10.93 Pembury Parish Council has enlisted a transport consultant to undertake a highways review of the proposal and submit comments in this regard (the most recent of which is dated 29/09/20). This Technical Appraisal has been reviewed by both the developer's transport consultant and KCC Highways and taken in to account. The points raised are technical issues which have been the subject of detailed discussions between the applicant, KCC and HE throughout the application. This has resulted in accepted trip rates and a substantial highways mitigation package as outlined above. These measures have been accepted by both HE and KCC and are considered to appropriately mitigate the highways impact of the proposed development.

10.94 In terms of deliveries, due to the nature of the business and operations carried out, a large proportion of the deliveries made are during night time hours (which includes vehicles and vehicle parts). However, some deliveries will be made at other times during the day. In order to control this, a condition will be imposed requiring the submission of a travel and operations plan prior to commencement of development. This will include details of deliveries as well as a wider Travel Plan for the site.

<u>Loss of Park and Ride</u>

10.95 As outlined earlier in this report, this site is subject to an existing allocation as a Park and Ride site (P&R) under Policy AL/VRA 2 within the Site Allocations Local Plan 2016. This allocation was secured in policy within the 2006 Local Plan and following review of these policies, was retained going forward in to the 2016 Plan. However, it is important to highlight that there have been a number of P&R reviews over this period. The most recent of which comprises the Tunbridge Wells Park and Ride

Feasibility Study 2018. This sets out a full assessment of the potential for a P&R service at this site (as well as others on Eridge Road and London Road).

10.96 The study outlines several challenges in relation to this provision which include:-

- Changes to town centre parking restrictions.
- Adjustments to town centre parking charges.
- Challenges in implementing bus priority measures to achieve a journey time saving – which requires detailed route testing.

10.97 The study goes on to set out financial costings based on modelling and service uptake. This sets out that the operating costs associated with a Pembury Road service would amount to approximately **£505,000** (which would be the case for all three P&R model variants tested). The service is projected to operate with an annual **deficit of between £124,950 and £211,923** (depending on P&R model variant implemented), and would also result in **parking revenue loss to the Council of between £258,782 and £336,065** (depending on P&R model variant implemented). The physical deliverability of the service is also set out with estimated **capital expenditure costing in the region of £1.725 million and £2.18 million** (again depending on P&R model variant implemented). It is clear that the implementation, operation and ongoing costs are significant and would require substantial financial investment and subsidy by the Council as well as loss of income. It is also important to highlight that these figures do not include the cost of acquiring the land to operate this service which would be in addition.

10.98 It is also important to consider the benefits delivered by operating a P&R service and the feasibility study sets out that the most efficient of the three P&R variants tested, would achieve an estimated 77 vehicles in the AM peak hour. As such, whilst there would be some benefits from delivering such a scheme in terms of congestion and increased take up of this sustainable mode, as a result of the financial investment and ongoing subsidy required, it is extremely unlikely that such a service could or would be implemented. This has been further demonstrated by the facts that the site has been allocated as a park and ride site since 2006 and had planning permission for such a use for over 8 and a half years with no meaningful progress on delivery. This has therefore informed (and provided part of the evidence base for) the decision to remove the P&R allocation on this site within the emerging Draft Local Plan in place of a proposed allocation for a car sales use.

10.99 It is acknowledged that KCC Highways object to this proposal due to the loss of this site for P&R provision, although given the estimated financial commitment and modest travel benefits delivered as outlined above, and the fact that the Council is unable to meet such costs, it would not be appropriate to refuse this application on this basis. It is noted that within the Kent County Council document Local Transport Plan 4: Delivering Growth without Gridlock 2016–2031 in relation to Tunbridge Wells it states:-

10.100 Traffic congestion on the A26 between Tonbridge and Royal Tunbridge Wells town centre, particularly in Southborough, and also on the A264 between Pembury and the town centre is particularly acute. This congestion is due to the strength of the town as a sub-regional employment and service centre, as well as a location of numerous high performing secondary schools that have wide catchment areas.

10.101 This is an accepted view both evidentially through the assessment of the transport data available and anecdotally through experience of officers accessing this route at peak times. However, of key interest is that within KCC's "Transport Priorities for

Tunbridge Wells" within this document, the introduction of a Park and Ride facility is not identified. The priority identified is A264 capacity improvements as well as an advocation of the Tunbridge Wells Cycling Strategy as a priority.

10.102 Therefore, whilst the views of KCC Highways are noted in relation to the desire to deliver a park and ride on this site and its allocation for this purpose in the adopted Local Plan, the reality of a scheme which has not been progressed in any meaningful way and would appear to have no significant prospect of delivery weighs against this considerably. In addition, KCC have not included the delivery of a park and ride facility within their identified transport priorities for Tunbridge Wells (in the Local Transport Plan 4: Delivering Growth without Gridlock 2016–2031 adopted in August 2017).

Sustainable Modes

10.103 The site benefits from good connectivity with existing footways and a cycle way extending along Pembury Road and past the entrance to the site. This is also a bus route with an existing stop located just north of the existing site access and would provide good existing bus links in to Tunbridge Wells, Tunbridge Wells Train Station and the wider area.

10.104 The application includes a travel plan proposes a number of measures to reduce unnecessary and undesirable vehicular trips undertaken by staff and visitors to the site, including:

- Appointment of a company Travel Plan Coordinator
- 6 month post-completion survey
- Production and approval of full travel plan prior to 1-year of occupation to achieve the following:
  - A decrease in the percentage of staff travelling by single-occupancy private car to the and from the site (from predicted levels); and
  - An increase in the percentage of staff utilising active (walking/cycling) and sustainable (electric car) modes of transport, public transport, and car sharing to access the site.
- Monitoring and reviewing measures and targets
- Liaison with the Local Planning and Highway Authorities

10.105 The provision of a travel plan will be secured by condition within the recommendation below.

10.106 In addition to this, the proposal also involves a contribution of £200,000 towards enhancement of the footways/cycleways on Tonbridge Road and the vicinity which would further enhance the potential for sustainable mode travel to and from the site as well as within the local area generally. This is part of Route 6 as identified in the Tunbridge Wells Cycling Strategy.

10.107 A shuttle bus service would also be operated by the developer and will provide a bespoke and targeted service which will provide a further sustainable mode for staff and customers. The specific details of the service will negotiated through the S106 process, but it is envisaged that the shuttle bus will provide a service for customers between the site and central locations, such as Tunbridge Wells town centre and local train stations. For staff, It is envisaged that the shuttle bus would mainly pick up and drop off staff at local train stations at the beginning and end of shifts with a focus on peak hour travel. Where staff are located close to the site they will be encouraged to cycle and walk. The frequency of the shuttle bus would ultimately be determined

by demand; however, it is envisaged that it would typically operate on at least a twice hourly service during AM and PM peaks for staff and on demand for customers outside of this time. Again, the final details of this will be secured through the S106 process. Overall, this is an important element of the scheme which assist in its overall sustainability.

Parking

10.108 The parking provision at the site has been discussed as part of the KCC Highways discussions with the developer's highways consultant and further clarification has been provided. This sets out that the development would incorporate 51 customer car parking spaces, including 4 Electric Vehicle Charging spaces and disabled spaces immediately in front of the showrooms. The agent has specified that the EV spaces would have the infrastructure to install additional EVC spaces as required in the future.

10.109 A service yard with space for the storage of vehicles before and after undertaking work is located in the south east corner next to the service area and so would not share customer spaces. This area will also provide flexible space for the delivery of new vehicles, service parking, staff parking and space for holding/stock transfer space within the site.

10.110 The applicant has confirmed that staff benefitting from use of a demonstrator vehicle or a vehicle for sale will be eligible for parking in the 43 dual-use (staff and sales) parking spaces. The applicant has also stated that an additional 14 dual use parking spaces could be provided (bringing the total number of staff spaces to 90) which is the maximum permissible in line with KCC standards (1 space per 2 members of staff). The applicant also states that potential overspill into the Tesco store will not occur owing to parking management measures. KCC Highways have noted that no details are provided regarding this, although this is considered to be self managing as the Tesco store would not want to suffer a loss of parking and potential revenue.

10.111 Alterations are required to the layout and formation of part of the Tesco car park as part of this development. These work include alteration to the positioning of parking spaces, access as well as the loss of 72 Tesco spaces overall. This has been discussed in detail between the developer and Tesco and is a parking level which has been evidenced by the parking surveys carried out by Tesco as the appropriate level required (adjusting from the current position of over provision). This has been set out in the supporting letter received from Tesco. The remaining parking level is considered to be sufficient for the store and support its continued efficient operation. KCC Highways have also not raised any concerns relating to the remaining provision which is considered to be acceptable.

10.112 Overall, the parking provision provided within this development is considered to be acceptable and would not result in any significant parking issues within the highway or significant highway safety implications.

10.113 With this in mind, there are not considered to be any significant highways impacts or harm to highway safety which cannot be appropriately mitigated through the measures listed above and that would warrant refusal of this proposal.

Legal Agreement and S106 Contributions

10.114 Legislation requires that planning obligations (including Legal Agreements) should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;

- Directly related to the development and;
- Fairly and reasonably relate in scale and kind to the development.

10.115 The requirement for developments to provide or contribute towards the services, facilities and infrastructure for which they create a need is set out in Core Policy 1 of the CS. The following contributions have been assessed as necessary in relation to this development:-

- Signal controller, MOVA and loops - £25,000:-
  This comprises a financial contribution towards a new traffic control signal system for the Woodsgate Corner junction which would allow the green time at the various arms of the junction to be automatically adjusted according to current traffic movements and would provide a more efficient operation of this junction.

- Relocation of the signalled crossing south of the site (Puffin crossing) - £50,000:-
  This comprises a financial contribution towards the repositioning of the Puffin Crossing further west to allow greater flexibility for the north bound A21 roundabout.

- Tonbridge Road footway/cycleway improvements - £200,000:-
  This would allow improvements to be made to sustainable mode connections within the locality, including the cycle/pedestrian link towards the Pembury Hospital.

- Hendy operated Shuttle Bus:-
  This would provide an additional sustainable mode for both staff and customers of the Motor Village. This is predicted to represent a commitment in the region of £50,000 and full details of its operation/frequency etc., would be secured and negotiated as part of the S106 process.

- *Biodiversity Net Gain sum – once sum confirmed by agent (£25,000).*
  This would help support the habitat off site on a separate site within the Council's control.

10.116 These measures overall represent financial contributions of £275,000 (£325,000 including the provision of the Shuttle Bus). If this is factored in to the highway mitigation measures which would be fully delivered as part of this development and secured under S278 with KCC Highways (as outlined within the highways section above) the overall value of measures secured by S106 and S278 would be approximately **£812,500**. This is considered to be significant both in terms of delivering appropriate mitigation and also in terms of achieving planning gain for the local area and is a material consideration to be considered in the planning balance.

10.117 Overall, the stated obligations are considered to meet the tests as laid out above in order to mitigate the impact of the development and are therefore appropriate to be included within the recommendation below.

Other Matters

Noise and Air Quality

10.118 An Acoustic Assessment has been submitted which outlines the potential noise impacts from the development. The report states that the current main noise source

within the locality is the A21 beyond the southern boundary. The development proposed would introduce other noise sources, mainly from the early morning deliveries, workshop activities and from a car washing bay to the east of the site. The nearest receptor properties which could potentially be affected by noise are those to the eastern side of Cornford Lane as well as nursing home known as Cornford House (and the additional facility that has planning permission, which is further into the site than the existing building).

10.119 The report includes modelling of potential noise impact which demonstrates that there would be no observed effect on noise sensitive premises in the vicinity and is not expected to be noticeable. The Council's Environmental Team have reviewed this assessment and find the report and its conclusions acceptable. As such, there is not considered to be any significant noise issues in relation to this development.

10.120 In terms of Air Quality, the site is outside the Council's air quality management area (AQMA) and air quality assessment has been submitted with the application. This sets out the potential impacts of the development including traffic and paint spraying. Traffic generation is not considered to be at a level where air quality would be affected and similarly, paint spraying operations would not reach a level where environmental permits are necessary. The report concludes that there is not likely to be any significant effect upon air quality. The Council's Environmental Team have reviewed this assessment also and agree with its methodology and conclusions reached.

10.121 In addition to this, 4 parking spaces with EV charging facilities will be provided within the site which would help to mitigate any air quality impact (which is also outlined within the submitted air quality assessment). The agent has stated that the infrastructure for additional EV spaces will be incorporated elsewhere and so this provision can be expanded in the future to match demand. This provision also compliments other sustainable mode measures and supports the overall sustainability of the scheme.

Lighting

10.122 A lighting assessment has been submitted with the application which outlines to intended extent and style of lighting within the site. This assessment details the use of lighting columns with LED fittings and a fully controllable system to enable an efficient use of light within the site.

10.123 The assessment also shows that light spill would be minimised within areas adjacent to the site including wooded areas and residential properties. Having said that, the Council's Landscape and Biodiversity Officer considers that considers that the positioning of a number of the lighting fixtures could be altered to further reduce this impact. In addition, whilst the LED fittings are considered acceptable, these should be reduced from 5000k to 6000k to 3000k to 4000k on columns close to the side boundaries. These measures are in the interest of reducing the impact upon bats and biodiversity generally and will be secured through a detailed condition requiring a full lighting strategy to be submitted for prior approval prior to the occupation of the development. The Council's Environmental Team have also reviewed the submitted assessment and consider it to be acceptable and meet the necessary requirements. As such, there is not considered to be any significant lighting impact (which cannot be controlled by the condition stated) as a result of this proposal.

Energy and Sustainability

10.124 A Sustainability Assessment has been submitted as part of this application which reviews sustainable energy measures and how the sustainability of the development

and its operation can be increased this is through a combination of 'fabric first' measures and sustainable energy technologies. Although, PV panel installation was ruled out on visual impact grounds within this AONB position. The Council's Planning Environmental Officer has reviewed this and raised concerns relating to the lack of provision of PV panels and that the lack of provision would conflict with Core Policy 5 (of the adopted Core Strategy) without increasing sustainability in this way or similar.

10.125 It is acknowledged that the options for PV panels are reduced by virtue of the provision of a curved and green roof to a large portion of the building, although due to the visually contained nature of the site within the locality and AONB, it is considered that the potential for PV installation would be appropriate here. As such, detailed discussions between the developer and the Council have taken place regarding sustainable energy and the developer has confirmed that this provision would be re-investigated and a suitable condition will be included within the recommendation to secure the that a minimum of 10% saving in site wide carbon emissions is achieved, which can included PV panels.

10.126 The provision of EV charging points within the site is noted and welcomed. It is also important that the infrastructure to expand this provision will be present on other parking spaces to meet demand in the future which will be needed. Overall, it is considered that there are no significant energy or sustainability issues as a result of this development which cannot be dealt with by condition or that would warrant refusal of consent.

10.127 In terms of contamination, a ground investigation has been submitted with the application which outlines that no contaminants have been identified which warrant further investigation or detailed assessments. The Council's Environmental Team have reviewed this and confirmed that there is no indication of land contamination based on information from the contaminated land database & historic maps databases. The submitted report and its conclusions are therefore considered acceptable.

10.128 Comments have been made concerning an existing cycle facility on Pembury High Street, which is currently advisory, and whether this should be made mandatory as part of the obligations associated with this development. This has been supported by both TWBC Parking and KCC Highways, although Pembury Parish Council have opposed this. It is understood that given the advisory status of the cycle facility, it is possible to park within it when necessary. As such, by upgrading this to mandatory, it is likely to result in the loss of parking provision within the High Street. Having reviewed this and the comments from Pembury Parish Council, this obligation has not been taken forward as part of the recommendation.

10.129 Comments have been raised regarding the impact of the development upon the quality of life for neighbouring residents. Having assessed residential amenity (as outlined above) there are not considered to be any significant impacts which would warrant refusal of planning permission in this regard.

10.130 Comments have been raised regarding the loss of an existing informal path to Cornford Lane as a result of this scheme. Whilst this is regrettable, it cannot be retained due to its positioning within the site. However, access points for pedestrians are retained to the north with the main access to the west which provides adequate accessibility for residents and customers.

CONCLUSION

10.131 In conclusion, whilst the development that is considered to cause a slight detrimental impact to the landscape and AONB by virtue of the introduction of new build development on the site, when assessed against the requirements of para 172 of the NPPF, and having particular regard to the emphasis in the NPPF and NPPG on supporting sustainable development and contributing to the delivery of economic uses, this harm is considered to be outweighed by the significant economic benefits which would be delivered. Based on the findings as outlined above, the proposal is considered to be sustainable development. It would also provide significant public benefits, which have been outlined earlier and which outweigh the harm to the landscape and AONB. The development would secure additional benefits in the form of net gain for biodiversity and not cause any significant harm to neighbouring amenity. 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 considerations which would indicate a refusal of planning permission.

11.0 RECOMMENDATION:-

A) Grant planning permission subject to 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 31/12/2020 (unless a later date be agreed by the Head of Planning Services) to secure the following;

- Signal controller, MOVA and loops to Woodsgate Corner junction - £25,000.
- Relocation of the signalled crossing south of the site (Puffin crossing) - £50,000.
- Tonbridge Road and vicinity footway/cycleway improvements - £200,000.
- Developer operated Shuttle Bus.
- Biodiversity Net Gain - £25,000.

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 plans

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

- Site Location Plan (Drawing 1710-PL01) (Rev P2);
- Existing Site Survey & Levels (Drawing 1710-PL02) (Rev P1);
- Existing Site Plan (Drawing 1710-PL03) (Rev P2);
- Site Plan (Drawing 1710-PL04) (Rev P2);
- Ground Floor Plan (Drawing 1710-PL05) (Rev P2);
- First Floor Plan (Drawing

1710-PL06) (Rev P2);

- Roof Plan (Drawing 1710-PL07) (Rev P2);
- Elevations (Drawing 1710-PL08) (Rev P2);
- Sections 1 - 1 & 2 - 2 (Drawing 1710-PL09) (Rev P2);
- Sections 3 - 3, 4 - 4 & 5 – 5 (Drawing 1710-PL10) (Rev P2);
- Elevation Materials (Drawing 1710-PL11) (Rev P2);
- External Materials & Street Furniture (Drawing 1710-PL12) (Rev P2);
- Plans & Sections Tesco - Hendy Boundary 1 of 2 (Drawing 1710-PL13) (Rev P2);
- Sections & Details Tesco - Hendy Boundary 2 of 2 (Drawing 1710-PL14) (Rev P2);
- Site Sections - Cornford Lane (Drawing 1710-PL15) (Rev P2);
- Site Sections - A21 Dual Carriageway (Drawing 1710-PL16) (Rev P2);
- Used Car Sales pavilion (Drawing 1710-PL17) (Rev P2);
- Tesco Car Park Facilities (Drawing 1710-PL18) (Rev P2);
- Hendy External Works - Plans & Sections (Drawing 1710-PL19) (Rev P2);
- Landscape Strategy Plan (Aspect) (Drawing 6610/LSP) (Rev H) (September 2018);
- External Lighting Light Spill Plan (Silcock Dawson & Partners) (Drawing No. 180259SDP-XX-XX-SK-001) (December 2018);
- Flood Risk Assessment and Drainage Strategy, Appendix D Drainage Strategy/Layout (Drawing No. 100) (Rev P13)
- Changes to A228/Tonbridge Road/High Street Junction Option 1 (Mayer Brown) (Drawing Figure 02) (Rev P1) (February 2020);
- Proposed Site Levels Earthworks Cut and Fill (Drawing No. 150) (Rev P5) (October 2018)

- Proposed Levels (Drawing No. 120) (Rev P6) (September 2018)
- Proposed Levels (Drawing No. 121) (Rev P6) (September 2018)
- Proposed Levels (Drawing No. 122) (Rev P7) (September 2018)
- Planning Statement (ShrimplinBrown) (March 2019);
- Design and Access Statement (LDA Architects) (March 2019);
- Air Quality Assessment (Cundall) (ref: 018023-RPT-AQ-001) (25 October 2018);
- Arboricultural Impact Assessment (Aspect) (ref: 9933_AIA.001) (Rev B) (March 2019);
- Arboricultural Briefing Note (Aspect) (September 2019)
- Construction Management Plan (Lambert Smith Hampton) (Version 1) (14 March 2019);
- Ecological Appraisal (Aspect) (Ref: 1220-03 EcoAp vf6 RL/DW) (March 2019);
- 1220-04 005 let KH (Nightingale Letter) (Aspect) (17 May 2020)
- 1220-04 006a let KH (BIA Letter)
- Technical Note TN01: Addendum to the Ecological Appraisal (Aspect) (28 October 2019)
- Economic Benefits Assessment (Lambert Smith Hampton) (January 2019);
- Economic Benefits Assessment: Response to Lichfields Review (Lambert Smith Hampton) (June 2020);
- Energy and Sustainability Assessment (Silcock Dawson & Partners) (Version 6.0) (November 2018);
- External Lighting Assessment Report (Silcock Dawson & Partners) (Rev P5) (December 2018);
- Flood Risk Assessment and Drainage Strategy (Nolan Associates) (Rev 5) (January 2019);
- Addendum: Soakaway Assessment summary report (delta-simons) (29th February 2012);
- Hendy North West Kent Regional

Hub Site Search (Lambert Smith Hampton) (9th January 2019);
- Landscape and Visual Impact Assessment (Aspect) (Ref: 6610.LVIA.009) (March 2019);
- Noise Impact Assessment (Acoustic Consultants LTD) (Rev B) (14th March 2019);

Reason: To clarify which plans are approved.

Off site highway works

3. Prior to the commencement of the development, details of off -site works to the highway to include the widening of the Woodsgate Corner junction with additional Northbound Lane (Pembury Road > Tonbridge Road). Including a left turn filter signal head(s) and Improvements to the alignment of the A21/A264 roundabout and the site entrance which will also improve the flow of traffic. as shown on plan number MBSK201019-01for indicative purposes only shall be submitted for approval following consultation with the highway authority and subsequently secured by way of a S278 agreement. The approved works shall be implemented to highway authority standards and specification, prior to the occupation of the development.

   Reason: In the interests of highway safety. These measures are fundamental to the development and therefore implementation is required prior to the commencement of the development.

Construction and Environmental Management Plan

4. Notwithstanding the details submitted, no works shall take place until a site specific Construction and Environmental Management Plan has been submitted to and been approved in writing by the local authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan shall include, but not be limited to:

   - All works and ancillary operations which are audible at the site boundary or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 07:30 hours and 18:00 hours on Mondays to Fridays, 08:30 and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays. Unless in association with an emergency or with the prior written approval of the Local Planning Authority.
   - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
   - Mitigation measures as defined in BS 5228, Noise and Vibration Control on Construction and Open Sites shall be used to estimate LAeq levels and minimise noise disturbance from construction works.
   - Measures to minimise the production of dust on the site(s).
   - Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s).
   - Design and provision of site hoardings.
   - Management of traffic visiting the site(s) including temporary parking or holding areas.
   - Provision of off road parking for all site operatives.

- Measures to prevent the transfer of mud and extraneous material onto the public highway.
- Measures to manage the production of waste and to maximise the re-use of materials.
- Measures to minimise the potential for pollution of groundwater and surface water.
- The location and design of site office(s) and storage compounds.
- The location of temporary vehicle access points to the site(s) during the construction works.
- The arrangements for public consultation and liaison during the construction works.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers and highway safety. This is a pre-commencement condition as the necessary measures will need to be provided from the start of the construction phase.

Vehicle parking/turning

5. The area shown on the approved plans as vehicle parking space 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 first occupation of the development being served, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) 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, garaging and turning space.

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

Additional design/materials details

6. Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of development (excluding 'Initial Enabling Works') detailed plans and information regarding the following aspects of the proposed development. The development shall be carried out in accordance with the approvals:

   a) Details relating to windows, window glazing and joinery (including recess depths dimensions) and dormer windows;
   b) Written details including source/ manufacturer, and photographic samples of bricks, tiles, cladding materials and all other materials to be used externally
   c) The layout, position and widths of all proposed roads, footpaths, and parking areas (including the method of delineation between the road and the footpath) and the means of connecting to the existing highway, the materials to be used for final surfacing of the roads, footpaths and parking forecourts and any street furniture, including seating;
   d) The positions, design, materials and type of boundary treatment;
   e) The storage and screening of refuse and recycling areas;
   f) The alignment, height and materials to be used in the construction of all walls, fences or other means of enclosure, including parking forecourt gates;
   g) Details of highway design, including kerbs, dropped kerbs, gulleys, utility trenches, bollards, signs and lighting columns (if applicable);
   h) Details showing how dedicated and continuous footway routes will be demarked;

Reason: To ensure the build quality of the development. The details are fundamental to the scheme and are therefore required prior to the commencement of the development.

Levels

7. Notwithstanding the submitted drawings and all supporting documentation, no development (excluding 'Initial Enabling Works') shall take place until details of proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved levels and shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

   Reason: To ensure the build quality of the development. The details are fundamental to the scheme and are therefore required prior to the commencement of the development.

Trees, hedges and landscaping

8. The approved development shall be carried out in such a manner as to avoid damage to the existing trees and hedgerows to be retained, including their root systems, and other planting to be retained by observing the following:

   - All trees and hedgerows to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with the current edition of BS 5837, and in accordance with the approved Tree Protection Plan and Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction.
   - Any trees, parts of hedges or hedgerows to be removed, shall be carried out outside of the nesting birds season and in accordance with the details as set out within the submitted Arboricultural Assessment.
   - Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written permission or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.
   - No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
   - No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
   - No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
   - Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.
   - No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

External lighting

9. Notwithstanding the submitted drawings and all supporting documentation, prior to the installation of any external lighting, full details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a lighting layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles, k values and luminaire profiles, and specific details of the scheme of external lighting on the A21 facing side of the site). The submitted lighting scheme shall be informed by an ecologist to limit the impact upon protected species from artificial light sources. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

   Reason: To protect the appearance of the area, the environment and wildlife/local residents from light pollution

EV Charging

10. Prior to the erection of the building(s) hereby approved, written and illustrative details of the number, type and location of charge points shall be provided in accordance with the authorities guidance note on Provision of Electric Vehicle Charging Points for New Development. All charging systems shall be maintained and kept in good working order as specified by the manufacturer. Where charging facilities are shared, any provision of infrastructure shall also include arrangements for the future operation and maintenance of the facility. Faults shall be identified and rectified in accordance with manufactures requirements and failures of EV charging systems shall be rectified within 2 working days to guarantee EV charging stations remain available for use at all times.

    Reason: To ensure a satisfactory standard of development which meets the needs of current and future generation in accordance with Core Policy 5 of the Tunbridge Wells Core Strategy 2010.

Infiltration of surface water

11. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

    Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

Contamination

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework..

Surface water drainage

13. The Flood Risk Assessment and Drainage Strategy by Nolan Associates (ref: 2018-103, dated January 2019) indicates that the surface water drainage strategy will involve infiltration/attenuation tanks. It is unclear what depths the attenuation tank will be sited at therefore the depth of the discharge/infiltration to ground is unknown. The ground investigation report by Applied Geology indicates in section 6.6 that groundwater is at c. 3.50m below ground level. In accordance with our guidance there shouldn't be a direct discharge to groundwater and an unsaturated zone of at least 1 metre should be maintained between the base of an infiltration system and groundwater. We therefore require further details regarding the depth of the attenuation tanks to ensure no direct discharge to ground will occur.

Foul and surface water

14. No construction works shall take place within any phase of the development until details of the proposed means of foul and surface water sewerage disposal (to include details of the depth of attenuation tanks) have been submitted to and approved in writing by the Local Planning Authority, The details submitted shall include details of the long term maintenance of the Sustainable Urban Drainage Systems proposed at the site and shall subsequently be carried out on site to the satisfaction of the Local Planning Authority.

    Reason: To avoid pollution of the surrounding area. Such details are fundamental to the application and are therefore required prior to its commencement.

Surface Water

15. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

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

Verification Report

16. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and 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.

Boundary treatments

17. No construction works shall take place within any phase of the development until details of boundary treatments details (including walls, fences and railings) within that phase have been 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 occupation of the buildings they relate to and in accordance with a timetable previously agreed in writing with the Local Planning Authority. Development within that phase 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.

Construction Traffic Management Plan

18. The commencement of construction shall not take place until a Construction Traffic Management Plan, which shall incorporate adequate provision to control and manage construction traffic and address any wear and tear to the highway, has been submitted to and agreed in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport). Construction of the development will then be carried out in accordance with the agreed Construction Traffic Management Plan.

    Reason: to ensure that construction of the development hereby permitted does not impact adversely on the safe and efficient operation of the Strategic Road Network. Such details are fundamental to the application and are therefore required prior to its commencement.

Water conservation

19. Prior to the commencement of construction works on each phase of the development hereby approved, written details for energy and water conservation within that phase of the development, shall be submitted to, and approved in writing by the Local

Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: In the interests of energy and water conservation and to reduce overall the level of energy and water used. Such details are fundamental to the application and are therefore required prior to its commencement.

Dormice mitigation

20. The development shall be carried out strictly in accordance with the Dormice Mitigation Strategy contained within the Technical Note dated 28/10/19, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of protection and appropriate mitigation for protected species.

Badger mitigation

21. Prior to the commencement of the development, a Badger mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of appropriate mitigation for wildlife and retaining biodiversity.

Renewable energy

22. Prior to the erection of the building(s) hereby approved, written and illustrative details for renewable energy technologies within the development such that a minimum of 10% saving in site wide carbon emissions can be achieved (following the energy hierarchy), shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development which meets the needs of current and future generation in accordance with Core Policy 5 of the Tunbridge Wells Core Strategy 2010”

Water Runoff

23. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a scheme to prevent water runoff (both over-ground and / or underground through the embankment) reaching the A21 has been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A21 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Geotech

24. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a scheme to safeguard and maintain the geotechnical stability of the A21 embankment during construction and occupation of the site have been submitted to and approved in writing by the local planning authority (who shall

consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A21 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Structures

25. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of the safety barrier and other structures on the A21 facing side of the site have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A21 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Landscaping on A21 Facing Boundary

26. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of the hard and soft landscaping on the A21 facing side of the site have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A21 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Construction Management Plan

27. No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Management Plan unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A21 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Works to A228 Pembury Road/ Tonbridge Road Junction

28. No part of the development hereby permitted shall be occupied until the completion of the improvements to the A228 Pembury Road/ Tonbridge Road Junction shown on drawing number DWG 16461-OS-005 [subject to the outcome of any necessary Design Manual for Roads and Bridges compliant Road Safety Audit process]. Thereafter the improvements shall be retained and maintained unless otherwise

agreed in writing by the local planning authority (who shall consult Highways England).

Reason: to ensure that the A21 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Travel Plan

29. 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 (who shall consult with Highways England) 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 and a developer operated shuttle bus. 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 the A21Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

Deliveries plan

30. *P*rior 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 all deliveries are not carried out during peak hours and that appropriate arrangements are in place to ensure detrimental impacts are minimised.

INFORMATIVES

1. 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.

2. With regard to the Pre-Commencement conditions regarding Runoff, Geotech, Structures and Landscaping, The assessments and proposals should take full account of each other in order to holistically address the need to ensure that any construction and/or occupation of the site can occur without unacceptable risk to the A21 Trunk Road. A Design Manual for Roads and Bridges GG104 compliant risk assessment should be submitted as part of the package. It should include all risks, but in particular in connection with achieving and maintaining embankment stability; avoiding errant vehicles entering the A21 or other Highways England land; and avoiding any risk of dazzle or distraction of those travelling on the A21.

3. The CMP 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 and type of vehicles visiting the site; travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; and wheel washing and other

facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

B) If the applicants fail to enter into such agreement by 31/12/2020, The Head of Planning Services shall be authorised to REFUSE PERMISSION for the following reasons (unless a later date be agreed by the Head of Planning Services):

1. The proposal would fail to provide the contributions towards Signal MOVA upgrade to Woodsgate Corner junction, the relocation of the signalled crossing south of the site, Tonbridge Road and vicinity footway/cycleway improvements - £200,000, developer operated Shuttle Bus and Biodiversity offsetting sum and would therefore conflict with Core Policies CP1 of the Tunbridge Wells Core Strategy 2010.

Case Officer: Kevin Hope

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.