

Tonbridge
Medway

10 March 2016

(A) TM/16/00819/FL
(B) TM/16/00821/FL
(C) TM/16/00822/FL
(D) TM/16/00820/FL
(E) TM/16/00818/FL

Proposal: (A) External alterations and alterations to forecourt to provide pedestrian route to Cannon Lane
(B) Extension to rear of building
(C) Insertion of Mezzanine Floors
(D) New unit to accommodate an A3 occupier
(E) Variation of condition 1 of planning permission TM/98/01517/FL to extend the range of the goods that can be sold from the unit

Location: B And Q Cannon Lane Tonbridge Kent TN9 1PN
Applicant: LondonMetric Saturn Limited
Go to: [Recommendation](#)

1. Description:

- 1.1 This suite of planning applications seek permission to create four separate retail units within the former B&Q building and allow two of the new units (1C and 1D) to sell a greater range of retail goods to members of the public than currently occurs. As part of the overall scheme, a new, self-contained unit (1E) would be created at the west end of the existing building to be used as a coffee shop. A rear extension to the existing building is also proposed, which will include its own mezzanine to provide additional floor space for Unit 1D. It is also proposed to install mezzanine floors within the existing building to serve the three other shop units (1A-1C).
- 1.2 The mezzanine floors to be installed within the existing building would provide a further 1,488 sqm of floorspace and the proposed rear extension would add a total of 620 sqm of floorspace. The proposed café pod would measure 160sqm in floor area (measured externally).
- 1.3 As the intention of the overall suite of applications is to provide a range of smaller retail units within the existing building, it is proposed to alter the building's external appearance accordingly. The south elevation would receive a facelift to provide 4 separate entrances to each of the new units, consisting mainly of glazing, with new sections of grey cladding. The proposed rear extension and the separate café building would be finished externally with brickwork, glazing and cladding to match the materials to be used on the existing building.
- 1.4 Car parking serving the site is located to the south of the building which also serves the adjacent Halfords unit (and the approved Marks and Spencer unit as well). The proposed site plan indicates that revisions to the parking area will be undertaken that will provide 234 car parking spaces in total. As part of this

proposal a new footpath link would be formed from the building's forecourt through a landscape strip to the public footpath flanking Cannon Lane.

- 1.5 As part of this application and in response to some of the concerns expressed originally by local residents, the applicant has agreed to install an acoustic fence along the northern boundary of the site and to limit delivery times to between 07.00 and 21.00 Monday to Saturdays and 09.00 and 17.00 on Sundays, Bank and public holidays.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Lancaster in response to the level of interest created by these proposals.

3. The Site:

- 3.1 The site is located within the urban confines of Tonbridge, on the west side of Cannon Lane. The site forms part of a wider retail complex historically occupied by B&Q and Halfords. More recently, the neighbouring Halfords building has been granted permission to be divided into two smaller units with one half now occupied by Halfords. The other half has permission to be used by Marks and Spencer as a "Simply Food" unit; this permission is currently being implemented and it is understood that the M&S premises will be operational by the end of the year.

4. Planning History (relevant):

TM/86/353	Refuse Appeal allowed	6 June 1986 11 December 1986
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Outline application for erection of two non-food retail warehouses, use Class I including a garden centre and associated car parking.

TM/87/01572/FL	Grant with conditions	9 December 1987
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Extension to proposed garden centre.

TM/98/01517/FL	Grant with conditions	25 November 1998
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Variation of condition (v) of consent TM/86/0353 to extend the range of goods that can be sold from the site

TM/02/01643/FL	Section 73 Approved	7 August 2002
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Application under Section 73 remove condition (i) (Limited period of development) attached to TM/87/01572 (extension to garden centre) to enable continued use of extension as garden centre for retail sale of garden and associated products

5. Consultees:

5.1 KCC (H+T): (*Applications B, C, D & E*):

Parking:

5.1.1 The proposed parking provision at the site is for 208 customer spaces and 26 staff spaces.

5.1.2 When assessing this provision it must be considered alongside the approved application for the M&S Foodhall within the site. Having taken this into account when analysing the provision against our 'Kent Vehicle Parking Standards' document SPG4 the provision falls within our maximum car parking standards for both retail and non retail developments (A1). It should be noted that there are existing parking restrictions along Cannon Lane and in the local area.

Connectivity:

5.1.3 I take note of the consented McDonalds Restaurant on the opposite side of Cannon Lane, adjacent to the site. This restaurant is likely to create an increase in pedestrian footfall between the two sites. I propose that a 2 metre footway link is provided connecting the frontage of Unit 1D to the existing footway along Cannon Lane. This is to link in to the existing traffic island on Cannon Lane as this would be the likely pedestrian desire line. The cycle parking spaces should be reconfigured to accommodate this.

Access:

5.1.4 The access into the site is an existing priority junction with a wide radius, good visibility and no history of vehicle injury crashes associated with the access in the last 5 years.

Servicing:

5.1.5 The tracking (swept path) diagrams submitted show that delivery vehicles have sufficient space to enter, turn and therefore egress the site in a forward gear. Deliveries to this proposal are likely to be infrequent due to the proposed units being occupied by non-food stores. Unit 1E is likely to have the highest amount of deliveries as an A3 'Restaurant and cafe' occupier however due to the size of the building this could not be viewed as extensive.

Trip Generation:

5.1.6 With regards to trip generation TRICS has been used to assess and formulate the predicted arrivals and departures associated with the site. The Transport Assessment considered the current flows of 379 vehicle trips in the peak hour (Saturday) and predicts as a result of this development there to be 575 two way

trips in the peak hour (Saturday). I acknowledge that the proposals will entail a high element of link or shared trips within this peak hour especially with the already consented M&S Foodhall at the site. I therefore feel that this application will increase trip generation at the site above that of the existing use however I do not feel the associated impact of the development could be regarded as severe in the context of the NPPF.

5.1.7 Subject to a pedestrian link being provided as indicated above I wish to raise no objection to the application on behalf of the local highway authority.

Additional Comments regarding application (D):

5.1.8 No objection to the reduction in size of the Café unit. It would not unduly restrict servicing arrangements.

5.2 Environment Agency: (*Applications B and D*): No objection. The site is a redevelopment of an existing building with only limited extensions to the rear and side of the main building. Therefore based on the FRA there is no significant increase in flood risk or vulnerability as a result of the development, as finished floor levels will remain unchanged. However this site is within Flood Zone 3 and is likely to experience internal flooding during the lifetime of the development. Therefore the LPA should be satisfied that the development has an appropriate emergency plan and flood resilience measures to minimise the impact of internal flooding in the future.

5.3 Private representations: (All applications): 76/0X/2S/30R. It should be noted that of the 30 responses objecting to the applications, 11 are duplicate letters referencing all of the applications. Many also point out that they are not opposed to the continued commercial operation of the B&Q site. The following reasons are cited for objecting to these proposals:

- Under the use of the building by B&Q, deliveries were only made to the west side of the building. Only forklift trucks operated in the yard to the north of the building. Under the proposed arrangements, lorries will use the area to the rear of the building for deliveries, harming the amenity of the Mill Crescent residents in terms of noise from delivery vehicles;
- An acoustic fence is required to provide sound proofing to the rear service area;
- A curfew on night time deliveries should be imposed after 10pm;
- The increased activity will result in light pollution to the adjacent properties in Mill Crescent;
- Existing vegetation located within the application is not accurately depicted;

- Any reduction in the height of the fencing to the rear of the site or the existing canopy will increase the risk of theft from the site;
- The development when combined with other developments in the locality (Homebase, McDonalds, Blossom Bank) will increase traffic through the area to the detriment of pedestrian safety. A new crossing should be provided;
- The traffic created by this proposal will be harmful to highway safety. A roundabout is needed;
- The opening hours should not be longer than those of the existing tenant;
- The use of a public address system to the rear of the building should be prohibited; and
- The conditions currently restrict the range of goods to be sold within the site. Relaxing the condition as proposed would create a shopping centre which would be harmful to the High Street shops.

5.4 A further round of consultation is being undertaken with local residents and other interested parties at the time of writing this report. This is in response to the planning and retail assessment report being amended and revised plans submitted relating to the layout of the building and wider site. Any responses received in respect of this re-consultation process will be reported to Members in a Supplementary Report.

6. Determining Issues:

6.1 Members will, of course, be aware that the Local Planning Authority (LPA) is required by statute to determine each application in accordance with the development plan in force at that time unless material considerations dictate otherwise. This means that whilst all of these applications interrelate with one another, each has to be assessed on its individual merits. This report will therefore consider the merits of each case, before going on to consider the impacts of the proposed applications taken as a whole.

6.2 Relevant to all of the applications is current Government guidance contained within the NPPF. This states at paragraph 14 that at its heart is the presumption in favour of sustainable development. For decision taking this means:

- Approving development proposals that accord with the development plan; and
- Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework;

or

- specific policies in this Framework indicate development should be restricted.

6.3 The NPPF also places a great importance on economic growth. It states at paragraphs 18 and 19:

“18. The Government is committed to securing economic growth in order to create jobs and prosperity...”

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

Application A (the external alterations to the building and alterations to the forecourt)

- 6.4 Policy CP 24 of the TMBCS needs to be considered. This requires all development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must be designed to respect the site and its surroundings in terms of their scale, siting, layout, character and appearance.
- 6.5 The proposed external alterations to the existing building would not fail to respect its character. Indeed they would improve the appearance of the building as a whole and would create a series of retail frontages that would be in keeping with that of the adjacent Halfords and currently under construction M&S Simply Food buildings. The use of suitable external materials can be controlled by condition.
- 6.6 The proposed alterations to the forecourt of the building would provide a pedestrian link from the site to the footpath adjoining Cannon Lane, following a request from Kent Highways to better link the site to the existing footpath network. The submitted plans also show that the car park within the site would be reconfigured to increase the amount of overall parking spaces from 228 spaces (as consented under the recent Halfords proposals) to 234 spaces. These additional spaces would be located to the west of the existing building (adjacent to the proposed building the subject of application (D)). The provision of six additional parking bays would not cause a demonstrable harm to highway safety.
- 6.7 The external alterations by themselves do not raise any residential amenity or retail impact issues.

Application B (*Extension to the rear of the building*)

- 6.8 The proposed extension would have a footprint of 420 sqm and contain a mezzanine containing a further 200 sqm of floor space. Bearing in mind that this application has to be considered on its individual merits in the context of the existing permitted use of the building, it has to be assessed on the basis that it would initially at least be subject to the same range of goods limitation as that which applies to the existing building.
- 6.9 Policy CP 22 of the TMBCS relates specifically to retail development and applies to this site. The policy states in point one that new retail development will be permitted if it maintains or enhances the vitality and viability of the existing retail centres and properly respects their role in the retail hierarchy.
- 6.10 Point two of this policy states that proposals which *might harm* the vitality or viability of an existing centre in terms of retail impact will not be permitted (my emphasis added). In the case of retail impacts, paragraph 27 of the NPPF states that where an application is likely to have a *significant adverse* impact upon a town centre's viability or vitality, it should be refused. Clearly, the NPPF requires a much higher threshold of harm to be demonstrated in order to refuse permission on retail impact grounds than that contained within TMBCS policy CP 22. In applying paragraph 14 of the NPPF as referred to in paragraph 6.2 of this report, I have to advise Members that as the NPPF post-dates policy CP 22, it is a significant material consideration that should take precedent over this development plan policy (in terms of measuring retail impact).
- 6.11 Paragraph 26 of the NPPF further states that a retail impact assessment should be required for developments that have a floor space of over 2,500 sqm. This should include assessment of the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and the impact of the proposal on town centre vitality and viability. It is clearly the intention of Government that the retail impact of developments of less than 2,500 sqm does not need to be considered in the same context. In this particular case, the proposed extension would provide 620 sqm of additional floorspace, significantly less than the Government's specified threshold. In light of this and given that this application must be considered on the basis that the extension will take the same use as that which currently applies to the site (i.e. bulky goods retailing), it is not considered to result (by itself) in a significant adverse retail impact upon Tonbridge town centre.
- 6.12 Furthermore, as this application is for an extension to an existing bulky goods retail building, it follows that as there are no bulky goods retail buildings located within the defined town centre of Tonbridge, the proposed addition cannot be located in a more sequentially preferable location.

- 6.13 Of course, as I have stated earlier, the cumulative impacts of the proposed extension, when considered alongside the impacts of all of the other applications relating to this site, will be considered later on in this report.
- 6.14 The proposed rear extension will not project into the existing car parking spaces or delivery areas within the application site. The Highway Authority has not objected to the impacts of the proposed extension upon highway safety or unacceptable levels of traffic generation. Members will be aware that the NPPF advises in paragraph 32 that applications should only be refused on Transport grounds if the impacts would be severe. The local Highway Authority clearly does not consider that this application, by itself, would cause such an impact upon highway matters..
- 6.15 The addition would be located in the area previously occupied by the garden centre associated with the former use by B&Q. The addition would be located far enough away from the neighbouring residential properties to the north (within Mill Crescent) not to cause them a loss of light or privacy. Furthermore, considering that this application has to be considered on its individual merits in the context of the existing use of the site, it would not, by itself, result in more noise disturbance to neighbouring residential properties than could occur under the existing, lawful use of the site. Again the cumulative impacts of all the applications upon residential amenity will be considered later in this report.
- 6.16 The site of the proposed extension lies within Flood Zone 2. The extension is characterised as less vulnerable development in terms of flood risk within the NPPF, which is acceptable for this flood zone. The site of the extension would lie on land already laid with a hard surface and so the proposal would not increase the developed portion of the site. The floor level of the extension would be the same as that of the existing building (21.88m AOD), which is below the level of a predicted 1 in 100 flood event (22.22m AOD). However, this flood event does not take into account the effect of the Leigh Barrier or the embankment that runs along the northern side of the site adjacent to the Mill Stream, both of which would (to a degree) defend the site from a flood event. The applicant's modelling shows that during an extreme event both the River Medway and the Mill Stream could be overtopped and the site subject to flooding. However, the Medway catchment is slow to respond and sufficient time will be had to evacuate the building should the need arise. The applicant will encourage tenants to register with the EA's Floodline advanced warning service. As this is an extension to an existing building, this is an appropriate and proportionate means of dealing with the issue of flood risk. An informative can also be used to advise the applicant to incorporate flood resilience measures within the extension, should permission be granted.

Application C (*Insertion of mezzanine floors*)

- 6.17 The starting point for assessing the retail impacts of this application is similar to that for application (B), as it also entails creating additional retail floorspace within

the site. However, as with application (B) the application must first be assessed on the basis that the mezzanines would initially be limited to the same bulky goods condition that currently applies to the existing building.

- 6.18 The proposed mezzanines would provide 1,488 sqm of new floor space. Policy CP 22 and current Government guidance contained within paragraphs 24-27 has to apply in the same manner in which they applied to application (B). Of course this application seeks to provide more than twice the amount of additional floorspace to that proposed in the application for the rear extension. In terms of the sequential approach, there are no other bulky goods retail sites in the town centre where the proposed mezzanine could be located, and there are no existing retail premises large enough within the town centre to locate the proposed amount of additional floorspace. As with application (B), whilst there are other sites outlined in the development plan (TCAAP) for redevelopment within the town centre, none of these are in the control of the applicant and are unlikely to come forward in the short to medium term (such as the Botany). Moreover, it is unlikely that a bulky goods retail unit would form part of a development for the Botany site, bearing in mind the requirements of policy TCA 11(a). Consequently, from a sequential approach, the proposed mezzanine floors are considered to be acceptable in this location.
- 6.19 With regard to retail impact, this application would introduce a significant amount of additional floor space within the existing building. However, it would still fall well below the threshold set down by the Government in paragraph 26 of the NPPF where retail impact assessment is considered necessary. Accordingly, the use of such additional floorspace for bulky goods retailing is not considered to cause a significant adverse impact upon the vitality or viability of Tonbridge town centre, or indeed planned investment within it.
- 6.20 With regard to highway safety impacts, whilst the mezzanines would significantly increase the amount of floorspace within the existing building and the site more generally, the local Highway Authority is satisfied that sufficient car parking would remain available to serve it. It is also satisfied that the trip generation and access arrangements for the site, remain acceptable for the nature of the proposed development. Consequently, this application, by itself is also not considered to cause a severe impact upon highway safety.

Application D (*The proposed A3 unit*)

- 6.21 Whilst this would be a separate unit to the existing building, it would be physically attached to it. The submitted plans show the building to have a modest scale in comparison to the existing building and it would have a form and design that would not be harmful to the character of the area or wider street scene. Consequently, the physical impact of the proposed unit is considered to be acceptable in terms of TMBCS policy CP 24.

- 6.22 In terms of retail policy there are, sequentially speaking, more appropriate sites to locate a new coffee shop in the defined town centre to the one proposed. A vacant High Street unit could, of course, be utilised for this proposal. However, the proposed new A3 unit would be located within an existing retail centre (albeit primarily limited to the sale of bulky goods at the moment) and would, primarily, serve those people using the adjacent shops. The unit itself is relatively small (approximately 160 sqm) and using it as a coffee shop is unlikely to cause a severe adverse impact upon the viability or vitality of Tonbridge town centre by itself. Of course, it must be recognised the proposed café unit forms part of a wider plan to create a retail centre within this site and if all the applications are approved, it would be seen as serving a new market that would be created by this suite of applications. The impacts of this will be considered in further detail later in this report.
- 6.23 As with the previous applications, the creation of a small café unit in this location would not, by itself, create such a large amount of trip movements that would result in a severe impact upon highway safety. Furthermore, its location within an existing retail site is such that it would not cause demonstrable harm to residential amenity. However conditions would be necessary to control delivery times to the unit and to require details of any mechanical plant to be submitted to and approved by the LPA prior to its installation (such as refrigeration and a/c plant, for example).
- 6.24 The site of the proposed A3 unit lies within Flood Zone 2. The extension is characterised as less vulnerable development in terms of flood risk within the NPPF, which is acceptable for this flood zone. The site of the extension would lie on land already laid with a hard surface and so the proposal would not increase the developed portion of the site. The floor level of the addition would be the same as that of the existing building (21.88m AOD), which is below the level of a predicted 1 in 100 flood event (22.22m AOD). However, this flood event does not take into account the effect of the Leigh Barrier or the embankment that runs along the northern side of the site adjacent to the Mill Stream, both of which would (to a degree) defend the site from a flood event. The applicant's modelling shows that during an extreme event both the River Medway and the Mill Stream could be overtopped and the site subject to some flooding. However, the Medway catchment is slow to respond to heavy rainfall and sufficient time will be had to evacuate the building should the need arise. The applicant will encourage tenants to register with the EA's Floodline advanced warning service. As the proposed A3 unit would be a new, stand alone, café. it would be reasonable to require the applicant to submit details, as requested by the EA, of an emergency plan and flood resilience measures to be designed into the building. Such details can be required by condition should permission be granted.

**Application E (Variation of condition 1 of planning permission
TM/98/01517/FL)**

6.25 The condition currently states:

“The use of the retail warehousing hereby approved shall be limited to the retail sale of DIY home and garden products, hardware, self-assembly or pre-assembled furniture, household furnishings, floor coverings, electrical goods, motor accessories and motor vehicles and any other bulk goods as may be agreed in writing with the Local Planning Authority, and for no other purposes, including any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

Reason: The site is located outside an area where general retailing would be permitted.”

6.26 It is proposed to change this condition to allow additional goods to be sold from the building as a whole. The applicant has suggested the following alternative condition:

“The use of the retail warehousing hereby approved shall be limited to the retail sales of DIY home and garden products, hardware, self-assembly or pre-assembled furniture, household furnishings, floor coverings, electrical goods, motor accessories and motor vehicles, office equipment and supplies, bicycles, pets, pet food and drink and pet products, camping equipment and computer equipment.

Unit 1C shown edged purple on plan P9843 P023 Rev B shall additionally be permitted to be used for the sale of tents, camping and caravanning equipment and accessories, outdoor pursuit equipment and accessories (including walking, climbing, skiing, cycling, fishing, running and horse riding) and associated protective/insulative clothing and footwear related to the sale of these items where it does not equate to more than 20% of the net retail floorspace. The sale of clothing and footwear shall only take place when the principal use of the unit is for the sale and display of tents, camping and outdoor pursuit equipment and accessories.

Unit 1D shown edged green on plan P9843 P023 Rev B shall additionally be permitted to be used for the retail sale of food and drink goods from an area not exceeding 30% of the net retail floorspace, and otherwise shall be used for the sale of non-food comparison goods.”

6.27 The first part of the condition seeks permission to expand the range of ‘bulky goods’ to be the same as those recently allowed for the Homebase site located on the opposite side of Cannon Lane to the application site. In addition to that, it is also proposed to specifically allow further goods to be sold within two of the new

four shop units (Units 1C and 1D) to be created within the existing B&Q building. The applicant has advised the LPA that two specific tenants have now been identified for these two units (Go Outdoors and Home Bargains). Allowing the range of goods to be sold from these two units as requested would introduce more generalised comparison retailing (and an element of convenience goods retailing) to take place within the site than has hitherto been able to take place to date.

- 6.28 It is this particular application that, perhaps, has the greater potential to raise the issue of impact upon the vitality and viability of the existing town centre than the other applications to create additional floor space and the new café unit within this site because of the wider range of goods that would be sold.
- 6.29 Independent retail planning advice has been sought from our specialist retail consultant regarding this and all of the other applications. The initial feedback from the consultant was that further information and analysis was required before a full and robust assessment could be made regarding the likely impact of the development upon Tonbridge town centre. In its amended form our consultant now considers that the retail impact assessment (RIA) is robust in terms of its scope, methodology and terms of reference.
- 6.30 When looking at retail impact different factors have to be considered. One concerns the location of the development and whether the proposed development can be located within more preferable town centre locations. This is known as the sequential test. Another is the actual predicted impact in terms of trade diversion from the existing town centre. It also has to be considered whether the proposed development would prejudice future planned investment within the town centre (such as sites allocated within the development plan for retail development).
- 6.31 In this case the applicant has considered whether any of the existing retail units within the defined Tonbridge town centre could accommodate the proposed retail units. It is not surprising to note that there are no units of a sufficient size to accommodate the proposed retail units, all of which would have a floorspace of over 500 sqm. Consideration also has to be given to whether the development could be located on sites within the town centre (or closer to it than the application site) which are allocated within the development plan for retail development. The most likely site is the Botany site which is defined within the TCAAP under policy TCA 11(a). This policy seeks a mixed use development for this site which would include retail uses. However, the policy dates from 2008 and it is unlikely, given the present economic climate and the current practical constraints around availability, that a scheme would come forward to develop this allocated site within the plan period. The Sovereign Way site has now been redeveloped. Whilst this includes commercial units, they are too small to accommodate the proposed retail units. The Network Rail car park site has also since been developed with a new deck of car parking added above the existing one at ground level. Consequently, there are no available sites within specifically allocated town centre sites that can accommodate the proposed development. Therefore, I am satisfied that there are

no sequentially preferable sites in the town centre available to accommodate the type of retail use for which permission is being sought. In this case, the NPPF presumption for refusal (if there were a failure to meet the sequential approach to site selection) should not apply.

- 6.32 Concerning the potential impact of the proposed development upon the town centre, the applicant considers that the trade draw away from Tonbridge town centre would be £1.9 million per year compared to the annual turnover of the town centre of £154 million in the 2021 design year. This equates to a 1.2% trade draw away from the town centre in 2021. The 2021 'design year' is used as the NPPF states at paragraph 26 that the impact of retail development such as this upon the vitality and viability of a town centre should be assessed for a period of up to 5 years from when the application is submitted. In this case, the existing committed schemes in the locality must also be factored in as well (i.e. the consented new M&S unit and the subdivision and expansion of the range of goods to be sold from the former Homebase unit). These developments are considered by the applicant to draw a further £10.9 million of trade from the town centre in the 2021 design year. Cumulatively speaking, the proposed and committed out of centre schemes in Tonbridge would result in a £12.8 million, or 8.2% trade drawn from the town centre.
- 6.33 When considering the overall impact of retail development on the vitality and viability of an established town centre as a whole, a balancing exercise must be undertaken and a judgement made regarding the weighting to be given to positive and negative impacts. In this instance, the proposed range of goods sold from the site would draw *some* trade from the existing town. However, it is noted by the Council's retail consultant that Tonbridge residents typically gravitate to larger centres and regional shopping destinations where they are looking to purchase comparison goods. That existing 'leakage' from the town is a concern and the application seeks to sell a greater range of comparison goods than can currently be sold from the site. The development would provide a different retail offer within the town that may reduce the amount of leakage to other town and shopping centres. In this context the level benefit that the investment proposal brings to the town as a whole is a material consideration.
- 6.34 In considering the planning balancing exercise, it is relevant to note that the former B&Q building lies vacant at this point in time. The proposed development would create additional employment (in this case 72 fulltime equivalent jobs). Whilst the loss of jobs that occurred when the B&Q store closed has to be taken into consideration, together with any potential job losses in town centre shops, the proposed variation of condition would, non-the-less result in a net gain of employment.
- 6.35 A health check has been undertaken of Tonbridge town centre by the applicant, which has been analysed by the Council's retail consultant. It has concluded that Tonbridge, whilst being a lower order centre than its neighbours at Tunbridge

Wells and Maidstone, is performing reasonably well and there are no obvious signs of vulnerability or decline.

- 6.36 Taking all of the above factors into consideration, the proposed development, taken together with the cumulative impact of other committed out of town centre schemes (i.e. the consented schemes at M&S and at the former Homebase site), is not considered to represent a *significant adverse impact* upon the vitality and viability of Tonbridge town centre.

Cumulative Retail Impacts

- 6.37 The proposal would, effectively, create a retail park outside Tonbridge town centre, increasing the amount of floorspace, and the range of goods that can be sold from within the site. The development as a whole would provide some competition with the existing shops and cafes within the established Tonbridge town centre. Whilst the development as a whole would draw some trade away from the existing town centre, the expected trade diversion would not be so great that it would result in a *significant adverse* impact that the NPPF advises it should be refused permission. The town centre, whilst not a high order centre, is considered to be in a healthy condition and the proposed development would increase the range of comparison goods on offer in the town more generally. Employment would be created and, as the site is currently vacant, the scheme would bring a large amount of retail floorspace back into use.
- 6.38 With regard the potential impact upon planned investment for the town centre, the proposed development is for a particular retail offer, despite containing a significant element of comparison goods retailing (particularly Unit 1D). The retail offer is unlikely to be one that would come forward in a scheme to redevelop the Botany site, which itself has not come forward with a development scheme since the TCAAP was adopted in 2008.
- 6.39 Current Government guidance makes clear that significant weight should be afforded to economic development. In this instance, the applications, when taken cumulatively, represent potential job creation which weighs in favour of the proposals. Taking all of these factors into account, I am led to the conclusion that the developments as a whole should not be refused on retail impact grounds. This conclusion is reached on the model of retailing proposed in these applications. On this basis, a new condition will be required to limit the range of goods to be sold from the premises since an unfettered retail permission is likely to have a *materially* different impact upon the vitality and viability of Tonbridge town centre.

Cumulative (other) impacts

- 6.40 The 4 smaller retail units and the café unit will require servicing and deliveries made to them, which will take place to the rear of the buildings. This has caused concern amongst local residents living to the north of the site in Mill Crescent. I

understand that when the site was operated by B&Q, delivery vehicles stopped at the east end of the building and goods were unloaded by forklift trucks to the rear of the building. Whilst the proposed development will change the delivery arrangements that have taken place within this site, it must be recognised that activity took place to the rear of the building concerning deliveries and there would have been a degree of noise associated with that activity.

- 6.41 The applicant has considered the objections raised by local residents and has confirmed that an acoustic fence is to be erected along the north boundary of the service yard to mitigate against noise arising from the delivery and servicing arrangements associated with the proposed development. The applicant has also agreed to limit delivery times to be the same as those approved at the adjacent Halfords and M&S units (07.00-21.00 Monday to Saturday and 09.00 to 17.00 on Sundays, Bank and public holidays). The proposed extension to the rear of the building would reduce the service yard available to the retail units, as would the outdoor display area to the rear of the Go Outdoors unit. Delivery vehicles will need to turn around in the rear service area demarked on the submitted plans (to the rear of the café unit (1E)) and reverse back to the relevant unit. This will, of course, mean that reversing alarms will sound whilst deliveries are being made. However, I am satisfied that the use of an acoustic fence and limiting delivery times would be sufficient to safeguard residential amenity of the neighbouring properties to an acceptable level.
- 6.42 With regard to highway safety, the response from Kent Highways to the individual applications encompasses all of the proposals. The analysis from Kent Highways as set out in paragraph 5.1 above considers that the development as a whole, in terms of car parking provision, trip generation, access and servicing arrangements, would not result in a severe impact upon highway safety. This is, of course, the relevant test for assessing the cumulative impacts of a development upon highway safety as set out in paragraph 32 of the NPPF.
- 6.43 The suite of applications would, as has been referred to above, create a retail park with multiple occupiers. The use of conditions regarding the delivery times and the provision of an acoustic fence will help to mitigate harm to residential amenity. However, because five units would be created where there is one at present, the site will need to be well managed to ensure that such matters as deliveries and waste removal are co-ordinated. The site also has an entrance barrier to prevent access to the car park when the shops are closed to members of the public. The matter of when the barrier is opened in the morning and closed at night will be dependent upon the individual delivery and waste removal arrangements to be agreed between the applicant and the various tenants. I would, therefore, recommend the use of a condition to require details of a site management plan to be submitted for approval by the LPA regarding how these matters are to be dealt with by the applicant.

6.44 Taking all of the above considerations into account, I have reached the conclusion that the proposed applications (both individually and cumulatively) would not result in a significant adverse impact upon the viability and vitality of Tonbridge town centre. Moreover there are positive aspects of the proposal that have been outlined (such as bringing a vacant retail site back into use that will create jobs). The impacts upon highway safety are not considered to be severe and any impact upon the residential amenity of neighbouring properties can be ameliorated by the use of suitable conditions. Overall, I consider that the balance lies in favour of supporting these applications and accordingly, I recommend that permission be granted.

7. Recommendation:

Application (A) TM/16/00819/FL (*External alterations and alterations to forecourt*)

7.1 **Grant planning permission** as detailed in the following submitted documents: Letter received 29.06.2016, Location Plan 9843-P011 A received 29.06.2016, Existing Site Plan 9843-P012 A received 29.06.2016, Existing Site Layout 9843-P013 A received 29.06.2016, Site Plan 9843-P014 B received 29.06.2016, Proposed Elevations 9843-P019 A received 29.06.2016, Email received 26.09.2016, Statement planning and retail received 26.09.2016, Letter received 09.03.2016, Existing Elevations 9843-P018 received 09.03.2016, /subject to the following:

Conditions/Reasons

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2 No development shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3 All hard landscaping materials shall match those used within the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the visual amenity of the locality.

- 4 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

5. The footpath link to the public footpath along Cannon lane shown on plan reference P014B shall be completed prior to the first occupation of the building.

Reason: In the interests of pedestrian safety.

Application (B) TM/16/00821/FL (*Extension to existing building*)

- 7.2 **Grant planning permission** as detailed in the following submitted documents: Letter dated 29.06.2016, Location Plan 9843-P011 A dated 29.06.2016, Existing Site Plan 9843-P012 A dated 29.06.2016, Site Layout 9843-P013 A dated 29.06.2016, dated 29.06.2016, Proposed Elevations 9843-P021 A dated 29.06.2016, Email dated 26.09.2016, Statement PLANNING AND RETAIL dated 26.09.2016, Letter dated 09.03.2016, Existing Elevations 9843-P018 dated 09.03.2016, Design and Access Statement dated 09.03.2016, Flood Risk Assessment dated 09.03.2016, Transport Assessment dated 09.03.2016, Travel Plan dated 09.03.2016, Site Plan 9843 P016 C dated 12.10.2016, subject to the following:

Conditions / Reasons

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. The extension shall only be used for the sale of the goods permitted to be sold from within the existing building either as set out in condition 1 of planning permission TM/98/01517/FL, or, alternatively, if planning permission granted under ref TM/16/00818/FL is implemented, the range of goods specified within condition 1 of that permission.

Reason: The site is located outside an area where general retailing would normally be permitted.

4. No delivery or despatch of goods shall be carried out outside the hours of 07.00 to 21.00 Mondays to Saturdays or 09.00 to 17.00 on Sundays, Bank and Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

5. No development shall take place until details of the position, height and type of acoustic fence to be installed along the north and east boundary of the service yard have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details prior to the first occupation of the extension hereby permitted.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

Informative:

- 1 The applicant is advised to incorporate flood resilience measures within the construction of the addition hereby approved, This can include the provision of services above the predicted 1 in 100 (plus climate change) flood level and incorporating temporary flood barriers within ground floor openings. Further advice regarding this matter can be obtained from the Environment Agency.

Application (C) TM/16/00822/FL (*Mezzanine Floors*)

- 7.3 **Grant planning permission** as detailed in the following submitted documents: Location Plan 9843 P 011 A dated 29.06.2016, Existing Site Plan 9843 P 012 A dated 29.06.2016, Site Layout 9843 P 013 A dated 29.06.2016, , Email dated 26.09.2016, Statement planning and retail dated 26.09.2016, Letter dated 09.03.2016, Flood Risk Assessment dated 09.03.2016, Design and Access Statement dated 09.03.2016, Statement planning and retail dated 09.03.2016, Transport Statement ASSESSMENT dated 09.03.2016, Travel Plan dated 09.03.2016, Letter dated 29.06.2016, Site Plan 9843 P017 C dated 12.10.2016, subject to the following:

Conditions / Reasons

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. The mezzanine floors hereby approved shall only be used for the sale of the goods permitted to be sold from within the existing building either as set out in condition 1 of planning permission TM/98/01517/FL, or, alternatively, if planning permission granted under ref TM/16/00818/FL is implemented, the range of goods specified within condition 1 of that permission.

Reason: The site is located outside an area where general retailing would normally be permitted.

Application (D) TM/16/00820/FL (A3 pod)

- 7.4 **Grant planning permission** as detailed in the following submitted documents
This was approved in accordance with the following submitted details: Letter dated 29.06.2016, Location Plan 9843-P011 A dated 29.06.2016, Existing Site Plan 9843-P012 A dated 29.06.2016, Site Layout 9843-P013 A dated 29.06.2016, Site Plan 9843-P015 A dated 29.06.2016, Proposed Elevations 9843-P020 A dated 29.06.2016, Email dated 26.09.2016, Statement Planning and Retail dated 26.09.2016, Letter dated 09.03.2016, Existing Elevations 9843-P018 dated 09.03.2016, Design and Access Statement dated 09.03.2016, Flood Risk Assessment dated 09.03.2016, Transport Statement dated 09.03.2016, Travel Plan dated 09.03.2016,

Conditions / Reasons

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place until details of all materials to be used externally have been approved by the Local Planning Authority. In order to seek such approval, written details and photographs of the materials (preferably in digital format) shall be submitted to the Local Planning Authority and samples of the materials shall be made available at the site for inspection by Officers of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. Notwithstanding the provisions of Schedule 2, Part 3, Classes A and C of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) unit 1E shall be used only for purposes falling class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: The site is located outside an area where general retailing would be permitted.

4. No delivery or despatch of goods shall be carried out outside the hours of 07.00 to 21.00 Mondays to Saturdays or 09.00 to 17.00 on Sundays, Bank and Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

5. No development shall take place until details of the position, height and type of acoustic fence to be installed along the north and east boundary of the service yard have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details prior to the first occupation of the premises hereby permitted.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

6. No external plant (including air-conditioning or refrigeration plant) shall be installed on the building until details of such plant and any noise mitigation measures have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: In the interests of residential amenity

7. No development shall take place until details of an Emergency Plan (in the event of the site flooding) and flood resilience measures to be incorporated into the building have been submitted to and approved by the Local Planning Authority, and the physical works shall be carried out in strict accordance with those details prior to the first occupation of the building.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

Application (E) TM/16/00818/FL (Section 73 Application)

- 7.5 **Grant planning permission** as detailed in the following submitted documents: Letter dated 29.06.2016, Location Plan 9843 P 011 A dated 29.06.2016, Email dated 26.09.2016, Statement updated planning/retail dated 26.09.2016, Travel Plan dated 09.03.2016, Transport Assessment dated 09.03.2016, Letter dated 09.03.2016,

Conditions / Reasons

1. The use of the retail warehousing hereby approved shall be limited to the retail sales of DIY home and garden products, hardware, self-assembly or pre-assembled furniture, household furnishings, floor coverings, electrical goods, motor accessories and motor vehicles office equipment and supplies, bicycles, pets, pet food and drink and pet products, camping equipment and computer equipment.

Unit 1C shown edged purple on plan 9843 P023 B shall additionally be permitted to be used for the sale of tents, camping and caravanning equipment and accessories, outdoor pursuit equipment and accessories and an associated ancillary outdoor clothing and footwear range equating to more than 20 % of the net retail floorspace of Unit 1C.

Unit 1D shown edged green on plan 9843 P023 B shall additionally be permitted to be used for variety retailing (including the retail sale of food and drink goods from an area not exceeding 30% of the net retail floorspace of Unit 1D), and otherwise shall be used for the sale of non-food comparison goods. It shall not be used for the principal purpose of the sale and display of clothing and footwear.

Reason: The site is located outside an area where general retailing would normally be permitted.

2. No delivery or despatch of goods shall be carried out outside the hours of 07.00 to 21.00 Mondays to Saturdays or 09.00 to 17.00 on Sundays, Bank and Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

- 3 The building shall not be occupied until details of the position, height and type of acoustic fence to be installed along the north and east boundary of the service yard have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details prior to the first occupation of the building.

Reason: In the interests of residential amenity.

- 4 No development shall take place until details of a site management plan to co-ordinate deliveries to and the removal of waste from all of the new retail units have been submitted to and approved by the Local Planning Authority, and the approved plan shall be adhered to by all occupiers of the building in perpetuity. The management plan shall include specific details of which party(s) is/are responsible for opening and closing the barrier at the entrance of the site and what times of the day it is to be opened and closed in order to facilitate the effective management of deliveries and waste removal.

Reason: In the interest of residential amenity and highway safety.

- 5 No external plant (including air-conditioning or refrigeration plant) shall be installed on the building until details of such plant and any noise mitigation measures have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: In the interests of residential amenity.

Contact: Matthew Broome