

has a clear, tangible element of road safety detriment and I write to confirm on behalf of the Highway Authority therefore that I have no objection to this proposal.

5.2 Private Reps: 24+ site notice/OX/OS/OR.

6. Determining Issues:

- 6.1 The site lies within the St Stephens Place frontage secondary retail area. Policy TCA 6 of the TCAAP applies and states that loss of retail use will be resisted. Changes from retail to non-retail activities will only be permitted if the permitted use will not undermine the retail function of the area.
- 6.2 In this case, the unit is currently vacant and has been for some time. In 2013 the Council accepted that the property could acceptably be used as a place of worship through the grant of planning permission TM/13/00825/FL. The site is located to the rear of the Lidl supermarket and does not have a strong presence on Quarry Hill Road. The proposed change of use would bring a vacant building back into use and would not undermine the retail function of the wider St Stephens Place secondary shopping area. It is, of course, a key aim of current Government guidance contained within the NPPF to actively encourage the reuse of land and buildings particularly in town centres and the proposed development clearly accords with this national guidance.
- 6.3 Policy CP 1 of the TMBCS states that when determining applications residential amenity will be preserved. Policy CP 24 of the TMBCS states that development that would be detrimental to the amenity, functioning or character of a settlement will not be permitted. Policy SQ1 of the MDE DPD requires developments to protect and conserve the character and local distinctiveness of the area including its prevailing level of tranquillity.
- 6.4 There are two flats located above the premises. However the proposed use will require approval under the Building Regulations and this process will deal with the issue of potential air born noise transference between the proposed nursery and the flats above. I understand that a concrete floor separates the flats from the unit below which should also help to minimise noise transference between the building below (last used as a bed shop but capable of use, without needing planning permission from the Council, for a wide variety of retail use or residential use) and the flats. This was identified at the time the second floor of this building was being converted into flats. It is understood that when the flats were created on top of this building in 2007 additional acoustic insulation was installed within the floor between the flats and the building below. Therefore, it is the case that either insulation has already been installed between the application site and the flats or would have to be installed in order to comply with the Building Regulations. Either way, the issue of noise transference would be dealt with under the Building Regulations.

- 6.5 The site is located within the busy town centre close the railway station and Quarry Hill Road, where there is already a significant level of general and traffic noise. Furthermore, the use of the nursery, as applied for, would be limited to weekdays only and then only between the hours of 07.00 and 19.30. In this context the use of the building as proposed is unlikely to generate such noise and disturbance that it would be out of keeping with the existing level of activity in this town centre location. I recommend the use of a condition limiting the opening hours applied for in order to safeguard the amenity of local residents.
- 6.6 Current Government guidance contained within the NPPF encourages uses that generate significant amounts of movements to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (paragraph 34). The site is located within the town centre and is conveniently located for access by public transport or on foot. This was obviously a factor in the historic use as public house and the later permitted use as a place of worship – both uses that are not insignificant traffic generators. I am satisfied that the use would be located within a sustainable location as far as transport choices are concerned. The sections of Quarry Hill and Waterloo Roads located close to the site contain parking restrictions that would discourage parents from simply stopping in these roads whilst dropping off their children. Public car parks are also available within walking distance of the site, including the Lidl car park next door. The applicant has also agreed to install pedestrian gates on either side of the outdoor play area. This is intended to help parents who decide to park in the adjoining Lidl's car park to access the site when dropping off and picking up children. By providing an easier walk from the car park to the proposed nursery, this would encourage parents to use the adjacent car park, thus discouraging them from stopping illegally within Waterloo Road outside the entrance to the proposed facility. An amended floor plan will be submitted shortly to show the precise position of the new pedestrian accesses to the site and details of this will be reported as a supplementary matter.
- 6.7 In light of these factors, I am satisfied that the proposed development would not harm the safe or free flow of traffic in the locality to such a degree that would warrant a recommendation to refuse planning permission. It needs to be remembered that current Government guidance contained within paragraph 32 the NPPF states that applications should only be refused on transport grounds where the impact of the development is severe. The highway authority has not objected to the proposed development, considering it to be acceptable in terms of highway safety impacts. Permission was, of course, granted in 2013 to use this building as a place of worship and café which would have attracted significant amounts of traffic, albeit of a different profile to that associated with the current proposal. (The traffic associated with a church would arrive at different times of the day/days of the week to that generated by the proposed child's day care nursery.)

- 6.8 The site, whilst being located within Tonbridge town centre, does not lie within the Air Quality Management Area (AQMA). In comparison with the High Street, Waterloo Road does not experience the same volumes of traffic nor is it a street canyon. These factors result in the exceedance of nitrogen dioxide annual mean on the High Street. As these factors are not an issue on Waterloo Road, the nitrogen dioxide levels are indicated to be within the air quality objectives. There are currently parking restrictions on Waterloo Road which will prevent idling cars waiting outside the proposed nursery entrance way. There is a taxi rank on the opposite side of the road to the development but taxi cabs are advised by the Council of the need to switch their engines off if stationary for more than one minute. This, combined with the separation distance to the proposed nursery entrance way, means exceedances are unlikely to be caused as a result of the taxis.
- 6.9 In light of all of the above, the proposed development would not harm the functioning or amenity of the local area. It would also help to bring a vacant building back into a use that is considered to be compatible with its town centre location. Accordingly, the proposed development is considered to be acceptable in planning terms and complies with development plan policies CP1, CP 24, TCA 6 and SQ 1. Consequently, I recommend that planning permission be granted.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 10.11.2014, Travel Plan dated 10.11.2014, Existing Plans and Elevations 1080-01 dated 10.11.2014, Proposed Floor Plans 1080-02 dated 10.11.2014, Proposed Elevations 1080-03 dated 10.11.2014, subject to the following:

Conditions:

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 business shall not be carried on outside the hours of 07.00 to 19.30 Mondays to Fridays with no working on Saturdays, Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties.

Informatives

1. The applicant is reminded that the proposed level of WC provision is considered to be inadequate for the numbers of children proposed. For 65 children, 7 WCs and wash hand basins should be provided. For 20 members of staff, 3 additional WCs and wash hand basins should be provided. For further advice concerning this matter and to food register this business the applicant is advised to contact the Borough Council's Food and Safety Team on 01732 876191. The kitchen also appears small for the intended use of the premises.
2. The applicant is advised that the duty holder should carry out an asbestos survey before any changes are made to the fabric of the building or any changes are made, as required by the Control for Asbestos Regulations 2012. More details can be found at www.hse.gov.uk/asbestos.

Contact: Matthew Broome