

DEVELOPMENT CONTROL COMMITTEE

27 February 2014 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Williamson

Vice-Chairman

Cllr. Miss. Thornton

Cllrs. Mrs. Ayres, Brookbank, Brown, Clark, Cooke, Mrs. Davison, Mrs. Dawson, Dickins, Edwards-Winsler, Gaywood, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack, Underwood and Walshe

Pages

Apologies for Absence

1. Minutes

To approve the minutes of the meeting of the Committee held on 30 January 2014 as a correct record.

(Pages 1 - 4)

2. Declarations of Interest or Predetermination

Including any interests not already registered

3. Declarations of Lobbying

4. Planning Applications - Chief Planning Officer's Report

4.1. SE/13/00134/FUL - Land At Station Road & Fircroft Way, Edenbridge, TN8 6HQ

Demolition of existing buildings and erection of food store, along with car parking, recycling centre, servicing arrangements, junction improvements, access and landscaping. Erection of petrol filling station.

(Pages 5 - 54)

4.2. SE/13/00935/FUL - Land North West Of Junction With St Johns Way, Station Road, Edenbridge TN8 6EB

Demolition of existing buildings and redevelopment of the site as a foodstore with vehicular access improvement, widening of public footway, extension of public cycleway, servicing, car parking areas and landscaping.

(Pages 55 - 102)

4.3. SE/13/03560/FUL - The Old Chapel, 185 London Road, Dunton Green, Sevenoaks TN13 2TB

Planning Application re-submission for proposed external alterations to an existing single storey chapel to include the

(Pages 103 - 114)

construction of 3 no. new roof dormers, infill portion of kitchen, remodelling of the entrance lobby with a new front single storey extension, new high level window to the main frontage and new perimeter fencing.

- 4.4. **SE/13/03831/HOUSE - White Gables, High Street, Farningham, Dartford DA4 0DB** (Pages 115 - 128)

Demolition of conservatory and detached single garage, erection of a single storey rear extension and two storey side extension.

- 4.5. **SE/13/03361/FUL - Derelict Oast House, Oast Farm, Lydens Lane, Hever** (Pages 129 - 142)

Restoration and conversion of a former Oast House to a single residential dwelling with associated garden access and parking.

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

If you wish to speak in support or against a planning application on this agenda, please call the Council's Contact Centre on 01732 227000

For any other queries concerning this agenda or the meeting please contact:
The Democratic Services Team (01732 227241)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 24 February 2014.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.

- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

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DEVELOPMENT CONTROL COMMITTEE

Minutes of the meeting held on 30 January 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllrs. Mrs. Ayres, Brookbank, Clark, Cooke, Mrs. Davison, Mrs. Dawson, Edwards-Winsler, Gaywood, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack and Underwood

Apologies for absence were received from Cllrs. Brown, Dickins, Miss. Thornton and Walshe

Cllrs. Mrs. Cook, Firth, Grint, Ayres and Bosley were also present.

103. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 7 January 2014 be approved and signed by the Chairman as a correct record.

104. Declarations of Interest or Predetermination

There were none.

105. Declarations of Lobbying

All Members of the Committee declared that they had been lobbied in respect of Minute 107, SE/13/03178/FUL - Land North of Oak Tree Farm, London Road, Badgers Mount, Halstead TN14 7AB.

All Members of the Committee except for Cllr. Piper also declared that they had been lobbied in respect of Minute 108, SE/13/03353/FUL - Watercrofts Wood, Old London Road, Badgers Mount, Kent.

Reserved Planning Applications

The Committee considered the following planning applications:

106. SE/13/03178/FUL - Land North of Oak Tree Farm, London Road, Badgers Mount, Halstead TN14 7AB

The Legal Services Manager directed Members of the Committee to the Late Observations sheet. The Officer's recommendation for SE/13/03178/FUL - Land North of Oak Tree Farm, London Road, Badgers Mount, Halstead TN14 7AB and SE/13/03353/FUL - Watercrofts Wood, Old London Road, Badgers Mount, Kent had changed. The recommendation was now that the items be deferred without debate.

In each case Planning Obligations had been submitted with enhanced planning benefits but these had been submitted only shortly before the meeting. Each represented a

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material change to the merits of the case and deferral was recommended to allow Officers to discuss and clarify the terms of the proposed Planning Obligations. The Legal Services Manager strongly recommended deferral without debate.

Officers responded to Members questions. Officers advised the Committee that they would not have the full information before them to consider the impact on the Greenbelt, landscape issues or woodland (in the case of Watercrofts Wood only). Following concerns raised, Officers suggested that the applications be reported back to the Committee no later than the meeting scheduled on 27 March 2014. Members were unhappy that information had been submitted at such a late stage.

A Member enquired whether, if deferred, the applicants would appeal for non-determination. The agent on Land North of Oak Tree Farm confirmed the applicants would not appeal for non-determination. The agent on Watercrofts Wood stated the applicant had no intention to appeal for non-determination. Both agents were content for the applications to be deferred.

It was moved that each application be deferred to allow Officers to discuss and clarify the terms of the proposed Legal Agreement and report back to the Committee no later than the meeting scheduled on 27 March 2014.

The motion was put to the vote and there voted –

10 votes in favour of the motion

3 votes against the motion

Resolved: That consideration of planning applications SE/13/03178/FUL - Land North of Oak Tree Farm, London Road, Badgers Mount, Halstead TN14 7AB and SE/13/03353/FUL - Watercrofts Wood, Old London Road, Badgers Mount, Kent be deferred to allow Officers to discuss and clarify the terms of the proposed Planning Obligations. The applications to be reported back to the Committee no later than the meeting of the Committee scheduled on 27 March 2014.

107. SE/13/03353/FUL - Watercrofts Wood, Old London Road, Badgers Mount, Kent

This was considered at Minute 106.

108. SE/13/03085/FUL - Oak Tree Cottage , Powder Mill Lane, Leigh, Tonbridge TN11 8QD

The proposal was for the demolition of the existing two-storey dwelling, and erection of two detached dwellings with a joint access. There would be hardstanding to the front and a 0.6m high garden fence and hedge on the front boundary.

The site was within the rural settlement confines of Leigh and the Leigh Conservation Area abutted the north-west corner of the site. The existing dwelling was situated to the east of the plot leaving the amenity space to the west.

Officers considered that the proposal was in accordance with the Development Plan and there were no other material considerations to justify refusing permission.

Members' attention was drawn to the tabled Late Observations sheet. It was noted that a Members' Site Inspection had been held for this application.

The Committee was addressed by the following speakers:

Against the Application:	-
For the Application:	Rob Ranson
Parish Representative:	Cllr. Doherty
Local Member:	Cllr. Mrs. Cook

The local Member confirmed to the Committee that the local housing need was for small family houses.

In response to a question Officers confirmed that the housing density of the development at 37 dwellings per hectare (dph) was higher than Garden Cottages to the south (at 33.3dph). It also exceeded the figure in Core Strategy Policy SP7 of 30 dph and the figure in the draft Allocations and Development management Plan for the former GSK site of 25 dph.

Officers had not tested the ability for vehicles to enter and exit the proposed development in forward gear by turning on site. The applicant's agent confirmed that each plot accommodated 2 larger Kent County Council compliant spaces and the intention was that vehicles could turn by reversing into the hardstanding in front of the other dwelling. Some Members were concerned the size of the proposed dwellings meant the occupants may have more than 2 cars each. Additional cars could cause further congestion on Powder Mill Lane.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to grant permission subject to conditions be adopted.

Members considered the development to be too large. Although there was potential for development on site, it would need to be much smaller. The amenity space for each plot would be unacceptably small if children lived there.

Some Members were concerned that the proposal was not in keeping with the Leigh Village Design Statement and that more weight should have been given to it. They would be the only dwellings in the area which would appear as 3-story buildings. The proposal also failed to respond to the distinctive local character of the area and was not compatible in scale, height, density and site coverage with other buildings in the locality.

The street was characterised by spacious plots. The development would be cramped and overdevelopment.

The motion was amended to include an additional condition that the parking spaces to the front of the proposed dwellings be marked and used for that purpose for perpetuity and for the cars to be able to leave in forward gear.

A Member noted that there were some other properties in the locality with hard surfaces to the front of the dwelling and that there was a mixture of building types in Leigh.

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The motion, as amended, was put to the vote and it was LOST.

It was moved by Cllr. Miss. Stack and was duly seconded that planning permission be refused. This was on grounds of conflict with Saved Policy EN1 due to the bulk, height, the urbanising effect and form of the development of the plot. The development would appear out of character with the village street scene contrary to Core Strategy Policy SP1 and the Leigh Village Design Statement.

Members added that the overdevelopment of the site meant that the rear of the properties would have inadequate residential amenities for future occupants.

The motion was put to the vote and there voted –

12 votes in favour of the motion

2 votes against the motion

Resolved: That planning permission be REFUSED for the following reasons:-

The proposal due to its bulk, height and form would result in an over development of the plot contrary to Policy EN1 of the Sevenoaks District Local Plan and the development would also appear out of character with the village street scene and is contrary to Sevenoaks District Core Strategy Policies LO7, SP1 and SP7 and the Leigh Village Design Statement.

THE MEETING WAS CONCLUDED AT 8.30 PM

CHAIRMAN

4.1 – SE/13/00134/FUL Date expired 26 April 2013

PROPOSAL: Demolition of existing buildings and erection of food store, along with car parking, recycling centre, servicing arrangements, junction improvements, access and landscaping. Erection of petrol filling station.

LOCATION: Land At Station Road & Fircroft Way, Edenbridge, TN8 6HQ

WARD(S): Edenbridge North & East

ITEM FOR DECISION

This item is being called back to Development Control Committee as an update report following the Secretary of State not calling the application in, and the S106 Agreement not originally being completed within the timescale set by Committee. New information since the previous meeting is considered.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To maintain the integrity and character of the building as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No development shall commence until details of all external lighting, including floodlighting (whether temporary or permanent in nature), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and so maintained thereafter.

In the interests of the visual amenities of the area, and to minimise impact on bats in accordance with Policies EN1 and EN31 of the Sevenoaks Local Plan, SP11 of the Core Strategy and the NPPF.

4) Prior to its installation, full details of the type and position of proposed plant (including air conditioning, refrigeration, fume and extract and similar plant) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include product details and noise specifications where appropriate and scaled drawings to show appearance and position of the plant on the site. The plant shall be installed only in accordance with the approved details and maintained thereafter. The maximum noise levels detailed in the acoustic specification shall not be exceeded for the duration

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of the use.

In the interests of visual and residential amenity in accordance with Policy EN1 of the Sevenoaks Local Plan.

5) Once installation is complete and prior to the store becoming operational, a noise validation assessment of the plant and equipment shall be carried out. If sufficient attenuation of the noise has not been achieved in accordance with the noise specifications detailed in the acoustic report approved under condition 4, mitigation measures shall be submitted for approval. These measures shall be implemented and maintained thereafter.

In the interests of residential amenity in accordance with Policy EN1 of the Sevenoaks District Local Plan.

6) Within 6 months of the store becoming operational, the applicant shall carry out a further acoustic assessment of the store.. If observed noise levels are greater than 3 dB(A) above the predicted levels, then additional mitigation works to bring it below this level shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented within 3 months of their approval and retained thereafter.

In the interests of residential amenity in accordance with Policy EN1 of the Sevenoaks District Local Plan.

7) No groundworks, other than the demolition of the existing buildings, shall be commenced until:

a) a site investigation has been undertaken to determine the full nature and extent of any land contamination, and

b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, has been submitted to and approved in writing by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land. The scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted, including a requirement to notify the Local Planning Authority of the presence of any such previously unidentified contamination. Prior to the first use of the development hereby permitted:

c) the approved remediation scheme shall be fully implemented, and d) a certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted use.

Thereafter, no works shall take place within the site such as to prejudice the effective of the approved scheme of remediation.

In the interests of amenity and public safety in accordance with the NPPF.

8) The premises shall not be open to visiting members of the public outside the hours of 07:00 to 22:00 Monday to Saturday and 10:00 to 17:00 Sundays and Bank Holidays.

To safeguard the amenities of the occupiers of properties nearby to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

- 9) No more than 30% of the net sales floor area shall be used for display and sale of comparison goods.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Edenbridge Town Centre in accordance with policy LO6 of the Core Strategy, policy EN1 of the Sevenoaks District Local Plan and in accordance with guidance contained within the NPPF.

- 10) Irrespective of the provisions the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no improvement, enlargement or other alteration to the building and the site the subject of this application, including further horizontal subdivision to provide a mezzanine floor, shall be undertaken.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Edenbridge Town Centre in accordance with policy LO6 of the Core Strategy, policy EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

- 11) The retail unit shall be occupied as a single retail unit only and shall not be subdivided into separate units.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Edenbridge Town Centre in accordance with policy LO6 of the Core Strategy, policy EN1 of the Sevenoaks District Local Plan and in accordance with guidance contained within the NPPF.

- 12) No development shall be carried out on the land until full details of soft and hard landscaping works and boundary treatments have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:- details of proposed hard surfaces, including details of the materials to be used on the finished parking, access and pathway surfaces.- height, material and finish of all boundary treatments.- planting plans (identifying existing planting, plants and trees to be retained and new planting). The proposed planting plans shall show native planting.-a schedule of new plants and trees (noting species, size of stock at time of planting and proposed number/densities) and-a programme of implementation. Soft and hard landscaping and boundary treatments shall be carried out before the first use of the unit hereby approved or otherwise in accordance with the agreed programme of implementation. Boundary treatments shall be maintained thereafter. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area in accordance with policy EN1 of the Local Plan.

- 13) The development shall achieve BREEAM 'Very Good' standard including at least a 10% reduction in total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources. Evidence shall be provided to the Local Authority

i) Prior to the commencement of development, a design stage assessment to demonstrate how it is intended the development will achieve BREEAM Very Good standard (including a 10% reduction in total carbon emissions) or alternative as agreed

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in writing by the Local Planning Authority and ii) Prior to the occupation of the development, that the development has achieved 'BREEAM Very Good' standard (including a 10% reduction in total carbon emissions) or alternative as agreed in writing by the Local Planning Authority

In the interests of sustainable development in accordance with SP2 the Core Strategy and the NPPF.

14) Notwithstanding the details submitted with the planning application, development shall not begin until a sustainable water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run off generated up to and including the 100yr critical storm will not exceed the run off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on, or off site. The submission shall address the following issues: An estimate of inflow entering the site from the railway culvert should be made, in order to assess the size of the proposed pipe needed to connect it to the surface water network on Fircroft Way. A detailed network analysis to confirm proposed discharge will be no greater than the existing rate and that a sufficient volume of storage will be provided. A 20% increased rainfall intensity should be used in the design to accommodate climate change. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

To prevent an increased risk of flooding both on and off site.

15) Prior to commencement of the use, details of bat and bird boxes located throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to use of the store and approved thereafter.

In the interests of ecological protection in accordance with policy SP11 of the Core Strategy and the NPPF

16) Prior to the works commencing on site, details of provision for construction vehicle loading, unloading, parking and turning shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development.

To ensure that construction vehicles can be parked, unloaded and manoeuvred off the highway, in the interests of highway safety.

17) Prior to the works commencing on site, details of parking for site personnel, operatives and visitors shall be submitted and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development.

To ensure provision of adequate off street parking for vehicles, in the interests of highway safety and to protect the amenity of local residents.

18) Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud, stones and similar substances on the public highway in accordance with proposals to be submitted to and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels chassis and bodywork effectively cleaned and washed free of mud and similar

substances.

In the interests of highways safety and amenity.

19) No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing CHQ.11.9683-PL05B. The spaces approved shall be retained for parking in association with the development.

To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety in accordance with policy EN1 of the Sevenoaks District Local Plan.

20) No part of the development shall be occupied until secure cycle parking facilities for both staff and customers have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport in accordance with SP2 of the Core Strategy.

21) Prior to the commencement of the development, a scheme for the management of deliveries shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the approved scheme shall be fully carried out and put into place prior to the first use of the building and thereafter maintained in operation.

To ensure the impact of deliveries is minimised in accordance with policy EN1 of the Sevenoaks District Local Plan.

22) The development hereby permitted shall be carried out in accordance with the following approved plans: CHQ.11.9683-PL02, CHQ.11.9683-PL03, CHQ.11.9683-PL04, CHQ.11.9683-PL05B, CHQ.11.9683-PL06, CHQ.11.9683-PL07, CHQ.11.9683-PL08, 3150/20C, 3150/21, 925-01, 925-02, 925-04, 925-05.

For the avoidance of doubt and in the interests of proper planning.

23) Prior to commencement of the use, details of an electric vehicle charging point in the public car park shall be submitted to and approved by the Local Planning Authority. The electric vehicle charging point shall be installed prior to commence of the use, and maintained thereafter.

In the interests of sustainability.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies EN1, VP1, EP8 , EB1

Sevenoaks District Core Strategy 2011 - Policies L01, L06, SP1, SP2, SP8, SP9, SP11
NPPF

The following is a summary of the main reasons for the decision:

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The scale, location and design of the development would respect the context of the site and enhance the visual amenities of the locality.

The traffic movements generated by the development can be accommodated without detriment to highway safety.

The development would not have a detrimental effect on residential amenity

The proposal would provide an adequate level of parking provision

Although there would be a loss of employment land, there would be an increase in the number of jobs

There would be planning benefits to Edenbridge in the increased retail choice provided by the development.

Informatives

- 1) Underwater fuel storage should be undertaken in accordance with the Environment Agency's Ground Water Protection: Policy and Practice (GP3) and with the Association for Petroleum and Explosives Administration document: Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations. The Environmental permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground or surface waters.
- 2) The applicant will be required to enter into a Section 278 agreement with the Highway Authority in order to undertake any works on the public highway.
- 3) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and

- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) Was provided the opportunity to submit amendments which led to improvements to the acceptability of the proposal.

Update Report

- 1 Members will recall that Development Control committee resolved to grant permission for application SE/13/00134/FUL on 8th August 2013. A copy of the Officers report which was presented to the committee is attached as Appendix 1 (and the late observation report submitted as Appendix 2).
- 2 The committee resolution was:

‘That, provided the application was not recovered by the Secretary of State, planning permission be GRANTED subject to the completion of an acceptable unilateral undertaking within three months of the meeting and as per conditions to be agreed in consultation with the local Members’
- 3 Because of the size of the proposed floorspace, the application was referred to the Department of Communities and Local Government (DCLG) to decide whether the Secretary of State wished to all it in.
- 4 The DCLG confirmed by letter dated 19th December 2013 that the Secretary of State did not wish to call in the application. Because the legal agreement attached to 13/00134/FUL has not been completed within the three month deadline resolved by committee, the application has been reverted back to committee in the form of this update report.
- 5 A signed legal agreement has now been received and therefore this report seeks confirmation from Members that they wish to update their previous resolution and grant permission for the development.
- 6 The conditions have been agreed with Local Members and they are set out above.

Other matters

- 7 Since this application was heard at committee on 8.8.13, the Co-op have announced that their site in Edenbridge town centre is to be sold to Waitrose and the retail operator on the site will therefore change.
- 8 The Council has sought advice from its retail advisor GVA on this matter to determine if this change in operator would have any impact on the retail assessment of the application. GVA have advised:

‘The decision by Waitrose to take occupancy of the Co-Op is relevant only in so far as it may influence what may be judged a “significant adverse” impact for the purpose of the NPPF retail test. As you know, our previous concern was that the Co-Op could close as a result of the combined impact of the two stores and this would have a knock on effect on the town centre due to the loss of linked

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trips. The fact that Waitrose has chosen to invest in the town centre, presumably in full knowledge of the Council's resolution to approve the Sainsbury's application and the outstanding Tesco application, provides some comfort that this important town centre store will not close. However, whilst Waitrose's commitment to investing in the town centre is important, given the finite availability of expenditure in the area, the store will still be vulnerable to trade diversion and should be afforded some protection.

Although quantitative need is not a retail test, there is only so much expenditure which can sustainably support additional foodstore provision in the area. We previously advised that the development of the two out of centre foodstores proposed would increase the overall impact on Edenbridge to beyond an acceptable level, and we consider that this conclusion remains unchanged.

The expected average turnover of the Waitrose store will be higher than the existing Co-Op and therefore 'absorb' more local expenditure. However, it is also likely that it will "claw back" existing Waitrose customers who visit stores elsewhere in the area (such as East Grinstead) which neither the proposed Sainsbury's nor Tesco could realistically achieve. We therefore consider that these combined effects will largely balance each other out and the conclusions of our previous advice with respect to cumulative impact will remain unchanged. We therefore do not consider that it is necessary to undertake a new Retail Impact Assessment.

We previously advised that the Sainsbury's proposal would result in a high level of impact on both existing stores in the town centre and a reduction in linked-trips, and concluded that the proposal was on the margins of acceptability. Following the announcement of Waitrose's commitment to the town centre, this will to some extent help offset the impact of the Sainsbury's on the town centre and alleviate some of the concerns previously identified in relation to the potential loss of linked trips. With regards to Tesco, we advised that the Tesco store, in isolation, would have less impact on Edenbridge town centre than the Sainsbury's, due to its smaller scale and turnover. This remains the case.'

- 9 This advice does not suggest that the change of occupier in the town centre amounts to a material change of circumstance that would justify Members making a different decision to that made in August.

Further Consultation responses

- 10 One additional letter of objection has been received which objects to the store on the basis that no further stores are needed in Edenbridge and that the proposal would result in traffic and pollution. These matters were addressed in the earlier report.
- 11 The Council has now also received a formal objection by Waitrose Ltd. The Council's retail advisor has been asked to further review the impact of the change in operator and this will be addressed later in the report. The Waitrose agent's objections are as follows:

The advice provided by GVA in response to the change in operator does not represent a proper assessment of the implications of the change in operator. It is based on flawed and unsubstantiated assumptions which, in their view cannot be relied upon to assess the implications properly.

Waitrose was not aware of the Council's resolution to approve the Sainsbury's application. At the time Waitrose agreed to buy the Co-op, they had expected the Sainsbury's application would be refused and that they were going to get a Tesco store of half the size.

A change in occupier is a material planning consideration, as assumptions about trade diversion are based on the market position of the retailer, as confirmed by the Practice Guidance at paragraph 7.28, which identifies the market sector/role "as a key factor" affecting the judgement of trade draw and diversion. We understand that GVA previously estimated that the Sainsbury's proposal would have an estimated impact of 26.5% on the town centre as a whole, with impact of up to 50% on the Co-op, as a result they advised that the Sainsbury's proposal was on "the margins of acceptability". It is essential in our view, that Members fully consider the implications of a Waitrose store opening, especially given the previous advice on impact by GVA

The impact of the Sainsbury's proposals were also subject to risks, including the greater than anticipated uptake of internet spending and/or slower than anticipated growth in expenditure, which could lead to greater impacts on the turnover of the town centre anchor stores. Also identified was the risk that the Co-op store was not overtrading to the extent forecast and if it was not, the extent which it could sustain a reduction in turnover.

The Council should consider fully the implications of the change in operator as required by the NPPF test; especially since this was such a finely balanced advice and instruct their consultants to undertake a new Retail Impact Assessment.

The assertions by GVA in their response (above) is not based any analysis of existing shopping patterns or assessment of market share compared with other operators in the catchment area. They believe that GVA has exaggerated the likely ability of the Edenbridge store to claw back trade from East Grinstead store and that it is unrealistic to assume that the new Edenbridge store will claw back trade from this zone, given the good road connections and attractiveness of the existing store.

The estimated impact of 50% on the Co-op store was previously only acceptable, on the basis that the Co-op was trading at some 52% above Company average. For Waitrose to sustain the same level of impact as the Co-op, it would also have to trade above Company average ie at £19.3m to be acceptable. However it is likely, given the difference in customer base between Waitrose and the Co-op that Sainsbury's would compete more directly for trade with Waitrose than the Co-op. As a result, the level of trade diversion could be greater than previously predicted.

It is not understood how there will be enough expenditure to support the change in operator and achieve the uplift the turnover required to support a new Waitrose store and a Sainsbury's store of the scale proposed.

What has been established is that the Sainsbury's proposal is currently "on the margins of acceptability". It is essential that the assumptions are fully tested via a new Retail Impact Assessment, to demonstrate how this uplift in turnover will be achieved as the store should be afforded protection as it is the anchor store in the town centre in line with both NPPF retail policies.

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Waitrose have advised that they are looking forward to opening a store in Edenbridge and strengthening the town centre. However if Sainsbury's opens and their concerns about impact are realised, then they have stated that they may have to review any future decisions to invest in the store further and that this would be contrary to NPPF retail policy 27 which seeks to protect committed private investment to strengthen and support the vitality and viability of existing town centres.

The objection concludes that Sainsbury's is already at the limits of acceptability in impact terms and these can only be magnified by the change in operator, and any benefits accrued by Waitrose investing in Edenbridge would be lost.

As the advice contained in NPPF para 70 indicates, any decision should ensure that established shops, facilities and services are able to develop and modernise in a way which is sustainable and retained for the benefit of the community. It is essential that the change in operator should be tested, because if the impact is greater than previously identified, then there is a strong case for the Council to reconsider their decision.

Review of the Change in Operator

- 12 The Waitrose objection has been reported back to GVA for review and their response will be set out in the late observations report

Conclusion

- 13 This report considers the implications of new information regarding the change of occupier in the town centre. It does not suggest that the change justifies Members taking a different decision on this application to that made last August. It seeks confirmation from Members that they wish to update their previous resolution and grant permission for the development.

Background Papers

Site and Block plans

Contact Officer(s):

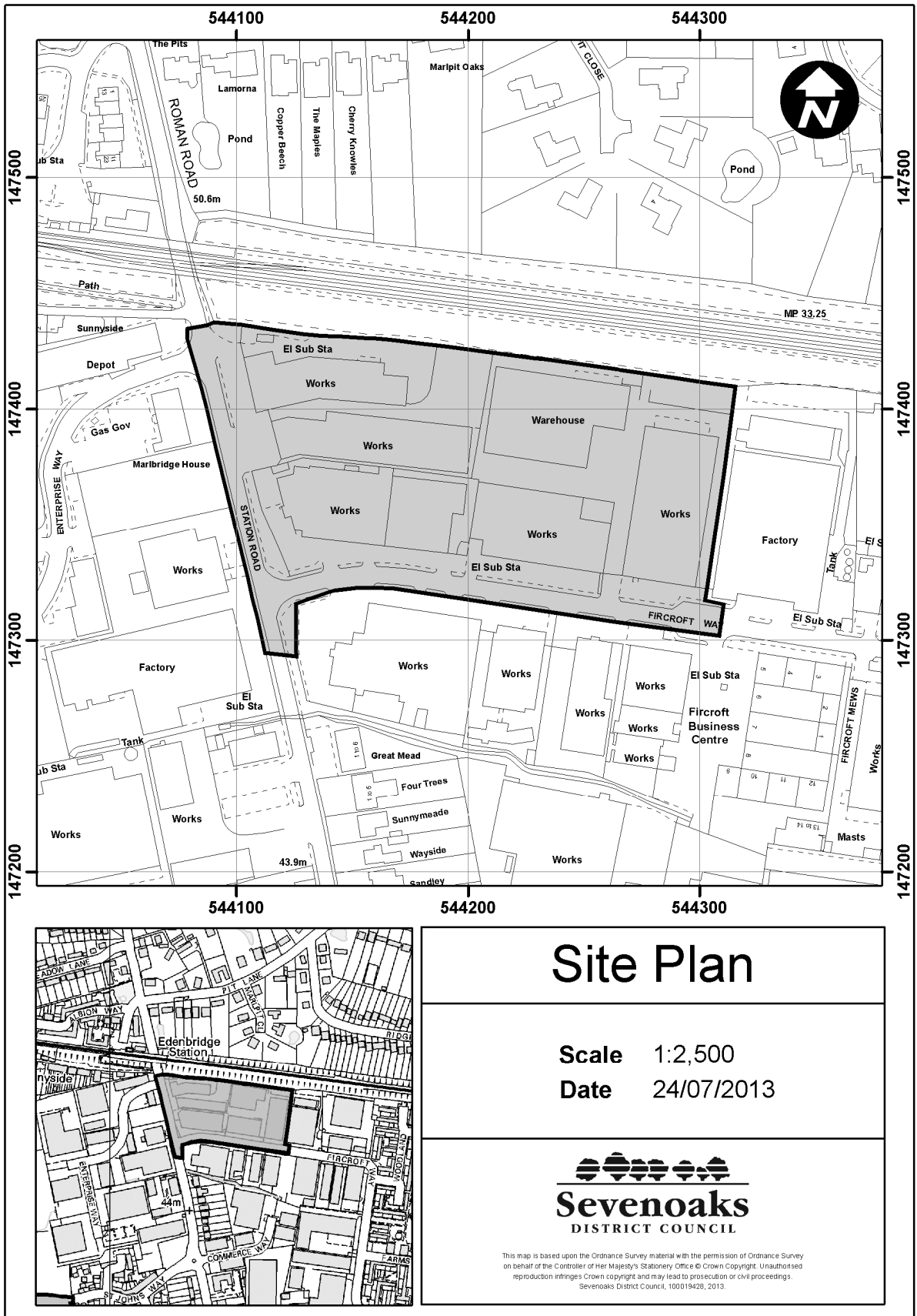
Richard Morris
Chief Planner

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MGTACABK8V000>

Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MGTACABK8V000>

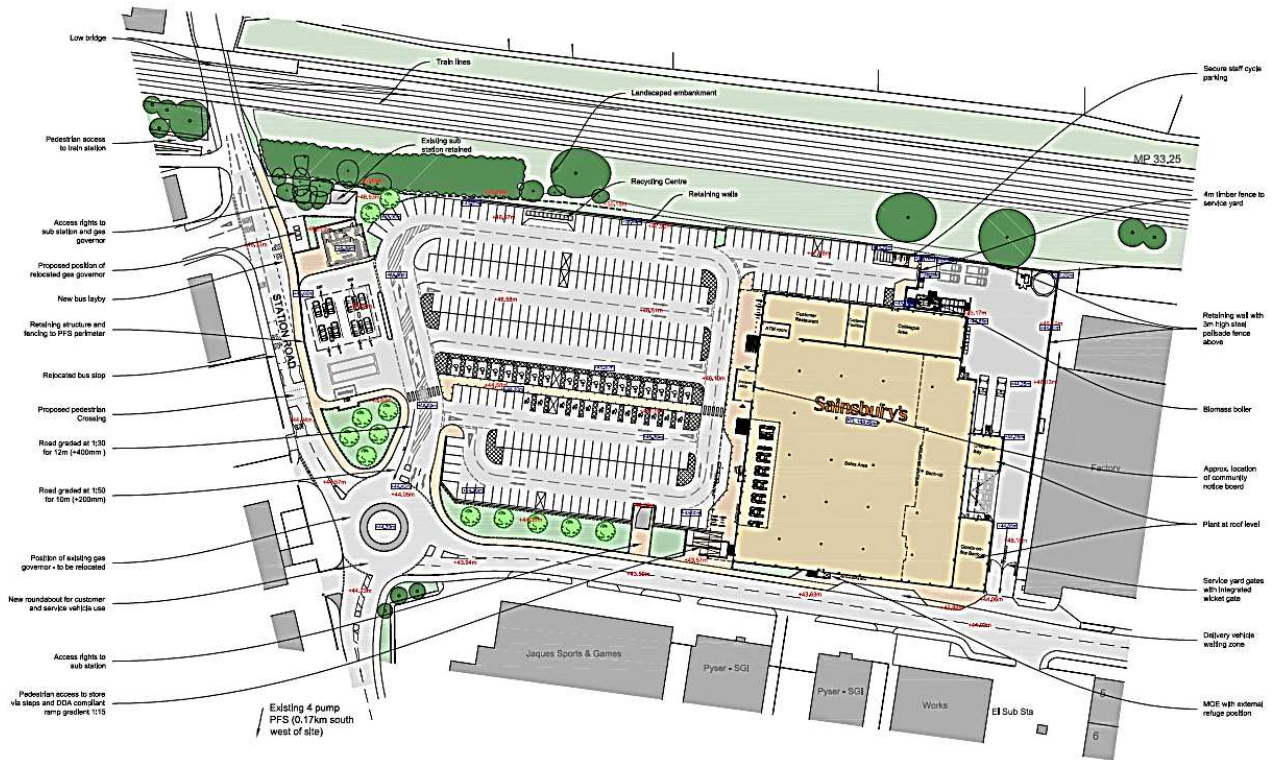


Site Plan

Scale 1:2,500
Date 24/07/2013



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Sevenoaks District Council, 100019428, 2013.



Committee Report 8 August 2013 - Appendix 1

4.1 - <u>SE/13/00134/FUL</u>	Date expired 26 April 2013
PROPOSAL:	Demolition of existing buildings and erection of food store, along with car parking, recycling centre, servicing arrangements, junction improvements, access and landscaping. Erection of petrol filling station.
LOCATION:	Land At Station Road & Fircroft Way, Edenbridge, TN8 6HQ
WARD(S):	Edenbridge North & East

ITEM FOR DECISION

This application has been referred to Development Control Committee as an officer call in due to its significant and controversial nature.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The capacity for out of centre retail provision would be met through the planning permission granted at land north west of the junction with St Johns Way, Station Road under SE/13/00935/FUL. In the absence of capacity for any further out of town retail provision without detriment to the vitality and viability of the town centre, the proposal is considered to have a detrimental impact on Edenbridge town centre contrary to policies LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF

The proposal would result in the loss of an unacceptable level of employment land contrary to policies EP8 and EB1 of the Local Plan, SP8 and LO6 of the Core Strategy, and the National Planning Policy Framework.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by,

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,

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- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) The applicant was provided the opportunity to submit amendments to the scheme/address issues.

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Description of Proposal

- 1 Demolition of existing buildings and erection of food store, along with car parking, recycling centre, servicing arrangements, junction improvements, access and landscaping. Erection of petrol filling station.
- 2 The application proposes a new retail foodstore within the built up area of Edenbridge, approximately 900 metres from the town centre. The store will provide 5,016 sq m Gross Internal Area (GIA), which will comprise a net sales area of 3,096 sq m. This is to be split between 70% for the sale of convenience goods (which are widely distributed and relatively inexpensive goods which are purchased frequently and with minimum of effort, such as most grocery items),
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and 30% of the floorspace for the sale of comparison goods (which are more expensive items that are brought less frequently such as electrical goods and clothing).

- 3 The store is shown as positioned towards the rear of the site although the store frontage will face Station Road. The store entrance is proposed to be located centrally, facing the customer car park.
- 4 A new four arm access roundabout is proposed at the existing T-Junction at Station Road and Fircroft Way. Access to the car park and petrol filling station will be via a dedicated arm of the roundabout. The store will be served by 295 car parking spaces, including 18 disabled bays and 12 parent and child bays, 21 cycle parking spaces and 6 motorcycle bays will also be provided.
- 5 The store will be serviced via a self contained service yard at the rear of the store, accessed off Fircroft Way. The layout of the service yard will enable delivery vehicles to enter and exit in forward gear. This is expanded upon in the accompanying Transport Statement. The proposal also includes the provision of four terminals for the use of Goods Online (GOL) vehicles.
- 6 The proposal also includes the provision of a petrol filling station (PFS) and supporting kiosk. The PFS will include four petrol pumps and will front the development along Station Road.

Legal Agreement

- 7 A draft unilateral undertaking has been submitted with the application and is currently under negotiation. To date it makes a number of provisions, some of which are material to consideration of the planning application as they address planning concerns, and some which are 'extras' which will have no bearing on consideration of this planning application:

Material items:

- No part of the area within the Store to be used for the sale of comparison goods shall be used for the sale of prescription optical or pharmaceutical items, fridges, freezers, washing machines, dishwashers and ovens.
- No part of the Store shall be used for concession space such as dry cleaners, key cutting service, shoe repairs, photographic services, opticians or post office counter services.
- To procure for a period of 3 years from opening, a bus service operating on three days each week between the hours of 0930 and 1430 between the Store and Edenbridge town centre to operate free of charge for customers of the Store
- Prior to opening, to procure satisfactory completion of the Off-Site Highway Improvements

Extra items:

- Prior to Opening for Trade to submit a Training and Recruitment Plan to the Council for approval and thereafter to implement the terms of the approved Training and Recruitment Plan to the Council's reasonable satisfaction.

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- To use reasonable endeavours during the construction phase of the Development to employ labour and subcontractors based within the Council's administrative area and to allow such companies to tender for the work if they so wish
- To use reasonable endeavours to ensure that recruitment for employment within the Store is targeted at those living within a 10 mile radius of the store and to give reasonable prior notice of vacancies to Edenbridge Town Council and Sevenoaks Edenbridge CXK Group and other appropriate bodies who are able to support such applicants
- Within 21 days from opening, an Information Display Area shall be provided within the foyer of the Store and thereafter maintained unless otherwise approved in writing with the Council.
- Within 21 days from opening, a Motorsport Heritage Wall shall be installed within the Store in a location to be approved by the Council and thereafter maintained unless otherwise approved in writing by the Council

Description of Site

- 8 The application site is located at the junction of Station Road and Fircroft Way. The 2.4 hectare site comprises a mix of land uses, which predominantly fall within business Use Classes. Retail use has been established on part of the site with the presence of the Bradford Electrical which fronts Station Road and consists of 567sqm.
- 9 There are six existing buildings on the site, which are of relatively poor architectural quality and contribute little to the local environment in terms of their appearance. Several of the premises are vacant. The buildings are surrounded by hard standing, and there is very little landscaping at present. The buildings consist of 23 units and are occupied as follows:
- | | |
|------------------------------------|-------------|
| 7 vacant units | - 4,284 sqm |
| 3 B1 units | - 1,109 sqm |
| 1 retail unit | - 567 sqm |
| 3 vehicle repair units | - 2,558 sqm |
| Remaining units are B8 and B2 uses | - 3,336 sqm |
- 10 The site is allocated within the Sevenoaks Core Strategy under Policy SP8 'Economic Development and Land for Business'.
- 11 The site is bounded by Station Road to the West, Fircroft Way to the south, a railway line to the north and further "B" Class properties to the east. Edenbridge Railway Station lies opposite the site.
- 12 The predominant surrounding units are business uses. These include a mix of offices, trade counter units, warehouses and storage premises – all of which are around one to two storeys in height.
- 13 Beyond the railway line to the north, and the adjacent business premises to the east and south, lie residential properties. The Town Centre lies approximately 900 metres to the south of the site down Station Road.

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Constraints

- 14 Flood zone 1 area
- 15 Designated employment land

Policies

Sevenoaks Core Strategy

- 16 Policies - L01, L06, SP1, SP2, SP8, SP9, SP11

Sevenoaks District Local Plan

- 17 Policies - EN1, VP1, EP8, EB1

Other

- 18 NPPF

Relevant Planning History

- 19 There are no planning applications of relevance to this application on the site.

Consultations

Edenbridge Town Council

- 20 Edenbridge Town Council has made the following comment:

'Members unanimously supported the proposal which confirms Edenbridge's role as a local service centre and meets the aspirations of the residents and business community. They believe it will prolong the life and benefit the High Street by retaining and attracting a higher number of shoppers in the local community.'

Concerns were raised over transport and access issues which will need to be looked at in relation to the accumulative impact, including the proposed, but not yet implemented, changes for the Eden Centre and the through routes via Mont St Aignan Way. It was suggested that Highways should be consulted to assess the benefit of moving the Zebra Crossing further north up Four Elms Road towards the Railway Bridge. Local members wish to be consulted on these issues and the landscaping of the proposed roundabout.'

Members wish to draw attention to items 2.3 in both the Transport Assessment and the Transport Plan which propose sending HGV's through the small village of Hartfield instead of using the A264 from Colestock Crossing.'

It was also suggested that consideration should be given to limiting the time that car park users could stay to avoid spaces being occupied by commuters.'

Environment Agency

- 21 The Environment Agency has made the following comment:

'Further to receipt of drawings 498-200 P1 and 4998-201 P2 from Leigh Fotiadis, of Mayer Brown, we are pleased to offer the following comments.'

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Flood Risk

It is likely an acceptable surface water drainage strategy which restricts surface runoff from the development to no more than the existing rate can be implemented as part of the development. However further detailed information will be required in this respect which should be provided as part of a condition of planning.

We remain concerned with the proposed means of dealing with the runoff which discharges to the site from the railway culvert at the north-east corner of the site. DWG 4998-201 P2 suggests a 150mm diameter pipe will be installed to connect this outfall from the railway to the existing surface water drainage in Fircroft Way. This is unlikely to be large enough to accommodate peak flows, a situation which will be made worse by the proposal to add additional discharge to it. Nevertheless, we believe acceptable revisions can be made as part of a planning condition.

We are therefore pleased to remove our objection to the proposal subject to the following condition.

Condition 1:

Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason 1: To prevent an increased risk of flooding both on and off-site.

For information, the following specific issues should also be addressed in order for the condition to be discharged:

- An estimate of inflow entering the site from the railway culvert should be made, in order to assess the size of the proposed pipe needed to connect it to the surface water network on Fircroft Way;*
- A detailed network analysis to confirm proposed discharge will be no greater than the existing rate and that a sufficient volume of storage will be provided;*
- A 20% increased rainfall intensity should be used in the design to accommodate climate change.*

Groundwater Protection

Underground fuel storage should be undertaken in accordance with our Groundwater Protection: Policy and Practice (GP3). This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. This can be found at: <http://www.environment-agency.gov.uk/research/library/publications/40741.aspx> and with the

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Association for Petroleum and Explosives Administration document: Guidance for Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (Revised June 2011). The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to ground or surface waters.

Please ensure the infrastructure meets the industry best practice for petrol filling stations. There may be a requirement to carry out a site investigation at the site which focuses on the risk to human health.'

Kent Wildlife Trust

22 Kent Wildlife Trust has made the following comment:

'Thank you for the opportunity to comment on this application.

I have no objection, in principle, to the redevelopment proposals. However, I am concerned about the prospect of introducing significant and powerful illumination to a wide area of land close to a railway embankment.

The WYG study report makes the point clearly. "This (the vegetated railway corridor which runs outside but adjacent to the northern site boundary ... is a potential bat foraging and commuting route" (Executive Summary). On the basis of this conclusion the consultant recommends, amongst other matters, that light spillage onto this corridor should be avoided. I endorse this recommendation and urge the Council to require the submission, for approval/implementation, of lighting details for the car park and circulation areas of the site. The detailed proposals should demonstrate how this objective will be achieved.

On a second point, the development presents an excellent opportunity to use a 'green' or 'brown' roof bringing substantial biodiversity benefits to the heart of the town. Further details about green and brown roofs can be found at <http://livingroofs.org/about-livingroofs.org-living-roofs/gro-background.html>.

I urge the Council can secure both these measures by way of planning condition and/or planning agreement.'

Natural England

23 Natural England have offered the following comments:

'This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species...

...The protected species survey has identified that bats, a European protected species may be affected by this application...

*...Box (i) - Using Nature on the Map we determined that **No**, the application is not within/close to a SSSI or SAC notified for bats. This took us to Box (v).*

*Box (v) - We looked at the survey report and determined that **Yes**, it did highlight that there are suitable features for roosting within the application site (eg*

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the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements). This must be a condition of planning permission.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

The enhancements which have been detailed within the survey must be incorporated in to the site.

Kent Highway Services

26 Kent Highway Services has made the following comments:

On 22/2

27 *'Thank you for consulting with us about this application. I have the following initial comments:-*

1. All of the splitter islands on the approaches to the new roundabout need to have pedestrian provision - the latest drawings show provision only on the approach from Fircroft Way.

2. The forecasts of traffic generation and parking demand in the Transport Assessment appear to be too low. This is because the traffic forecasts are based on other stores which are not of similar size. The applicant has subsequently provided a supplementary "Sensitivity Assessment" which provides increased forecasts which it describes as a worst case. I would point out that still higher Saturday traffic forecasts can be made based on the most similar stores in the TRICS database (Weymouth, Welwyn and Ripon).

It is acknowledged that the road network is unlikely to reach capacity, however increasing the number of parking spaces to at least 300 and preferably 305 is strongly recommended. This could be achieved, for example, by using a more efficient arrangement of disabled parking spaces and trolley-parking. It should be noted that the supplementary "Sensitivity Assessment" appears to be incorrect in respect of predicted peak car park accumulation (Table 4.1). This estimates that the maximum accumulation of parking on a Saturday would leave just 29 spaces free (11 am-noon). However just 14 spaces are shown between 3pm and 4pm in the table on the penultimate page of the report. (And TRICS data for supermarkets at Weymouth, Welwyn and Ripon suggests there could be a deficit in parking provision on a Saturday afternoon.)

3. We are not convinced of the need to move the northbound bus stop and create a formal pedestrian crossing. The proposed position for the bus stop would be sufficiently close to the southbound bus stop to create conflicting traffic movements if northbound and southbound buses were at their stops at the same time.

4. Due to the increased number of customers travelling to the store on foot and by bus, there is a need to widen the adjacent footways of Station Road along the site frontage and at the northbound and southbound bus stops. Footway widths of 2.5 metres or preferably 3 metres would be considered appropriate.

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5. The access road to the store needs to have a footway on the east side, south of the crossing/ covered footway marked on the application drawings.

Could you please ask the applicants if they would be willing to make the above improvements?’

On 13/3

28 After extensive discussions with the applicants to address highway issues, I have the following comments:

To facilitate access to the site the applicants are proposing (1) to rebuild the junction of Fircroft Way and Station Road to incorporate a roundabout and (2) provide a signalised pedestrian crossing over Station Road north of the roundabout.

I have requested several other highways improvements and the applicants have agreed to provide them. These include (1) widened footways on both sides of London Road, and (2) a layby for southbound buses.

There remains some uncertainty about the modelling of development traffic, as illustrated at the junction of Station Road and Four Elms Road. The applicants’ modelling does not demonstrate the fairly substantial but transient queues at this junction that can be seen in the evening peak period. One problem is that the available modelling packages (in particular PICADY) do not seem to be suited to modelling very variable levels of traffic, whereas flows on Station Road are “platooned” by factors such as traffic signals and pedestrian crossings. The applicants’ modelling does in fact imply that the proposed store will slightly reduce delays at the Station Road / Four Elms Road junction, and this has been explained by the store diverting vehicles away from the problematic right-turn from Station Road (south) to Four Elms Road.

I do not intend to raise any objections to this application, subject to a section 106 agreement for construction of off-site highway improvements to be built according to drawings to be submitted to and agreed in writing with Highway Authority. The off-site highway improvements are to include rebuilding the junction of Station Road and Fircroft Way to include a roundabout, a signalised pedestrian crossing across Station Road, widened footways on both sides of Station Road, a layby for southbound buses on Station Road and changes to the footway of Fircroft Way to create access to the proposed service yard.

I would also recommend a condition requiring the applicants to submit details of site access, parking and wheel washing during construction of the store.

Informative: the applicants will be required to enter into a Section 278 agreement with the Highway Authority in order to undertake any works on the public highway.’

On 22/7/13

29 Parking:

My response 22/2/13 stated: “increasing the number of parking spaces to at least 300 and preferably 305 is strongly recommended. This could be achieved, for example, by using a more efficient arrangement of disabled parking spaces

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and trolley-parking". Sainsburys declined to make these changes, they don't think it will be necessary. I recommended this as a "contingency" in case of high demand, there is no proof it would be required. It is likely that that if customers experience difficulties at particular times of the day, some would be likely to change the times they shop.

Servicing: *I am not aware of any likely problems.*

Accesses: *I do not anticipate any significant problems with the accesses.. We have had quite extensive discussions about the main access, resulting in revised drawings showing improved visibility, improved pedestrian refuges and tracked-path drawings for lorries. You will note that my response dated 28th May requested a planning condition for the applicants to clarify details of the site accesses, this should ensure that these refinements are all on the finally approved drawings*

Traffic Movements:

You will recall we had extensive dialogue with the applicants about traffic forecast and junction modelling, resulting in a Supplementary Transport Assessment and two supplementary Technical Notes on Highways. Roads in the immediate vicinity will undoubtedly be busier than at present, but the forecasts/ modelling do not show traffic levels high enough in the context of NPPF to justify any objection on highways grounds.

The proposed pedestrian crossing would be only 85 m from the railway bridge. The reason for Sainsburys to construct it is to help their customers cross the road from the bus stop to the store. It is not clear why there might be any net advantage in moving it north, assuming a suitable location could be found taking into account the road junction, driveways, bus stops and other constraints (e.g. visibility through the railway bridge).

It should be noted that the intended crossing would be signalised, it would not be a zebra. Due to visibility constraints (a bus stop on approach to a pedestrian crossing could create safety hazards) Sainsburys are prepared to create a layby for the bus stop on the southbound side of the road.

My understanding is that Sainsbury's delivery lorries would come from their Dartford depot on the M25, then via the A22 and B2028 (Lingfield). I am not aware of any proposal to route via Hartfield. If you have heard anything more about this please let me know; whose HGV's would they be?

Traffic congestion at the railway bridges

I would not expect any significant additional problems on Four Elms Rd; from this direction it would be a slightly shorter route to Sainsburys to drive via Swan Lane than via the Four Elms Rd railway bridge. People will probably use both routes.

Regarding the Station Road bridge at station, there would undoubtedly be more traffic using this bridge. However the only congestion would be when an HGV or other higher vehicle requires to use the centre of the road. This does not happen sufficiently frequently for it to become a significant problem; under normal circumstances it is not likely to be a "severe" issue in terms of assessments of highways impact under NPPF. '

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Sevenoaks Parking Services

30 Sevenoaks Parking Services have made the following comment:

'The plans submitted raise a number of points of concern or for clarification.

Bus stops on Station Road

The plans comment that the existing bus stops are to be relocated. This is not a problem per-se, but the opportunity should be taken to make these in to bus stop clearways to maintain access for buses.

Pedestrian Crossing on Station Road

The proposed pedestrian crossing seems to have a very short (possibly sub-standard) controlled zone on the northern side (southbound approach) ' this should be appropriately extended.

Parking restrictions on Station Road

The redevelopment of the store and the proximity of the petrol station could lead to an increase in 'pop-in' parking on Station Road. This should be discouraged by introducing new double yellow lines on both sides.

Parking should also be prevented around the roundabout as turning movements and visibility could be affected and up to (and through) the railway bridge as large vehicle alignment could be compromised.

Parking issues in Fircroft Way

Parking in Fircroft Way has been an issue for some time, with staff at neighbouring commercial premises frequently parking on-street. This can cause a problem for large vehicles. As the new store will need to be serviced by large vehicles, access should be protected by the use of double yellow lines on both sides.

Waiting zone for delivery vehicles on Fircroft Way

If the proposed 'waiting zone' is to be exclusively for delivery vehicles as part of a home delivery service then it should not be on the public highway and should be contained within the bounds of the site. If the area is for public access then a limited waiting restriction could be introduced, but this would not be supported as the enforcement time overhead associated with limited waiting parking would restrict activities elsewhere.

If the area is intended as a queuing point for large vehicles delivering to the store, then this could be introduced as a parking place for certain classifications of commercial vehicles, but this area could not be solely for the use of Sainsbury vehicles. As the neighbouring properties are all commercial this may result in the area being used by delivery vehicles to other premises.'

SDC Policy Team

31 Sevenoaks District Council Policy Team has made the following comment:

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'Thank you for the opportunity to comment on this application.

The key strategic planning policy issues are considered to be:

- *The retail impact on Edenbridge town centre; and*
- *The principle of retail development on an allocated employment site.*

Retail Policies

Core Strategy Policy LO6 states that in Edenbridge, 'the mix of retail and service uses that contribute to the vitality and viability of the town centre will be maintained'. This supports the key aim for the town, which includes retaining 'the role of Edenbridge as a rural service centre with a successful town centre and regenerated employment sites'. Para 4.4.9 states that Edenbridge town centre provides a range of local shopping serving the town and surrounding area...The Retail Study Update suggests there is only limited scope for increasing convenience shopping provision. The emphasis will be on maintaining a consolidated town centre and seeking opportunities for further improvement within the town centre area'.

In relation to Edenbridge Town Centre, this is consistent with the aims and policies of the Local Plan which expresses concern over the limited catchment of the town, competition from neighbouring centres and the vulnerability of the centre to the potential impact from out of centre retail uses, which should be resisted (Policy EB1 applies).

The Planning Policy team considers that Core Strategy Policy LO6 is consistent with the NPPF, in particular the need to 'recognise town centres as the heart of their communities and pursue policies to support their viability and vitality', as set out in para 23.

Retail development is defined as a 'main town centre use' in the NPPF and, as result, an application for retail development outside of a town centre must prove that a sequentially preferable suitable site is not available. The proposed development site is more than 300m from Edenbridge Town Centre and, therefore, must be considered an 'out of centre' site.

Applications for over 2,500 sq m must also be supported by an Impact Assessment to consider whether the development would have a significant adverse impact on:

- *Existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *Town Centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made (from NPPF para 26);*

Para 27 of the NPPF provides that an application should be refused where it fails to satisfy the sequential test or is likely to have a significant adverse impact on the town centre vitality and viability and trade in the town centre and wider area.

At 5,016 sq m gross floorspace (of which 3,198 sq m is retail floorspace/net), the proposed store is above the 2,500 sq m threshold for an Impact Assessment and one has been submitted with the application.

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SDC has commissioned GVA to review the Retail Impact Assessments and Sequential Tests carried out by WYG for Sainsbury's (this application) and GL Hearn for Tesco (13/00935) and to also consider the cumulative impact of permitting the two stores.

GVA conclude that the development of two foodstores would have an unacceptable impact on Edenbridge town centre. Their conclusions on the two stores individually are therefore relevant to determining either application and a summary of both are set out below.

Sequential tests

In reviewing the two applicant's sequential tests, GVA note that the two sites are similar in terms of accessibility, with the Tesco store being marginally closer to the town centre (although still too far to facilitate linked trips) and the Sainsbury's store being closer to Edenbridge Station (although GVA question how many people travel by train for the purposes of food shopping). The Planning Policy team concur with the GVA conclusion that no sequentially preferable sites within or closer to the town centre exist in Edenbridge and do not consider that either store is preferable to the other in this respect.

Choice and range of goods

GVA indicate that the Sainsbury store will increase the choice and range of goods and increase local competition within the town and that this will be greater than the smaller Tesco store. This is an objective of the Local Plan and Core Strategy, but such improved choice is sought in the town centre.

Expenditure claw back

GVA state that the larger Sainsbury store will claw back more expenditure to the town than the Tesco store. However, whilst this is a secondary benefit in terms of reduced frequency and length of trips, this is not a stated planning objective for the town. Rather, the key aim is to protect the town centre and these proposals are not situated within the town centre nor do they have any stated direct benefits to it.

Retail Impact

Taking into account both the convenience and comparison goods turnover of the centre, and the anticipated trade draw of the proposed store (for both goods types), GVA estimate that the Sainsbury's store will lead to an overall impact of 26.5% on the town centre as a whole. In comparison, they estimate the diverted convenience and comparison expenditure of the Tesco store to equate to an overall impact of 11.7% on the town centre as a whole.

GVA consider that the Sainsbury's impact assessment over-estimates the amount of trade that will be drawn from surrounding areas and under-estimates the amount of trade that will be drawn from the Edenbridge area. As a result, they consider that the Sainsbury's assessment under-estimates the impact that the development would have on the Co-op and the Tesco Express, with WYG estimating these impacts at 35% and 25% respectively, whilst GVA estimate these impacts at 50% and 30% respectively. GVA highlight a recent appeal decision (in Basingstoke and Deane) where the Inspector concluded that a potential trade draw of 18.5% from the anchor Asda store would be regarded as

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a 'significant' impact on the district centre as a whole, not because the Asda store would close but as a result of a "dramatic change in footfall in the centre" as a consequence of trade diversion to the proposed store, although they note that no two applications are the same.

The household survey carried out to support the Sainsbury's impact assessment indicates that the Co-op is performing well and trading well above (c.52%) the company average, whilst the Tesco Express is found to be trading broadly in line with the company average. GVA estimate that the effect of the Sainsbury's development would be to reduce the turnover of the Co-op store to 18% below the company average by 2018 and the Tesco Express store to c.25% below the company average. GVA consider that neither of these stores would close but note that there would be an inevitable reduction in linked trips to the town centre. Taking the impact of the convenience and comparison floorspace to be developed through the Sainsbury's store into account, the forecast overall adverse impact of the Sainsbury's proposal on the town centre turnover will be circa 26.5%.

GVA state that the Sainsbury's proposal is 'just within the margins of acceptability'. This is due, in part, to the fact that Edenbridge town centre is considered to perform a 'wider than convenience (shopping) function and contains a number of key service uses which would be expected to continue to draw trips in their own right'. This is despite the fact that food shopping was cited as the main reason for visiting Edenbridge town centre in the results of Sainsbury's household survey.

GVA also note that the conclusions in respect of the impact of the Sainsbury's proposal are subject to risks, including greater than anticipated uptake of internet spending and/or slower than anticipated growth in expenditure, which could lead to greater impacts on the turnover of the town centre anchor stores. Also identified as a risk is the extent to which the Co-op store is currently over-trading and, therefore, the extent to which it can sustain a reduction in turnover without closing as a result of the development of an out of town centre competitor. In the context of this risk, GVA note that whilst the Sainsbury's household survey suggests that the Co-op's turnover is circa J11.8m at 2013, Tesco estimate the turnover of the store to be J7.8m at 2013, broadly in line with the company average, on the basis of their household survey. GVA have not been able to come to a view as to which turnover figure is more accurate and suggest approaching the Co-op (who have been unwilling/unable to release the figures on the grounds of commercial confidentiality, though they have objected to both planning applications) or commissioning a new household survey (which the Planning Policy team consider may produce a different answer but with no guarantee that it is more accurate). GVA state that 'if the Tesco forecasts are taken to be more realistic, we would be more concerned about the levels of impact estimated by Sainsbury's'.

GVA suggest that the Tesco assessment has over-estimated the extent to which the proposed store's turnover will be derived from clawing back trade currently leaking to stores beyond Edenbridge (90%) and under-estimated the percentage of the store's turnover that would be derived from the Co-op (8%). This is on account of the fact that the scale and retail offer of the proposed Tesco store is likely to be comparable to the Co-op store rather than larger competing food stores in the local surrounding area. As a result, GVA consider that the Tesco's assessment under-estimates the impact that the development would have on the

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Co-op, with GL Hearn (for Tesco) estimating the impact at 14% and GVA estimating the impact at 21%. Both of these figures are lower than the forecast impacts of the Sainsbury's store (35% from WYG and 50% from GVA), although GVA note that it is not possible to make direct comparisons between these figures as a result of the different approaches taken. Taking into account the small scale of comparison floorspace proposed at the Tesco store (130 sq m net), the impact of the store on the town centre as a whole is estimated by GVA to be approximately 11.7% (comparable with 26.5% for Sainsbury's).

In retail impact terms, GVA state that 'it is evident that by virtue of its lesser scale and turnover that the proposed Tesco will have less impact on Edenbridge town centre than the Sainsbury's', which is considered to be 'just within the margins of acceptability'.

Given that GVA recommend that the impact of the two stores together would be unacceptable but that either could be permitted, a decision between the two must be made.

In terms of retail impacts, in favour of the proposed Sainsbury's is that it will be expected to bring about a greater claw back of trade into Edenbridge and achieve a greater reduction in car-borne trips than the proposed Tesco, as a result of its greater scale and anticipated retail offer, including the greater comparison goods offer. However, GVA question the extent to which this should be a determining factor. The Planning Policy team concur with this point, given that this trade would not be drawn back into the town centre and the key policies in respect of retail planning in the Core Strategy and the NPPF are not related to clawing back trade into settlements but instead seek to support the vitality and viability of town centres.

The GVA assessment notes that whilst the impact of the Sainsbury's proposal would be just within the limits of acceptability, there are risks associated with this conclusion, in particular with potential adverse impacts on the town centre, which are considered to weigh against the Sainsbury's application. The Planning Policy Team consider the protection of the vitality and viability of Edenbridge Town Centre to be the primary planning objective and that of the two proposals the Sainsbury application represents the greater risk to the centre.

In favour of the proposed Tesco store is the fact that it would have a less significant adverse impact on the town centre. The assessment of the impact of the proposed Tesco store on the Co-op is not subject to the same degree of risk, given that it is based on a more modest, and more in line with company average, assumed turnover for the Co-op store. GVA anticipate that the proposed Tesco store would bring about a reduction in car-borne trips to stores in surrounding towns as a result of increased competition, which they expect to lead to greater competition on prices and wider choice and availability of products.

Given the above, the Planning Policy team recommend that only one store be permitted and that, as a result of its more modest impact on the town centre and lower risks, the Tesco store should be considered the more acceptable option in terms of retail impact and that if it is permitted then the Sainsbury's application should be refused.

Employment Land Policies

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The proposed development site forms part of the Station Road employment land allocation in Edenbridge. It is subject to policy EP8 of the Sevenoaks Local Plan (2000) and policy SP8 of the Sevenoaks District Core Strategy. Policy EP8 states that Class B uses will be permitted on land allocated for employment use. Policy SP8 states that 'sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period'. This approach is considered to be consistent with para 22 of the NPPF.

The Council's emerging Allocations and Development Management Plan proposes that the Station Road site continues to be allocated for business use. The site forms part of the employment land supply that the Employment Land Review (2007), and the updated Long Term Employment Space Projections (2011), recommend that the Council should retain to meet requirements of the local economy to 2026.

The applicant's Employment Land Report notes that the application site contains 11,853 sq m of floorspace, of which 4,284 sq m is currently vacant. It is agreed that not all of the floorspace on the site is in B class employment use but, as the applicant's Employment Land Report notes, the vast majority is in one form of B class use or another.

Whilst the applicant notes that a significant proportion of the site's floorspace is vacant, the Employment Land Report also notes that 29% of the sites' "existing tenants have been found alternative accommodation in Edenbridge". It is not clear to what extent the vacancy rate on the site is driven by this process to relocate tenants. The report does not refer to marketing efforts that have been made to find new tenants for the vacant buildings nor does it set out vacancy rates over recent years.

The applicant's Employment Land Report also notes that there is a significant oversupply of business floorspace in the region. In the context of the current economic climate, the Planning Policy team does not dispute this evidence. However, the Council's Core Strategy and Employment Land Review evidence base considers the forecast need and supply to 2026. The Long Term Employment Space Projections (2011) document sets out the following future requirements:

Use	Estimated 2026 (m2) Floorspace 2011	Future Floorspace Requirement		
		Low Scenario	Medium Scenario	High Scenario
Office	144,900	143,200	149,500	156,600
Warehouse	261,000	270,700	281,700	296,800
Factories	216,900	196,700	206,500	214,100
Total (gross)	622,700	610,700	637,700	667,500
Total (net)	622,700	-12,000	+15,000	+44,800

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The applicant's summary of this evidence considers the 'warehouse' and 'factories' component in one category ('industrial') and suggests that the 'low scenario' identifies a reducing need for this floorspace. The use of the 'low scenario' is proposed on the basis of the continuing slow economic growth nationally. The Planning Policy team considers that, as the forecasts cover a sufficiently long period and were carried out in the context of the economic downturn, it is reasonable to use the 'medium scenario'. This identifies that retention of existing warehousing and office sites is required and that there is scope for growth in the period to 2026. It is noted that the low scenario also identifies a need to retain and develop new warehousing. The Planning Policy team does not consider that the evidence provided proves these projected requirements to be unreasonable.

It is noted that the applicant's Employment Land Report considers the buildings to be in an old and poor condition. Whilst it is agreed that parts of the Station Road Employment site probably would not justify the 'good quality' assessment that Employment Land Review concluded was the case for the whole site, this is not considered to be a reason for releasing the land for alternative development in itself. The applicant's Employment Land Report has briefly considered the opportunities for redevelopment of the site but concludes that it would not be viable as rents and values would be too low. This does not constitute an assessment of the long term opportunities for redevelopment which is the test required by Policy SP8. It is also noted that no information has been provided on any marketing that has taken place to try to find a developer.

The applicant's further information on employment land issues notes that approximately 132 FTE jobs will be created as a result of the development, compared to approximately 78 existing jobs on the site, 96 jobs that could be provided through upkeep and letting of the existing buildings and approximately 45 jobs (35 of which would be in B class uses) under a do nothing scenario where buildings were allowed to deteriorate further and would no longer be attractive to occupiers. The applicant's Employment Land Report notes that approximately 116 FTE jobs on the site could be provided through a redevelopment of the site for approximately 8100ml (Gross External Area) of B8 uses, on the basis of HCA/ Drivers Jonas Deloitte's Employment Densities Guide (2010), if a viable scheme were to come forward. A scheme that provided a mix of B class uses, as is currently found on site, would be expected to provide a higher number of jobs under the Employment Densities Guide. As a very rough calculation to illustrate this point, 8100ml of employment generating floorspace split between general B8 uses (2700ml of Gross External Area), general B2 uses (2700ml Gross Internal Area) and general office uses (2700ml Net Internal Area) would provide approximately 339 jobs.

The applicant has provided an indication of the current difficulties of letting buildings of deteriorating quality on this site in the current market and has considered the likely attractiveness and (briefly) the viability of redevelopment of the site. However, the Planning Policy team does not consider that the applicant has proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period and as such is not compliant with Policy SP8. In particular, the applicant's interpretation of the Council's Long Term Employment Space Projections is not accepted and long term opportunities for (and viability of) redevelopment are not considered to have been sufficiently considered, given the amount of Use Class B business land that the development would lead to the loss of.

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Planning Policy Recommendations

In accordance with the Council's retail consultants, it is recommended that only one of the proposed foodstores in Edenbridge be permitted on the grounds that permitting both the Tesco and Sainsbury's stores would have an unacceptable impact on Edenbridge town centre. Whilst the Sainsbury store is likely to provide greater choice of goods and to claw back more expenditure to the town, the principle planning aim is to maintain the vitality and viability of the town centre and on balance the retail impact of the larger Sainsbury store presents greater risks to the town centre. In terms of retail impact, the Tesco proposal should be favoured over the Sainsbury's proposal due to the more modest impact on the town centre and lower risks associated with the impact assessment.

For reasons set out above, the Planning Policy team considers that the application does not comply with Policy SP8 of the Core Strategy or Policy EP8 of the Saved Local Plan, on the basis that it has not been proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period. It is accepted that the Sainsbury's proposal would provide an increase in the number of jobs (to 132 FTE jobs) currently on the site and that there are currently no proposals for redevelopment of the site that may increase the number of jobs in B class uses accommodated. However, the Tesco proposal will also provide an increase in the number of jobs (100 FTE jobs) within the Station Road employment site and would do so with the loss of less existing employment floorspace, with 11,853 sq m potentially lost as a result of the Sainsbury's proposal (the majority of which is in B class use) compared to 2160 sq m (plus 868 sq m of permitted floorspace) potentially lost as a result of the Tesco proposal. Given that the Council's retail consultants recommend that only one store should be permitted, the Planning Policy team considers that the employment land considerations also weigh in favour of the Tesco proposal.'

Sevenoaks Arboricultural Officer

32 Sevenoaks Arboricultural Officer has made the following comment:

'I have no issue with this proposal to demolish and replace with a new store and petrol station. There is currently very little on the site in the way of amenity vegetation and I see this proposal as an opportunity to improve by way of an agreed landscaping scheme. The proposed landscaping is very basic. I would look to see car park planting as well as a mix of evergreen and deciduous trees with an increase in the number of the current proposals. I will look forward to being consulted on the landscaping should this application be successful.'

Sevenoaks Council Environmental Health

33 Sevenoaks Council Environmental Health have made the following comment:

'Whilst the acoustic report for this application indicates no significant impact from the operations, would it be possible to require a further acoustic assessment of the store within 6 months of the store becoming operational, and if the observed noise levels are greater than 3 dB(A) above the predicted levels then additional mitigation works will be required and agreed by the District Council.

Specific details of fume and extract equipment will also be required, as it should be suitable and sufficient to prevent loss of amenity and a contaminated land

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assessment will be required. The assessment will include both a Phase 1 (desk top) and Phase 2 (intrusive) investigation with remediation proposals to demonstrate the potential risks to those working on the construction of the site and future users of the facilities of the store. Any remediation will also require validation to demonstrate any works have been completed in an appropriate manner.'

Representations

34 513 notifications of support have been received. These raise the following points:

- The proposal would create 200 full and part time jobs in the town.
- The proposal would boost the local economy and encourage future investment
- The shop is within walking distance for the residents in the Marlipit Hill area
- The proposal will bring in trade from outside the area
- The proposal will improve and regenerate a less attractive part of town
- Reduced out of town journeys with result in reduced fuel costs and help the environment
- The proposal will result in a greater choice of shops for local residents
- The proposal will stop local people travelling outside of the area to shop
- The biomass boiler will generate large amounts of the stores energy
- The petrol station will provide more competitive choice

35 7 notifications of objection have been received. These raise the following points:

- A large superstore on the outskirts of the town would kill the high street.
- The store would result in the loss of linked trips to the town centre and have an adverse impact on its vitality and viability.
- Edenbridge is adequately provided for by the existing food outlets
- The proposal would result in the loss of an unacceptable level of employment land contrary to local plan policy.
- The use of the 'low growth scenario in the local plan is flawed as there is no evidence that there will be no growth before 2026.
- The sequential test has been incorrectly applied and not identified an extension to the coop, or the Leathermarket site as suitable alternatives.
- Some of the assumptions and figures used in the retail assessment are questionable. The proposal would have a detrimental impact on Mill Hill garage
- The existence of the Tesco application is material planning consideration. This application proposes a less harmful retail provision.
- The proposal would have a detrimental impact on the amenity of neighbouring occupiers. The recycling facilities are provided on the boundary with the railway line which is also the closest to any residential

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dwelling. This noise would be audible to neighbours in addition to plant noise.

- Light spillage would cause harm to wildlife
- The landscaping is unacceptable
- The two railway bridges are unable to cope with further traffic volume.

Eden Valley Chamber of Commerce

- 36 The Eden Valley Chamber of Commerce have offered no comment directly on the planning application, but have released the following press release which has been provided as a comment:

'Eden Valley Chamber of Commerce vote overwhelmingly in favour of Sainsbury's proposal

Following lengthy discussions with representatives of both the Sainsbury's and Tesco's bids and following a vote among its members, the chamber has given its overwhelming support to the proposals put forward by the Sainsbury's team.

Peter Kingham, chairman of the chamber commented "we have looked carefully into the impact that these stores will have on Edenbridge generally and the businesses of the town in particular, we consider that the big store proposal of Sainsbury's will bring much greater benefit to Edenbridge. In particular it will draw shoppers into the town and give us the opportunity to get our message to a greater number of people, drawing them to the High St and the great retail variety offered by the town."

The chamber listed aspects of the bid such as a petrol station, the size of the store and the large clothing offer as major factors in their decision "we want Edenbridge to be a destination town and one that larger companies can invest in. The Tesco's bid doesn't achieve this at any level" said Mr Kingham. "We are particularly impressed by the willingness of the Sainsbury's team to work with the chamber as well as other existing organisations in the town".

Other comments from the vote reflect this opinion "Sainsbury are ethically accredited by the Ethical Company Organisation. As a Fairtrade Town Edenbridge has an obligation to pick the most ethically transparent company, concerns about traffic congestion and impact on local homeowners with the Tesco's site as well as the greater opportunities for employment from Sainsbury's, were also cited.

Of course, not all votes were in support of Sainsbury's but the majority, at least 80% were in favour, the rest of the vote being split almost equally between the Tesco bid or neither options. Mr Kingham commented further that "we hope that Sevenoaks District Council will give our comments their very serious consideration when deliberating both plans and I will be writing to SDC to give them our views together with full details of the vote and the comments of all members'

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Head of Development Services Appraisal

Assessment

37 The main issues for consideration of this planning application are:

- The principle of development:
 - loss of employment land
 - impact on town centre
- The design of development
- Highway implications
- Amenity impact
- Flooding, sustainability and ecology
- Other material planning considerations

Loss of Employment Land

38 Policy LO6 of the Core Strategy details the Council's aspiration for development in Edenbridge. It states that existing suitable employment sites will be retained with the opportunity for regeneration and redevelopment to better meet the needs of business.

39 Policy SP8 of the Core Strategy relates to Economic Development and Land for Business. It states that the sustainable development of the District's economy will be supported by the retention, intensification and regeneration of existing business area primarily at Sevenoaks, Swanley and Edenbridge and Major Developed Sites in rural areas.

40 Policy SP8 states that *'sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. Redevelopment for mixed use of business sites may exceptionally be permitted where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, where the employment capacity of the site, represented by the commercial floorspace, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development'*.

41 The Core Strategy states that the Council is preparing an Economic Development Action Plan and that one of its key themes is maintaining the supply of local employment land. The Core Strategy has a significant role to play in implementing the Action Plan in the provision it makes for development and states that there is a significant supply of employment land for business use and that the great majority is acceptably located (as identified in the Employment Land Review). The review identifies that there is a future additional land requirement which can be met through the intensification and use of vacant land. The emphasis of policy is therefore on retaining and making effective use of existing employment land.

42 Policy EP8 of the Local Plan identifies the main business areas and states that Class B uses will be permitted within these areas play in contributing towards the achievement of sustainable development is described in the NPPF as:

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'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'

43 Paragraph 18 and 19 of the NPPF state

'18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

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.'

Paragraph 22 of the NPPF states

'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.'

44 The proposed development site forms part of the Station Road employment land allocation in Edenbridge. It is subject to policy EP8 of the Sevenoaks Local Plan (2000) and policy SP8 of the Sevenoaks District Core Strategy. The approach in these policies is consistent with para 22 of the NPPF.

45 The Council's emerging Allocations and Development Management Plan proposes that the Station Road site continues to be allocated for business use. The site forms part of the employment land supply that the Employment Land Review (2007), and the updated Long Term Employment Space Projections (2011), recommend that the Council should retain to meet requirements of the local economy to 2026.

46 The local policies seek to protect such sites unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. If this cannot be demonstrated, they exceptionally allow for the redevelopment for mixed use where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, provided that the employment capacity of the site, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development.

47 The use of land for retail purposes is specifically different to a business use in planning policy terms and is therefore inappropriate on protected employment land.

48 The applicant's Employment Land Report notes that the application site contains 11,853 sqm of floorspace, of which 4,284 sq m is currently vacant. As such, the

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large majority of the land is occupied, the vast majority of which is in one form of B class use or another.

- 49 The applicant's Employment Land Report notes that 29% of the sites' "existing tenants have been found alternative accommodation in Edenbridge". However it is not clear to what extent the vacancy rate on the site is driven by this process to relocate tenants. The report does not refer to marketing efforts that have been made to find new tenants for the vacant buildings nor does it set out vacancy rates over recent years. Despite requests, no evidence has been forthcoming to show that the vacancy rate on site is a result of natural loss rather than driven by ambitions for the site. As such, it clearly cannot be proven that the units are no longer needed for business use during the Core Strategy period.
- 50 The proposal does not provide a mixed use scheme which would effectively meet the needs of modern business, nor would it represent a sustainable approach consistent with the general distribution of development in the area.
- 51 The applicant's Employment Land Report notes that there is a significant oversupply of business floorspace in the region. However, the Council's Core Strategy and Employment Land Review evidence base considers the forecast need and supply to 2026. The Long Term Employment Space Projections (2011) document sets out future requirements as detailed in the policy representation in this report.
- 52 The applicant's summary of this evidence considers the 'warehouse' and 'factories' component in one category ('industrial') and suggests that the 'low scenario' identifies a reducing need for this floorspace. The use of the 'low scenario' is proposed on the basis of the continuing slow economic growth nationally. It is considered that, as the forecasts cover a sufficiently long period and were carried out in the context of the economic downturn, it is reasonable to use the 'medium scenario'. This identifies that retention of existing warehousing and office sites is required and that there is scope for growth in the period to 2026. It is noted that the low scenario also identifies a need to retain and develop new warehousing. It is not considered that the evidence provided proves these projected requirements to be unreasonable.
- 53 The applicant's Employment Land Report considers the buildings to be in an old and poor condition. Whilst parts of the Station Road Employment site would not justify the 'good quality' assessment that Employment Land Review concluded was the case for the whole site, this is not a reason for releasing the land for alternative development in itself. The applicant's Employment Land Report has briefly considered the opportunities for redevelopment of the site but concludes that it would not be viable as rents and values would be too low. This does not constitute an assessment of the long term opportunities for redevelopment which is the test required by Policy SP8 up to 2026. Further to this, no information has been provided to show that efforts have been made to actively market the site.
- 54 The applicant notes that approximately 132 FTE jobs will be created as a result of the development. This is compared to approximately 78 existing jobs on the site, 96 jobs that could be provided through upkeep and letting of the existing buildings and approximately 45 jobs) under a do nothing scenario where buildings were allowed to deteriorate further and would no longer be attractive to occupiers.

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- 55 The applicant's Employment Land Report notes that approximately 116 FTE jobs on the site could be provided through a redevelopment of the site if a viable scheme were to come forward. The policy team have calculated that, based on the Employment Densities Guide guidance, redevelopment would actually provide approximately 339 jobs. As such the proposal would potentially result in a decrease in the number of jobs provided on site compared with its redevelopment for business use in line with policy.
- 56 The applicant has provided an indication of the current difficulties of letting buildings of deteriorating quality on this site in the current market and has considered the likely attractiveness and (briefly) the viability of redevelopment of the site. However, the applicant has not proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period and as such is not compliant with Policy SP8. In particular, the applicant's interpretation of the Council's Long Term Employment Space Projections is not accepted and long term opportunities for (and viability of) redevelopment are not considered to have been sufficiently considered, given the amount of Use Class B business land that the development would lead to the loss of.
- 57 Para 22 of the NPPF only requires the long term protection of sites allocated for employment use to be avoided where there is no reasonable prospect of a site being used for that purpose. In this instance, it is considered that the application does not comply with the NPPF, Policy SP8 of the Core Strategy or Policy EP8 of the Saved Local Plan, on the basis that it has not been proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period.
- 58 The Sainsbury's proposal would provide an increase in the number of jobs (to 132 FTE jobs) on the site compared to the current provision, It has not been demonstrated that the site could not be redeveloped to provide for in excess of this number of jobs. The proposal does not comply with the NPPF, or policies SP8 of the Core Strategy or EP8 of the Local Plan. The increase in FTE jobs that the proposal would deliver is considered to be material planning consideration which partially weighs against the policy objection. However in terms of the loss of employment land, in this instance, the scheme is not considered acceptable.

Impact on Town Centre

- 59 Policy LO6 details the Council's aspiration for development in Edenbridge. The mix of retail and service uses that contribute to the vitality and viability of the town centre will be maintained.
- 60 Policy EB1 of the Local Plan identifies the Edenbridge town centre, and states that proposals which will improve the range, quality and diversity of shops and services and provide for business, leisure and community needs will be permitted.
- 61 The emphasis on sustainable development in the NPPF, underpins the importance of protecting town centre uses and employment land. It states that local policies should

'recognise town centres as the heart of their communities and pursue policies to support their viability and vitality'

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Retail development is defined as a 'main town centre use' in the NPPF and, as result, an application for retail development outside of a town centre must prove that a sequentially preferable suitable site is not available. The proposed development site is more than 300m from Edenbridge Town Centre and, therefore, must be considered an 'out of centre' site.

62 The NPPF states:

'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.'

Applications for over 2,500 sq m must also be supported by an Impact Assessment to consider whether the development would have a significant adverse impact on:

- *Existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *Town Centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made (from NPPF para 26);*

Para 27 of the NPPF provides that an application should be refused where it fails to satisfy the sequential test or is likely to have a significant adverse impact on the town centre vitality and viability and trade in the town centre and wider area.

63 A retail impact assessment has been submitted with the application. This assesses the impact of the proposal on Edenbridge town centre. In addition, SDC has commissioned GVA to review the application submission and independently assess the impact of the proposal. GVA have produced a report which is appended to this assessment.

Sequential test

64 There are two sites which are of a sufficient size to realistically accommodate a large format foodstore with associated parking and servicing. These are the Co-op site, and land within the Local Plan Allocation EB3.

65 The Local Plan Allocation has been largely built out by residential development which limits the extent of the site which is available. The site is constrained in terms of its scale (0.3ha) and its proximity to neighbouring residential uses. There is also an issue in achieving a suitable access arrangement. This site is not suitable to accommodate a foodstore.

66 The layout of the existing store on the Co-op site provides only a limited opportunity to accommodate a second or extended store without a substantial degree of flexibility on the part of the applicant. It would also result in a loss of parking for the Co-op which is unlikely to be acceptable to the retailer. To accommodate a foodstore on this site would therefore necessitate the redevelopment of the Co-op store. This would require support from the Co-op which is highly unlikely given the competitive nature of operators. The survey results indicate that

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the existing store trades well which makes it unlikely that it will face closure in the near future therefore releasing the site for redevelopment. The site cannot therefore be considered as available.

- 67 In conclusion, no sequentially preferable sites within or closer to the town centre exist in Edenbridge. As such, the Sainsbury's proposal passes the test of sequentiality.

Choice and range of goods

- 68 The Sainsbury store will increase the choice and range of goods and increase local competition within the town. This is an objective of the Local Plan and Core Strategy, but such improved choice is sought in the town centre, not in an out of town centre location as is proposed in this application.

Expenditure claw back

- 69 The GVA report concludes that because of its scale and retail offer, the proposed Sainsbury's store will claw back some expenditure to the town and achieve a reduction in car-borne trips as a result. This is a benefit in terms of reduced frequency and length of trips, and is a benefit to the town, but it is not a benefit to the town centre, as the store is out of centre. Benefits in terms of claw back to the town need to be set against adverse impact on the town centre. Rather, the key aim is to protect the town centre. The key policies in respect of retail planning in the Core Strategy and the NPPF are not related to clawing back trade into settlements but instead seek to support the vitality and viability of town centres. The application proposals are not situated within the town centre nor do they have any stated direct benefits to it.

Retail Impact

- 70 Taking into account both the convenience and comparison goods turnover of the centre, and the anticipated trade draw of the proposed store (for both goods types), GVA estimate that the Sainsbury's store will lead to an overall impact of 26.5% on the town centre as a whole.
- 71 GVA consider that Sainsbury's over-estimates the amount of trade that will be drawn from surrounding areas and under-estimates the amount of trade that will be drawn from the Edenbridge area. As a result, they consider that the Sainsbury's assessment under-estimates the impact that the development would have on the Co-op and the Tesco Express, with the applicant estimating these impacts at 35% and 25% respectively, whilst GVA estimate these impacts at 50% and 30% respectively.
- 72 GVA consider that neither of these stores would close but note that there would be an inevitable reduction in linked trips to the town centre. It is forecast that the overall adverse impact of the Sainsbury's proposal on the town centre turnover will be circa 26.5%. The danger of this impact is that it would have a negative impact on the vitality and viability of the town centre, contrary to local and national policy.
- 73 The GVA report concludes that the Sainsbury's proposal is 'just within the margins of acceptability'. This is due, in part, to the fact that Edenbridge town centre is considered to perform a 'wider than convenience (shopping) function and

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contains a number of key service uses which would be expected to continue to draw trips in their own right'.

- 74 The impact of the Sainsbury's proposal are subject to risks, including greater than anticipated uptake of internet spending and/or slower than anticipated growth in expenditure, which could lead to greater impacts on the turnover of the town centre anchor stores. Also identified as a risk is the extent to which the Co-op store is currently over-trading and, therefore, the extent to which it can sustain a reduction in turnover without closing as a result of the development of an out of town centre competitor.
- 75 Whilst the impact of the Sainsbury's proposal would be just within the limits of acceptability, there are risks associated with this conclusion. The practical risk of permitting the store is that it would take custom away from the town centre both directly and also through a reduction in linked trips to the smaller town centre premises through visits to the Coop store. This would mean that shops within the town centre would be unable to sustain their existence in Edenbridge and would potentially close. This would detrimentally impact the vitality and viability of the town centre contrary to policy LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF.
- 76 These are considered to weigh against the application as the protection of the vitality and viability of Edenbridge Town Centre is the primary planning objective.
- 77 However, as a stand alone application taken in isolation, the retail impact of the proposal as assessed independently, is considered to be at the margins of acceptability and therefore very much on balance in accordance with policy LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF.

The Design of Development

- 78 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. In areas where the local environment lacks positive features, new development should contribute to an improvement in the quality of the environment.
- 79 Policy EN1 of the Local Plan identifies a broad range of criteria to be applied in the consideration of planning application. Criteria 1 states that the form of the proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Criteria 2 states that the layout of the proposed development should respect the topography of the site, retain any important features including trees, hedgerows and shrubs.
- 80 The site in its current state is relatively run down and in need of regenerating and occupies a prominent location on the main route into Edenbridge town centre. The redevelopment of the site is an opportunity to improve the landscaping and pedestrian routes through the site thus improving the streetscape of this section of Station Road and Fircroft Way.
- 81 An analysis of the constraints and opportunities for development of the site in design terms has been undertaken. As a result, the store does complement the

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form and massing of the existing buildings around the site. The store would be single storey with a main eaves level at the front of the store of 6.01m which rises to 7.2m at the ridge. It would feature glazing around the perimeter of the sales area to allow natural light to penetrate into the store. Parts of the front and south elevations would be finished with timber boarding, and a canopy runs across the front of the store at 5.7m in height.

- 82 The primary elevation faces west into the car park. It incorporates the store entrance and a significant amount of glazing. Where the shopfront ends, a ribbon of high level glazing continues across the front elevation and wraps around the side. Below the high level glazing, timber boarding is shown.
- 83 The timber boarding and high level glazing continues round to the Fircroft Way elevation. This side of the building is also treated with light grey cladding and masonry facing. The roof is a light grey single ply.
- 84 The petrol filling station has been designed with an acceptable degree of attention and articulation to the site with a barrel vault canopy. The kiosk is shown as a simple timber clad building. It would sit comfortably in the prominent position on London Road.
- 85 New landscaping is shown across the site to enhance its visual appearance, create a more pleasant streetscape and to provide softening to the perimeter boundaries.
- 86 The layout of the site has been designed to be inclusive to all those who are likely to access it.
- 87 The proposal has an overall gross external floor area of 5,016 sqm compared with the current floorspace of 11,853 sqm.
- 88 It is considered that the proposal is designed in a manner that would contribute to an improvement in the quality of the environment. In line with the Arboricultural officer comments, a condition can be imposed to seek additional landscaping, particularly within the car park to soften the impact of the scheme and the large expanse of parking at the front of the site.
- 89 Subject to conditions regarding landscaping and requiring samples of materials to be used in the external appearance of the building, the proposal accords with policy EN1 of the Local Plan and SP1 of the Core Strategy in terms of design.

Highway Implications

- 90 Policy SP2 of the Core Strategy states that the Council will support and promote measures to reduce reliance on travel by car. Specifically it will support improvements to enhance the safety and convenience of public and community transport, seek improved facilities for cyclists and pedestrians, and require the inclusion of Travel plans and other appropriate measures in new developments that generate significant traffic volumes
- 91 Policy SP9 states that where new development creates a requirement for new or improved physical, social and green infrastructure beyond existing provision, developers will be expected to provide or contribute to the additional requirement.

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- 92 Criteria 6 of policy EN1 of the Local Plan states that the proposed development must ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards. Criteria 10 states that the proposed development does not create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel.
- 93 Criteria 10 requires that the development does not create unacceptable traffic conditions on the surrounding road networks and is located to reduce where possible the need to travel.
- 94 Policy VP1 requires parking provision to be made in accordance with the KCC adopted vehicle parking standards.
- 95 Extensive discussions have taken place between the applicant and Kent Highways. As a result, the proposal includes the rebuilding of the junction of Fircroft Way and Station Road to incorporate a roundabout, the provision of a signalised pedestrian crossing over Station Road north of the roundabout, widened footways on both sides of London Road, a layby for southbound buses, and changes to the footway of Fircroft Way to create access to the proposed service yard.
- 96 Kent Highways have raised no objections to the application, subject to a section 106 agreement for the above detailed works. This is currently being finalised. Comments have been provided regarding parking, servicing, traffic movements or access points which confirm that the matters are considered to be acceptable as proposed.
- 97 It is recommend that a condition be imposed requiring the applicants to submit details of site access, parking and wheel washing during construction of the store.
- 98 Kent Highways have raised no objection to the level of parking, access arrangements or traffic movements.
- 99 The Town Council have raised a number of issues related to the highways implications of the scheme. It has been suggested that Highways should be consulted to assess the benefit of moving the Zebra Crossing further north up Four Elms Road towards the Railway Bridge, and attention was drawn to the proposal to send HGV's through the village of Hartfield instead of using the A264 from Colestock Crossing.
- 100 Consultation responses have also raised concern about the ability of the railway bridges to accommodate the increased traffic that would be result from the store.
- 101 In response to these concerns, Kent Highways have advised that the proposed pedestrian crossing would be only 85 m from the railway bridge. The reason for Sainsbury's to construct it is to help their customers cross the road from the bus stop to the store. It is not clear why there might be any net advantage in moving it north, assuming a suitable location could be found taking into account the road junction, driveways, bus stops and other constraints (e.g. visibility through the railway bridge).
- 102 The intended crossing would be signalised, it would not be a zebra. Due to visibility constraints (a bus stop on approach to a pedestrian crossing could create

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safety hazards) Sainsbury's are prepared to create a layby for the bus stop on the southbound side of the road.

- 103 It was indicated that Sainsbury's delivery lorries would come from their Dartford depot on the M25, then via the A22 and B2028 (Lingfield) and Highways are not aware of any proposal to route via Hartfield.
- 104 Highways would not expect any significant additional problems on Four Elms Rd; from this direction it would be a slightly shorter route to Sainsburys to drive via Swan Lane than via the Four Elms Rd railway bridge. It is likely that people will use both routes.
- 105 There would be more traffic using the bridge. However the only congestion would be when an HGV or other higher vehicle requires to use the centre of the road. Highways consider that it does not happen sufficiently frequently for it to become a significant problem; under normal circumstances it is not likely to be a "severe" issue in terms of assessments of highways impact under NPPF.
- 106 It was also suggested that consideration should be given to limiting the time that car park users could stay to avoid spaces being occupied by commuters. Given the proximity of the site to Edenbridge Station, the control of parking spaces can be controlled through an appropriate condition requiring a parking control scheme to be submitted for approval prior to commencement of use of the store.
- 107 It is considered that the impact of the store, subject to the completion of a S106 agreement is acceptable and in accordance with policies EN1 and VP1 of the Local Plan.

Amenity impact

- 108 Criteria 3 of policy EN1 of the Local Plan states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Criteria 4 states that the proposed development should not result in the loss of important buildings or related spaces.
- 109 The site is currently occupied by employment buildings which sit appropriately on protected employment land. As a comparison to the impact of the proposed use, the impact, including noise, air, visual and traffic nuisance, on local amenity of such buildings could be extensive.
- 110 The site is not directly adjoined by any residential land. Dwellings sit to the north, but the railway line separates them from the store. An area of residential land lies to the east but this is separated from the application site by more employment land and buildings.
- 111 The matter of traffic management has been addressed by Kent Highways and found to be acceptable subject to the provision of additional management resources as detailed above.
- 112 The visual impact of the proposal has also been assessed in this report and is also considered to be acceptable, particularly in the context of the surrounding area.

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- 113 Sevenoaks Environmental Health have assessed the proposal in terms of noise and air nuisance and concluded that while the acoustic report submitted with the application indicates that there will be no significant impact from the operations of the store, a condition should be imposed to require a further acoustic assessment of the store within 6 months of the store becoming operational, and if the observed noise levels are greater than 3 dB(A) above the predicted levels then additional mitigation works will be required and agreed by the District Council.
- 114 Specific details of fume and extract equipment will also be required, as it should be suitable and sufficient to prevent loss of amenity. In addition, a contaminated land assessment will be required to demonstrate the potential risks to those working on the construction of the site and future users of the facilities of the store and how these will be mitigated against.
- 115 Subject to appropriate condition, the amenity impact of the store is considered to be acceptable and in accordance with policy EN1 of the local plan.

Flooding, sustainability and ecology

- 116 Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- *'within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
 - *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems'*
- 117 Policy SP2 of the Core Strategy requires that all new commercial development is required to achieve BREAM 'very good' standards and must incorporate sustainable drainage systems where practical together with arrangements to secure their long term maintenance. Achievement of BREEAM standards must include at least a 10% reduction in the total carbon emissions through the on site installation and implementation of decentralised, renewable or low carbon energy sources.
- 118 Policy SP11 of the Core Strategy requires the biodiversity of the District to be conserved and opportunities for enhancement sought.
- 119 Following an objection from the Environment Agency on the basis of flood risk, amended plans to shown attenuation measures to the railway culvert have been submitted as part of the application. As a result of the amended plans, the Environment Agency have confirmed that they have no objection to the proposal subject to a condition requiring a sustainable surface water drainage scheme for the site be submitted to and approved in writing by the local planning authority.
- 120 Provided this condition is imposed, the proposal would be in accordance with the requirements of the NPPF in terms of flood risk.

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- 121 A design and access statement and a renewable energy and efficiency assessment have been submitted with the application. These outline the means by which the proposal will achieve a CO2 reduction of 16.8% by implementing sustainable initiatives, compared with if these initiatives were not implemented. These include LED lighting, use of natural light, natural refrigeration, water saving devices, insulation, air tightness, the use of entrance lobbies and the use of on site renewable technologies. It is also committed that the store will be built to BREEAM standard 'Very Good'.
- 122 The use of renewable energy sources and achievement of BREEAM very good standard can be secured via condition.
- 123 As such, the proposal would accord with policy SP2 of the Core Strategy, and the NPPF in terms of sustainability.
- 124 Natural England, Kent Ecology and the Kent Wildlife Trust have made no objection to the application in terms of ecological impact. They have identified that enhancements which have been detailed in the submitted bat survey should be incorporated in to the site. This can be dealt with by condition.
- 125 Kent Wildlife Trust has also raised concerns about the impact of 'significant and powerful' illumination from the proposal on the adjacent vegetated railway corridor. It has requested that the Council requires the submission of lighting details for the car park and circulation areas of the site. This can be dealt with by condition.
- 126 The proposal would accord with policy SP11 of the Core Strategy and the NPPF in terms of biodiversity protection and enhancement.

Other Material Planning Considerations

- 127 An application has been submitted for a retail store on a plot of land nearby to the application site. It is for a Tesco development at land north west of the junction with St Johns Way (ref 13/00935/FUL). This is being considered alongside this application, and an assessment of the planning merits of the scheme can be found in the Officers report.
- 128 The Applicant has submitted figures related to the cumulative impact of the Sainsbury and Tesco application. It finds that the cumulative impact on the Coop store would be 75% and on the Tesco store would be 57%.
- 129 The GVA report has considered the cumulative impact of permitting the Sainsburys and Tesco applications. It concludes **that the development of two foodstores would have an unacceptable impact on Edenbridge town centre.** The impact has been detailed as follows:

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Cumulative Impact	Based on Tesco's evidence	Based on Sainsbury's evidence
The town centre as a whole	43%	37%
The Co-op	96%	64%
Tesco Express	45%	46%

- 130 The figures above show the impact on only the Co-op and impact on only the Tesco Express. While this may be an interesting exercise, it is not relevant to National or local planning retail impact policy which deals with impact on an entire designated town centre rather than individual stores. There is no local or national planning policy support for considering the impact of any proposal on a section of the town centre. Policy considerations relate to vitality and viability of town centres in their entirety.

Sequential tests

- 131 In reviewing the two applicant's sequential tests, GVA note that the two sites are similar in terms of accessibility, with the Tesco store being marginally closer to the town centre (although still too far to facilitate linked trips) and the Sainsbury's store being closer to Edenbridge Station (although GVA question how many people travel by train for the purposes of food shopping).
- 132 As discussed previously in this report, there are two sites which are of a sufficient size to realistically accommodate a large format foodstore with associated parking and servicing - the Co-op site, and site 6 allocated within the Local Plan Allocation EB3 (known as the Leathermarket site).
- 133 As previously concluded in this report, no sequentially preferable sites within or closer to the town centre exist in Edenbridge and therefore neither store is preferable to the other in this respect.

Expenditure claw back

- 134 GVA state that the larger Sainsbury store will claw back more expenditure to the town than the Tesco store. However, whilst this is a secondary benefit in terms of reduced frequency and length of trips, this is not a stated planning objective for the town. Rather, the key aim is to protect the town centre and these proposals are not situated within the town centre nor do they have any stated direct benefits to it.
- 135 Benefits in terms of claw back need to be set against impact on the town centre.

Retail Impact

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- 136 Taking into account both the convenience and comparison goods turnover of the centre, and the anticipated trade draw of the proposed store (for both goods types), GVA estimate that the **Sainsbury's store will lead to an overall impact of 26.5% on the town centre as a whole**. In comparison, they estimate the diverted convenience and comparison expenditure of **the Tesco store to equate to an overall impact of 11.7% on the town centre as a whole**.
- 137 GVA suggest that the Tesco assessment has over-estimated the extent to which the proposed store's turnover will be derived from clawing back trade currently leaking to stores beyond Edenbridge (90%) and under-estimated the percentage of the store's turnover that would be derived from the Co-op (8%). This is on account of the fact that the scale and retail offer of the proposed Tesco store is likely to be comparable to the Co-op store rather than larger competing food stores in the local surrounding area. As a result, GVA consider that the Tesco's assessment under-estimates the impact that the development would have on the Co-op, with GL Hearn (for Tesco) estimating the impact at 14% and GVA estimating the impact at 21%. Both of these figures are lower than the forecast impacts of the Sainsbury's store (35% from WYG and 50% from GVA), although GVA note that it is not possible to make direct comparisons between these figures as a result of the different approaches taken. Taking into account the small scale of comparison floorspace proposed at the Tesco store (130 sq m net), the impact of the store on the town centre as a whole is estimated by GVA to be approximately 11.7% (comparable with 26.5% for Sainsbury's).
- 138 In retail impact terms, GVA state that 'it is evident that by virtue of its lesser scale and turnover that the proposed Tesco will have less impact on Edenbridge town centre than the Sainsbury's', which is considered to be 'just within the margins of acceptability'.
- 139 Given that the impact of the two stores together would be unacceptable but that either could be permitted, a decision between the two must be made.
- 140 In terms of retail impacts, in favour of the proposed Sainsbury's is that it will be expected to bring about a greater claw back of trade into Edenbridge and achieve a greater reduction in car-borne trips from Edenbridge residents who currently do their food shopping outside of the town than the proposed Tesco, as a result of its greater scale and anticipated retail offer, including the greater comparison goods offer. However this trade would not be drawn back into the town centre and the key policies in respect of retail planning in the Core Strategy and the NPPF are not related to clawing back trade into settlements but instead seek to support the vitality and viability of town centres.
- 141 Whilst the impact of the Sainsbury's proposal would be just within the limits of acceptability, there are risks associated with this conclusion, in particular with potential adverse impacts on the town centre, which are considered to weigh against the application. The protection of the vitality and viability of Edenbridge Town Centre is the primary planning objective and of the two proposals the Sainsbury application represents the greater risk to the centre.
- 142 As a result of its more modest impact on the town centre and lower risks, the Tesco store is considered the more acceptable option in terms of retail impact. Subject to it being granted approval, the Sainsbury's application should be refused.

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Conclusion

- 143 The scheme results in an unacceptable loss of protected employment land contrary to policies LO6 and SP8 of the Core Strategy, EP8 of the Local Plan, and the NPPF.
- 144 In terms of design, highways impact, amenity impact, flooding sustainability and ecology, the proposal is considered to be acceptable subject to conditions. In terms of impact on the town centre, the scheme in isolation is considered to be just on the edge of acceptability. The submission of an application for a Tesco store is a material planning consideration that has to be taken into account and weighed against the other issues that have been assessed.
- 145 The cumulative impact of this and the Tesco application would be unacceptable in terms of impact on the town centre. As such, only one of the schemes can be permitted. The Tesco application is acceptable in terms of loss of employment land, design, highways impact, amenity impact, flooding sustainability and ecology subject to conditions. The Sainsburys application would have a greater harmful impact on the vitality and viability of the town centre and would result in the loss of protected employment land contrary to policies LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF. These objections are not considered to be outweighed by the greater claw back of trade than the Tesco scheme.
- 146 In planning policy terms, the Sainsburys application is a less preferable option. This consideration represents a material planning consideration which in combination with the loss of employment land weighs against this application.
- 147 This application would result in the loss of an unacceptable level of employment land and have a detrimental impact on the vitality and viability of the town centre contrary to policies EP8 and EB1 of the Local Plan and SP8 and LO6 of the Core Strategy, and the National Planning Policy Framework.

Background Papers

Site and Block plans



Contact Officer(s):	Joanna Russell Extension: 7367
Pav Ramewal Chief Executive Designate	

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Late Observation Report - Appendix 2
Supplementary Information

DEVELOPMENT CONTROL COMMITTEE

8 August 2013

LATE OBSERVATION SHEET

Item 4.1 SE/13/00134/FUL Land at Station Road & Fircroft Way, Edenbridge TN8 6HQ

Corrections

- Page 25 4th paragraph down - J signs should read £ symbol.
- The Edenbridge Town Council comments should read '...further North up Station Road from Four Elms Road...'

Added comments

- It should be noted that the Coop has raised objection to the planning application. While the concerns raised have been considered in the main body of the report, they are highlighted here for ease of reference:

The scheme is likely to result in a significant adverse impact on the town centre in terms of turnover, linked trips and overall vitality and viability

The scheme would result in the loss of important B Class land recognised as such in the Council's Employment land review.

Queries raised over the retail assessment figures that have been produced.

Comments: The two reasons for objection to this scheme are the recommended reasons or refusal of the application.

The Council commissioned an independent retail assessment of the scheme to check against the submitted retail figures. This found discrepancies as detailed in the GVA report.

Page 14 para 9 – the applicant has advised that an additional unit on the land has become vacant. It is one of the B8/B2 uses and equates to 829 sqm.

- Para 64-67 – as outlined in the in the GVA report para 5.1-5.10, the assessment of sequentially has taken a flexible approach to issues such as format and scale. It has concluded that even taking a flexible approach, the scheme meets the test of sequentiality.
- The most recent draft 106 agreement is attached as Appendix 1.
- Sainsbury's have clarified that in their figures, they have made no allowance for any positive impact of the foodstore proposals either in isolation or cumulatively. They also take the Tesco figures at face value which does not imply that they agree with the assessment.

Supplementary Information

Late Observations

- Councillor Scholey has advised that due to a prior booked holiday, he shall not be able to attend the DCC meeting on August 8th. He has requested that the attached statements be included in late observations. His comments are attached as Appendix 2.
- An addendum has been produced to GVA's critique of the Retail Impact Assessments carried out to support the Sainsbury's and Tesco planning applications. It is attached as an Appendix 3 for members' information. This report was primarily commissioned to assess the cumulative impact of the two stores. Para 20 of the report provides GVA's estimate of this and further detail is set out in tables 1-4 of the appendices.

Impact on the town centre as a whole' means impact on retail trade in comparison and convenience goods in the town centre as a whole.

The addendum also provides estimates of the impact on the town centre excluding the Co-op and Tesco Express. Para 18 and tables 5 and 6 of the appendices set out GVA's estimate that the impact of each store individually is approx. 6% and that the cumulative impact is approx. 12%. Whilst the Sainsbury's store would be larger, GVA believe that the impact on the town centre as a whole (see above) excluding the Co-op and Tesco Express would be the same for both stores individually because the comparison goods floorspace at the Sainsbury's store will compete more directly with other large supermarkets/superstores than comparison goods in the town centre. They believe the opposite will be true of the proposed Tesco. It follows that the greater impact in the town centre forecast as a result of the Sainsbury's store is due to its more substantial forecast impact on the Co-op and Tesco Express (which make up the vast majority of existing convenience goods trade).

The original GVA report was not sufficiently clear about how the impact on the town centre as a whole (again, see above) of the Sainsbury's (26.5%) and Tesco (11.7%) proposals individually was calculated, which led to a number of the questions. A breakdown of this has now been incorporated into the addendum (tables A-F of the appendices).

- The Eden Valley Chamber of Commerce have sent in a letter to advise that following debate and presentation sabot ach proposal, they held a vote among members in which over 50% voted. The vote was 88% in favour of the Sainsbury's proposal and the remainder of the votes were split between Tesco and neither store.

They consider that Sainsbury's would bring positive benefits to Edenbridge helping to make it a destination town and increasing investment opportunities. The size and location is seen as a positive as it would retain shoppers in town. The fuels station will have a positive effect on all residents and bring down the local price of petrol. The store will bring 200 jobs to Edenbridge and offer other opportunities to local businesses during the building and completion phase. The proposal takes account of the wishes of local residents as well as local businesses. It doesn't affect any residents of the town. His type of investment sends out a strong message to other potential inward investors. Sainsbury's will settle into and support the whole community and invest in the chambers efforts to promote Edenbridge.

- Bradford Electrical, the current retail unit on site has contacted the Council to confirm that they have acquired a property in Edenbridge High Street that they can relocate to.

Late Observations
8 August 2013

Page 2

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Supplementary Information

- The landowner of the site has sent in a letter to the Council to state that he considers permission should be granted for the Sainsbury's scheme because of its size – it would attract shoppers to stay in Edenbridge which would benefit the High Street. The store will offer an online home delivery service, includes provision of a petrol filling station, is bounded on one side by a railway line and is not close to any residential properties unlike Tesco.

The landowner has aimed to assist companies on site to relocate within Edenbridge. Two have already moved and a third is negotiating. His own company will move and a further company has moved to within 100m of the site.

The existing properties are at or very close to the end of their economic life. If permission is refused he would, in all possibility be forced to demolish the properties and the site would remain a hoarded space.

Employment numbers since he has been there have never been close to the level offered by Sainsbury's and have fallen off in recent years

- 175 additional notifications of support for Sainsbury's have been received. The additional comments raised are that:

the Sainsbury's scheme is preferable to the Tesco proposal
Sainsbury's have involved the community at all stages of the process

- 1 additional notification of objection for Sainsbury's has been received. The points raised have already been covered in para 35 of the report.

4.2- SE/13/00935/FUL Date expired 26 June 2013

PROPOSAL: Demolition of existing buildings and redevelopment of the site as a foodstore with vehicular access improvement, widening of public footway, extension of public cycleway, servicing, car parking areas and landscaping.

LOCATION: Land North West Of Junction With St Johns Way, Station Road, Edenbridge TN8 6EB

WARD(S): Edenbridge North & East

ITEM FOR DECISION

The application is being reported back to Development Control Committee following its deferral from 8th August 2013 meeting.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The capacity for out of centre retail provision would be met through the planning permission resolved to be granted at land at Station Road and Fircroft Way under SE/13/00134/FUL. In the absence of capacity for any further out of town retail provision without detriment to the vitality and viability of the town centre, the proposal is considered to have a detrimental impact on Edenbridge town centre contrary to policies LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

Agenda Item 4.2

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.
- 2) Was provided the opportunity to submit amendments which led to improvements to the acceptability of the proposal.

Background

- 1 Members will recall that this application was deferred from the 8th August committee for the following reason:

'That consideration of the application be deferred for a further report from Officers following the decision of the Secretary of State for Communities and Local Government on application SE/13/00134/FUL.'

Description of Proposal

- 2 Permission is sought for the demolition of the existing buildings and redevelopment of the site to provide a Tesco food store with the main vehicular access for customers on St Johns Way. The access was originally shown from Station Road but has been altered following a Highways objection.
- 3 The development comprises a building with a gross external floor area of 2,170 sqm (2,010 sqm at ground floor and 160 sqm at first floor), 122 car parking spaces, spaces for motorbikes and 10 dedicated cycle parking racks.
- 4 90% of the sales area would be for convenience goods with the remaining 10% for comparison goods.
- 5 The store would be located in the north west corner of the site and have a footprint of 56mx31m. The two storey element is a small part of the building and is sited at the eastern end of the building with a maximum height of 6.6m to the ridge and 6.4m to the eaves level. The main one storey section of the building would have a shallow pitched roof with a ridge level of 7.15m and eaves height of 5m.
- 6 The maximum height of the building is comparable with the two storey element of the existing building fronting Station Road.
- 7 The building is shown to be constructed of larch cladding, non specified panelling and curtain walling and composite panel on the elevations and metal profiled cladding on the roof. Larch clad walls and solid gates would screen the service yard.
- 8 The service yard is shown to the east and north of the building and screened by landscaped walling and gates and will be accessed of Station Road. Vehicle parking is provided to the east, south and west of the building.

Legal Agreement

- 9 A unilateral undertaking has been made which makes a number of provisions which are material to consideration of the planning application as they directly relate to the impact of the development proposal. These are as follows:

- 10 Exclusion of the use of the New Store (or part of it) as a pharmacy, post office, bank, opticians, dry cleaners, hair or beauty salon or coffee shop.
- 11 To continue to operate the existing Tesco Express store at 39-41 High Street Edenbridge TN8 5AD for at least three years.
- 12 A contribution of £10,000 towards the County Council's costs for the provision of double yellow line waiting restrictions, the creation of a new bus stop and other highway works
- 13 A contribution of £40,000 towards the costs of the Council in promoting initiatives to preserve and enhance existing commercial activity in the retail areas of Edenbridge and its environs so as to ameliorate the impact of the Development.
- 14 In addition, the legal agreement includes the following non materials developer contributions:
- 15 To submit for the Council's approval details of a bespoke employment partnership between the Tenant, the Council, Edenbridge Town Council and Job Centre Plus for the recruitment of staff at the New Store. The objective of the partnership is to secure local employment and that a proportion of jobs are for the long term unemployed.
- 16 The Owner and the Developer covenant with the Council to procure that its appointed building contractors take reasonable steps to engage workers and sub-contractors from job centres and companies located within the administrative district of Sevenoaks when reasonably possible and practicable.

Description of Site

- 17 The application site consists of 0.78 ha of land located 650m north of the town centre. It is located to the north west of the mini roundabout junction of station road with St Johns Way and Commerce Way.
- 18 It is part of an area of protected employment land that continues north towards the railway line. There is a petrol filling station and a car showroom to the north of the site and an industrial complex to the west of the northern part of the site. The remainder of the west boundary and part of the south boundary adjoin residential development in St Johns Way and Paddock Close.
- 19 There is a vacant parcel of land on the opposite side of the road that benefits from planning permission for development with a pair of semi detached dwellings.
- 20 On the east side of station road, opposite the site, there is an industrial unit at the junction with Commercial Way, and four residential dwellings to the north of this. Further north there are another four residential buildings and then an industrial and warehousing area that continues to the railway line.
- 21 The site is fairly level. There are no topographical features of note. The buildings are of light industrial appearance. A small element of the building close to station road is two storeys in height and the remainder of the building is one storey. The open yard area is used for open storage of products and materials, vehicle parking and manoeuvring.

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- 22 The site is in two parts. The first part is a vacant site approximately 0.22 ha bordered by hoardings along the boundaries with Station Road and St Johns Way. That benefits from planning permission for Class B1 (c) light industrial, Class B2 general industrial and Class B8 storage or distribution. This permission provides for vehicular access from St Johns Way. The planning permission has been implemented and the dropped kerb and pavement crossover for the access has been constructed. However the site has since remained vacant.
- 23 The other part of the site is occupied for buildings and a yard used by Fi-Glass Limited for the manufacture and moulding of fibre of glass reinforced products which are painted on site. This is a Class B2 general industrial use. This part of the site is served by two vehicular accesses off Station Road.
- 24 The existing site benefits from a Class B2 use throughout. There are no planning conditions controlling use, noise or emissions on any part of the site.

Constraints

- 25 Designated employment land

Policies

Sevenoaks District Local Plan

- 25 Policies - EN1, VP1, EP8, EB1

Sevenoaks Core Strategy

- 26 Policies - LO1, LO6, SP1, SP2, SP8, SP9, SP11

Other

- 27 NPPF

Relevant Planning History

- 28 04/01365/FUL - Erection of building for B1 (c) /B2/B8 uses. Granted
- 09/02003/LDCPR - Confirmation that planning permission granted under reference SE/04/01365/FUL has commenced and can be completed in the future without the need for any further consent. Granted

Consultations

Edenbridge Town Council

- 29 Edenbridge Town Council made the following comment on 24/4/13:

'support:

Members unanimously supported, with reservations, the application. Members had no objections on planning grounds and accepted the need for a food store and that there was nowhere in the town centre for the proposal. Members believe that the flood and surface water issues had been adequately catered for, and that the design had sufficient parking. However, members had reservations

as to whether the aims of the 2006 Edenbridge Health check, to attract people into Edenbridge, would be met with a store of this size, as it would not be possible to provide a full range of price levels, (value through to finest), in the space which could fail to meet the aspirations of the 50% of customers who currently shop outside the town or those it is hoped to attract in from outside.

Members welcomed the verbal assurance given tonight that children's clothing would be included, but the need for adult clothing and shoes appeared to have been missed.

Currently Edenbridge has a good range of small mostly independent specialist shops in the High Street, providing jewellery, homewear, antiques, etc, but to further develop its status as a Rural Service Centre, as defined in the adopted Local Development Core Strategy 2011, the town needs to draw shoppers from a wide area and to do this it requires larger retail suppliers to provide the additional attraction to pull people in.

Members welcomed the fact that the wishes of the St John's Road residents had been heard and that the proposed entrance was on Station Road and that improvements to the St Johns Road/Station Road roundabout were to be included. "

- 30 Following the revision of access arrangements, The Town Council submitted revised comments on 10/7/13 as follows:

"Members object to this proposed amendment to the access arrangement on the loss of amenity, by design, to the residents of the Beeches Estate. The proposal does not contain a central reservation for cars turning into Tesco's car park which will lead to traffic backing up to and beyond the roundabout. Also there is no mention of the promised visual improvements to the roundabout."

Environment Agency

- 31 The Environment Agency has made the following comment:

"We have no objection to the principle of the proposed development and should you be minded to grant planning permission, we request that the following condition be included for the following reasons.

Condition: Development shall not begin until a sustainable surface water drainage scheme for the site, which includes details on future maintenance, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

The following comments are based on Flood Risk Assessment (FRA) ref 4631/2.3F dated March 2013 prepared by GTA Civils Ltd.

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Our only concern regarding the proposal is with respect to the proposed means of surface water disposal. Paragraph 2.1 of the FRA suggests the current site area is 0.784 hectares (ha) of which only 0.2055ha is roof area. The drainage strategy in Appendix F of the FRA provides estimates of runoff from the current site to be 6.8, 15.6 and 19.3litres per second, for the 1yr, 30yr and 100yr storms respectively. This assumes the entire site is positively drained. However, the strategy states all runoff will be restricted to 19ls/ and while this is acceptable for the critical 100yr rainfall event, it could represent an increased rate of discharge for less severe, albeit significant rainfall events.

A significant area of the southern part of the site consists of permeable material which is not connected to the drainage system. The proposed development will result in most of this area becoming impermeable and positively drained, thereby representing an increased impermeable area and therefore, an increased rate of discharge. There is also a small increase in the proposed roof area. Although not stated, this will result in increased runoff to the watercourse north of the site following rainfall events of moderate return period.

This watercourse does present a risk of flooding to the Firfield Estate, which is also at risk from surface water flooding. This estate was flooded by surface water in July 2012 following a rainfall event of less than 20yr return period. The drainage infrastructure should therefore ensure proposed discharge to the watercourse is no greater for lesser events as well as the critical 100yr return period event.

This could be achieved by a number of ways using sustainable drainage techniques and by increasing the size of the rainwater harvesting tank.

Informative:

The watercourse to the north of the site is "main river". Under the terms of the Water Resources Act 1991, any works, in, on, under or over main river or within eight metres from the top of bank or edge of culvert, will require our prior written consent. This is termed Flood Defence Consent. Therefore, any proposal to connect the proposed 300mm storm drain under Station Road will require flood defence consent from us"

Natural England

32 Natural England has offered the following comments:

The ecological survey submitted with this application has not identified that there will be any significant impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal. However when considering this application the council should encourage opportunities to incorporate biodiversity in and around the development (Paragraph 118 of the NPPF).

The Town and Country Planning Association's publication "Biodiversity By Design" provides further information on this issue and the publication can be downloaded from <http://www.tcpa.org.uk/pages/biodiversity-by-design.html>

Examples of biodiversity enhancements that can be widely incorporated into development proposals include:

Green/brown roofs

The use of alternative roofing (turf, aggregate, brown and green roofs) can make a significant contribution to biodiversity, attenuation of rainfall, and energy efficiency as they can provide a high degree of insulation.

Landscaping

Native species of plant should be used in landscaping proposals associated with development, unless there are over-riding reasons why particular non-native species need to be used. The nature conservation value of trees, shrubs and other plants includes their intrinsic place in the ecosystem: their direct role as food or shelter for species: and in the case of trees and shrubs, their influence through the creation of woodland conditions that are required by other species, e.g. the ground flora.

Nesting and roosting sites

Modern buildings tend to reduce the amount of potential nesting and roosting sites. Artificial sites may therefore need to be provided for bats and birds. There is a range of ways in which these can be incorporated into buildings, or built in courtyard habitats. Their location should provide protection from the elements, preferably facing an easterly direction, out of the direct heat of the sun and prevailing wind and rain.

Sustainable urban drainage systems

Many existing urban drainage systems are damaging the environment and are not, therefore, sustainable in the long term. Techniques to reduce these effects have been developed and are collectively referred to as Sustainable Urban Drainage Systems (SUDS). SUDS are physical structures built to receive surface water runoff. They typically include ponds, wetland, swales and porous surfaces. They should be located as close as possible to where the rainwater falls, providing attenuation for the runoff. They may also provide treatment for water prior to discharge, using the natural processes of sedimentation, filtration, adsorption and biological degradation.

Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application

Kent County Council Ecology

33 Kent County Council Ecology Service has made the following comments:

Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this "Biodiversity Duty", planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible."

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Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

We have reviewed the ecological information which has been submitted with this planning application in conjunction with the desk top information we have available to us (including aerial photos and biological records).

The ecological survey has assessed the site to have limited suitability to contain protected/notable species. We are satisfied with this assessment and we require no additional information to be provided prior to determination of the planning application.

Lighting

The survey highlighted that there is some potential for the site to be used by foraging or commuting bats. Lighting can be detrimental foraging and commuting bats, we advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

Breeding Birds

The site contains buildings and vegetation which could be used by nesting birds. All breeding birds are legally protected under the Wildlife and Countryside Act 1981 (as amended) We recommend that if planning permission is granted all buildings and vegetation is removed outside of the breeding bird season.

If that is not possible an experienced ecologist must examine the site prior to works starting and if any breeding birds are identified all work must cease until all young have fledged.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".

It is welcomed that native species have been incorporated in to the proposed landscaping plan.

However consideration should also be given to including bat and bird boxes on to the building or boundary to enhance roosting/nesting opportunities within the site

Kent Highway Services

34 Kent Highway Services has made the following comments:

On 6/4/13

Thank you for allowing additional time in which to discuss this application with the applicants.

The application is for a food store of gross external area 2170 square metres with 120 parking spaces inclusive of 7 places for drivers with disability. Access would be from the B2026 Station Road.

The proposals raise a number of highways issues as set out below. Some of these have already outlined by other consultees.

a) Traffic generation. The applicants have estimated the traffic generation of the store using traffic surveys from comparable stores in the TRICS database. Estimates for the evening peak hour are 174 arrivals and 178 departures. This is approximately twice the level of traffic visiting the adjacent petrol station (based on a survey on 15th April 2013).

b) The applicants are proposing a single access onto Station Road. This would be approximately four times busier than either of the two petrol station accesses. (In other words the Tesco access would be used by roughly twice as much overall traffic concentrated into one access rather than two.)

c) The busy Tesco access on London Road raises concerns about safety and amenity for pedestrians using the western footway of London Road. This has intermittent levels of pedestrian flows, and sees highest use when people are walking to and from the railway station. For example, video provided by the applicant shows 17 pedestrians using the footway in the five minutes 16:36 - 16:41 on a weekday afternoon and of these more than half are children returning home from school. Additional pedestrian flows would be expected to the Tesco store.

d) The applicants are proposing that pedestrians should cross their access at a location set back from Station Road, however it is likely that most pedestrians will tend to ignore this and try to cross the mouth of the access as this would be the most direct route.

e) Access to public transport is not good. The nearest bus stops would be 240 metres / 280 metres from the store entrance door, and this would deter many customers from travelling by bus, particularly as they would have to carry heavy shopping bags.

f) Access to the store by bicycle would be mainly along the road network as the limited cycle path provision in the town is not yet sufficiently joined-up to provide an off-road route to the store. Considering the accessibility on foot, by cycle and by bus, the proposed store does not appear to be particularly accessible by sustainable modes of transport.

g) The proposals are likely to increase delays to southbound traffic on Station Road when vehicles wait to turn right into the store and while being held up by northbound traffic. Transient queues of this type are already seen from time to

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time at the entrance to the petrol station. The applicants predict their customer traffic will be approximately twice the number of vehicles currently accessing the petrol station, and consequently the potential for holdups will be more than doubled. (The probability of hold ups occurring is dependent not only on the number of vehicles trying to enter the store car park but also dependent on the increased traffic on Station Road.) Congestion of this type is difficult to quantify, in particular because the traffic on London Road is not uniform but affected by pedestrian crossings and road junctions to the north and south of the site, which result in the traffic being platooned into groups of vehicles. The applicants have done some modelling of the store access onto Station Road, however the results are debatable because of the variable nature of the traffic.

h) The proposals may result in transient queues out onto Station Road when customers experience difficulty finding parking spaces. This could create short-term delays to both northbound and southbound traffic on Station Road. The problem is already seen from time to time at the entrance to the petrol station.

i) The proposals have the potential to create conflicting interactions between the Tesco access and traffic to / from the petrol station and car sales business, as the accesses would be only about 20 metres apart. It is likely that the busy Tesco access will add to the difficulties experienced on the occasions when car transporters arrive to deliver vehicles to the Vauxhall dealers.

j) Parking provision. The number of parking spaces per square metre of shop would be very similar to that proposed by the Sainsbury application. It is not clear if this will always be sufficient, however there is no sound basis for insisting that more parking places should be provided.

k) Looking at the potential impact on the junction of Station Road and Four Elms Road, the results of traffic modelling are inconclusive. This is because the very variable traffic levels arriving at the junction are difficult for the PICADY software to process. It is likely however that the intermittent queues that are experienced here at peak periods will tend to increase in frequency and length.

l) The application site is only about 900 metres north of the Tescos in Edenbridge High Street, i.e. approximately ten minutes walk, and this prompts the question whether the smaller store might be considered unviable in the long term? Most of these issues could be addressed by taking all vehicular access and egress (including deliveries) off St John's Way. The main advantages would be:

No conflicting vehicle/pedestrian interactions at the busy access on Station Road

No risk of conflicting interactions with accesses to neighbouring businesses

Less delay from conflicting traffic movements on B2026 Station Road

Less potential for queues out of the site onto B2026 Station Road

Access would be onto a street with considerably less traffic and pedestrians

It should be possible to allow bus stops on London Road outside the store, subject to agreement with the bus operators.

I have sought the St Johns Way access / egress from the applicant's consultants but they are unwilling to change the plans. Without this improvement the

proposed design is inadequate in respect of pedestrian safety and accessibility for pedestrians and public-transport users. It is therefore inadequate in terms of sustainability.

It is worth mentioning also that the Travel Plan is short on commitments for practical measures to increase sustainable travel. For example, it mentions that cycling could be encouraged if changing facilities were provided, but there is apparently no commitment to provide any.

Similarly the plan proposes to Encourage employers to set up and promote a guaranteed lift home, funding for car sharers, but it stops short of committing the applicants to this scheme. We would welcome any plans for improving accessibility for customers without cars or bicycles who do not live within easy walking distance. On the other hand, the applicant's commitment to widen the footway outside the store is welcome.

Recommendations

In view of the risk of vehicle / pedestrian collisions at the entrance to the site, and in view of the fact that a significantly safer design is achievable, I recommend that the application is refused planning permission on the grounds of highway safety. The proposals would give rise to undue interference with the safety and convenience of pedestrians using the western side of Station Road. Moreover, the plans are inadequate in relation to pedestrian and public transport accessibility, and there is likelihood of intermittent additional congestion on Station Road, along with the potential for additional vehicular conflicts due to the close proximity of vehicular accesses to the petrol station, the car showroom and car workshop business.

However, if the Planning Authority decides to approve the application I would recommend the following planning conditions:

Section 106 Agreement

The developer shall be required to provide a Section 106 contribution of £10,000 for the provision of double yellow line waiting restrictions and other highway works approved by the applicant and that are adjacent the store. Reason: Highway safety, to ensure effective car parking management and control and improved amenity.

Section 278 Agreement

The developer shall enter into a S278 agreement with the Highway Authority to ensure that the revised site accesses and works to the footway are provided to appropriate standards. Design and implementation stages are to incorporate industry standard Safety Audits as considered necessary and appropriate. Reason: Highway safety.

Construction Vehicle Loading / Offloading / Turning

Prior to the works commencing on site, details of provision for construction vehicle loading, unloading, parking and turning shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. Grounds: To ensure that construction vehicles can be parked, unloaded and manoeuvred off the highway, in the interests of highway safety.

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Provision of Parking for Site Operatives/Visitors

Prior to the works commencing on site, details of parking for site personnel, operatives and visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. Reason: To ensure provision of adequate off-street parking for vehicles, in the interests of highway safety and to protect the amenities of local residents.

Works to Prevent the Deposit of Mud

Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud, stones and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances. Reason: Highway safety and amenity.

- 35 On 2/7/13, the following revised comments were submitted in response to amended plans:

'thank you for consulting with us about the revised plans.

The application is for a food store of gross external area 2170 square metres with 122 parking spaces inclusive of 7 places for customers with disability, 5 spaces for parents with children and 5 spaces for staff.

In these revised plans the access to customer parking has been moved from B2026 Station Road to St Johns Way. This has the advantage of removing conflicts between pedestrian flows on the west footway of B2026 Station Road and customers' cars entering and leaving the car park. It also has the advantage of not creating intermittent congestion on B2026 Station Road at the entrance to the car park, and reducing the potential for vehicular conflicts due to the close proximity with the entrance to the petrol station. By contrast, both vehicular and pedestrian flows are lower on St Johns Way, so there is much reduced likelihood of conflicting movements occurring.

Access to the service yard and staff car parking would continue to be off B2026 Station Road, however the smaller number of access movements is not expected to be any worse than for the existing permitted site usage.

The applicants have estimated the traffic generation of the store using traffic surveys from comparable stores in the TRICS database. Estimates for the evening peak hour are 174 arrivals and 178 departures. (For purposes of comparison, this is approximately twice the number of arrivals and departures at the petrol station north of the application site, based on a survey on 15th April 2013.)

Other highways and transportation issues are as follows:-

1) The applicants have modelled the likely traffic impact of the proposals on the B2026 Station Road / St Johns Way roundabout, and the results demonstrate that the junction should operate well within capacity.

2) The applicants have also modelled the junction of B2026 Station Road and Four Elms Road. The results are not entirely clear, because the very variable

traffic levels arriving at the junction are difficult for the PICADY software to process. There is also the complicating factor of a pedestrian crossing on one arm of the junction. The net result, however, is that it is likely the intermittent queues that are experienced here at peak periods will tend to increase in frequency and length.

3) *Parking provision.* The number of parking spaces per square metre would be broadly similar to that proposed by the Sainsbury application. It is not clear if this will always be sufficient, however there is no sound basis for insisting that more parking places should be provided.

4) *Access to public transport is not good.* The nearest existing bus stops would be 240 metres - 280 metres from the store entrance door, and this would deter many customers from travelling by bus, particularly if they would have to carry heavy shopping bags. The main local bus operator has been asked if it would be willing to divert the 231/233/236/237 services to pass the store, however the response was that this would be likely to result in a lower number of passengers than on the existing route via Fircroft Way. However the less frequent services 232 and 234 pass the site and a Section 106 contribution for the installation of a bus stop is requested if the application is approved.

5) *Access to the site for pedestrians is limited to a single route from the St John's Way / Station Road roundabout.* I have asked for pedestrian routes along the pedestrian desire lines to the entrance door from the road at the northern and western site boundaries. However, these have not been forthcoming.

6) *At the time of writing this response, the proposals as displayed on the Council website do not show where the proposed cycle parking would be located.*

7) *Access to the store by bicycle would be mainly along the road network as the limited cycle path provision in the town is not yet sufficiently joined-up to provide an off-road route to the store.* Overall, considering the accessibility on foot, by cycle and by bus, the proposed store does not appear to be particularly accessible by 'sustainable modes of transport'.

8) *The Travel Plan is short on commitments for practical measures to increase sustainable travel.* For example, it mentions that cycling could be encouraged IF changing facilities were provided, but there is apparently no commitment to provide any.

Similarly the plan proposes to "encourage employers to set up and promote a guaranteed lift home fund" for car sharers, but it stops short of committing the applicants to this scheme. We would welcome any plans for improving accessibility for customers without cars or bicycles who do not live within easy walking distance. On the other hand, the applicant's commitment to widen the footway outside the store is welcome.

9) *Details of the design of site entrances will need to be agreed with KCC Highways as part of a Section 278 agreement process and safety audits will be required.*

Conclusion:

The National Planning Policy Framework requires that "Development should only be prevented or refused on transport grounds where the residual cumulative

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impacts of development are severe." Taking all the above issues into account, I do not intend to raise any objection on highways grounds, as the net impact of the application on the road network is unlikely to justify this.

I would request that any permission granted should be subject to the following planning conditions:

Section 106 Agreement

The developer shall be required to provide a Section 106 contribution of £10,000 for the provision of double yellow line waiting restrictions, a bus stop, and other highway works that are approved by the applicant and that are adjacent the store.

Reason: Highway safety, to ensure effective car parking management and control, improved amenity and encouraging sustainable transport. Unused funds to be returned to the Applicant.

Section 278 Agreement

The developer shall enter into a S278 agreement with the Highway Authority to ensure that the revised site accesses and works to the footway are provided to appropriate standards. Design and implementation stages are to incorporate industry standard

Safety Audits.

Reason: Highway safety.

Construction Vehicle Loading / Offloading / Turning

Prior to the works commencing on site, details of provision for construction vehicle loading, unloading, parking and turning shall be submitted to and approved by the Planning Authority and thereafter shall be provided and retained throughout the construction of the development.

Grounds: To ensure that construction vehicles can be parked, unloaded and manoeuvred off the highway, in the interests of highway safety.

Provision of Parking for Site Operatives / Visitors

Prior to the works commencing on site, details of parking for site personnel, operatives and visitors shall be submitted to and approved by the Planning Authority and thereafter shall be provided and retained throughout the construction of the development.

Reason: To ensure provision of adequate off-street parking for vehicles, in the interests of highway safety and to protect the amenities of local residents.

Works to Prevent the Deposit of Mud

Adequate precautions shall be taken during the progress of the works to guard against the deposit of mud, stones and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Reason: Highway safety and amenity.

Cycle Parking

Cycle Parking is to be provided as shown on drawing 28200-002-013 dated 2/7/13 or as otherwise agreed in writing with the Planning Authority in consultation with the Highway Authority.

Reason for condition: This drawing is not yet included in the application documents shown on the SDC planning web site."

Sevenoaks District Council Policy Team (prepared prior to the August 2013 committee)

36 Sevenoaks District Council Policy Team has made the following comment:

(Note that more detailed supporting comments are contained in the background papers).

In accordance with the Council's retail consultants, it is recommended that only one of the proposed foodstores in Edenbridge be permitted on the grounds that permitting both the Tesco and Sainsbury's stores would have an unacceptable impact on Edenbridge town centre, as suggested by the Council's retail consultants. In terms of retail impact, the Tesco proposal should be favoured over the Sainsbury's proposal due to the more modest impact on the town centre and lower risks associated with the impact assessment.

It is recommended that in order to make the development acceptable in planning terms the following be secured through legal agreements:

- A commitment from Tesco to maintain the Tesco Express store in the town centre:*
- A financial contribution to help reinforce the town centre and offset the loss of trade:*
- A restriction to the degree to which the proposed store is able to offer non-food goods and services comparable with those found in the town centre: and*
- A restriction to the overall sales area dedicated to comparison goods.*

The Planning Policy team considers that the application does not comply with Policy SP8 of the Core Strategy or Policy EP8 of the Saved Local Plan, on the basis that it has not been proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period. This is on account of the facts that part of the site is still occupied, there have been no apparent attempts to market the site and no viability evidence has been submitted for the potential B1/B2 redevelopment identified by the applicant or any other business use redevelopment. Despite this non-compliance, the Tesco proposal would provide an increase in the number of jobs currently on the site and the number that are likely to be provided if the permitted development on the southern part of the site were to be built out. It also provides an opportunity for other planning benefits at Edenbridge such as an increased choice and range of goods within the town without a significant adverse impact on the town centre vitality and viability and trade in the town centre. As a result of these material considerations and the balance of benefits, the Planning Policy team recommends the approval of the Tesco proposal."

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Sevenoaks Arboricultural Officer

37 Sevenoaks Arboricultural Officer has made the following comment:

'this location is either light industrial or waste ground awaiting some form of development. There are no issues with the current landscape as there are no trees or other vegetation of worth that will be affected.

I have therefore turned my attention to the proposed landscaping as this is an opportunity to add to what could be a beneficial and attractive green corridor, which is one of the main routes into the town. I suggest that this could be conditioned

The applicant has shown details of boundary planting, which will be of great amenity benefit to this scheme should it be approved. I consider however that additional planting could be carried out within the internal areas of the site. There are a few available spaces that could be planted with additional trees, I would like to open up this discussion."

Sevenoaks Council Environmental Health

38 Sevenoaks Council Environmental Health have made the following comment:

"Noise issues can be resolved by condition for this proposed development, section 4.4 of the Sharps Redmore acoustic report Project no: 1313288, suggests an acoustic fence 2 metres high, the possibility of a 10 dB reduction in noise from a 2 metre barrier is optimistic. I do believe any barrier should be higher if visual amenity will allow (2.5 metres +). Details of the construction of any proposed barrier will be required.

The gates to the service yard should be conditioned to require them to be closed at all times except for ingress and egress, they should be close fitting with minimal gap at the bottom and at the sides with a nominal density of 10 Kg/m². Section 5.2 of the acoustic report.

Section 6, mechanical plant and services, whilst an engineering solution is possible to overcome noise issues from plant and equipment, the applicant should be required to undertake a validation assessment of the noise from the plant and equipment once the installation is complete but prior to the store becoming operational and undertake further mitigation measures if sufficient attenuation has not been achieved.

Restricting operational hours and deliveries by condition and the possible inclusion of a noise management plan are also recommended as conditions, section 8 of acoustic report."

'this team has no objection to this development in principal subject to a suitable condition requiring a site investigation and any remediation if required. A contaminated land condition can be suggested on request, though you may have a standard condition for this purpose.

It should be noted that the environmental consultant has, as part of his report, made recommendations concerning the nature of the site investigation he proposes. Whilst I am in general agreement with his proposals I would take this opportunity to make a few observations:-

- *Currently no soil sampling is proposed on the footprint of the existing Fi Glass building. Either this will need to be rectified or acceptable justification provided.*
- *Window sampling to a depth of 4m is proposed (8.2). If groundwater is not encountered within this depth I would like to see further reasonable efforts made to obtain groundwater samples in order that the groundwater regime can be characterised.*
- *Three rounds of gas monitoring is proposed over a minimum of three weeks. Guidance document CIRIA 665 : (Assessing Risks Posed by Hazardous Ground Gases to Buildings) indicates that a minimum of four rounds of monitoring should be undertaken over a period of at least 4 weeks. If the consultant is aware of other alternate authoritative guidance that supports their proposal this can be discussed.”*

Representations

39 94 notifications of support have been received. These raise the following points:

- The proposal would create new jobs in the community
- The store would be convenient for those in Marlpit Hill and Spittals Cross areas
- There is a need for a good supermarket that has choice and variety of products
- It's a good location for those without private transport
- Edenbridge needs a larger supermarket to cater for its growing population
- The improvements to the roundabout would be welcomed
- The proposal will bring life back into the town
- Prefer Tesco to Sainsbury's
- Tesco have constantly informed residents of their proposals whereas Sainsbury's have not.
- The store will improve the appearance of the street scene.
- The store will save people having to go into town to do their weekly shop.

40 The Eden Valley Chamber of Commerce have advised that following debate and presentation about each proposal, they held a vote among members in which over 50% voted. The vote was 88% in favour of the Sainsbury's proposal and the remainder of the votes were split between Tesco and neither store.

They also released the following press release which has been provided as a comment:

“Eden Valley Chamber of Commerce vote overwhelmingly in favour of Sainsbury's proposal

Following lengthy discussions with representatives of both the Sainsbury's and Tesco's bids and following a vote among its members, the chamber has given its overwhelming support to the proposals put forward by the Sainsbury's team.

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Peter Kingham, chairman of the chamber commented "we have looked carefully into the impact that these stores will have on Edenbridge generally and the businesses of the town in particular, we consider that the big store proposal of Sainsbury's will bring much greater benefit to Edenbridge. In particular it will draw shoppers into the town and give us the opportunity to get our message to a greater number of people, drawing them to the High St and the great retail variety offered by the town."

The chamber listed aspects of the bid such as a petrol station, the size of the store and the large clothing offer as major factors in their decision "we want Edenbridge to be a destination town and one that larger companies can invest in. The Tesco's bid doesn't achieve this at any level" said Mr Kingham. "We are particularly impressed by the willingness of the Sainsbury's team to work with the chamber as well as other existing organisations in the town".

Other comments from the vote reflect this opinion Sainsbury are ethically accredited by the Ethical Company Organisation. As a Fairtrade Town Edenbridge has an obligation to pick the most ethically transparent company, concerns about traffic congestion and impact on local homeowners with the Tesco's site as well as the greater opportunities for employment from Sainsbury's, were also cited.

Of course, not all votes were in support of Sainsbury's but the majority, at least 80% were in favour, the rest of the vote being split almost equally between the Tesco bid or neither options. Mr Kingham commented further that "we hope that Sevenoaks District Council will give our comments their very serious consideration when deliberating both plans and I will be writing to SDC to give them our views together with full details of the vote and the comments of all members"

41 96 notifications of objection have been received. These raise the following points:

- The proposal is contrary to planning policy
- There will be unacceptable noise and pollution from the traffic and delivery vehicles
- Do not need another mid sized store – they are already in the high street
- Increase in traffic in general
- Residents of St Johns Way will suffer further traffic congestion and loss of parking
- Early and late opening will have a detrimental impact on a quiet residential area
- Loss of Class B employment land
- No need for another Tesco – there is already one in the high street
- Edenbridge needs a full size supermarket with a petrol station
- Pedestrian entrance from St Johns Way should be sited further around the corner in Station Road
- The relocated entrance will have an unacceptable impact on amenity of residents

- The new access would have an unacceptable impact on traffic and highway safety
- The Sainsbury's scheme is preferable to the Tesco proposal
- The store will not attract enough shoppers to Edenbridge
- Tesco have had little interaction with residents in the Town.

Chief Planning Officer's Appraisal

Assessment

- 42 This application was initially to be heard at committee on 8th August 2013 alongside an application for retail development at a nearby site (application reference 13/00134/FUL).
- 43 The committee resolved on 8.8.13 to approve application the Sainsbury's application 13/00134/FUL subject to satisfactory completion of a legal agreement. Because of the size of the proposed floorspace, the application was referred to the Department of Communities and Local Government (DCLG) to decide whether the Secretary of State wished to all it in.
- 44 Because the Sainsbury's application 13/00134/FUL represents a material planning consideration in determination of this application, this application was deferred for decision until the Council knew the outcome of the referral.
- 45 The DCLG confirmed by letter dated 19th December 2013 that the Secretary of State did not wish to call in the application. Because the legal agreement attached to the Sainsbury's application 13/00134/FUL has not been completed within the deadline resolved by committee, the application has been reverted back to committee in the form of an update report.
- 46 The resolution by committee to grant permission for the Sainsbury's store (13/00134/FUL) is a material planning consideration which will be dealt with in the main body of this report.
- 47 The main issues for consideration of this planning application are:
- The principle of development:
 - loss of employment land
 - impact on town centre
 - The design of development
 - Highway implications
 - Amenity impact
 - Flooding, sustainability and ecology
 - Other material planning considerations

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Loss of Employment Land

- 48 Policy LO6 of the Core Strategy details the Council's aspiration for development in Edenbridge. It states that existing suitable employment sites will be retained with the opportunity for regeneration and redevelopment to better meet the needs of business.
- 49 Policy SP8 of the Core Strategy relates to Economic Development and Land for Business. It states that the sustainable development of the District's economy will be supported by the retention, intensification and regeneration of existing business area primarily at Sevenoaks, Swanley and Edenbridge and Major Developed Sites in rural areas.
- 50 Policy SP8 states that *'sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. Redevelopment for mixed use of business sites may exceptionally be permitted where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, where the employment capacity of the site, represented by the commercial floorspace, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development'*.
- 51 The Core Strategy states that the Council is preparing an Economic Development Action Plan and that one of its key themes is maintaining the supply of local employment land. The Core Strategy has a significant role to play in implementing the Action Plan in the provision it makes for development and states that there is a significant supply of employment land for business use and that the great majority is acceptably located (as identified in the Employment Land Review). The review identifies that there is a future additional land requirement which can be met through the intensification and use of vacant land. The emphasis of policy is therefore on retaining and making effective use of existing employment land.
- 52 Policy EP8 of the Local Plan identifies the main business areas and states that Class B uses will be permitted within these areas.
- 53 One of the three roles that the NPPF identifies that the planning system should play in contributing towards the achievement of sustainable development is described in the NPPF as:
- "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"*
- 54 Paragraph 18 and 19 of the NPPF state
18. *The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.*
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.”

55 Paragraph 22 of the NPPF states

”Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

56 The proposed development site forms part of the Station Road employment land allocation in Edenbridge. It is subject to policy EP8 of the Sevenoaks Local Plan (2000) and policy SP8 of the Sevenoaks District Core Strategy. The approach in these policies is consistent with para 22 of the NPPF.

57 The Council’s emerging Allocations and Development Management Plan proposes that the Station Road site continues to be allocated for business use. The site forms part of the employment land supply that the Employment Land Review (2007), and the updated Long Term Employment Space Projections (2011), recommend that the Council should retain to meet requirements of the local economy to 2026.

58 The local policies seek to protect such sites unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. If this cannot be demonstrated, they exceptionally allow for the redevelopment for mixed use where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, provided that the employment capacity of the site, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development.

59 The use of land for retail purposes is specifically different to a business use in planning policy terms and is therefore inappropriate on protected employment land.

60 The application site makes up 0.78 ha of the 18.8 ha Station Road employment allocation which would represent a 4% decrease in the area of the employment allocation. The application site currently comprises an existing industrial building (in B2 use) of 2160 sq m, which is currently used to manufacture fibre glass by the owner-occupier (Fi Glass), and a vacant area that has had planning permission for new employment development of 862 sq m for 8 years. The Councils Employment Land Review notes that the total floorspace of buildings on the Station Road employment site is approximately 111,645 sq m. As the applicant notes, the loss of the existing building would result in approximately a 1.9% reduction in the total floorspace.

61 The site currently accommodates 14 Full Time Equivalent (FTE) employees, whilst the proposed development is estimated to produce 100 FTE jobs, made up of 50 full time jobs and 70 part time jobs. The applicant has not assessed the number of jobs that could be accommodated on the site if the permitted employment

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development were to be built. According to published guidance, the planning permission for the site (SE/04/01365), which has been implemented, would generate approximately 24 FTE jobs. This indicates that even if the permitted development were to come forward and that the existing building were to remain occupied by the owners then the number of FTE jobs on the site would be significantly lower at 38 than those to be delivered by the development of the Tesco store (100).

- 62 It is accepted that the existing buildings are in a poor state of repair and are no longer fit for purpose. It has also been stated that the existing occupier is looking to relocate from the site to ensure their long term competitiveness. The applicant claims that the current occupiers require a much smaller facility to meet the company's anticipated future needs. However, it is not clear from the application that an alternative site has been identified. It is claimed that the owner of the site would have difficulty marketing it to other occupiers, given the quality of the buildings, and that they would need to be subdivided to meet the average B2 unit size required in Edenbridge. It is claimed that the costs of this refurbishment and the likely uplift in value would not result in a viable scheme. This is apparent from the estimates of costs and value uplift set out in the submitted employment land study. It is considered that a significantly stronger market for B2 development and greater investor confidence would be required to produce this yield.
- 63 A redevelopment of the site for B1/B2 use is also claimed to be non-viable, although no viability evidence is provided to justify this position. Instead, the applicant claims that the fact that the extant permission for the southern part of the site has not come forward is sufficient evidence. It is not disputed that this indicates a weak market for employment development of this type in Edenbridge at the current time. However, Core Strategy Policy SP8 is clearly concerned with the need for business sites during the Core Strategy period (until 2026) rather than current market conditions. The site is not seen, by the applicant, as viable for redevelopment to B8 uses, given its relatively poor access to the Strategic Road Network. However there is also no evidence that the owner of the land with the extant permission (Cooper Estates) has marketed the site to test whether another developer may be able to develop a viable scheme, including in combination with the redevelopment of the Fi Glass site.
- 64 The applicant has not proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period and as such is not compliant with Policy SP8 and the NPPF. This is because part of the site is still occupied and there have been no apparent attempts to market the site and no viability evidence has been submitted for the potential B1/B2 redevelopment identified by the applicant or any other business use redevelopment.
- 65 However, the proposal would provide an increase in the number of jobs currently on the site and the number that are likely to be provided if the permitted development on the southern part of the site were to be built out. It is considered that this benefit of the amount of increased job creation weights against the policy objection to the loss of employment land. This balance will be addressed in the conclusion of the report and taken into account along with the other considerations.

Impact on Town Centre

66 Policy LO6 details the Council's aspiration for development in Edenbridge. The mix of retail and service uses that contribute to the vitality and viability of the town centre will be maintained.

67 Policy EB1 of the Local Plan identifies the Edenbridge town centre, and states that proposals which will improve the range, quality and diversity of shops and services and provide for business, leisure and community needs will be permitted.

68 The emphasis on sustainable development in the NPPF, underpins the importance of protecting town centre uses and employment land. It states that local policies should:

“recognise town centres as the heart of their communities and pursue policies to support their viability and vitality”

Retail development is defined as a “main town centre use” in the NPPF and, as result, an application for retail development outside of a town centre must prove that a sequentially preferable suitable site is not available. The proposed development site is more than 300m from Edenbridge Town Centre and, therefore, must be considered an “out of centre” site.

69 The NPPF states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.”

Applications for over 2,500 sq m must also be supported by an Impact Assessment to consider whether the development would have a significant adverse impact on:

- *Existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal: and*
- *Town Centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made (from NPPF para 26)”*

70 Para 27 of the NPPF provides that an application should be refused where it fails to satisfy the sequential test or is likely to have a significant adverse impact on the town centre vitality and viability and trade in the town centre and wider area.

71 A retail impact assessment has been submitted with the application. This assesses the impact of the proposal on Edenbridge town centre. In addition, SDC has commissioned GVA to review the application submission and independently assess the impact of the proposal. The report is available in the background papers.

72 An addendum has also been produced to GVA's critique of the Retail Impact Assessments carried out to support the Sainsbury's and Tesco planning

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applications, see Appendix 1. This report was primarily commissioned to assess the cumulative impact of the two stores. Para 20 of the report provides GVA's estimate of this and further detail is set out in tables 1-4 of the appendices.

- 73 The addendum also provides estimates of the impact on the town centre excluding the Co-op and Tesco Express. Para 18 and tables 5 and 6 of the appendices set out GVA's estimate that the impact of each store individually is approx. 6% and that the cumulative impact is approx. 12%. Whilst the Sainsbury's store would be larger, GVA believe that the impact on the town centre as a whole (see above) excluding the Co-op and Tesco Express would be the same for both stores individually because the comparison goods floorspace at the Sainsbury's store will compete more directly with other large supermarkets/superstores than comparison goods in the town centre. They believe the opposite will be true of the proposed Tesco. It follows that the greater impact in the town centre forecast as a result of the Sainsbury's store is due to its more substantial forecast impact on the Co-op and Tesco Express (which make up the vast majority of existing convenience goods trade).
- 74 The original GVA report was not sufficiently clear about how the impact on the town centre as a whole of the Sainsbury's (26.5%) and Tesco (11.7%) proposals individually was calculated, which led to a number of the questions. A breakdown of this has now been incorporated into the addendum (tables A-F of the appendices).

Sequential test

- 75 There are two sites which are of a sufficient size to realistically accommodate a large format foodstore with associated parking and servicing. These are the Co-op site, and site 6 allocated within the Local Plan Allocation EB3 (known as the Leathermarket site).

The Leathermarket site has been largely built out by residential development which limits the extent of the site which is available. The site is constrained in terms of its scale (0.3ha) and its proximity to neighbouring residential uses. There is also an issue in achieving a suitable access arrangement. This site is not suitable to accommodate a foodstore.

The layout of the existing store on the Co-op site provides only a limited opportunity to accommodate a second store without a substantial degree of flexibility on the part of the applicant. It would also result in a loss of parking for the Co-op which is unlikely to be acceptable to the retailer. To accommodate a foodstore on this site would therefore necessitate the redevelopment of the Co-op store. This would require support from the Co-op which is highly unlikely given the competitive nature of operators. The survey results indicate that the existing store trades well which makes it unlikely that it will face closure in the near future therefore releasing the site for redevelopment. The site cannot therefore be considered as available.

In conclusion, no sequentially preferable sites within or closer to the town centre exist in Edenbridge. As such, the Tesco proposal passes the test of sequentiality

Choice and range of goods

- 76 The Tesco store will increase the choice and range of goods and increase local competition in the town although not to such a large degree as the proposed Sainsbury's store. This is an objective of the Local Plan and Core Strategy, but such improved choice is sought in the town centre, not outside of it.

Expenditure claw back

- 77 The Tesco store proposal will claw back some expenditure back into the town although not to such a large degree as the Sainsbury's proposal. However, whilst this is a secondary benefit in terms of reduced frequency and length of trips, it is not a stated planning objective for the town. Rather, the key aim is to protect the town centre and these proposals are not situated within the town centre nor do they have any stated direct benefits to it.

Retail Impact

- 78 GVA suggest that the Tesco assessment has over-estimated the extent to which the proposed store's turnover will be derived from clawing back trade currently leaking to stores beyond Edenbridge (90%) and underestimated the percentage of the store's turnover that would be derived from the Co-op (8%). This is on account of the fact that the scale and retail offer of the proposed Tesco store is likely to be comparable to the Co-op store rather than larger competing food stores in the local surrounding area. As a result, GVA consider that the Tesco's assessment under-estimates the impact that the development would have on the Co-op, with GL Hearn (for Tesco) estimating the impact at 14% and GVA estimating the impact at 21%
- 79 Taking into account both the convenience and comparison goods turnover of the centre, and the anticipated trade draw of the proposed store (for both goods types), GVA estimate that the Tesco store will lead to an overall impact of 11.7% on the town centre as a whole.
- 80 The GVA report has *recommend that "any reduction in footfall in the town centre is not favourable and, in certain circumstances, would lead to the closure of stores, increasing the vacancy rate and undermining the overall vitality and viability of the town centre". They recommend that the Council secure a commitment to Tesco maintaining the Tesco Express store in the town centre and seek a financial contribution to help reinforce the town centre and offset the loss of trade.* GVA also suggest that if the Council is minded to approve a new out of centre foodstore it should restrict the degree to which the proposed store is able to offer non-food goods and services comparable with those found in the town centre and the overall sales area dedicated to comparison goods.
- 81 A legal agreement has been drawn up to control the following matters in relation to impact on the town centre.
- A commitment from Tesco to maintain the Tesco Express store in the town centre:
 - A financial contribution to help reinforce the town centre and offset the loss of trade:

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- A restriction to the degree to which the proposed store is able to offer non-food goods and services comparable with those found in the town centre: and
- A restriction to the overall sales area dedicated to comparison goods.

82 As a stand alone application, taken in isolation, subject to conditions and a legal agreement, the retail impact of the proposal is considered to be acceptable and therefore in accordance with policy LO6 of the Core Strategy, EB1 of the Local Plan, and the NPPF. However, as will be discussed in the next section of this report, the application isn't a stand alone submission and needs to be considered in the context of application SE/13/00134 for a Sainsburys store.

Other Material Planning Considerations

- 83 As discussed earlier in this report, planning application SE/13/00134/FUL has previously been considered by the Development Control Planning Committee who resolved to grant permission for the proposal. The Secretary of State has advised that the application will not be called in for his consideration.
- 84 Due to the time it took for this decision to be reached, the deadline for completion of a legal agreement as resolved by committee, has passed. Application 13/00134/FUL is therefore being brought back to committee in the form of an update report on the basis of the committee's previous resolution to approve the scheme.
- 85 The committee resolution to approve application 13/00134/FUL is a planning consideration which has a material bearing on the acceptability of this proposal.
- 86 The Applicant has submitted figures relating to the cumulative impact of the Sainsbury's and Tesco application. It finds that the cumulative impact on the coop store would be 37% and on the Tesco store it would be 47%
- 87 The GVA report has considered the cumulative impact of permitting 13/00134 and this application. It concludes **that the development of two foodstores would have an unacceptable impact on Edenbridge town centre**. The impact has been detailed as follows:

<i>Cumulative Impact</i>	<i>Based on Tesco's evidence</i>	<i>Based on Sainsbury's evidence</i>
The town centre as a whole	43%	37%
<i>The Co-op</i>	96%	64%
<i>Tesco Express</i>	45%	46%

88 The figures above show the impact on only the Co-op and impact on only the Tesco Express. While this may be an interesting exercise, it is not relevant to National or local planning retail impact policy which deals with impact on an entire designated town centre rather than individual stores. There is no local or national

planning policy support for considering the impact of any proposal on a section of the town centre. Policy considerations relate to vitality and viability of town centres in their entirety.

- 89 The cumulative impact on the town centre of this Tesco proposal and the Sainsbury's development resolved to approve under 13/00134/FUL would be unacceptable. As such, only one of the schemes can be permitted without harm to the town centre.
- 90 The committee have previously resolved to grant permission for the Sainsbury's application 13/00134/FUL. If permission is granted for Sainsbury, this Tesco application cannot be considered acceptable on grounds of cumulative retail impact on the town centre.

Other Matters

- 91 Since this application was heard at committee on 8.8.13, the Coop have announced that their site in Edenbridge town centre is to be sold to Waitrose and the retail operator on the site will therefore change.
- 92 The Council has sought advice from its retail advisor GVA on this matter to determine if this change in operator would have any impact on the retail assessment of the application. GVA have advised:

'The decision by Waitrose to take occupancy of the Co-Op is relevant only in so far as it may influence what may be judged a "significant adverse" impact for the purpose of the NPPF retail test. As you know, our previous concern was that the Co-Op could close as a result of the combined impact of the two stores and this would have a knock on effect on the town centre due to the loss of linked trips. The fact that Waitrose has chosen to invest in the town centre, presumably in full knowledge of the Council's resolution to approve the Sainsbury's application and the outstanding Tesco application, provides some comfort that this important town centre store will not close. However, whilst Waitrose's commitment to investing in the town centre is important, given the finite availability of expenditure in the area, the store will still be vulnerable to trade diversion and should be afforded some protection.

Although quantitative need is not a retail test, there is only so much expenditure which can sustainably support additional foodstore provision in the area. We previously advised that the development of the two out of centre foodstores proposed would increase the overall impact on Edenbridge to beyond an acceptable level, and we consider that this conclusion remains unchanged.

The expected average turnover of the Waitrose store will be higher than the existing Co-Op and therefore 'absorb' more local expenditure. However, it is also likely that it will "claw back" existing Waitrose customers who visit stores elsewhere in the area (such as East Grinstead) which neither the proposed Sainsbury's nor Tesco could realistically achieve. We therefore consider that these combined effects will largely balance each other out and the conclusions of our previous advice with respect to cumulative impact will remain unchanged. We therefore do not consider that it is necessary to undertake a new Retail Impact Assessment.

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We previously advised that the Sainsbury's proposal would result in a high level of impact on both existing stores in the town centre and a reduction in linked-trips, and concluded that the proposal was on the margins of acceptability. Following the announcement of Waitrose's commitment to the town centre, this will to some extent help offset the impact of the Sainsbury's on the town centre and alleviate some of the concerns previously identified in relation to the potential loss of linked trips. With regards to Tesco, we advised that the Tesco store, in isolation, would have less impact on Edenbridge town centre than the Sainsbury's, due to its smaller scale and turnover. This remains the case.'

- 93 In response to an objection from Waitrose Ltd to the Sainsburys application, the Council commissioned GVA to review the retail impact of the proposal based on a changed town centre operator from Coop to Waitrose. The Waitrose objection did not consider that consideration of this application would be affected by the change in operator but for completeness the results of the GVA review are reported as part of the late observations report.

The Design of Development

- 94 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. In areas where the local environment lacks positive features, new development should contribute to an improvement in the quality of the environment.
- 95 Policy EN1 of the Local Plan identifies a broad range of criteria to be applied in the consideration of planning application. Criteria 1 states that the form of the proposed development should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Criteria 2 states that the layout of the proposed development should respect the topography of the site, retain any important features including trees, hedgerows and shrubs.
- 96 The site in its current state is relatively run down and in need of regenerating and occupies a prominent location on the main route into Edenbridge town centre. The redevelopment of the site is an opportunity to improve the landscaping and pedestrian routes through the site thus improving the streetscape of this section of Station Road and Fircroft Way.
- 97 The site is visually prominent from both Station Road and St Johns Way. The scale of the proposed building is appropriate to the character of the location with consideration given to the elements that adjoin residential land and of the existing heights on the site and surrounding area.
- 98 The front elevation has a lower canopy running its length with a soffit height of 5m which is similar to the eaves height of a residential unit. The elevation faces the St Johns Way / Station Road roundabout approach and is shown in timber and glass with a pedestrian forecourt which leads to the parking provision.
- 99 The eastern elevation has a more industrial character which accords with the general character of the area although some of the materials used in the front elevation are continued onto this one to reflect its location onto a road. The North

and west elevations are much simpler in character which is appropriate to their industrial neighbours.

- 100 The proposal is designed in a manner that would contribute to an improvement in the quality of the environment. The materials shown are appropriate to the proposed use and to the character of the locality.
- 101 New landscaping is shown across the site to enhance its visual appearance, create a more pleasant streetscape and to provide softening to the perimeter boundaries. The Arboricultural Officer considers that additional planting could be required within the car park to break up the hard landscaping further. This could be required by condition.
- 102 Subject to conditions regarding landscaping and requiring samples of materials to be used in the external appearance of the building, the proposal accords with policy EN1 of the Local Plan and SP1 of the Core Strategy in terms of design.

Highway Implications

- 103 Policy SP2 of the Core Strategy states that the Council will support and promote measures to reduce reliance on travel by car. Specifically it will support improvements to enhance the safety and convenience of public and community transport, seek improved facilities for cyclists and pedestrians, and require the inclusion of Travel plans and other appropriate measure sin new developments that generate significant traffic volumes
- 104 Policy SP9 states that where new development creates a requirement for new or improved physical, social and green infrastructure beyond existing provision, developers will be expected to provide or contribute to the additional requirement.
- 105 Criteria 6 of policy EN1 of the Local Plan states that the proposed development must ensure satisfactory means of access for vehicles and pedestrians and provides parking facilities in accordance with the Council's approved standards. Criteria 10 states that the proposed development does not create unacceptable traffic conditions on the surrounding road network and is located to reduce where possible the need to travel.
- 106 Criteria 10 requires that the development does not create unacceptable traffic conditions on the surrounding road networks and is located to reduce where possible the need to travel.
- 107 Policy VP1 requires parking provision to be made in accordance with the KCC adopted vehicle parking standards.
- 108 Extensive discussions have taken place between the applicant and Kent Highways and as a result of Kent Highway Services (KHS) objecting to the location of the main access on Station Road, the applicant amended the main access to its current location on St Johns Way. This is an existing access to the permitted unrestricted industrial use of the site. Kent Highway Services considers that this access has the advantage of removing conflicts between pedestrian flows on the west footway of B2026 Station Road and customers' cars entering and leaving the car park, and would prevent intermittent congestion on B2026 Station Road at the entrance to the car park, thereby reducing the potential for vehicular conflicts due to the close proximity with the entrance to the petrol station.

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Because of the lower vehicular and pedestrian flows on St Johns Way, there would be a reduced likelihood of conflicting movements occurring.

- 109 Associated traffic movements to the service access and staff car parking as proposed is not expected to be any worse than for the existing permitted site usage.
- 110 KHS consider that the roundabout would operate well within capacity. They are satisfied with the number of parking spaces provided. There is no sound basis for insisting that more parking places should be provided.
- 111 Further information is required regarding the location of cycle parking. This can be dealt with via condition.
- 112 The proposal falls short in terms of commitments for practical measures to increase sustainable travel, although a commitment has been made in the legal agreement to widen the footway outside the store is welcome. A revised travel plan with a better commitment to such matters can be required by condition. It is expected that this would make provisions such as staff shower facilities at the store, and a staff car share scheme.
- 113 The Applicant has committed to contributions to deal with highway impacts as requested by KHS including £10,000 for the provision of double yellow line waiting restrictions, a bus stop, and other highway works that are approved by the applicant and that are adjacent the store.
- 114 KHS has required other matters to be controlled which be dealt with by condition including construction vehicle loading / offloading / turning, provision of parking for site operatives / visitors and works to prevent the deposit of mud.
- 115 It is considered that the impact of the store, subject to the completion of a legal agreement is acceptable and in accordance with policies EN1 and VP1 of the Local Plan.

Amenity impact

- 116 Criteria 3 of policy EN1 of the Local Plan states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Criteria 4 states that the proposed development should not result in the loss of important buildings, or related spaces.
- 117 The site is an established industrial site with an operation B2 use, and an extant planning permission for B1/B2/B8 use in accordance with the allocated use of the land for employment use. These uses are unrestricted in terms of hours of operation.
- 118 Access of the use of the B1/B2/B8 development totalling 862 sqm is off St Johns Way which serves a residential area to the west of the site.
- 119 The site is located adjacent to a residential area which lies to its west. Objections have been made about the impact of the store on the ease of access and amenity impact on the residential area.

- 120 The servicing area for the store which would be used by heavy vehicles is accessed from Station Road, well away from the residential properties. Kent Highways have addressed the customer traffic movements and found them to be acceptable given the context of the site.
- 121 The side of the car park which adjoins residential land is shown as landscaped to mitigate against any adverse traffic impact. It is considered that these properties would benefit from a restricted use of the land by domestic vehicles compared with the permitted unrestricted use by industrial vehicles. As such, the proposal would result in an improvement of the amenity of the adjoining occupiers.
- 122 The noise report which has been submitted with the application and assessed by the Councils Environmental Health team concludes that the development could proceed without detriment to the amenity of the adjacent residential occupiers. Sevenoaks Environmental Health agree that noise issues can be resolved by condition, and that the acoustic fence should be higher. Revised details of acoustic fencing and landscaping to mitigate the visual impact of this can be required by condition/
- 123 It is also recommended that details of the gates to the service yard should be conditioned along with further details of mechanical plant and services requiring a validation assessment of the noise from the plant and equipment once the installation is complete but prior to the store becoming operational and further mitigation measures to be undertaken if sufficient attenuation has not been achieved.
- 124 Operational hours and deliveries and requirement for a noise management plan can be required by condition, along with details of the external lighting of the store to ensure that excessive light spillage does not impact detrimentally on adjoining residents.
- 125 A condition would be required relating to site investigation and remediation.
- 126 Given the existing and extant use of the site, the existing access arrangement and that the proposed use would be controlled in terms of hours of operation and noise, subject to appropriate condition, the amenity impact of the store is considered to be acceptable and in accordance with policy EN1 of the local plan.

Flooding, sustainability and ecology

- 127 Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- *“within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location: and*
 - *development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning: and it gives priority to the use of sustainable drainage systems”*

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- 128 Policy SP2 of the Core Strategy requires that all new commercial development is required to achieve BREEM “very good” standards and must incorporate sustainable drainage systems where practical together with arrangements to secure their long term maintenance. Achievement of BREEAM standards must include at least a 10% reduction in the total carbon emissions through the on site installation and implementation of decentralised, renewable or low carbon energy sources.
- 129 Policy SP11 of the Core Strategy requires the biodiversity of the District to be conserved and opportunities for enhancement sought.
- 130 Based on the Flood Risk Assessment report that has been submitted with the application, the Environment Agency has requested the imposition of a condition regarding a sustainable surface water drainage scheme. This is because a significant area of the southern part of the site consists of permeable material which is not connected to the drainage system. Without a sustainable surface water drainage scheme, the proposal would result in most of the area becoming impermeable and positively drained, thereby representing an increased impermeable area and therefore, an increased rate of discharge. There is also a small increase in the proposed roof area which could result in increased runoff to the watercourse north of the site and present a risk of flooding to the Firfield Estate.
- 131 The Environment Agency have advised that this could be achieved by a number of ways using sustainable drainage techniques and by increasing the size of the rainwater harvesting tank. Provided this condition is imposed, the proposal would be in accordance with the requirements of the NPPF in terms of flood risk.
- 132 An environmental sustainability statement has been submitted with the application. This outlines the means by which the proposal will implement sustainable initiatives. These include LED lighting, a digitally controlled lighting system which makes optimum use of natural light, the use of aluminium instead of copper in the main power transformer, glass doors on freezer cabinets, and natural ventilation. It is also committed that the store will be built to BREEAM standard “Very Good”.
- 133 The achievement of BREEAM “very good” standard can be secured via condition.
- 134 As such, the proposal would accord with policy SP2 of the Core Strategy, and the NPPF in terms of sustainability.
- 135 Natural England and Kent Ecology Service have assessed the submitted information and are satisfied that the proposal would have no adverse impact on habitats or species of ecological importance. They have suggested that biodiversity could be enhanced through, for example native planting around the site. This can be taken into account through submission of a revised landscaping scheme which will be requested via condition. A sustainable surface water drainage system will be required by condition. Details of the external lighting of the store would be requested in relation to residential amenity. Submission of details should also address the potential of the site for foraging bats.
- 136 Given that the site contains buildings and vegetation which could be used by nesting birds, a condition could be imposed requiring an experienced ecologist to

examine the site prior to works starting and if any breeding birds are identified all work to cease until all young have fledged.

- 137 A condition could also be imposed requiring bat and bird boxes to be incorporated in to the scheme to enhance roosting and nesting opportunities within the site.

Conclusion

- 138 In terms of design, highways impact, amenity impact, flooding sustainability and ecology, the proposal is considered to be acceptable and compliant in these respects with policies SP1, SP2, SP9 and SP11 of the Core Strategy, EN1 and VP1 of the local plan, and the NPPF.
- 139 Whilst the application does not comply with Policy SP8 of the Core Strategy or Policy EP8 of the Saved Local Plan, on the basis that it has not been proven that there is no reasonable prospect of the site's take up or continued use for business purposes during the Core Strategy period. This is on account of the fact that part of the site is still occupied, there have been no apparent attempts to market the site, and no viability evidence has been submitted for the potential B1/B2 redevelopment identified by the applicant or any other business use redevelopment. The proposal would provide an increase in the number of jobs currently on the site and the number that are likely to be provided if the permitted development on the southern part of the site were to be built out. While the loss of employment land is contrary to local policy, the increase in jobs does counter this objection and weighs positively in favour of the proposal in accordance with the NPPF aim towards sustainable economic growth.
- 140 The cumulative retail impact on the town centre of this proposal and that of the Sainsbury's application 13/00134/FUL which committee has resolved to approve, would have a detrimental impact on the vitality and viability of the town centre contrary to policies EB1 of the Local Plan and LO6 of the Core Strategy, and the National Planning Policy Framework. Provided permission is granted for the Sainsbury scheme, my recommendation is to refuse planning permission for this proposal.

Background Papers

Site and Block plans

Contact Officer(s):

Richard Morris
Chief Planning Officer

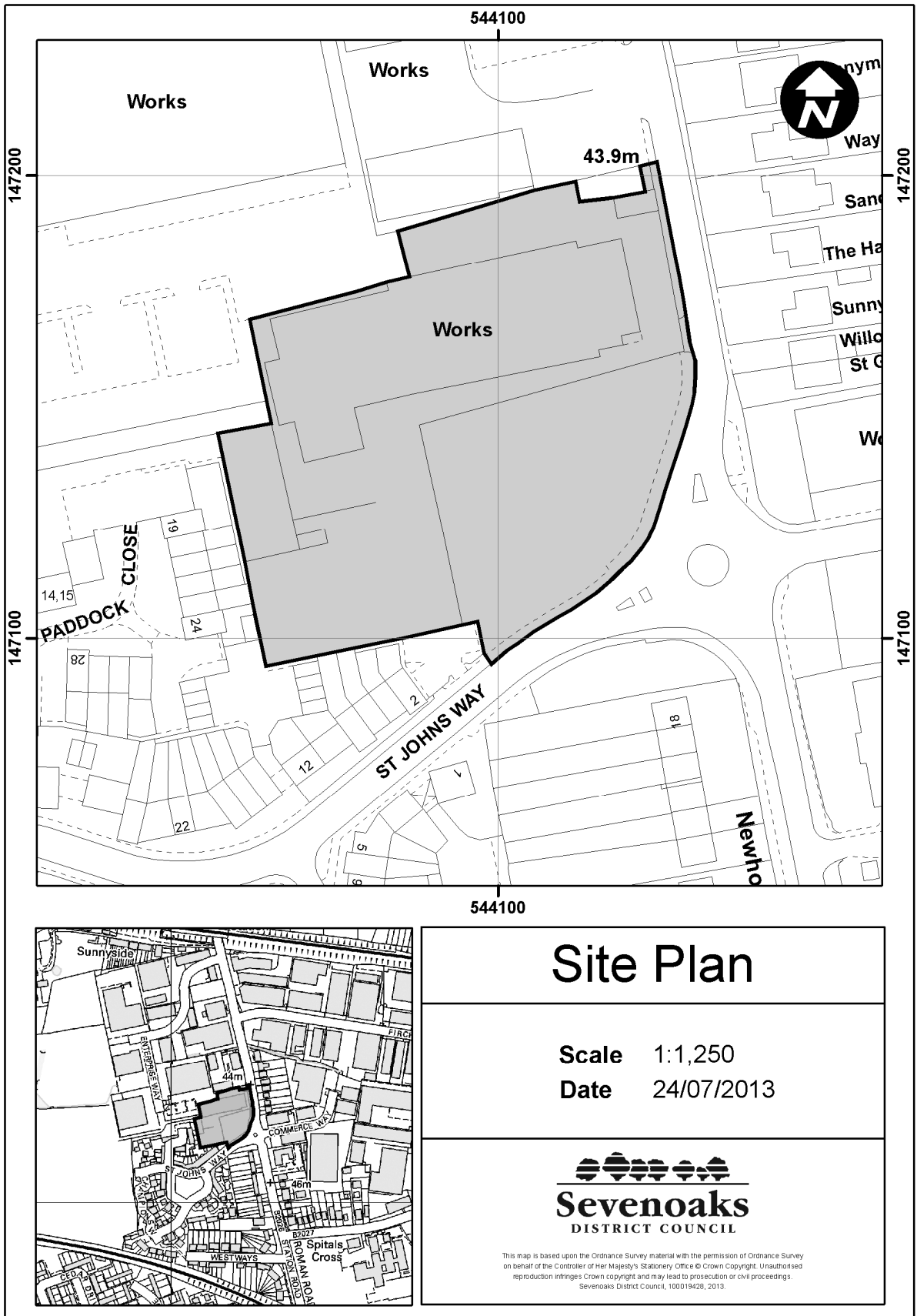
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MKB7PBBK8V000>

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Link to associated documents

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MKB7PBBK8V000>



Block Plan





Addendum to Edenbridge Foodstore Critique

Sevenoaks District Council

Introduction and advice to date

1. In May 2013, GVA undertook an independent critique of the retail assessments supporting proposals by Sainsbury's and Tesco, both seeking to develop new foodstores in out of centre locations in Edenbridge.
2. Our report considered the proposals individually and highlighted various concerns relating to the technical analysis underpinning both assessments. One concern related to the estimated level of trade diversion from existing stores in Edenbridge town centre (namely the Co-op and Tesco Express) which we considered to be understated. We also highlighted a disparity over the estimated turnover of the Co-op in Edenbridge which has a subsequent bearing when judging the 'significance' of impact identified on this store and the town centre as a whole.
3. Having considered the evidence underpinning both applications and drawing on our own sensitivity analysis, our overall advice to the Council was that the impact of either store would be broadly acceptable in isolation (the Tesco more so given its smaller scale and lower turnover) subject to appropriate conditions. The outputs of our impact sensitivity testing for each store in isolation, is set out in Table 1.

Table 1: GVA Estimated SOLUS Impact on Edenbridge Town Centre

Edenbridge Town Centre	Sainsbury's Solus Impact (%) 2018	Tesco Solus Impact (%) 2016
Co-op	49%	21%
Tesco Express	30%	16%
Local Stores	-	2%
Town Centre 'as a whole' ¹	26.5%	11.7%

Source: GVA

4. Given the anticipated impact of the Sainsbury's store in isolation (which we judged to be just within the limits of acceptability), we considered the combined effect of

¹ Includes comparison goods turnover.

allowing both stores would lead to a significant impact on Edenbridge town centre. However, our critique did not specifically quantify the cumulative impact.

The Applicants' Cumulative Impact Assessments

- Since completing our report, Sainsbury's have produced a cumulative impact assessment. Tesco have also undertaken a cumulative impact assessment which was included in their original retail assessment. Table 2 below sets out the results of the applicants' respective assessments.

Table 2: Applicants' Estimated Cumulative Impact on Edenbridge (Convenience Goods)

Edenbridge Town Centre	2018 Cumulative Impact (%)	
	Tesco's Assessment	Sainsbury's Assessment
Co-op	37%	54%
Tesco Express	47%	46%
Local Stores, Edenbridge	1%	-
Town Centre 'as a whole' ²	20.5%	32.7%

Source: Table 12, Tesco Retail Assessment (March 2013) & Table A (WYG via email 10th July 2013)

- Both applicants have adopted a broad brush approach which draws on the other's trade draw analysis. Both applicants have assessed cumulative impact at 2018. As a minor criticism, neither applicant has made any adjustment to Tesco's estimated turnover to allow for growth in sales between 2016 and 2018. In addition, we note that Tesco has assumed a higher level of inflow to the Sainsbury's store (20% compared to 5% estimated by Sainsbury's). We do not consider this a realistic or justified assumption and as such consider Tesco's analysis to have far understated the potential cumulative impact of the two stores.
- It is also relevant to note that in providing a cumulative impact assessment, Sainsbury's have revised the estimated trade draw patterns associated with their proposed store (as presented in their original assessment). The revised assessment assumes an increased level of trade draw from Zone 1 (from 50% to 65%); reduces the anticipated trade draw from Zones 2-4 (from 15% to 10%); and maintains an estimated inflow of 5%.
- No commentary has been provided by Sainsbury's to explain or justify the adjustments made. However, the revised assumptions are more closely aligned with our own

² Include comparison goods turnover. Calculated by GVA using the applicants' assessments.

professional view and they go some way to addressing a number of concerns highlighted in our original report. For ease of reference Table 3 below compares Sainsbury's original impact assessment (Table 10) to the revised 'solus' figures presented in their cumulative assessment (Table A).

Table 3: Comparison between Sainsbury's Impact Assessments in January and July 2013

Edenbridge Town Centre	2018 Solus Impact (%)	
	Sainsbury's Assessment (Table 10, Jan 2013)	Sainsbury's Assessment (Table A, July 2013)
Co-op	35%	45%
Tesco Express	25%	31%
Local Stores, Edenbridge	-	-
Town Centre 'as a whole' ³	19.6%	24.6%

Source: Table 10, Sainsbury's Retail Assessment (Jan 2013) and Table A (WYG via email 10th July 2013)

- The revised impact figures produced by Sainsbury's are broadly consistent with the results of our independent analysis (presented in Table 1 above). Notwithstanding some minor criticisms, we would regard Sainsbury's cumulative impact assessment (Table 2 above) as the more reliable between the two applicants.

GVA's Independent Cumulative Impact Assessment

- In advance of receiving Sainsbury's updated assessment, the Council instructed GVA to undertake a cumulative impact assessment. This adopted the same broad brush approach as the applicants and drew on the outputs of our critique in respect of the individual trade draw patterns associated with each store (para 5.13-5.20 of the main report).
- The results of our cumulative analysis is broadly consistent with Sainsbury's, both identifying a cumulative impact of 46% on the Tesco Express in Edenbridge town centre. We identify a marginally greater impact of 64% on the Co-op (compared to Sainsbury's 54%). However, our analysis assumes that both the Sainsbury's and Tesco will achieve their respective company averages (i.e. 'worst case') and does not factor in the potential for the two new stores to directly compete with and impact on each other, which in reality they will do.

³ Includes comparison goods turnover. Calculated by GVA using the Applicant's assessment.

12. As highlighted in our original report, there remains a degree of uncertainty over the current turnover of the Co-op, with Tesco's figures identifying a lower turnover at 2018 (£8.25) relative to Sainsbury's (£12.49). Therefore to apply the same estimated trade draw assumptions as above, to the lower turnover would imply a much greater level of impact in percentage terms (96% rather than 64%). This is the consequence of a purely arithmetic exercise which we do not consider to be a realistic reflection of the practical implications of the two stores on the Co-op. Whilst it is not possible to verify which turnover is the more accurate, as set out in paragraph 6.16 of our main report, the Tesco estimate may be understated in any event.
13. In terms of the practical implications for the Co-op store, in our experience, it is very rare for a multiple retail operator to cease trading in a location where it has a strong presence as they will generally seek to maintain representation. Multiple operators also have the benefit of using their wider portfolio to bolster stores which under trade. In the circumstances however, it is very difficult to say that the Co-op would not cease trading based on the potential losses of over half its turnover at 2018 (even on Sainsbury's figures). If the Co-op were to close, this would remove a key anchor from the town centre. This would have a negative knock-on effect for other shops and services in the town centre as a direct result of the reduced propensity for linked trips.
14. It is feasible that the Tesco Express could close in the event that Tesco's application is successful irrespective of whether the Sainsbury's is also granted planning consent or not. Our advice remains that The Council should seek to clarify Tesco's position in this respect and to establish whether they would be willing to enter into a legal contract to maintain this store for an agreed period of time (e.g. 3 years).

Impact on the Town Centre 'as a whole'

15. The above commentary focuses solely on the convenience turnover of existing stores and does not consider the impact on the town centre 'as a whole', i.e. also having regard to the comparison goods turnover of the town centre and the proposed stores.
16. On the basis that Tesco propose only a small element of comparison floorspace (130 sqm net) they have not undertaken a detailed impact assessment for comparison goods and their household survey did not ask any questions about comparison shopping patterns. We can therefore only rely on Sainsbury's evidence which estimates the comparison turnover of the town centre is £14.1m at 2018.
17. In broad terms, it is estimated that the proposed stores would each divert approximately £0.85m comparison goods trade from the town centre at 2018. This

reflects the difference in scope to compete on a like-for-like basis and divert comparison trade from foodstores in the wider area, the Tesco being more limited in this respect.

18. The combined effect of both stores therefore equates to a total comparison goods trade draw of £1.7m from the town centre. Without taking into account the convenience turnover of the Co-op and Tesco Express, this would equate to a cumulative impact of c.12% (which compares to a solus impact of approximately 6% of each store, associated with the £0.85m trade draw set out above). The difference between the two sets of evidence in this instance is minimal due to the fact that the turnover of the Co-op is the main point of difference.
19. The figures excluding the Co-op and Tesco Express have been provided at the request of the Council. However, it is important to acknowledge that these stores are the main convenience anchors in the town centre and perform an impact role in contributing to its overall vitality and viability (as noted by the Sainsbury's survey evidence). As we have previously highlighted in our main report, any material impact on these stores and a consequent reduction in the propensity for linked trips is not favourable and a substantial reduction will lead to a significant impact on the town centre as a whole.
20. If we also take into account the estimated convenience turnover of the town centre post-development, this equates to an overall **cumulative impact of between 37% - 43% on the town centre as a whole** which we consider would be regarded as significant. Again the reason for the difference in impact in percentage terms arises from the differing turnover estimates between Sainsbury's and Tesco's survey evidence - Sainsbury's evidence again being the more optimistic. As highlighted above, it is also relevant to note that the majority of trade diversion from the town centre is attributed to the Sainsbury's store (£7.8m) whereas the trade draw associated with the Tesco is more limited (£3m).

Conclusion

21. This supplementary analysis reinforces the view that the cumulative impact of two stores on Edenbridge town centre will be significant in retail planning terms. In light of the above and given the uncertainty over the turnover of the Co-op and the potential significant impact on this store alone (and its potential closure as a result), we would not recommend approving both proposals, but we recognise that the Council should take into account all relevant material considerations in reaching its decision on both applications.



GVA Tesco and Sainsbury's Impact Assessment Critique
 Impact on the Town Centre as a whole

Sainsbury's

Table A: Convenience Goods Turnover and Estimated Trade Draw

Store	Estimated Turnover (\$m)	Trade Draw (\$m)
Co-op	£12.49	£6.18
Tesco Express	£2.57	£0.77
Local Stores	£0.31	-
Total	£15.37	£6.95

Table B: Comparison Goods Turnover and Estimated Trade Draw

	Estimated Turnover (\$m)	Trade Draw (\$m)
Edenbridge town centre	£14.10	£0.85

Table C: Total Trade Draw - Impact on the town centre as a whole

	Estimated Turnover (\$m)	Trade Draw (\$m)
Convenience Goods	£15.37	£6.95
Comparison Goods	£14.10	£0.85
Total	£29.47	£7.8
Impact on Town Centre	-	26.5%

Tesco

Table D: Convenience Goods Turnover and Estimated Trade Draw

Store	Estimated Turnover (\$m)	Trade Draw (\$m)
Co-op	£8.05	£1.70
Tesco Express	£2.52	£0.39
Local Stores	£0.46	£0.01
Total	£11.03	£2.10

Table E: Comparison Goods Turnover and Estimated Trade Draw

	Estimated Turnover (\$m)	Trade Draw (\$m)
Edenbridge town centre	£14.10	£0.85

Table F: Total Trade Draw - Impact on the town centre as a whole

	Estimated Turnover (\$m)	Trade Draw (\$m)
Convenience Goods	£11.03	£2.10
Comparison Goods	£14.10	£0.85
Total	£25.13	£2.95
Impact on Town Centre		11.7%

Table 1: Cumulative Impact Assessment based on Tesco's Survey Evidence

Convenience Goods	2018 Turnover Pre-Development	Tesco Trade Draw (\$m)	Sainsbury's Trade Draw (\$m)	2018 Turnover Post-Development (\$m)	Cumulative Impact (Note A) (%)
Co-op, Edenbridge	\$8.25	\$1.76	\$6.18	\$0.31	-96.2%
Tesco Express, Edenbridge	\$2.58	\$0.40	\$0.77	\$1.41	-45.3%
Local Stores, Edenbridge	\$0.47	\$0.01	\$0.00	\$0.46	-2.1%
Morrison's, Oxley	\$24.12	\$5.23	\$5.46	\$13.43	-44.3%
Other Stores within the catchment	\$18.33	\$0.62	\$1.13	\$16.58	-9.5%
Sainsbury's, Sevenoaks	\$3.96	\$1.56	\$1.46	\$0.94	-76.3%
Tesco, Riverhead	\$4.67	\$1.46	\$1.43	\$1.78	-61.9%
Sainsbury's East Grinstead	\$5.22	\$1.95	\$2.99	\$1.28	-79.4%
Waitrose, East Grinstead	\$2.24	\$0.35	\$1.44	\$0.45	-79.9%
Other stores outside the catchment	\$19.84	\$1.43	\$1.68	\$16.63	-15.6%
Intermeil/delivery	\$3.44	-	\$0.82	\$2.62	-23.8%
TOTAL	\$94.22	\$14.77	\$23.36	\$56.09	

Note A: It is acknowledged that whilst the impact on certain stores beyond Edenbridge may appear high in percentage terms, we accept that this reflects the fact that the household survey has not captured the full turnover of these stores. In reality, taking into account the full turnover of these stores, we would expect the impact to be substantially less.

Table 2: Cumulative Impact Assessment based on Sainsbury's Survey Evidence

Convenience Goods	2016 Turnover Pre-Development	Sainsbury's Trade Draw (\$m)	Tesco Trade Draw (\$m)	2016 Turnover Post-Development (\$m)	Cumulative Impact (Note A) (%)
Co-op, Edenbridge	\$12.49	\$6.18	\$17.6	\$4.55	-63.6%
Tesco Express, Edenbridge	\$2.57	\$0.77	\$0.40	\$1.40	-45.5%
Local Stores, Edenbridge	\$0.31	\$0.00	\$0.01	\$0.30	-3.2%
Marlons, Oxley	\$27.87	\$5.46	\$5.23	\$17.18	-36.4%
Waltraw, Oxley	\$6.98	\$0.55	-	\$6.43	-7.9%
Aldi, East Grinstead	\$7.27	\$0.37	-	\$6.90	-5.1%
Sainsbury's East Grinstead	\$26.57	\$2.99	\$1.95	\$20.63	-19.3%
Waltraw, East Grinstead	\$5.88	\$1.44	\$0.35	\$4.09	-30.4%
Sainsbury's, Sevenoaks	\$3.95	\$1.46	\$1.56	\$0.94	-76.3%
Tesco, Ryehead	\$5.95	\$1.43	\$1.46	\$4.06	-41.6%
Waltraw, Sevenoaks	\$1.62	\$0.00	-	\$1.62	0.0%
Co-op Westham	\$2.21	\$0.11	-	\$2.10	-5.0%
Others in survey area	\$13.43	\$0.10	\$0.62	\$12.71	-5.4%
Others beyond survey area	\$20.15	\$1.68	\$1.43	\$17.04	-15.4%
Intermet	\$5.85	\$0.82	-	\$5.03	-14.0%
TOTAL	\$143.11	\$23.36	\$14.77	\$104.98	

Note A: It is acknowledged that whilst the impact on certain stores beyond Edenbridge may appear high in percentage terms, we accept that this reflects the fact that the household survey has not captured the full turnover of these stores. In reality, taking into account the full turnover of these stores, we would expect the impact to be substantially less.

Table 3: Cumulative Impact Assessment based on Tesco's Survey Evidence

Edinburgh Town Centre	2018 Turnover Pre-Development (\$m)	Sainsbury's Trade Draw (\$m)	Tesco Trade Draw (\$m)	2018 Turnover Post-Development	Impact (%)
1. Comparison Goods	14.10	0.85	0.85	12.40	-12.06%
2. Convenience Goods (including Co-op and Tesco Express)	11.30	6.95	2.17	2.18	-60.71%
Town Centre as a whole (i.e. 1 + 2)	25.40	7.8	3.02	14.58	-42.60%

Table 5: Cumulative Impact Assessment based on Tesco's Survey Evidence

Edinburgh Town Centre	2018 Turnover Pre-Development (\$m)	Sainsbury's Trade Draw (\$m)	Tesco Trade Draw (\$m)	2018 Turnover Post-Development	Impact (%)
1. Comparison Goods	14.10	0.85	0.85	12.40	-12.06%
2. Convenience Goods (excluding Co-op and Tesco Express)	0.47	0.01	0	0.46	-2.13%
Town Centre as a whole (i.e. 1 + 2)	14.57	0.86	0.85	12.86	-11.24%

Table 4: Cumulative Impact Assessment based on Sainsbury's Survey Evidence

Edinburgh Town Centre	2018 Turnover Pre-Development (\$m)	Sainsbury's Trade Draw (\$m)	Tesco Trade Draw (\$m)	2018 Turnover Post-Development	Impact (%)
1. Comparison Goods	14.10	0.85	0.85	12.40	-12.06%
2. Convenience Goods (including Co-op and Tesco Express)	15.37	6.95	2.17	6.25	-59.34%
Town Centre as a whole (i.e. 1 + 2)	29.47	7.8	3.02	18.65	-36.72%

Table 6: Cumulative Impact Assessment based on Sainsbury's Survey Evidence

Edinburgh Town Centre	2018 Turnover Pre-Development (\$m)	Sainsbury's Trade Draw (\$m)	Tesco Trade Draw (\$m)	2018 Turnover Post-Development	Impact (%)
1. Comparison Goods	14.10	0.85	0.85	12.40	-12.06%
2. Convenience Goods (excluding Co-op and Tesco Express)	0.31	0	0.01	0.30	-3.20%
Town Centre as a whole (i.e. 1 + 2)	14.41	0.85	0.86	12.70	-11.82%

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4.3 – SE/13/03560/FUL Date expired 24 January 2014

PROPOSAL: Planning Application re-submission for proposed external alterations to an existing single storey chapel to include the construction of 3 no. new roof dormers, infill portion of kitchen, remodelling of the entrance lobby with a new front single storey extension, new high level window to the main frontage and new perimeter fencing.

LOCATION: The Old Chapel, 185 London Road, Dunton Green, Sevenoaks TN13 2TB

WARD(S): Dunton Green & Riverhead

ITEM FOR DECISION

The application has been called to Development Control Committee by Councillor Cameron Brown to consider the impact of the proposal on the street scene and on parking.

RECOMMENDATION: That planning permission be GRANTED 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.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development enhances the character and appearance of the existing building as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) The development shall be carried out in accordance with the following plans, 13051 109 P1 (proposed only), 13051 110 P1 (proposed only), 13051 110 P1, 13051 107 P1 (proposed only), 13051 108 P1 (proposed only) 13051 106 P1 (proposed only), 13051 105 P1 (proposed only) and Design and Access Statement Issue P1 November 2013.

For the avoidance of doubt and in the interests of proper planning in accordance with policy EN1 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

4) No internal mezzanine floor or other form of development which may provide additional floor space shall be carried out without the prior consent in writing of the Local Planning Authority.

In order that any other proposal may be the subject of a separate application to be determined on its individual merits having regard to the interests of Highway Safety

5) The use hereby permitted shall only be carried out between the hours of 0800hrs

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and 1730hrs Monday to Fridays and not at all on Saturdays, Sundays and Bank/Public Holidays.

To safeguard the amenity of the area and the amenities of 187 London Road as supported by Policy EN1 of the Sevenoaks District Local Plan.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.

Description of Proposal

- 1 This Planning Application is a re-submission for proposed external alterations to an existing single storey chapel to include the construction of 3 no. new roof dormers, infill portion of kitchen, remodelling of the entrance lobby with a new front single storey extension, new high level window to the main frontage and new perimeter fencing.
- 2 The existing use of the building is as a church. It is proposed to use the building as a day nursery but the application does not include a change of use as both of these uses fall within Class D1 of the Use Class Order. Therefore this change of occupier can be carried out without the need for planning permission.

Description of Site

- 3 The site is a detached building on a corner plot with London Road and Donnington Road. Although currently vacant the property has been previously used as church,

which would fall within Class D1. The site faces a busy main road through Dunton Green.

- 4 The character of the area is residential although there is a parade of shops to the south of the site. There is a grassed area to the north of the building which is currently overgrown. It is proposed to enclose this area of land for use as an outdoor play area.
- 5 The land to the rear of the Old Chapel is not included in the application site.

Constraints

- 6 Airfield Safeguarding Zone
- 7 Air Quality Management Area
- 8 Landfill Site

Policies

Sevenoaks District Local Plan:

- 9 Policies - EN1, VP1

Sevenoaks Core Strategy

- 10 Policy - SP1

Other

- 11 National Planning Policy Framework
- 12 Sevenoaks Residential Character Area Assessment.

Planning History

- 13 SE/ 13/02074/FUL - External alterations to an existing single storey chapel to include partial demolitions and the construction of a new single storey front and side extension, alterations to fenestration, construction of 3 no. new roof dormers, new mezzanine floor level, new perimeter fencing and new outdoor play area. REFUSED.
- 14 This application was refused as it was felt that although the site could be used as a nursery without the modifications proposed the changes would increase the floor area and potentially the number of future staff/children and therefore the traffic at the site.
- 15 In addition there were concerns that the proposed side extension would have an unacceptable impact on the amenities of the neighbouring property at 187 London Road.

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Consultations

Parish / Town Council

- 16 The concerns that were raised with regard to the original application (SE/13/02074/FUL) and as a result its original objections are still valid.
- 17 As a reminder, Dunton Green Parish Council objects to this application on a number of grounds:
- 18 **Traffic impact:** there is no information about the impact of additional traffic and parking requirements. There are no details about the number of staff and any staff that park in the area will negatively impact on what is already an oversubscribed area in terms of parking demand. There is no room in Donnington Road for additional parking and the impact on London Road will be significant. In addition, there is no detail with regard to the impact of additional demand for parking for the drop off and collection of children to and from the nursery. Again, the Parish Council is concerned about the impact on residents and other organisations in the immediate locality and the fact that the increased volume of cars at peak times will create a significant traffic hazard.
- 19 **Street Scene:** the Old Chapel is one of the oldest buildings in Dunton Green. The proposed changes to what is the current entrance door and the fenestration change the look of the building and have a detrimental impact on the street scene. Is it not possible to create an alternative entrance whilst maintaining the look of a door on the front elevation? The building will no longer have the look of an old chapel and that heritage should be preserved in relation to the aesthetics of the building. The Parish Council is also concerned about the size of the dormers which seem to be excessive in size and out of proportion with the size of the chapel. Again, there is a detrimental impact on the street scene.
- 20 **Impact on neighbours:** the Parish Council is concerned about the negative impact there will be on the immediate neighbouring property. The curtain wall of the new building is immediately adjacent to the window of the neighbouring property. Similarly, there appears to be use of a pathway intended to access the rear of the terraced houses to the north of the chapel.
- 21 **Air quality:** the provision of a children's play area of limited size and its proximity to the main road is of concern given that London Road is a major commuter road and is affected by low air quality. The Parish Council also now queries why it is necessary to include dormer windows now that the internal mezzanine floor is not to be part of the proposal and when they are stated as being included to provide clerestory daylight to the existing main hall. Would velux-style windows flush to the roof not provide this daylight?

Further Comments:

- 22 Whilst the Parish Council welcomes the prospect of the chapel being utilised any alterations should be sympathetic to the heritage.

KCC Highways

- 23 The application data states that this application is for various changes to the Chapel in connection with proposed use as a children's nursery. Number of staff, pupils and hours of opening not specified. As I stressed in my response to

13/02074, this is an unsuitable location for a nursery due to lack of available places to park, and this results in highway safety concerns. I visited the site at approximately 8am on a weekday morning at which time there were few places to park nearby, specifically one free space on the nearside of the road, one space in the layby almost opposite, and three spaces in Donnington Road. Clearly the availability of parking places will vary from day to day and according to the hour.

- 24 As can be seen at another nursery less than a mile away, some parents park their cars inappropriately (e.g. on the verge, even on a traffic island) when delivering their children to their nursery. It is likely that, due to lack of obvious places to park, the proposals will result in parents parking on the double yellow lines flanking the junction with Donnington Road, thereby reducing visibility and causing a safety hazard. Pictures of the site on Google Streetview show two instances of cars apparently parked on the double yellow lines at this junction.
- 25 However, unfortunately planning legislation allows the use of the Chapel as a nursery without planning permission, so there appears to be no viable highways basis for objecting to the present proposals.

Representations

- 26 12 neighbours have been consulted and one neighbour representation has been received and raises the following concerns;
- The proposal will have a detrimental impact on parking in the area
 - There will be an unacceptable impact on the amenities of neighbouring properties including disturbance due to noise and loss of privacy

Chief Planning Officer's Appraisal

- 27 The principal issues in this case are as follows;
- Impact of the proposal on the character of the existing building;
 - Impact of the proposal on the character of the street scene
 - Highway Safety
 - Impact on the amenities of the neighbouring residential dwellings
- 28 The Parish Council have also raised the issue of the existing air quality on the site.

Impact on the Existing Building and the Street Scene

- 29 Paragraph 60 of the National Planning Framework states that planning decisions should not attempt to impose architectural styles through unsubstantiated requirements to conform to certain development forms or styles.
- 30 Policy EN1 of the Local Plan states that new development should be in harmony with the adjoining buildings and incorporate buildings and landscaping of a high standard. Policy SP1 of the Core Strategy supports this.
- 31 The Sevenoaks Character Area Assessment includes a section on the Donnington Road/London Road Area, and lists both distinctive positive features in the area and design guidance for future development.

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- 32 The existing building is single storey with a pitched roof. It has a lower ridge height than the surrounding dwellings which is a mix of styles. There are also prominent side dormers on 2 and 5 Donnington Road which are visible from London Road.
- 33 When viewed from the front of the property the proposed dormers do look more prominent than when they are viewed from the side. They are, however, set well below the ridge height and back slightly from the eaves which makes them subservient to the main building. The proposed dormers are modest in scale, and designed to provide additional light, rather than as large roof extensions to provide additional floorspace.
- 34 With regard to the alterations proposed to the entrance way, this part of the proposal will also be subservient to the main building.
- 35 The alterations to the side extension involves the change of the sloping roof to a flat roof and an increase in the footprint. However the extension will be set back well behind the front building line and the overall height of the structure will not be increased. The proposed fence will enclose the site to a greater degree and result in a loss of greenery to the street scene. However the street scene is already urban in character and although there are no similar fences in the immediate area it is not felt that this form of development would be out of place.
- 36 The Parish have raised concerns regarding the character of the building referring to it as one of the oldest in Dunton Green. The Sevenoaks Residential Character Area Assessment does refer to the area as a residential area with some business use and the buildings being early 1890's to 1900s. The Old Chapel is not picked out individually in the Assessment, but it does make a valuable contribution to the character of the area
- 37 Although the proposals will alter the appearance of the building to some extent they will not be an incongruous feature or so harmful to the character of the building and the wider area as to be detrimental to the street scene. Nor would be the dormers harm the contribution the building makes to the street scene.
- 38 Given the above it is felt that the proposal will not have an unacceptable impact on the character of the existing building or the wider area and would comply with local and national policies.

Impact on residential amenity:

- 39 Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Appendix 4 to H6B also states that proposals should not result in material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties.
- 40 The proposal most likely to be affected by the proposal is 187 London Road, immediately adjacent to the site. Concerns were raised with regard to the amenities of this property as part of the previous officer' report (planning reference SE/13/02074/FUL refers).

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- 41 There are a number of windows on the facing elevation of 187 London Road, two at ground floor level, three at first floor level and one in the roof. None of these windows are obscure glazed and it is likely that they serve habitable rooms.
- 42 In terms of outlook and loss of daylight/sunlight the windows in the upper storeys are unlikely to be affected.
- 43 The windows on the ground floor already look on to the existing single storey extension to the building. As part of the current scheme the existing side projection on the chapel will not be altered and therefore in terms of daylight and outlook the existing situation on site will not be altered.
- 44 The flank elevation of this property is 1 metre from the boundary with the Old Chapel. The two buildings are separated by an access path which appears to be in the curtilage of 187 London Road and lead to their rear amenity area. Due to the close proximity of the two properties I do still have some concerns regarding the noise from the play area that will be immediately adjacent to this access track. As previously mentioned however, permission is not required to use this area as a play area and therefore it would be unreasonable to refuse the application on these grounds. However it would not be unreasonable to limit the time when the play area can be in use to ensure that the amenities of the neighbouring property are protected in the early morning and evening and at weekends, when it would be expected that the residents are at home.
- 45 A fence is proposed around this area which would be 1.8 metres in height. I am concerned that the fence will add to the feeling of enclosure that already exists by virtue of the existing extensions being in such close proximity to the windows of 187 London Road. However, as the fence will be seen against the backdrop of the existing extensions on the site it is not felt that the outlook from these windows will be significantly altered.
- 46 There is no policy in the Local Plan which relates to assessing the impact of proposals that are directly opposite neighbour's windows. However The BRE (Building Research Establishment) do set out a 25 degree test that can be useful in assessing the impact of daylight. A 25 degree line is drawn from the centre of the window likely to be affected. If an obstructing building creates an angle of greater than 25 degrees from the horizontal, measured from the centre of the lowest window, then a more detailed check is required.
- 47 In this case the 25 degree line is obstructed by the existing building on site; however the 25 degree line will pass over the top of the proposed fence. Therefore, the existing situation on site will not be altered and there will be no further loss of light as a result of this proposal.
- 48 A first floor dormer window is also proposed on the elevation facing 187. However, this has been significantly reduced in size compared to the previous scheme. Given this and the distance between the two flank elevations it is not felt that this will result in an unacceptable loss of privacy. In addition this window will be more than 1.7 metres above the internal floor area and therefore would not provide an opportunity to overlook the neighbouring property.

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Highway Safety

- 49 Kent Highways have raised concerns regarding the impact of the proposal on highway safety, however they conclude by saying that these concerns are related to the use and not the development proposed. As permission is not required for the change of use it would be unreasonable to refuse the application on these grounds.

Other issues

- 50 The Parish Council have raised concerns with regard to the Air Quality and the impact of a play area so close to a main road. Paragraph 109 of the National Planning Policy Framework states that new and existing development should not be put at an unacceptable risk from air pollution. Environmental Health was not a required consultee on either application although they have provided informal views. Environmental Health have raised no objections as the amount of time children are likely to be exposed to poor air quality is limited. Based on this view it is considered that a refusal on Air Quality grounds would not be justified.
- 51 Concerns has also been raised about why the dormer windows are still required if the internal mezzanine floor has been removed from the scheme. The mezzanine floor is an internal alteration that can be done without the need for planning permission. In a previous application (planning reference SE/13/ 02074/FUL) the agent stated that the mezzanine floor was proposed only for a better use of the building's in internal space, and that the number of staff (5) and children (15) proposed could be accommodated in the existing space of the building. No information has been submitted pertaining to this as part of the current application. However, it is acknowledged that the inclusion of a mezzanine floor could facilitate an increase in staff and children in the future. Given the concerns regarding parking and highway safety a condition can be placed on any permission granted restricting internal alterations to the proposal. As part of the previous application it was considered whether or not a condition could be put in place which restricted the number of places at the nursery. Such a condition would be both unreasonable an unenforceable and would not comply with the provisions of circular 11/95.
- 52 The Parish Council have raised concerns regarding this part of the proposal, and although utilising the existing entrance may be the preferred scheme, the design characteristics of the original building are being maintained in the revised scheme and therefore this part of the proposal is thought to be acceptable.

Conclusion

- 53 The proposal would not have an unacceptable impact on the street scene or the amenities of the neighbouring properties.
- 54 The concerns with regards to highways have been noted however as the building can be currently used as a nursery without planning permission it would be unreasonable to refuse the application on the grounds of highway safety.
- 55 Given this I recommend the application for approval.

Background Papers

Site and Block plans

Contact Officer(s):

Deborah Miles Extension: 7360

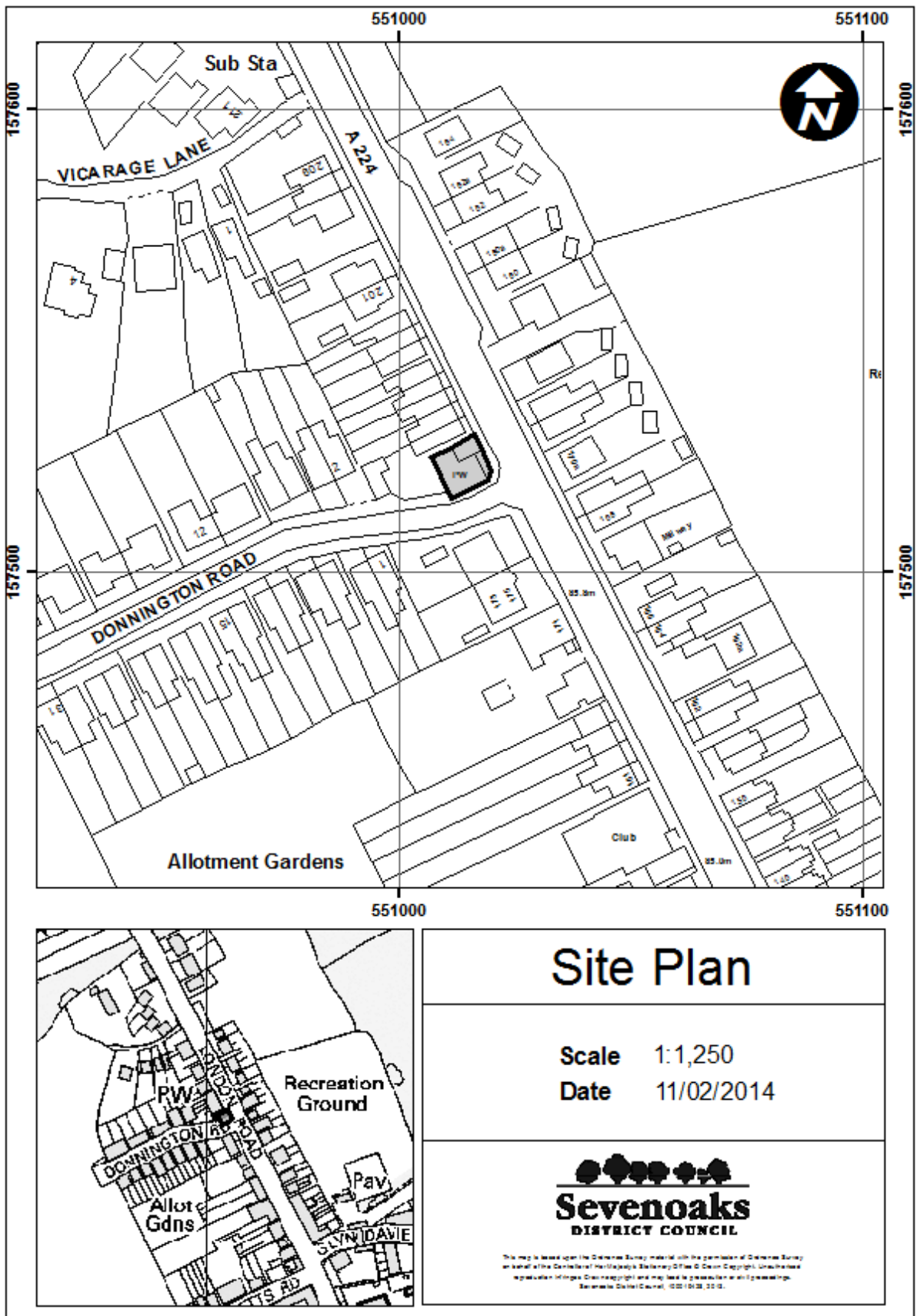
Richard Morris
Chief Planning Officer

Link to application details:

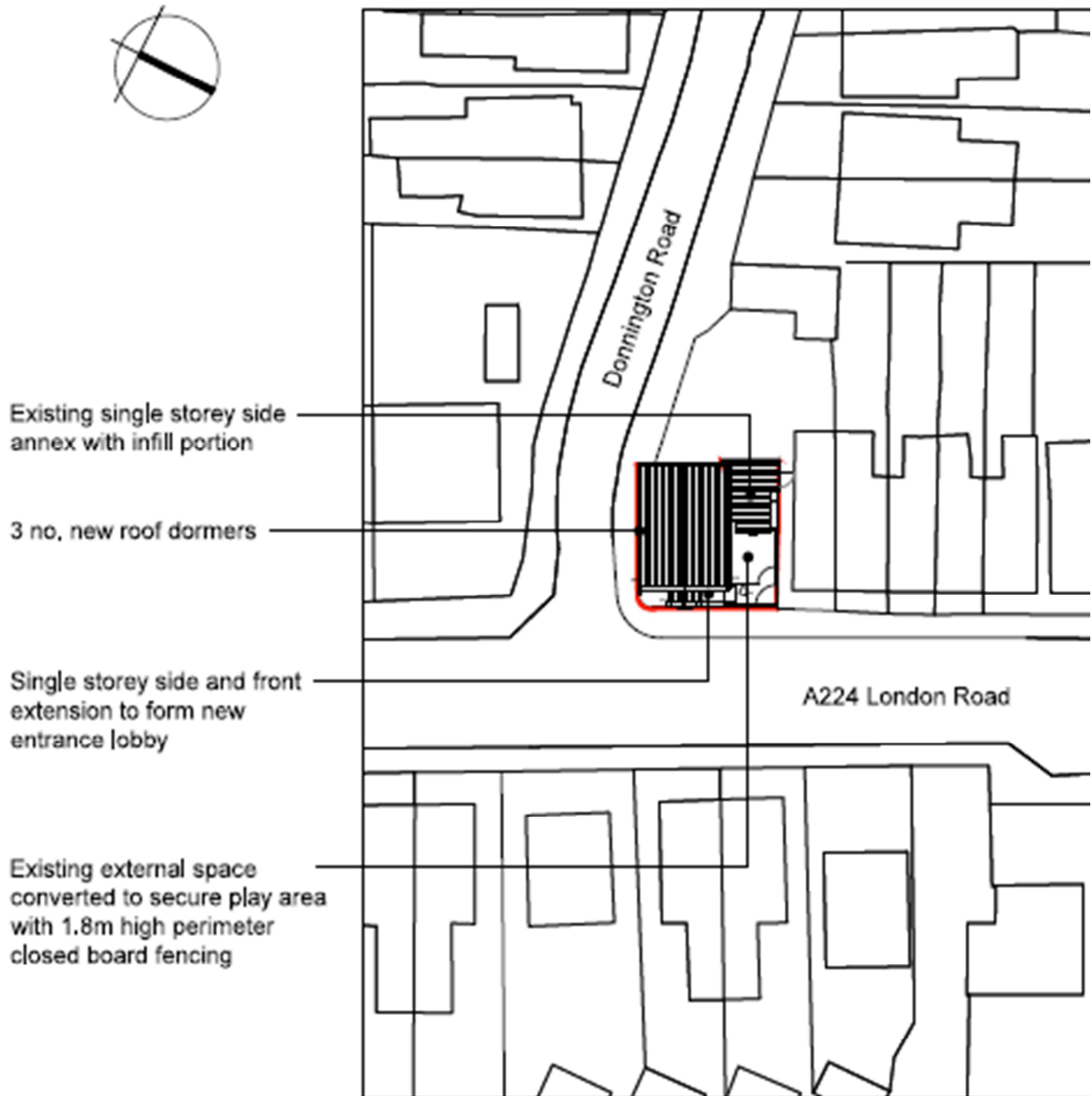
<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MX0M9YBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MX0M9YBK8V000>



Block Plan



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4.4 - SE/13/03831/HOUSE Date expired 17 February 2014

PROPOSAL: Demolition of conservatory and detached single garage, erection of a single storey rear extension and two storey side extension.

LOCATION: White Gables, High Street, Farningham, Dartford DA4 ODB

WARD(S): Farningham, Horton Kirby & South Darent

ITEM FOR DECISION

The application was called to Development Control Committee by Councillor McGarvey due to the concerns that the proposal may result in an overdevelopment of the cramped site. That the proposal may affect the amenities of existing neighbours and future occupants of the site and on the grounds of highway safety should be discussed by the committee.

RECOMMENDATION: That planning permission be GRANTED 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.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development enhances the character and appearance of the building as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order (and any Order revoking and re-enacting those Orders) (with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed in the south elevation of the extension hereby permitted.

To safeguard the privacy of the occupants of adjoining dwellings in accordance with policies

4) At the time of development, the proposed first floor window(s) on the rear elevation shall be fitted with obscured glass of a type that is impenetrable to sight and shall be non opening up to a minimum of 1.7 metres above the internal finished floor level and shall be so retained at all times.

To minimise overlooking onto adjoining properties and maintain privacy in accordance with policies EN1 and H6B of the Sevenoaks District Local Plan

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.aspx),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Did not require any further assistance as the application was acceptable as submitted.

Description of Proposal

- 1 Demolition of conservatory and detached single garage, erection of a single storey rear extension and two storey side extension
- 2 The proposal is a resubmission of a scheme previously refused at committee contrary to the officer's recommendation (planning reference SE/13/13/00628/HOUSE refers). The application was taken to appeal and the appeal was withdrawn.
- 3 The proposal is the same as the previously refused scheme and has been considered against Section 70A of the Town and Country Planning Act 1990 to establish if there were grounds to refuse to accept the application. It has been found that the Local Authority cannot decline to entertain the application in this instance, as the local authority has to have also refused more than one similar application within a two year period. The officer assessment and recommendation is also the same as previously except that it responds to any new points raised in the consultation replies.

Description of Site

- 4 The site is a two storey detached property within the village boundary of Farningham. The building is set back from the road, and at a slightly higher level. The majority of the front garden is hard standing although there is some mature planting to the front boundary on either side of the access road.
- 5 To the rear the property has a detached garage and a conservatory. Both of which will be removed as part of the application.

Constraints

- 6 Conservation Area
- 7 The site is opposite a Grade 2 Listed Building
- 8 Area of Archaeological Potential
- 9 Area of Outstanding Natural Beauty

Policies

Sevenoaks District Local Plan

- 10 Policies - EN23, EN1, H6B

Sevenoaks Core Strategy

- 11 Policies - SP1, L08

Other

- 12 National Planning Policy Framework
- 13 Farningham Conservation Area Appraisal
- 14 The Sevenoaks District Council Supplementary Planning Document for Household Extensions

Planning History

- 15 SE/13/00628/HOUSE – Demolition of conservatory and detached single garage, erection of a single storey rear extension and two storey side extension. REFUSED.

SE/97/01000/HIST - Conservatory. GRANTED.

Consultations

SDC Tree Officer

- 16 I was unable to gain access to the rear of this property on this occasion, I therefore refer to my previous comments which were as follows;
- 17 The proposed side extension is clear of any vegetation and as such there are no tree issues to address. The proposal for the rear extension is again void of trees

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within the immediate area of the garden. There is a neighbouring Pine tree, but due to the existence of the substantial boundary wall between this proposal and the neighbouring tree, I am not concerned with regards to tree root issues.

Parish / Town Council

18 Objection and reasons:

It was agreed the Parish Council object to this Planning application. FPC objects to this development at the critical point where traffic enters the Conservation Area, immediately opposite a Listed Building. Currently this house is part of an open and spacious approach to the narrowing High Street. The proposals would reduce the light and open feel of the street scene. The proposal builds two floors up at the extreme edge of the property, overbearing the adjacent garden whose patio and living room windows would suffer effective sunset several hours earlier for much of the year. It would mean a loss of parking spaces to White Gables and the narrow garage that is proposed would likely remain unused by cars as there is no comfortable route from the street and only room for the smallest car to open the car doors once inside. Councillors expressed concern regarding the plastic cladding to be used in the Conservation Area and the difficulty for future owners of White Gables to maintain the walls and guttering if they overhang the neighbouring garden.

Further comments:

19 Councillors request the Building Control Officer checks the plans as it appears as if the single wall skin on the ground floor of the garage has a double cavity wall above.

Representations

20 7 neighbours were consulted.

21 5 responses have been submitted however 2 of these are duplicates. They raise the following concerns.

- The single storey extension and the change in ground level between the two sites would have an oppressive impact on the amenities of Pinehurst. The roof light would have a detrimental impact on the amenities of Pinehurst as it would result in light pollution.
- That the flat roof on the rear extension is unattractive.
- That the garage proposed would not be used for the parking of cars.
- That the application is a resubmission of the previous scheme that has not taken the neighbours concerns into account.
- That the proposal will result in a cramped form of development within the street scene.
- The proposal does not preserve the character of the Farningham Conservation Area.
- The proposal does not have a one metre gap between the flank elevation of the proposal and the boundary.
- The guttering will overhang onto 1 Hillside's property
- The proposal will have an overbearing impact on the residents of 1 Hillside and will overshadow patio

- The garage will have a restrictive access and therefore will not be used and result in an adverse impact on highway safety
- The proposal would have an unacceptable impact on the microclimate of the garden of 1 Hillside.
- That the resident's of 1 Hillside have incurred expense as a result of making further representations.
- The residents of 1 Hillside would like policy H6B included as a reason for refusal.
- The residents of 1 Hillside agree with the Development Control Committee's previous decision (planning reference SE/13/03831/HOUSE refers).

Chief Planning Officer's Appraisal

- 22 This proposal was first reported to Development Control Committee in July 2013 with a recommendation for permission. Members resolved to refuse the application for the following reasons:

By virtue of its size, bulk and position the proposal would result in a cramped form of development within the site which would be detrimental to the character of the street scene and would fail to preserve or enhance the Conservation Area. This is contrary to policies EN1 and EN23 of the Sevenoaks District Local Plan and the National Planning Policy Framework.

- 23 There have been no changes to the development proposed. An appeal was lodged against the previous refusal but key information was received too late and the appeal lapsed. This application includes additional information in the Planning Statement relating to the ground of refusal.
- 24 As this is the report of the Chief Planning Officer, the assessment, conclusions and recommendation are as set out for the previous application, notwithstanding the refusal of the application by Committee.
- 25 The principal issues in this case are the impact of the proposal on the character of the existing building; the wider street scene, including any impact on the Conservation Area, Area of Outstanding Natural Beauty and the amenities on the neighbouring dwellings in terms of loss of light, outlook or daylight.

Impact on the Conservation Area

- 26 The principal issues in this instance are whether the proposal meets the policy criteria set out in Section 12 of the National Planning Policy Framework (NPPF). A heritage asset is defined in the NPPF as a building, monument, site, place area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest and includes Conservation Areas.
- 27 Paragraph 132 of the NPPF states that 'when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the assets conservation' and 'that any harm or loss should require clear and convincing justification.'
- 28 Paragraph 128 of the NPPF states that the applicant should describe the significance of the heritage asset including the contribution of its setting. For this

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proposal the information submitted is proportionate to the significance of the heritage asset.

- 29 The Planning (Listed Buildings and Conservation Area) Act 1990 states that proposals should protect the historic character and the setting of the listed building. It is also the duty of the Local Planning Authority to ensure that the character of the Conservation Area should be preserved or enhanced. Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 30 Policy EN23 of the Sevenoaks District Local Plan states that,
- Proposals for development or redevelopment within or affecting Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and of its setting*
- 31 The application site is situated on the eastern edge of the Farningham Conservation Area and is directly opposite South Hall, a Grade 2 listed building.
- 32 The Farningham Conservation Area Appraisal states the following with regard to the character of the immediate area,
- The Pied Bull, the Village Club and the terraced houses opposite provide a brief sense of an enclosed space until the larger gardens of The Croft and South Hall are reached and the vista widens as the High Street rises to the eastern edge of the conservation area.*
- 33 Although the larger buildings on the opposite side of the road are mentioned the existing gap between White Gables and Hillside is not mentioned as making a specific contribution to the character of the Conservation Area.
- 34 South Hall, the Grade 2 Listed Building, is set back from the road and within a large plot, it is noted above that the gaps surrounding this building contribute to this part of the Conservation Area. White Gables is on the opposite side of the road to South Hall and is partially screened by mature trees on the front boundary which will not be removed as part of the current proposal and can be conditioned to remain. Given this there is felt to be a degree of separation between the two properties and no strong visual relationship. Therefore it is not felt that alterations to White Gables will have a negative impact on the setting of the Listed Building and that the proposal will meet the statutory test set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 35 It has been noted in a neighbour representation that the Conservation Area Appraisal also makes reference to two large buildings which have a detrimental impact,
- 'it is most unfortunate that the two new large houses built at the south east end of the Conservation Area draw attention to themselves by the low level boundary walls and lack of screen planting, in direct contrast to their more attractive and discreet neighbours.'*

- 36 The presumption in the neighbour representation is that one of these large buildings is White Gables, although the statement has not sought to identify the other. However, I would not consider White Gables to be a large house, when compared to the adjacent property, Pinehurst and the large buildings on the opposite side of the road. However it is more modern in appearance than the properties in the immediate area. White Gables is set at a higher level to the street scene and the shortness of the driveway and the lack of pavement does mean that it has a close relationship with the main road. However there is mature screening to either side of the access which will remain, and this does reduce the impact of White Gables on the wider area. The other public points that White Gables can be clearly seen from are outside the Conservation Area, where the side elevation is visible and from Hillside where the top of the roof can be clearly viewed over the garages.
- 37 The side elevation will be bought closer to the shared boundary with 1 Hillside, however as the shape of the roof is not being altered this view will not substantially change. From the rear the views into the Conservation Area are restricted and although the chimneys of South Hall can be seen it is not felt that the proposal will alter the existing situation due to its size, scale and the density of location.
- 38 Accordingly I am satisfied that the proposal would not result in harm to the Conservation Area and would therefore preserve its character and meets the statutory test set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance in the National Planning Policy Framework.

Size, bulk, design and impact on street scene:

- 39 Policy EN1 of the SDLP identifies a broad range of criteria to be applied in the consideration of planning applications. Criteria 1 states that the form of the proposed development, including any buildings or extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard. Policy H6B of the SDLP states that residential extensions shall be subject to the principles in Appendix 4. Amongst other things, Appendix 4 states that the extension itself should not be of such a size or proportion that it harms the integrity of the design of the original dwelling or adversely affect the street scene.
- 40 The shape of the roof at the front of the property is being maintained. The hips will assist in reducing the bulk of the proposal. The fenestration will also match that of the existing property. The Parish Council has raised concerns regarding the possibility of future owners to maintain these materials. However, this is always a risk with additions to dwelling houses, especially with regards to obtaining bricks that will match those of the existing property. The future maintenance of a property is not a material planning consideration.
- 41 The extension to the rear will span the entire rear elevation of the property. However it is single storey and will appear subservient to the main dwelling and consequently not have a negative impact on its character. This part of the proposal will not be visible from the street scene.
- 42 The proposed two storey side extension will be within one metre of the shared boundary with the neighbouring property, 1 Hillside. Appendix 4 of policy H6B

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states that a one metre gap is normally necessary for extensions of this nature. However interpretation of this policy in the Sevenoaks SPD for Householder extensions shows that this policy was put in place to prevent visual terracing,

'In a street of traditional detached and semi-detached houses, the infilling of the spaces between with two storey extensions could create a terraced and cramped appearance at odd with the regular pattern of development.'

- 43 Given the different orientations between White Gables and 1 Hillside and the 13 metre gap between the flank elevations of the two dwellings it is felt that the development will not result in visual terracing within the street scene. In addition, although there are gaps between some of the houses in the immediate area these are not a regular characteristic of the street scene.
- 44 The neighbour representation relating to the resulting dwelling being offset within the site is noted, however as there are no regular gaps to be maintained within the street scene this is not a sustainable reason for refusal as it meets the criteria of the Sevenoaks District Council Local Plan

Impact on residential amenity:

- 45 Criteria 3) of policy EN1 of the SDLP states that the proposed development must not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height, outlook, noise or light intrusion or activity levels including vehicular or pedestrian movements. Appendix 4 to H6B also states that proposals should not result in material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties.
- 46 The two properties most likely to be affected are 1 Hillside and Pinehurst.

Daylight/sunlight

- 47 There are a number of habitable rooms at Hillside which will face the proposed development at White Gables including bedrooms, kitchen and dining room. As mentioned above the flank elevation of 1 Hillside will be a distance of 13 metres from the proposed elevation of White Gables. It is also noted that there is a change in ground level between the ground level of 1 Hillside's garden and the application site (approximately 0.75 metres)
- 48 The proposal will pass the 45 degree test for light on both the plans and elevations and therefore there will be no unacceptable loss of daylight as it will meet the criteria set out in policy H6B and the Sevenoaks District Council Supplementary Planning Document for Householder Extensions.
- 49 With regard to sunlight it is not felt that the existing situation on site will be affected. However the proposed two storey element of the extension will not extend to the front or the rear of the existing building on site. Given this the length of the built form of the dwelling which will block potential sunlight to the rear garden of 1 Hillside will not be altered, taking into account the orientation of the sun.
- 50 It is noted that the proposal will result in late afternoon and evening overshadowing in the summer months, however given that there is no right to sunlight enshrined in planning law this is not considered to justify a refusal.

Daylight does not take into account the passage of the sun and is considered as the amount of light that can enter a building.

- 51 The 45 degree test for daylight has also been carried out with regard to Pinehurst and the proposal passes on both the plans and the elevations. With regards to sunlight, the dimensions of the extension will be smaller than those of the existing conservatory on site. The length will be reduced from 4 metres to 3 metres and the height will be reduced from 3 metres to 2.5 metres. Taking into account the fact that the existing conservatory does have a sloping roof and the extension will not, the existing situation will not be significantly altered. The difference in the ground level between these two sites has been taken into account when considering the impact of the proposal.

Privacy

- 52 Concerns have been raised with regard to the first floor rear window proposed overlooking the rear garden of 1 Hillside, and affording views into the habitable rooms on their rear elevation. The proposed first floor window will serve an ensuite bathroom.
- 53 It is acknowledged in the SPD that oblique views from first floor rear windows which overlook neighbouring properties can be acceptable. Given the orientation of White Gables to 1 Hillside the first floor window will not result in direct overlooking of the rear garden. In addition, as the en-suite is not considered to be a habitable room the window can be conditioned to be obscure glazed and fixed shut where the window is more than 1.7 metres above the internal floor area of the room.
- 54 Accordingly the proposal would not harm residential amenity and would comply with policies EN1 and H6B of the Sevenoaks District Local Plan.

Light pollution

- 55 Concerns have been raised regarding the impact that the light will have at Pinehurst. However the volume of light will still be of a level used in a residential dwelling house and will not be different from the lights currently used in the conservatory.

Highways

- 56 Informal comments have been received from Kent Highways which state the following,

I can appreciate that there is a loss of parking facility at this location when compared to the existing arrangement and that the garage is reduced in size when compared to the existing. However, our adopted parking standards for a property of the proposed size (i.e. 4 + bedrooms in a village location) are for 2 independently accessible spaces which would still be available within the frontage of the proposed site even without counting the garage space and so there could be no justification in raising KCC Highways and Transportation objection to the proposal.

- 57 Therefore although it is acknowledged that the occupants of White Gables are unlikely to use the proposed garage due to the restricted entrance provided, the proposal will still meet the maximum KCC Highway Standards.

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Trees

- 58 No issues with the trees on the site have been raised. There is a neighbouring Pine tree, but due to the existence of the substantial boundary wall between this proposal and the neighbouring tree, there are no concerns with regards to tree root issues.

Area of Outstanding Natural Beauty

- 59 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 60 The proposed design and materials of the extension will reflect those of the existing dwelling meaning that it conserves the existing character of the area in accordance with the statutory test.

Archaeology

- 61 The site is in an Area of Archaeological Potential and Roman remains have been found approximately 100 metres to the south west of the site. However the area proposed for development already appears to have been considerably built up. Given this it is felt that the additional ground works involved do not require a condition in this instance.

Other issues

- 62 The Parish Council's concerns are noted regarding the overhang of the guttering to 1 Hillside. The elevations and floor plans both show the development will be within the site boundary and therefore I am satisfied there will be no encroachment. With regard to access being required to 1 Hillside in order to construct the proposal consent must be required from the owners of the land prior work commencing. However this is a civil matter that does not fall within the remit of planning law.
- 63 As part of the previous application Building Control were shown the plans for the proposal and stated that the single skin wall of the garage could be reinforced with steel supports which would allow for a double skin wall at first floor level. As before, this would be a matter that would be dealt with by Building Control under the Building Regulations.
- 64 Concerns with regard to the microclimate at 1 Hillside has been noted, however this is not something that would fall within the remit of planning law. Other issues regarding the amenities to this property have been discussed above.

Conclusion

- 65 Given the above discussion the proposal has been found to comply with the relevant policies at local and national level. The proposal is found to preserve the character of the Conservation Area, and would not have an unacceptable impact

on the character and historic setting of the Listed Building. The proposal will not have an unacceptable impact on amenities of the neighbouring properties.

Background Papers

Site and Block plans

Contact Officer(s): Deborah Miles Extension: 7360

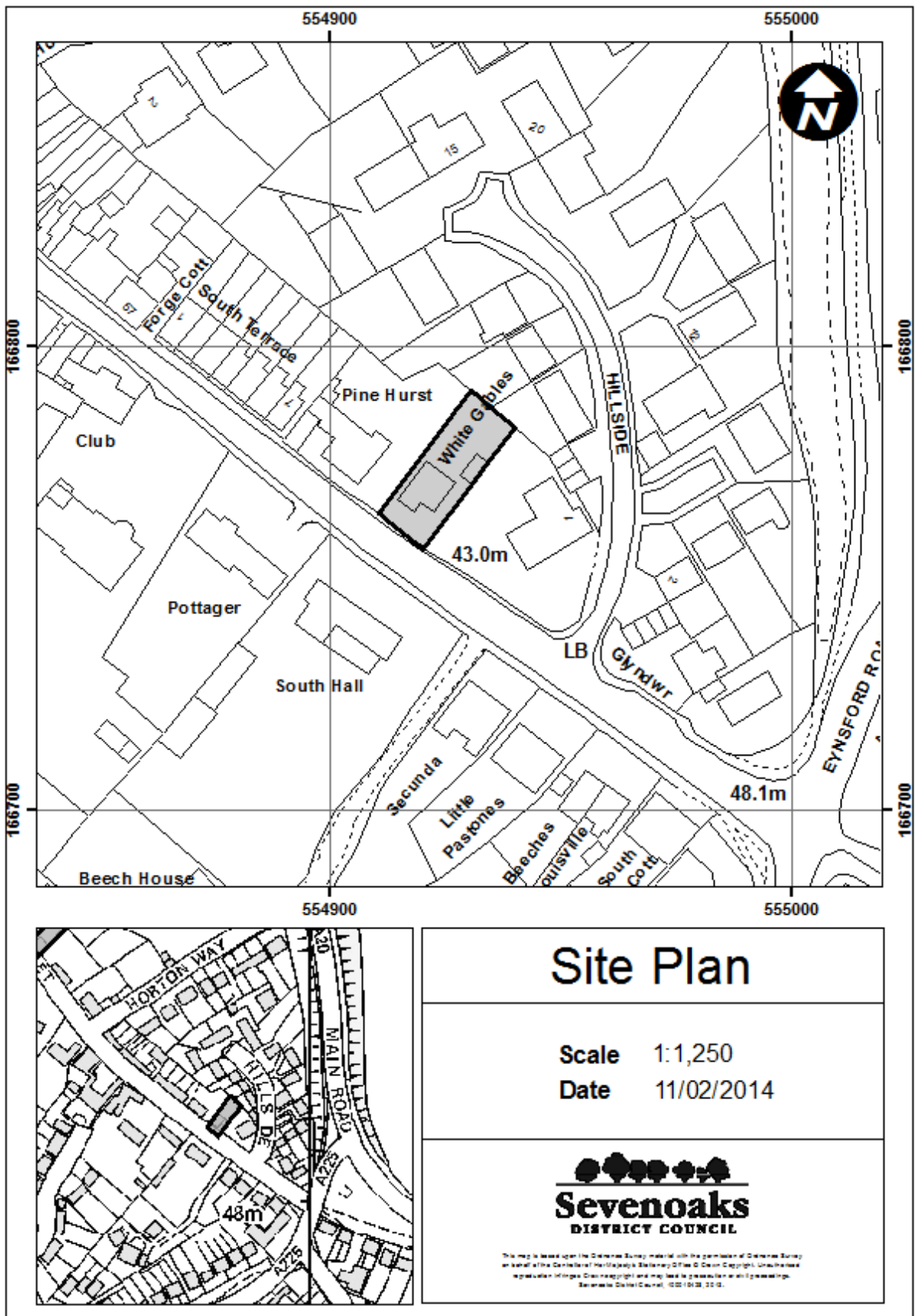
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MY92DABK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MY92DABK8V000>



Block Plan



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4.5 - SE/13/03361/FUL Date expired 16 January 2014

PROPOSAL: Restoration and conversion of a former Oast House to a single residential dwelling with associated garden access and parking.

LOCATION: Derelict Oast House, Oast Farm, Lydens Lane, Hever

WARD(S): Edenbridge South & West

ITEM FOR DECISION

This application has been referred to the Development Control Committee at the request of Councillor Richard Davison who has concerns that the proposal represents inappropriate development in the Green Belt.

RECOMMENDATION: That planning permission be GRANTED 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.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the reconstructed oast house hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To conserve the significance of the curtilage listed building as supported by The National Planning Policy Framework.

3) The enhancements recommended within paragraph 4.3 - 4.6 of the Extended Phase I Habitat Survey, dated June 2011, must be incorporated in to the proposed development site.

To enhance biodiversity in the area as supported by the National Planning Policy Framework.

4) Until development commences the site shall be maintained so as to discourage reptiles from inhabiting the site. This shall be done by regularly cutting back the vegetation that is found on the site.

To prevent reptiles from being affected by the proposed development as supported by the National Planning Policy Framework.

5) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority -

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as

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agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change as supported by the National Planning Policy Framework and policy SP2 of the Sevenoaks District Core Strategy.

6) Soft landscape works shall be carried out before first occupation of the oast. The landscape works shall be carried out in accordance with the approved details.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

7) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

8) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be retained and erected has been submitted to and approved in writing by the Council.

To preserve the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

9) The development hereby permitted shall be carried out in accordance with the following approved plans: 1980/1, 1980/2, 1980/3, 1105/1 P1, 1105/2 P1, 1105/3 P1, 1105/4 P1, 1105/5 P1, 1105/6 P1, 1113.02 Rev.02, 1113.03 Rev.02, 1113.04 Rev.02, 1113.05 Rev.02 and 1113.02 Rev.00.

For the avoidance of doubt and in the interests of proper planning.

Informatives

1) There is suitable habitat present for breeding birds. All nesting birds and their young are legally protected under the Wildlife and countryside Act. Works impacting suitable breeding bird habitat must be carried out side of the breeding bird season (March to August inclusive). If that is not possible it is recommend that an ecologist examines the site prior to works starting and if breeding birds are recorded all works must cease in that area until all the young have fledged.

2) Bats have been recorded within the surrounding area as a result the lighting must be designed to minimise impact on foraging and commuting bats. It is therefore advised that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to when designing any external lighting.

3) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact the KCC Public Rights of Way Officer before commencing any works that may affect the Public Right of Way. It would also be advisable for the applicant to put up signs warning contractors that

the track is used by pedestrians during the construction period.

4) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line (www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

1) Did not require any further assistance as the application was acceptable as submitted.

Description of Proposal

- 1 The application seeks the approval of the restoration of the original oast house and use of the building for residential purposes, with the creation of an associated amenity area, parking area and access.
- 2 The proposed restoration aims to retain the existing structure and create a building that is as close to the original as possible. This would comprise rebuilding the roof of the barn section of the building, rebuilding of sections of the walls and the roofs of the roundels, rebuilding the internal structure of the building and installing all windows and doors.
- 3 The access to the site is proposed to be from the driveway that currently serves the properties which make up Lydens Barn to the east of the site. An area of hard standing is proposed adjacent to the western elevation of the building that would serve as parking for a minimum of two vehicles and would provide a turning area. Landscaping would comprise a mixed native hedgerow along the south-east boundary of the site and the turfing of the remaining plot.

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- 4 The application follows the refusal of permission for a similar proposal that was not accompanied by a legal agreement setting out an acceptable financial contribution towards an affordable housing provision. The application was therefore refused solely on the basis that it failed to comply with policy SP3 of the Core Strategy. The applicant has now agreed an appropriate level for a contribution and has completed a legal agreement containing the agreed contribution.

Description of Site

- 5 The application site comprises a derelict oast house located on the eastern side of Lydens Lane, adjacent to Lydens Farm and a complex of former agricultural buildings that are now mainly in residential use. The building is currently in a state of disrepair with only the main walls of the barn section of the building remaining along with only part of the walls of the two roundels.

Constraints

- 6 The site lies within the Metropolitan Green Belt and the High Weald Area of Outstanding Natural Beauty, and the existing structure is curtilage listed.

Policies

Sevenoaks District Local Plan

- 7 Policies – EN1 and GB3A

Sevenoaks District Core Strategy

- 8 Policies– L01, L08, SP1, SP2 and SP3

Other

- 9 The National Planning Policy Framework (NPPF)
- 10 Affordable Housing Supplementary Planning Document (SPD)
- 11 Countryside Character Assessment Supplementary Planning Document (SPD)

Planning History

- 12 SE/12/00453 Reconstruction of oasthouse and use as single residential dwelling house with associated garden parking and access. Refused 05.12.12
- SE/12/00454 Listed Building Consent for the reconstruction of oasthouse and use as single residential dwelling house with associated garden parking and access. Granted 18.02.13

Consultations

Edenbridge Town Council – 18.12.13

- 13 Members object to this application as they believe that not enough of the original structure remains to make the building suitable for restoration and consider it to be new build in the Green Belt.

Natural England – 03.12.13

- 14 No objection raised – see file note for full comments.

KCC Biodiversity Officer – 05.02.14

- 15 We have reviewed the ecological survey submitted with the application in conjunction with the desk top information available to us (aerial photos and biological records) and information provided by the planning officer. We are satisfied with the information which has been provided and require no additional information to be provided prior to determination of the planning permission.

Reptiles

- 16 The survey was carried out in 2011 and it identified that there was a small area of suitable reptile habitat present within the site and recommended using a precautionary mitigation approach to remove it.
- 17 We were concerned that as the survey was carried out over 2 years ago the management of the site may have changed and the information within the report was now incorrect.
- 18 However the planning officer has confirmed that the site has regularly been maintained since the ecology survey was carried out.
- 19 Based on this information we are satisfied that the information contained within the ecological survey is correct.

As such we require no additional information to be provided prior to determination of the planning application.

Breeding Birds

- 20 There is suitable habitat present for breeding birds. All nesting birds and their young are legally protected under the Wildlife and countryside Act. Works impacting suitable breeding bird habitat must be carried out side of the breeding bird season (March to August inclusive). If that is not possible we recommend that an ecologist examines the site prior to works starting and if breeding birds are recorded all works must cease in that area until all the young have fledged.

Bats

- 21 We are satisfied that the building has limited potential for roosting bats to be present and require no additional information to be provided.
- 22 Bats have been recorded within the surrounding area as a result the lighting must be designed to minimise impact on foraging and commuting bats. We advise that

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the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to when designing the lighting.

Ecological Enhancements

- 23 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged".
- 24 We welcome the creation of a native hedgerow within the site. In addition the enhancements recommended within paragraph 4.3 – 4.6 must be incorporated in to the proposed development site.

KCC Public Rights of Way Officer – 13.12.13

- 25 Public Rights of Way Footpath SR5771 runs south of the application site along the private access drive to the properties to the east and is the only vehicular access route. I do not anticipate that there will be any substantial increase in vehicular traffic, apart from contractors' vehicles during construction works on the site, as the footpath is already used to access three other residential properties. It would be advisable for the applicant to put up signs warning contractors that the track is used by pedestrians. There will need to be adequate room for parking contractors' vehicles within the site to prevent obstruction of the path.
- 26 The County Council has a controlling interest in ensuring that Footpaths are maintained to a level suitable for use by pedestrians. Any maintenance to the higher level required for vehicular access would be the responsibility of the landowner/applicant and any damage caused by motor vehicles would need to be repaired by them. Any damage caused by construction traffic would need to be repaired to the pre-development surface condition.
- 27 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
- The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of six weeks notice is required to process any applications for temporary closures.
- 28 This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials, contractors' vehicles or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. This means that the boundary fencing must stay in the same position in relation to the right of way as it is at present and the gate must open inwards away from the right of way (Section 153 Highways Act 1980).

Representations

29 One letter of support has been received.

Chief Planning Officer's Appraisal

Principal Issues

Impact on the Metropolitan Green Belt –

- 30 The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (para. 89).
- 31 The NPPF also states that certain forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These forms of development include the re-use of buildings provided that the buildings are of permanent and substantial construction (para. 90).
- 32 With regards inappropriate development in the Green Belt the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para. 87). When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations (para. 88).
- 33 Policy GB3A of the Local Plan supports the conversion and re-use of existing buildings in the Green Belt provided the proposed new use will not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land within it, the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction and the form, bulk and general design of the buildings are in keeping with their surroundings and respect local building styles and materials. This policy is therefore considered to be partly consistent with the NPPF.
- 34 The proposal is slightly unusual in that it proposes the restoration of a building that has lost several sections of its original structure. However, the historic mapping that the Council possesses clearly shows that the oast building would have once stood on the site in its entirety prior to 1948. As such, the alterations proposed to the existing building to return it to as close to its former appearance as is possible would not result in disproportionate additions over and above the size of the original building.
- 35 The re-use of the restored building for residential purposes would preserve the openness of the area since the building is proposed to be built as closely to match the appearance of the original building as possible. The only impact on openness would therefore be from the creation of a residential curtilage around the building and the associated hard standing and paraphernalia that is attached to a residential use.

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- 36 The application site is already physically separated from the adjacent field by an existing fence. The proposal includes a small extension to the northern boundary of the site but this is not significant. The existing fencing therefore provides a natural break between the site and the adjoining field, and this natural break would continue to be in place between the proposed residential curtilage and that neighbouring field. The site is not significant in size and lies adjacent to existing residential properties and so I am of the opinion that the proposal would preserve the openness of the area and would not conflict with the purposes of including land in Green Belt.
- 37 However, the NPPF and policy GB3A of the Local Plan both stipulate that the re-use of buildings is acceptable provided that the buildings are of permanent and substantial construction. Obviously the building in its existing form is not of permanent and substantial construction.
- 38 A case for very special circumstances therefore needs to be considered in this instance. To my mind a conflict exists within the NPPF and between the NPPF and policy GB3A. On the one hand the NPPF permits the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. However, to then re-use a building it must be of permanent and substantial construction, and not have a greater impact than the existing use.
- 39 If the applicant separated the proposal out, proposed the alteration of the building to restore the oast house and once completed applied to convert the building to a residential use it is unlikely that the Council would have grounds to prevent this from occurring in this instance. I am therefore of the opinion that the conflict within the policy should not prevent this current application.
- 40 The applicant has also put forward a number of other very special circumstances that mainly involve the restoration of the curtilage listed building, which should be given material weight. The building is curtilage listed, due to its historic link to the listed farmhouse to the south-east of the site, and so is a designated heritage asset. As such there is a duty on the Council to have special regard to the desirability of preserving the building. It is also the case that great weight should be given to the asset's conservation.
- 41 A Listed Building Consent application for the proposed works has been approved by the Council, which gives significant weight to the fact that the Council wishes to preserve the historic interest the building possesses. This historic interest comes about from the historic link to the nearby listed farmhouse. The granting of the Listed Building Consent also adds significant weight to the argument that the heritage asset should be preserved. This distinguishes the current application from other Green Belt proposals that would not involve restoration of a heritage asset.
- 42 In my view, the restoration of the building to provide a residential dwelling would not only serve to retain the curtilage listed building but would also result in a development that would sit very comfortably within its setting given the fact that all the surrounding buildings are either in residential use or are capable of being converted to a residential use.
- 43 Overall, I am of the opinion that although the proposal is for inappropriate development, the harm in this case is limited given the content of the NPPF and

that the very special circumstances that apply in this instance involving the restoration of a heritage asset are sufficient to outweigh the harm that the proposal represents.

Impact on the curtilage listed building –

- 44 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 45 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (para. 132).
- 46 As noted above, the building is curtilage listed and so has significance due to its historic link to the listed farmhouse to the south-east of the site. The application seeks the approval of the restoration of the building. I would acknowledge that the existing building would obviously need to be altered to return the building to its original form. However, the applicant intends to carry out the works to create a building that as closely represents the original building as is possible and the existing original structure would be retained. To enable this, the existing structure does hold some clues as to how the building stood and these have been used by the applicant in the design of the scheme.
- 47 The Council's Conservation Officer noted their satisfaction that the proposed works would result in the restoration of the original oast as far as is known and is evidenced by photographs and information from historical evidence of other oasts in Kent as part of the consideration of the approved Listed Building Consent application for the same development. This was subject to several conditions, which are currently in the process of being discharged.
- 48 I would therefore conclude that the proposed scheme would conserve the significance of the curtilage listed building.

Impact on the AONB –

- 49 The NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.
- 50 Policy LO8 of the Core Strategy states that the distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced. It is therefore considered that this policy is broadly consistent with the NPPF.
- 51 The proposal would result in the restoration of the oast house, which evidently once stood on the site. Since the proposal comprises the restoration of a building that once stood on the site and would form part of the wider group of former agricultural buildings I am of the opinion that the development would conserve the landscape and scenic beauty in the AONB.

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Impact on biodiversity –

- 52 The NPPF states that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted (para. 118).
- 53 The Biodiversity Officer has stated that they are generally satisfied with the findings of the ecological scoping survey and suggest that several of the recommendations made within the report are adhered to. These can be made conditions on any approval of consent.
- 54 One further matter that was previously raised is the recommendation made that the site be maintained to ensure that reptiles do not inhabit the site before any development takes place. This can be done by maintaining the site to ensure that the site does not become the type of habitat that would attract reptiles.
- 55 The applicant has confirmed that they have maintained the site since the report was completed in 2011 and to ensure this continues it is possible to condition the maintenance of the site until development commences.
- 56 The proposal would therefore conserve biodiversity on the site.

Impact on neighbouring amenity –

- 57 Paragraph 17 of the NPPF identifies a set of core land-use planning principles that should underpin decision-taking. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 58 Policy EN1 of the Sevenoaks District Local Plan requires that any proposed development should not have an adverse impact on the privacy of neighbouring properties and also ensures a satisfactory environment for future occupants.
- 59 The majority of neighbouring properties are sufficient distance away not to be significantly impacted upon, with a minimum distance of separation of over 30m.
- 60 The Council has recently granted consent for the former agricultural barns to the south of the site, now known as Tess Barn, to be converted to a residential use. Once completed the two sets of buildings would be separated by minimum distance of about 8m. However, no first floor window would have a direct view across to windows of the neighbouring buildings and sufficient distance exists between the buildings to ensure that loss of daylight and sunlight is not detrimental and that outlook from west facing windows in the neighbouring property is not significantly impacted upon.
- 61 The proposal would therefore preserve the amenities of the occupiers of adjacent properties and of future occupants of Tess Barn and the oast house.

Other Issues

Parking provision and highways safety –

- 62 Policy EN1 of the Sevenoaks District Local Plan requires that proposed development should ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.

- 63 Current parking standards require two independently accessible parking spaces. The proposal involves the provision of two parking spaces, with an additional area for turning within the site.
- 64 The proposed access would link to an existing access onto the lane and this arrangement is wholly acceptable.
- 65 The proposal would therefore ensure the satisfactory means of access for vehicles and provides parking facilities in accordance with the Council's approved standards.

Public Right of Way –

- 66 A public footpath runs to the south of the site and would not be affected by the proposed development. The applicant can be notified by way of informative that any works that do directly affect the footpath would first need the approval of Kent County Council. The applicant can also be notified about providing notice to contractors regarding the existence of the footpath to ensure that if they are accessing the site via the footpath they are aware of pedestrians.

Sustainable construction –

- 67 Policy SP2 of the Core Strategy requires that all new homes will be required to achieve at least Level 3 of the Code for Sustainable Homes.
- 68 This is an issue that has been acknowledged by the applicant in that they have indicated several means by which they would seek to achieve Code Level 3. However, a condition can be attached to any grant of consent that would require the applicant to demonstrate in full that the development can achieve Code Level 3.

Affordable housing contribution –

- 69 Policy SP3 of the Core Strategy requires that proposals involving the provision of new housing should also make provision for affordable housing. In the case of residential development of less than 5 units, that involve a net gain in the number of units, a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 70 The applicant has agreed to provide a financial contribution in line with policy SP3. As noted above, this provision is now contained within a completed legal agreement that has been accepted by our Solicitor.
- 71 The proposal therefore now wholly complies with policy SP3 of the Core Strategy.

Sustainable development –

- 72 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking (para. 14). For decision-taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies out of date, granting of permission unless:-

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- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- specific policies in this framework indicate development should be restricted; or
- material considerations indicate otherwise.

73 In my opinion, the proposed scheme fully accords with the development plan, and I have explained this in detail above. It follows that the development is appropriate and there would be no adverse impact in granting planning permission for the development.

Access Issues

74 None relating to this application.

Conclusion

75 I consider that the proposed development would conserve the landscape and scenic beauty in the AONB, would conserve biodiversity, and would preserve the amenities of the occupiers of adjacent properties and of future occupants of Tess Barn and the oast house. Any impact the development would have on the Green Belt would be limited and very special circumstances exist in this instance, which are sufficient to outweigh the limited harm that the proposal represents. Consequently the proposal is wholly in accordance with the development plan and the Officer's recommendation is to approve.

Background Papers

Site and Block plans

Contact Officer(s): Mr M Holmes Extension: 7406

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Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MW6ZPVBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MW6ZPVBK8V000>

