

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**

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 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 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 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 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 of the use.

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

6) 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.

7) The premises shall not be open to visiting members of the public outside the hours of 08:00 to 21:00 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.

8) No more than 130sqm 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, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

9) 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, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

10) 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, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

11) 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 EN1 of the Local Plan.

12) Prior to the commencement of works including demolition, the site shall be examined by a qualified ecologist. If any sign of breeding birds are identified, no work shall commence until all young birds have fledged.

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

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 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) Prior to the commencement of the development full details of surface water drainage including the use of Sustainable Urban Drainage Systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

In the interests of sustainability in accordance with SP2 of the Core Strategy.

15) Prior to commencement of the site, 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 and approved thereafter.

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

16) Notwithstanding the details submitted with this application, prior to the commencement of the development, an appropriate 'measures based' travel plan identifying specific measures to encourage sustainable methods of travel to and from the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a programme of implementation of the recommended measures (including monitoring where appropriate) and the measures shall be put into place in accordance with this programme of implementation.

To encourage the use of sustainable forms of transportation in the interests of sustainable development in accordance with SP2 of the Sevenoaks Core Strategy.

17) 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.

18) 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.

19) 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.

20) Prior to occupation of the building, details of acoustic fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected prior to first use of the building, and maintained thereafter.

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

21) No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing 3395/P002a. 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 EN1 of the Sevenoaks Local Plan.

22) 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

23) The gates to the service yard shall remain closed at all times except during ingress and egress of delivery vehicles.

In the interests of local amenity in accordance with EN1 of the Local Plan.

24) 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 EN1 of the Local Plan.

25) The development hereby permitted shall be carried out in accordance with the following approved plans: 3395/P600, 3395/P300, 3395/P100, 3395/P601, 3395/P002a, 3395/P003, 3395/P201, 3395/P200, 2658/D01E, Services and Drainage Feasibility report June 2013, Flood Risk Assessment June 2013, Acoustic report dated 13/3/2013, Employment Land Review dated March 2013, Ecological Appraisal March 2013, Environmental Sustainability report March 2013, Travel plan dated March 2013, Stage 1: Desktop and Walkover Survey March 2013, Retail Assessment March 2013

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

**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,

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

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

The development would respect the context of the site and would not have an unacceptable impact on the street scene.

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

The development makes adequate provision for the parking of vehicles within the application site.

Although the proposal would result in the loss of protected employment land, it 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. As such it accords with the aim towards sustainable economic growth in the NPPF.

The proposal provides an opportunity for planning benefits at Edenbridge such as an increased choice and range of goods within the town without a substantial adverse impact on the town centre vitality and viability and trade in the town centre

**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](http://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 updated of any issues after the initial site visit. |

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## Description of Proposal

- 1 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.
- 2 The development comprises a building with a gross external floor area of 2,170 sqm (2,012 sqm at ground floor and 140 sqm at first floor), 120 car parking spaces, spaces for motorbikes and 10 dedicated cycle parking racks.
- 3 90% of the sales area would be for convenience goods with the remaining 10% for comparison goods.
- 4 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.

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- 5 The maximum height of the building is comparable with the two storey element of the existing building fronting Station Road.
- 6 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.
- 7 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

- 8 A unilateral undertaking has been made which makes a number of provisions which are material to consideration of the planning application as they address planning concerns, and some which are “extras” and are of more limited relevance:

#### *Material items:*

- 9 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.
- 10 To continue to operate the existing Tesco Express store at 39-41 High Street Edenbridge TN8 5AD for at least three years.
- 11 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
- 12 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.

#### *Extra items:*

- 13 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.
- 14 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

- 15 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.



- 16 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.
- 17 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.
- 18 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.
- 19 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.
- 20 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. It 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.
- 21 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.
- 22 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

- 23 Designated employment land

### Policies

#### *Sevenoaks Core Strategy*

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

#### *Sevenoaks Local Plan*

- 25 Policies - EN1, VP1, EP8, EB1

#### *Other*

- 26 NPPF

### Relevant Planning History

- 27 04/01365/FUL - Erection of building for B1 (c) /B2/B8 uses. Granted
- 28 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.*

*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*

#### *KCC – Ecology Service*

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."*

*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 (Note - revised comments were received on 2 July).*

35 *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 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.*

#### *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.*

36 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 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."*

SDC – Policy Team

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

*'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 2,170 sq m (of which 2,085 sq m is retail floorspace), the proposed store is below the 2,500 sq m threshold for an Impact Assessment. However, the*

applicant has submitted one to support the application. SDC has commissioned GVA to review the Retail Impact Assessments and Sequential Tests carried out by GL Hearn for Tesco (this application) and WYG for Sainsbury's (13/00134) and to 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's 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 proposal 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 Metro, 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 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 £11.8m at 2013, Tesco estimate the turnover of the store to be £7.8m 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 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%. 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". Nevertheless, GVA 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. The Planning Policy team concurs with these suggestions.

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 be considered the more acceptable option in terms of retail impact, subject to measures to maintain the vitality and viability of Edenbridge town centre being secured through condition or legal agreement.

### Employment Land Policies

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, given the recent assessment of employment land requirements, as set out below.

The Council's emerging Allocations and Development Management Plan proposes that the Station Road site continues to be allocated for employment 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 Long Term Employment Space Projections for Sevenoaks District (2011) suggest that over the period to 2026 there is a requirement for approximately 4600 sq m of additional office space and 20,000 sq m of warehouse floorspace under the "medium" scenario. Under each scenario there is a decreasing requirement for factory floorspace. The Planning Policy team does not consider that the evidence provided proves these projected requirements to be unreasonable.

The application site makes up 0.78 ha of the 18.8 ha Station Road employment allocation. The applicant notes that loss of this area from B class business use 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 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.

It is noted that 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 development were to be built. Planning permission SE/04/01365, which has been implemented, permits development of 862 sq m for B1(c), B2 and B8 uses. The HCA Employment Densities Guide suggests that 862 sq m built out for B2 use (which provides the densest employment of the permitted uses, according to the HCA guide) 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 (38) would be significantly lower than are forecast to be delivered by the development of the Tesco store (100). Redevelopment of the whole site to provide the same amount of employment generating floorspace (approximately 3000m<sup>2</sup>) in general office use at some stage in the future could accommodate approximately 250 jobs, according to the Employment Densities Guide.

The applicant considers that the existing buildings are in a poor state of repair and are no longer fit for purpose. This is not disputed by the Planning Policy team. It is also 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 (Fi Glass) require a much smaller facility (of approximately 330 – 400 sq m) 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 paragraphs 8.12 and 8.14. It is noted that the estimate of value uplift is based on a yield of 9%. A yield of approximately 7.5% would be required to balance this simple costs and value uplift equation, with a further reduction required to provide an incentive to the owner/developer. It is considered that a significantly stronger market for B2 development and greater investor confidence would be required to produce this yield.

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. There is no evidence that the owner-occupier has tried to find a buyer or new tenant for the site for when they relocate. 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.

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, which the Council believes to be compliant with para 22 of the NPPF. 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.

## 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, 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."*

Sevenoaks Arboricultural Officer

38 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."*

#### SDC - Environmental Health

39 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/m<sup>2</sup>. 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

- 40 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.
- 41 54 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

- 42 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”*

## **Head of Development Services Appraisal**

### Assessment

- 43 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*

- 44 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.
- 45 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.
- 46 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'*.
- 47 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.
- 48 Policy EP8 of the Local Plan identifies the main business areas and states that Class B uses will be permitted within these areas.
- 49 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"*

50 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."*

51 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."*

52 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.

53 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.

54 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.

55 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.

56 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.

- 57 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 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).
- 58 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.
- 59 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.
- 60 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.
- 61 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*

62 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.

63 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.

64 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.

65 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)”*

66 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.

67 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

- 68 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.
- 69 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.
- 70 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.
- 71 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

- 72 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

- 73 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..

#### Retail Impact

- 74 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%

- 75 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.
- 76 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.
- 77 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:*
- *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.*

These measures will help to ensure the impact on the town centre is contained.

- 78 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. Cumulative impact is considered separately at the end of the report.

### *The Design of Development*

- 79 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.
- 80 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.

- 81 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.
- 82 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.
- 83 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.
- 84 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.
- 85 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.
- 86 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.
- 87 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*

- 88 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
- 89 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.
- 90 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.

- 91 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.
- 92 Policy VP1 requires parking provision to be made in accordance with the KCC adopted vehicle parking standards.
- 93 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. Because of the lower vehicular and pedestrian flows on St Johns Way, there would be a reduced likelihood of conflicting movements occurring.
- 94 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.
- 95 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.
- 96 Further information is required regarding the location of cycle parking. This can be dealt with via condition.
- 97 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.
- 98 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.
- 99 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.
- 100 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*

- 101 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.
- 102 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.
- 103 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.
- 104 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.
- 105 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.
- 106 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.
- 107 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/
- 108 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.
- 109 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.
- 110 A condition would be required relating to site investigation and remediation.

- 111 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*

- 112 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”*
- 113 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.
- 114 Policy SP11 of the Core Strategy requires the biodiversity of the District to be conserved and opportunities for enhancement sought.
- 115 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.
- 116 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.
- 117 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".

- 118 The achievement of BREEAM "very good" standard can be secured via condition.
- 119 As such, the proposal would accord with policy SP2 of the Core Strategy, and the NPPF in terms of sustainability.
- 120 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.
- 121 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.
- 122 A condition could also be imposed requiring bat and bird boxes to be incorporated into the scheme to enhance roosting and nesting opportunities within the site.

#### *Other Matters*

- 123 A planning application is also under consideration for a foodstore at land on Station Road and Fircroft Way (ref SE/13/00134/FUL). This is being considered alongside this application, and an assessment of the planning merits of the scheme can be found in the committee papers.
- 124 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 76% and on the Tesco store would be 52%.
- 125 It is recommended for refusal on the basis of loss of protected employment land and cumulative impact on Edenbridge town centre. Although this application has been assessed to be acceptable on its own merits, it has been established through the Councils own retail assessment by GVA **that the cumulative impact of this and the Sainsbury's store would be unacceptable on Edenbridge town centre.** The impact has been detailed as follows:

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

126 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.

### **Conclusion**

127 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.

128 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 weigh positively in favour of the proposal in accordance with the NPPF aim towards sustainable economic growth.

129 The proposal 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. Given these material considerations and the balance of benefits including the increase of job provision that the overall scheme would create, approval of the proposal is recommended subject to conditions and a legal agreement to mitigate against impact.

### **Background Papers**

Site and Block plans

Contact Officer(s):

Joanna Russell Extension: 7367

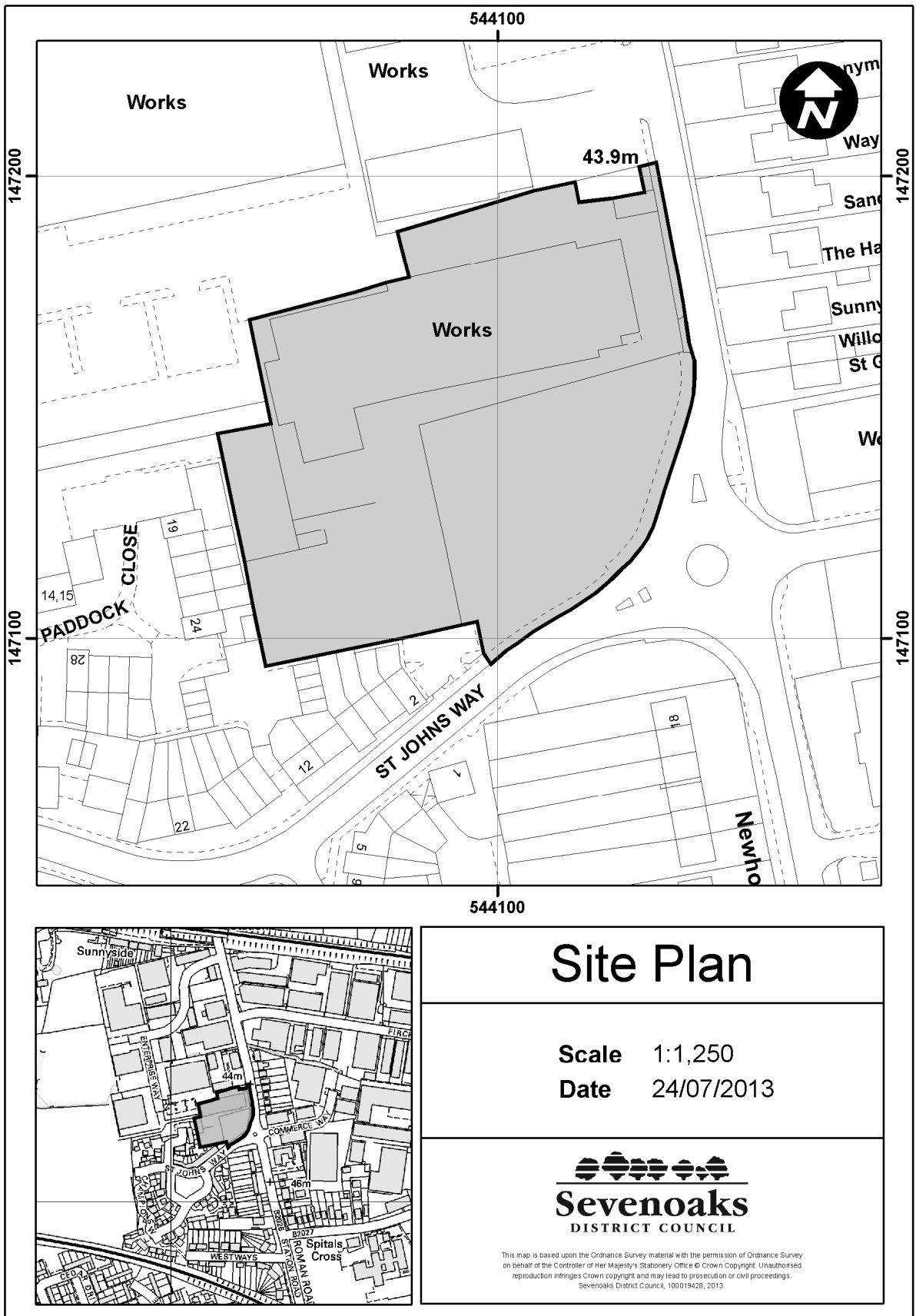
**Pav Ramewal**  
**Chief Executive Designate**

Link to application details:

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

Link to associated documents

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



**BLOCK PLAN**

