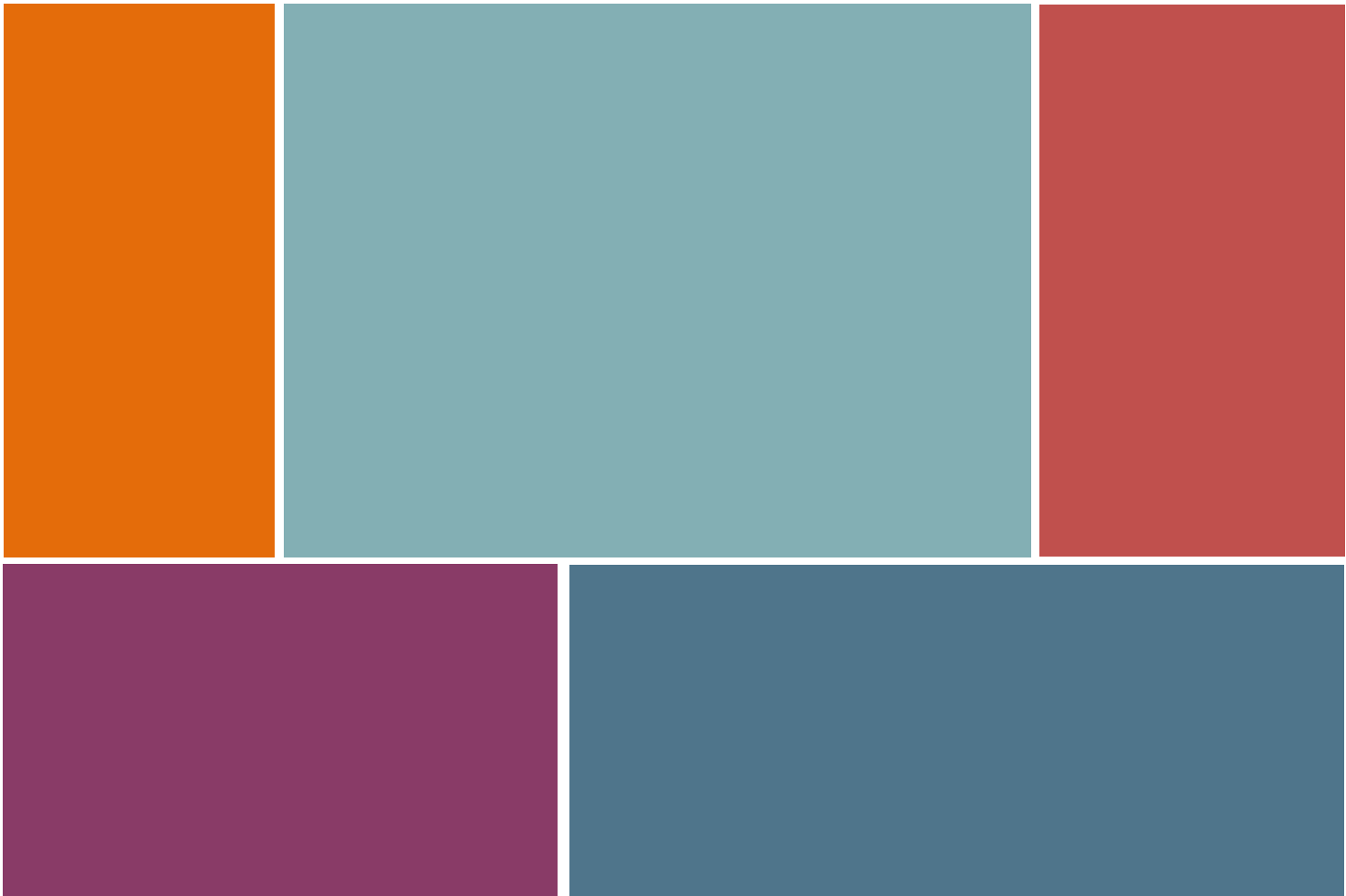




Scottish Widows Property Authorised Contractual Scheme 1

Proposed Ancillary A3/A5 McDonalds Drive-Thru Victoria Retail Park, Victoria Road, South Ruislip Planning Statement

June 2018



WYG, 90 Victoria Street, Bristol, BS1 6DP
Tel: +44 (0)117 9254393
Email: bristol.planning@wyg.com

Contents

1.0 Introduction.....	1
1.1 INTRODUCTION.....	1
1.2 STRUCTURE OF STATEMENT	1
2.0 The Site and the Proposed Development	2
2.1 INTRODUCTION.....	2
2.2 THE SITE AND SURROUNDINGS	2
2.3 RELEVANT PLANNING HISTORY	3
2.4 THE PROPOSALS	3
2.5 BACKGROUND TO McDONALDS.....	4
3.0 Planning Policy Context.....	7
3.1 INTRODUCTION.....	7
3.2 DEVELOPMENT PLAN POLICY.....	7
3.3 MATERIAL CONSIDERATIONS.....	9
4.0 Planning Analysis.....	11
4.1 INTRODUCTION.....	11
4.2 THE PRINCIPLE OF PROPOSED DEVELOPMENT.....	11
4.3 DESIGN MATTERS	11
4.4 RETAIL PLANNING MATTERS	12
4.5 HIGHWAY/TRANSPORT MATTERS	14
4.6 TREES AND LANDSCAPING.....	14
4.7 AMENITY.....	15
4.8 FLOOD RISK	16
4.9 SUMMARY.....	16
5.0 Conclusions.....	17
5.1 INTRODUCTION.....	17
5.2 MAIN PLANNING CONSIDERATIONS	17
5.3 OVERALL CONCLUSIONS	17

Appendices

Appendix A - McDonald's approach to the Environment & Sustainability and Employment, Training and the Community

Appendix B - Secretary of State Decision & Inspectors Report – Appeal App/M2270/V/03/1120101

1.0 Introduction

1.1 Introduction

- 1.1.1 This Planning Statement has been prepared by WYG on behalf of Scottish Widows Property in support of a planning application for the erection of an ancillary A3/A5 Drive-thru unit at Victoria Retail Park, Victoria Road, South Ruislip.
- 1.1.2 This statement provides a review of the application proposal, relevant planning history and planning policy for the site. It then considers the town planning merits of the proposal when reviewed against both relevant policies in the development plan and other material considerations.

1.2 Structure of Statement

- 1.2.1 The statement is structured as follows:
 - Section 2: provides details of the application site, planning history and the proposed development.
 - Section 3: summarises the relevant planning policy context.
 - Section 4: sets out the planning considerations relevant to the development proposal.
 - Section 5: provides the conclusions of the assessment.

2.0 The Site and the Proposed Development

2.1 Introduction

- 2.1.1 This section of the statement provides a brief description of the application site, surroundings, relevant planning history and the proposal.

2.2 The Site and Surroundings

- 2.2.1 The site forms part of the established Victoria Retail Park located off Victoria Road in South Ruislip. It lies approximately 300m east of South Ruislip Local Centre and 3km south east of the District Centre of Ruislip.
- 2.2.2 The retail park benefits from good transport links being located close to South Ruislip Railway Station (providing both underground and over-ground services) and is served by several bus services which run along Victoria Road.
- 2.2.3 The surrounding area to the retail park is characterised by a mix of uses, namely retail, industrial, residential and recreational. Several industrial warehouse units are located immediately South and East of the retail park beyond which lie residential areas. Queensmead School and Sports Centre are also located to the North whilst Brook Retail Park lies to the West.

Figure 2.1: Aerial Photograph showing Site and Surrounding Context



2.2.4 Victoria Retail Park itself currently comprises five large format retail units. Current retailers include:

- DFS;
- Currys PC World;
- Homebase;
- Argos; and
- Brantano;

2.2.5 The application site comprises a relatively small area of land located in the north-eastern part of the retail park. It is currently forms an area incorporating a small section of car park and an area of shrubbery/trees. The site is bordered by the car park associated with DFS and Currys PC World to the south, Victoria Road to the north, Stonefield Way to the east, and Crown Road to the west.

2.2.6 The proposed ancillary A3/A5 Drive-thru unit will be located in a well-established commercial area and will be viewed in the context of the existing large retail warehouse units and associated large surface level car parks at the retail park and other commercial premises on Victoria Road.

2.3 Relevant Planning History

2.3.1 There have been a number of previous planning applications submitted in relation to the wider Victoria Retail Park site, however none are considered to be of specific relevance to the subject proposals.

2.4 The Proposals

2.4.1 The proposed development is part of a programme of modernisation and improvement taking place at the retail park. Unlike the majority of comparable shopping retail park destinations, the subject retail park currently lacks ancillary/complimentary food and drink service facilities for visiting customers and staff of the retail units. These service facilities are required to meet modern customer expectations.

2.4.2 The development proposal is for the erection of a 301 sq m gross (footprint) ancillary A3/A5 McDonalds Drive-Thru unit together with car park and landscape alterations. The proposed unit will be located at the northern edge of the car park associated with the Curry's PC World and DFS units on the eastern side of the retail park.

2.4.3 The proposed unit comprises of two storeys, providing 547sq m gross floorspace overall (301sq m at ground / 246sq m at first floor). The building is of modern design and includes materials that have a neutral aesthetic (including cream tiles, grey aluminium and timber effect cladding).

Figure 2.2: Proposed Site Layout Plan



2.5 Background to McDonalds

- 2.5.1 The McDonald's brand is globally recognised and, in the UK, the Company trades from over 1,250 restaurants and has a workforce of approximately 110,000 people. Over 69% of restaurants are operated as local businesses by franchisees. The restaurants are either located in high streets or town centres; on retail parks (whether in standalone units or in food courts); and standalone 'roadside locations'.
- 2.5.2 McDonald's has been trading in the UK since 1974. Expansion of the portfolio was rapid during the 1980's and 90's in particular and McDonald's is now represented in most major cities and towns in all of their differing formats.
- 2.5.3 The Company has recently been undertaking a thorough review of its portfolio of restaurants and is seeking to increase its representation in certain key locations. At the same time, McDonald's has implemented a major brand refresh, both in terms of its product range and the design and fit-out of its restaurants. This application forms part of that overall strategy.
- 2.5.4 The McDonald's freestanding or drive-thru restaurant is a two-storey unit. The model has evolved over many years in order to meet the very specific operational requirements of McDonald's.
- 2.5.5 Within the public part of the building are the dining area, counter and a corridor leading to male/female/disabled toilets.

-
- 2.5.6 The non-trading part of the property comprises of the kitchen and service counters, an office, two presenter booths (for a till and delivering orders on the drive thru lane), a staff room, two staff changing rooms, store, gulley, external store, freezer and chiller rooms.
- 2.5.7 The amount of development relates directly to the operational requirements of McDonald's and is the minimum necessary to deliver the proposed operation.
- 2.5.8 McDonald's preferred approach to parking provision is for around 2no. disabled parking spaces, 2no. reserved grills order bays, and 3no. cycle racks accommodating up to 6no. bicycles. The cycle and disabled parking and other measures detailed in the Transport Statement allows the restaurant to be utilised by all sections of the wider community, and to be accessed by non-car modes of transport.
- 2.5.9 McDonald's freestanding restaurants ideally operate 24 hours per day and 7 days per week, although there is some flexibility where specific amenity issues dictate otherwise. The peak periods are usually lunchtimes, followed by evenings and breakfasts.
- 2.5.10 The outdoor area is landscaped and will provide an attractive outdoor space that includes furniture for dining outside on the patio. In brief it incorporates:
- Hard landscaping areas with paving, including tactile paviers at pedestrian crossing points and railings to protect customers in the patio area from vehicles in the circulation areas.
 - Planting species which will be located so as not to hinder site security, retaining views into the restaurant building. It will enhance and soften the relationship between the building and the surrounding area, and provide a high quality setting for the restaurant.
 - Seating will be provided within a patio area close to the entrance to the restaurant retaining dedicated pedestrian routes to and from the main doors.
 - External lighting will be provided to assist the visually impaired, and increase the safety and security of the restaurant, but will also be designed to minimise the visual impact on the wider area.
- 2.5.11 Servicing of the restaurant is undertaken by a dedicated supplier –Martin Brower, and will take place approximately 3 times per week, lasting between 15 - 45 minutes depending on the delivery required.
- 2.5.12 Martin Brower has a delivery fleet of over 150 vehicles and services all McDonald's restaurants in mainland Britain. Servicing McDonald's restaurants while they are open is a common practice and doesn't present any operational difficulties. Delivery times at lunch time (12:00 and 14:00) are avoided to minimise any delays in delivery, but this can be adapted to suit any site, i.e. control of delivery times in sensitive locations. Martin Brower uses a sophisticated computerised planning tool (Paragon) which enables the requirements for individual delivery destinations to be set and ensures that they are complied with on every occasion the delivery is planned. The delivery duration will depend on the volume of delivery, but typically is completed in a 15 to 45 minute range. The restaurant will be allocated a 2 hour

delivery slot, and the delivery will be planned within this. Notification of the planned delivery time is e-mailed to the restaurant two days before delivery. On the day of the delivery the GPS system linked to Paragon will automatically e-mail the restaurant 30 minutes prior to the vehicle's arrival.

- 2.5.13 McDonalds Drive-Thru restaurants normally employ more than 65 full and part-time staff. McDonald's is an equal opportunities employer, and seeks to employ members of staff from a range of backgrounds and experience. Many employees work part-time and there is usually an even balance between male and female employees.
- 2.5.14 A summary of McDonald's approach to the Environment & Sustainability and Employment, Training and the Community is set out at **Appendix A**.

3.0 Planning Policy Context

3.1 Introduction

- 3.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.1.2 This section of the Planning Statement considers the planning policy context relevant to the proposed development as contained in the Development Plan and other policy documents material to the application's determination.

3.2 Development Plan Policy

- 3.2.1 The statutory development plan for Hillingdon currently comprises:

- The London Plan – Adopted 2016
- The Unitary Development Plan (UDP) (Saved Policies)
- Local Plan Part 1 Strategic Policies (LPP1) – Adopted 2012

The London Plan

- 3.2.2 The London Plan (consolidated with alterations since 2011) is the overall strategic plan for London. It sets out an integrated economic, environmental, social and transport framework for the development of London over the next 25 to 30 years. The Boroughs' local development plans should be 'in general conformity' with the London Plan.
- 3.2.3 Policy 2.15 - 'Town Centres' supports the development of town centres within London and sustaining and improving a competitive choice of goods and services that are conveniently accessible to all Londoners.
- 3.2.4 Policy 4.7 – 'Retail and Town Centre Development' stipulates that applications for proposed retail development should be focussed on sites in town centres or if none are available, then on edge-of-centre sites which are, or can be, well integrated with the existing centre and public transport. Part B of the policy also states that proposals for new edge or out of centre development will be subject to an assessment of impact. Furthermore, supporting text at paragraph 4.46 states that in some circumstances, generally relating to edge-of-centre developments, there may be potential for a wider mix of uses and greater integration with existing centres.
- 3.2.5 Policy 4.8 – 'Supporting A Successful and Diverse Retail Sector and Related Facilities and Services' supports a successful, competitive and diverse retail sector, which promotes sustainable access to the goods and services for Londoners and the broader objectives of the spatial structure of the plan, especially town centres.

-
- 3.2.6 Policy 5.3 – ‘Sustainable Design and Construction’ requires that high standards of sustainable design and construction are achieved to improve the environmental performance of new developments. Proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.
- 3.2.7 Policies 5.12 and 5.13 - ‘Flood Risk Management’ and ‘Sustainable Drainage’, require development proposals to comply with flood risk assessment and management requirements set out within the NPPF. Development should utilise sustainable urban drainage systems (SUDs) unless there are practical reasons for not doing so.
- 3.2.8 Policy 6.1 – ‘Strategic Approach’ sets out that a closer integration of transport and development is encouraged. This includes supporting development at locations with high levels of public transport accessibility and encouraging development that reduces the need to travel, especially by car.
- 3.2.9 Policy 7.4 – ‘Local Character’ requires development proposals to have regard to the form, function and structure of an area, place or street and to the scale, mass and orientation of surrounding buildings.
- 3.2.10 Policy 7.6 – ‘Architecture’ seeks to ensure that the appearance of new developments make a positive contribution to the public realm, streetscape and wider cityscape. Design should be appropriate to the context of the area and high-quality materials are to be used.

Unitary Development Plan (UDP), 1998, Saved Policies

- 3.2.11 The UDP Proposals Map identifies the site as an Industrial and Business Area and confirms that the site is not subject to any other planning designation.
- 3.2.12 Table 10.1 of the UDP designates Stonefield Way/ Victoria Road as a Strategic Employment Site: Preferred Industrial Location. Accordingly, Policy LE2 (Industrial and Business Areas) applies to the site. The policy sets out that Industrial and Business Areas are designated for business, industrial and warehouse purposes (Use Classes B1-B8) and for Sui Generis uses appropriate in an industrial area.
- 3.2.13 Since adoption of the policy the site has been developed as a retail park. Given that the site is already retail use, the Council has accepted the loss of the industrial land for another use and therefore, the policy is not considered to be applicable to the subject planning application.
- 3.2.14 The defined South Ruislip Local Centre is shown to be located 300m walking distance from the site. Accordingly, in retail policy terms, the site is defined as edge-of-centre.

3.2.15 Relevant saved UDP Policies include:

- Policy AM1 - Accessibility
- Policy AM2 - Traffic Impact
- Policy AM14 - Parking Standards
- Policy AM15 - Disabled Parking
- Policy BE13 - Design & Street Scene
- Policy BE21 - Design & Residential Amenity
- BE38 – Trees and Landscaping
- Policy OE1 - Environmental Impact
- Policy OE3 - Noise

Local Plan Part 1: Strategic Policies

3.2.16 Policy E5 - 'Town & Local Centres' sets out that the Council will accommodate additional retail growth in established centres. Planning decisions will be taken in accordance with the provisions of national guidance, particularly the sequential and impact tests.

3.2.17 Policy BE1 - 'Built Environment' requires all new development to improve and maintain the quality of the built environment. Amongst other things is the desire for development to make a positive contribution to the local area in terms of layout, form, scale and materials, and to seek to protect the amenity of surrounding land and buildings.

3.3 Material Considerations

The National Planning Policy Framework (NPPF)

3.3.1 The NPPF was published in March 2012 and replaces the previous suite of Planning Policy Guidance Notes and Planning Policy Statements together with other guidance documents.

3.3.2 The NPPF sets out a presumption in favour of sustainable development. For decision taking, the presumption in favour of sustainable development means approving development proposals that accord with the development plan, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF.

3.3.3 The document stresses the Government's commitment to securing economic growth in order to create jobs and prosperity, with the Government seeking to ensure that the planning system does everything it can to support sustainable economic growth.

3.3.4 For town centre proposals not in a centre and not in accordance with an up-to-date development plan, the NPPF advises that the following issues should be taken into consideration in assessing suitability:

- The sequential approach (paragraph 24); and

- An impact assessment (paragraph 26).

3.3.5 The latter includes an assessment of:

- The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.

3.3.6 The NPPF outlines that the Government places great importance on design, which is a key aspect of sustainable development. It recognises that high quality design matters and that planning has a role in raising the standards of development.

Local Plan Part 2: Development Management Policies and Site Allocations and Designations

3.3.7 Once adopted, Local Plan: Part 2 (LPP2) Site Allocations and Designations and Development Management Policies will deliver the detail of the strategic policies set out in the in the LPP1. The plan is currently in draft form. Given that the plan has not been subject to independent examination and has a number of objections from third parties these emerging policies can only carry limited weight in the determination of planning applications.

3.3.8 The LPP2 Policies Map identifies Victoria Retail Park as not being subject to any specific planning designation. It shows that it remains an edge-of-centre site in retail policy terms (being located 300m walking distance from South Ruislip Local Centre).

3.3.9 Relevant emerging LPP2 Policies include:

- | | |
|--|--|
| • DMTC 1 – Town Centre Use Development | • DMHE14 – Trees and Landscaping |
| • DMTC 4 – Amenity & Town Centre Uses | • DMHB 15 – Planning for Safer Places |
| • DMHB 11 – Design of New Development | • DMEI 9 – Management of Flood Risk |
| • DMHB 12 – Streets & Public Realm | • DMEI 10 – Water Management, Efficiency & Quality |

3.3.10 Emerging Policy DMTC 1 identifies that proposals for main town centre uses in out-of-centre locations will only be permitted where there is no harm to residential amenity. The policy identifies that the out-of-centre town centre use proposal should be supported by a sequential approach assessment and, where they exceed 200sq m gross retail floorspace, an impact assessment.

4.0 Planning Analysis

4.1 Introduction

4.1.1 Having regard to prevailing planning policy set out in the previous section of this statement the key planning matters associated with the proposals are considered to be:

1. the principle of proposed development;
2. design matters;
3. retail planning matters;
4. highways/transport matters;
5. trees & Landscaping;
6. amenity; and
7. other matters.

Each is considered in turn below.

4.2 The Principle of Proposed Development

4.2.1 Whilst Victoria Retail Park is identified for employment in the development plan since adoption of the policy (1998) it has been developed as a retail park. Having regard to the existing retail use of the site and the ancillary nature of the proposal the proposed development is considered to be acceptable in principle (subject to assessment of retail policy tests - see below).

4.3 Design Matters

Surrounding Context

4.3.1 The application site is located within an existing well-established retail park. The surrounding area is characterised by a mix of uses, namely retail, industrial, residential and recreational. Of particular note and as shown in Figure 2.1:

- Brook Retail Park and car dealership to the east;
- Large industrial warehouse units immediately to the south and west;
- Education/leisure uses to the north west; and

- residential uses to the north east.

4.3.2 Accordingly, the surrounding area is characterised by a mix of uses, including retail and industrial. The proposed development will be seen in context of the retail park and other commercial uses on Victoria Road.

Design

4.3.3 A Design & Access Statement prepared by Urban Edge is submitted with the planning application and sets out the design principles and ethos behind the proposals.

4.3.4 The proposed development has been designed to be consistent with the appearance of other McDonalds restaurants but also to respond to the local surroundings. It will be free standing and will maintain a good degree of separation between it and surrounding buildings, helping to maintain the open and spacious feel of the existing retail park.

4.3.5 In line with Policy BE1 and London Plan Policy 7.6, a high quality, modern design approach has been adopted and the design incorporates a variety of complementary external materials and finishes including cream tiles and aluminium and timber effect cladding to add visual interest and contribute to the high-quality aesthetic. The development incorporates glazing on the north, south and west elevations to allow natural light into the unit creating a pleasant environment and affording views of the existing retail units and car park to the south, and to Victoria Road and surroundings to the north.

4.3.6 In terms of scale and massing, the building will be significantly smaller in scale than the adjacent retail units to the south and the car dealership to the east. The building will be laid out over two storeys providing 547sq m of gross floorspace and will be of a sympathetic scale to the buildings on the opposite side of the road to the north.

4.4 Retail Planning Matters

4.4.1 As noted in Section 3 prevailing planning policy identifies that planning applications for main town centre uses should be assessed against the sequential approach and retail impact retail policy tests.

The Sequential Approach to Site Selection

4.4.2 The nature of the proposed use is to provide an ancillary function to the existing provision of retail floorspace at the retail park and surrounding area. The customer base will, therefore, be drawn predominantly from existing users of the facilities. The majority of customers will not make dedicated trips to the A3/A5 facility, but rather will combine a visit as part of a trip to the retail elements of the park. Accordingly, the need cannot logically be met anywhere else but the subject site.

-
- 4.4.3 This approach for Class A3/A5 ancillary retail park proposals is supported by both the Secretary of State and Planning Inspectors. Local Planning Authorities throughout the country, including Hillingdon (e.g. Costa Coffee - Lombardy Retail Park), have also adopted the same approach in granting planning permission for similar Class A3/A5 ancillary retail park facilities.
- 4.4.4 Of particular note, an appeal lodged by OTR Business Parks for a 7,750sq m of Class A1 retail warehousing and 263sq m of Class A3 use at land at Dodings Way was allowed by the Secretary of State in May 2004 (APP/M2270/V/03/1120101). The Inspector concluded:

"The small A3 unit would be a subordinate element of the overall scheme. It would be available to those working in the area or shopping at other retail warehouses, like McDonalds, and there would be an element of synergy between them"(para 79)

"The A3 unit will essentially be an ancillary facility to the overall development and it is not appropriate to apply the sequential test to that part."(para 134)

- 4.4.5 The Secretary of State agreed with the Inspectors interpretation confirming that it was not necessary or appropriate to apply the sequential test to the proposed A3 use element of the proposal. A copy of the Inspectors report and Secretary of State's decision is attached at **Appendix B**.
- 4.4.6 In accordance with the Secretary of State's decision, Inspectors and other local planning authorities, we note that the London Borough of Hillingdon has also adopted the same approach in considering similar planning applications.
- 4.4.7 Accordingly, as previously accepted by the Council, in this instance it is not appropriate to apply the sequential test to the proposed ancillary A3/A5 use.

Retail Impact

- 4.4.8 Paragraph 26 of the NPPF identifies that LPA's should require an assessment of retail impact for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan if the development is over a proportionate 'locally set floorspace threshold'. If there is no locally set threshold, the default threshold is 2,500sq m gross.
- 4.4.9 The NPPG, Ensuring the Vitality of Town Centres section (paragraph 16), adds that the impact test only applies to proposals exceeding 2,500sq m unless a different locally appropriate threshold is set by the LPA.
- 4.4.10 The London Borough of Hillingdon Council does not currently have a 'locally set floorspace threshold' in the Hillingdon Local Plan: Part 1 – Strategic Policies (2012).

-
- 4.4.11 Whilst we note that the emerging Local Plan Part 2 – Development Management Policies (Policy DMTC 1) will in time require proposals for retail uses exceeding 200sq m gross floorspace in locations outside of the town centre to submit an impact assessment, this Plan has not yet been adopted. The floorspace threshold is not “set” until the plan is adopted.
- 4.4.12 The proposal is for a 547sq m gross A3/A5 retail unit, which falls below the NPPF threshold (2,500sq m) for requiring a retail impact assessment.
- 4.4.13 Accordingly, having regard to the level of floorspace proposed, in line with the NPPF, an assessment of impact is not required, and the impact test does not apply. It is therefore concluded that the proposals are acceptable in terms of the test set by prevailing planning policy insofar as retail impact is concerned.

4.5 Highway/Transport Matters

- 4.5.1 The application is accompanied by a Transport Statement which has been prepared in order to provide the context as to the likely trip attraction of the proposed development and any potential impact on the highway network.
- 4.5.2 The application site is shown to be readily accessible by a range of sustainable transport modes including by bus, the National Rail network and London Underground services. This sustainable location will help to reduce the number of potential vehicle trips generated by the proposal and will offer staff the opportunity to travel sustainably, according with Saved Policies AM1 & AM2 and London Plan Policy 6.1.
- 4.5.3 Although the proposed development will result in the loss of 42 car parking spaces, it is demonstrated that the existing car park is significantly under-utilised and a reduction in car parking spaces will not cause any operational or capacity problems. In terms of traffic impact, it is shown that the development will result in less than a 5% increase in traffic flows in the local area.
- 4.5.4 Accordingly, it is concluded that the proposed development is acceptable from a traffic and transport perspective.

4.6 Trees and Landscaping

- 4.6.1 A Tree Survey, Arboricultural Impact Assessment and Landscape Scheme all accompany the planning application. Whilst the level of landscaping to the north of the site will be reduced as a result of the proposed development, the landscape scheme and mitigation planting demonstrates that overall better-quality plants/trees will be provided and there will be no overall loss of trees and vegetation.
- 4.6.2 The level of planting and vegetation proposed to be retained and improved along the northern boundary of the site is substantially more than that provided along the northern boundary of other commercial and retail units fronting onto Victoria Road.

-
- 4.6.3 Overall, the proposed landscape scheme will enhance the frontage of the retail park and is considered to be fully in accordance with Saved UDP Policy BE38 as new planting and landscape features form an important part of the proposed development.

4.7 Amenity

- 4.7.1 The site is located within an established retail park and industrial area but there are a limited number of residential properties located to the north, on the opposite side of Victoria Road.
- 4.7.2 Given the location of nearby residential properties, the design and proposed operation of the development has been carefully considered. New building services and plant have been specified to achieve lower noise levels than existing background levels and the orientation of the unit, and location of roof mounted screened plant, is positioned to minimise any impacts on the nearby residences.
- 4.7.3 A Noise Assessment has been undertaken and forms part of the application submission. The report demonstrates that in a worst-case scenario, the development would only result in a negligible increase in overall ambient noise levels within the area, and an assessment of noise generated by deliveries, customers and the use of the drive-thru facility show minimal impacts on nearby sensitive receptors. The importance of minimising noise is emphasised to staff, and 'considerate neighbour signs' and an Environmental Manual and audit systems are used to manage noise in the longer term.
- 4.7.4 In terms of potential odours and fumes from cooking, McDonalds operate many restaurants throughout the UK, a substantial number of which, particularly in London, are located in close proximity to residential uses. The company utilises an air extraction system which incorporates electrostatic precipitators and labyrinth systems that remove air borne grease and odours, and ensure that only purified air is expelled from the restaurant.
- 4.7.5 Details of servicing arrangements are set out in the submitted Transport Statement. If required, the applicant is willing to accept a planning condition requiring a Service Management Plan to be submitted to, and approved in writing, by the Local Planning Authority.
- 4.7.6 The proposed lighting scheme will be produced at detailed design stage, following the potential grant of planning permission. The development would not result in any significant changes in lighting design with any new lighting either directed away from any sensitive locations or/and include 'lighting hoods'. The overall lighting levels at the retail park will not materially increase. The primary frontage of the development will face into the retail park and the retention of some vegetation alongside the compensatory planting will mean that residential properties to the north of the site will not be impacted. The applicant is agreeable to a planning condition which requires a detailed lighting scheme to be submitted to and approved by the local planning authority.

-
- 4.7.7 Accordingly, the proposed 24 hours operation times are demonstrated to be acceptable. The proposed development would not result in any adverse impact on residential amenity and is in accordance with Policy BE1.

4.8 Flood Risk

- 4.8.1 The site is located within Flood Zone 2 which is land assessed as having a 1 in 100 annual probability of river or sea flooding. It also falls within a Critical Drainage Area as identified by Hillingdon Surface Water Management Plan. Accordingly, a Flood Risk Assessment (FRA) and drainage strategy is submitted with the planning application.
- 4.8.2 The FRA identifies that flood resilience measures will be provided including the use of flood resilient materials, solid floors, electrical sockets set 600mm above FFL, and the use of non-return valves in drainage connections. SUDs techniques including underground attenuation and a dry swale will also be incorporated into the development.

4.9 Summary

- 4.9.1 The foregoing analysis and the submitted planning application documents and drawings demonstrate that the proposed ancillary A3/A5 unit is consistent with the requirements of both the development plan, national planning policy and other relevant material considerations.

5.0 Conclusions

5.1 Introduction

- 5.1.1 This Planning Statement has been prepared by WYG on behalf of Scottish Widows Property Authorised Contractual Scheme in support of a planning application for the erection of an ancillary A3/A5 McDonalds Drive-thru unit at Victoria Retail Park, Victoria Road, South Ruislip.

5.2 Main Planning Considerations

- 5.2.1 This statement, along with the wider application package, demonstrates that the proposed development is acceptable from a planning perspective:
- The development proposal is of a high quality and modern appearance. The design responds to its surroundings and it will be seen in context of the wider retail park and nearby industrial uses.
 - In retail terms, the proposal raises no issues with regard to the relevant retail planning policy tests.
 - The proposed development would not result in any adverse impact on residential amenity. A robust Noise Assessment has been undertaken and demonstrates that any noise generated by deliveries, customers and the use of the drive-thru facility show minimal impacts on nearby residential properties.
 - The proposal is acceptable in transport and highways terms. The submitted Transport Statement demonstrates that due to the ancillary nature of the proposal there will be limited increase in traffic flows in the local area.
 - From a landscaping perspective, a Tree Survey, Arboricultural Impact Assessment and Landscape Scheme all accompany the planning application. The landscape scheme and mitigation planting demonstrate that the proposal will result in an improved landscaping scheme.
 - In flood risk terms, additional underground attenuation and a dry swale will be incorporated into the development to ensure that the flood risk is adequately addressed on site.

5.3 Overall Conclusions

- 5.3.1 Overall, it is concluded that the proposals, which will provide over 65 jobs for the community, are consistent with the requirements of development plan and national planning policy and should be granted planning permission.

Appendices

Appendix A

McDonald's approach to the Environment & Sustainability and Employment, Training and the Community

1. McDonald's approach to the Environment & Sustainability

- 1.1 At McDonald's the overarching goal in terms of environmental and social policy is continuous improvement. By implementing this approach, the aim is to achieve its mission of being the UK's favourite family restaurant. McDonald's strive to achieve recognisable environmental sustainability through the measures identified below. To assist with achieving its objectives, audit and training programmes have been developed, which are applied to all restaurant.

Green Building Construction

Waste and Use of Recycled Material in Construction

- 1.2 Prior to construction of the restaurant the developer will prepare a Construction Waste Plan that will implement, monitor and record on site water and energy consumption. Materials used for construction of the restaurant are suitable for recycling, and include aluminium clad panels, timber brise soleil and shields, stone shields and concrete foundations. Furthermore, concrete used for the external sub-base and foundations will be formed from recycled aggregates.
- 1.3 Materials for the building are selected to provide the required aesthetics combined with maximum durability and robustness. Whilst it could be argued that the embodied energy absorbed into some of the products selected, it is envisaged that the requirement for replacement, maintenance and repair will be minimal during the building lifecycles, thus providing a good low level of energy input over the whole lifecycle.

Solar Gain and Orientation

- 1.4 The design of the new roof has been directly influenced by the solar path. The restaurant front is also primarily glazed to ensure that natural sunlight is used to maximum advantage, which assists with the internal lighting of the restaurant and heat retention when cooler outside. Conversely, when outside temperatures are warmer, the brise soleil and top awning is designed to provide external shading which reduces internal solar gain. As part of a solar gain 'programme', 30 restaurants have been fitted with solar water heating.

Green Technology within fit out

- 1.5 All restaurants have within them a sophisticated building management system to operate lighting, heating and air conditioning. Low energy lamps and lighting systems with high frequency settings form part of each unit. McDonald's kitchen appliances have standby reminders and we have introduced a metering system which measures the amount of electricity used in every half hour of the day. Restaurant Managers receive daily graphs to help them make energy saving adjustments. We cut our electricity bill by 14% between 2008 and 2010 and are continuing to make improvements on energy saving.

McDonald's "Gold Standards"

- 1.6 McDonald's Restaurants have developed a European wide approach to sustainable development closely linked to the European Union's ambitious "20/20/20 by 2020". McDonald's have assessed their existing restaurants with environmental and energy consultants ECOFYS to investigate improved performance of the existing and new restaurant buildings. This has resulted in McDonald's setting Green building guidelines. This is a McDonald's European initiative and some elements are less appropriate to the UK, for example, solar impact reducers. Initially a benchmark for existing stores was established and standards set for remodelling existing stores and new buildings, which are referred to as "silver" and "gold" standards. Whilst the silver standard was the original minimum requirement, this has been raised and all new restaurants are now required to meet the gold standard of design.

Sustainable Urban Drainage Systems

- 1.7 Responsible management of water is achieved through a variety of approaches. The implemented approach to the site drainage strategy will be reviewed during the design process. Measures to improve water usage, such as waterless urinals, are being utilised at a number of restaurants. In addition, the implementation of Environmental Biotech drainage systems, which will improve the quality of discharge water.

Sustainable Processes, Products and other considerations

Minimising Transport Impacts and Reducing Carbon Dioxide Emissions

- 1.8 Cooking oil from restaurants is recycled into biodiesel using local collectors. The biodiesel is then used as fuel by McDonald's vehicles. Biodiesel is now being used in all delivery trucks and results in a carbon saving of 8,209 tonnes per annum.

Renewable Energy

- 1.9 All new drive thru McDonald's restaurants are supplied with electricity from 100% renewable sources, generated off site. This far exceeds any potential on-site renewable generation. The supply is from a variety of sources, provided by Npower and is guaranteed until 2035.
- 1.10 In addition to the 100% renewable supply, all restaurants have a sophisticated building management system to operate lighting, heating and air conditioning. Low energy LED lighting systems form part of each new restaurant. McDonald's kitchen appliances have standby reminders and the company have introduced a metering system which measures the amount of electricity used in half hour intervals throughout the day. Restaurant Managers receive daily graphs to help them make energy saving adjustments. Since 2007 McDonald's has reduced the amount of energy used per customer by over 22%, equating to a saving of over 60,000 tonnes of CO2 per annum, and they are continuing to make investments in energy savings.

Recycling of packaging and use of recycled materials

- 1.11 McDonald's is committed to using recycled materials wherever possible throughout the business. Approximately 89% of McDonald's packaging is made from renewable resources and only the minimum amount of packaging is used per product. For example, cup holders are made from 100% recycled materials and are fully biodegradable. McDonald's restaurants also promote recycling by purchasing recycled products themselves, such as 100% recycled kitchen towel rolls and toilet paper.
- 1.12 McDonald's reuses delivery packaging wherever possible in accordance with food safety laws. All restaurants aim to recycle 100% of their corrugated cardboard, which in itself accounts for 30% of a restaurant's average total waste. In addition, the delivery trays and crates are returned to suppliers for reuse.

Waste Minimisation

- 1.13 The McDonald's Waste Management Strategy is based upon the hierarchy: Design, Reduce, Reuse, Recycle and Disposal. Waste minimisation is promoted, for example, through the re-design of bun tray liners and specifying the use of light-weight bin liners. Food wastage is minimised through the use of a computer system that monitors the amount of food served at given times of the day, resulting in more accurate preparation and ordering of stock.
- 1.14 To further minimise waste, McDonald's has joined the Valpak distributor take back scheme, which ensures that redundant equipment is recycled with accredited companies.

Local Environment

Litter

- 1.15 McDonald's is committed to tackling litter in as many different ways as possible. It is company policy to conduct a minimum of three daily litter patrols, whereby employees pick up not only McDonald's packaging, but also any other litter that may have been discarded in the vicinity of a restaurant.
- 1.16 Litter bins are provided outside all restaurants, and packaging carries anti-littering symbols to encourage customers to dispose of litter responsibly. Anti-littering signage is displayed within restaurants and car parks, and support is given to Keep Britain Tidy, Keep Wales Tidy, Keep Scotland Beautiful, Keep Northern Ireland Beautiful and Capital Clean –up.
- 1.17 McDonald's is a founding member of Keep Britain Tidy's Love Where You Live anti-littering campaign. The company organises regular clean-up events in local communities and raises awareness of the anti-littering message through its 1,250 UK restaurants. This has seen McDonald's carry out over 1,000 events across the country involving over 30,000 volunteers. Individual restaurants also undertake their own anti-littering initiatives, such as litter picking sessions in local parks and open spaces with local community groups or schools.
- 1.18 A majority of McDonald's restaurants have a 'Planet Champion' who has the responsibility to help raise awareness of ways to be more environmentally friendly. The little changes that these Planet Champions have introduced have made a huge difference to reduce the energy that McDonald's use. Planet Champions are also responsible for organising litter events alongside the local community.

Noise and Odour Mitigation

- 1.19 McDonald's recognises the potential impact of noise and cooking odours on local amenity. In response to these impacts, McDonald's utilises an air extraction system which incorporates electrostatic precipitators and labyrinth systems that remove air borne grease and odours, and ensure that only purified air is expelled from the restaurant.
- 1.20 The importance of minimising noise is emphasised to staff, and 'considerate neighbour signs' and an Environmental Manual and audit systems are used to manage noise in the longer term. McDonald's can also employ a range of site specific noise mitigation measures in response to amenity issues, if these are necessary.

Antisocial behaviour

- 1.21 Incidents of antisocial behaviour are kept to an absolute minimum through strategies such as staff training in dealing with incidents, liaison with community police officers and use of CCTV cameras where necessary.

Traffic Impacts

- 1.22 The McDonald's layouts have been carefully designed to be compact, with clear signage to ease circulation and to minimise any risk of congestion. The car park design is pedestrian-friendly and links to the wider pedestrian / cycle network are encouraged where possible.

Nutrition

- 1.23 McDonald's is committed to supporting its customers to make dietary choices that are right for them. The company has pursued a three-pronged approach to achieving this: reformulation, menu choice and the provision of nutrition information, and is the first company in its sector to embark on such a programme. The saturated fat content of cooking oil has been reduced by 82% and the average Happy Meal now contains 32% less sugar, 19% less saturated fat and 45% less salt than in 2000. The menu now includes porridge, deli sandwiches, bagels, fruit and carrot stick bags, salads, orange juice, Fruit Shoot drinks, mineral water and semi-skimmed organic milk.
- 1.24 Since 1984 on a voluntary basis, McDonald's has provided customers with a range of different ways to find out more about its food including printed nutrition information on much of its packaging, tray liners, and on its website. In addition, since September 2011, all 1,250 McDonald's UK restaurants display the calorie content of all menu items on menu boards – the point at which people choose their food.

CCTV

- 1.25 Each of our drive thru restaurants has CCTV, both for security and to monitor the drive thru lane. A central unit records content from all of the restaurant's cameras.
- 1.26 CCTV cameras will, where possible, be carefully positioned to avoid covering land outside of our ownership.

2. Employment, Training & the Community

- 2.1 The proposed restaurant is expected to employ more than 65 full and part time staff, primarily from the local area.
- 2.2 McDonald's commitment to staff education incorporates both internal training programmes and externally recognised qualifications. The McDonald's training philosophy centres on career long learning – “from the crew room to the boardroom”. McDonald's is recognised as a “heavy lifter” by the Work Foundation as it recruits on the qualities not the qualifications of applicants.
- 2.3 Key to delivering this is the company website for employees – “ourlounge.co.uk”, which acts as a support facility allowing online shift scheduling, providing career advice and an online learning programme. Critically, McDonald's was given official awarding status by the Qualifications and Curriculum Authority in 2008, which affords the ability to develop and award its own nationally recognised qualifications. The first qualification that McDonald's offered is a Level 3 Diploma in Shift Management, which over, 8,700 Shift Managers have completed to date. McDonald's has an ambitious apprenticeship scheme, which has seen over 16,700 employees gain the necessary skills to get on in life and over 4,700 more are currently working towards achieving the qualification.

Training

- 2.4 McDonald's also provides an internal management training programme, which upon successful completion, allows the candidate to progress to Business Manager or Operations Consultant. A majority of restaurant managers were promoted from ‘crew-member’ level to management through the internal management training programme.
- 2.5 Crew members also receive on-going training of which regular assessment forms a part. The ratings from these assessments are then discussed at each employee's Performance Review.
- 2.6 McDonald's invest more than £43 million in training each year and those employed at the proposed restaurant would be given the chance to undertake training and development including the opportunity to gain nationally recognised qualifications in hospitality, literacy and numeracy.
- 2.7 In recognition of the training environment created by McDonald's, the company has gained the following awards:

- Investors in People – re-awarded Gold Status July 2015
- The Times Top 100 Graduate Employers, for last 15 years
- The Sunday Times ‘25 Best Big Companies to Work For’ listed in top 10
- Great Place to Work ‘Best Workplaces UK: Large Category’ 2007 – 2015
- Great Place to Work ‘Best Multinational Workplaces Europe’ 2010 – 2015
- School Leavers 100 – ranked 31st in 2015
- Listed as a Britain’s Top Employer 2007 – 2015
- Listed as a Top Employer in Europe
- Listed in the Guardian UK 300
- Listed as a Britain’s Most Admired Companies

Supporting the Community

- 2.8 McDonald’s is committed to being a valued and responsible member of communities in which it operates. Alongside strong staff training programmes and environmental initiatives McDonald’s also supports Ronald McDonald House Charities (RMHC) and encourages young people to lead more active lives.
- 2.9 McDonald’s has a track record of enabling and encouraging young people to participate in sports, including a long tradition of supporting community football and Olympic sponsorship. McDonald’s has been the Official Community Partner of the four UK Football Associations since 2002 and aims to create more football opportunities for all. Since the partnership was formed, McDonald’s has created over 20,000 qualified football coaches, offering 2 million hours of free, quality football to young players across the UK. The company also runs a ‘twinning’ scheme which teams up local restaurants with local football teams to provide business advice, new football kit and equipment.

Career Development and Social Mobility

- 2.10 McDonald’s commitment to staff education incorporates both internal training programmes and externally recognised qualifications. The McDonald’s training philosophy centres on career long learning – “from the crew room to the boardroom”. McDonald’s is recognised as a “heavy lifter” by the Work Foundation as it recruits on the qualities not the qualifications of applicants.
- 2.11 Key to delivering this is the company website for employees – “ourlounge.co.uk”, which acts as a support facility allowing online shift scheduling, providing career advice and an online learning programme. Critically, McDonald’s was given official awarding status by the Qualifications and Curriculum Authority in 2008, which affords the ability to develop and award its own nationally recognised qualifications.

2.12 From May 2017 McDonald's began offering a new suite of qualifications providing flexible development routes throughout an employee's career, including:

- A level Two Apprenticeship which is aligned to our entry level Crew role.
- A level Three Apprenticeship which is aligned to our Shift Management position.
- A Level Six (BA Hons) Chartered Manager Degree Apprenticeship at Level Six which is aligned to our career path to become a Business Manager with Manchester Metropolitan University.
- Stand-alone maths and English qualifications delivered by specialist teachers for Apprenticeship applicants without the necessary maths and English skills to go straight onto an Apprenticeship.

2.13 Crew members also receive on-going training of which regular assessment forms a part. The ratings from these assessments are then discussed at each employee's Performance Review.

2.14 McDonald's invest more than £43 million in training each year and those employed at the proposed restaurant would be given the chance to undertake training and development including the opportunity to gain nationally recognised qualifications in hospitality, literacy and numeracy.

2.15 In recognition of the training environment created by McDonald's, the company has gained the following awards:

- 7th place in The Sunday Times '25 Best Big Companies' List 2014
- Business in the Community 'Big Tick' Award 2013
- Great Place to Work - World's Best Multinational workplaces
- Great Place to Work - Best Workplaces in the United Kingdom
- Investor in People - Gold status
- The Times Top 50 Workplaces for Women 2013
- The Times Top 100 Graduate Employers, ranked 47th
- The Work Foundation has recognised McDonald's as a 'heavy lifter' in the service sector as a result of its commitment to recruiting people for their qualities as opposed to their qualifications.
- McDonald's has been awarded Franchisor of the Year and Franchise Marketing Award for 2011 by the British Franchise Association (BFA).

2.16 McDonald's is committed to being a valued and responsible member of communities in which it operates. Alongside strong staff training programmes and environmental initiatives McDonald's also supports Ronald McDonald House Charities (RMHC) and encourages young people to lead more active lives.

Football

- 2.17 For 15 years McDonald's has run its Community Football programme tasked with supporting grassroots football across the UK. In this time, McDonald's have helped to recruit and train more than 25,000 coaches and raised standards in more than 6,000 clubs across the country. In 2008, over 850 of their restaurants have formed twinning relationships with these football clubs, providing bespoke support, from giving free kits and equipment, to offering business advice and providing restaurant space for club events or meetings. Overall, we estimate that approximately 1.2 million young players have benefited from the programme.
- 2.18 In 2014, McDonald's renewed their long-standing partnership with the UK's four Football Associations (FAs). Following a period of extensive research and collaboration with the UK FAs they launched a new partnership, which shifted their focus towards the needs of individual clubs and leagues and how they can further support them to become high-quality and sustainable places to play football.

Better Play

- 2.19 The McDonald's Better Play programme is a scheme that seeks to increase the number of children playing football regularly and raise the standards of the grassroots game across the UK. Better Play focuses on four main strands to drive an increase in standards and participation:
- Better Clubs: working with the FA to help clubs achieve FA Charter Standard accreditation
 - Better Kits: giving away 250,000 free kits to grassroots clubs by 2018
 - Better Kickabouts: running Community Football Days throughout the summer every year
 - Better Communities: celebrating the unsung heroes of grassroots football through our community awards

Farm Forward

- 2.20 As a big customer of British and Irish farming, McDonald's buy quality ingredients from over 17,500 British and Irish farmers. Farm Forward was launched to help create a sustainable future for these farmers and aims to address some of the challenges facing the sector. It is built around five core commitments: championing quality produce; improving animal welfare standards in the supply chain; work and training opportunities for young people in farming; helping make environmentally-friendly improvements to farms; and sharing knowledge within the industry.

Ronald McDonald House Charities

- 2.21 Ronald McDonald House Charities (RMHC) is an independently registered charity which helps support families while their children are in hospital or a hospice. This is a difficult time for children and parents alike. The whole family is anxious, although parents often try and stay strong for the child's sake. What RMHC does is take away the inconvenience and expense of having to find accommodation near where their child is being cared for. It's an invaluable service. Not only does it save parents considerable expense, but it also helps them focus on the care of their child. McDonald's has been supporting RMHC for over thirty years. The first family House was established in 1974 in Philadelphia, USA. The idea spread, and in 1989, RMCC – Ronald McDonald Children's Charities – was founded in the UK. Early in 2006, this became RMHC as it is now called today. It now provides 29 sets of family rooms in 14 houses across the country – all in, or in close proximity to, the grounds of UK hospitals and hospices. Families can stay free of charge and for as long as they need to – whether it's two nights or two years. In 2013 RMHC were able to support 7,000 families across the UK.
- 2.22 The charity's biggest source of income comes from the collection boxes in McDonald's restaurants, through which customers give millions of pounds each year.
- 2.23 Besides giving the Charity access to its customers, McDonald's provides direct support in the following ways:
- Portions of the annual operating costs for Ronald McDonald Houses are funded by McDonald's and owner/operators of McDonald's restaurants.
 - Franchisees partner with local Houses for promotional and fundraising events.
 - McDonald's employees are dedicated fundraisers and volunteers.
 - Owner/operators participate in local management boards.
- 2.24 In 2013, McDonald's franchisees, staff and customers helped raise over £3.1 million to provide free accommodation for families with children in hospitals across the UK. There are ambitious plans to build new Ronald McDonald Houses in Cardiff and Nottingham.

Local Stores

- 2.25 McDonald's restaurants in the local area support various community initiatives, in addition to RMHC. These include local junior football sponsorship and Big Tidy Up events.

Appendix B

Secretary of State Decision & Inspectors Report – Appeal APP/M2270/V/03/1120101



**OFFICE OF THE
DEPUTY PRIME MINISTER**

Mr J Buckwell
Hepher Dixon
100 Temple Chambers
Temple Avenue
London
EC4Y 0HP



Peter Bates
Decision Officer
Planning Central Casework Division
3/J1, Eland House
Bressenden Place
London
SW1E 5DU

Direct line: 020 7944 8720
GTN: 3533 8720

Web site: www.odpm.gov.uk

Our Ref: APP/M2270/V/03/1120101
Your Ref: JB/1326/N3797L

12 May 2004

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 77)
APPLICATION BY OTR BUSINESS PARKS
LAND AT DOWDING WAY, TUNBRIDGE WELLS
APPLICATION NO: TW/02/00671**

1. I am directed by the First Secretary of State to say that consideration has been given to the report of the Inspector, M T O'Rourke BA (Hons) DipTP MRTPI, who held a public local inquiry, which closed on 22 January 2004, into your client's applications for a retail warehouse development, associated parking and landscaping on land comprising retail units at Unit 2, vacant premises at Unit 3 and a motor dealership on Dowding Way, Tunbridge Wells, Kent.
2. On 13 June 2003, the Secretary of State directed in pursuance of section 77 of the Town and Country Planning Act 1990 that the application be referred to him instead of being dealt with by the local planning authority, Tunbridge Wells Borough Council.
3. The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that planning permission be granted. A copy of her conclusions is enclosed. All references to paragraph numbers are to the Inspector's report, unless stated otherwise. For the reasons given below, the Secretary of State agrees with the Inspector's recommendations and grants planning permission for the proposal, subject to conditions.

Policy Considerations

4. Section 54A of the Town and Country Planning Act 1990 requires that proposals shall be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is the Kent Structure Plan 1996 (KSP) and the Tunbridge Wells Borough Local Plan (BLP), adopted in 1996. The Secretary of State considers that the policies of greatest relevance to this case are those set out by the Inspector in paragraphs 21 and 23 - 28. The Kent and Medway Structure Plan (KMSP) and the Tunbridge Wells Borough Local Plan Review (RLP) are material considerations in this case, but have reached relatively early stages towards adoption and there are outstanding objections to the retail policies in the RLP [IR 198]. The



INVESTOR IN PEOPLE

Dowding Way Decision Letter 12 May

Secretary of State considers therefore that limited weight should be attached to these plans.

5. Material considerations which the Secretary of State has taken into account include Planning Policy Guidance note 6 (PPG6): *Town Centres and Retail Developments*, the Parliamentary Answers given by the then Planning Ministers, Nick Raynsford on 5 December 1997 and Richard Caborn on 11 February 1999 (*the Caborn Statement*), Mr Caborn's contribution to a debate in the House of Commons on 11 March 1999, the Government's Responses to Select Committees in July 1997 and May 2000 and the Parliamentary Statement of 10 April 2003 made by Tony McNulty MP, then Minister for Housing, Planning and Regeneration clarifying the Government's policy on Town Centres and Retail Developments set out in PPG6 (*the McNulty Statement*). He has also had regard to PPG1: *General Policy and Principles*, PPG13: *Transport* and Regional Planning Guidance for the South East (RPG9).

Main Issues

6. Having regard to the call in considerations set out in the introduction to the Inspector's report, the Secretary of State considers that the main considerations in this case are those set out by the Inspector in paragraph 193 of her report.

The relationship of the proposal to the development plan

7. The Tunbridge Wells Borough Local Plan identifies Longfield Road as a focus for out of town comparison retailing and where the general principle of additional retail warehouse development is acceptable. It stresses however the need for there to be no harm to the vitality and viability of the adjoining centres [IR 195]. The Secretary of State agrees with the Inspector therefore that there is policy support in principle for the proposal in the adopted development plan [IR 195]. However, the Local Plan was adopted before PPG6, as clarified and the Secretary of State considers therefore that more weight should be given to this more recent Government policy.

National policy on Town Centres and Retail Developments

8. The McNulty Statement clarifies the Government's policy on Town Centres and Retail Developments set out in PPG6. PPG6 emphasises the importance of sustaining and enhancing the vitality and viability of town centres and other existing centres by focusing retail, leisure and other key town centre uses which attract a lot of people, within those centres. In the case of proposals to develop at edge of centre or out of centre locations, the guidance makes clear that applicants must demonstrate that there is a need for the development, adopt a sequential approach to site selection, consider the impact on nearby centres; and provide evidence on the site's accessibility by a choice of means of transport, the likely changes in travel patterns over the relevant catchment area, and any significant environmental impacts.

Need

Quantitative need

9. The Secretary of State agrees that the Shopping Study Update May 2003 is up to date and robust [IR 202]. This study identifies a quantitative need for additional comparison goods floorspace in Tunbridge Wells for between 2,790m² and 10,780m² by 2006, over and above that proposed in this development [IR 202]. The Secretary of State notes that there was discussion at the inquiry on the need for additional "bulky goods" floorspace, and that this would not arise until 2011 [IR 203]. However, the term "bulky goods" is not recognised as a class of goods in PPG6 (as clarified) which distinguishes between *convenience* and *comparison* goods. The Secretary of State agrees with the Inspector

test of availability within a reasonable period of time [IR 232]. In addition, he agrees with the Inspector that the viability of development of these town centre sites has not been convincingly established [IR 232]. The Secretary of State has also given consideration to whether the remaining five sites (not taken forward into the RLP) assessed by the applicant, would be suitable, available or viable for the development. On balance, he considers that there is no evidence to suggest that these sites are sequentially preferable to the application site

16. For the reasons given in paragraph 234, the Secretary of State agrees with the Inspector that it is not necessary or appropriate to apply the sequential test to the proposed A3 use element of the proposal.

Impact on retail function and vitality and viability of Tunbridge Wells and nearby towns

17. The Secretary of State agrees with the Inspector, for the reasons given in paragraphs 235 and 236, that the level of turnover predicted as a result of the additional floorspace would not materially harm the vitality and viability of Tunbridge Wells or affect its retail function. For the reasons given in paragraph 236, he agrees with the Inspector that any impact on the vitality and viability of other town and district centres would be insignificant. For these reasons, the Secretary of State agrees with the Inspector that the proposal would not impact on the retail strategy of the adopted or emerging local plans [IR 237].

Accessibility by a choice of means of transport and effect on overall travel patterns

18. For the reasons given in paragraph 238 - 243, the Secretary of State agrees with the Inspector that the proposal would bring about improvements to the site's accessibility and that the pattern of travel and car use would be more sustainable as a result of the proposal. He agrees with the Inspector therefore that the proposal is compliant with the objectives of PPG13 and with the transport strategies of the adopted and emerging Structure and Local Plans [IR 243].

Other benefits of the proposal

19. For the reasons given in paragraphs 244 - 249, the Secretary of State agrees with the Inspector that the proposal offers substantial and material improvement to the quality of the appearance of the site and to the wider built environment. He agrees with the Inspector that the design quality of the scheme and the better integration of the site, compared to the existing layout, are material benefits that must weigh heavily in favour of the scheme [IR 249]. For these reasons, the Secretary of State agrees with the Inspector that the proposal would accord with the design quality aims of Government policy and local policy objectives to achieve improvements to the built environment through good design [IR 249].

Other matters

20. The Secretary of State notes that, at the inquiry, the applicant submitted an Agreement under Section 106 of the Town and Country Planning Act 1990, signed, sealed and dated on 17 October 2003. The Secretary of State is satisfied that this is relevant to the development and accords with the tests of Circular 1/97 *Planning Obligations*.

that it is appropriate in this case to take a class of goods approach, in accordance with the McNulty Statement, and consider the overall need for comparison goods. For the reasons given in paragraphs 202 – 204, the Secretary of State agrees with the Inspector that there is an agreed quantitative need for additional comparison goods floorspace by 2006, which could be met in part by the proposed additional floorspace at Dowding Way [IR 204].

Qualitative need

10. The Secretary of State accepts that the scheme would significantly improve the retail environment both on site and within the wider Longfield Road area. However, for the reasons given in paragraph 214, he agrees with the Inspector that these benefits should not be considered as an aspect of qualitative need, but that they are separate material considerations that weigh in favour of the proposal.

Is the proposal of an appropriate scale?

11. For the reasons given in paragraph 215, the Secretary of State agrees with the Inspector that the scale of the proposal would be appropriate. He agrees that, even if it were to be considered cumulatively with the recent large scale developments in Longfield Road, it would not give rise to an imbalance between out of centre and town centre floorspace that would be inappropriate, nor would it conflict with the retail strategy for the town.

Sequential test

12. The applicant submitted analyses of eight alternative sites within or on the edge of Tunbridge Wells which might accommodate the additional 1,483m² of floorspace proposed. The Inspector stated that, in her view, the sequential test should only be adopted in relation to this net increase [IR 218]. The Secretary of State does not agree with this approach. This is a new application for the re-development of the site, providing floorspace totalling 7,750m². In such circumstances, the Secretary of State considers that the policies set out in PPG6, including the sequential test, and subsequent clarificatory statements, apply to the whole application. It is the need for the floorspace proposed in the application that needs to be considered in applying the sequential test, not that over and above currently existing or permitted. However, in this particular case, the Secretary of State is satisfied that the sequential analysis provided by the applicant provided a range of sites that, in some cases, could potentially have accommodated floorspace of the scale set out in the application.

13. For the reasons given in paragraphs 219-221, the Secretary of State agrees with the Inspector that the applicant has not demonstrated a flexible approach in the way that they carried out their sequential exercise. In this respect, he agrees with the Inspector that the applicant has not demonstrated that the majority of goods intended to be sold from the site could not be sold from the town centre [IR 220]. He agrees with the Inspector that little weight can be given to the applicant's contention that, as bulky goods retailing cannot command high rents, it would be unacceptable to town centre developers. He agrees also that little weight can be given to the applicant's argument on displacement which runs counter to the Government's view that, where a class of goods is capable of being sold from a town centre location, that is the preferred location [IR 221].

14. For the reasons given in paragraph 223, the Secretary of State agrees with the Inspector that it would be reasonable to consider whether any sequentially preferable sites would be available within 5 years. For the reasons given in paragraphs 224 – 232, the Secretary of State agrees with the Inspector that the three sites considered by the Council to be sequentially preferable and allocated in the RLP, cannot be considered as practical alternatives to provide the additional floorspace that would meet the

Overall Conclusion

21. For the reasons given above, the Secretary of State does not consider that the applicant's sequential test fully accords with the approach in PPG6. However, the Secretary of State concludes that there is a need for further comparison goods floorspace in Tunbridge Wells which could be met, in part, by the proposal. The proposal would substantially improve the appearance of the site and the wider built environment and it would accord with the sustainability objectives of PPG13. The proposal would have only a minimal impact on the vitality and viability of existing town centres and the Secretary of State concludes that it would accord with the overall objectives of PPG6 as clarified.

22. The Secretary of State does not consider that there are any material considerations that indicate that he should determine the application other than in accordance with the development plan.

Formal Decision

23. For the reasons given above, the Secretary of State accepts the Inspector's recommendation. He hereby grants planning permission for retail warehouse development, associated parking and landscaping on land comprising retail units at Unit 2, vacant premises at Unit 3 and a motor dealership on Dowding Way, Tunbridge Wells, subject to the conditions set out at Annex "A".

Right to challenge the decision

24. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

25. A copy of this letter has been sent to Tunbridge Wells Borough Council and to all those who appeared at the inquiry.

Yours sincerely



Peter Bates

Authorised by the First Secretary of State to sign in that behalf

Conditions

- (i) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- (ii) Notwithstanding any materials shown as part of the submitted application, details and samples of the materials to be used externally, and any means of enclosure to be used, must be submitted to and approved in writing by the local planning authority before the development is commenced and development shall be carried out in accordance with the approved details.
- (iii) Units 3a to 3e shall not be used other than for the sale of comparison goods consisting of building and DIY products; garden products and plants; pets and pet supplies; furniture; carpets; floor coverings and household furnishings; electrical and gas products; vehicle accessories and parts; bicycles and cycle accessories; office supplies; computers and accessories; caravans, tents and camping and boating equipment. Unit 2 shall not be used other than as a Class A3 restaurant.
- (iv) None of the units hereby permitted shall be sub-divided or otherwise altered in a manner which would create any further retail units of less than 700 square metres gross internal floor area.
- (v) No additional floorspace shall be created by the insertion of a mezzanine floor within the units.
- (vi) Notwithstanding the details submitted no works or development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall cover as appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; retaining walls; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; tree grilles and implementation programme.
- (vii) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation
- (viii) The approved development shall be carried out in such a manner as to avoid damage to existing trees, including their root systems, and other planting to be retained by observing the following:
 - i) All trees to be retained shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:1991 or otherwise to the

Overall Conclusion

21. For the reasons given above, the Secretary of State does not consider that the applicant's sequential test fully accords with the approach in PPG6. However, the Secretary of State concludes that there is a need for further comparison goods floorspace in Tunbridge Wells which could be met, in part, by the proposal. The proposal would substantially improve the appearance of the site and the wider built environment and it would accord with the sustainability objectives of PPG13. The proposal would have only a minimal impact on the vitality and viability of existing town centres and the Secretary of State concludes that it would accord with the overall objectives of PPG6 as clarified.

22. The Secretary of State does not consider that there are any material considerations that indicate that he should determine the application other than in accordance with the development plan.

Formal Decision

23. For the reasons given above, the Secretary of State accepts the Inspector's recommendation. He hereby grants planning permission for retail warehouse development, associated parking and landscaping on land comprising retail units at Unit 2, vacant premises at Unit 3 and a motor dealership on Dowding Way, Tunbridge Wells, subject to the conditions set out at Annex "A".

Right to challenge the decision

24. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

25. A copy of this letter has been sent to Tunbridge Wells Borough Council and to all those who appeared at the inquiry.

Yours sincerely



Peter Bates

Authorised by the First Secretary of State to sign in that behalf



Report to the First Secretary of State

by M T O'Rourke BA(Hons) DipTP MRTPI
an Inspector appointed by the First Secretary of State

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
Tel: 020 7171 8000

Date 16 February 2004

TOWN AND COUNTRY PLANNING ACT 1990
TUNBRIDGE WELLS BOROUGH COUNCIL
APPLICATION BY OTR BUSINESS PARKS
LAND AT DOWDING WAY, TUNBRIDGE WELLS

Inquiry opened on 20 January 2004

Land comprising retail units at Unit 2, vacant premises at Unit 3 and a motor dealership on
Dowding Way, Tunbridge Wells

File Ref: APP/M2270/V/03/1120101

CONTENTS

Procedural Matters	page 1	paragraphs 1 to 8
The Site and Surroundings	page 2	paragraphs 9 to 17
Planning History	page 3	paragraph 18
Planning Policy and Guidance	page 4	
<i>Development Plan</i>		paragraphs 19 to 38
<i>Regional planning guidance</i>		paragraph 39
<i>National planning policy guidance</i>		paragraphs 40 to 44
The Proposals	page 7	paragraphs 45 to 48
The Case for the Council	page 8	paragraphs 52 to 113
The Case for the Applicants	page 18	paragraphs 114 to 182
Written Representations	page 28	paragraph 183
Conditions and Obligations	page 28	paragraphs 184 to 192
Inspector's Conclusions	page 31	paragraphs 192 to 250
Recommendation	page 41	paragraph 251
Appearances and Documents	page 42	
Annex A Recommended Conditions	page 44	

ABBREVIATIONS

BLP	Tunbridge Wells Borough Local Plan 1996
CD	core document
gfa	gross floor area
KMSP	Kent and Medway Structure Plan Deposit Version 2003
KSP	Kent Structure Plan 1996
PPG	Planning Policy Guidance
PPS	Planning Policy Statement (consultation draft)
RLP	Tunbridge Wells Borough Local Plan Review Second Deposit Draft October 2002
RPG	Regional Planning Guidance
SoCG	Statement of Common Ground
sqm	square metres

File Ref: APP/M2270/V/03/1120101

Land comprising retail units at Unit 2, vacant premises at Unit 3 and a motor dealership on Dowding Way, Tunbridge Wells

- The application was called in for decision by the Secretary of State by a direction made under section 77 of the 1990 Act on 13 June 2003.
- The application is made by OTR Business Parks to Tunbridge Wells Borough Council.
- The application (Ref. TW/02/00671) is dated 15 March 2002.
- The development proposed is retail warehouse development, associated parking and landscaping.
- The reason given for making the direction was that the proposals may conflict with national policies on important matters, in-particular policies in PPG6 and PPG13.
- On the information available at the time of making the direction the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are set out below.

Summary of Recommendation: The application be approved.

Procedural Matters

1. The inquiry opened on 20 January at the Council Chamber, The Town Hall, Tunbridge Wells and sat for two days with accompanied site visits during and after its close.
2. The matters on which the First Secretary of State (FSS) particularly wishes to be informed are:
 - (a) How the proposed development relates to approved and emerging development plan policies, and with regional planning guidance;
 - (b) The relationship of the proposed development to Government policy advice in Planning Policy Guidance Note 6 Town Centres and Retail Development (PPG6), as amplified by Lord Rooker's parliamentary statement of 10 April 2003. In particular policies on the following:
 - The need for the development
 - The sequential approach to preferred locations for retail development [paras 1.8 to 1.17 of PPG6], including whether a flexible approach has been taken to format and design, and whether the proposed goods could be sold from town centre stores.
 - The impact on the vitality and viability of existing town, district and local centres and their role in the economic and social life of the community; [paras 4.3 and 4.4 of PPG6]
 - The location of major generators of travel in existing centres, where access by a choice of means of transport, not only by car, is easy and convenient; [paras 4.6 and 4.7 of PPG6]
 - (c) How the proposed development relates to policies in PPG13 'Transport'. In particular the policies on:
 - The reduction of the need to travel, especially by car
 - To promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling.
3. The Council supports the development and there was no third party representation at the inquiry or in response to the letter of notification of the inquiry.
4. The development is not considered to be EIA development.
5. At the inquiry, amended plans were submitted showing a revised car parking layout to incorporate a pedestrian access way and a revised landscaping plan. No objection was

made by the Council, the amendments being proposed to meet its comments. As I was satisfied that the changes were not substantial and did not go to the essence of the scheme and that no-one would be prejudiced by their consideration, I accepted the drawings and the report should be read having regard to those drawings, listed in Plan A.

6. An agreement under Section 106 of the 1990 Act, between the Council and the applicants, was submitted to the inquiry (CD20).
7. There is an agreed Statement of Common Ground (SoCG) at Document 3.
8. This report includes a description of the application site and its surroundings, other sites referred to, the gist of the cases made at the inquiry and my conclusions and recommendation. Lists of appearances, documents and plans are attached. I include proofs of evidence as documents and refer in the cases for the parties where they have been amended as a result of answers given to my questions at the inquiry. The closing submissions for the parties are also included as documents with an attached addendum sheet that I have prepared setting down my note of additional points made orally. Core documents have the prefix CD.

The Site and Surroundings

9. The SoCG includes a description of the site and surrounding area¹. The site is in an out of centre location, Longfield Road being about 3.5km north east of the town centre of Tunbridge Wells². At its northern end it has a roundabout junction with the A21 (Pembury to Tonbridge). This part of Longfield Road is dominated by retail warehouse units. The occupants of the units in the vicinity of the site are indicated on TW6.³ The site is 2ha in area and is currently occupied by three substantial buildings⁴. At its western end is the Anca Citroen car dealership at the corner of Dowding Way and the road serving the Royal Mail sorting office. There is display parking at the front of the building but the majority of the cars are parked in a traditional car park layout to its rear.
10. To its east is Unit 3, a substantial brick built unit, formerly in industrial use but currently vacant and boarded up. Material has been deposited by the main entrance to the site to prevent access to the parking area in front of the building. Between Unit 3 and Unit 2 there is a vehicular way with a barrier that provides access to customer parking spaces at the southern side of the site and the service bay for Allied Carpets. There is also a service access to the site from Longfield Road.
11. Unit 2 at the eastern end of the site has been subdivided into 3 retail units and their public entrances are on its eastern façade. Two of the units are occupied by MFI and Allied Carpets. The third unit formerly occupied by Powerhouse is empty. There is a line of parking in front of the entrances with spaces either side of the vehicle way along the building's northern side, which also provides access to the McDonalds restaurant and 'drive-thru' to the east, outside of the application site.
12. The site is in a dip in the land with McDonalds occupying a detached 2 storey building in a prominent position on the western quadrant of the Dowding Way/Longfield Road

¹ Document 3 Section 2 page 6.

² There is an extract from the OS map at page 3 of APP4 showing the site in its context.

³ B&Q, DFS, PC World and Currys occupy the former Seeboard site, subject of a SOS decision following a call in inquiry in 2001. That decision and the Inspector's report is CD12.

⁴ These are described in the Architect's Design Statement at Appendix 1 to Mr Potts' proof (APP6) which includes photographs of the existing buildings. There is also a detailed layout plan of Unit 2 in Mrs Randall-Jones' appendices at APP2 Appendix 2 page 5.

roundabout junction. Customers to the McDonalds use the parking spaces by Unit 2. On the opposite side of the road is Wickes, a DIY/builders merchant, and to its west there is a sewage farm with the Council's waste transfer station and civic amenity site in an elevated position further west. Dowding Way has recently been extended to the west and further development in the form of a motor dealership park is taking place. As part of that development a cycleway has been provided which is intended to extend along the north side of Dowding Way round the corner into Longfield Road.

The Seaboard site

13. Beyond the units on the north side of Dowding Way and to the west of Longfield Road, there is the Great Lodge retail park, a recent retail development of a B&Q Warehouse, with a trade section, café and garden centre, and units occupied by DFS, PC World and Currys. The retail park is on the Seaboard site, the subject of a call in inquiry in February 2001⁵ with permission granted by the FSS for its redevelopment for new non-food retail development, DIY and garden centre.

Town centre sites

14. Tunbridge Wells has a long linear town centre stretching from the Pantiles in the south up the hill to Camden Road and Grosvenor Road, a distance of about 1.5km. A description of Tunbridge Wells town centre is given in CD10 at paragraph 2.9 onwards and its extent is shown in map form in Appendix 3 of APP2. Details of town centre sites, referred to in the sequential assessment, are appended to the SoCG⁶ and further information is provided in CD15. The whole of the town centre is within the Conservation Area⁷.
15. Royal Victoria Place is at the northern end of the centre. It is a modern purpose built multi-level indoor shopping mall with units occupied by national multiples in an excellent location at the heart of the town centre. It is set behind the frontage retail units in Calverley Road, which is pedestrianised, with a multi-storey car park at its rear. There are changes in levels across the site with pedestrian links through from the mall to Camden Road via the Market Place and Ely Court and to Calverley Road. Ground floor retail units on the corner of Calverley Road and Camden Road are vacant with agents' To Let boards and the upper floors of the 2/3 storey corner buildings appear empty and to be in a poor state of repair.
16. The former Ritz Cinema occupies a prominent site on the corner of Mount Pleasant Road and Church Road diagonally opposite the Town Hall towards the middle of the town centre. Retail units on the street frontages are occupied and there is a private surface car park to the rear. The ground rises to the north and west.
17. Land south of Grove Hill Road is also within the town centre but further to the south down Mount Pleasant Road and close to the station. The site includes the small station car park, next to the railway platform and at a lower level than the surrounding development, and existing 2/3 storey buildings at a higher level fronting the corner.

Planning History

18. The planning history of the application site is set out in Section 3 of the SoCG. Of particular note are the permissions, first granted on appeal in 1998, for the use of Unit 3 for retail warehousing and that subsequently granted for its demolition and redevelopment with

⁵ The report and decision is at CD12.

⁶ Document 3.

⁷ The conservation area boundaries are shown on CD7 and more particularly on Map 5b.

an increased floorspace. Regard has been had to that permitted floorspace in assessing the implications of the redevelopment proposed in this application.

Planning Policy and Guidance

Development Plan

19. The statutory development plan comprises the Kent Structure Plan 1996 (KSP) and the Tunbridge Wells Borough Local Plan (BLP), adopted in 1996. They are CD5 and CD1.
20. Both plans are subject to review. The Kent and Medway Structure Plan (KMSP) was placed on deposit in September 2003 (CD7). The Tunbridge Wells Borough Local Plan Review (RLP) is more advanced, being placed on Second Deposit in October 2002 (CD3) with Pre-Inquiry Changes (PPC) proposed by the Council in July 2003 (CD4). The Local Plan Inquiry opened in the autumn of 2003 and is expected to close this summer. Some of the relevant policies are subject to objection.

Sustainable development

21. KSP policy S1 is to achieve a sustainable pattern and form of development. Its transport policy T1 promotes facilities for pedestrians, cyclists and public transport whilst policy T11 requires the formulation of transport strategy to take full account of the needs of cyclists and pedestrians.
22. These objectives are carried forward in the emerging KMSP. Policy SP1 sets out the primary purpose of Kent's development and environmental strategy to protect and enhance the environment and achieve a sustainable pattern and form of development.

Retail policies

Adopted policies

23. KSP policy R1 sets out strategic criteria for the evaluation of retail proposals, including need, retail impact and impact on the vitality and viability of existing centres. Policy R3 directs retail developments dealing primarily with comparison goods to town centres. Paragraph 13.10 explains that this policy applies to the sale of 'core comparison' goods, which include clothes, footwear, jewellery, books etc. Retail warehousing is specifically dealt with in KSP policy R4. It sets out the sequential preference for such development to be located within town centres or on the edge of such centres. Where this is not possible, sites adjacent to existing out of centre retail developments are preferred to provide the opportunity for multi-purpose trips. Other parts of the policy deal with accessibility and impact on vitality and viability of nearby centres.
24. Paragraph 13.15 recognises that in West Kent, the catchments of Sevenoaks, Tonbridge and Tunbridge Wells overlap. The environmental quality of central Tunbridge Wells is acknowledged and its continuing retail potential as a high order centre with the recent major development of Royal Victoria Place.
25. Tunbridge Wells is one of Kent's four main sub-regional centres, the completion of Royal Victoria Place in 1992 confirming its importance. One of the BLP's objectives is to maintain that position. Policies in the BLP protect the primary and secondary shopping areas of the town (policies SP1 and SP2). Longfield Road as a focus of out-of-town comparison retailing is referred to at paragraph 9.12. The BLP recognises at paragraphs 9.22 to 9.24 that the needs of the bulky goods retailer, operating from a retail warehouse, is

unlikely to be successfully integrated within the town centre shopping areas which are mostly within a conservation area⁸.

26. Paragraph 9.101 therefore requires that the development of comparison floorspace in the Longfield Road area should complement provision in the town centres and the established out of town comparison retail centre. Additional retail warehouses in the Longfield Road area are acceptable in general principle, subject to there being no adverse impact on the vitality and viability of the adjoining centres of Tunbridge Wells, Southborough and Paddock Wood. Better integration in terms of an improved network of convenient footpath links is also seen as important in fulfilling the comparison shopping function⁹.
27. The Seeboard site with other land is identified in the BLP as a Special Policy Area where bulky comparison goods retail warehousing will be permitted (policy SPAS).
28. Out of centre proposals are considered against the criteria in policy SP9, all of which must be satisfied. The proposal cannot be satisfactorily accommodated in the town centre, it would not prejudice schemes on allocated retail sites, it would not adversely affect the vitality and viability of a nearby town centre as a whole and sporadic siting of units out of centre would not be allowed.

Emerging policies

29. The emerging KMSP sets out the retail hierarchy in Kent. Tunbridge Wells is one of 4 sub-regional centres. KMSP policy FP14 covers the sequential consideration of sites for retail and leisure development whilst policy FP16 deals with bulky comparison goods retailing. Where there are no suitable town centre sites, the text at paragraph 6.64 explains that new bulky goods shopping should be located at existing groups of similar units to provide scope for multi-purpose shopping trips. Better access by public transport to those sites and improvements to the wider shopping environment is encouraged.
30. Policy CR2 of the emerging RLP adopts a criteria based approach to proposals for large-scale retail uses outside the defined primary shopping areas. Policy CR4 permits small-scale A1, A2, A3, D1 and D2 uses outside defined centres if criteria relating to impact and accessibility are met.
31. There are town centre retail allocations in the RLP (policy CR5) and described in the text from paragraph 5.63 onwards.¹⁰ They are shown on Inset Map 1a.
32. There are various references in the RLP text to Longfield Road¹¹. Of particular note, paragraphs 5.12 and 5.57 explain that the need for bulky comparison goods floorspace has been met by the former Seeboard site development¹². Paragraph 5.12 is subject to PPC/5/2. Paragraph 5.42 explains the sequential approach to the identification of sites. Only after exhausting town centre and edge of centre sites, followed by neighbourhood and district centres, should out of centre sites at the edge of Tunbridge Wells adjacent to the existing

⁸ CD7

⁹ CD1 paragraph 9.23

¹⁰ These sites are shown on the Proposals Map Sheet No. 4 Inset Map 1a but under policy CE3, the relevant policy of the First Deposit Draft. They are described and shown in more detail in CD15.

¹¹ Some of these references are subject to Council Pre-Inquiry Changes and some to objection, as is policy CR2. There is also objection to the deletion of paragraphs 5.83 to 5.89, included in the First Deposit Draft, from the Second Deposit Draft. These have been or are to be considered at the Local Plan Inquiry

¹² The Council's paper to the Local Plan Inquiry on the Retail Strategy is included as CD10 and extracts from a Council's proof of evidence is contained as Appendices 1 and 2 to Dr Doidge's supplementary proof TW3.

out of centre retail developments be looked at that are accessible to a choice of transport modes including public transport.

Transport

33. KSP policy T20 seeks to ensure the funding of future transport improvements, necessary to enable a development project to proceed, is in place. New development should provide parking in accord with Kent County Council's Vehicle Parking Standards (KSP policy T17).
34. Assessment criteria for transport proposals are listed in KMSP policy TP2. Compliance with Parking Standards is required by KMSP policy TP19.
35. There is a general policy TP1 in the BLP on vehicle access. Provision of cycle stands is covered by policy TP26. Emerging RLP policy TP1 requires a Transport Assessment to accompany applications for large scale development. Subject to criteria, access to the road network is permitted by policy TP4. Policy TP5 requires compliance with Kent County Council's latest vehicle parking standards and policy TP9 requires cycle parking. A continuous network of cycle routes is promoted through policy TP19 and includes at (h) a route from Lamberts Road to Knights Way, Knights Park, via Home Farm Lane.

Built Environment

36. Development should be well designed and respect its setting (KSP policy ENV15). The policy objective to promote the quality of life in Kent is addressed in terms of quality of development and design in emerging KMSP policy QL1 and policy QL3 deals with movement and accessibility in the public realm.
37. Design and other control criteria are set out in BLP policy EN1 and carried forward and amplified in emerging RLP policy EN1.

Economic Development

38. The RLP Proposals Map (Inset Map 1) identifies the application site as within an area covered by policies ED1 and ED3. These policies are permissive of new B1, B2 and B8 uses but as the main part of the site is already in retail use it was no part of the Council's case that there was any conflict with these policies or those in the adopted Plan.

Regional planning guidance

39. RPG9 was published in March 2001. It includes policies identifying urban areas as the prime focus for new development (Q1), on improving the quality of life in urban areas (Q2), minimising the distance which people need to travel (T1) and encouraging a change in travel habits (T2, T4 and T5). Policy Q5 identifies the region's existing network of larger town centres as the focus for major retail, leisure and office development.

National planning policy guidance

40. It is an objective of Government policy to promote sustainable development and to encourage the re-use of previously developed land (PPG1 paragraph 7). There is advice in PPG1 on the weight to be given to emerging development plan policies and on design. PPG13 provides guidance on Transport.
41. PPG6 'Town Centres and Retail Developments' was published in June 1996. It sets out the Government's objectives for retail policy and advises on the sequential approach and planning and assessing new retail development.

42. Further advice has been given in subsequent Ministerial statements, more particularly the Caborn statements of February 1999 and that of Tony McNulty made on 10 April 2003. The latter sets out the Secretary of State's policy and how it is intended to operate. Applicants must demonstrate need for the development adopting a class of goods approach, with greater weight placed on quantitative need; adopt a sequential approach to site selection, having regard to flexibility in scale and format; consider impact on nearby centres; and provide evidence on accessibility by a choice of means of transport, likely changes in travel patterns and any significant environmental impacts.

Review of PPG6 - PPS6

43. PPG6 has been reviewed along with other planning policy guidance following the Planning Green Paper. Planning Policy Statement (PPS) 6 on Planning for Town Centres was published in draft form for consultation in December 2003. Paragraph 6 explains that many of the policies in the PPS reproduce or are closely based on existing policies in PPG6, updated as appropriate.
44. There is advice at paragraph 3.9 that needs assessment should relate to the type of goods to be sold. In applying the sequential approach, developers should be able to demonstrate flexibility in terms of the scale and format of their development and car parking provision. Local planning authorities should take into account any genuine difficulties in operating the applicant's business model from a sequentially preferable site, but 'it will not, however, be sufficient for an applicant to claim merely that the class of goods it proposes to sell cannot be sold from the town centre.' Further advice is given at paragraph 3.18 about edge and out of centre retail and leisure proposals and that there should be investigation of the degree to which the constituent units could be accommodated on more centrally located sites.

The Proposals

45. The proposed development is described in the SoCG¹³. The application drawings (as amended) are included as Plan A. The scheme is for the redevelopment of the site to provide 7750sqm (square metres) of retail warehousing (Class A1) in 5 units in a single building facing Dowding Way. A separate building of 263sqm gross for A3 uses is proposed between the new building and McDonalds¹⁴.
46. The application was accompanied by a Traffic Impact Assessment¹⁵ and a Planning Statement¹⁶. There have been substantial revisions to the scheme following negotiations between the Council and the applicants to improve the design of the main building and the layout of the car parking and landscaping. A Design Statement describing the scheme is included as Appendix 1 to APP6. Access would be via the existing access from Dowding Way. The units would be serviced from rear service yards off Dowding Way and Longfield Road. The amended drawings show parking for 251 cars to the front of the building, plus cycle stands, to be shared between all the retailers with a dedicated pedestrian and cycle link across the site to Dowding Way and Longfield Road.
47. Additional off-site works are proposed, more particularly a Toucan crossing on Dowding Way, and a Section 106 Agreement has been completed to include financial contributions

¹³ Document 3 Section 4 page 10

¹⁴ Unit sizes are given in the schedule in APP5 paragraph 3.2

¹⁵ Appendix 6 of APP4

¹⁶ Flagged on the file as accompanying application and Hephher Dixon letter of 15 March 2002.

towards provision of improved pedestrian crossing facilities in Longfield Road and continuation of the cycleway on Longfield Road outside the site¹⁷.

48. As there is an agreed 6267sqm of existing or permitted retail floorspace on the site¹⁸, the proposals would result in an increase of 1483sqm retail floorspace (gross), approximately 1337sqm net floorspace.

The Case for the Council

The material points are:

49. The application was made in March 2002 and was reported to Committee in February 2003. Members accepted the officers' recommendation and resolved to permit the application, subject to referral to the FSS¹⁹, conditions and a legal agreement.
50. Since that resolution, there have been a number of significant developments relevant to consideration of the application namely the Parliamentary Statement of April 2003, the Council's Shopping Study Update and the RLP. Whilst the draft PPS6 contains some key points of relevance, it is subject to consultation and can be accorded little weight.
51. There are 3 matters of difference between the Council and the applicant - the robustness of the 2003 Shopping Study Update and the assumption of constant market share, whether there are sequentially preferable sites and thirdly, whether benefits identified by the applicant are elements of qualitative retail need or should be given weight as material considerations. Despite these differences and the resulting identification of conflict with parts of retail policy, the Council's position remains one of overall support for the call in application with its relatively modest net additional retail floorspace. In answer to a question from the Inspector, it was confirmed that on balance the lack of impact and qualitative benefits are considered to outweigh the policy objections.

Relationship to the development plan

52. Adoption of the BLP predated PPG6 and so is not PPG6 compliant. The emerging RLP is at an advanced stage. The Local Plan Inquiry will close in the early part of July and the Inspector's report is anticipated at the end of the year. There are objections to elements of the retail chapter. However it is considered that the RLP is fully in accord with current Government guidance and so should be afforded significant weight.
53. BLP policy SP9 is the key development plan policy. RLP policy CR2 also applies to retail development and is more up to date in relation to Government policy.
54. The proposed development does not comply with policy SP9 in that the additional floorspace could be accommodated within the town centre. Nor does it comply with part 2 of RLP policy CR2 in that many bulky goods operators can operate from the town centre and bulky goods are sold from there. In answer to the Inspector's question, there had been a marginal issue over need (part 1) but the Study Update now identified the proposal as a commitment. No point was being taken that the proposal would prejudice the development of allocated sites (part 5).

¹⁷ CD20

¹⁸ This figure is the sum of the retail floorspace of the existing Unit 2 and the retail floorspace permitted at Unit 3 and is agreed in the SoCG at paragraph 4.2. It excludes the existing floorspace of the Anca showroom, which is not a retail use but sui generis.

¹⁹ The Committee report is CD12 and minutes are CD13. The balance of factors in favour of the application are detailed in Mr Berry's proof TW4 at paragraph 4.1.

55. References to Longfield Road as an acceptable location for additional retail warehousing in the adopted BLP have been removed from the Second Deposit Draft of the RLP. The thinking behind the Retail Strategy is explained in the Topic Paper to the Local Plan Inquiry²⁰. In accord with up to date Government policy, expressed in the April 2003 statement and most recently in the draft PPS6, the local plan framework requires out of centre retail developments, including any at Longfield Road, to demonstrate, amongst other matters, need and that the sequential test has been met. RLP policy CR2 is entirely consistent with PPG6.
56. As to the argument that the development would assist in better integration²¹, any scope for further rationalising transport networks cannot provide sufficient justification for permitting further retail development²². The Second Deposit Draft proposes the deletion of the reference in the First Deposit Draft to better integration in the Longfield Road area (struck out paragraph 5.42 page 77 of CD3). It creates unnecessary duplication, the need for better integration of new and existing development being set out in the Transport Chapter of the RLP and in the Borough's Transport Strategy²³.

Need for the proposed retail floorspace

57. The requirement to identify the need for retail development is set out in PPG6. Later statements have sought to clarify what constitutes need and when it would be necessary to demonstrate need. Despite the intention of the 1999 Caborn statement to clarify the need test, in practice the interpretation of need has become increasingly more complex and unclear. The 2003 Statement has provided further clarification that greater weight would be given to quantitative need (or retail capacity), to be defined in terms of additional floorspace for convenience and comparison shopping.
58. The Tunbridge Wells Shopping Study August 1999 was updated in 2003 by Colliers CRE to provide an up to date and comprehensive assessment of the quantitative need for additional retail floorspace with the Borough through to 2011. In answer to a question by the Inspector, it was confirmed that its findings inform the retail planning strategy and policy in the emerging Local Plan.

Quantitative need

59. The methodology used and analysis of quantitative need is transparent and robust, and one typically used by consultants to inform on the need for future retail floorspace across a large area²⁴. It is underpinned by a county wide household telephone survey commissioned by KCC in 2000 following the opening of Bluewater. It contains retail capacity assessments for convenience and comparison goods and bulky and non-bulky comparison goods are addressed separately. The Study identifies the call in application as a commitment.

²⁰ CD10 Section 5

²¹ BLP paragraphs 9.19 to 9.24 and First Deposit Draft paragraph 5.42. refers to the intention to concentrate any future retail warehousing into a well integrated and landscaped cluster rather than allow a piecemeal scattered development.

²² CD10 paragraph 5.31

²³ This is explained in Mrs Price's evidence to the Local Plan Inquiry at TW3 Appendix 2 paragraph 7.28.

²⁴ The Retail Update is CD9. Dr Doidge explains its approach in TW1 paragraph 5.9 onwards. It was not disputed by the applicants except in so far as it assumes a constant market share for Tunbridge Wells. When questioned by the Inspector, Dr Doidge confirmed that the Study is conservative in its assumptions about the growth in special forms of trading like e-trading but is more sophisticated than the 1999 Study in including an estimate of £26.3m for overtrading, derived from applying average company sales densities to retailers in Tunbridge Wells to get to a benchmark turnover.

60. In answer to a question put by the Inspector, Dr Doidge accepted that current Government policy in taking a class of goods approach does not distinguish between bulky and non-bulky comparison goods, since it is assumed that all comparison goods can be sold from a town centre. This is confirmed in the draft PPS6 at paragraph 2.28. However his experience is that local authorities are still asking for a split when commissioning retail capacity studies and there is a policy lag.
61. The Shopping Study Update covers the Plan period to 2011. In response to the Inspector's question, Dr Doidge said he would favour a 5 year assessment of need, as suggested in draft PPS6, as more accurate whereas over a longer time frame, because of the number of assumptions, there was more likelihood of increasing the margin of error.
62. The Study Update indicates a quantitative need for some 13,780sqm gross non-bulky comparison goods floorspace in 2006 and 23,480sqm gross in 2011, the end of the Plan period²⁵. However for bulky comparison goods the Update estimates an over-supply of retail floorspace in Tunbridge Wells by 2006. This is due primarily to the large Seeboard scheme, included as a retail commitment²⁶, first soaking up the potential headroom expenditure between 2003 and 2006, and second, the present overtrading estimated to be occurring in the town as a whole²⁷.
63. By the end of the Plan period in 2011, the Study anticipates that the further growth in real consumer spend would lead to an approximate balance in the quantitative need for, and supply of, bulky comparison goods²⁸. Table 5.4 of CD9 indicates a negative requirement for bulky comparison goods floorspace of 3,000/10,990sqm in 2006, reducing by 2011 to between 80 and 285sqm (depending on the sales density figure)²⁹.
64. The Study concludes there is no quantitative need for additional bulky goods comparison floorspace in Tunbridge Wells beyond existing retail commitments. Commitments include the call in application, which in May 2003 at the time of the Study Update was the subject of a Council resolution to permit and had not been called in. In that the figures are based on the assumption that the application would go ahead, the Study confirms that there is a quantitative need for the call in application scheme within the Local Plan period and, by the end of the Plan (2011), forecasts that Tunbridge Wells would be virtually in retail equilibrium in terms of bulky comparison goods floorspace. Re-working the figures to exclude the Dowding Way scheme would change the residual headroom expenditure and automatically produce a need for a small amount of bulky comparison goods floorspace in 2011, equivalent to that removed from the commitments³⁰.
65. Need has been assessed for bulky and non-bulky comparison goods. When questioned by the Inspector, Dr Doidge agreed that the way the Study was done allowed the capacity requirements to be added together. Aggregating the figures would give a quantitative need for comparison goods floorspace in 2006 of 2,790sqm or 10,780sqm³¹ and in 2011 of

²⁵ This is most easily found on Table 4.5 of CD9 at page 53.

²⁶ The non-trade retail turnover of this major retail warehouse development (c. £47 million) would soak up first the growth in potential headroom expenditure between 2003 and 2006 (c. £9.5 million) and second the present overtrading (c. £26.2 million), estimated to be occurring within the town as a whole (TW1 paragraph 5.10).

²⁷ TW1 paragraph 5.10

²⁸ This is set out in the Table entitled Key Steps in Dr Doidge's evidence TW1 at page 16/25.

²⁹ In answer to a question by the Inspector, Dr Doidge explained that a range was used because average sales density per square metre for out of centre bulky goods retailing could vary from between £100 for DIY to £400-500 for out of centre electrical goods.

³⁰ The reworking of the quantitative need model is at Appendix 5 of TW2.

³¹ Taken from Table 4.5 page 53 of CD9 - $[13,780 + (-3,000)]$ or $[13,780 + (-10,990)]$

23,195sqm or around 23,400sqm³². However assessed, the Council is satisfied that the Study Update confirms a quantitative need for the proposed development at 2011 and that BLP policy SP9 and RLP policy CR2 are met in that regard.

Market Share

66. The 2003 Update Study assumes a constant market share for Tunbridge Wells. This was agreed when the Study was scoped. The applicant argues that this is unduly cautious³³ and that the market share should be assumed to increase permanently over the Plan period in an attempt to establish a quantitative need for the development in 2006.
67. This criticism is not accepted. The assumptions underlying the 2003 Shopping Study are sound. Only this one assumption is challenged at this inquiry³⁴. To accept such an approach would undermine the retail strategy in the RLP (as subject to Pre Inquiry Changes) that is underpinned by the 2003 Update³⁵.
68. The rationale behind the Council's approach is based on sound planning policies. It is the objective of the RLP to maintain the retail position of Tunbridge Wells relative to other major retail centres in Kent³⁶, not to enhance its position. The constraints imposed by the town's historic character, location in the Green Belt, the demand for other land uses in the town, existing traffic congestion and the encouragement of longer distance trips, mean that such an objective would not be desirable. The retail strategy is consistent with the aims of the RLP for town, neighbourhood and village centres. The assumption of constant market share was applied to both bulky and non-bulky comparison goods floorspace and would apply equally to them added together.
69. The applicant's assessment assumes no significant change in provision in competing centres. In effect if Tunbridge Wells is assumed to increase its market share relative to other centres within the catchment, then it implies their relative decline. That is unreasonable and unlikely. For there to be a quantitative need for the application scheme by 2006, Tunbridge Wells market share would have to increase by 3.17% within each of the 30 Zones comprising the full catchment area of the town. An increase of 0.5% would not achieve it³⁷. The KCC telephone survey indicated high expenditure retention levels in the zones closest to Tunbridge Wells³⁸ that cannot realistically get any higher, so the market share of more distant zones would need to increase by much more to compensate. This is unlikely, first because the scheme is not large enough in itself to increase the market share and secondly because it is aimed primarily at the local population³⁹.
70. The Seaboard scheme cannot be used to justify the applicant's position. The emphasis in the evidence to that inquiry was on retail impact. It is a very different type of store and brought a new retail offer to the town. It is not disputed that it is likely to draw in expenditure. But any increase in market share as a result of that development would be a temporary phenomenon, one of the peaks in the 'peaks and troughs' over the Plan period which Mr Armitage accepted, in answer to the Inspector, as a matter of general principle

³² CD9 Table 4.5 page 53 [23480 +(-80)] or [23480 + (-285)] Low and high sales density assumptions are made.

³³ APP1 paragraph 4.13

³⁴ Allowance for existing retailers and the turnover of commitments were also challenged at the Local Plan Inquiry.

³⁵ The applicant made a case to the Local Plan Inquiry that an uplift in market share would give rise to an additional quantitative need for bulky goods comparison floorspace justifying an out of centre retail allocation and a large scheme at Dowding Way refused permission. (See TW12 page 3 footnote 5 and paragraphs 5-13 of TW3).

³⁶ CD3 paragraph 5.9

³⁷ TW12 footnote 8 page 4 - agreed annual turnover of £2.1m for the additional 1483 sqm floorspace..

³⁸ CD9 Appendix 4A Table 6B Zones 11-17

³⁹ APP3 paragraph 6.2.3

would occur. It is incorrect to extrapolate from that that there would be a gradual decline in market share over the Plan period, if a constant market share is assumed. It is unlikely other centres will remain static and there is likely to be reverse clawback.

71. The 30 zones in the Update Study area cover half of Kent and parts of East Sussex. The catchment of each centre will overlap. In Kent further retail development is contemplated. Over the Plan period, developments will occur elsewhere that will affect Tunbridge Wells market share at any one point in time. The applicant had no list of current schemes but anyway this needs to be looked at over the longer Plan period.
72. It is reasonable to assume that the £13.5m attracted by Seeboard will be clawed back over the Plan period to other schemes at other centres, outside the Borough⁴⁰. There is no inconsistency of approach in assuming a constant market share in a quantitative need assessment and concluding that a particular planning proposal may give rise to an increase in market share. Adjusting need estimates upwards after each new development would have the effect of constantly expanding the market share of Tunbridge Wells at the expense of other centres. Concentrating retail provision in this way would increase trip length and would not lead to a balanced network of centres. It would be inconsistent with the objectives of the RLP and with new guidance in the draft PPS6.
73. It is a common and widely used approach to assume a constant market share where the main objective is to provide an area-wide assessment over a long time frame. A quantitative need assessment should not be subject to short term fluctuations resulting from the impact of one single scheme. Other quantitative assessments based on this approach include one for the DoE in Northern Ireland.

Qualitative need

74. No qualitative need is identified for new bulky goods retail development⁴¹. There is a comprehensive range of bulky comparison goods retail floorspace available and trading in Tunbridge Wells⁴². It provides consumer choice in a good distribution of locations in the town centre and out of centre. There is no material qualitative need for further retail provision of this type. It would represent only a 2.4% addition to the existing stock. It would not be of a scale or of sufficient critical mass to change shopper behaviour or shopping trip patterns across the sub-region that Tunbridge Wells serves.
75. Other than MFI and Allied Carpets (existing occupants), there are no other specific retailers in place. There is mention of Pets at Home, Staples and Halfords as tenants. Halfords is already represented in the town centre and there are other pet shops and office suppliers in the town. There is no evidence that there is an outflow from the catchment to branches of these stores elsewhere.
76. There is a wide and attractive retail offer available throughout Tunbridge Wells in all the main bulky comparison goods sectors. Having regard to the size of the units, similar in scale to those already available in Longfield Road, the development would bring nothing new to the town in retailing terms. It would not meet an identified qualitative shortfall in terms of bulky comparison goods or form and scale of bulky comparison goods retail

⁴⁰ TW3 paragraphs 5 to 13

⁴¹ TW3 Appendix 2 - proof of evidence to the Local Plan Inquiry

⁴² Around 20000sqm gross in the town centre and some 42000sqm gross out of centre (including Seeboard) CD9 Table 3.3 page 24. Bulky comparison goods floorspace amounts to 20% of the total provision (both comparison and convenience) in the town centre.

floorspace provision. It would duplicate the range of bulky comparison goods and sizes of units in Tunbridge Wells rather than meet an identified qualitative retail need.

77. The points listed in APP5 paragraph 10.2 are not aspects of qualitative retail need although they may amount to qualitative benefits arising from the scheme that are material considerations in the overall planning balance and they have been given weight as such⁴³.

The scale of development

78. The main part of the site is already used, or can be used, for retail development. The scheme would result in a modest increase in additional retail floorspace in a location where there is a concentration of retail warehousing. In answer to a question put by the Inspector, Mr Berry confirmed that the proposed development is of an appropriate scale.
79. The small A3 unit would be a subordinate element of the overall scheme. It would be available to those working in the area or shopping at other retail warehouses, like McDonalds, and there would be an element of synergy between them. As an ancillary facility serving the rest of the development and the local area it is not considered to need to be assessed as part of the sequential approach.

The sequential approach

80. This is an important issue and has ramifications both in terms of the RLP and for development control.
81. The preference for town centre followed by edge of centre and only then out of centre sites in locations that are accessible by a choice of means of transport is set out in PPG6. However the guidance accepted that some types of retailing, such as large stores selling bulky goods, might not be easily accommodated in town centres. The February 2003 committee report accepted the applicant's supporting statement that 'there are no sites within or adjacent to the town centre which could accommodate this type and scale of retail warehouse development'⁴⁴.
82. In the light of the April 2003 Parliamentary Statement Members would now be advised differently⁴⁵. The test is not whether the proposed type and scale of retail warehouse can be accommodated but whether the floorspace could be accommodated in the town centre and whether the goods to be sold could be sold equally well from a town centre location.
83. It was made explicit in the accompanying News Release that 'a retailing format that can only be provided at an out of town location is not regarded as meeting the requirements of this policy'. Furthermore, developments involving the sale of bulky goods are not exempted from meeting the policy tests in PPG6 and subsequent clarifications.
84. The most recent draft PPS6 confirms that the onus is on the applicant to provide clear evidence as to why sequentially preferable sites do not offer practical alternatives in terms of availability, suitability and viability. Operators are expected to consider disaggregation and to be able to demonstrate why goods cannot be sold from smaller units.
85. In this case the application of the sequential test is to the additional 1,483sqm of retail floorspace proposed. The scheme shows 5 separate retail units and the applicant has

⁴³ TW3 paragraph 14 and Appendix 2 containing extract of Council's proof to the Local Plan Inquiry.

⁴⁴ CD13

⁴⁵ Quotes from the Statement of particular relevance are set out in TW4 paragraph 5.12.

accepted that there is scope for disaggregation⁴⁶. The 2003 Statement also indicates that developers should be flexible and consider greater use of multi-storey development.

86. The sequential exercise carried out by the applicant was and is flawed. It is format driven⁴⁷ and relies on BLP paragraph 9.22 and paragraph 5.85 of the RLP, now proposed to be deleted. Too trenchant a view is taken of what constitutes a 'bulky good'. It has not been demonstrated that the majority of the goods that could potentially be sold at Dowding Way could not be sold from a town centre location or that sequentially preferable sites allocated in the RLP for retail development would not be suitable, available and viable.

General suitability of town centre sites

87. The way that Tunbridge Wells town centre currently operates shows that a significant range of bulky goods can effectively retail from a town centre location. Of the town centre floorspace, 82% is devoted to comparison goods, and almost a quarter of the comparison retail offer trades in bulky goods⁴⁸. Many bulky goods retailers trade from units of less than 100sqm. Goods sold include DIY/hardware, furniture/carpets and electrical goods⁴⁹. The market offer includes high-class retail outlets but there is a wide spread, including some selling budget lines. In Royal Victoria Place there are bulky goods retailers selling electrical goods and retailers selling a mix of bulky and non-bulky comparison goods. None appear to suffer from alleged disadvantages such as traffic congestion. There is no evidence that increased bulky goods provision in the town centre would give rise to such problems. In any event there are other policies in the RLP to address issues of traffic congestion with proposals to be brought forward in the Plan period⁵⁰. There is good representation of bedding, furniture and kitchens in the town centre and also pet shops and office suppliers, many of whose goods can be readily transported by the customer.

Vacant floorspace

88. The small quantum of additional floorspace sought, in comparison and absolute terms, could be provided either from existing retail provision or through new retail provision. Vacant floorspace in Tunbridge Wells is below the UK average. Whilst a number of transitional vacancies will always exist, nevertheless there remains more than enough vacant ground floor space to accommodate the net additional floorspace, albeit not in one unit⁵¹. The vacant floorspace is spread throughout the town centre and offers a diversity of sizes, pitches and configurations for prospective retailers⁵².
89. A higher amount of vacant floorspace existed in 2000, so it might well be that some of the quantitative need for non bulky goods identified in the 2003 Study has already been soaked up by the letting of that vacant floorspace.

⁴⁶ Mr Armitage's answer to Inspector's question. Drawing 4330-SK02F shows the sizes of the units - Units 3D and 3E are 917 and 932sqm respectively, Unit 3C is 1450sqm.

⁴⁷ Further comments are made in TW5 Appendix 3. Agreed factual statements on the sites are appended to the SoCG. Examples of what the Council sees as the applicant's format approach, concentrating on the quantity, layout and location of floorspace and need for adjacent surface level parking, are given in TW12 paragraph 4.4.

⁴⁸ TW1 paragraph 6.4 - the net additional floorspace equates to 7.5% of bulky comparison goods floorspace in the town centre, 1.8% of all comparison goods floorspace and 1.5% of all retail goods. The 82% figure is taken from CD9.

⁴⁹ GOAD plan TW4 paragraph 5.15, TW5 Appendix 2 and CD9 Appendix 3B

⁵⁰ RLP policy T18 park and ride.

⁵¹ January 2004 survey showed 2975sqm vacant in town centre and edge of centre locations (TW5 Appendix 4).

⁵² GOAD map TW1 Figure 6.1

Retail allocations

90. New retail provision is proposed through RLP policy CR5, which allocates 4 sites for mixed-use development, including retail. Of these, 3 in the town centre - Royal Victoria Place, the Cinema site in Mount Pleasant Road and land south of Grove Hill Road - would be sequentially preferable to the application site, are considered suitable for bulky goods retailing and would be able to accommodate the additional floorspace proposed. As to their availability, in answer to questions from the Inspector, there is confidence, through discussions with site owners that the allocations are likely to become available within a reasonable period of time to meet need over the Plan period. The existence of so many bulky goods retailers in the town demonstrates that it is viable to trade from there.

Royal Victoria Place

91. There is scope through the redevelopment of land around Royal Victoria Place⁵³, more particularly Market Square and Ely Court, to provide an additional 14,750sqm gross floorspace with large floorplates in excess of 1,500sqm⁵⁴. Design feasibility work⁵⁵ has been carried out and this multi-storey floorspace is indicative and not a maximum. There have been positive discussions with Westfield, the operator of Royal Victoria Place, and a second department store at the opposite end of the mall to Fenwicks is supported. Whilst there has been no further market testing, a department store might have around 7,500sqm of floorspace. Many department stores sell bulky comparison goods like carpets, furniture and electrical goods with an average of 12.5% of their floorspace devoted to such lines⁵⁶. Given that the proposal is not tenant specific, there is no reason why it would not be feasible to incorporate a large proportion of the 1483sqm sought within this floor space, combined as a single unit either horizontally or vertically.
92. Properties on the corner of Calverley Precinct and Camden Road are already vacant. There is confidence that the allocation is commercially viable and deliverable over the Plan period and no substantive evidence to the contrary. Suggestions by the applicant that the scheme with an element of bulky goods would be either 'very expensive' or difficult to implement, are not supported by evidence. Comments about car parking reflect the applicant's format driven approach.

The Cinema site, Mount Pleasant Road

93. Design feasibility work⁵⁷ has been undertaken on the redevelopment of the cinema site, which closed in 2000 following the opening of the Multiplex in Knights Park. There is identified potential for net additional floorspace of around 6250sqm, incorporating larger floorplates in excess of 1,500sqm⁵⁸. This floorspace is indicative and not a maximum and greatly exceeds the additional floorspace proposed in the call in application. The allocation seeks a cinema as part of any mixed-use development and a planning brief has been drawn up⁵⁹. Further work undertaken indicates that a commercially viable scheme, based on the

⁵³ Abbreviated site description - identified as (a) in RLP policy CR5 Land to the north of Calverley Precinct, west of Camden Road and to the south of Victoria Road, including Royal Victoria Place, Market Square and Ely Court

⁵⁴ Retail Topic Paper CD10 paragraph 4.9 page 26

⁵⁵ CD15

⁵⁶ TW1 paragraph 6.12 and TW2 Appendix 7

⁵⁷ CD15

⁵⁸ CD10 paragraphs 4.9 and 4.19

⁵⁹ CD17

planning brief, could be achieved⁶⁰, which could include bulky goods floorspace. There is no reason why retailer requirements could not be met on this site⁶¹.

94. An appeal into the refusal of planning permission for the redevelopment of the site is due to be heard at inquiry in February 2004. That scheme proposes 5475sqm of floorspace. Evidence to be presented to that inquiry by the appellant concludes that the Planning Brief scheme would make a loss but the appeal scheme would be profitable. The Council's evidence is that the illustrative development scheme has a good prospect of being commercially viable. But on either basis, new retail space would be included within a viable scheme and the site can be considered as suitable, available and viable.
95. Reliance is placed by OTR Business Parks on the potential fallback. Irrespective of the feasibility or otherwise of that scheme, if permission is granted and the appeal scheme implemented there would be a considerable amount of new retail provision. If the appeal is dismissed, and the authority's argument of viability accepted, the evidence is that it would be more profitable to develop the planning brief scheme than the fallback⁶². It is reasonable to conclude in those circumstances that the planning brief scheme is more likely to be carried out, with its own considerable element of retail provision.

Land south of Grove Hill Road

96. Design feasibility work has been carried out. The RLP allocation proposes a mixed-use development including A1 use. Site levels will not impede development. There is adequate existing public car parking close to the site and scope to provide on-site parking in a multi-storey development.
97. The site is in the town centre and suitable for redevelopment to include bulky comparison goods floorspace. Soundings indicate that landowners are willing to talk. The site is considered to be suitable, available within the Plan period and viable.

Conclusions on the sequential test

98. Only a very modest increase in additional floorspace is being proposed and there is no evidence to suggest that the displacement of such a small amount of non-bulky goods floorspace, if required, would result in a decline in the town centre. Adopting the class of goods approach with need assessed within the broad categories of convenience and comparison goods, additional bulky goods floorspace could be absorbed into one of the town centre allocations without the need to establish where the displaced non-bulky goods floorspace would go, bulky and non bulky being regarded in the same way.
99. In summary there are more central sites capable of accommodating the development. Therefore the proposal conflicts with the first part of adopted BLP policy SP9 and with KSP policy R1(ii) and the sequential approach required in emerging RLP policy CR2 and KMSP policies FP14 and FP16 is not satisfied.

Impact on the vitality and viability of Tunbridge Wells

100. Tunbridge Wells is a vibrant and healthy centre. Floorspace in the town centre is in demand. The Shopping Study Update indicates overtrading in the town as a whole to the order of some £26.3m. There is not a lot of available evidence of overtrading in terms of

⁶⁰ TW9 and particularly paragraph 8.1

⁶¹ APP7 lists retailers interested in locating in Tunbridge Wells and their preferred needs.

⁶² A profit of nearly £4.2m for the planning brief scheme as opposed to £1m for the fallback scheme see TW9-11.

