

## TUNBRIDGE WELLS BOROUGH COUNCIL

### PLANNING COMMITTEE

MINUTES of the meeting held at the Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS, at 6.30 pm on Wednesday, 16 November 2022

**Present: Councillor Trevor Poile (Chair)**

**Councillors Atwood, Bailey, Britcher-Allan, Bland, Fitzsimmons, Johnson, Le Page, Moon, Neville, Patterson, Wakeman and White**

**Officers in Attendance:** Richard Hazelgrove (Principal Planning Officer), Peter Hockney (Development Manager), Carlos Hone (Head of Planning), Antonia James (Principal Planning Officer), Debbie Salter (Conservation and Urban Design Officer), Jo Smith (Senior Lawyer) and Emer Moran (Democratic Services Officer)

**Other Members in Attendance:** Councillors

#### CHAIR'S INTRODUCTION

PLA56/22 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

#### APOLOGIES

PLA57/22 Apologies were received from Councillor Pope.

#### DECLARATIONS OF INTEREST

PLA58/22 No declarations of interest were made.

#### DECLARATIONS OF LOBBYING (IN ACCORDANCE WITH THE PROTOCOL FOR MEMBERS TAKING PART IN THE PLANNING PROCESS, PART 5, SECTION 5.11, PARAGRAPH 6.6)

PLA59/22 Councillors Atwood, Bailey, Bland, Fitzsimmons Le Page, Moon, Neville, Patterson, Wakeman and Poile advised that they had been lobbied by objectors on application PLA63/22 Former ABC Cinema Site Mount Pleasant Road Royal Tunbridge Wells Kent.

Councillors Atwood, Bailey, Bland, Britcher-Allen, Dawlings, Fitzsimmons Le Page, Moon, Neville, Patterson, Wakeman and Poile advised that they had been lobbied by supporters on application PLA63/22 Former ABC Cinema Site Mount Pleasant Road Royal Tunbridge Wells Kent.

Councillor Poile advised that he had been lobbied by objectors on application PLA64/22 St Andrews Medical Centre, St Andrews Court, Pinewood Gardens, Southborough.

#### SITE INSPECTIONS

PLA60/22 Members had not undertaken any site visits.

**TO APPROVE THE MINUTES OF THE MEETING DATED WEDNESDAY 19 OCTOBER 2022**

PLA61/22 **RESOLVED** – That the minutes of the meeting dated Wednesday 19 October 2022 be recorded as a correct record.

## REPORTS OF HEAD OF PLANNING SERVICES (ATTACHED)

PLA62/22

### APPLICATION FOR CONSIDERATION - 22/02304/FULL FORMER ABC CINEMA SITE MOUNT PLEASANT ROAD ROYAL TUNBRIDGE WELLS KENT

PLA63/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA63/22 Former ABC Cinema Site Mount Pleasant Road Royal Tunbridge Wells Kent and this was summarised at the meeting by Ms Antonia James Principal Planning Officer and illustrated by means of a visual presentation.

#### **Updates and additional representation – Since publication of the report the Officer updated:**

- Additional representation from Chairman of Water in the Wells.
- Pleased that the scheme includes a water feature that is visible from Mount Pleasant. It will provide an invitation for people to come in and take a rest in the courtyard. The water feature is well-sited but previous concerns remain and feel the scheme is unsightly and an inappropriately sited development.
- **Private representation.**
- Raises issue of rumble of trains from tunnel below. Recommend that shops removed from scheme as so many empty premises in RTW, could reduce height of building. Recommend balconies removed facing main road – noise and fumes for future occupants.
- **Trinity**
- Encouraged that the likely occupants would be active residents and will make the most of all the services and leisure activities the town offers. Interested in the mixed use space and Trinity may be able to work with applicant in utilising this area.
- **Local Plan Inspector**
- Para 55 of the Inspector's letter from November 2022 states that 'the latest proposals for the site include extra care and/or retirement housing which have materialised after the Plan was submitted. Although some representors have questioned the contribution that such uses would make to the vibrancy of the town centre, I see no reason why extra care and/or retirement housing would be inappropriate as part of a mixed-use scheme which included some active ground floor uses. Para 86(f) of the Framework specifically requires planning policies to recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites. The site has been vacant for a long time and its redevelopment should be supported and encouraged by the Plan.'
- Para 56 'in order to make the Plan sound, greater flexibility should therefore be provided by a re-drafted policy which supports the

principle of a broader range of town centre uses. A re-drafted policy could also emphasise the importance of regeneration of the site to the town and the requirements for a sensitive, high-quality design.'

- Para 92 refers to needs of older people. Quotes a gross need for the borough of between 342 & 431 units. This figure is superseded by expert evidence carried by the Council for the Sandown Park Inquiry (held summer '22) which found gross need of 593. Also queries by the Inspector regarding Tudeley and Paddock Wood allocations which may impact on how the needs for older people will be met as both of these allocations required the provision of an ECH scheme.
- Officer queried calculation for C2 discount for five year housing land supply with Policy team. Policy response:
- It is generally accepted that C2 units are calculated in terms of bedspaces. Proposal seeks to Provide 29 2 bed units and 137 2 bed units. It would be prudent to calculate the C2 discount from the total number of bedspaces (303). Discounted, this would result in 156 C3 equivalent units, rather than 86.
- The committee report gives significant weight to contribution the development would make to the Council's five year housing land supply based on the figure of 86. It is likely that this figure would be higher, which is also afforded significant weight.

**Registered Speakers** – There were 8 speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

#### **Objectors**

- Mr David Osborne, a local resident.
- Mr Michael Lees, on behalf of the Town Forum.
- Mr Paul Avis, on behalf of the Royal Tunbridge Wells Civic Society.

#### **Supporters:**

- Mr Will Bax, Chief Executive of Retirement Villages Group(RVG).
- Ms Shirley Hall, Head of Care and Wellbeing, RVG.
- Mr Ravindranath Ramphul, whose statement was read by Mr Gabriel Abulafia.
- Mr Corin Thoday, Chief Executive of Targetfellow Estates.

#### **Matters of clarification by Officers and Committee Members' questions to Officers included:**

- i. Officers confirmed that as this development was a C2 scheme with care provision there was no policy requirement for the developer to provide affordable housing.
- ii. The applicant had agreed to pay all the financial contributions that had been requested upon them.
- iii. Kent County Council's (KCC) financial requests had been accepted by the applicant and there were no concerns that they were not going to be brought forward.
- iv. The Local Plan Inspector's comments were quoted with regard to the contribution the prospective residents would make to the

vibrancy of the town centre and Officers considered that the development complied with the expectations of the Inspector who referenced paragraph 86F NPPF.

- v. Town Centre plan had started its production and the local development scheme set out the program of planning and was due to be adopted in November 2025.
- vi. The issue of fire safety was covered in the report and officers had investigated this in a lot of detail. The applicant had during the design of the building consulted with fire safety advisors as part of their design team and a fire safety statement was submitted Gateway One team had not objected to the development and issued raised could be dealt with at building regulation stage.
- vii. The council considered that it was a mixed use development and efforts were made to ensure the ground floor level was as active as possible with use of the lobby and gym as well as retail/commercial units.
- viii. There was a need for the provision of older person housing.
- ix. The height of the development comparable to other properties in the borough was discussed.
- x. The plant had been positioned in the least prominent locations and generally set back in order to minimise its visibility.
- xi. It was advised that a condition in the report outlined that the primary occupier had to be a minimum age of 65, with their spouse allowed to be younger. The primary occupant must be in need of a minimum of 2 hours of personal care a week, secured as part of the S106 agreement. Further details of the legal agreement was outlined.
- xii. It was expected that the residents of the extra care scheme would be active elderly.
- xiii. Highways and Parking were addressed from page 103 of the report and the main points of this were highlighted.
- xiv. As part of the legal agreement the restaurant was secure to be open to the public and RVG would ensure that it was managed appropriately.
- xv. The average age of residents in such a scheme was approximately 80 years old.
- xvi. The building was not stepped down the hill in order to make sure that flexible floor space can be provided. Smaller units can be amalgamated into larger spaces if the market required. The Council's Conservation Officer also stated that there were constraints in the change in level in terms of accessing the shop fronts and not wanting to have separate walls or divide the footpath.
- xvii. Details of external materials can be required by condition, including sample panels of bricks and mortar to ensure high quality.
- xviii. It was important to note that the overall height of the development was lower than what had previously been approved.
- xix. It was noted that of the key aspects was the view of the Council's Economic Development Manager who supported the application and considered the economic benefits of the scheme to be at a level that would enhance the vitality and viability of the town centre.
- xx. An informative was suggested to have a hearing loop installed in the meeting rooms.
- xxi. An informative was suggested to have an advertising space for all

the town centre's activities.

**Committee Member Debate and Officer clarification included:**

- i. It was felt that this applicant was invested in the town.
- ii. The Local Plan Inspector's comments were acknowledged.
- iii. It was felt that the design was large and overbearing and there was a question whether it was being accepted to avoid an empty site.
- iv. Questions were raised whether the development was the right scheme for the town centre.
- v. The age of residents was a concern and whether they would be active enough to contribute to the town.
- vi. It was felt that Trinity Theatre and the Assembly Hall would benefit greatly from a new nearby audience.
- vii. It was felt that residents in the middle of the town brought life to the centre.
- viii. It was questioned whether the scheme delivered mixed use.

**Decision/voting** – On the basis that members were satisfied that all relevant planning considerations had been covered within the report, a motion was proposed by Councillor Patterson seconded by Councillor Fitzsimmons and a vote was taken to approve the application in line with the officer recommendation.

**RESOLVED** – That application PLA63/22 be granted subject to the completion of a Section 106 agreement and the plans, conditions and informatives as set out in the agenda report and the additional informative below:

The applicant should consider installing a hearing loop within the multi-use area and consider measures to promote town centre events and businesses within the scheme.

**APPLICATION FOR CONSIDERATION - 22/01537/FULL ST ANDREWS MEDICAL CENTRE, ST ANDREWS COURT, PINWOOD GARDENS, SOUTHBOROUGH.**

PLA64/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA6422 St Andrews Medical Centre, St Andrews Court, Pinewood Gardens, Southborough and this was summarised at the meeting by Mr Richard Hazelgrove Principal Planning Officer and illustrated by means of a visual presentation.

**Updates and additional representation** – Since publication of the agenda the Officer updated:

- Two further neighbour representations have been received. These raise similar issues to previous objections regarding safety along the shared footpath/roadway, loss of privacy, design and layout.
- The topographical survey, block plan and site location plan have been slightly amended to exclude a small section of the shared roadway/footpath in the top north eastern corner which may belong to Southborough Town Council. These plans were published on the TWBC website on Friday afternoon. They do not result in a material change to the scheme.

As a result of the above condition 2 was proposed to be updated (to incorporate the amended plans); plus condition 18 was proposed to be amended to refer to the updated block plan, plus exclude reference to the retention of the litter bin (as it now falls outside the application site).

**Registered Speakers** – There were 3 speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

**Objectors:**

- Mr Matthew Taylor, a local resident.

**Supporters:**

- Mr Dan Harding, HAPA Architects.

**Parish/Town Councillor Representative:**

- Councillor Alain Lewis, Southborough and High Brooms

**Matters of clarification by Officers and Committee Members' questions to Officers included:**

- i. It was confirmed that a condition required the windows to be obscure glazed and restricted in it's opening, and this was a common mitigation measure to reduce overlooking.
- ii. Enforcement worked on a reactive basis and it was advised that if the obscure glazing was removed by the residents, it was a breach of conditions and the enforcement team would investigate.
- iii. Paragraph 10.88 in the report advised that if the windows were not obscure glazed that the application would be unacceptable and Officers would recommended refusal.
- iv. The view from the secondary bedrooms would not be good due to the obscure glazed.
- v. Paragraph 10.71 in the report addressed the parking spaces and it was considered that this met the parking requirements of the residents and a shortfall of one space was not considered a valid reason for refusal.
- vi. There were no issues raised by Kent County Council Highways.
- vii. The density of the housing mix was outlined on the bottom of page 28 of the agenda, there wasn't a strict housing density figure that was applied as this was an unreliable figure.
- viii. It was advised that the national space standards are not standards that had been adopted by the council therefore the size of the rooms and parking spaces were a matter of judgement.
- ix. It was recognised that empty properties attract anti-social behaviour, it was expected that the owners of the property would keep the property secure.
- x. The access road will continue to give access to the Scout hut and to the playing fields beyond, this was a civil matter between the prospective parties.
- xi. Officers explained a breach of condition notice and the consequences of that not being complied with.
- xii. Members acknowledged that the secondary bedrooms were likely to be rooms that children or teenagers would dwell in.
- xiii. The applicants were approached during the application process and it was suggested that 5 dwellings on the site might be a better

- fit, however they chose to remain with 6.
- xiv. The density standards were the minimum standards that should be looked at.
  - xv. The block plan showed 6 houses, each with 2 car parking spaces and reasonable sized gardens, this was bigger compared to other properties in the area therefore Officers considered this to be a reasonable development.
  - xvi. Members were reminded that the Council did not yet have a five year land supply in those situations and NPPF directed authorities to permit houses that made up sustainable development.
  - xvii. Members acknowledged comments from the Town Council.
  - xviii. Members had to make a decision on the application in front of them.
  - xix. The decision was based on the distance between the proposed houses and the buildings at the back, not in comparison to the length of neighbouring gardens.
  - xx. Officers considered that the shared access road was acceptable to be used on a more intensive basis.

**Committee Member debate and Officer clarification included:**

- i. Members spoke about their concerns about overdevelopment, the size of the rooms and parking spaces being too small and compromises made.
- ii. Sympathies were given to neighbouring residents.
- iii. The virtues of the site were clear, sustainable and brownfield site and suitable for development, however this was not considered by some to be the right development.
- iv. The psychological harm of overlooking was highlighted.
- v. An alternative motion to approve the application was moved but not seconded.
- vi. The size of the site was a concern.
- vii. The Kent Fire Service report related to turning points was highlighted.
- viii. The recommendation was proposed by Councillor Bailey but was not seconded
- ix. A refusal was suggested on the grounds of overdevelopment and overlooking and this was discussed in detail.

**Decision/voting** – On the basis that members were satisfied that all relevant planning considerations had been covered within the report a motion was proposed by Councillor Bland, seconded by Councillor Dawlings and a vote was taken to refuse the application against the officer recommendation.

**RESOLVED** – That application PLA64/22 be refused.

**APPEAL DECISIONS FOR NOTING - 11 OCTOBER 2022 TO 7 NOVEMBER 2022**

PLA65/22 **RESOLVED** – That the list of appeal decisions provided for information, be noted.

**URGENT BUSINESS**

PLA66/22 There was no urgent business for consideration.

**DATE OF NEXT MEETING**

PLA67/22 The next Planning Committee meeting was scheduled for Wednesday 7 December 2022.

NOTE: The meeting concluded at 9.56 pm.