

## TUNBRIDGE WELLS BOROUGH COUNCIL

### PLANNING COMMITTEE

MINUTES of the meeting held at the Council Chamber, Royal Tunbridge Wells, Kent TN1 1RS, at 6.30 pm on Wednesday, 6 December 2023

**Present: Councillor Godfrey Bland (Chair)**  
**Councillors Fitzsimmons (Vice-Chair), Johnson, Le Page, Moon, Neville, O'Connell, Osborne, Patterson and Pope**

**Officers in Attendance:** Carlos Hone (Head of Planning), Kirsty Minney (Planning Officer), Jo Smith (Senior Lawyer), Mark Stephenson (Principal Conservation Officer) and Emer Moran (Democratic Services Officer)

**Other Members in Attendance:** Councillor Pound

#### CHAIR'S INTRODUCTION

PLA234/23 The Chair opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

#### APOLOGIES

PLA235/23 Apologies were received from Councillors Britcher-Allen and White.

#### DECLARATIONS OF INTEREST

PLA236/23 Councillor O'Connell declared that whilst she had called in both applications to the Committee, she had not yet made up her mind and would only do so once all the considerations, discussion and debate were completed.

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

PLA237/23 Councillors Johnson, Moon, Neville, O'Connell, Osborne, Patterson, Pope, Fitzsimmons and Bland advised that they had been lobbied by supporters on application PLA241/23 – 5 Calverley Park, Royal Tunbridge Wells, Kent.

Councillors Johnson, Le Page, Moon, Neville, O'Connell, Osborne, Patterson, Pope, Fitzsimmons and Bland advised that they had been lobbied by objectors on application PLA241/23 – 5 Calverley Park, Royal Tunbridge Wells, Kent.

Councillors Moon, Neville, O'Connell, Osborne, Patterson, Pope, Fitzsimmons and Bland advised that they had been lobbied by supporters on application PLA242/23 – 5 Calverley Park, Royal Tunbridge Wells, Kent.

Councillors Le Page, Neville, O'Connell, Osborne, Patterson, Pope, Fitzsimmons and Bland advised that they had been lobbied by

objectors on application PLA242/23 – 5 Calverley Park, Royal Tunbridge Wells, Kent.

#### **SITE INSPECTIONS**

PLA238/23 Members had the opportunity to visit site PLA241/23 and PLA242/23 5 Calverley Park, Royal Tunbridge Wells, Kent.

#### **TO APPROVE THE MINUTES OF THE MEETING DATED 8 NOVEMBER 2023**

PLA239/23 **RESOLVED:** That the minutes of the meeting dated 8 November 2023 be recorded as a true record of the proceedings.

#### **REPORTS OF HEAD OF PLANNING SERVICES (ATTACHED)**

PLA240/23

#### **APPLICATION FOR CONSIDERATION - 23/01122/FULL 5 CALVERLEY PARK, ROYAL TUNBRIDGE WELLS, KENT.**

PLA241/23 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA241/23 5 Calverley Park, Royal Tunbridge Wells, Kent and this was summarised at the meeting by Kirsty Minney Planning Officer and illustrated by means of a visual presentation.

**Updates and additional representation** – Since publication of the agenda report, the presenting officers updated:

- Revised plans were received to address inconsistencies between the proposed floor plans and elevations. These are amended elevations showing the blocking up of a window and an additional window in the side porch that have already received consent
- 1 letter of objection has been received.

**Registered Speakers** – There were 6 speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

#### **Objectors:**

- Deborah Reese, a local resident provided a statement which was read by Mr Chris Weller.
- Dr Phillip Whitborn, a local resident.
- Mr Paul Avis, spoke on behalf of the Decimus Burton Society.
- Dr David T Wright, on behalf of the Decimus Burton Society.

#### **Supporters:**

- Barry Kitcherside, Chartplan Ltd the agent on behalf of the applicant provided a statement which was read by the Clerk.

**Borough Councillors not on the Committee:**

- Councillor Justine Rutland, Culverden

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

- i. All applications had to be determined on their own merits and what was before Members.
- ii. With regard to the National Planning Policy Framework (NPPF) requirements, Officers felt there was not less than substantial harm therefore paragraph 202 (Public Benefit Test) was not engaged. It was acknowledged speakers held a different view.
- iii. It was clarified that the extension was set back from and was not part of the front elevation.
- iv. Officers stated that they had in no way tried to play down the significance of the building or the area within which it was set and it was set out in the report in significant detail how important the building was.
- v. The applicant's agent had submitted a list of planning history to Members, Officers confirmed the information had not been checked for accuracy in time for Committee.
- vi. Condition 3 covered the means in which the development would come forward if consent was granted and how the trees would be protected.
- vii. The Council's Principal Conservation Officer (PCO) clarified how the Local Planning Authority (LPA), with the use of the NPPF Policies and England Heritage guidance determined that the significance to the asset had not been harmed, albeit the extension was quite large. The Council's Legal Officer stated that the PCO's comments were a professional expert opinion on the heritage asset and any harm that might be identified, it was not a legal point.
- viii. In terms of the gap between the properties, Officers confirmed that if the development went ahead it would close the gap between the existing building and the boundary of the site and the neighbouring property at number 1. It was important to note that the spatial relationship was different between each of the villas in the park however, if Members considered the reduction of that space to be harmful, that factor could take that into account when determining harm.
- ix. It was confirmed that despite both applications before Members being the same property each application needed to be dealt with separately.
- x. The purpose of the site visit was to see the dwelling and proposed extension in its context, the neighbouring properties, the impact on Listed Parks and Gardens and the surrounding parkland area, and the Conservation Area. The impact was different depending on where you viewed the proposal from.
- xi. It was advised that the proposals were for the extension and

there were planning conditions which secured relevant matters for those extensions, should they be granted. There were no conditions for the trees in the wider area however as they were in a Conservation Area they needed consent for any works/removal.

- xii. The Council's PCO clarified the 4 areas of significance for Members as per paragraph 7.101 in the report.
- xiii. It was the professional opinion of the PCO that all four identified areas of significance had not been harmed by the proposal. The assessment of impact on the setting was guided by good practice guidance Note 3 from Historic England, GPA2 good practice and advice guidance note 2 from Historic England and the NPPF policies, therefore Officers considered it was an objective point of view.
- xiv. Officers stated that all buildings went through change and the purpose of conservation was to manage that change in a way that sustains the significance of a heritage asset. The fact that it was proposed that there would be garage doors was a modern addition to an existing building, it was an example of change through time for that particular building and change was not automatically harmful, so the extension had been designed using design principles that were appropriate at the time.
- xv. Officers confirmed that the impact from the scale of the development and its location had been considered in detail as part of the report, but not as a specific percentage.

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

- i. Members felt it was helpful the application was called in and demonstrated why there was a process in place.
- ii. Some Members felt despite the PCOs professional opinion that the test was objective, it felt like a subjective test.
- iii. The Legal Officer clarified that the whole application should be considered in accordance with the Development Plan and material considerations, and weighed up by the planning officer as part of the planning judgement. However, individual planning considerations such as the professional opinion of the PCO was looked at as an objective assessment by a local authority expert.
- iv. Members had the right to give the opinion of the PCO different weight, but it was not possible to argue with his assessment.
- v. It was felt that the proposal could change the whole area.
- vi. Members felt they also had to weigh the other professional opinions from the likes of the Decimus Burton Society and Georgian Society.
- vii. It was felt that the extension was overbearing compared to the existing building and reduced the arcadian appearance of that part of the development
- viii. It was important to focus on all recommendations, not just that of the PCO and the application as a whole.

- ix. As it was a Grade II\* listed building it was harder to ignore a large change to the building.
- x. It was felt that the extension destroyed the symmetry of the existing dwelling.
- xi. There was surprise from some Members at the number of organisations and societies that had objected to the proposal.
- xii. It was noted that there had been changes to other buildings in the area over the years.
- xiii. It was important to note that the building was a Grade II\* listed building and there were a small number of properties with that significance.
- xiv. It was noted that none of the changes to other properties in the area had affected their front elevations.
- xv. Comments from the PCO related to the visibility of the extension and the status of the building were highlighted.
- xvi. According to the Local Development Framework, there were 2,982 listed buildings in Tunbridge Wells, of which only 7% were Grade I or Grade II\* listed, so that meant that Calverley Park represented 15% of the entire grade I Grade II stylistic buildings in the whole of Tunbridge Wells Borough. This meant that the bar was set very high when alterations to these buildings were considered.
- xvii. Members questioned the need for such a large extension.
- xviii. It was felt by some Members that the proposal was overdevelopment and not in keeping with the surroundings.
- xix. Members felt the potential harm to one house had to be seen in the in the context of potential harm for Decimus Burton's original coherent vision of houses built at the same time for a certain area of Tunbridge Wells, not for one house.

**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 Moon to approve the application in line with the officer recommendation. This motion was not seconded and failed.

A motion was proposed by Councillor Neville and seconded by Councillor Osborne to refuse the application against the Officer recommendation.

- Councillor Moon voted against the motion to refuse the application.

**RESOLVED** – That application PLA241/23 be refused subject to the reasons as shown below:

The proposed development would result in less than substantial harm to the significance of the Grade II\* listed building by reason of the position, form, and size of the side extension. The public benefits associated with this proposal would not outweigh this harm. It would therefore be contrary to saved Policy EN1 of the Tunbridge Wells

Borough Local Plan 2006, Policy CP4 of the Tunbridge Wells Borough Core Strategy 2010 and Chapter 16 of the National Planning Policy Framework 2023.

**APPLICATION FOR CONSIDERATION - 23/01123/LBC 5 CALVERLEY PARK, ROYAL TUNBRIDGE WELLS, KENT.**

PLA242/23 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA242/23 5 Calverley Park, Royal Tunbridge Wells, Kent and this was summarised at the meeting by Kirsty Minney Planning Officer and illustrated by means of a visual presentation.

**Updates and additional representation** – Since publication of the agenda report, the presenting officers updated:

- Revised plans were received to address inconsistencies between the proposed floor plans and elevations. These are amended elevations showing the blocking up of a window and an additional window in the side porch that have already received consent

**Registered Speakers** – There were 4 speakers that registered in accordance with the Council’s Constitution (Planning Committee Procedure Rules)

**Objectors:**

- Mr Paul Avis, on behalf of the Decimus Burton Society.
- Dr David T Wright, on behalf of the Decimus Burton Society.
- Mr David Cooper, a local resident.
- Ms Deborah Reese, a local resident provided a statement which was read by Ms Sheila Phillips.

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

- i. It was confirmed that diagrams that showed the rear elevation of the building were used within the Officer presentation.
- ii. Officers stated that they had taken the opinions of the various consultees and the various people that had written to the Local Planning Authority very seriously and the dedicated responses in the report showed it had been given due consideration.
- iii. Members attention was brought to paragraph 7.01 on page 60 of the report, which showed the response from historic England, the main statutory body for historic buildings and they had provided no comment on the application.

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

- i. No matters of significance were discussed.

**Decision/voting** – On the basis that members were satisfied that all relevant planning considerations had been covered within the report, there was no motion from Members to support the Officer recommendation to approve the application. A motion was proposed by Councillor Patterson, seconded by Councillor Neville and a vote was taken to refuse the application against the officer recommendation.

- Councillor Moon voted against the motion to refuse the application.

**RESOLVED** – That application PLA242/23 be refused subject to the reasons as shown below:

- The proposed development would result in less than substantial harm to the significance of the Grade II\* listed building by reason of the position, form, and size of the side extension which would unduly impact on the symmetry of the pair of listed buildings. The public benefits associated with this proposal would not outweigh this harm. It would therefore be contrary to saved Policy EN1 of the Tunbridge Wells Borough Local Plan 2006, Policy CP4 of the Tunbridge Wells Borough Core Strategy 2010 and Chapter 16 of the National Planning Policy Framework 2023.

#### **APPEAL DECISIONS FOR NOTING DATED 26 OCTOBER 2023 TO 27 NOVEMBER 2023**

PLA243/23 **RESOLVED:** That the appeal decisions dated 26 October 2023 to 27 November 2023, be noted.

#### **URGENT BUSINESS**

PLA244/23 There was no urgent business for consideration.

#### **DATE OF NEXT MEETING**

PLA245/23 The next Planning Committee meeting was scheduled for Wednesday 10 January 2024.

NOTE: The meeting concluded at 9.16 pm.