

## A G E N D A

### PLANNING COMMITTEE

Wednesday 17 May 2023 at 6.30 pm  
Council Chamber, Royal Tunbridge Wells, Kent TN1 1RS

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**Members:** Councillors Neville (Vice-Chair, in the Chair), Britcher-Allan, Bland, Fitzsimmons, Johnson, Le Page, Moon, Patterson, Pope and White

**Quorum:** 5 Members

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- 1 Chair's Introduction** (Page 4)  
Announcement on procedural matters.
- 2 Apologies** (Page 5)  
Apologies for absence as reported at the meeting.
- 3 Declarations of Interest** (Page 6)  
To receive any declarations of interest by Members in items on the agenda.
- 4 Declarations of Lobbying (in accordance with the Protocol for Members taking part in the Planning Process, Part 5, Section 5.11, Paragraph 6.6)** (Page 7)  
If a Member has been lobbied in connection with any application on the agenda, this should be declared at the start of the meeting, whether by, or in support of, the applicant or objectors.  
  
Members in doubt about such a declaration are advised to contact the Legal Services Manager/Monitoring Officer before the date of the meeting.
- 5 Site Inspections** (Page 8)  
To note the application sites visited, as recorded at the meeting.
- 6 To approve the minutes of the meeting dated** (Pages 9 - 15)
- 7 Reports of Head of Planning Services (attached)** (Page 16)  
The running order of the applications listed below is subject to change and will be agreed by the Chairman and announced at the meeting.
  - (A) Application for Consideration - 22/01866/FULL St Marks Recreation Ground, Frant Road, Royal Tunbridge Wells, Kent. (Pages 17 - 74)
  - (B) Application for Consideration - 22/03406/FULL Grosvenor Garage, 123 - 125 St James Road, Royal Tunbridge Wells, Kent. (Pages 75 - 104)

- (C) Application for Consideration - 23/00368/FULL 38 All Saints Road, Hawkhurst, Cranbrook, Kent. (Pages 105 - 109)
- (D) Application for consideration - 23/00562/FULL Ashdown House, 11 Hungershall Park, Royal Tunbridge Wells, Kent. (Pages 110 - 125)

**8 Appeal Decisions for Noting 1 April 2023 to 9 May 2023** (Page 126)

**9 Urgent Business** (Page 127)

To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.

**10 Date of Next Meeting** (Page 128)

The next Planning Committee was scheduled for Wednesday 21 June 2023.

**Democratic Services Team**

**Tel:** (01892) 554413


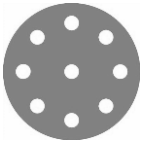

**Email:** [Committee@TunbridgeWells.gov.uk](mailto:Committee@TunbridgeWells.gov.uk)

**Tunbridge Wells Borough Council**

**Town Hall**

**Royal Tunbridge Wells**

**Kent TN1 1RS**

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Members of the public are encouraged to participate and may speak to the Council directly on any item on the agenda for up to 3 minutes. Members of the public (and any members of the Council who are not members of the committee) will need to register with Democratic Services in advance. Please see the agenda item titled **Notification of Persons Registered to Speak** for more details.

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## Chair's Introduction

For Planning Committee on Wednesday 17 May 2023

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### Procedural Item

To receive any announcements on procedural matters.

## Apologies for Absence

For Planning Committee on Wednesday 17 May 2023

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### Procedural Item

To receive any apologies for absence.

## Declarations of Interest

For Planning Committee on Wednesday 17 May 2023

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### Procedural Item

To receive any declarations of interest by members in items on the agenda in accordance with the Members' Code of Conduct. For any advice on declarations of interest, please contact the Monitoring Officer before the meeting.

## Declarations of Lobbying

For Planning Committee on Wednesday 17 May 2023

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### Procedural Item

To receive any declarations of Lobbying in connection with any application on the agenda in accordance with the Protocol for Members taking part in the Planning Process, Constitution Part 5, Section 5.11, Paragraph 6.6. If a Member has been lobbied, this should be declared at the start of the meeting, whether by, or in support of, the applicant or objectors.

Members in doubt about such a declaration are advised to contact Legal Services Officers/Monitoring Officer before the meeting.

## Site Inspections

For Planning Committee on Wednesday 17 May 2023

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### Procedural Item

To note any application site visits.



## 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, 12 April 2023

#### Present:

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

**Officers in Attendance:** Peter Hockney (Development Manager), Carlos Hone (Head of Planning), James Moysey (Principal Planning Officer), Charlotte Oben (Senior Planning Officer), Tracey Wagstaff (Senior Lawyer Mid Kent Legal Services) and Emer Moran (Democratic Services Officer)

**Other Members in Attendance:** Councillor Dr Hall, Knight and Pound

#### CHAIR'S INTRODUCTION

PLA134/22 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

#### APOLOGIES

PLA135/22 Apologies were received from Councillor Pope.

#### DECLARATIONS OF INTEREST

PLA136/22 Councillor Atwood declared that application PLA143/22 Breakstones, Speldhurst Road, Langton Green, Tunbridge Wells, Kent was from a family member and left the meeting when that item was discussed.

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

PLA137/22 Councillors Atwood, Bailey, Bland, Britcher-Allan, Fitzsimmons, Johnson, Le Page, Moon, Patterson, White, Neville and Poile advised that they had been lobbied by objectors on application PLA141/22 Lamberhurst Vineyard, Furnace Lane, Lamberhurst, Tunbridge Wells, Kent.

#### SITE INSPECTIONS

PLA138/22 Members had not undertaken any site visits.

#### TO APPROVE THE MINUTES OF THE MEETING DATED WEDNESDAY 22 MARCH 2023

PLA139/22 It was stated that the minutes had the date of the next meeting as 17 May 2023 and should have read 12 April 2023.

**RESOLVED** – That subject to the above amendment, the minutes of the meeting dated Wednesday 22 March 2023 be recorded as a correct record.

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

PLA140/22

## **APPLICATION FOR CONSIDERATION - 22/03024/FULL LAMBERHURST VINEYARD FURNACE LANE LAMBERHURST TUNBRIDGE WELLS KENT.**

PLA141/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA141/22 Lamberhurst Vineyard, Furnace Lane, Lamberhurst, Tunbridge Wells, Kent and this was summarised at the meeting by Charlotte Oben, Principal Planning Officer and illustrated by means of a visual presentation.

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

- **Bullet point 3** in summary of recommendations to refer to paragraph 176 of NPPF not 172  
**Bullet point after recommendation to read:**

The provision of 7 dwellings for affordable housing at a social rent within the site, with three bungalows built to M4 (3) standards and the remaining units built to M4 (2) standards where possible, and on a local connection cascade basis;

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

### **Objectors:**

- John McNamara, a local resident.
- Sarah Woodcock, a local resident.
- Sam Nicholas, a local resident.
- Tim Cornick, a local resident.

### **Supporters:**

- Laura O'Brien, agent for the application.

### **Parish Council Representative:**

- Councillor Graham White, Chair of Lamberhurst Parish Council.

### **Borough Councillors not on the Committee:**

Councillor Linda Hall, Goudhurst and Lamberhurst spoke in objection to the application.

Councillor David Knight, Goudhurst and Lamberhurst spoke in objection to the application.

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

- i. Following a previous proposal, the development had been reduced to 7 properties and was not considered to be major development in the Area of Outstanding Natural Beauty (AONB).
- ii. The Council's Landscape and Biodiversity officer considered that it was important to note that the effects of the development were very localised and also to note that the AONB Management Plan was supportive of small scale developments and affordable homes therefore, he considered that although there would be an impact

- predominantly from the development of that greenfield site he did not object to the development and to the proposal of this scale.
- iii. The sustainability of the location of the site was discussed.
  - iv. In terms of biodiversity, it was advised that the scheme would achieve the 10% net gain.
  - v. Condition 7 addressed issues related to lighting and prevented lighting unless full details were approved in advance by the Local Planning Authority (LPA).
  - vi. In clarification to comments made by one of the speakers, it was advised that the housing land supply figures were 4.49 years and not 4.89 as stated.
    - i. Paragraph 7.53 of the report detailed that the site was assessed through the call for sites, however, as part of the emerging Local Plan, sites lower than a yield of 10 units were not allocated so it did not form a proposed allocation.
    - ii. The current housing register identified a housing need of 10 households with a local connection to Lamberhurst and a great many more with a with a preference for Lamberhurst. Those that would be eligible for those properties would be those with a strong local connection to Lamberhurst in the first instance, so that the identified need was met.
  - vii. It was advised that it was not possible to stop potential future applications however they would be considered on a case by case basis.
  - viii. Clarification was provided on the difference between the proposed application and the previously approved developments in the area.
  - ix. Officers confirmed that it was an extension to the built development on the northern part of road further westwards, but considered that it was not out of character with the built form of the village.
  - x. Officers provided an explanation to the lack of a five year housing land supply, the made neighbourhood development plan.
  - xi. The Housing Officer considered that the development would free up existing houses for people who want to move up to bigger houses, so there could be people currently in 1 bed houses who were overcrowded and then they can move up which would then free up space.
  - xii. It was confirmed that the application extended the built development on the northern part of the site however officers considered that it would not be out of character with the with the current built form of the village.
  - xiii. The basis of the application was that the properties were to be social rented in perpetuity and that was secured Section 106 agreement. Planning permission would not be granted until a legal agreement to that to that end had been agreed with the LPA, the head of legal services and in consultation with the housing officer.
  - xiv. Discussions were being had with English Rural Housing a registered social landlord however there was no confirmation in terms of an agreement or a contract as the site had not been granted planning permission.
  - xv. Officers acknowledged that there were some negative aspects to the proposal and those were highlighted in the report however it was considered that the positive aspects of the scheme outweighed those. Furthermore it was understood that for Members there was often a balancing exercise to be undertaken when looking at various policies of the Neighbourhood

- Development Plan.
- xvi. Windfall sites were developments that came forward and delivered housing on sites that were not allocated in the local plan and such as the current proposal to be considered by Members.

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

- i. Although Members acknowledged the need for social housing, an objection was raised related to the internal quality of the application that was put together by the developer and it was felt that it was not good enough and it has too many loose ends. Members were reminded that the levelling up Regeneration Bill was going through House Lords, it had not had royal assent, therefore it was not possible to give regard to that.
- ii. The fact that it was a smaller scale development meant that there were fewer formal requirements and KCC's expectations of contributions were removed because it was deemed not viable for this development.
- iii. The need for social housing within the borough and parishes and towns was acknowledged and it was mentioned that 10 households had had a close link to the area of Lamberhurst.
- iv. Concerns related to Highways matters were mentioned.
- v. It was felt by some that social housing should be located elsewhere.
- vi. The effect on the AONB was a concern.
- vii. It was felt that if Councils and residents were asked to spend their time and efforts to come up with a Local Development Plan/local neighbourhood plan then it was important to put great stock into what they came up with.
- viii. The scale and height of the proposal was thought to be too large in the proposed location and with the volume of feeling that was behind it they could not support it.

**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 Fitzsimmons, seconded by Councillor Moon and a vote was taken to approve the application in line with the officer recommendation, this motion was not carried.

A motion was proposed by Councillor Bland, seconded by Councillor Patterson and a vote was taken to refuse the application against the officer recommendation.

**RESOLVED** – That application PLA141/22 be refused due to the reason provided:

1. The proposal by means of its greenfield location, amount and scale of development would be out of character with pattern and grain of development for the area. The change would be detrimental to the character of the landscape and the scenic beauty of the High Weald Area of Outstanding Natural Beauty, the harm of which would not be outweighed by the delivery of housing. Consequently, the development would be contrary to National Planning Policy Framework paragraphs 174 and 176, Tunbridge Wells Borough Local Plan policies EN1 and EN25, Tunbridge Wells Core Strategy Policies 4 and 14 and Lamberhurst Neighbourhood Development Plan policies H1, L2 and L3.

**APPLICATION FOR CONSIDERATION - 22/03262/FULL FORMER JOHN LEWIS AT HOME KINGSTANDING BUSINESS PARK KINGSTANDING WAY ROYAL TUNBRIDGE WELLS KENT.**

PLA142/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA142/22 Former John Lewis At Home, Kingstanding Business Park, Kingstanding Way, Royal Tunbridge Wells, Kent and this was summarised at the meeting by James Moysey Principal Planning Officer and illustrated by means of a visual presentation.

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

- Further correspondence had been received from Kent County Council (KCC) which advised that that a figure of £3,500 pounds was secured in regard to a TRO within a Section 106 agreement to address the previous concerns raised by KCC in regard to access to the site from the larger car transporters, and this had been agreed with the applicant.

**Registered Speakers** – There was 1 speaker that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

**Supporter:**

- John Hendy, Director at the Hendy Group.

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

- It was envisaged that the applicant's drop off facility would be in the service area to the rear of the site, closer to the Booker Wholesaler entrance. Conditions 19, 20 and 21 addressed various issues related to travel and parking on the site.
- The two outstanding highways issues were confirmed as; parking and the distribution of parking and how that was split between customer, staff and forecourt space; and the other, whether a contribution was required towards sustainable transport options. Further information received related to parking was being reviewed by Kent County Council (KCC) Highways.
- An explanation as to why the application was put before Members to grant delegated powers was provided.
- The existing car parking surfaces was not proposed to be amended, and KCC Flood and Water Management had been consulted on the application and raised no objections subject to a couple of conditions that were addressed.
- There were EV charging points shown on the proposed site plan and condition 14 required those to be implemented prior to the first use of the development and retained thereafter.

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

- Concerns related to flooding and drainage were raised and it was confirmed that site did not fall within an area of high flood risk or Flood Zone 2 or 3 or a strategic flood risk area. Paragraph 10.7 of the report and condition 18 addressed that issue and both were read for the benefit of the meeting.

**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 Bailey seconded by Councillor Britcher-Allan and a vote was taken to grant delegated powers to officers to approve the application in line with the officer recommendation.

**RESOLVED – That DELEGATED POWERS TO GRANT PLANNING PERMISSION** be granted to application PLA142/22 subject to the resolution of the outstanding highway matters to the satisfaction of the Head of Planning Services and subject to the plans, conditions and informatives as set out in the agenda report.

## **APPLICATION FOR CONSIDERATION - 23/00503/TPO BREAKSTONES SPELDHURST ROAD LANGTON GREEN TUNBRIDGE WELLS KENT.**

PLA143/22 **Planning Report and Presentation** – The Head of Planning Services submitted a report in respect of application PLA143/22 Breakstones Speldhurst Road Langton Green Tunbridge Wells Kent and this was summarised at the meeting by James Moysey, Principal Planning Officer and illustrated by means of a visual presentation.

**Updates and additional representation** – None.

**Registered Speakers** – There were no speakers that registered in accordance with the Council's Constitution (Planning Committee Procedure Rules)

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

- The exact age of the tree was unknown however, it was advised that in 1984 it was deemed sufficiently mature to warrant a tree preservation order and 20 years had since passed.

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

- 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, a motion was proposed by Councillor Moon, seconded by Councillor Britcher-Allan and a vote was taken to approve the application in line with the officer recommendation.

**RESOLVED** – That application PLA143/22 be granted subject to the plans, conditions and informatives as set out in the agenda report.

## **APPEAL DECISIONS FOR NOTING 14 MARCH 2023 TO 31 MARCH 2023**

PLA144/22 **RESOLVED** – That the list of appeal decisions provided for information, be noted.

## **URGENT BUSINESS**

PLA145/22 There was no urgent business for consideration.

## **DATE OF NEXT MEETING**

PLA146/22 The next Planning Committee meeting was scheduled for Wednesday 17

May 2023.

NOTE: The meeting concluded at 9.27 pm.

## Reports of Head of Planning Services

For Planning Committee on Wednesday 17 May 2023

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### Procedural Item

The running order of the applications listed below is subject to change and will be agreed by the Chairman and announced at the meeting.



## REPORT SUMMARY

<p><b>REFERENCE NO - 22/01866/FULL</b></p>
<p><b>APPLICATION PROPOSAL</b></p> <p>Construction of a 3G Artificial Grass Pitch; erection of a storage building; construction of a cricket pavilion; provision of 76 additional car parking spaces; change of use of agricultural land to a cricket pitch and outfield under recreational use (Use Class F.2(c); and retrospective erection of a decking area and pergola.</p>
<p><b>ADDRESS</b> St Marks Recreation Ground Frant Road Royal Tunbridge Wells Kent TN2 5LS</p>
<p><b>RECOMMENDATION</b> GRANT planning permission subject to conditions (see section 11.0 of report for full recommendation).</p>
<p><b>SUMMARY OF REASONS FOR RECOMMENDATION</b></p> <ul style="list-style-type: none"> <li>- There is no objection to the principle of the proposed development.</li> <li>- The development would provide significant improvements to the sporting facilities at the grounds.</li> <li>- The development would bring about significant community benefits.</li> <li>- The proposal would not have a detrimental impact upon highway safety and would seek to alleviate an existing parking issue during peak times.</li> <li>- The proposal would have a limited landscape impact that would be outweighed by the benefits of the proposal.</li> <li>- The proposal would not have an unacceptable impact upon residential amenity.</li> <li>- The proposal would not have an unacceptable tree or ecology impact.</li> <li>- The development would not have a detrimental impact upon nearby heritage assets.</li> <li>- The proposal would not have a detrimental impact upon drainage and floor risk in the area.</li> <li>- There are no other material considerations which would warrant refusal of planning permission.</li> </ul>
<p><b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b></p> <p>The following are considered to be material to the application:</p> <p><b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):</b> N/A</p> <p><b>Net increase in numbers of jobs:</b> N/A</p> <p><b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> N/A</p> <p>The following are not considered to be material to the application:</p> <p><b>Estimated annual council tax benefit for Borough:</b> N/A</p> <p><b>Estimated annual council tax benefit total:</b> N/A</p> <p><b>Estimated annual business rates benefits for Borough:</b> N/A</p>
<p><b>REASON FOR REFERRAL TO COMMITTEE</b></p> <p>Called in by Councillor Hickey for the following reasons:</p> <p><b>Material planning considerations:</b> Referred for further consideration due to the impact of the development upon the residential amenity of surrounding properties and highway safety implications.</p> <p><b>Reason that warrants discussion at Committee:</b> Important that the determination of the application be undertaken by Committee given the particular nature of the site and proposed</p>

development. AND Tunbridge Wells Borough Council own part of the application site.			
<b>WARD</b> Pantiles & St Marks	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Paul Bains <b>AGENT</b> Mr Paul Carnell	
<b>DECISION DUE DATE</b> 18/10/22	<b>PUBLICITY EXPIRY DATE</b> 02/03/23	<b>OFFICER SITE VISIT DATE</b> 05/08/22	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No.</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
22/02272/ADJ	Adjoining Authority Consultation: Construction of a 3g artificial grass pitch; erection of a storage building; construction of a cricket pavilion; provision of 76 additional car parking spaces; change of use of agricultural land to a cricket pitch and outfield under recreational use (use class f.2(c); and retrospective erection of a decking area and pergola.	Pending Consideration	-
21/03282/FULL	Construction of a 3G Artificial Grass Pitch; erection of a storage building; construction of a cricket pavilion; provision of 76 additional car parking spaces; change of use of agricultural land to a cricket pitch and outfield under recreational use (Use Class F.2(c); and retrospective erection of a decking area and pergola.	Withdrawn	27/05/22
21/03960/ADJ	Adjoining Authority Consultation: Proposed construction of a 3G artificial grass pitch (agp) (use class F.2(c)), provision of 76 no. additional parking spaces, erection of a storage building and cricket pavilion, change of use of agricultural land to recreational use (use class F.2(c)), and retrospective consent for erection of a decking area and pergola (WD/2021/2544/MAJ)	Withdrawn	27/05/22
09/00720/FUL	New two storey extension and refurbishment of existing clubhouse	Approved	15/05/09
07/03501/ADJ	Article 10 Consultation - Retention of container for storage purposes	No Objection	12/10/07
03/00468/ADJ	Proposed installation of one antennae, four dish antennae plus a new equipment cabinet at the base of the existing 30 metre mast.	No Objection	12/03/03
02/01357/ADJ	Article 10 Consultation - Secure container for storing machinery for the maintenance	No Objection	04/07/02

	of the playing fields, size 2m wide x 5m long (approx) - (retrospective - application)		
02/00727/FUL	Upgrading of existing training lights and relocation	Approved	05/11/02
97/01402/FUL	Additional 40 No car parking spaces	Approved	06/11/97
84/01497/FUL	Retrospective - Change of use of land from agricultural to sports field	Approved	04/03/85
80/00068/FUL	Club house & changing facilities for multi-purpose sports hall	Approved	30/04/80
77/00749	Section 53 Determination - Clubhouse.	Planning Permission Not Required	03/10/77
75/00015	Extension to pavilion to provide committee room, ladies cloakroom, entrance hall and storage area.	Approved	01/04/75
<b>RELEVANT PLANNING HISTORY of adjoining/surrounding sites.</b>			
<i>Forest Road (to the north of the application site)</i>			
21/00134/FULL (239 Forest Road)	Variation of Condition 2 (Approved Plans) of Planning Permission 17/02173/FULL - Approved crown roof is to be sunken down by 1.5m forming a mono-pitch to screen the new roof terrace; addition of two spiral staircases to the second floor; additional privacy screens to be installed to Flat 8's roof terrace; additional roof-lights proposed	Approved	26/05/21
20/03209/FULL (239 Forest Road)	Variation of Condition 2 (Approved Plans) of 17/02173/FULL - Alterations to the appearance of the building and layout of the entrance and basement.	Approved	26/05/21
20/00162/FULL (Laurel House, 241 Forest Road)	Demolition of existing property and erection of 9no. residential apartments within one building, including associated access, parking, refuse and private amenity space.	Refused	27/03/20
19/01357/DEMREQ (Laurel House, 241 Forest Road)	Prior Notification for Demolition of Buildings - Existing property and garage	Prior Approval Granted	26/06/19
19/01067/DEMREQ (Laurel House, 241 Forest Road)	Demolition prior notification: demolition of existing property & garage	Refused	15/05/19
19/00644/FULL (241 Forest Road)	Demolition of existing dwelling and the erection of 9 residential units within a single apartment block along with associated amenity space, landscaping, vehicle parking and other associated development.	Refused	09/07/19

17/02173/FULL (239 Forest Road)	Residential redevelopment consisting of demolition of existing dwelling and construction of 9 apartments with associated underground parking, access improvements, private amenity space and landscaping.	Approved	04/05/18
16/06387/FULL (239 Forest Road)	Residential development consisting of 6 No. apartments and 3 No. detached houses with associated access and parking	Refused	28/04/17
04/02059/FUL (213-229 Forest Road)	(Land at) construction of eight dwellings and access	Approved	12/11/04
<i>Frant Road (To the west of the application site)</i>			
21/01773/NMAMD (Barnetts, 68 Frant Road)	Non Material Amendment in Relation to 17/01608/FULL - Addition of one roof light to the front elevation of plot 25; Replacement of one first floor window to an inset balcony on the front elevation of plot 25; Changes to the spacing of three approved Rooflights on the rear elevation of plot 25; Addition of a pier to the ground floor on the front elevation of plot 25	Approved	03/12/21
17/01608/FULL (Barnetts, 68 Frant Road)	Redevelopment of a former care home site to provide residential scheme of 26 dwellings comprising three-storey apartment block containing twelve apartments, three two-storey terraced blocks providing twelve houses, one flat over carport spaces and one two-storey detached lodge	Approved	26/06/19
<i>St Marks Transmitting Station (to the west of the application site)</i>			
17/02431/ADJ	Consultation with Adjoining Authority - Proposed telecommunications installation upgrade and associated works	No Objection	10/05/19
17/01716/TNOT56	Telecommunications Notification - Upgrade telecommunication equipment (including cabling & generator unit)	Prior Approval Granted	13/07/17
17/01041/TNOT56	Telecommunication Notification - Installation of back-up power generator	Prior Approval Granted	19/05/17
81/00727/FUL	An unattended TV relay station with 25m aerial and equipment cubicle	Approved	08/01/82
<i>Copperfields (to the north east of the site)</i>			
18/02063/FULL (7 Copperfields)	Proposed conversion of garage to utility and play room; extension to provide link between kitchen and conservatory; replacement of two garage doors with new	Approved	29/08/18

	windows and door with the addition of new windows to the rear of the garage		
16/504424/FULL (6 Copperfields)	Loft conversion with new front and rear dormers, hip to gable extension and single storey side extension	Approved	13/07/16
<i>Dukes Drive (to the north east of the site)</i>			
21/00368/FULL (16 Dukes Drive)	Single storey extension with mono-pitched roof and four skylights.	Approved	26/03/21
19/00808/FULL	Variation/removal of Condition 1 of 14/503098/REM: amend Condition 1 to list all of the previously approved plans, rather than only the revised plans approved under 14/503098/REM. Amendments to landscaping.	Approved	20/06/19
17/03065/FULL (17 Dukes Drive)	Erection of a shed.	Refused (Appeal Allowed)	21/11/17 (09/05/18)
16/502658/MOD106	Application for the modification of planning obligation to application TW/13/00070 to modify the S106 Agreement.	Withdrawn	16/06/16
15/508989/NMAMD (1-45 Dukes Drive)	Non Material Amendment for the insertion of 1 extra parking space between plot 39 and 40 for the use of plot 40 of planning permission 13/03301/REM	Approved	01/12/15
15/506305/NMAMD (1-45 Dukes Drive)	Non Material Amendment - Change of colour used on plots 17 and 19; Extend the use of tile hanging and timber boarding across width of the first floor and introduction of this detailing to plots 16 and 21. Original application reference: 13/03301/REM.	Approved	14/08/15
14/503098/REM	Minor Material amendment to reserved matters approval (13/03301/REM) for layout, scale, appearance and landscaping pursuant to outline planning permission TW/13/00070/OUTMJ for the construction of 45 dwellings and associated works on land to the South West of Bayham Road at OS plot 6447 Adjacent Dormers 12 Bayham Road Tunbridge Wells Kent: Minor changes to elevations.	Approved	19/12/14
14/503101/FULL	Substitution of Plot 17 as approved under reference 13/03301/REM.	Approved	10/11/14
13/03301/REM	Reserved Matters Approval for Layout, Scale, Appearance and Landscaping pursuant to Outline Planning Permission TW/13/00070/OUTMJ for the construction	Approved	26/02/14

	of 45 dwellings and associated works on Land to the South West of Bayham Road		
13/00070/OUT	Outline (Access not reserved) - Erection of up to 45 dwellings including associated access and parking, utilities and service infrastructure, amenity space, open space and landscaping	Approved	15/04/13
12/01781/OUTMJ	Outline (Access not reserved) - Erection of up to 45 dwellings including associated access and parking, utilities and service infrastructure, amenity space, open space and landscaping	Refused	18/09/12
11/01513/OUTMJ	Outline (all matters reserved) - Erection of 45 dwellings including associated access and parking, utilities and service, infrastructure, amenity space, open space and landscaping	Refused	22/11/11
<i>Wealden District Council</i>			
WD/2022/8011/AA	Construction of a 3g artificial grass pitch; erection of a storage building; construction of a cricket pavilion; provision of 76 additional car parking spaces; change of use of agricultural land to a cricket pitch and outfield under recreational use (use class f.2(c); and retrospective erection of a decking area and pergola.	Pending Consideration	-
WD/2021/2544/MAJ	Proposed construction of a 3g artificial grass pitch (agp) (use Class f.2(c)), provision of 76 no. Additional parking spaces, erection of a storage building and cricket pavilion, change of use of agricultural land to recreational use (use class f.2(c)) and retrospective erection of a decking area and pergola.	Withdrawn	25/05/22

*\* The above history only includes the most recent applications for adjoining sites and those which are considered most relevant to this application.*

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 The application site relates to St Marks Recreation Ground and an agricultural parcel of land located to the west of Frant Road in the Pantiles & St Marks Ward of the Borough. The site is approximately 10.3ha in size and formed of playing fields (comprising a clubhouse, sports pitches, parking areas and storage buildings/structures) and an agricultural parcel of land located to the south of the playing fields. The recreation ground is home to Tunbridge Wells Rugby Club (TWRFC) and Tunbridge Wells Borderers Cricket Club (TWBCC). The site is situated to the south of Tunbridge Wells where the borough boundary runs across the

application site (in an east to west direction) and recreation ground. The most northern third/part of the application site falls within the borough of Tunbridge Wells, whilst the remaining and more southern parts of the application site fall within the Wealden District.

- 1.02 The site has two vehicular access points from Frant Road, one of which is located in the northwest corner of the site which leads to a tarmacked parking area and the main clubhouse, and the other (located further to the south along the sites west boundary) which leads to the main, gravel surfaced, parking area at the site. The existing parking area is located directly to the west and south-west of the existing clubhouse. The parking area presently provides 55 parking spaces. A transmission aerial (which falls outside of the application site) is located immediately to the south of the existing parking area.
- 1.03 The clubhouse is located towards the north-west of the site and adjacent to the site's northern boundary. It is a two storey, brick built, structure which fronts towards the south-east and comprises changing and WC facilities, physiotherapy room, gym, cafe and storage space at ground floor level and a bar, kitchen, club room and WC facilities at first floor level. An unlawful raised decking area and pergola (subject to this application) are set directly to the south of the clubhouse and accessible from the ground floor level.
- 1.04 The recreation ground consists of: both rugby and cricket pitches. The following playing pitches are presently provided at the site:
  - 3no. full sized rugby pitches;
  - 1no. youth sized rugby pitches;
  - 1no. rugby training pitch; and
  - 2no. cricket pitches and outfields.
- 1.05 The playing fields are arranged with one full sized and one youth rugby pitch located within the northern part of the site together with the training pitch. Four floodlights are located around the training pitch. A further two full-sized and youth rugby pitches are located in the southern part of the site. The club are also understood to play some youth games on full sized pitches (depending on the age groups) and training generally takes place on a half of a full sized pitch for younger age groups (eg under 8s on one side, under 9s on the other). One cricket square and outfield is situated within the northern part of the site, and another to the south. The rugby pitches all generally form part of the cricket outfields.
- 1.06 The rugby pitches are used by TWRFC during the rugby season, which generally spans the Autumn and Winter months. The cricket pitches and outfields are used by TWBCC during the cricket season over the Spring and Summer months. The playing fields are understood to be used by the senior teams on Saturdays during the rugby season for matches and by the junior and ladies' sections on Sundays. Rugby training is understood to occur three times weekly between 7pm to 10pm. The existing floodlights that serve the rugby training pitch are regularly used during these hours. The clubhouse is open for rugby training and at the weekends. The two cricket squares and outfields are used by TWBCC during the cricket season generally for matches at weekends and training during the week. The clubhouse is also used by TWBCC.
- 1.07 Two storage containers are located along the eastern boundary of the site, adjacent to the training pitch. These are understood to be used for the storage of rugby and cricket equipment and paraphernalia.

- 1.08 The parcel of agricultural land, located to the south of the playing fields, is accessible via a field gate located along the northern boundary shared with the playing fields. This parcel of land is currently devoid of built form. At the time of visiting the site the land did not appear to be actively farmed.
- 1.09 The application site being a recreation ground and agricultural land is predominantly grass surfaced, other than the areas of hardstanding forming the parking areas and immediate areas around the clubhouse. The land level generally slopes notably downwards towards the south. However, the site is effectively based over two levels with there being a notable drop between the land level of the northern section of the playing fields (hosting one of the cricket pitches and primary adult rugby pitch) and the south of the site (hosting the second cricket pitch and additional rugby pitches. The boundaries of the site are predominantly marked by established trees, hedging and planting.
- 1.10 The site is considered to be within a semi-rural setting. The application site is surrounded and abutted by built form to the north (Forest Road), north-west (Frant Road) and north-east (Copperfields and Dukes Drive), in the form of housing and housing developments and predominantly undeveloped agricultural land to the immediate south, east and west of the site (barring a small number of properties and commercial units within the immediate vicinity).
- 1.11 For clarity the following elements, previously discussed above, fall within the Tunbridge Wells Borough: The clubhouse, the vehicle access points from Frant Road, the existing parking areas, the upper cricket square and part of the outfield, part of the primary adult (1<sup>st</sup> XV) rugby pitch, part of the training pitch and a youth pitch. The remaining elements are within the south of the grounds and within the Wealden area of the application site, which is largely devoid of any built form, but generally set on a lower land level.
- 1.12 The site is located outside of the limits to built development (LBD) where the LBD boundary runs along the north boundary of the site. The site falls within an Area of Archaeological Potential, adjacent to the Tunbridge Wells Conservation Area (located to the north-west) and in close proximity to a Grade II listed building (part of 247 Forest Road, situated approximately 45m to the north-west). The part of the site that lies within the Wealden District administrative area is within the High Weald Area of Outstanding Natural Beauty (AONB).

## **2.0 PROPOSAL**

- 2.01 The application seeks permission for the construction of a 3G artificial grass pitch, the erection of a storage building, the provision of 76 additional car parking spaces, the construction of a cricket pavilion, the change of use of agricultural land and creation of a cricket pitch and outfield and retrospective permission for erection of a decking area and pergola adjacent to the main clubhouse.

### *3G Artificial Grass/All-Weather Pitch*

- 2.02 The 3G pitch is proposed to be located in the northern part of the site, to the south east of the clubhouse and to the immediate east of the existing 1<sup>st</sup> XV pitch (which is to be retained as existing). It is proposed to be rectangular in shape and comprise a standard full sized rugby pitch. An outer perimeter is proposed, which is shown to comprise the same artificial material along with the opportunity of advertisement and sponsorship hoarding to be set around the outside of the artificial pitch.



- 2.03 The proposed addition of the 3G pitch to the grounds in this location, would result in the loss of the upper cricket square/pitch and outfield. The proposed development does however include the creation of an additional cricket pitch and outfield to offset this, which is discussed in greater detail later on in this section of the report.
- 2.04 The pitch is proposed to be served by eight external floodlights, with four on each side of the pitch. The floodlights are proposed to measure 15m in height and would replace the four existing floodlights which serve the current rugby training pitch. The 3G pitch is proposed to be bounded by 3m tall mesh fencing and includes team shelters within the fencing to the east of the 3G pitch.
- 2.05 It is indicated that the proposed all-weather pitch would be used for rugby matches (all age groups) and training during the season (particularly during adverse and wet weather conditions), for preseason training during the summer months, for cricket training and by other sports/community groups including primary and secondary schools who will have the opportunity to use the facility during the week throughout the year.

#### *Storage Building*

- 2.06 A single, flat roofed, storey storage building is proposed towards the north boundary of the site, to the north of the proposed 3G pitch and to the east of the main clubhouse.
- 2.07 The storage building is proposed to be rectangular in shape and sub-divided into two sections. The western section is proposed to comprise a kit and equipment storage space/area, which is accessible from both the west and south facing elevation. The eastern part is proposed to comprise a maintenance/machinery store, which is accessible from the south facing elevation. The building is also proposed to have a viewing/seating area on the roof, which is accessible via an external staircase.
- 2.08 The storage building is proposed to replace two existing storage containers located within the eastern part of the site. A porous resin gravel system/area is proposed to infill the space to the front of the clubhouse, to the north of the 1<sup>st</sup> XV pitch and the proposed storage building. An informal tractor/ambulance route is shown to run to the south of the proposed storage building towards the pitches located in the east of the site and recreation grounds.

#### *Additional Car Parking*

- 2.09 The proposal seeks to provide an additional 76 car parking spaces at the site. The proposal is to extend the existing main parking area, located adjacent to the site's west boundary and towards the north west corner of the grounds, continuing/extending the parking area further to the south, whilst still running along the site's west boundary. A vehicle turning point is proposed to be provided within the southern part of the proposed extended car park, in close proximity to the rear elevation of the proposed cricket pavilion. The parking area is proposed to be surfaced with a porous reinforced meshing surface (grass grid).
- 2.10 The proposal does not seek to alter the existing access arrangements to the site.

#### *Cricket Pavilion*

- 2.11 A cricket pavilion is proposed to be erected in the south of the site, towards the south west corner of the existing recreation grounds. The pavilion is proposed to be a single storey structure with a pitched roof former, which fronts towards the north east and an existing southern cricket pitch and outfield (to be retained). It is proposed to

be a timber structure. The cricket club would also retain the use of the main clubhouse at the site.

- 2.12 Internally the pavilion is proposed to split into two sections. The southern half of the building is to comprise a club room (including a bar), plant room, accessible Wc and shower kitchen & servery, toilet, cleaners/storage cupboard and officials changing space. The northern part is proposed to comprise two changing rooms both of which have a toilet and en-suite shower room (comprising 4 cubicles in each).

*New Cricket Pitch and Outfield*

- 2.13 The proposed development includes the creation of a new cricket pitch within the agricultural land to the immediate south of the existing recreation grounds. This is to offset the loss of the cricket pitch in the north of the site, to accommodate the proposed 3G pitch and to maintain the existing cricket provision on the site. Cut and Fill earthworks are necessary to accommodate the appropriate gradients and to improve soil conditions.

- 2.14 To the north west of the proposed cricket pitch and outfield a single storey, timber framed and largely open, field shelter is proposed, which includes a small enclosed equipment store.

*Decking and Pergola*

- 2.15 Retrospective permission is sought for the erection of decking and a pergola. The decking is accessible from and located to the immediate south east of the main clubhouse. The decking extends the width of the clubhouse and includes a small pergola structure. The boundary of the decking is marked with fencing around 1m in height.

*Wealden District Council*

- 2.16 It is noted that the application has also been submitted to Wealden District Council; due to the borough boundaries and that the application site falls within both boroughs.
- 2.17 The proposed elements of the scheme which fall within the TWBC Borough are the retrospective decking and pergola adjacent to the main club house, the proposed storage building and the more northern parts of the proposed 3G/all-weather pitch.
- 2.18 The remaining elements proposed including the southern parts of the proposed 3G/all-weather pitch, the proposed cricket pitch, outfield and pavilion and the additional car parking fall within Wealden.

**3.0 SUMMARY INFORMATION**

*3G Artificial Grass Pitch*

	<b>Proposed</b>
Max width	78.5m
Max depth	139.6m

*Storage Building*

	<b>Proposed</b>
Max height	4.2m
Max width	16.2m
Max depth	9.7m

### *Car Parking*

	Existing	Proposed	Change (+/-)
Car parking spaces (inc. disabled)	55	131	+76

### *Cricket Pavilion*

	Proposed
Max height	4.9m
Max width	17.6m
Max depth	7.6m

### *New Cricket Pitch and Outfield*

	Existing	Proposed
Site Area	Circa 1.8ha	Circa 1.8ha
Land use	Agricultural	Cricket pitch and outfield

### *Field Shelter*

	Proposed
Max height	3.5m
Max width	8.2m
Max depth	3.8m

### *Decking and Pergola (Retrospective)*

	Proposed
Max height	3.5m (Pergola)
Max width	28.0m
Max depth	5.3m

*\*The above measurements are approximate and have been calculated from measuring the submitted plans via the Council's online measuring tool.*

## 4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification Grade 3
- Area of Special Advert Control
- Ashdown Forest 15 Km Habitat Regulation Assessment Zone
- Ashdown Forest Within 9-10km Zone Of Influence For Ashdown Forest SAC/SPA
- Grade II listed building (part of 247 Forest Road) – to the north west of the site.
- High Weald Area of Outstanding Natural Beauty (AONB) – southern part of the site within the Wealden District only.
- Important Landscape Approach (Frant Road) – to the immediate west of the site.
- Outside the limits to built development (LBD)
- Medium Gas Pipeline 25m Buffer – parts of the site adjacent to the site's west boundary.
- Potential Contaminated Land 50m Buffer – north west part of the site.
- Tunbridge Wells Conservation Area – to the immediate north west of the site.
- Recreation Open Space

## 5.0 POLICY AND OTHER CONSIDERATIONS

**National Planning Policy Framework (NPPF) 2021**  
**National Planning Practice Guidance (NPPG)**

**Tunbridge Wells Borough Core Strategy 2010**

Core Policy 1: Delivery of development  
Core Policy 3: Transport infrastructure  
Core Policy 4: Environment  
Core Policy 5: Sustainable design and construction  
Core Policy 8: Retail, Leisure and Community Facilities Provision  
Core Policy 9: Development in Royal Tunbridge Wells

## **Tunbridge Wells Borough Local Plan 2006**

Policy LBD1: Development outside the Limits to Built Development  
Policy EN1: Development control criteria  
Policy EN5: Development within, or affecting the character of, a Conservation Area  
Policy EN8: Outdoor Lighting  
Policy EN10: Archaeological Sites  
Policy EN13: Tree and Woodland Protection  
Policy EN18: Flood Risk  
Policy EN23: Important Landscape Approaches  
Policy EN25: Development control criteria for all development proposals affecting the rural landscape  
Policy TP4: Access to the road network  
Policy TP5: Vehicle parking standards  
Policy TP9: Cycle Parking

## **Supplementary Planning Documents (SPD):**

Tunbridge Wells Borough Landscape Character Assessment  
Royal Tunbridge Wells and Rusthall Conservation Area Appraisal  
Recreation Open Space SPD  
Renewable Energy SPD  
Noise & Vibration SPD  
Playing Pitch Strategy 2017-2033  
Kent Design Guide  
AONB Management Plan

## **Tunbridge Wells Borough Submission Local Plan 2020-2038**

Policy STR1: The Development Strategy  
Policy STR2: Place Shaping and Design  
Policy STR5: Infrastructure and Connectivity  
Policy STR6: Transport and Parking  
Policy STR7: Climate Change  
Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment  
Policy STR/RTW1: The Strategy for Royal Tunbridge Wells  
Policy EN1: Sustainable Design  
Policy EN2: Sustainable Design Standards  
Policy EN3: Climate Change Mitigation and Adaptation  
Policy EN4: Historic Environment  
Policy EN8: Outdoor Lighting and Dark Skies  
Policy EN9: Biodiversity Net Gain  
Policy EN12: Trees, Woodland, Hedges, and Development  
Policy EN14: Green, Grey, and Blue Infrastructure  
Policy EN18: Rural Landscape  
Policy EN20: Agricultural Land  
Policy EN21: Air Quality  
Policy EN23: Biomass Technology  
Policy EN24: Water Supply, Quality, and Conservation  
Policy EN25: Flood Risk  
Policy EN26: Sustainable Drainage

Policy EN27: Noise  
Policy EN28: Land Contamination  
Policy TP1: Transport Assessments, Travel Plans, and Mitigation  
Policy TP3: Parking Standards

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 Twelve site notices were displayed around the site on 05/08/22 and 27/02/23 notifying surrounding neighbours and local residents of the application and subsequent amendments. The application was also advertised in the local press on the 05/08/22.
- 6.02 62 letters of objection have been received on the application raising the following, summarised, concerns:
- Significant intensification and use of the grounds.
  - Dramatic increase in vehicle movements to and from the site.
  - Increased noise levels.
  - Harmful highway safety impact.
  - Parking is already a major issue in the area and surrounding roads are already beyond capacity (particularly during peak times).
  - Insufficient parking proposed to support increased activity.
  - The proposal fails to meet parking standards and guidance.
  - Additional parking pressure and congestion within surrounding roads.
  - Increased and excessive light pollution.
  - Harmful and detrimental impact upon AONB.
  - Missing documents and plans fail to show relationship with neighbouring properties.
  - No consideration for coach parking.
  - Harmful impact upon wildlife.
  - Harmful impact upon and loss of dark skies.
  - Contrary to the AONB Management Plan
  - Visually intrusive.
  - Inadequate access arrangements.
  - Increased air pollution.
  - Insufficient turning facilities.
  - Detrimental impact upon residential amenity.
  - Increased flood risk in the locality.
  - Carcinogenic properties/rubber from the 3G pitch pollute water sources and are environmentally unfriendly.
  - Supporters of the application do not reside near to the site.
  - Conditions to restrict usage should be applied.
  - Existing boundary trees and hedging should be protected.
  - Loss of agricultural land.
  - Concerns in regard to emergency vehicle access.
  - Light pollution details fail to adequately assess impact upon nearby properties.
  - Proposed flood lights are of an excessive height.
  - Parking restrictions are required within the surrounding roads.
  - Contrary to local and national policy.
  - Contrary to TWBC Submission Local Plan policies.
  - Store building should be screened from Forest Road residents.
- 6.03 60 letters of support have also been received upon the application.
- Facilities at the ground and club are in need of improvement and modernising.

- TWRFC are faced with periods of time where the pitches are not usable due to waterlogging (clay based ground).
- Planning process has seen a full engagement by the club though public exhibition with neighbours and all statutory consultees, including Sport England, as a result of which the club has made various changes to the application in order to address issues and concerns raised.
- Increased on-site parking provision would assist to alleviating pressure on local streets and reduce inconvenience to local residents.
- Modernising facilities would allow season round use of St Marks especially when pitches are waterlogged.
- The provision of a modern 3G facility, use of which can be shared with community groups and schools benefitting the wider local population.
- Continue to provide opportunities to the clubs growing membership to play rugby.
- Continued provision for and improved facilities for cricket on the site with a 'cricket hub' being created to the south of the site.
- The proposals include substantially more parking than the club currently benefits from.
- Peak time use will not be any more intensive than currently, thus parking pressures will be dissipated by the proposed development.
- There will be more than double the required parking for occasions when the new artificial pitch is in use in isolation.

6.04 Additional a letter of support has been received from the MP for Tunbridge Wells, Greg Clark. The letter comments that the club facilities need to be improved to accommodate growth and to ensure that the club can continue to provide sport in a safe and well-maintained environment which does not impact on neighbouring residents. The letter also highlights the ground conditions which currently mean that the club experiences time periods of where the pitches are waterlogged and not playable. The letter summarises that the application will significantly improve the facilities and provision not just for rugby but also for cricket and that they fully support this application.

## **7.0 CONSULTATIONS** **Environment Agency**

7.01 **(27/07/22)** Have assessed this application as having a low environmental risk. Therefore, have no comments to make.

## **Sport England**

7.02 **(09/03/23)** Thank you for reconsulting Sport England on this planning application.

7.03 This response is made to the additional information submitted by the applicant to address our maintained objection dated 11/1/2023, on 7th February 2023 and supplemented by further amended drawings for the proposed cricket pavilion (floorplan and elevations) and extended parking plan on 3rd March.

7.04 For the avoidance of doubt, Sport England can confirm that Sport England is able to withdraw its objection to the application.

7.05 The withdrawal of our objection is also subject to conditions being attached to any planning permission granted.

7.06 Sport England is able to agree to some flexibility in terms of the phasing of the development as requested by the applicant, due to our recognition that although essential to making the proposal acceptable overall, that the new cricket pavilion and

'Moxon' shelter represent additional facilities beyond those that are currently and will remain available on the site.

- 7.07 **(14/11/22)** Further to our visit to the application site on 12th October please find Sport England's further observations.
- 7.08 The site visit was very useful in terms of being able to understand current pitch arrangements and the relationship between facilities. It was unfortunate however that we were unable to look inside the existing clubhouse specifically to view the changing rooms and other ancillary facilities available during cricket matches.
- 7.09 Current situation - The current set up of the site is as follows: The cricket club currently has two senior men's teams that play at home alternate weekends during the season. It is understood that the club uses the site on a 'pay and play' basis. As it hasn't been using both pitches on a regular basis, the second (Sussex) pitch has also been let out to other local teams on occasions. The first cricket (Kent) pitch is sited immediately adjacent to the clubhouse. The Cricket club has access to the clubhouse for change and ancillary accommodation during matches on both pitches and also, for social use at other times.
- 7.10 Although not able to see them, it understood from a previous application (TWBC ref: 09/00720/FUL) and from the RFU that part funded the clubhouse facilities, that accommodation in the clubhouse includes: 6 RFU compliant team changing rooms of 4x 29sqm and 2 x 41sqm, an officials change room and WC, store areas and men's and women's toilets on the first floor that are available for use by non-players / visitors.
- 7.11 The Kent pitch is orientated north / south and has 10 wickets. It was assessed as being of good quality in the Tunbridge Wells Playing Pitch Strategy 2017. The ECB advises that it has a reputation of being of good, possibly outstanding, quality.
- 7.12 The square of the Sussex pitch is located approximately 250m from the clubhouse. Players are able to drive down close to pitch to change 'out of the boot', use the clubhouse toilets during matches and the change and social facilities after matches. Although not ideal, players and spectators are able to shelter in their vehicles during inclement weather.
- 7.13 Sport England Policy Requirements - It is important to bear in mind that national guidance in the NPPF and Sport England's playing field policy seeks to protect land and building in sport and recreation use. The lack of current use of the Sussex pitch by the club does not reduce the need to protect (or adequately replace the principal Kent pitch) in accordance with exception 4 of Sport England's policy to maintain or improve the existing capacity of the site for cricket.
- 7.14 Exception 4 of Sport England's policy requires that, 'the area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:
- Of equivalent or better quality, and,
  - Of equivalent or better quantity. And
  - In a suitable location. And
  - Subject to equivalent or better accessibility and management arrangements

- 7.15 For the avoidance of doubt, the area of playing field includes any ancillary facilities on it.
- 7.16 Under the proposals to replace the Kent pitch with a new pitch on the 'Moxon' agricultural field, the existing Sussex pitch would become the principal pitch related to the proposed cricket pavilion.
- 7.17 The proposed cricket pavilion directly serving the existing Sussex pitch is required to meet exception 4. It therefore needs to provide equivalent or better accommodation than the clubhouse currently serving the Kent pitch. It also needs to provide sufficient match facilities to serve concurrent use of the second pitch, as although the clubhouse would remain available for after match change and social activities, for match purposes, the existing relationship between the cricket pitches and the clubhouse is severed by the application proposal.
- 7.18 The pavilion as proposed comprises two team changing rooms with shower areas (no detail) but no WCs, reception area and tea point, two WCs and one accessible WC accessed directly from the reception area.
- 7.19 Pavilion Requirements - The following is considered the minimum provision necessary within the proposed pavilion to meet E4.
- 2 changing rooms that meet ECB TS5 standard or the meet the space provided in the existing changing rooms used in connection with the Kent pitch.
  - Continued access to the changing rooms in the clubhouse for the second pitch.
  - At least one WC is required in each changing room together with at least three individual shower cubicles (for safeguarding and inclusion) each of minimum 2x1m<sup>2</sup>.
  - Additional toilets that are easily accessible for use by teams playing on the second pitch. The existing clubhouse toilets are located too far away at 500m plus and the facilities shown in the proposed pavilion currently are insufficient to serve four teams, related officials and spectators. The shown facilities are not appropriate for safeguarding and inclusion.
  - Officials changing, plant and storerooms to an agreed specification within the pavilion are essential.
  - A players shelter to serve the new pitch is essential, preferably adjacent to it. While concerns about the impact of a shelter on the landscape are recognised, it does not have to be prominent either in terms of siting or design. The alternative in order to maintain equivalence with the existing situation would be to enable individual player vehicles to drive onto the Moxon Field.
  - The costs of providing an exception 4 compliant pavilion should be assumed to be part of the main project and not passed on to, or made the responsibility of the cricket club.
- 7.20 Moxon Pitch Requirements - To accord with exception 4, the construction of the new cricket pitch must:
- Be completed and made available for use, alongside the new pavilion and other facilities referred to above prior to the loss of the existing Kent pitch. Construction of a new pitch typically takes 18-24 months before a new square can be used.
  - Have a minimum of 10 wickets and be orientated north-south.
  - Be specified and supervised by a suitable fine turf consultant. (The ECB has previously provided the applicant's agent with contact details for those which it recognises).



- The specification must address the detailed issues identified in the feasibility study, including;
    - Land Drainage Flow Rates (drainage design and ditch maintenance).
    - Topography (to conform with Sport England guidelines).
    - Soil sampling and performance drainage characteristic of the soil types.
    - Soil nutritional status.
    - Agronomic conditions (“development site is pasture and has previously been stone buried... Earthworks will require reinstatement of vegetative cover and the introduction of more modern, better performing varieties of sports turf.
- 7.21 Conclusion - In light of the above, Sport England maintains its objection to the application pending a satisfactory proposal for the cricket pavilion being made as currently it is not considered to accord with any of the exceptions to Sport England’s Playing Fields Policy or with Paragraph 99 of the NPPF.
- 7.22 Subject to the pavilion matter being satisfactorily resolved, Sport England would then be able to withdraw its objection, subject to appropriate conditions being attached to any grant of planning permission to secure the provision of the pavilion and replacement cricket pitch to an equivalent or better quality and quantity, prior to the loss of the Kent pitch.
- 7.23 As previously advised, should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England’s objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit.
- 7.24 If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).
- 7.25 **(24/08/22)** Statutory Role and Policy - It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.
- 7.26 Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 99) and Sport England’s Playing Fields Policy, which is presented within its ‘Playing Fields Policy and Guidance Document’:  
[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy)
- 7.27 Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

Sport England Policy Exceptions	
E1	A robust and up to date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.
E2	The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
E3	The proposed development affects only land incapable of forming part of a playing pitch and does not: <ul style="list-style-type: none"> <li>▪ reduce the size of any playing pitch;</li> <li>▪ result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);</li> <li>▪ reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality;</li> <li>▪ result in the loss of other sporting provision or ancillary facilities on the site; or</li> <li>▪ prejudice the use of any remaining areas of playing field on the site.</li> </ul>
E4	The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field: <ul style="list-style-type: none"> <li>▪ of equivalent or better quality, and</li> <li>▪ of equivalent or greater quantity, and</li> <li>▪ in a suitable location, and</li> <li>▪ subject to equivalent or better accessibility and management arrangements.</li> </ul>
E5	The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

7.28 The Proposal and Impact on Playing Field - The proposal is for the construction of a floodlit rugby 3G Artificial Grass Pitch (AGP) with a total dimensions of 140m x 80m towards the central northern part of the site on a north / south orientation. The installation of the 3G would result in the loss of the main senior cricket pitch in front of the pavilion. To mitigate that loss, the proposal also includes the change of use of land to the south of the existing recreation ground from agricultural to recreation use and the construction of a replacement cricket pitch here. The proposal also involves additional car parking, a new cricket pavilion at the southern end of the existing recreation ground and ancillary development including the construction of a rugby storage building and retention of a decking area and pergola near to the main pavilion.

7.29 The application is a resubmission of an application previously made in 2021 (21/03282/FULL). That application was withdrawn following objections including from Sport England. The current application seeks to address some of Sport England's concerns made at that time. Specifically, the application;

- Increases the size of the area of agricultural land to be acquired to accommodate a replacement senior cricket pitch to ECB standards in terms of outfield size and safety run off areas beyond.
- Includes an agronomy report that considers the condition of the agricultural land and its suitability for use as a cricket pitch.
- Confirmation is provided that the main pavilion will remain available to the cricket club on the same basis as it currently is;
- The application includes a letter of support from the cricket club as an appendix in the planning statement.

- 7.30 Sport England was not consulted on behalf of the applicant prior to the application being resubmitted.
- 7.31 Assessment against Sport England Policy - The provision of an AGP on existing playing field land is to be assessed against exception E5 of Sport England's policy. Our guidance document (see link above) identifies the type of potential benefits that Sport England will take into account when considering if the benefits of the proposed facility would outweigh the detriment caused by the loss of the area of playing field. These include; identified strategic need, secured sport related benefits for the local community; meeting identified sports development priorities; and, compliance with Sport England and relevant National Governing Body (NGB) design guidance. Circumstances in which the loss of an area of playing field to an AGP is likely to be considered unacceptable would include; where it would have an unacceptable impact on the current and potential playing pitch provision on the site for example, by displacing other users without equivalent replacement provision. We assess the benefits to sport of an AGP alongside the impact on those sports that require natural grass pitches, taking into account information provided to us by the relevant NGBs.
- 7.32 The proposal to replace the main cricket square on an area of land outside of the existing playing field and currently in agricultural use and the provision of the cricket pavilion that would partly compensate for the loss of proximity to the main pavilion is also to be assessed against exception 4 of our policy. It requires that the area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:
- of equivalent or better quality, and
  - of equivalent or greater quantity, and
  - in a suitable location, and
  - subject to equivalent or better accessibility and management arrangements.
- 7.33 Need for a Rugby AGP - Tunbridge Wells RFC is a large club with ambitions to grow. The club currently runs 4 senior men's teams, 'several' ladies teams and has a large junior section with over 550 registered players in the under 6's to under 18 age groups. The Tunbridge Wells Playing Pitch Strategy (PPS) Action Plan identifies that the recreation ground is to be protected as a playing field site for both rugby and cricket. A need to improve the drainage of the rugby pitches is identified that could be aided by an AGP. The PPS Action Plan also identifies that; 'The Rugby Club would like to develop a new clubhouse and changing facility and to add a full sized 3G pitch to the site, but this would compromise a cricket pitch...' The PPS identifies the recreation ground as a potential site for a WRR22 compliant 3G pitch to meet rugby training needs in the borough although as an alternative, the PPS also identifies the possibility of the club developing links with the Bennett Memorial Diocesan School, and / or with Sevenoaks Rugby Club to meet its training needs. While there is more than one option potentially available, it is recognised therefore that a strategic need for a rugby compliant 3G exists in the borough / area. It is also recognised that to date, Sevenoaks RFC has been unsuccessful in securing planning permission for a 3G and the difficulties there may be insurmountable. The RFU sees Tunbridge Wells Rugby Club as a key deliverer of rugby in the area and grant funding has been made available previously for pitch drainage improvements and for improvements to changing room capacity and social space.
- 7.34 With regard to the current application the RFU has confirmed that it remains supportive of the proposal for the AGP and would not object to it based on capacity

requirements, while recognising that the implications and impact on cricket provision need to be resolved satisfactorily. Its full comments are;

- The site has previously been the subject of investigation for the provision of a Rugby 365 AGP within the national RFU programme due to the demand for mid-week floodlight training. Demand analysis demonstrated that there were 6 clubs within a 20 minute drive time that would potentially use the facility. This programme, however, has been suspended indefinitely.
- The Tunbridge Wells BC PPS identified that there is overplay of rugby pitches when training and matches are included in the capacity analysis.
- The PPS also identified that there was a demand for additional floodlit pitches and WR Reg 22 AGPs to meet training needs.
- In consideration of total AGP provision (including for football), there was an identified shortfall of 6 AGPs based upon the FA training model.
- The PPS states that consideration should be given to the development of a WR Reg 22 AGP at Tunbridge Wells RFC. The RFU believes that at least one of the suggested alternative solutions to providing increased AGP access, namely a partnership with Sevenoaks RFC at Knole Park, is no longer feasible due to planning constraints and refusal.
- The PPS identified an overplay of 3 mid-week match equivalents at the site. The PPS identified the site has a sub-optimal 60m x 40m natural turf floodlit area.
- In attempting to address the pitch quality issue and therefore increase carrying capacity on site, the club previously undertaken a full pitch drainage project on the 1st team pitch and training area with the aid of RFU grant funding in 2016 and has just commissioned additional drainage works to the remaining rugby pitches.
- The club is seen as a key deliverer of rugby in the area and has been in receipt of RFU grant funding to increase changing room capacity and improve social space quality previously.
- The proposed AGP is orientated optimally for winter pitches.
- The proposed AGP is designed with 5m run-off areas which would comply with World Rugby Law 1 recommendations.
- It would be useful to understand the lux levels of the floodlighting proposed.

7.35 The rugby club has confirmed that it would be happy to enter into a community use agreement to secure sports related benefits to the wider community and therefore in light of that, and the above assessment by the RFU, if Sport England was satisfied that the impacts on cricket were acceptable, the proposal would be considered to meet exception 5 subject to appropriate conditions concerning community access, management and maintenance and lighting.

7.36 Loss and replacement of main cricket pitch and proposed cricket pavilion - It is understood that the cricket club, Tunbridge Wells Borderers, has used the recreation ground and its ancillary facilities for approximately 60 years. The club is also of significant size and growing. It currently runs two senior Saturday XIs that compete within Kent and East Sussex leagues and introduced a new friendly XI in the 2021 season. The club also operates a thriving junior section which has substantially increased in numbers within recent years. The club currently utilises both of the two cricket squares at the site, with the main square being the one to the north next to the sports pavilion. The club makes full use of the change and social facilities provided by the pavilion during its season.

7.37 The proposal would result in the loss of the main cricket square that has a fully ECB TS4 compliant senior outfield immediately adjacent to the existing sports pavilion and is rated in the PPS as being of 'good' quality. Within the current application it is

confirmed that the main sports pavilion would remain available for the use of the cricket club however, the proposal would effectively sever the functional and visual link between the pavilion and the resulting cricket pitches that would be located a significant distance from it.

7.38 Exception 4 of Sport England's playing field policy requires that the area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements

7.39 A new cricket pitch to mitigate the loss is proposed to be constructed on land to the south of the existing playing field that is currently in agricultural use. A new dedicated cricket pavilion is also proposed to be constructed in the south west corner of the existing playing field. This would be an additional facility to the facilities provided in the main pavilion however, due to the distance of the existing second pitch (approximately 240m) and relocated main pitch (420m plus) from the main pavilion the use of the latter would not be realistic during matches and it is also less likely that a connection would be retained between the cricket club and the main pavilion at other times. Therefore, the proposed pavilion needs to provide a standard of accommodation and ancillary facilities necessary to service matches being played on both pitches at any one time.

7.40 The proposed cricket pitch - Within the current application the size of the area of agricultural land to be acquired to replace to replace the main cricket pitch has been increased so that it appears to be capable of accommodating a senior outfield and safety run offs to ECB TS4 standards. Nevertheless, the existing pitch has 10 wickets and is orientated on a compliant north / south axis and the submitted drawings (including SI.AP(2)10, AP(2)10 and AP(2)16) continue to show the square orientated west-east and with only 8 wickets. These aspects of the pitch need to be at least equivalent to that which would be lost in terms of optimal orientation and number of wickets. The feasibility report now submitted in support of the application identifies that there is capacity to add additional wickets to the table during the design stage. The report also orientates the square in its outline scheme on the optimal north-south orientation. Further work is required to demonstrate that the pitch could be provided on that orientation and to ECB TS4 dimensions overall on the area available. In addition with regard to the construction and future use and maintenance of the proposed replacement main pitch, the following concerns are highlighted for resolution now.

- How will the cricket pitch be irrigated. There is no information within the planning statement however, the feasibility report assumes the closest supply is at Quarry Farm outside of the application site.
- The feasibility study identifies that access and storage of maintenance equipment on the site will need consideration. Currently Sport England cannot see any proposals made to provide access from the main recreation ground and pavilion to the cricket field and the tree report specifically states that the intervening boundary trees and hedgerow would be retained. Access is required not only for players on foot but also for heavy vehicles and maintenance equipment. The feasibility report proposes that the cricket pitch will need to be constructed on imported fill material and that during construction, there will be a requirement for

- large and powerful earth moving equipment such as bulldozers, soil scrapers, graders, excavators, dumper trucks and cultivation equipment to access the site.
  - An appropriate facility for the storage of maintenance and other equipment accessible to both pitches but particularly the new pitch is required.
  - How would equipment such as an electronic scoring board to the new pitch be connected, will an electric supply be provided?
- 7.41 The proposed cricket pavilion - The proposed cricket pavilion could be seen partly as an additional facility to serve the existing second pitch in line with the need identified within the Tunbridge Wells Playing Pitch Strategy (PPS). However, given the substantial distance of the proposed relocated pitch from the main pavilion that is currently used by the cricket club for change facilities and also on a social basis, the cricket pavilion needs to serve the requirements of both cricket pitches when they are used concurrently. In that regard therefore, the new pavilion as proposed is inadequate. As a minimum it needs to provide 4 separate changing rooms, if possible to full ECB TS5 space standards as well as separate gender neutral officials accommodation. Within the shower areas, Sport England and the ECB would expect to see a minimum of three individual shower cubicles each measuring at least 2mx1m and one toilet per changing room. These facilities meet modern requirements and are essential for inclusion and safeguarding purposes.
- 7.42 Given the distance, some 200m between the proposed pavilion and the new cricket square and also due to the visual disconnect between the new cricket pitch and the existing playing field / proposed pavilion Sport England considers that it is also necessary as a minimum to provide a shelter and toilets for players on the new cricket field. Without these facilities adjacent to and within the cricket pavilion to serve that pitch, it is highly probable that the new pitch could fall into disuse due to its inconvenient siting, to the detriment of the overall quality and quantity of cricket provision on the playing field and contrary to Sport England's policy. Because as currently proposed the development is not considered to meet the requirements of exception 4 of our policy, it also cannot meet all of the requirements of exception 5.
- 7.43 Conclusion - In light of the above, Sport England objects to the application because it is not considered currently to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.
- 7.44 Notwithstanding our current objection we would be pleased to reconsider our position should the matters addressed in our response be satisfactorily addressed by the applicant and subject to appropriate conditions being attached to secure the necessary mitigation.
- 7.45 Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit.
- 7.46 If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s).
- UK Power Networks**
- 7.47 **(15/03/23)** Should your excavation affect our Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact us to obtain a copy of the primary route drawings and associated cross sections.

## **SGN**

- 7.48 **(15/04/23)** There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.
- 7.49 A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.
- 7.50 Safe digging practices in accordance with HSE publication HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.
- 7.51 It must be stressed that both direct and consequential damage to gas plant can be dangerous for your employees and the general public and repairs to any such damage will incur a charge to you or the organisation carrying out work on your behalf. Your works should be carried out in such a manner that we are able to gain access to our apparatus throughout the duration of your operations.

## **Kent Police**

- 7.52 **(10/08/22)** Kent Police have the following comments to make:
1. We suggest the use of the Secured by Design (SBD) Commercial guide for this development.
  2. Perimeter and Boundary Treatment. We note the drawings show varying heights for hedges. We recommend the site, which includes car parking areas, to have adequate boundary treatments including gates of a minimum of 1.8m height for perimeter security. A densely planted defensive perimeter treatment can be created to aid perimeter security. However, we recommend mesh fencing to be incorporated to prevent any gaps that can potentially allow trespassing.
  3. Clubhouse and Store. The proposed plans seem to show that the clubhouse is enclosed within the secure fence line. Therefore, the physical security of the building will need to be addressed and the use of the Secured By Design Commercial initiative is recommended. We recommend the proposed store’s external fire escape to be gated and have side infill panels as added layers of security and the roof plan should include safety guardrails of appropriate height. Note: Security measures should never compromise fire safety or escape routes.
  4. Site permeability. It is important to control the permeability in order to prevent trespassing and anti-social behaviour in the car parking area. Both access and egress require gates of same height as boundaries. Gates should be lockable and designed so that the locking areas do not act as potential hand or foot holds to aid climbing. Please note that due to the nature of the development, unrestricted car park access overnight can attract anti-social behaviour and criminal activity to the area. In addition, pedestrian routes must be separate and clearly designated for safety.
  5. Alarms. The clubhouse, the proposed store and the cricket pavilion should be fitted with a suitably designed, fit for purpose, monitored intruder alarm system, ideally monitored and/or fitted with remote monitoring. Any fire doors should be fitted with alarms to help prevent unlawful access and trespassing if doors are left unsecured.

6. Car Park. The design criteria for car parks should follow the principles laid down in the police owned 'ParkMark' initiative - appropriate lighting, CCTV, Security fencing, Exit/entry barriers, clear signage to help drivers and pedestrians navigate the car park safely etc. Secure motorcycle, moped and scooter parking should be made available and the inclusion of SBD or Sold Secure ground anchors is recommended. Such parking provision should also benefit from natural surveillance, be lit after dark when in use and be secure when not in use to prevent anti-social gathering.

7. Lighting. A qualified lighting engineer should be consulted, and a suitable lighting policy should be installed to help deflect criminality, while minimising light pollution.

8. CCTV. CCTV provision and management for the clubhouse, store, cricket pavilion and car park are recommended.

9. Doorsets. Doorsets and roller shutters should meet SBD Commercial standards and be certified, not just tested, by an independent third-party testing house.

10. Windows. Windows and the glazing should meet SBD Commercial standards. A sandwich of toughened and laminated glazing is recommended. Toughened glazing offers protection to accidental impact, e.g. footballs, laminated glazing provides enhanced security. Consideration could be given to additional shuttering for easily accessible windows as an added layer of security.

11. Cycle and bin storage. Any cycle parking provisions should be contained within a well-lit, securable, roofed building and promote natural surveillance. We recommend the inclusion Kent Police : Form No. 3058c rev 12/05  
v2\\kisprod.netr.ecis.police.uk\Groups\PVP Dept\CPDA\1 CPDA Planning Applications\Tunbridge Wells\TW-201) St Marks Recreation Ground Frant Road Royal Tunbridge Wells Kent\DOCO response2.doc of SBD or Sold Secure ground/wall anchors. Bin storage must be in a suitable place to prevent use as a climbing aid and to prevent arson.

7.53 Site security is required for the construction phase. There is a duty for the principal contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements

### **KCC Flood and Water Management**

7.54 **(12/09/22)** Kent County Council as Lead Local Flood Authority have reviewed the additional information provided in the email chain dated 22 August 2022 regarding the capacity of the Moxon Ponds and have the following comments:

7.55 The email highlights that the surface water drainage proposed for catchment 1 and the pavilion draining to the Moxon ponds to the southwest of the site is via the existing drainage system and as such there will be no additional surface water flows to the ponds. The LLFA raise no objections to these proposals at this stage.

7.56 Final confirmation of acceptance of flows into the Monson Ponds and that there are no further measures required to manage flows or that there is no increased risk to those downstream of the ponds should be confirmed by East Sussex Lead Local Flood Authority as this is outside of Kent's boundary.



- 7.57 Should the Local Planning Authority be minded to grant permission, KCC would recommend conditions are attached to any approval.
- 7.58 **(16/08/22)** Kent County Council as Lead Local Flood Authority have reviewed the Surface Water Drainage Assessment prepared by GTA Civils and Transport Limited dated 13 September 2021 and the Flood Risk Assessment prepared by GTA Civils and Transport Limited dated November 2021 and have the following comments:
- 7.59 It is understood from the report that the surface water for the site will be managed through splitting the site into catchments. Catchment 1 and the pavilion will drain to the Moxon ponds to the southwest of the site via the existing drainage infrastructure. Catchment 2 will drain to the existing surface water sewer on Frant Road where the existing runoff from the sports pavilion and car park are currently directed.
- 7.60 The report informs us that the redevelopment of the site will be unsuitable for utilising infiltration into the underlying geology. The outcome of infiltration testing on site found that there was little to no drop in levels throughout the duration of testing and as such fails the BRE:365 standard.
- 7.61 With infiltration on site not being feasible, the 3g pitch, pavilion and car parking area would be designed for below ground attenuation, prior to a restricted off-site discharge. The car park and pavilion (catchment 2) are proposed to discharge to a surface water sewer along Frant Road. It is understood that an existing connection to the sewer is present, however, it would be our recommendation that Southern Water are consulted to confirm their acceptance of this proposal.
- 7.62 As noted above, runoff from catchment 1 would be directed to the Moxon Ponds. Being that the Moxon Ponds are outside of our KCC's boundary, we have no information as to their arrangement, capacity and any outfalls. It is therefore our recommendation that further information is provided about these features. Any future design must ensure that the ponds have sufficient capacity to manage these contributions, on top of modelling for those areas discharging to the sewer (catchment 2).
- 7.63 Further to the above, it is uncertain at the time of writing this response if the ponds are situated within the applicants control. If the ponds are found to be within third party land, agreements for connections would be required. We would ideally seek this is confirmed prior to any consent being granted. This is to ensure that an effective outfall can be delivered.
- KCC Highways & Transportation**
- 7.64 **(06/04/23)** Referring to your recent request for further comments on this application. The highway matters have been addressed in a series of documents including the initial TS dated August 21, a Parking Survey dated Feb 22, a further TS dated June 22 and an Addendum dated Sept 2022.
- 7.65 As previously noted in our earlier comments the TS estimates that the new 3G pitch can accommodate up to 50 additional rugby participants on weekdays and weekends which may result in up to 100 additional trips on the network, although peak hour trips are considered unlikely. The TS also notes that 3G all weather pitches typically allow continued use of the facilities when other pitches are unplayable. In addition, outside of the use of the facility by the rugby club, it will also accommodate community and school use.

- 7.66 The proposal includes 76 additional parking spaces and whilst this in excess of that generated by the additional pitch itself with respect to KCC standards, the additional provision will accommodate some existing on street parking by users of the club.
- 7.67 However, it is recommended that further consideration is given to possible further staggering of start and finish times of the matches and junior sessions which also might help address parking stress within the area.
- 7.68 The proposed egress will now take the form of a heavy-duty crossover. This utilises an existing access/ egress to the site. There is an interactive sign and central traffic island on approach from the south. However, it is evident that recent vegetation growth is taking place into the visibility splays shown on the latest plan and a condition is therefore recommended to ensure that the splays of 2.4 x 90m as shown on plan 10911\_100 P5 are provided and maintained.
- 7.69 No further details of coach access has been provided as it has been confirmed that neither the rugby club nor the school and community use will require the use of coaches. In the interest of highway safety it is recommended that this is covered by condition.
- 7.70 Further details of the proposed surfacing of the car park will be required to ensure no spread of mud to the highway in the interest of highway safety, but this can also be covered by condition so that further details are submitted for approval.
- 7.71 Conditions are also recommended to cover the provision of EV charging, cycle parking and disabled parking provision.
- 7.72 **(18/08/22)** The TS estimates that the new 3G pitch can accommodate 50 additional rugby participants on weekdays and weekends which may result in up to 100 additional trips on the network. The 3G pitch will also allow continued use of the facilities when other pitches are unplayable and in addition, outside of the use of the facility by the rugby club, it will also accommodate community and school use.
- 7.73 The proposal also includes 78 additional parking spaces and whilst this in excess of that generated by the additional pitch itself, the additional provision will accommodate some existing on street parking by users of the club.
- 7.74 Clarification is requested on the following matters:
- Reference is made to access by coaches on match days which are heavily 'marshalled' and it is therefore of concern if the school and community uses will also bring additional coaches to the site, for it is not clear how these larger vehicles will be accommodated on non-match days.
  - No mention has been made of EV charging points in the extended car park.
  - Having consulted with the Agreements Team the highway authority would recommend a heavy duty crossover rather than a bellmouth at the egress. This will be in keeping with the access arrangements, although this may need to be reviewed once again in the light of any further information regarding coach access.
  - Any signage must be sited clear of the highway.
  - Further details of the proposed surfacing of the additional parking is required. Whilst no details have been provided, the proposed grass grid system is of concern for often this doesn't work well during wet months and can result in the spread of mud to the highway. A robust solution to the proposed surfacing of the

car parking is therefore required, possibly with a tarmac surface extending further into the site.

- Reference is made to visibility splays of 2.4x 90m at the egress but the splay to the south has not be properly shown on the plan and this should be redrawn. The plan should show the full extent of the splay to the nearside kerb line and confirm that the splay falls over land either within the curtilage of the site or highway land. It appears that highway records from both KCC and ESCC will be required.

## **Environmental Protection**

- 7.75 **(27/03/23)** Noise - It is noted an Acoustic Associates Sussex Ltd Noise Impact Assessment has been submitted (ref J3354 dated March 2022) this concludes the predicted external noise levels at every assessed location would be below the desirable limit of 50dB(A). However, there is a potential for noise associated with this development, particularly with hired use of the AGP. So, the use of a Noise Management Plan should be required through condition.
- 7.76 Air Quality – It is noted that the site is outside Tunbridge Wells Air Quality Management Areas and I do not consider the scale of this development and/or its site position warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it. However, Environmental Protection do consider that the installation of Electric Vehicle charging points would be a useful promotion of a sustainable travel option.
- 7.77 Contaminated Land - The site does not appear on our database as potentially contaminated.
- 7.78 Lighting - Environmental Protection would recommend lighting conditions to ensure that lighting from the development does not cause a nuisance to nearby properties.
- 7.79 Recommendation - No objection, subject to comments, conditions and informatives.
- 7.80 **(02/08/22)** Main points considered: noise, contaminated land, lighting and air quality.
- 7.81 Noise – Environmental Protection have noted the results of the acoustic assessment which states - The predicted external noise levels at every assessed location would be below desirable limit of 50dB(A). However, there is a potential for noise associated with this development, particularly with hired use of the AGP.
- 7.82 Air Quality – The site is not in or near an air quality management area.
- 7.83 Contaminated Land – The site does not appear on our database as potentially contaminated.
- 7.84 Lighting – Environmental Protection would recommend lighting conditions to ensure that lighting from the development does not cause a nuisance to nearby properties.
- 7.85 From an Environmental Health point of view, have no objection to this application, subject to conditions.
- TWBC Tree Officer**
- 7.86 **(02/08/22)** Tree Loss - The proposal is to Construction of a 3G Artificial Grass Pitch; erection of a storage building; construction of a cricket pavilion; provision of 76 additional car parking spaces; change of use of agricultural land to a cricket pitch and outfield under recreational use (Use Class F.2(c); and retrospective erection of a decking area and pergola. The supplied Arboricultural Impact Assessment and

Method Statement indicates that a total of two tree groups TG40 and TG41, and to individual trees T60 and T61 are to be removed to facilitate the development.

- 7.87 In addition, trees T2 and T3 two category U trees have been identified as requiring removal for reasons for sound arboricultural management and due to proximity to the development, this is indicated in the Tree Retention and Protection Plan, which differs from the Tree Survey Schedule where tree T3 is indicted as retained. However, as TWBC Tree Officer they have assessed the application on both trees being removed due to their condition.
- 7.88 Impact upon retained trees - Trees T01, T02, T44 and T46 have been indicated as having an impact upon their Root Protection Areas as a result of the proposed parking and access road. It has been assumed that the inclusion of T02 is a typo as it is also indicated for removal. The area of the proposed development appears as it is already used as informal parking and the supplied reports mentions the use of a No dig construction within this area which is preferable to what is currently in situ.
- 7.89 However, the arboricultural method statement section of the does not include any details in regard to the methodology to be used or any soil amelioration methods prior to its construction to improve the rooting environment as a result of the historic compaction.
- 7.90 Although, the proposed building store does not impact upon any trees, the construction of it and any possible access would appear to be in close proximity to trees H33, T34, T35 or TG36. At present the provide Tree Retention and Protection Plan does not show any protection around these trees which would be required to ensure no accidental damage occurs.
- 7.91 Conclusion: The loss of the trees within the site can be mitigated through the replacement planting as specified in the supplied Plant Schedule and Specification ref: LLD2320-LAN-SCH-001-00.
- 7.92 The impacts noted can be minimised through the use of a No dig construction methodology but the would need to see specification for this prior to any approval.
- 7.93 From an arboriculture perspective the application in principle is supported and would have recommended approval subject to an amended AIA and draft AMS which clarifies the use of a no dig method for the new car parking and access road.
- 7.94 If you are however minded to approve the application without this updated/additional information, it is recommended that conditions are applied to address these matters.
- TWBC Conservation Officer**
- 7.95 **(16/08/22)** Further to your request for heritage advice regarding the above application, our view is that specialist advice from the Built Heritage Team is not, in this case, necessary for the determination of this application.
- TWBC Parking Services**
- 7.96 **(22/08/22)** The plans appear to indicate that bay dimensions are substandard. Parking Services would request that the applicant confirm that bays are designed to be 2.5m x 5m in accordance with KCC guidance. Only three accessible spaces are provided to serve the development. In line with KCC's SPG 4 and emerging Kent Design Guide, disabled spaces should be provided at 6% of the proposed uplift of 78 spaces. Thus, 5 disabled spaces should be provided.

## **TWBC Landscape & Biodiversity Officer**

- 7.97 **(28/04/23)** As has been made clear many of the defects in the original application have been addressed and remaining concerns regarding biodiversity have been addressed in so far as they can be.
- 7.98 In terms of the LVIA submitted with the withdrawn application it was concluded that “I do not agree with all that it states or concludes and as noted above believe that the extension to provide a Cricket pitch will be more harmful than suggested.”
- 7.99 The LVIA for the most recent application was revised and includes within the appendix my previous comments, comments from the High Weald AONB Unit and an extract of the Landscape Sensitivity Study that is referred to. Whilst there is some change in the Appraisal section there are no significant changes to the conclusions reached. It is noted that the scheme is improved but the conclusion (6.5) that there will be no impact on the “High Weald through reference to the special qualities” is not agreed with. The principal changes to the site is an extension of sports/amenity land into countryside and intensification of use including a new more effective lighting system. Whilst accepting points made in the LVIA about context and mitigation it is inevitable, in my opinion, that there will be a residual harm to the AONB. Given the nature of the development this should not be a surprise. However, it is accepted that the effects on both landscape and visual amenity are limited and could be characterised as Slight or Slight to Moderate.
- 7.100 Having regards to the NPPF and the great weight afforded to AONB in decision making, this level of harm, when taking into account the limited nature and extent of that harm, the site context and the nature of the proposal, is likely to be acceptable. Consequently, provided then that the mitigation and enhancements are properly secured the Landscape and Biodiversity Office does not object to this application on landscape grounds.
- 7.101 **(16/02/23)** The applicant has reviewed and improved the mitigation and rerun the BNG calculations. The proposed landscape plan and the ecological enhancements are acceptable and subject to securing a LEMP through any consent I am also satisfied that the biodiversity gains predicted will be achieved or exceeded.
- 7.102 However, whilst the results show a gain in hedgerow units of 10.14% the gain in area units is only 0.94%. There are other improvements for biodiversity that fall outside the scope of the metric which are to be welcomed and whilst there is a great deal of confidence in the new calculation and the likely success of the proposals the gain in area units is well below the 10% gain being sought. The applicant rightly mentions the current policy of no net loss but that predates the Environment Act, the revised NPPF or Submission Local Plan and the declared biodiversity emergency so that 10% is now considered to be a minimum standard.
- 7.103 To achieve a gain of 10% in area units the applicant would need to make an off-site provision of around 3 Units. The Councils interim scheme could provide such Units at a cost of £18,000 per unit. It is apparent that for such an application, which normally struggles for funding and is a public benefit, that such a cost may be beyond the means of the scheme. It therefore falls to the Council to consider whether the public benefits outweigh the conflict with the emerging policy. Of course, it would assist the Council in coming to a positive conclusion if the applicant could secure further land adjacent to the site for biodiversity improvements or make a small financial contribution to an off site provision.

7.104 No further comments and am content to leave any further discussions on this matter to the case officer.

## **8.0 APPLICANT'S SUPPORTING COMMENTS**

- 8.01 The Application Site is an existing sports facility supporting both Rugby and Cricket Clubs. The new Artificial Grass Pitch (AGP) is needed to support the growth ambitions of Tunbridge Wells Rugby Football Club (TWRFC) and also meet an identified future need in the wider Borough. It would offer a year round playable surface ensuring that training and matches can go ahead predictably through the season thereby supporting Rugby in the area.
- 8.02 The AGP would also be available for wider community use, supporting youth and adult sports teams, schools and organisations throughout the year.
- 8.03 The proposed cricket square and outfield would ensure that Tunbridge Wells Borderers Cricket Club (TWBCC) are able to maintain capacity for its teams during the season. The provision of a dedicated, sensitively designed and located cricket pavilion, represents a betterment of the existing cricket offer at the site. TWBCC, for the avoidance of doubt, will continue to enjoy the same level of access to the existing club house as it does currently.
- 8.04 A dedicated storage building would also allow the removal of two shipping containers currently located on site which, whilst functional and well screened, are less appropriate visually in this area compared to the proposed structure.
- 8.05 The increase in parking provision would meet the increased demand for spaces generated by the AGP and go some way to alleviating existing pressure for spaces on nearby residential streets.
- 8.06 New floodlighting would replace four older floodlights on the site, and would be fitted with baffles to ensure lighting is directed to where it is needed and nowhere else. The use of ultra-low glare lights has been chosen to reduce impact on night skies in the area and in consideration of nearby residential properties.
- 8.07 A surface water drainage scheme is proposed which considers the SuDS hierarchy and would deliver a site appropriate system which ensures there would be no increased on or off-site flood risk.
- 8.08 The proposal does not have an adverse impact on ecology interests on the site.
- 8.09 The proposed development would meet an identified need and support the growth of two important and successful local sports clubs. It would also provide a modern year round facility to the wider community without having adverse impacts on the local highway network or nearby residents.
- 8.10 The proposal represents sustainable development and accords with relevant local and national planning policy.

## **9.0 BACKGROUND PAPERS AND PLANS**

Application Form

2021 09 09 SCI 202866 TWRFC - Statement of Community Involvement

2022 06 20 202866 Planning Statement Final - Planning Statement

2022 06 16 202866 DAS - Design and Access Statement

J3354 - Tunbridge Wells Rugby Football Club - AGP Issue 1 - Noise Impact Assessment

Tunbridge RFC cricket Feasibility Study 18.05.22 compress - Feasibility Study  
Flood Risk Assessment  
Surface Water Assessment Part1  
Surface Water Assessment Part2  
TWRFC Floodlight Calculations  
TWRFC Floodlight Spill  
10911 Tunbridge Wells RFC TS Addendum2.0 - Transport Statement (Amended)  
June 2022 Transport Statement  
10911\_100\_P5 - Access Design  
Tunbridge Wells RFC - Addendum - R1.0 - Parking Survey  
Notice  
Site Location Plan  
1609\_SI.AP(0)10\_ - Existing Site Plan  
1609\_SI.AP(0)10 AREAS\_ - Existing Site Plan with Areas  
EdNA E11793 - Great Crested Newt Report  
HER- FINALcompress - Historical Monument Report  
LLD2320-ECO-CALC-001-01 - BNG  
LLD2320-ECO-DWG-020-01 - Ecological Enhancements Plan  
LLD2320-ECO-REP-002-00-BNG - BNG Assessment  
LLD2320-ECO-REP-EcIA-002-00 - Ecological Impact Assessment  
LLD2320-LAN-DWG-100 rev 01 - Detailed Soft Landscaping Plan  
LLD2320-ARB-DWG-002-02\_TRPP - Tree Retention and Protection Plan  
LLD2320-ARB-REP-001-01 - Arboricultural Impact Assessment and Method  
Statement  
LLD2320-ARB-SCH-001-01\_ETTS - Existing Tree Schedule  
LLD2320-LAN-SCH-001-00 - Plant Schedule and Specification (Rev 01)  
LLD2320-LPL-REP-001-02\_LVA-AppF-H\_220615 - Landscape and Visual  
Assessment  
LLD2320-LPL-REP-001-02\_LVA-Rep\_220615 - Landscape and Visual Assessment  
LLD2320-LPL-REP-001-02\_LVA-AppA-E\_220615 - Landscape and Visual  
Assessment – Appendix  
LLD2320-ARB-DWG-001-00-Sheet 1 - Tree Constraints Plan - 1  
LLD2320-ARB-DWG-001-00-Sheet 2 - Tree Constraints Plan - 2  
LLD2320-LAN-DWG-100-00 - Detailed Soft Landscape Plan - Cricket Pitch  
Detailed Plant Schedule & Specification  
1609\_SI.AP(2)10 AREAS\_ - Proposed Site Plan with Areas (Rev M)  
1609\_SI.AP(2)10\_ - Proposed Site Plan (Rev M)  
1609\_AP(2)10\_ - Proposed St Mark's Recreation Ground Floor Plan (Rev N)  
1609\_AP(2)11 Rev H - Proposed Clubhouse and storage Plan  
1609\_AP(2)1 Rev K - Proposed Clubhouse Parking Plan  
1609\_AE(2)10 Rev C - Proposed Store front and rear elevations  
1609\_AE(2) 12 Rev C\_ - Proposed Store side elevations  
1609\_AE(2)13 Rev B - Proposed Store and 3g elevations  
1609\_AE(2)14 Rev B - Proposed Store and 3g elevations north and south  
1609\_AP(2)13 Rev G- Proposed Extended Parking Plan  
1609\_AP(2)14 Rev G- Proposed Cricket Pavilion Plan  
1609\_AE(2)15 Rev G- Proposed Cricket Pavilion Elevations  
1609\_AP(2)15 Rev B - Proposed First Team, 3G & Youth Pitches Plan  
1609\_AE(2)16 Rev B - Proposed Pergola Decking Elevations  
1609\_AP(2)16 Rev M - Proposed Moxon Cricket Field  
1609\_AE(2)17 - Proposed Moxon Shelter  
1609\_AP(2)17 Rev C - Proposed Store Ground Floor and Roof Plan  
1609\_AP(2)18 Rev I - Proposed Decking and Pergola Plan

## 10.0 APPRAISAL

## **Background Information**

- 10.01 The application follows a previous submission (21/03282/FULL) for a similar proposal, which was withdrawn largely following concerns and an objection from Sport England. This application has sought to overcome those concerns along with adequately addressing other previous outstanding issues.
- 10.02 The application seeks consent for the construction of a 3G Artificial Grass Pitch, erection of a storage building; construction of a cricket pavilion, provision of 76 additional car parking spaces (on site), change of use of agricultural land to provide a replacement cricket pitch and retrospective erection of a decking area and pergola adjacent to the main (existing) club house.

## **Principle of Development**

- 10.03 The application site relates to the long-established recreational ground of St Marks which provides the base for Tunbridge Wells Rugby Club and Tunbridge Wells Borderers Cricket Club. The proposed developments, other than the creation of a replacement cricket pitch in the agricultural land to the south of the grounds, would not constitute a change of use.
- 10.04 Chapter 8 of the NPPF seeks to promote healthy and safe communities. Paragraph 92 sets out that decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other (part a)) and enable and support healthy lifestyles through the provision of safe and accessible green infrastructure and sports facilities (part c)).
- 10.05 Paragraph 93 of the NPPF sets out that to provide the social, recreational and cultural facilities and services the community needs, plans and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments, take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community, guard against the unnecessary loss of valued facilities and services, ensure that established facilities are able to develop and modernise, and are retained for the benefit of the community; and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services..
- 10.06 Paragraph 98 of the NPPF comments that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. Paragraph 99 seeks to preserve existing open space, sports and recreational buildings and land, including playing fields and restrict non-related developments upon them.
- 10.07 Policy LBD1 of the Council's adopted Local Plan sets out that development will only be permitted if it accords with relevant policies. Core Policy 8 (5) of the Council's Core Strategy states that a range of formal and informal open space, recreational and cultural facilities will be provided and maintained, and (6) states that the capacity, quality and accessibility of open space and recreational facilities will be maintained, and where necessary, improved.



- 10.08 Paragraph 48 of the National Planning Policy Framework (NPPF) sets out that ‘Local planning authorities may give weight to relevant policies in emerging plans...’. The Council submitted its proposed Local Plan (Submission Local Plan) to the Inspector in November 2021, upon which the Examination took place between March and July 2022. The Inspector’s letter setting out his initial findings is expected shortly. At this time, given the Plan has been through examination, moderate weight is attached to the policies within the Submission Local Plan.
- 10.09 Within the Council’s Submission Local Plan and pre-amble for Policy STR/RTW1 (The Strategy for Royal Tunbridge Wells) it sets out that in terms of sport and recreation, the town is already well provided for and has a range of both informal and formal sport and recreational facilities to serve the existing population, although some of the sports provision is fragmented and underused. The Council wishes to further this provision and has an ambitious corporate Sports Strategy to bring forward enhanced and expanded facilities for the existing and future population of the town and surrounds. Point 15 of Policy STR/RTW1 seeks to provide expanded and enhanced facilities to meet a variety of sporting provision and needs at various grounds within the borough including St Marks Recreation Ground.
- 10.10 The TWBC Pitch Strategy document sets out that there is a need to address drainage issues on club rugby pitches and a need for clubs to have access to two floodlit pitches for training. The report also comments that consideration should be given to the development of a World Rugby Regulation 22 Rugby Union compliant rubber crumb pitch for Tunbridge Wells Rugby Club. The report also highlights that across all sports and sporting needs there is a shortfall of 3g pitches in the Borough.
- 10.11 There is no objection to the principle of the works proposed. The site is considered to be within an accessible and sustainable location and is accessible to the wider main road network. The proposal would result in a high-quality and modernised local facility, intended to benefit the two sports clubs based at the site as well as the community (by providing improved sporting facilities which are available for other groups, communities, and organisations to use), which is supported by the Core Strategy and the NPPF.
- 10.12 Whilst the site is outside of the LBD it comprises a recreation/sports ground. It is considered the lack of existing suitable facilities on site combined with the benefits of the proposed community use means that the principle can be acceptable. The proposals could therefore be considered to be acceptable in principle, subject to all other material considerations.
- 10.13 It is also noted that the proposed development would result in some economic benefits in the short term during its construction through the creation of employment opportunities.

### **Landscape and Visual Impact**

- 10.14 The proposed development would introduce further built form at the site in the form of an all-weather pitch (including perimeter fencing and lighting and associated earthworks), the erection of a storage building, addition of a cricket pitch and pavilion, extension of parking areas and the addition of decking and a pergola to the main club house (retrospective). The aspects of development that are within Tunbridge Wells borough are the retrospective decking and pergola adjacent to the main club house, the proposed storage building and the more northern parts of the proposed 3G/all-weather pitch.

- 10.15 In terms of landscape constraints the parts of the site which fall within the Wealden District (the southern parts of the site) and outside of the Tunbridge Wells Borough fall within an Area of Outstanding Natural Beauty (AONB). It is however noted that the northern part of the site falling within the Tunbridge Wells Borough does form part of the setting of the AONB. Frant Road, to the immediate west of the site, is designated as an Important Landscape Approach.
- 10.16 Chapter 12 of the NPPF emphasises the importance of achieving good design through the development process. Paragraph 126 sets out that good design is a key aspect of sustainable development. Paragraph 130(f) comments that decisions should create places that health and well-being and Paragraph 134 states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 10.17 Paragraph 176 of the NPPF sets out that 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues...'
- 10.18 Core Policy 4 of the Council's Core Strategy comments that the Borough's built and natural environments are rich in heritage assets, landscape value and biodiversity, which combine to create a unique and distinctive local character and seeks to conserve and enhance this locally distinctive sense of place and character. Core Policy 14(6) of the Core Strategy sets out that 'The countryside will be protected for its own sake and a policy of restraint will operate in order to maintain the landscape character and quality of the countryside.'
- 10.19 Policy EN1 of the adopted Local Plan requires that the design of the proposal, encompassing scale, layout and orientation of buildings, site coverage by buildings, external appearance, roofscape, materials and landscaping, would respect the context of the site, would not result in the loss of significant buildings, related spaces, trees, shrubs, hedges, or other features important to the character of the built up area or landscape, there would be no significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements, the design, layout and landscaping of all development should take account of the security of people and property and incorporate measures to reduce or eliminate crime, and that the design of public spaces and pedestrian routes to all new development proposals should provide safe and easy access for people with disabilities and people with particular access requirements.
- 10.20 Policy EN8 of the Local Plan relates to outdoor lighting and sets out that proposals for outdoor lighting schemes will only be permitted where the minimum amount of lighting necessary to achieve its purpose is specified, the means of lighting would be unobtrusively sited or well screened by, landscaping or other site feature, the design and specification of the lighting would minimise glare and light spillage in relation to local character, the visibility of the night sky, the residential amenities of adjoining occupiers, and public safety and that low energy lighting would be used.
- 10.21 Policy EN25 sets out that proposals located outside of the LBD will be required to have a minimal impact on the landscape character of the locality, would not have a detrimental impact on the landscape setting of settlements, would not result in unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance, that where built development is proposed there would be no existing building or structure suitable for

conversion or re-use to provide the required facilities and that any new buildings should, where practicable, be located adjacent to existing buildings or be well screened by existing vegetation.

- 10.22 Whilst the part of the site which falls within the Tunbridge Wells Borough does not fall within the AONB, the remainder of the site to the south and within the Wealden District does fall with the AONB. The High Weald AONB Management Plan (2019-2024) characterises the AONB as a deeply incised, ridged and faulted landform of clays and sandstone with numerous gill streams, with a dispersed historic settlement including high densities of isolated farmsteads and late Medieval villages founded on trade and non-agricultural rural industries. There is also a dense network of historic routeways (now roads, tracks and paths), with an abundance of ancient woodland which is highly interconnected and in smallholdings, as well as small, irregular and productive fields, bounded by hedgerows and woods, and typically used for livestock grazing with distinctive zones of lowland heaths, and inned river valleys.
- 10.23 Within the Submission Local Plan Policy STR8 seeks to enhance the urban and rural landscapes of the borough. Policy EN18 relates to the Rural Landscape and requires developments to conserve and enhance the unique and diverse variety and juxtaposition of the borough's landscape and the special features that contribute positively to the local sense of place, include appropriate mitigation to ensure against significant harm to the landscape setting of settlements, not result in the unsympathetic change to the character of a rural lan (which is of landscape, amenity, nature conservation, or historic or archaeological importance), restore landscape character where it has been eroded and preserve intrinsically dark landscapes in accordance with Policy EN 8 (Outdoor Lighting and Dark Skies).
- 10.24 Policy EN8 relates to Outdoor Lighting and Dark Skies; the preamble to this policy comments 'While recognising the need to control and minimise lighting, the Local Planning Authority also recognises that floodlighting and illuminated signs permit use of sports and other facilities on those occasions when natural lighting is insufficient, is important to the activity and security of some businesses, and may contribute to local character and sense of place. Such lighting will need strong justification in rural areas and is more likely to require time restrictions and automated controls for switch off and dimming and will need to follow the ILP guidance.' The policy itself sets out that in rural areas outside the Limits to Built Development there will be a presumption against outdoor lighting except where it is for a reasonable level of safety or security, or exceptional circumstances exist.
- 10.25 Policy EN19 of the Submission Local Plan relates to the High Weald Area of Outstanding Natural Beauty comments that all development within, or affecting the setting of, the High Weald Area of Outstanding Natural Beauty (AONB) shall seek to conserve and enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan.
- 10.26 The boundaries of the site are generally marked with long established trees and hedgerows. Because of these existing boundary treatments, which are to largely be retained as existing, the site is generally not considered to be highly prominent from the immediate surrounding public vantage points. Albeit it is noted that there are open views across the site when viewed from the two access points along Frant Road.
- 10.27 The application has been accompanied by a Landscape and Visual Appraisal, which has been prepared by a suitable professional.

- 10.28 The proposed 3g/all-weather pitch is proposed to be located within the north of the site and to the southeast of the main club house (located towards the north west corner of the grounds). The northern part of the pitch would fall within the Tunbridge Wells Borough and the southern part would fall within Wealden. The surfacing of the pitch would not be considered to appear highly visible from the surrounding public vantage points or detract from the site's character. The pitch would be sited approximately 100m from Frant Road at its closest point. Because of this, the surrounding screening in the form of existing built form and established boundary treatments (which are to be retained) it is considered that the proposed perimeter fencing around the all-weather pitch would not appear highly prominent from nearby and surrounding public vantage points. Whilst the proposed floodlights would be visible and would be considered to detract from the site's setting and appearance, they are not considered to be at odds with the sites character or use as a recreation/sports ground and are not uncommon at such facilities. It is considered that the benefits that they would provide not only to the existing sports clubs based at the site, but also to the wider community would outweigh the relatively limited visual harm.
- 10.29 The proposed storage building is again proposed to be located towards the north boundary of the site, to the north of the proposed all weather pitch and to the south east of the main club house. The storage building is proposed to be single storey, brick built, structure. The proposed structure is considered to be of a relatively limited scale and height that would appear clearly subservient to the main club house. The proposed storage building is considered to be of scale and design that would not appear visually intrusive or harmful to the sites context or character. By virtue of its scale and location within the site the proposed structure us not considered to appear highly prominent or visible from the surrounding public vantage points. Details of materials have been conditioned to ensure a satisfactory appearance to the structure and development.
- 10.30 The proposed retrospective decking and pergola adjoining the main clubhouse building is considered to be of a modest scale and not of an excessive height. It is not considered to be highly visible from the surrounding public vantage points and is not considered to appear visually intrusive or detract from the character of the site and its setting.
- 10.31 The proposal seeks to increase the onsite parking provisions from 55 spaces to 131 (an increase of 76 (parking spaces). The majority of the parking spaces at the site are located along the site's western boundary. The proposal is to extend this parking area further to the south to create an additional 76 parking spaces. The access arrangements to the site from Frant Road are not proposed to be altered. The parking spaces are to comprise a porous grass grid parking area. In visual terms the proposed parking would be well screened by existing boundary treatments and would not be considered to have an unacceptable visual impact or impact upon the landscape. It is noted that the majority of the additional parking proposed would fall within the Wealden District.
- 10.32 The proposed creation of a cricket pitch and new pavilion would both be sited entirely within the Wealden District and therefore permission could be directly and solely sought by the applicant to Wealden District Council. In any case, the proposed cricket pitch would result in the loss of an agricultural field, but in visual terms would remain open in nature and devoid of built form (other than a small timber field shelter). The proposed cricket pavilion is a relatively modest, single storey, timber structure to be located within the south west of the existing recreation grounds. It is

considered to be of appropriate design for its purpose and would respect the site's setting within the AONB.

- 10.33 It is acknowledged that the proposed floodlights and lighting to serve the proposed all weather pitch would have an impact upon the landscape. However, it is noted that application 02/00727/FUL granted consent at the site for lighting to serve a training pitch, albeit for four lights on a lesser scale than that proposed under this application. Nonetheless, the principle of lighting to serve a training pitch has previously been considered to be acceptable.
- 10.34 The Council's Landscape and Biodiversity Officer has considered the proposed developments at the site along with the submitted landscape and visual appraisal. The Landscape and Biodiversity Officer has not sought to object the development in regard to its visual impact, impact upon the landscape or AONB. They consider that the proposal would result in residual harm to the AONB, but considers that the effects on both landscape and visual amenity are limited and could be characterised as Slight or Slight to Moderate in landscape terms.
- 10.35 The Council's Landscape and Biodiversity Officer considers that the level of harm to the landscape and AONB when taking account of the limited nature and extent of the harm, the site context and nature of the proposal is likely to be acceptable. They conclude that through mitigations and enhancements the impact would be further softened, and they ultimately do not object to the application on landscape grounds.
- 10.36 Whilst it is acknowledged that the proposed development would result in some limited harm to the landscape and AONB, it is not considered that the proposed works would appear out of character at a recreation/sports ground and that the benefits of the proposal would outweigh this limited harm. The proposed development is therefore considered to have an acceptable visual impact and would not be considered to warrant refusal on such grounds.

### **Residential Amenity**

- 10.37 Policy EN1 of the Council's Local Plan, requires under criterion 2 that proposals would not cause significant harm to the residential amenities of adjoining occupiers, when assessed in terms of daylight, sunlight and privacy. Policy EN1 also addresses a loss of outlook from nearby occupiers. For an 'outlook' to be substantially harmed the impact must be far greater than a simple change of view. The preservation of a private view/vista or the corresponding impact on adjoining property values through any loss of that view/vista are not material planning considerations.
- 10.38 Within the Submission Local Plan, Policy EN1 outlines various criteria which all proposals for development will be required to satisfy. With regard to residential amenity, the policy requires that proposals should not cause significant harm to the amenities of occupiers of neighbouring properties and uses. Criterion 1 requires that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity, vehicular movements, or overlooking and criterion 2 requires that the built form does not create an unacceptable loss of privacy and overbearing impact, outlook, or daylight and sunlight enjoyed by the occupiers of adjacent/nearby properties. In addition, the policy requires that proposals should create safe and secure environments and incorporate adequate security measures and features to deter crime, fear of crime, disorder, and anti-social behaviour.
- 10.39 The proposed development is considered to have the most potential impact upon the adjacent properties of 215 – 245 Forest Road (odds only) (situated to the immediate north of the application site), 6 & 7 Copperfields (situated to the immediate north

east), the properties to the immediate east within Dukes Drive which back onto the application site (nos 15, 16, 25, 26, 27 and 30), the property of Cherry Trees (located to the immediate south of the site and within the Wealden District), along with the properties situated to the north west along the opposite side of Frant Road (including properties within Redcliffe Place and St Marks Road)

- 10.40 Forest Road is located to the immediate north of the proposal site where a number of properties back on to the application site. These properties generally comprise detached properties, which sit within spacious plots, and front towards the north. There are however a small number of other property types including an apartment block and a semi-detached unit. It is also noted that properties nos 217-229 (located further towards the north east corner of the grounds) generally sit within much smaller plots when compared to nos 233-243 which lie to the west of these residential properties.
- 10.41 The properties of 6 & 7 Copperfields are located to the immediate north east of the site and comprise detached units which back onto the application site. Also, to the north east of the site lies the properties within Dukes Drive which comprise two storey units that generally back onto the application site. The property of Cherry Trees is a detached unit to the immediate south of the site (this property falls within the Wealden District).
- 10.42 By virtue of the nature of the development, existing screening, and separation distance from the proposals to these neighbouring properties it is considered that the proposed development would not result in such a loss of light, privacy or outlook to these neighbouring properties or have such an overbearing impact to warrant refusal on such grounds.
- 10.43 The main concerns in regard to residential amenity raised by local residents relate to noise and lighting at the site as a result of the proposed developments and intensified use. A noise impact assessment has been submitted in support of the application, which has been prepared by a suitable professional. The report concludes that even if the proposed all-weather pitch was used at full capacity the predicted sound pressure levels from the new artificial grass pitch would only have a slight impact on the soundscape. The Council's Environmental Protection Team have been consulted on the application and note the results of the submitted noise impact assessment. They however comment that there is a potential for noise associated with this development, particularly with hired use of the proposed all weather pitch. To adequately address this matter Environmental Protection have recommended a noise management plan condition and have not sought to object to the application on the grounds of the development generating an unacceptable level of noise. It is therefore not considered that proposed development, subject to a condition, would generate such a level of noise that would have such a detrimental impact upon the amenities of the surrounding residential properties to warrant the application being refused on such grounds.
- 10.44 Whilst it is acknowledged the introduction of the proposed facilities may result in an increased use of the site, most likely in the during the week when hired out to external groups and users, there are presently no planning restrictions to prevent such a use now at a long-established sports/recreation ground.
- 10.45 In regard to lighting the proposed lighting to serve the proposed all-weather pitch is relatively standard for the type of development proposed. The application is supported by lighting details and calculations and neither the Council's Environmental Protection Team and Landscape and Biodiversity Office have sought

to object to the lighting proposed but have recommended that conditions are attached in regard to lighting details/scheme of lighting. These conditions have been attached. Subject to this condition it is not considered that the proposed lighting would have such a detrimental impact upon the amenities of nearby properties to warrant the application being refused on such grounds.

- 10.46 It is concluded that the amount, scale and design of the proposals would be in keeping with the character and appearance of the surrounding area, in accordance with local and national planning policy and guidance.

### **Highways and Parking**

- 10.47 Paragraph 111 of the NPPF sets out that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

- 10.48 Core Policy 3 of the Council's Core Strategy relating to Transport Infrastructure seeks to promote sustainable modes of transport, including cycling, walking and the use of public transport in order to reduce dependence on private car use. It seeks to improve pedestrian and cycle links across the borough and pursue improvements to transport links in the rural areas along with conserving and enhancing the rural lanes network to ensure that they are convenient and safe for users. The policy also seeks to provide adequate provision for the maintaining and improvement of transport infrastructure at the strategic and local levels through working with partners and seeks to improve the strategic rail and highways networks.

- 10.49 Policy TP1 of the Council's Local Plan relates to Travel Plans and requires that proposals for large scale non-residential developments to be accompanied by a transport assessment and travel plan to demonstrate the adequacy of the transport infrastructure to serve the development. Policy TP4 relates to access to the road network and sets out that proposal will be permitted provided that the road network has adequate capacity to cater for the traffic which would be generated from the development, that a safely located access with adequate visibility splays can be created/provided, that outside the LBD the development would not involve the provision of an additional access onto a primary or secondary route and that the traffic generated from the proposal does not compromise the safe and free flow of traffic or the safe use of the road by others. The policy also requires that where a proposal requires highway improvements that the developer will be required to meet the cost of the improvements where these are fairly and reasonably related to the development. Policies TP5 and TP9 of the adopted Local Plan seek to ensure adequate parking and cycling provisions respectively.

- 10.50 Policy TP1 of the Council's Submission Local Plan relates to transport statements, travel plans and mitigation. The policy seeks to ensure that developments provide a satisfactory transport assessment and are able demonstrate that the impacts of trips generated from a proposal will be mitigated to avoid causing an unacceptable impact on highway safety. Policy TP2 relates to transport designs and accessibility and seeks to ensure that proposals are safe for all users and create a high quality built environment that enhances the public realm, which greatly contributes to the attractive character of the borough. It also seeks to ensure that schemes enable sustainable travel, including active travel and public transport as alternative modes of transport to the private car as well as permeability through sites through the maintenance and enhancement of linkages to the public footway network. Policy TP3 which relates to parking standards seeks to ensure that adequate parking is provided and that proposals for non-residential developments within the borough shall apply the maximum parking standards in accordance with Kent County Council's guidance

## *Access*

- 10.51 The proposal seeks to utilise the existing vehicle access points to the site from Frant Road. The submitted transport statement estimates that the new all-weather/3G pitch can accommodate up to 50 additional rugby participants on weekdays and weekends which may result in up to 100 additional trips on the network, although peak hour trips are considered unlikely. The transport statement also notes that 3G/all-weather pitches typically allow continued use of the facilities when other pitches are unplayable. In addition, outside of the use of the facility by the proposal will also accommodate community and school use.
- 10.52 Whilst it is noted that the proposed development would likely result in an overall increase in movements to the site, the access points are located within a 30mph stretch of road and in close proximity to other junctions. KCC Highways have been consulted upon the application and consider the proposed access arrangements to the site to serve the proposed developments are appropriate subject to conditions (including visibility splays to ensure they are provided and maintained). It is therefore considered that there are no objections to the application on the grounds of access.

## *Parking*

- 10.53 The application site currently comprises 55 parking spaces (located within the north west and along the west boundary of the site). The application seeks to extend the existing parking area running along the sites west boundary to provide a further 76 parking spaces resulting a total of 131 parking spaces at the site.
- 10.54 The proposed level of additional parking at the site (76 spaces) is considered by KCC Highways to be in excess of that generated by the additional usage of the ground and the proposed all weather pitch itself with respect to KCC standards. The proposed additional parking at the site is also considered by KCC Highways to accommodate some of the existing on street parking by users of the club and reduce the impact and parking pressures on the surrounding road networks. KCC do however recommend that further consideration is given to the possibility further staggering start and finish times of the matches and junior sessions to further reduce parking stress in the area. An informative has thus been attached. A condition has also been attached in regard to car park surfacing in the interest of visual amenity and to ensure that there is no spread of mud onto the highway.
- 10.55 It is also considered that the site is within a highly sustainable location where future occupiers have access to a range of services/facilities and public transport links (a bus stop is located opposite the main entrance to the grounds). It is therefore not considered that future users would be entirely dependent on the use of a private vehicle to access the facilities and that there would be adequate parking to support the proposed development. A condition has also been attached to ensure the installation of EV charging points at the site.
- 10.56 It is also noted that a good level of cycle parking is proposed which would aid to promote such a sustainable transport method. Therefore, it is considered that the proposed level of parking provided for the development is acceptable for the site's sustainable location.
- 10.57 It is noted that parking and parking issues within the surrounding roads, particularly during peak times of usage of the grounds, has been raised as an issue by local residents. This is an existing situation where there are no planning controls to prevent users of the ground parking within the surrounding roads and walking to the ground.



10.58 It is nonetheless recognised that residential areas such as this can be prone to parking saturation during the peak use of such facilities. Whilst all comments received are material to this decision, their remit does should relate to highway safety matters rather the management of on-street parking. It is noted that concerns have been raised in regard to parking and the potential increased parking pressures on the surrounding road networks. There is a difference between the inconvenience of parking to local residents, where visibility is restricted either side of a driveway (a common occurrence in residential areas in and around urban areas) and parking-related highway safety. Inspectors have, at appeal, traditionally only given weight to highway safety issues arising from parking. It would be difficult to directly attribute a significant parking-related safety issue directly to this development, given the nature of the current roadside parking, the level of onsite parking proposed (in accordance with KCC guidance) and the fact that there is some parking availability in nearby streets. Therefore, in this instance, it is not considered that the proposal would cause such a harm to highway safety to warrant refusal.

### *Summary*

10.59 Taking the above into account, the development is considered to be acceptable in highway safety terms and provides an appropriate level of on-site parking. The proposal is therefore considered to comply with current local, KCC and national planning policy and guidance.

### **Heritage Impact**

- 10.60 The Tunbridge Wells Conservation Area (located to the north-west) and in close proximity to a Grade II listed building (part of 247 Forest Road, situated approximately 45m to the north-west).
- 10.61 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and case law makes it clear that, amongst other things, when a development will harm a heritage asset of its setting, the decision-maker must give that harm considerable importance and weight; with reference to S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 makes it clear that the decision-maker is only asked to preserve the special character and appearance of the Conservation Area and not enhance it.
- 10.62 Paragraph 199 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 10.63 Core Policy 4(5) of the Council's Core Strategy sets out that the Borough's heritage assets, including Listed Buildings and Conservation Areas will be conserved and enhanced and special regard will be had to their settings.
- 10.64 Policy EN5 of the Council's Local Plan sets out that development should not be detrimental to the character or appearance of a conservation area and that proposal should preserve or enhance the character and appearance of an area.
- 10.65 Policy EN5 of the Council's Submission Local Plan comments that proposals that affect a designated or non-designated heritage asset, or its setting, will normally only be permitted where the development conserves or enhances the character, appearance, amenity, and setting of the asset.

10.66 The Council's Conservation Officer has been consulted on the application and has commented on the application that specialist advice from the Built Heritage Team is not, in this case, necessary for the determination of this application. It is therefore not considered that the proposed works would have a detrimental or harmful impact upon the setting of the adjacent Conservation Area or nearby Grade II listed property. The proposed development is therefore considered to be acceptable in regard to heritage impact.

### **Drainage and Flooding**

10.67 Paragraph 159 of the NPPF sets out that '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*' Paragraph 167 sets out that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that where appropriate, applications should be supported by a site-specific flood-risk assessment. Paragraph 169 comments that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

10.68 Core Policy 5 of the Council's Core Strategy comments that proposals should produce no negative effects on existing flood patterns; and, where necessary, apply mitigation and adaptation measures to reduce potential flood risk.

10.69 Policy EN25, which relates to flood risk, of the Council's Submission Local Plan requires that proposals for new development should contribute to an overall flood risk reduction, and development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere.

10.70 It is understood that the site is presently often waterlogged and results in number of rugby matches being postponed/cancelled. The site in planning terms falls outside of a designated flood zone (being within Environment Agency Flood Zone 1) or a Strategic Flood Risk Area. The proposed development would nonetheless result in an increase of built form at the site and require engineering operations.

10.71 A flood risk assessment has been submitted in support of the application, which has been prepared by a suitable professional. In regard to the sites existing condition and current flood conditions the report concluded that the flood risk profile of this site is effectively 'Low,' with the only concern being surface water flooding in the southeast of the recreation ground.

10.72 The additional runoff from the proposed development areas is proposed to be divided into two catchments, based on the existing land drainage topography. Catchment 1 and the pavilion are proposed to drain to the Moxon ponds, located to the southwest of the site via the existing drainage infrastructure around the existing pitches. Catchment 2 is proposed to drain to the existing sewer on Frant Road, as the existing runoff from the sports pavilion and existing car park are currently already directed to the surface water sewer. All non-artificial grass pitches were considered permeable within the assessment, with land drains to be provided to prevent ponding over the pitch surfaces.

10.73 The proposed 'impermeable' areas set out within the submitted assessment included the all-weather 3G pitch, storage building, tarmac car park and associated hardstanding. However, the assessment noted that the all-weather/3G pitch is not

expected to behave as a fully impermeable area, but as infiltration rates are too low to efficiently drain the area, the runoff from said pitch will be directed offsite.

- 10.74 The required storage volume for catchment 1 is proposed to be provided partly within the pitch subbase and partly above ground. The pitch subbase is shown to hold sufficient volume for all events up to and including the 1 in 30-year event. In larger events, the southern end of the pitch is proposed to in effect act as an above ground attenuation basin, with the stored runoff held behind a raised kerb line. The required storage volume for catchment 2 is proposed to be provided within porous subbases below the paving area and proposed car park.
- 10.75 The submitted assessment/report concludes that the proposed development will not increase the flood risk, either on this site or to neighbouring properties, and so shall comply with the 2021 NPPF and current PPG.
- 10.76 KCC Flood and Water Management have been consulted upon the application and have not sought to object. The proposed arrangements are considered to be appropriate for the site, would not significantly increase flood risk in the locality, and that the development is considered to be acceptable, subject to conditions, in regard to drainage and flooding.

## **Ecology**

- 10.77 Paragraph 174 of the NPPF sets out that decisions should contribute to and enhance the natural and local environment including by minimising impacts on and providing net gains for biodiversity. Paragraph 179 seeks to enhance biodiversity and promote the conservation, restoration, and enhancement of priority habitats, ecological networks and recovery of protected species and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 of the NPPF comments that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 10.78 Core Policy 4 of the Council's Core Strategy sets out that the borough's built and natural environments are rich in biodiversity. The policy seeks to avoid net loss of biodiversity and geodiversity across the borough as a whole and that opportunities for biodiversity enhancements will be identified and pursued by the creation, protection, enhancement, extension and management of green corridors and through the development of green infrastructure networks in urban and rural areas to improve connectivity between habitats.
- 10.79 Criterion 5 of Policy EN1 of the Local Plan requires developments to not have a significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements. Policy EN9 of the Council's Submission Local Plan seeks for developments to provide net gain.
- 10.80 An ecological appraisal has been submitted in support of the application along with a landscape plan and details of enhancements and mitigation, which has been prepared by a suitable professional. The Council's Landscape and Biodiversity Officer is satisfied with the proposed landscape plan and the ecological enhancements and subject to securing a LEMP (landscape and ecological management plan) via condition is satisfied that the biodiversity gains of 0.94% predicted will be achieved or exceeded.

- 10.81 However, and as set out with the Council's Landscape and Biodiversity Officers comments the proposal is unlikely to result in an overall biodiversity net gain of 10%, which is the standard generally sought. Whilst the proposed development would comply with the Council's Core Strategy requirements of not resulting in a net loss of biodiversity the proposal would fail to meet the requirements of the (more recent) Environment Act and the requirements of the policy within the Submission Local Plan. The Council's Landscape and Biodiversity Officer sets out that in order to achieve a gain of 10% the applicant would have to make an off-site provision/contribution of £54,000 (3 units at a cost of £18,000 per unit).
- 10.82 The Council's Landscape and Biodiversity Officer does however recognise that proposal does provide public benefits and is an application type which nominally struggles for funding. It is acknowledged that such a financial contribution (£54,000) may be beyond the means of the scheme and in such instances, it is for the Council to consider whether the public benefits outweigh the conflict with the emerging policy.
- 10.83 The club and applicant have advised that the budget for the project when it was first conceived om 2019/2020 was in the region of one million pounds, which is a substantial outlay for ultimately an amateur sports club. It is advised that the source of the funding is through donations, fund raising and grants, which is relatively common for such a project for a community club. Since the project was initially budgeted build costs have significantly escalated (by at least 50%) in line with rising costs with the economy, but particularly the construction sector and cost of materials.
- 10.84 The applicant still considered that it is possible to raise the funds to deliver the proposed scheme, however it is understood that fund raising is still on going to meet the increased costs. The applicant considers that the additional fee/contribution required (£54,000) to achieve a 10% in biodiversity net gain to the overall costs is a considerable sum, particularly given the increased cost of the project and the additional fund the applicant has had to find/raise. The applicant has commented that any significant contribution, even for a single unit (£18,000), would not make the proposal viable and ultimately end the project. This would be detrimental to the sports clubs based at the grounds along with the loss of the community benefits such a development would provide.
- 10.85 The Council's Landscape and Biodiversity Officer has suggested within their comments that additional land would assist with meeting the 10% requirements of the emerging policy. The club and applicant are already purchasing the land to the south of the established recreation grounds to create the proposed replacement cricket pitch (The Moxon Pitch). It is understood that the deal agreed in principle between the applicant and landowner has been altered once during the application process to allow for the increase in size needed for the replacement cricket pitch and wicket (as required by Sport England). The landowner of this land to the south of the grounds was accommodating on this point, but it is understood that any further release of land or other agreement with them is not going to be possible. This is not so much a financial issue, but rather one of there not being a willing seller of additional land.
- 10.86 The requirements for the delivery of 10% in biodiversity net gain is a matter of planning judgement and balance for the LPA. Taking into consideration the benefits of the proposal are considered to be the significant improvements in facilities at the grounds not only to the existing sports clubs (and members of those clubs) but also the added community benefits most notably in the form an additional all-weather/3g pitch to the borough (where there is presently an identified shortfall with the pitch strategy), which is to be available to the wider community and schools. In considering these considerable wider community benefits, that the proposal meets the Council's

adopted policy requirements of no net loss, the substantial cost already of delivering such a project and the lack of further available land available; it is considered that the benefits of the scheme outweigh the lack of achieving a net gain of 10% (which would not result in a net loss) and therefore the LPA are not seeking a contribution towards net gain.

- 10.87 The proposal is therefore considered to be acceptable in this regard, subject to conditions.

### **Tree Impact**

- 10.88 Paragraph 131 of the NPPF comments that '*Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change...*'

- 10.89 Policy EN13 of the Council's adopted Local Plan comments within the preamble that 'Trees and woodland contribute greatly to the appearance of the countryside, and the character of many of the towns and villages within the Plan area, as well as providing valuable wildlife habitats.' The policy itself sets out that '*Development will not be permitted if it would damage or destroy one or more trees protected by a Tree Preservation Order, or identified as Ancient Woodland, or in a Conservation Area, unless:*

- 1. The removal of one or more trees would be in the interests of good arboricultural practice; or*
- 2. The desirability of the proposed development outweighs the amenity value of the protected tree'*

- 10.90 Policy EN12 of the Submission Local Plan relates to Trees, Woodland, Hedges, and Development. The policy sets out that permission will not normally be permitted where the proposal adversely affects important trees, woodlands, and hedgerows and that where there is an unavoidable loss of trees on-site, however, an appropriate number of suitable replacement trees (in terms of species and size) that replaces or exceeds that which is lost will be required to be planted on-site.

- 10.90 An Arboricultural report has been submitted with the application, which has been prepared by a suitable professional. The north, east and south boundaries of the grounds are generally demarcated by lengths of native and ornamental hedge; and, the west boundary, by a line of scattered trees, dominated by oak and willow. The proposal is to retain all hedges and trees where possible, but would require the loss of two ornamental trees (TG40) and two young oaks (TG41) to the northwest of the site, along with a small beech (T60) and a small birch (T61) within the south-eastern field.

- 10.91 The Council's Tree Officer has considered the application and has commented that the loss of the trees within the site can be mitigated through appropriate replacement planting and that the impacts upon the retained trees can be minimised through a no dig construction method. They have not sought to object to the application and have recommended conditions, which have thus been attached and recommended. The proposed development is therefore, subject to conditions, not considered to have an unacceptable tree impact.

### **Other Matters**

#### *Loss of Agricultural Land*

- 10.92 Paragraph 174 (b) of the NPPF sets out that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the

intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

- 10.93 Policy EN20 of the Council's Submission Local Plan seeks to protect the most versatile agricultural land from significant, inappropriate, or unsustainable development.
- 10.94 The proposed development would result in the loss of agricultural land in order to create/provide the replacement cricket pitch, to the south of the established grounds, and within the Wealden District.
- 10.95 The field is considered to be of a relatively limited size and along with the topography may restrict the range of crops that can be grown and the manner in which they can be cultivated. It is also noted that there is no agricultural infrastructure on site such that its loss would compromise operation of the wider agricultural operations. Based on the above there is no objection in regards to the loss of the site as agricultural land.
- 10.96 Notwithstanding the above, it is also considered that other material considerations relevant to this proposal, being the significant wider community benefits of the proposed development as outlined above that would outweigh the harm caused with the loss of this land for agricultural purposes.

#### *Land Contamination*

- 10.97 Core Policy 5 (Sustainable Design and Construction) of the Council's Core Strategy requires that all new developments manage, and seek to reduce, air, light, soil and noise pollution levels, acknowledging that the presence of contaminated land can be a risk to human health and the environment. It is recognised, however, that development proposals can present an opportunity for the remediation of contaminated land and as such developments are expected to conform to the principles and requires set out in the Borough Contaminated Land Inspection Strategy. Furthermore, any development on previously developed land, or development with sensitive end uses, should take potential land contamination into consideration.
- 10.98 In addition, the Submission Local Plan at Policy EN28, relating to land contamination, sets out that development proposals on a site that is known, or suspected, to be affected by contamination will only be permitted (in lined with the requirements of the Council's latest adopted Contaminated Land SPD) where practicable and effective measures are taken. These measures should avoid: exposing future occupiers and users of the development or people in the locality to unacceptable risk to health; threatening the structural integrity of any existing building or structure built on, or adjoining, the site; causing the contamination of any watercourse, water body, or aquifer; causing the contamination of adjoining land, its residents or users, or allowing such contamination to continue; and, damaging or putting at unacceptable risk the quality of the natural environment. The policy consequently requires a risk assessment to be undertaken at the earliest stage, detailing the methodology by which risks will be addressed and ensuring the treatment and/or removal of all contaminants prior to the commencement of development.
- 10.99 The northwest corner of the grounds, including the main club house, falls within an area identified as potentially contaminated land buffer zone. The Council's Environmental Protection Team have commented that the site does not appear on

our database as potentially contaminated and have thus not raised any concerns in regard to this matter.

### *Air Quality*

10.100 Policy EN21 of the Submission Local Plan sets out the Council's approach toward protecting air quality in the borough. The policy sets out that development will not be permitted when it is considered that the health, amenity, or natural environment of the surrounding area would be subject to unacceptable air quality effects (that are incapable of being overcome by a condition or planning obligation), taking into account the cumulative effects of other proposed or existing sources of air pollution in the locality.

10.101 The Council's Environmental Protection Team have commented that the site is not in or near an air quality management area. The proposed development is not considered to result in such an intensified use of the grounds or detrimental impact upon air quality to warrant the application being refused on such grounds.

### *Community Engagement*

10.102 The NPPF gives great weight and support to proposals where active community engagement has taken place, with Paragraph 16(c) promoting early and meaningful engagement and collaboration with neighbourhoods, local organisations and businesses.

10.103 The applicant sought pre-application advice from the LPA and this application follows a previously withdrawn application. The Applicant is understood to have held a Public Consultation event at the main clubhouse on Wednesday 9<sup>th</sup> June between 5-7pm and a flyer which was distributed to neighbours.

### *Construction Management*

10.104 Given its temporary nature little weight can be given to this matter. It is considered that a construction management plan is necessary however in this instance given the scale of the development and the site's location. Therefore, a condition has been recommended. There are also powers to deal with statutory nuisance from noise and disturbance from construction sites through Environmental Health Legislation.

### *Accuracy of Plans and Documents*

10.105 Comments have been made in regard to the accuracy of the submitted plans and details. The plans are within the tolerances of accuracy and all of the proposed plans are considered to be consistent with one another.

### *Medium Gas Pipeline*

10.106 Parts of the site adjacent to the site's west boundary are within a 25m buffer zone of a Medium Gas Pipeline. SGN have been consulted on the application and have SGN stated within their comments that there should be no mechanical excavations taking place above or within 0.5m of any low/medium pressure system or above or within 3.0m of an intermediate pressure system, with the recommendation that the gas safety advice booklet provided should be passed to the applicant as well as that safe digging practices in accordance with HSE publication HSG47 must be used to verify and established the actual position of any mains, pipes, services and other apparatus on site before any mechanical plant is used. This will consequently be ensured via an informative.

### **Conclusion**

10.107 Whilst it is acknowledged that the proposed development would result in harm to the site's locality and setting of the AONB, this harm is considered to be limited due to the

restricted vantage points and that the development forms part of established sports/recreation grounds. As set out above the proposed public and community benefits are considered to outweigh this limited harm and the proposed development is considered to be policy compliant. The application is therefore considered to be acceptable, subject to conditions, and is recommended for approval.

**11.0 RECOMMENDATION – GRANT** Subject to the following conditions:

Implementation

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Drawings

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

LLD2320-ECO-CALC-001-01 - BNG  
 LLD2320-ECO-DWG-020-01 - Ecological Enhancements Plan  
 LLD2320-LAN-DWG-100 rev 01 - Detailed Soft Landscaping Plan  
 LLD2320-ARB-DWG-002-02\_TRPP - Tree Retention and Protection Plan  
 LLD2320-ARB-REP-001-01 - Arboricultural Impact Assessment and Method Statement  
 LLD2320-LAN-SCH-001-00 - Plant Schedule and Specification (Rev 01)  
 LLD2320-LAN-DWG-100-00 - Detailed Soft Landscape Plan - Cricket Pitch Detailed Plant Schedule & Specification  
 1609\_SI.AP(2)10 AREAS\_ - Proposed Site Plan with Areas (Rev M)  
 1609\_SI.AP(2)10\_ - Proposed Site Plan (Rev M)  
 1609\_AP(2)10\_ - Proposed St Mark's Recreation Ground Floor Plan (Rev N)  
 1609\_AP(2)11 Rev H - Proposed Clubhouse and storage Plan  
 1609\_AP(2)1 Rev K - Proposed Clubhouse Parking Plan  
 1609\_AE(2)10 Rev C - Proposed Store front and rear elevations  
 1609\_AE(2) 12 Rev C\_ - Proposed Store side elevations  
 1609\_AE(2)13 Rev B - Proposed Store and 3g elevations  
 1609\_AE(2)14 Rev B - Proposed Store and 3g elevations north and south  
 1609\_AP(2)13 Rev G- Proposed Extended Parking Plan  
 1609\_AP(2)14 Rev G- Proposed Cricket Pavilion Plan  
 1609\_AE(2)15 Rev G- Proposed Cricket Pavilion Elevations  
 1609\_AP(2)15 Rev B - Proposed First Team, 3G & Youth Pitches Plan  
 1609\_AE(2)16 Rev B - Proposed Pergola Decking Elevations  
 1609\_AP(2)16 Rev M - Proposed Moxon Cricket Field  
 1609\_AE(2)17 - Proposed Moxon Shelter  
 1609\_AP(2)17 Rev C - Proposed Store Ground Floor and Roof Plan  
 1609\_AP(2)18 Rev I - Proposed Decking and Pergola Plan

Reason: To clarify which plans have been approved

External Materials

3. Written details including source/ manufacturer, and samples of bricks, tiles, cladding and roofing materials to be used externally for the hereby approved storage building and cricket pavilion shall be submitted to and approved in writing by the Local Planning Authority before above ground development is commenced and the



development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

Construction Environmental Management Plan

4. Prior to the commencement of the construction works, including earthmoving, for any phase of the development a Construction Environmental Management Plan relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Construction Environmental Management Plan and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The Scheme shall include, but not be limited to, the following details:

- A programme for carrying out the works, including set up, preparation and clearance of the site;
- Details of the number and frequency of construction vehicle movements;
- Construction vehicle routes to and from and within the site with distance details;
- A construction workers' travel plan;
- A detailed traffic management plan to control traffic during the construction phases,
- Details of on-site parking and site operatives', contractors and construction vehicles;
- Details of any temporary buildings, enclosures and staff facilities;
- Measures to minimise and control noise, vibration, dust, odour, exhaust, smoke and fumes during construction;
- Construction delivery hours;
- Design and provision of site hoardings (if required);
- Details of noise mitigation;
- Measures to minimise the potential for pollution of groundwater and surface water;
- Measures to protect water resources;
- Measures to protect ecology;
- Measures to protect trees, woodland and planting;
- The arrangements for public consultation and liaison during the construction works;
- Measures to prevent the transfer of mud or other detritus onto the highway and its prompt removal if it occurs;
- Details for soil management in accordance with the DEFRA construction code of practice for sustainable use of soils on construction sites;
- Details of the storage and removal of any spoil from the site including likely number of vehicle trips;
- Provision of wheel washing facilities.
- Temporary traffic management / signage.
- Provision of measures to prevent the discharge of surface water onto the highway.

The construction of the development shall be carried out in accordance with the approved Construction Environmental Management Plan relating to that phase of development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety and to protect the amenities of the area, air

quality, water resources, trees and ecology during the construction phase. Such details are fundamental to the application and are therefore required prior to its commencement.

### Tree Protection

5. Notwithstanding the details submitted, no development shall take place until details of tree protection in accordance with British Standard BS 5837:2012 have been submitted to and approved in writing by the Local Planning Authority. These details shall be set out in a standalone Arboricultural Method Statement (AMS) and scale able Tree Protection Plan (TPP) or, where appropriate, a combined AMS/TPP or set of statements and plans.

The AMS and TPP shall cover all trees to be retained which could be impacted by the development, and shall include specific measures to protect these trees through all phases of the development, including measures for:

- details of any necessary site supervision and reporting procedures;
- the location of site facilities and materials storage;
- demolition of existing structures/hard surfaces;
- changes in ground levels, including the location of construction spoil;
- installation of new hard surfaces;

Where these may encroach into root protection areas and/or present canopy spreads.

All construction activities shall be carried out in accordance with the approved AMS and TPP, unless otherwise agreed in writing by the Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990, to safeguard existing trees to be retained, mitigate impacts from development which could lead to their early loss and protect the public amenity and character of the local area.

### Tree Protection (2)

6. The hereby approved development shall be carried out in such a manner as to avoid damage to the existing trees to be retained, including their root systems, and other planting to be retained by observing the following:

- All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012, and in accordance with the approved Tree Protection Plan and Arboricultural Method Statement, to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction;
- No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
- No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
- No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation;
- Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

- No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group.

Each phase of the development shall be carried out strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality. Such details are fundamental to the application and are therefore required prior to its commencement.

### Landscaping

7. Prior to the commencement of above ground works, details of hard and soft landscaping and a programme for carrying out the works within that phase shall be submitted to the Local Planning Authority for approval. The submitted scheme shall include details of hard landscape works, including hard surfacing materials; and details of soft landscape works, including planting plans, written specifications and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: In order to protect and enhance the amenity of the area. Such details are fundamental to the application and are therefore required prior to above ground works commencement.

### Landscape Implementation

8. The landscaping scheme approved for the development shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In the interest of visual amenity and in order to protect and enhance the amenity of the area.

### Landscape and Ecological Management Plan (LEMP)

9. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the hereby approved development. The content of the LEMP should also include the following:

- Description and evaluation of features to be managed.
- A scheme for the enhancement of biodiversity on site.
- Planting and management scheme for ecological areas.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).
- On-going monitoring and remedial measures.

- Details of the body or organisation responsible for implementation of the plan, which is to be overseen by a Steering Group.
- A tree management plan.
- Where monitoring indicates that the conservation aims and objectives of the LEMP are not being met, the LEMP shall also set out how contingencies and/or remedial action will be identified, agreed and implemented to ensure the development delivers the biodiversity objectives of the originally approved scheme.
- Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The LEMP shall be implemented in accordance with the approved details.

Reason: To protect and enhance the landscape and existing species and habitat on and adjoining the site (on land under the applicant's ownership and control). Such details are fundamental to the application and are therefore required prior to its commencement.

#### Visibility Splays

10. The hereby approved development shall be carried out in strict accordance with the visibility splays as shown on 10911\_100 P5, which shall be provided and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

#### Parking & Turning provision

11. The area shown on the hereby approved drawings as vehicle parking spaces and turning areas shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the businesses, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking spaces.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

#### Cycling and EV Charging Provisions

12. Prior to the first use of the hereby approved development details of cycle parking and vehicle EV charging points shall be submitted and approved in writing by the Local Planning Authority. The scheme thereafter shall be fully implemented in strict accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a sufficient level of cycling parking and EV charge points are provided and in the interests of highways safety.

#### Coach Access and Parking

13. Prior to the first use of the hereby approved development details of coach access and parking arrangements shall be submitted to and approved in writing by the Local Planning Authority. The scheme thereafter shall be fully implemented in strict

accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure appropriate coach access and parking arrangements are provided and in the interests of highways safety.

### Floodlighting

14. Prior to the first use of the hereby approved 3G/all-weather pitch, as shown on the approved plans, a detailed scheme of lighting shall be submitted to, and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. Details of operating hours shall also be submitted. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of visual and residential amenity.

### External Lighting

15. No external lighting shall be installed on the site other than that shown on the hereby approved plans or as approved under condition 15 without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity of adjoining residents.

### Floodlight Shut-Off Controls

16. The flood lights hereby approved shall not be used until they are fitted with automatic shut-off controls for when the all-weather pitch is not in use. Thereafter the automatic shut-off controls shall be retained unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of protecting surrounding residential amenity

### Verification Of Installation Of Lighting Scheme

17. The use hereby approved shall not commence until the applicant has provided written evidence from a lighting professional that the installed scheme is in accordance with the approved scheme and is operating within predicted limit.

Reason: In the interest of visual and residential amenity.

### Noise Management Plan

18. Prior to the first use of the hereby approved 3G/all-weather pitch, as shown on the approved plans, a management plan shall be submitted for approval to the Local Planning Authority. The plan shall include but not be limited to examples such as hours of operation and delivery, control of noise and noise from activities. The plan should include procedures for response to complaints from residents or the Local Authority. It should include a review mechanism in response to justified complaints. Once approved the plan shall be implemented to the satisfaction of the Local Planning Authority.

Reason: In the interest of residential amenity.

### Replacement and New Cricket Facilities

19. Prior to first use of the hereby approved 3G/all-weather pitch as shown on the approved plans the replacement 'Moxon' Cricket Pitch will be completed and made available for use prior to the removal of the current Kent wicket/pitch as shown within the approved plans. The hereby approved cricket pavilion and 'Moxon' shelter and equipment store, as shown on the approved plans, shall also be completed and made available for use prior to first use of the hereby approved all-weather/3G/Rugby Artificial Grass Pitch.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Sport England policy and guidance.

### All-weather/3G Pitch Testing

20. Prior to the first use of the hereby approved all-weather/3G pitch, as shown on the approved plans, certification that the approved pitch has been tested and meets World Rugby Regulation 22 standard has been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England.

Reason: To ensure the development is fit for purpose and provides sporting benefits and to accord with Sport England policy and guidance.

### Community Use Agreement

21. Prior to the first use of the hereby approved development a community use agreement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The agreement shall apply to the hereby approved All-weather/3G pitch, the cricket pitches, the clubhouse, cricket pavilion and any ancillary facilities including parking forming part of the development and shall include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Sport England policy and guidance.

### Facilities Management and Maintenance Scheme

22. Prior to the first use of the hereby approved all-weather/3G pitch, as shown on the approved plans, a management and maintenance scheme for the facilities including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall include measures to ensure the replacement of the Artificial Grass Pitch (all-weather/3G pitch) within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the respective sports facility.

Reason: To ensure that the new facilities are capable of being managed and maintained to deliver facilities that are fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Sport England policy and guidance.

### Hours of use (all-weather/3G pitch)

23. The hereby approved all-weather/3G pitch along with its associated lighting shall not be used outside of the hours of 08:00 – 22:00 Monday – Saturday and 08:00 – 20:00 Sunday and public holidays unless otherwise agreed in writing with the Local

Planning Authority.

Reason: To balance illuminating the all-weather/3G pitch for maximum use and benefit to sport and community with the interest of residential amenity and sustainability and to accord with local, national and Sport England policy and guidance.

### Sustainable Surface Water Drainage Scheme

24. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Surface Water Drainage Assessment prepared by GTA Civils and Transport Limited dated 13 September 2021 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

### Verification Report

25. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

### Importing and Exporting of Soils

26. Prior to the commencement of the hereby approved 3G/all-weather pitch details of the importing and exporting of soils or sub soils from or to the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: These details are required prior to the commencement of development in order to protect the amenity of the locality.

### Earthworks and Levels

27. Prior to the commencement of the hereby approved 3G/all-weather pitch, details of the proposed earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall thereafter be carried out in accordance with the approved details unless previously agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area. Such details are fundamental to the application and are therefore required prior to its commencement.

### Remove PD for Extensions & Change of Use

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development or change of use shall be carried out unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of protecting the character and amenities and highway safety.

### Watching Brief

29. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

### Reporting of Unexpected Contamination

30. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the associated condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of the associated condition, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the associated condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried



out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Parking Monitoring Plan

31. Prior to the first use of the hereby approved development, a full and detailed Parking Monitoring Plan shall be submitted to and approved in writing by Local Planning Authority. The Parking Monitoring Plan shall include arrangements for monitoring, review, amendment and effective enforcement to reduce overspill parking in to the surrounding roads harmful to the free flow of traffic on the surrounding highway network. Thereafter, the clubs based at the ground shall be responsible individually and severally for the monitoring, review, amendment and effective enforcement of the approved Parking Monitoring Plan.

Reason: In the interests of highway safety.

Screening

32. Before the first use of the terraced roof area above the hereby permitted storage building at the site a 1.8m high obscure screen shall be erected on the north facing elevation at roof level and shall thereafter be retained as such.

Reason: In the interests of protecting the residential amenities of adjacent dwellings.

## INFORMATIVES

1. As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Compliance with this document is expected. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice> .
2. A copy of the SGN gas safety advice booklet should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation. Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.
3. Consideration should be given to the important information and guidance set out within the letter provided by UK Power Networks to ensure safety around nearby electrical lines and/or electrical plants. In particular, if excavation works affect Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), UK Power Networks should be contacted.
4. It is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

5. Consideration should be given to the possible further staggering of start and finish times of the matches and junior sessions to assist with tackling parking stress within the area.
6. Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/>
7. Consideration should be given to the comments raised within the consultee comments provided by Kent Police to ensure that the development creates an accessible and safe environment while minimising crime and disorder and fear of crime.
8. The 'Moxon' cricket pitch shall not be used until a full fine turf specification for the design and layout of the pitch has first been submitted to and approved in writing by Wealden District Council after consultation with Sport England. The cricket pitch shall not be constructed other than in accordance with the approved details.
9. The 'Moxon' cricket pitch as completed shall have a minimum of 10 wickets and be oriented on a north / south axis.

Case Officer: James Moysey

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

## REPORT SUMMARY

<b>REFERENCE NO - 22/03406/FULL</b>
<p><b>APPLICATION PROPOSAL</b></p> <p>Demolition of existing building and the construction of part three and part four storey building, providing 24 apartments, and associated parking, landscaping and works</p>
<b>ADDRESS</b> Grosvenor Garage 123 - 125 St James Road Royal Tunbridge Wells Kent TN1 2HG
<p><b>RECOMMENDATION</b> to GRANT planning permission subject to the completion of a Section 106 legal agreement and subject to conditions (please refer to Section 11.0 of the report for full recommendation)</p>
<p><b>SUMMARY OF REASONS FOR RECOMMENDATION</b></p> <ul style="list-style-type: none"> <li>- The site is located within the Limits to Built Development and is previously developed land (PDL). The loss of the existing employment land use and the construction of residential development on this site are considered accepted in principle.</li> <li>- The proposal would result in the delivery of sustainable development in accordance with development plan policies.</li> <li>- The scale, location and design of the development would respect the context of the site and preserve the visual amenity of the street scene.</li> <li>- There would not be any significant adverse impact upon occupants of neighbouring properties.</li> <li>- The traffic movements generated by the development can be accommodated without detriment to highway safety</li> <li>- The proposed parking layout would make adequate independent parking provision for each resulting property and would facilitate safe access to the highway.</li> <li>- Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions.</li> <li>- Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition or legal agreement.</li> </ul>
<p><b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b></p> <p>The following are considered to be material to the application:</p> <p><b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):</b></p> <ul style="list-style-type: none"> <li>- Affordable housing for 3 shared ownership units, and off site contribution amount requested = £520,975.20</li> <li>- £21,565.00 towards Provision of additional places in the Tonbridge &amp; Tunbridge Wells non-selective and West Kent selective education planning groups.</li> <li>- £10,493.04 towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care</li> <li>- £1,572.00 towards equipment and resources for Youth Centres serving the development, including Outreach Youth Services.</li> <li>- £4,408.08 towards Tunbridge Wells Waste Transfer Station and HWRC expansion</li> <li>- £20,412.00 towards refurbishment, reconfiguration and/or extension of general practice premises in the area</li> </ul>

<p>- £62,553.00 towards adult and youth recreation open space</p> <p><b>TOTAL CONTRIBUTIONS: £641,978.32</b></p> <p><b>Net increase in numbers of jobs:</b> Decreased but vacant site since last year</p> <p><b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> See above</p> <p>The following are not considered to be material to the application:</p> <p><b>Estimated annual council tax benefit for Borough:</b> 24 x £193.75 = £4650</p> <p><b>Estimated annual council tax benefit total:</b> 24 x £2029.76 = £48,714.24</p> <p><b>Estimated annual business rates benefits for Borough:</b> N/A</p>			
<p><b>REASON FOR REFERRAL TO COMMITTEE</b></p> <p>Significant major application of over 20 dwellings and recommended for approval and call in by Cllr Wormington with regards to impact on neighbouring residential properties.</p>			
<p><b>WARD</b> St James</p>		<p><b>PARISH/TOWN COUNCIL</b></p> <p>N/A</p>	<p><b>APPLICANT</b> David Munns</p> <p><b>AGENT</b> Kathryn McCain</p>
<p><b>DECISION DUE DATE</b></p> <p>27/02/23</p>	<p><b>PUBLICITY EXPIRY DATE</b></p> <p>05/05/23</p>	<p><b>OFFICER SITE VISIT DATE</b></p> <p>20/12/22 and 20/04/23</p>	
<p><b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b></p>			
<p><b>81/00111/FUL</b></p>	<p>Change of use to snooker and billiards club with ancillary uses</p>	<p><b>Approved</b></p>	<p><b>15/04/81</b></p>
<p><b>81/00376/FUL</b></p>	<p>Change of use including alterations to form residential flat</p>	<p><b>Approved</b></p>	<p><b>15/05/81</b></p>
<p><b>81/01008/FUL</b></p>	<p>Change of use and alterations of part ground floor to form flat</p>	<p><b>Approved</b></p>	<p><b>09/11/81</b></p>
<p><b>82/00861/FUL</b></p>	<p>Conversion of attic to flat and alterations to snooker club toilets</p>	<p><b>Approved</b></p>	<p><b>20/09/82</b></p>
<p><b>82/01176/FUL</b></p>	<p>Change of use from store to showroom. New windows</p>	<p><b>Approved</b></p>	<p><b>25/11/82</b></p>
<p><b>90/01650/FUL</b></p>	<p>Retrospective - Use of site as temporary car park and car sales ancillary to adjacent garage</p>	<p><b>Refused</b></p>	<p><b>04/01/91</b></p>
<p><b>91/00369/FUL</b></p>	<p>Extension to form offices and workshop</p>	<p><b>Refused</b></p>	<p><b>13/05/91</b></p>
<p><b>91/01068/FUL</b></p>	<p>Demolition of part of existing workshop; Erection of replacement workshop; Ancillary offices and store</p>	<p><b>Approved</b></p>	<p><b>24/01/92</b></p>
<p><b>92/00328/FUL</b></p>	<p>Part demolition, showroom &amp; offices &amp; workshop</p>	<p><b>Approved</b></p>	<p><b>31/07/92</b></p>

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

1.01 The application relates to a garage workshop and show room located on a corner plot between Quarry Road and St James' Road. The site is set over various levels as the land rises to the east. There is also a ramped access from Stratford Street which leads to a roof top parking area, which is set around first floor level of the neighbouring property of 19 Stratford Street.

- 1.02 The site has the showroom with a forecourt area on the corner facing onto Quarry Road and St James' Road with large sections of glazing. Further back facing James' Road is the workshop which is accessed via three large roller doors. The current buildings on the site are a mix of single and two storey buildings.
- 1.03 The site is located within the St James' area of Tunbridge Wells, which is predominantly residential, with the some retail/commercial units interspersed within the area. The buildings in the locality are characterised by two/three storey terraced and semi-detached dwellings, and taller block of flats at Bridge Court and Kensington Court, which are max 5 and 6 storeys in height respectively and the site currently being developed on Medway Road to the east of the site, which was granted permission under 19/00365/FULL for 35 apartments across 5 storeys.

## 2.0 PROPOSAL

- 2.01 The application is seeking planning permission to redevelop the site by demolishing the current buildings on the site and replacing it with a four storey block of flats. The design of the building would have stepped level with the top floor being set back from the remainder of the building to appear recessive. The elevations facing St James' Road and Stratford Street would be set back from the pavement by a small front garden area, and each unit would have balcony set within the building.
- 2.02 The scheme would provide a mix of units including 5no. 1 bed flats, 7no. 2 bed flats, 9no. 3 bed flats, and 3no. 4 bed flats. Totalling 24 flats. Three of the flats would be affordable through a shared ownership tenure, with the provision of an off site contribution to equate to the five social rent units that would have to be provided for an emerging policy compliant scheme. This is examined further later in the report.
- 2.03 The scheme would provide 29 spaces with a stacked car parking system utilising an access from St James' Road. A secure enclosure would also provide parking for 24 bicycles.

## 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
No. of storeys	Max 2	Max 4	+2
Max height	8.1m	14.6m	+6.5m
Max height inc. plant	N/A	16.4m	N/A
No. of residential units	None	24	N/A
Parking ratio	N/A	29	N/A
No. of affordable units (shared ownership)	None	3	+3

## 4.0 PLANNING CONSTRAINTS

Inside the limits to built development (LBD)  
Local Nature Reserve Hilbert Woods, Tunbridge Wells - Ref: KHWP01 + 500M Buffer  
Local Plan 2006 Tunbridge Wells Central Access Zone (Residential) - TP6  
Potentially Contaminated Land - Various Sites +1m Buffer  
Public Access Land Hilbert Woods, Tunbridge Wells  
Site Allocations 2016 Neighbourhood Centre

## 5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2021  
National Planning Practice Guidance (NPPG)

**Core Strategy 2010**

Core Policy 1: Delivery of Development  
Core Policy 4: Environment  
Core Policy 5: Sustainable Design and Construction  
Core Policy 6: Housing Provision  
Core Policy 9: Development in Royal Tunbridge Wells

## **Local Plan 2006**

Policy EN1: Development Control Criteria  
Policy H5 - Residential development within Limits to Built Development  
Policy TP1- Major development requiring Transport Assessments and a Travel Plan  
Policy TP5: Vehicle Parking Standards  
Policy R2: Recreation open space in development of more than 15 bedspaces  
Policy TP4 - Access to the road network  
Policy TP5 - Vehicle Parking Standards  
Policy TP9 - Cycle Parking

## **Submission Local Plan**

Policy STR 1 – The Development Strategy  
Policy STR 2 – Place Shaping and Design  
Policy STR 3 – Brown Field Land  
Policy STR 4 – Ensuring Comprehensive Development  
Policy STR 5 – Infrastructure and Connectivity  
Policy STR 6 – Transport and Parking  
Policy STR 7 – Climate Change  
Policy STR 8 – Conserving and Enhancing the Natural, Built, & Historic Environment  
STR/RTW 1 - The Strategy for Royal Tunbridge Wells  
EN1 - Sustainable Design  
EN2 - Sustainable Design Standards  
EN3 - Climate Change Mitigation and Adaptation  
EN9 - Biodiversity Net Gain  
EN16 - Landscape within the Built Environment  
EN21- Air Quality  
EN22 - Air Quality Management Areas  
EN23 - Biomass Technology  
EN24 - Water Supply, Quality, and Conservation  
EN26 - Sustainable Drainage  
EN27 – Noise  
H1 - Housing Mix  
H2 - Housing Density  
H3 - Affordable Housing  
TP1 - Transport Assessments, Travel Plans, and Mitigation  
TP2 - Transport Design and Accessibility  
TP3 - Parking Standards

## **Other relevant documents**

Kent Design Guide  
Open Space SPD

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 Four site notices were placed around the site on the 20<sup>th</sup> December 2022, and the application was advertised in the local press on the 09<sup>th</sup> December 2022.
- 6.02 39 objections have been received from residents and raise the following points:
- Four storeys is too high, tower over terraced properties
  - Loss of sunlight from height and proximity to footpath

- Noise disturbance from car idling and construction work
- Provision of parking in adequate
- Increased traffic along Grosvenor Bridge and Quarry Road
- Increased pollution
- Loss of privacy
- Poor design out of character with Victorian properties
- Loss of commercial use
- Concerns about impact on services (schools, Drs)

## 7.0 CONSULTATIONS

### **Scotia Gas Networks Limited**

- 7.01 Raise no objections. Standing advice about digging near gas network. An informative will be included which refers to this advice.

### **Kent Police**

- 7.02 No objection but comments on design to help with security in the development.

### **KCC Flood and Water Management**

- 7.03 Second comments:  
Raise no objections.

Kent County Council as Lead Local Flood Authority have reviewed the Surface water Drainage Calculations (14/10/22) and have no objection to the proposals outlined within the Flood Risk Assessment and Outline Drainage Strategy. At the detailed design stage, we would expect to see the drainage system modelled using FeH 2013 rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (November 2019). Should the Local Planning Authority be minded to grant planning permission for the proposed development, the LLFA would request a condition relating to drainage and surface water treatment.

#### First comments:

We understand that surface water from the site will be discharged from the site to the combined southern water sewer located to the north of the site at 1.5 l/s for all events up to and including the 100 (+CC) year event. Permeable paving, green/blue roofs and planting areas will also provide attenuation to accommodate rainfall up to the 100 (+CC) year event. Whilst we have no objections in principle to these proposals we do have the following comments:

1. Appendix I - Surface Water Drainage Calculations appears to be missing from the submitted Drainage strategy. The proposed scheme should be modelled, using appropriate software, and the following considered:

- Simulations against the varying storm events that include the 1/2, 30 and the 100 year events.
- Appropriate application of climate change percentages for both the 30 and 100 year events.
- The utilisation of the FEH 2013 rainfall dataset where possible. Should FEH not be used, the LLFA would request the M5-60 value is uplifted from the default 20.00mm value to 26.25mm.
- If full network analysis is provided, the outputs as presented should also contain the pipe/ manhole schedule to illustrate the design modelled through the simulations (the identification of pipes and manholes in the calculations should be reflected on the accompanying drainage layout drawings).
- Inclusion of the critical summary events within the outputs.

- No surcharging of the network should be experienced for the 1/2 year events, unless where unavoidable at features such as flow controls.

2. Appendix H - Estimated Attenuation appears to suggest that the required attenuation of 86 m<sup>3</sup> has been calculated using a discharge rate of 2.2 l/s. As these proposals have outlined a 1.5 l/s discharge rate to be used for all storm events we would expect for this rate to be utilised within these calculations, leading to a slightly higher attenuation requirement than has been given.

We would therefore recommend a holding objection for this application until the above information is provided.

### **TWBC Client Services**

- 7.04 Raise no objections. Bins to be purchased from TWBC prior to being sold or occupied. "bin stores have been noted and to spilt capacity material at each store. The area set aside for bulky sore items will not automatically be removed and would have to be paid collection pre-arranged.

### **Environmental Protection**

- 7.05 Raise no objections but make the following comments and conditions recommended.

#### **Noise:**

The development could have an impact on existing residents during the construction phase. There could also be impacts on existing residents and future residents due to the introduction of air source heat pumps and a plant room / substation.

Acoustic assessments should be provided to in relation to the substation and the air source heat pumps along with details of any mitigation that is being proposed.

Requested condition

#### **Land Contamination:**

The development site is in an area of potentially contaminated land. The details of the phase 1 desk study have been noted. A contaminated land condition should be added.

#### **Construction Demolition:**

Any demolition or construction activities may have an impact on local residents and so the usual conditions/informatives should apply in this respect.

#### **Air quality:**

It is not considered that the scale of this development and/or its site position warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it. Any dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Where these things are not practicable, contribution towards installation at nearby locations should be considered.

#### **Asbestos:**

Any parts of the building being demolished/converted should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

#### **Odour/accumulation/light:**

Details of any external site lighting should be provided.

### **Southern Water**

- 7.06 Raise no objections.



Southern Water can facilitate foul sewerage and surface water runoff (1.5 l/s at manhole reference TQ59400403) disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors. We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

### **KCC Contributions**

7.07 Request the following contributions

	<b>Per applicable* Flat (x 19)</b>	<b>Total</b>	<b>Project</b>
<b>Secondary Education</b>	£1,135.00	£21,565 .00	Provision of additional places in the Tonbridge & Tunbridge Wells non-selective and West

			Kent selective education planning groups.
Current assessment shows no Primary requirement			

	<b>Per Dwelling (x 24)</b>	<b>Totals</b>	<b>Project</b>
<b>Community Learning/Social Care/ Libraries</b>	£437.21	£10,493.04	Towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care
<b>Youth Service</b>	£65.50	£1,572.00	Towards equipment and resources for Youth Centres serving the development, including Outreach Youth Services.
<b>Social Care</b>	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
<b>Waste</b>	£183.67	£4,408.08	Towards Tunbridge Wells Waste Transfer Station and HWRC expansion

### **KCC Highways**

#### 7.08 Second Comments Access

Noted that the access does not exceed a gradient of 1:20.

#### Car Parking - Quantum

Car parking quantum is now proposed to be 24 (previously 25), with 20 allocated and four visitor spaces. This level of provision for this location is in line with the maximum parking standards. With 20 of these spaces being allocated, there is a requirement for 1 Active Charging Point per dwelling minimum (output rating 7kW Mode 3 AC) to be provided. The remaining unallocated spaces must be 10% active and 100% passive. Therefore, the proposal for 3 charge points would not meet this requirement.

(Planning officer note: agent agreed to condition for more charging points in scheme)

With the 2011 census car ownership data shown in table 1, the conclusion drawn is that “the 24 residential units are likely to only generate a demand for approximately 14 car parking spaces from residents”. This would indicate that several allocated bays may not be occupied, when instead could be used by visitors. To avoid parking stress off-site, it would be preferable to have a lower number of allocated spaces within the development. I note that parking on nearby residential streets are for resident permit holders between the hours of 8am-6pm. Tunbridge Wells Parking Services will need to comment in regards to existing parking stress and permit allocation.

#### Car Parking – Space Dimensions:

Parking space dimensions are now suitable. Could the two disabled parking bays be designed with the appropriate layout (hatching etc.)

#### Pedestrian Visibility Splays

Pedestrian visibility splays have been provided at the vehicular access and are suitable. A condition to maintain to 0.6m in height can be applied. (Drawing no. 31354/AC/004-A).

## Sustainable Access

A travel information pack for residents is welcomed. The pack should include details on the local car club.

### First comments

#### 7.08 Access:

Pedestrian access is proposed to be from the existing footpath on St James Road, to two cores within the building. Some ground floor units have direct access from the footpath on Quarry Road or St James Road. Vehicular access is to be from St James Road using the eastern-most section of the existing access. It is proposed for the remaining section of dropped kerb to be removed. Therefore, reinstatement of the dropped kerb to tie into the existing footway should be covered by condition and will need to be in accordance with a design and specification to be agreed in writing by the Local Planning Authority.

Furthermore, it is noted in the Design and Access Statement that the parking area has a shallow ramp down from entrance on St James Road. Within the parking area, the TS notes that the car park aisle has a gradient of 1:20 in two sections. This is acceptable and reaches the maximum gradient of footways acceptable for the mobility impaired. Please can the gradient of the ramp at the access be provided.

The existing trip generation is derived from the TRICS database. The results in the TS shows a trip generation of 6 vehicle trips in the AM peak and 5 in the PM. The proposed trip generation has been derived, showing an increase to 8 vehicle trips in the AM peak, and to 9 in the PM peak. This analysis shows an increase by 2 and 4 vehicle trips in the AM and PM peaks respectively. Therefore, this is not likely to lead to any significant impact on highway safety or congestion.

#### Parking:

There are 24 cycle parking spaces, which is in line with standards for the ratio of one cycle space per flat. Cycle parking provision is provided on racks which are secured and covered and located with the car parking area.

There are 25 car parking spaces proposed, of which 12 are formed under a double stacking arrangement. This quantity of parking in this area is in line with Kent Design Guide maximum standards. These bays are proposed to be unallocated. As such, electric vehicle charger provision of 10% is acceptable. However, 100% of the bays will need to be passive.

It is noted that the area suffers parking stress and provision of additional visitor spaces on site would help ensure that the development would not add to these pressures. The car park aisle is 6m wide, which is sufficient to allow cars to manoeuvre in and out of parking bays and allows two cars to pass. The swept path analysis of a large car evidences this too, such that a car can access and egress the site in a forward gear.

The length of parking bays 22 and 23 appear to measure 4.6m. This needs to be increased to at least 5m. In addition, disabled parking bays 24 and 25 need to measure at least 5.5m in length. The width of the space and access area should be 3.7m (2.5m + 1.2m access area), which the proposed site plan does show. Kent Design Guide notes "where disabled parking spaces are adjacent to each other, the 1.2 metre access area can be utilised to serve parking spaces on either side." In addition, "disabled parking should be clearly signed both within and at the entrance to the car park."

The remainder of the parking bays measure 2.5m by 5m which are acceptable. However, for those abutting a hard boundary such as no. 22 & 1, the width needs to be increased by at least 0.2m.

Although drawing 31354/AC/004 shows a pedestrian visibility splay is achieved on one side of the access, the pedestrian visibility splay needs to be drawn on both sides of the access. In addition, these pedestrian splays need to be maintained to 0.6m or under in height.

#### Sustainable Access

A condition would be required for the developer to provide information on sustainable travel to the first occupants of each unit, and the opportunity for free membership and driving credit per unit. It shall also include details of cycle routes and local bus services.

This development can offer a number of sustainable choices for travel, as shown in the TS.

#### Delivery and Servicing

Deliveries are proposed to take place from St James Road. This removes deliveries from taking place on Quarry Road, avoiding any obstructions and is therefore satisfactory.

The resident drag distance for bins are said to be within the maximum distance allowed, 30m. The distance for refuse collectors to collect the bin is also within the maximum distance.

#### NHS Kent and Medway

7.09	Total Chargeable units	Total	Project
General Practice	24	£20,412	Towards refurbishment, reconfiguration and/or extension of The Wells Medical Practice and/or Kingswood Surgery and/or Grosvenor & St James Medical Centre and/or Lonsdale Medical Centre and/or Speldhurst & Greggswood Medical Group and/or Rusthall Medical Practice and/or towards new general practice premises development in the area

#### Tunbridge Wells Civic Society

- 7.10 We find this development acceptable in principle but would wish the mass of the building to be reduced on the Quarry Road frontage, particularly at the conjunction with the Quarry Road cottages.

#### Tunbridge Wells Parks and Sports Team

- 7.11 Request contributions towards Hawkenbury Hub £719 per bedspace there are 87 bed spaces in the development which would equal a contribution of £62,553.

#### Urban Design Officer

- 7.12 No Objections: The DAS is exemplary in demonstrating understanding of and response to context, such as the larger scale building that was on the site in the late 19<sup>th</sup> century maps and photo, and the sunlight studies. The application can be supported this in principle but there was one comment as a suggested amendment, but not one to be insisted on. Large scale drawings of typical details such as the brickwork patterns and architraves, boundary walls etc, will be required and the choice of brick is very important. However, whilst it is entirely appreciated that the

half round doorways on the ground floor are there to reference the Victorian arched entrances on houses nearby, it is considered that they appear slightly out of scale in comparison. It is noted that other similar façade treatments were rejected in the design process due to scale. A more robust, proportionate appearance could be achieved by squaring off these and perhaps with projecting brick courses as an architrave to emphasise the entrances.

Planning Officer Note: The arched entrances have not been amended by the agent and not considered a strong enough reason for a refusal.

### **TWBC Planning Policy**

- 7.13 It is considered in line with the conclusions of the SHELAA process, that this site could be considered suitable for redevelopment subject to it meeting the tests set out in emerging Policy ED2. The applicant has submitted a supporting document in this regard – Development Advice, dated November 2022, which sets out the market position of the site and the most recent use as the former Mitsubishi Garage. The business has now closed due to Mitsubishi’s decision to withdraw from the European market. It is also clear that the site has been marketed via a national website – Rapley’s, as well as through local and national agents from March 2022. It was also advertised via a number of other portals and through social media – LinkedIn and Twitter. A brochure was produced as well as a sales board positioned at the site in September 2022. It is understood that the site is still being marketed at the current time. However, it is noted within the Appendix to this report (copy of the sales particulars), that the site was marketed as being ‘*suitable for a variety of alternative uses including residential, subject to the necessary consents*’.

In terms of interest, it is clear from the report that the site has been marketed and that there has been very limited interest in it being re-used as a car showroom/garage or any other commercial use, due to its location within primarily a residential area and distant from other commercial operators or within a prominent position for marketing its goods. The site promoters have also considered the possibility of the site coming forward as part residential and part commercial (at the ground floor) use, although again this has been discounted on viability grounds taking into account the site size and constraints. The overwhelming interest has been for residential (unsurprisingly taking into account the wording used in the marketing brochure) use as set out on page 4 of the marketing report. A helpful summary of the marketing evidence has also been included at pages 7 and 8 of the covering letter to the application.

### Conclusion

Taking into account the above, it is considered that the supporting information submitted with the planning application, seeks to meet the policy requirements of Policy ED2 of the emerging Local Plan to justify the loss of employment/economic use on this site. Taking this into account as well as the other relevant adopted and emerging policies, it is considered that a redevelopment of this site for residential uses would be appropriate.

### **TWBC Economic development**

- 7.14 There is a concern that the proposed development will result in the loss of employment space, close to Royal Tunbridge Wells town centre. However, it is noted that Rapleys (the agent) explored the possibility of the site’s continued function as a car garage/dealership, and that this was found to be unviable in the current market. Additionally, the site was marketed for commercial use. The Marketing Note states that following discussions with potential clients looking at using the site for commercial purposes, it was decided that the constraints and functionality of the site made these proposals unworkable. No objections

## **TWBC Parking Services**

- 7.15 It is noted that KCC have said about the level of parking provision for this proposal. I also note what local residents have said when objecting to the proposal for reasons which have included potential for impact on roadside parking.

Local concerns about the availability of roadside space for parking are well founded but much of the nearby area is controlled through permit parking restrictions. This new development would not be eligible for permits for either residents or visitors, and it should be included as an advisory note on any consent that this would be the case.

In view of the fact that parking provision is in line with the adopted, but not potentially emerging, standards, I would not have sufficient grounds for requesting a contribution towards any potential expansion or amendment to the permit parking arrangements.

## **Tunbridge Wells Civic Society**

- 7.16 We find this development acceptable in principle but would wish the mass of the building to be reduced on the Quarry Road frontage, particularly at the conjunction with the Quarry Road cottages.

## **8.0 APPLICANT'S SUPPORTING COMMENTS**

- 8.01 The site is in a highly sustainable location within the Limits to Build Development of Tunbridge Wells and is in close proximity to the town centre and would make efficient use of land by redeveloping an underutilised brownfield site. The proposed development would provide 24 residential units on a windfall site in a borough that cannot demonstrate a five- year housing land supply. In the context of this shortfall, the provision of housing and the social, economic, and environmental benefits it attracts are considered to hold significant weight in favour of the scheme. The proposal would provide a valuable contribution to the Boroughs housing needs, including the provision of seven affordable units in a mix derived from local demand, both of which are considered to afford significant social benefits. The proposal has been carefully designed, taking into consideration its setting, the local context, and its prominent corner location to ensure a high-quality development is proposed that protects the amenity of future and neighbouring occupants, whilst improving the character and appearance of the local area. Design solutions to ensure the proposal has no overbearing impact and to reduce the potential for loss of privacy have been explored and implemented into the final design. The existing site is of no ecological or biodiversity value. The proposed development has maximised opportunities to provide soft landscaping and tree planting to improve the character and appearance of the site, its setting, and its ecological and biodiversity value. Green technologies have been explored and incorporated where possible, including provision of a green roof and air source heat pumps, to ensure the proposed development is energy efficient and achieves significant carbon savings in line with local and national policy requirements. It is therefore considered that the proposed development would provide notable environmental benefits. Finally, the retention and/or replacement of the site for employment use has been fully explored in accordance with local policy requirements and has been found to be no longer viable. The loss of the employment use of the site is balanced against the economic contribution future occupiers would make to the viability of the local area through daily activities and the positive impact they would make to the economic viability of the town centre through the use of its various shops, services, and facilities

## **9.0 BACKGROUND PAPERS AND PLANS**

Application form

Site location plan  
Existing and proposed block plans  
Existing plans and elevations  
Proposed plans and elevations  
Existing and proposed sections  
Existing and proposed views  
Survey details  
Noise assessment  
Air quality mitigation  
BREL Compliance reports  
Desk Study reports  
Flood Risk assessment  
Surface drainage calculations  
Marketing report and updates  
Planning Statement/cover letter  
Sustainability statement  
Utility search report  
Design and access statement

## 10.0 APPRAISAL

### Principle of Development

- 10.01 The site lies within the Limits to Built Development for Tunbridge Wells, in a predominantly residential area. It is a sustainable location, within walking distance of Tunbridge Wells town centre and the range of facilities that it provides. The site is currently a car showroom and garage, however, it is currently vacant having ceased trading in September 2022. The site is classified as previously developed land (PDL).
- 10.02 The proposal is to redevelop the site into a residential development with 24 apartments. The Council's housing land supply position as of 1<sup>st</sup> April 2022 is 4.49 years. Work is currently being undertaken to establish the position at 1<sup>st</sup> April 2023. The Council is currently unable to demonstrate a five year housing land supply.
- 10.03 In situations where a local authority is unable to demonstrate a five year housing land supply, the NPPF advises that the Council's policies are deemed to be out of date. It is therefore necessary to assess the degree of consistency of the existing policies with the NPPF and determine the weight that each of these policies carries (NPPF, Para 219).
- 10.04 Para 11 of the NPPF requires that '*decisions should apply a presumption in favour of sustainable development.*' Para 11(d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- 'i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*
- 10.05 The issue of sustainability is multi-faceted, incorporating economic, social and environmental considerations.

*Environmental Considerations*

10.06 The location and accessibility of the site is sustainable in its proximity to services/facilities. The site is located within the LBD of Tunbridge Wells a tier 1 settlement as identified in the Core Strategy, it is in close proximity and easy walking distance of the town centre and a variety of services/facilities which it provides. There is a bus stop located outside the site and it is less than a 20 minute walk from High Brooms train station. The Core Strategy states that dwellings will be delivered on sites to be allocated and released in accordance with Core Policy 1, which in turn states priority will be given to the release of previously developed land (PDL) within the LBD. Therefore, it is considered that the proposal would perform well in terms of the environmental factors of sustainable development.

*Economic Considerations including Loss of Employment*

10.07 The proposal is for the demolition of the existing commercial buildings and the redevelopment to provide residential. This would see the loss of the existing commercial use on the site. Paragraph 86 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation.

10.08 The new Local Plan is in its final stages of preparation and currently subject to Examination. The Submission Local Plan (SLP) was submitted to the Secretary of State for examination by an independent Inspector on 1 November 2021 and was then subject to a number of Examination in Public hearings which took place between 1 March and 15 July 2022. The Council received a letter setting out the Inspector's initial findings following the hearing sessions in early November 2022. The letter raises issues which will require additional work to resolve. The timetable to adoption is therefore delayed and the plan will not be adopted in early 2023 as set out in the current timetable. The Council is currently considering the issues raised and the suggested ways forward set out in this letter.

10.09 The SLP sets out the Council's proposed development strategy, distribution for growth and housing, employment and other needs for the borough. Strategic Policy STR1 – The development Strategy is of relevance, as well as Policy STR3 – Brownfield Land, which seeks to *'provide for the effective use of redundant, disused, or under-utilised brownfield land and buildings in sustainable locations will be supported in principle'*, subject to the criteria set out within the policy.

10.10 In the SLP, Policy STR/RTW 1 – The Strategy for Royal Tunbridge Wells, sets out the strategic approach towards development within the settlement of Royal Tunbridge Wells. Although the site is not specially allocated for within the Local Plan, Policy STR/RTW 1 sets out the following in relation to the strategy for the town;

- *Provide additional housing which may be delivered through the redevelopment and intensification of allocated sites and other windfall development inside the defined Limits to Built Development;*
- *Make the best use of previously developed land by the intensification of uses/sites whilst still protecting the town's important character and heritage*

Section 6 of the SLP sets out the proposed development management policies to be used in the assessment of development proposals. Of particular relevance to the consideration of this planning application are the following policies- Policy H1 – Housing mix, H2 – Housing Density, H3 – Affordable Housing and ED2 – Retention of existing employment sites and buildings.

10.11 With regard to the weight of the SLP policies, the key policy that this site needs to be considered against is Policy ED2. As set out in the Planning Policy comments above



it is noted that moderate weight can be attached to this emerging Local Plan policy in the assessment of this application.

- 10.12 Policy ED2 states that existing employment sites and buildings will be retained in their existing use, or an alternative employment generating use to support the vibrant and balanced economy of the borough. The policy goes on to say that applicant seeking to redevelop existing employment sites must demonstrate the following:
- a. provide robust evidence to show that the site has been proactively marketed, at the appropriate price, and using relevant publications, for the existing use or other potentially suitable employment-generating uses;
  - b. provide evidence that there is no prospect of the existing buildings, or the partial or comprehensive redevelopment of the existing buildings, continuing for the current use;
  - c. marketing must be for a period of at least 18 months at a time when the site is available, or will be available within an acceptable timeframe, with an appropriate agent;
  - d. where it has been demonstrated, through an independent assessment, that the current use is no longer viable and that there is no reasonable prospect of continued use or take up of other employment-generating uses during the plan period, proposals for redevelopment must consider alternative uses in the following order:
    - i. other business uses;
    - ii. all other non-residential, employment-generating uses;
    - iii. residential employment-generating uses (C1, C2);
    - iv. a mixture of residential and employment-generating uses, including 'live/work' units;
    - v. wholly residential schemes (C3).
- 10.13 The applicant has submitted a supporting marketing report dated November 2022, which sets out the market position of the site and the most recent use as the former Mitsubishi Garage. The business has now closed due to Mitsubishi's decision to withdraw from the European market. The site has been marketed via a national website – Rapley's, as well as through local and national agents from March 2022. It was also advertised via a number of other portals and through social media. A brochure was produced as well as a sales board positioned at the site in September 2022.
- 10.14 It is understood that the site is still being marketed at the current time. In terms of interest the report details that there has been very limited interest in it being re-used as a car showroom/garage or any other commercial use, due to its size, location within primarily a residential area and that it is distant from other commercial operators or that it is not within a prominent position for marketing its goods. The site promoters have also considered the possibility of the site coming forward as part residential and part commercial (at the ground floor) use, although again this has been discounted on viability grounds taking into account the site size and constraints. The overwhelming interest has been for residential use.
- 10.15 Taking into account the above, it is considered that the supporting information submitted with the planning application, seeks to meet the policy requirements of Policy ED2 of the emerging Local Plan to justify the loss of employment/economic use on this site. Taking this into account as well as the other relevant adopted and emerging policies, it is considered that a redevelopment of this site for residential uses would be appropriate.

- 10.16 There would be additional economic benefits from the future occupiers of the apartments contributing to the vitality and viability of the town. Any economic benefits during the construction of 24 apartments would be short-term, and therefore would carry little weight.
- 10.17 It is considered that despite the loss of the employment use there would be economic benefits due to the fact that the site is unlikely to be reused or redeveloped for employment purposes.

### *Social Considerations*

- 10.18 The proposal would contribute 24 units towards the provision of housing when the Council is unable to demonstrate a five-year housing land supply and would deliver 8 units of affordable housing in the form of shared ownership properties. This would contribute towards the social element of sustainable development, providing significant benefits toward meeting housing need, and specialist housing need in the form of affordable housing.

### *Conclusion of sustainable development*

- 10.19 Overall, the proposal comprises sustainable development. Having regard to the presumption in favour of sustainable development and the requirements of paragraph 11 of the NPPF, planning permission should therefore be granted unless specific policies in the NPPF indicate that development should be restricted. The development of the site is therefore considered acceptable in principle. The following sections of the report assess whether the proposal accords with other elements of policy in the NPPF and the Development Plan.

### **Visual Impact**

- 10.20 The site is located on a prominent corner between Quarry Road and St James Road but also extends onto to Stratford Street. The existing building with its flat roof and large glazing does appear very commercialised especially with the large area of hardstanding to the front. It is considered to be significantly different in character from the surrounding residential houses and flats and does detract from the visual amenity of the locality. The demolition of the existing buildings and the construction of a new building with associated landscaping has the potential to enhance the street scene and public realm.
- 10.21 The Conservation and Urban Design Officer has been consulted on the proposal and notes the current building are of no merit and under-scaled for the surroundings and also demonstrate some leaked space to the street scene. The change in levels across the site in two directions has been noted especially in relation to scale and height. The submitted scheme would see a four storey block of flats, however it has been designed with a set back at the top floor and a cranked plan to help break up and reduce the scale and bulk. The street elevations have also been designed for the units to have individual entrances at street level to again help reduce the scale of a block of flats and to mimic the residential properties in the area. The height of the new building when immediately adjacent to the residential units on Quarry Road and Stratford Street, has been reduced to around a two storey which assist the massing and connection to the existing street form and heights.
- 10.22 Building materials are proposed to be a light red brick which picks up on the properties on St James Road. The detailing above the windows and doors would have a light brick detailing which reflect neighbouring properties in the street which are characterised by painted brick. The top floor would have a zinc cladding to the elevations which has been selected to reduce the visual impact of the additional floor. This has also been used on the flats along Medway Drive to the north of the site and

also to the block of flats across the road at 46 Quarry Road which is currently being constructed.

- 10.23 A green roof and planters and landscaping along St James Road and Stratford Street are proposed to help to green and soften it. The proposed balconies would have brick parapet walls with a perforated design which would help to provide visual interest to the elevations. Full details of external materials can be secured by condition.
- 10.24 There were concerns about the proposed relationship between the new building and its attachment onto 46 Quarry Road. The design was originally considered to have a bulky stark appearance against the existing terrace property particularly with the roof line of the terrace. An amended design was produced where the balcony now includes a perforated design which will add interest and break up the blank wall.
- 10.25 The overall height, mass and scale of the proposed building is considered to be suited for the site and takes account of the application site and the surrounding properties including the immediate residential neighbours and the larger blocks of flats. The upper floors are recessed in order to reduce the prominence of the highest part of the building. The building would step down from four storeys to three storeys to respond to the scale of the adjacent two-storey development along Quarry Road and Stratford Street.
- 10.26 The Council's Urban Design Officer had some concerns about the impact on Stratford Street with the three storey height and that it would appear incongruous in the street scene as being of a far greater scale than the existing. The building on this side has been stepped back at the third storey. However due to the change in land levels it would appear that it is stepped at the second storey which will help reduce its massing next to the existing two storey dwelling. The principal elevation has been set back so that it is now in line with the current building line along Stratford Street so that it would have a more appropriate setting in the street scene.
- 10.27 Where the building has been set back from the existing footpath it is proposed to have small front gardens with landscaping in which will provide a more active frontage and help soften the new development.
- 10.28 The proposed building would be larger and higher than the existing built form and would come closer to the site boundaries. It would therefore have a greater visual impact on the public realm. However, the building has been well designed and the building's form, with the recessed top floors and setbacks, help to minimise its overall mass. It is considered that the proposed building and associated landscaping would enhance the visual amenity of the locality.

### **Highway Safety and Parking**

- 10.29 The proposed development would have a vehicular access down to the parking area via St James Road using the eastern-most section of the existing access. It is then proposed to remove the remaining dropped kerbs. KCC Highways have asked for a condition for the reinstatement of the kerb to be included in as a condition. A ramp is proposed down to the parking area and this does not exceed a gradient of more than 1:20 and is considered acceptable.
- 10.30 Submitted within the Traffic Statement (TS) is the existing trip generation. The results in the TS shows a trip generation of 6 vehicles in the AM peak and 5 in the PM. The proposed trip generation shows an increase to 8 vehicle trips in the AM peak, and to

9 in the PM peak. This analysis shows an increase by 2 and 4 vehicle trips in the AM and PM peaks respectively. KCC Highways consider that this is unlikely to lead to any significant impact on highway safety or congestion.

- 10.31 The site is located within a sustainable location, close to the town centre and within the Tunbridge Wells Central Access Zone (Residential). Policy TP6 of the Local Plan states that within the Central Access Zone a maximum of one parking space per new build residential unit shall be provided. Amended parking details show that the car parking quantum is proposed to be 24 spaces with 20 being allocated to units and 4 visitor spaces. KCC Highways confirm that this level of provision for this location is in line with the maximum parking standards. With 20 of these spaces being allocated, there is a requirement for 1 Active Charging Point per dwelling minimum to be provided. The remaining unallocated spaces must be 10% active and 100% passive. Therefore, the proposal for 3 charge points would not meet this requirement. The agent has agreed that further details of electric charging can be agreed and can be conditioned on any approval.
- 10.32 To ensure the levels of parking spaces can be achieved the scheme includes a stacked parking system to add a further 6 spaces. This involves a moving platform which can raise or lower with a mechanical frame. The vehicles can park on the platform and continue to sit on them stably as operators lift them to make room for more vehicles to park below.
- 10.33 There are 24 cycle parking spaces, which is in line with standards for the ratio of one cycle space per flat. Cycle parking provision is provided on racks which are secured and covered and located with the car parking area.
- 10.34 There was originally concerns about the space dimensions of parking spaces. However, the agent has amended the plans and KCC Highways have confirmed that they are now acceptable. They have just requested that the disabled parking bays be designed with the appropriate layout (hatching). This can be conditioned.
- 10.35 Further details on the pedestrian visibility splays was requested from KCC. These have now been received and are considered suitable subject to condition regarding their maintenance.
- 10.36 The agent has provided a travel information pack for residents which is welcomed. It is requested that the travel pack include details of the local car club.
- 10.37 The site is in a central location within Tunbridge Wells, which would offer future residents many sustainable modes of travel. The development seeks to provide the maximum number of parking spaces on site, in accordance with Policy TP6 of the Local Plan. The provision of cycle parking and the travel information pack with details of the car club would encourage future residents to use sustainable methods of travel and would reduce the need for car ownership. No objection is therefore raised to the development on highway safety or parking grounds.

### **Residential Amenity**

- 10.38 The removal of the commercial use would benefit the residential amenity of adjoining properties in terms of noise/disturbance from the existing authorised use and associated vehicular movements of the car show room and associated garage.

- 10.39 The proposed building has been designed so that the part of the building closest to Quarry Road has been set down in height. The closest residential property would be 46 Quarry Road. This property is currently boarded up and was in a commercial use but appears to have permission to be residential. As the proposal would not extend past the front building line it is not considered to have an impact to the front of the property. No. 46 has no rear garden but does have rear windows facing onto a shared courtyard which is used by a commercial premise at the Coach House. There is an existing high wall on this boundary with the car sales room, and the proposal would see the height stepped down as it attaches onto this property. The full height section of the building is orientated away from this property; therefore, it is considered that any overshadowing or loss of outlook is not significantly more harmful than the current situation. All the windows are angled away from the rear elevation of no. 46 and therefore not considered to result in a loss of privacy.
- 10.40 The other residential property that would be immediately adjacent to the proposal is 19 Stratford Street. The proposal has again been set down at this point to reduce the overall bulk on this boundary to help with the relationship with no. 19. The proposed side facing window has been shown to be obscure glazed. It is noted that the windows to bedrooms on the east elevation would only be 12.5m approximately away from no. 19s garden. The surrounding context is considered to be a tight urban grain where some overlooking is expected. However, as these windows directly look to the garden of this property and would be at an elevated level there would be some loss of privacy within the garden of no. 19. Therefore, it was discussed with the agent about including angled windows to face the direct outlook away from this neighbour. They have agreed to a condition for details of this for the rear bedrooms for units 14, 15, 20 and 21. The shadow study that is submitted within the design and access statement shows that due to the orientation of the buildings with no.19 being located to the south of the application site and the stepped nature of the building there would not be a concern with loss of light.
- 10.41 The site would be opposite the residential properties on St James Road. While the proposal would see an increase in height from the existing buildings it is not considered to be an unacceptable relationship. There is a separation of approximately 14m between building line to building line. While the existing residents outlook would change it is not considered significantly different than other properties in the area which are located on either side of the road facing one another. This is also considered a reasonable relationship in terms of privacy. It is noted that there is a concern that there would be a tunnel effect for the terraced properties as they have the existing block of flats to their rear and then the proposed block of flats to their front. However, the submitted shadow study explains that by setting the third floor back by 1.7m it significantly reduced the overshadowing impact the facades of No.'s 152-160 and No. 121A St. James' Road. The proposal will cast shade on the 152 – 160 facades, but they will only affect the ground floors during the mornings in winter months and they will be out of the shadow during the afternoons and throughout the day during summer months.
- 10.42 Although there is limited outdoor amenity space provided on site, the majority of apartments would benefit from external private amenity space by way of a balcony or small garden. The site is also within close proximity to Hilbert and Grosvenor Recreation Ground and Local Wildlife Site, where future residents have easy access to green open space. The development has been designed to avoid mutual overlooking between the proposed apartments.

- 10.43 The proposal includes the provision of heat source pumps which can be quite noisy. Environmental Protection has requested a condition being included for a noise assessment before they are installed.

### **Affordable Housing**

- 10.44 Core Policy 6 of the Core Strategy requires that sites that are capable of delivering 10 dwellings or more will be required to provide 35% affordable housing on site. Policy H3 in the Submission Local Plan states that sites comprising over half brownfield land delivering a net increase of more than nine dwellings will be expected to include a minimum of 30 percent of the gross number of residential units as on-site affordable housing provision.
- 10.45 The application proposed 24 apartments therefore 30% would equate to a requirement of 8 units with 60%, a total of 5 units would be social rent the remaining 3 for intermediate to provide a policy compliant provision. The Affordable Housing Officer has stated that as the number of units on the site would be considered small, it is advised that all 8 units should be considered at the same tenure which would be a more attractive proposition for registered providers to acquire.
- 10.46 The agent has approached three Registered Providers (RP) to take on the units, but they are all unwilling to progress as the number of units is too small and it is below their threshold. The Affordable Housing Officer has also approached two further RP, one also advised the site was too small and the other did not reply.
- 10.47 As such it would not seem that the applicant would be able to partner with an RP to deliver the required provision of affordable housing as the RP's do not consider the site desirable. On this basis we are willing to accept the unit tenure onsite to be the Shared Ownership for provision for 3 units alongside an Affordable Housing financial contribution equivalent to the 5 units of social rent, which would equate to £520,975.20. This would be used for offsite provision for the general needs to be allocated to Housing register applicants.

### **Renewable Energy**

- 10.48 A sustainability statement has been submitted as part of the application. The report indicates that the proposed development has been designed to be sustainable and energy efficient building year-round. The proposal would include air source heat pumps and the flat roof would offer future opportunities for solar panels. The proposed renewable energy would reduce carbon dioxide emissions from the site by and is considered to meet the requirements of the Council's Renewable Energy Supplementary Planning Document. The provision of renewable energy on site can be secured by condition.

### **Recreation Open Space**

- 10.49 Policy R2 of the Local Plan refers to the provision of recreation open space in new residential developments. It states that on residential developments of up to 150 bedspaces, or on sites where playspace cannot be provided on site it is likely that a financial contribution will be required towards the provision of children's playspace in the locality. At present, given the condition of the play area at Hilbert & Grosvenor Recreation Ground, the Council's Parks team have confirmed that no contribution is required towards children's play space.
- 10.50 A financial contribution of £62,553 has been sought towards adult and youth recreation open space, which is proposed to be secured by Section 106 agreement. This money would be used towards works at Hawkenbury Recreation Ground. The

proposed development meets the need for recreation open space in the locality in accordance with Policy R2 of the Local Plan.

### **Flood Risk & Drainage**

- 10.51 A Flood Risk Assessment and Drainage Strategy have been submitted with the application that confirms the site is of low risk of flooding. KCC Water and Drainage have been consulted on the proposal and note that the surface water from the site will be discharged to the combined southern water sewer located to the north of the site at 1.5 l/s for all events up to and including the 100 (+CC) year event. Permeable paving, green/blue roofs and planting areas will also provide attenuation to accommodate rainfall up to the 100 (+CC) year event.
- 10.52 KCC have no objection to the principle of the proposals but did have some comments relating to some missing appendices. These have now been provided and KCC confirm that they have no objection subject to conditions.
- 10.53 Southern Water have also been consulted on the proposal and confirm that they can facilitate foul sewerage and surface water runoff disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. An informative can be included to inform the developers about this.

### **Ecology**

- 10.54 It is considered that the majority of the site is considered to be of limited ecological interest. The proposal also proposes green roofs and raised planters and landscaping, which would enhance biodiversity and soften the building and provide a net gain.

### **Contributions**

- 10.55 The proposal would have an additional impact on the delivery of community services, which would require mitigation through the payment of an appropriate financial contribution. The following contributions have been sought towards secondary education, adult education, youth services and healthcare:
- £21,565.00 towards provision of additional places in the Tonbridge & Tunbridge Wells non-selective and West Kent selective secondary education planning groups.
  - £10,493.04 towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care
  - £1,572.00 towards equipment and resources for Youth Centres serving the development, including Outreach Youth Services.
  - £4,408.08 towards Tunbridge Wells Waste Transfer Station and HWRC expansion.
  - £20,412 towards refurbishment, reconfiguration and/or extension of general practice premises in the area.
- 10.56 Contributions have also been requested for £62,553 towards adult and youth recreation open space and £520,975.20 towards offsite affordable housing provision as discussed above.

### **Other Matters**

- 10.57 Environmental Protection (EP) have been consulted on the proposal and have made comments on various factors. The development might have an impact on existing

residents during the construction phase therefore an informative has been included for broad compliance to the Mid Kent Environmental Code of Development Practice.

- 10.58 There could also be noise implications from the proposed heat source pumps and the plant room/substation. EP have requested an acoustic assessment should be provided to in relation to the substation and the air source heat pumps along with details of any mitigation that is being proposed. This has been conditioned.
- 10.59 The site lies outside of the Air Quality Management Area (AQMA). The Environmental Health Officer (EHO) considered that the scale of the development and/or its position warrant either an air quality assessment or an Air Quality Emissions Reduction condition applied to it.
- 10.60 The EHO has requested conditions for a lighting scheme, for the removal of the asbestos to be carried out by a licensed contractor and a condition for contamination.

### **Conclusion**

- 10.61 The proposal seeks to provide 24 residential units on a previously developed site, within the Limits of Built Development of Tunbridge Wells. The principle of residential development on this site and the loss of the existing employment are considered acceptable. The proposal makes effective use of land in a sustainable location. The height, mass and scale of the proposed building reflect that of other apartment blocks in the locality. The proposed building and landscaping would enhance the visual amenity of the locality. The proposal would not result in significant harm to residential amenity of neighbouring properties. The proposal would not be harmful to highway safety and would provide the maximum number of car parking spaces on site as set out in Policy TP6 of the Local Plan. The proposed development includes significant planning gain in respect to the funding towards community facilities/services, including affordable housing, education, sustainability, healthcare and recreation open space. Overall, the proposed development is considered to be acceptable in the balance of issues discussed within this report and there are not considered to be any other material considerations which would indicate a refusal of planning permission.

## **11.0 RECOMMENDATION –**

### **A) GRANT SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE HEAD OF LEGAL PARTNERSHIP MID KENT LEGAL SERVICES BY 30 JUNE 2023 (UNLESS A LATER DATE BE AGREED BY THE HEAD OF PLANNING SERVICES) TO SECURE THE FOLLOWING:**

- Affordable housing 3 shared ownership affordable housing.
- A contribution of £520,975.20 towards offsite affordable housing.
- £21,565.00 towards Provision of additional places in the Tonbridge & Tunbridge Wells non-selective and West Kent selective education planning groups.
- £10,493.04 towards Tunbridge Wells Cultural Hub – Libraries/Adult Education/Social Care
- £1,572.00 towards equipment and resources for Youth Centres serving the development, including Outreach Youth Services.
- £4,408.08 towards Tunbridge Wells Waste Transfer Station and HWRC expansion



- £20,412.00 towards refurbishment, reconfiguration and/or extension of general practice premises in the area
- £62,553.00 towards adult and youth recreation open space

**TOTAL CONTRIBUTIONS: £641,978.32**

**AND SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1) The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The permission shall be carried out in accordance with the following approved plans:

Proposed ground floor plan, drawing number: 160 02 00 (Rev P3)  
Proposed first floor plan, drawing number: 160 02 01 (Rev P2)  
Proposed second floor plan, drawing number: 160 02 02 (Rev P2)  
Proposed third floor plan, drawing number: 160 02 03 (Rev P2)  
Proposed roof plan, drawing number: 160 02 04 (Rev P2)  
Proposed street elevations, drawing number: 160 03 10 (Rev P2)  
Flat types 01, drawing number: 160 05 01 (Rev P2)  
Flat types 02, drawing number: 160 05 02 (Rev P2)  
Flat types 03, drawing number: 160 05 03 (Rev P2)  
Flat types 04, drawing number: 160 05 04 (Rev P2)  
Flat types 05, drawing number: 160 05 05 (Rev P2)  
Elevation Bay Studies, drawing number: 160 06 01 (Rev P2)  
Proposed views 1 and 2, drawing number: 160 SK 01 (Rev P2)  
Proposed views 3 and 4, drawing number: 160 SK 02 (Rev P2)  
Proposed views 5 and 6, drawing number: 160 SK 03 (Rev P2)  
Proposed survey details, drawing number: 16579-22  
Block Plan, drawing number: 160 01 01 (Rev P1)  
Sectional Elevation AA and north east elevation, drawing number: 160 03 01 (Rev P4)  
Sectional Elevation BB and east elevation, drawing number: 160 03 02 (Rev P3)  
Sectional Elevation EE and west elevation, drawing number: 160 03 01 (Rev P3)  
Proposed section DD and FF, drawing number: 160 03 04 (Rev P2)  
Highway Response Note to KCC

Reason: To clarify which plans are approved.

- 3) Prior to the commencement of the development, a Construction and Demolition Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The construction/demolition of the development shall be carried out in accordance with the approved Construction and Demolition Environmental Management Plan and BS:5228 Noise Vibration and Control on Construction and Open Sites and the Control of Dust from Construction Sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The Plan shall include:

- Measures to minimise the production of dust on the site.

- Measures to minimise the noise (including vibration) generated by the construction and demolition process.
- Details of areas for materials storage.
- Details of parking during construction.
- Management of traffic visiting the site, including parking provision for site operatives including an undertaking that HGVs must not reverse into or out of the site unless under the supervision of a banksman.
- Measures to prevent the transfer of mud and extraneous material onto the public highway.
- Working hours

Reason: This information is required prior to the commencement of the development, in order to protect the amenity of local residents and in the interests of highway safety.

- 4) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: This information is required prior to the commencement of the development, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 5) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the

Flood Risk Assessment and Outline Drainage Strategy (14/10/22) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 6) No building of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 7) Notwithstanding the details hereby approved and prior to the commencement of above ground works, written details and samples of external materials to be used within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved external materials unless otherwise agreed in writing by the Local Planning Authority..

Reason: In the interests of visual amenity.

- 8) Prior to the commencement of above ground works, the following architectural details shall be submitted to and approved in writing by the Local Planning Authority:
- a) 1:10 or 1:5 scale typical elevation detail of brickwork patterns
  - b) 1:5 scale typical section detail of architraves
  - c) 1:10 or 1:20 scale elevation drawings of boundary walls including details of coping

The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- 9) Prior to the commencement of above ground construction on the individual buildings identified below, a scheme to reduce overlooking to neighbouring dwellings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;
- Rear bedroom windows to units 14, 15, 20 and 21 on the western elevation of the building

The submitted scheme can include measures such as the removal, movement within or onto another elevation, or alteration of window locations or shapes, or opening mechanisms; or the introduction of angled or oriel windows. Any windows shown to be fixed shut or obscure glazed within the approved scheme shall be fitted with obscure glazing, Pilkington level 3 or higher (or equivalent) and/or fixed shut (as applicable). Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be permanently retained as such.

Reason: In the interests of the residential amenities of adjacent dwellings

- 10) Notwithstanding the details hereby approved and prior to the first occupation of development, details of hard and soft landscaping and a programme for carrying out the works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of hard landscape works, including hard surfacing materials and details of soft landscape works, including planting plans, written specifications and schedules of plants/trees, noting species, plant sizes and proposed numbers/densities where appropriate. The details shall also include details of the raised planters (including species) and further details of the green roofs, including species and depth of substrate.

Reason: In the interests of visual amenity and biodiversity.

- 11) The approved landscaping scheme shall be carried out within the first planting season following completion of the development. Any trees or other plants which, within a period of five 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 a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In the interests of visual amenity.

- 12) Notwithstanding the details hereby approved, prior to the first occupation of the development, details of boundary treatments (including walls, fences and railings and any railings/means of enclosure required for the access ramp) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the position, design, materials and type of boundary treatment to be erected. The approved boundary treatments shall be completed prior to the first occupation of the development hereby approved, and thereafter retained.

Reason: In the interests of visual amenity.

- 13) The area shown on the approved site layout plan as vehicle parking and turning space, shall be paved and drained in accordance with details to be submitted to and

approved in writing by the Local Planning Authority before the first occupation of the development and thereafter retained for the use of the occupiers of, and visitors to the premises. No permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Orders), shall be carried out on that area of land or in such a position as to preclude its use.

Reason: In the interests of highway safety and to ensure adequate parking provision on site.

- 14) Prior to the commencement of above ground works, details of the provision of electric vehicle charging points within the development, including a timescale for their provision, shall be submitted to and approved in writing by the Local Planning Authority. Ducting shall be provided to all parking spaces in line with the Council's Electric Vehicle Charging Infrastructure Guidance Document. The charging points shall be provided in accordance with the approved details, unless otherwise in writing by the Local Planning Authority.

Reason: In the interest of sustainable development.

- 15) Provision and maintenance of the pedestrian visibility splays shown on drawing 31354/AC/004-A (within Highway Response Note to KCC) behind the footway on both sides of the accesses to each parking area, as show on the submitted plan, with no obstructions over 0.6m above footway level prior to the use of the site commencing.

Reason: In the interests of pedestrian safety.

- 16) Prior to the commencement of above ground works the design and specification of the full height kerb which will replace the unrequired dropped kerb shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety.

- 17) The approved bicycle storage shall be completed prior to first occupation of the development and thereafter retained.

Reason: To ensure the provision and retention of adequate off-street cycle parking facilities in the interests of promoting sustainable transport modes.

- 18) Before first occupation of the development hereby approved, the refuse storage facilities and screening shall be completed in accordance with the approved details and thereafter retained.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests

- 19) Prior to the commencement of above ground works, written and illustrative details for energy and water conservation within the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development, which meets the needs of current and future generations.

- 20) The developer shall provide information on sustainable travel to the first occupants of each apartment hereby approved. The travel packs shall provide details on the local car club, including joining/membership information. It shall also include details of cycle routes and local train and bus services.

Reason: To promote sustainable modes of transport and reduce car use on site.

- 21) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound: shall be low as reasonably possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5dB the applicant's consultant should contact the Environmental Protection Team to agree a site specific target level.

Reason: In the interests of residential amenity

- 22) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in gardens and other relevant amenity areas will conform to the standard identified by the current version of BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority. The assessment should have regard to ProPG: Planning & Noise (2017) and the Acoustics Ventilation and Heating Guide (2020) to ensure that there is a good balance between acoustics, ventilation and thermal comfort for future occupants. It is expected that higher levels of noise that require windows to be closed to meet BS8233 internal level specifications will need greater ventilation than the minimum standard in the Building Regulations in trying to achieve open window equivalence which will involve user control of ventilation rates to key rooms such as living rooms and bedrooms. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity

- 23) Prior to the first use of the electricity substation an acoustic report assessing the impact shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no loss of amenity to residential or commercial properties. For residential accommodation, the scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Procedure for the assessment of low frequency noise complaints 2011 (NANR45). The assessment can be a measurement or a calculation to demonstrate internal levels. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

Reason: In the interests of residential amenity

- 24) No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This scheme shall take note of and refer to the Institute of ILP Guidance Note 01/21 The Reduction Of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of residential amenity

- 25) The development hereby permitted shall incorporate measures to minimise the risk of crime. No dwelling shall be occupied until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first occupation of the dwelling in which it relates, or prior to the completion of the development if it relates to works outside the curtilage of a dwelling, and thereafter retained.

Reason: In the interest of security, crime prevention and community safety.

## INFORMATIVES:

- 1) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) The applicant is advised to read Southern Water's New Connections Services Charging Arrangements document, which is available to view on the following link: <https://beta.southernwater.co.uk/infrastructure-charges>
- 2) It is recommended that the developer works with a telecommunication partner or subcontractor to make sure that Next Generation Access Broadband forms an integral part of the project. For advice on how to proceed with providing access to superfast broadband please contact [broadband@Kent.gov.uk](mailto:broadband@Kent.gov.uk)
- 3) It is the responsibility of the applicant to ensure, before the development is commenced that all necessary highway approvals and consents where required are obtained and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by Kent County Council whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 4) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- 5) It is suggested to the applicant that there is early engagement with the occupiers of the neighbouring properties in respect of any discussions and agreement under the Party Wall Act 1996.
- 6) It is recommended that the applicant/developers ensure that the two disabled parking bays shall be designed with appropriate markings and layout.

Reason: To ensure adequate parking provision on site.

**(B) If the applicant fails to enter into such agreement by 30 JUNE 2023, the Head of Planning Services shall be authorised to REFUSE PERMISSION for the following reasons (unless a later date be agreed by the Head of Planning Services):**

- (1) The proposal fails to make provision for affordable housing and would therefore conflict with the National Planning Policy Framework, National Planning Practice Guidance, Core Policies 1, 6 and 9 of the Tunbridge Wells Borough Core Strategy 2010 and the Council's Affordable Housing Supplementary Planning Document.
- (2) The proposal fails to make provision for recreation open space and would therefore fail to comply with the National Planning Policy Framework, National Planning Practice Guidance, Core Policies 1 and 8 of the Tunbridge Wells Borough Core Strategy 2010, Policy R2 of the Tunbridge Wells Borough Local Plan 2006 and the Council's Recreation Open Space Supplementary Planning Document.
- (3) The proposal fails to make provision for community services/facilities, such as secondary schools, adult education, youth services and healthcare and would therefore fail to comply with the National Planning Policy Framework, National Planning Practice Guidance, Core Policies 1 and 8 of the Tunbridge Wells Borough Core Strategy 2010 and Policy CS4 of the Tunbridge Wells Borough Local Plan 2006.

Case Officer: Charlotte Oben

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



## REPORT SUMMARY

<b>REFERENCE NO - 23/00368/FULL</b>		
<b>APPLICATION PROPOSAL</b> New dropped kerb and driveway		
<b>ADDRESS</b> 38 All Saints Road, Hawkhurst, Cranbrook, Kent, TN18 4HT		
<b>RECOMMENDATION - To GRANT</b> planning permission subject to conditions (please refer to section 11.0 of this report for full recommendation)		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>• The development would comply with adopted Local Plan policy relating to highway safety;</li> <li>• The development would not be significantly harmful to the residential amenities of neighboring dwellings;</li> <li>• The development would preserve visual amenity and the character of the High Weald Area of Outstanding Natural Beauty (AONB);</li> <li>• Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.</li> </ul>		
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b> The following are considered to be material to the application: <b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):</b> N/A <b>Net increase in numbers of jobs:</b> N/A <b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> N/A The following are not considered to be material to the application: <b>Estimated annual council tax benefit for Borough:</b> N/A <b>Estimated annual council tax benefit total:</b> N/A <b>Estimated annual business rates benefits for Borough:</b> N/A		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The land within the application site is partially owned by Tunbridge Wells Borough Council.		
<b>WARD</b> Hawkhurst & Sandhurst	<b>PARISH/TOWN COUNCIL</b> Hawkhurst Parish Council	<b>APPLICANT</b> Mr David John Harvey <b>AGENT</b> Ms Amna Khan
<b>DECISION DUE DATE</b> EOT – 24/05/23	<b>PUBLICITY EXPIRY DATE</b> 24/03/23	<b>OFFICER SITE VISIT DATE</b> 03/03/23
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> None		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 The subject property is a two storey, semi-detached dwelling house located on All Saints Road within Hawkhurst. The surrounding area is characterised as an

established urban area within a residential housing development. The property currently has no off-road parking provision, but the dwelling does benefit from an elongated front garden. At the time of the site visit the front garden was partially fenced off due to ongoing works within the property itself. The highway (including the roadside pavement) is in the ownership of TWBC.

## 2.0 PROPOSAL

2.01 This application seeks to place paving within the front garden area to create an area of paved, permeable hardstanding suitable for off-road parking at least one vehicle. The existing footpath which runs along the western side of the driveway will be maintained as it currently is.

2.02 A new dropped kerb will be created to allow access to the off-road parking space, with this dropped kerb comprising a central dropped section and a tapered kerb on each side. The total width of the dropped kerb will be approximately 4.3 metres.

2.03 The appearance of the dwelling itself will not be altered through the proposal.

## 3.0 SUMMARY INFORMATION

<b>Dropped Kerb</b>	
Max. Width	4.3metres

## 4.0 PLANNING CONSTRAINTS

- Inside Limits to Built Development
- AONB (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)

## 5.0 POLICY AND OTHER CONSIDERATIONS

**National Planning Policy Framework (NPPF) 2021**  
**National Planning Practice Guidance (NPPG)**

### **Tunbridge Wells Borough Local Plan 2006**

Policy EN1: Development Control Criteria;  
Policy TP4: Access to Road Network

### **Tunbridge Wells Borough Core Development Strategy 2010**

Core Policy 4: Environment  
Core Policy 5: Sustainable Design and Construction  
Core Policy 14: Development in the Villages and Rural Areas

### **Supplementary Planning Documents**

Alterations and Extensions Supplementary Planning Document 2006

### **Tunbridge Wells Borough Submission Local Plan 2021**

Policy STR6: Transport and Parking  
Policy STR8: Conserving and Enhancing the Natural, Built, and Historic Environment  
Policy EN1: Sustainable Design  
Policy EN18: Natural Landscape  
Policy EN19: The High Weald Area of Outstanding Natural Beauty

### **Hawkhurst Neighbour Development Plan (NDP)**

Policy HD4: Housing Design Quality  
Policy LP1: Views to Open Countryside

Policy LP2: AONB Support  
Policy LP3: Design of Green Spaces

## 6.0 LOCAL REPRESENTATIONS

- 6.01 A site notice was displayed outside of the property on the 21<sup>st</sup> of December 2022 to expire on the 11<sup>th</sup> of January 2023.
- 6.02 No representations have been received.

## 7.0 CONSULTATIONS

- 7.01 KCC Highways  
(28/02/23) - *'Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.'*
- 7.02 Hawkhurst Parish Council  
(14/03/23) – *'Whilst HPC [Hawkhurst Parish Council] would prefer to avoid the loss of front gardens for parking and HD4 of the NDP states that parking should be discreet, the lack of off-road parking in All Saints causes significant issues. Therefore HPC supports this application.'*

## 8.0 APPLICANT'S SUPPORTING COMMENTS

- 8.01 None provided

## 9.0 BACKGROUND PAPERS AND PLANS

- Application Form
- Site Location Plan – PL002
- Existing and Proposed Drawings – PL003

## 10.0 APPRAISAL

### Principle of Development

- 10.01 The subject dwelling is located within the Limits to Build Development and within an Area of Outstanding Natural Beauty (AONB). In such areas, developments to create off road parking are acceptable in principle provided they do not negatively impact the AONB, visual and residential amenity and the character of the street scene. These matters are discussed below.

### Visual Impact

- 10.02 Within the wider area, there are several examples of properties where the front garden has been converted into a parking space, so the creation of off-road parking at the subject property will not appear out of character. Such arrangements are commonly found in built-up areas. The loss of the front garden does not cause significant harm to the character and appearance of the surrounding area.
- 10.04 Policy HD4 of the Hawkhurst NDP refers to the creation of new parking stating, *"Car Parking is to be discreet"* and in this instance the parking provision will be visible from the public realm. However, as already stated the creation of hardstanding would not appear out of character within the wider residential context.
- 10.05 It is also noted that the subject property is situated within a residential housing development where there is some degree of uniformity between the appearance of

dwellings. However, the proposal will not alter the scale or footprint of the dwelling, and no alterations to the main dwelling are sought.

### **Impact on AONB**

- 10.06 It is noted that the property is situated within the AONB, and Paragraph 174 of the NPPF states planning decisions should contribute to and enhance the natural environment by preserving protected landscapes and Paragraph 176 explains how 'great weight' should be given to conserving the scenic beauty of AONBs. Core Policy 4(1) encapsulates the LPA's statutory duty to protect the AONB by stating 'the Borough's urban and rural landscapes, including the designated High Weald AONB, will be conserved and enhanced'.
- 10.07 In this instance, the proposed alterations will occur within an established urban/residential street within Hawkhurst. The area does not have a sense of openness or a rural character which is common within other areas of the AONB outside of built up areas. Assessing the impact on the natural landscape through the context of this application, it is clear that the proposed development would be secluded, relatively low level, contained within a defined residential context and modest in terms of its overall size. There would therefore be little to no impact on the AONB and the development in question does not raise notable concerns from the perspective of protecting the AONB.
- 10.08 It is also noted that Policies LP1, LP2 and LP3 of the Hawkhurst NDP seek to prevent harm to the wider landscape and AONB. However, as already established the proposal is relatively minor and will not impact the wider landscape or AONB.

### **Residential Amenity**

- 10.09 The proposed alteration can be regarded as a relatively minor alteration from the perspective of neighbouring properties. The proposal will not change the scale, form, or appearance of the main dwelling. As the works are limited to a dropped kerb and additional hardstanding, the proposal will not cause any overlooking, overshadowing nor overbearing effects, and overall, the proposal will have little to no impact on the surrounding residential amenity.

### **Highway safety**

- 10.10 KCC Highways do not raise objections to the proposal from a highway safety perspective.
- 10.11 As highlighted by Hawkhurst Parish Council, the area surrounding All Saints Road has ongoing issues with the amount of on street parking available. However, parking convenience is not a matter that carries any more than minimal weight in planning decisions.
- 10.12 The proposed driveway will be constructed using permeable paving. This will ensure the proposal does not result in additional surface water flooding to the public highway by preventing rainwater from flowing from the driveway onto the road and footpath in front of the property.

### **Conclusion**

- 10.13 This application seeks planning permission for creation of a new dropped kerb and additional hardstanding within the front garden to create a new off road parking space. The proposal has been assessed to not cause significant harm to residential or visual amenity, and no harm to the AONB has been identified. The application is therefore considered to comply with the relevant local and national policies.

**11.0 RECOMMENDATION** – GRANT subject to the following conditions;

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan – PL002
  - Proposed Drawings – PL003

Reason: To clarify which plans have been approved.

3. The development shall be carried out in strict accordance with the details of external materials specified in the application which shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.

## INFORMATIVES

- (1) It is the responsibility of the Applicant to ensure that all necessary highway approvals and consents (where required) are obtained before undertaking any work outside the property's curtilage and that the limits of the highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land' Some of this land is owned by Kent County Council (KCC), whilst some is owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at Highway boundary enquiries - Kent County Council.
- (2) The Applicant must also ensure that the details shown on the proposed plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the Applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Andrew McLachlan-Newens

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

## REPORT SUMMARY

<b>REFERENCE NO - 23/00562/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of two storey side extension; external alterations		
<b>ADDRESS</b> Ashdown House 11 Hungershall Park Royal Tunbridge Wells Kent TN4 8NE		
<b>RECOMMENDATION</b> - Grant planning permission subject to conditions (see section 11 of the report for the full recommendation)		
<b>SUMMARY OF REASONS FOR RECOMMENDATION.</b> <ul style="list-style-type: none"> <li>• The development would comply with adopted Local Plan policy relating to extensions to rural dwellings;</li> <li>• The development would not cause any harm to the significance of the Conservation Area or to any non-designated heritage assets;</li> <li>• The development would not be significantly harmful to the residential amenities of neighbouring dwellings;</li> <li>• The development would preserve the openness of the Green Belt;</li> <li>• Other issues raised have been assessed and there are not any which would warrant refusal of the application or which cannot be satisfactorily controlled by condition.</li> </ul>		
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b> The following are considered to be material to the application: <b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A</b> <b>Net increase in numbers of jobs: N/A</b> <b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A</b> The following are not considered to be material to the application: <b>Estimated annual council tax benefit for Borough: N/A</b> <b>Estimated annual council tax benefit total: N/A</b> <b>Estimated annual business rates benefits for Borough: N/A</b>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Cllr Christopher Hall has called in the application in the event of a recommendation for approval on the following grounds:- <ul style="list-style-type: none"> <li>- Impact on the Arcadian Area through infilling between houses;</li> <li>- Harm to the Conservation Area and the Green Belt;</li> <li>- Loss of residential amenity through overlooking and overbearing development.</li> </ul>		
<b>WARD</b> Broadwater	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Mr & Mrs Walker <b>AGENT</b> Jim Richardson, Richardson Architecture Ltd
<b>DECISION DUE DATE</b> EOT: 22/05/23	<b>PUBLICITY EXPIRY DATE</b> 14/04/23	<b>OFFICER SITE VISIT DATE</b> 20/07/22
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

23/00660/FULL	Installation of new electric gates and carport	Pending	
22/03028/TCA	Trees in Conservation Area Notification: OAK - Reduce by 20% and remove lowest lateral branch growing over Cabbage Stalk Lane	No Objection	28/11/22
22/02828/FULL	Erection of new side extension and associated works/external alterations	Refused	28/11/22
21/01798/TCA	Trees in a Conservation Area Notification: COMMON HAWTHORN (0095) - Sever/remove ivy, raise low canopy to 5.0m, remove major dead wood, remove suspended or broken branches; COMMON OAK (0097) - Sever/remove ivy; COMMON OAK (0098) - Sever/remove ivy, reduce crown(s) by 30%; COMMON OAK (0099) - Pollard to 5m; COMMON OAK (0100) - Sever/remove ivy; COMMON HORNBEAM (0101) - Fell; COMMON OAK (0102) - Reduce crown(s) by 25%, remove major dead wood; COMMON HORNBEAM (0103) - Fell; COMMON OAK (0104) - Remove major dead wood; COMMON HAZEL (0105) - Coppice to 0.5m stumps	No Objection	25/06/21
18/02153/FULL	Erection of a garage with attached log store	Granted	03/09/18
16/500940/TCA	Conservation area notification 1no. Holly - Reduce and shape	Granted	07/03/16
13/02861/TREECA	Trees in Conservation area notification - T1 -SYCAMORE - fell. T2 - BEECH - fell. T3 - MAPLE, T4 - LIME, T6 - SWEET CHESTNUT - remove epicormic growth. T5 - SWEET CHESTNUT - crown lift	Granted	05/11/13
06/01508/TREECA	Tree in Conservation Area Notification : CONIFER - Fell	No Objection	30/06/06
04/01697/FUL	Single storey side extension	Granted	19/08/04
04/00565/TREECA	Trees in Conservation Area Notification: (T1) OAK - Fell	No Objection	16/04/04
02/02426/TREECA	Trees in a Conservation Area Notification: HOLLY - Coppice; SWEET CHESTNUT - Raise crown to approx. 5m	No objection	21/11/02
80/00370/FUL	Use of four bedrooms for bed and breakfast accommodation	Withdrawn	14/07/80

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 The property is a large detached dwellinghouse located within Hungershall Park. It is located outside of the Limits to Built Development, within the Tunbridge Wells Conservation Area, and within the Metropolitan Green Belt (MGB). It is also located within an Arcadian Area as designated by the Local Plan. The property sits within a large site with a drive area to the front and substantial garden area to the rear.

- 1.02 The application site is located to the south side of Hungershall Park, where the road bends around to the south. It is set back from the road and has a large garden area to the rear.
- 1.03 Due to the nature of the road bending around to the south, Eleven West and 12 Hungershall Park sit to the south west of the application site at lower ground levels. Again, due to the nature of the road, the application site property sits further back within its plot than the adjacent properties to the east, 10 and 10a. The rest of the properties to the east sit largely on a similar building line from 9 West through to 6 (10 and 10a sit slightly further back). The separation distances to the boundaries vary; the majority of the dwellings are large in size and are within sizeable plots, but the distances to the boundaries do vary. There is not a consistent (or consistently large) separation distance between the dwellings. At present, the minimum distance from the application property to the eastern shared boundary is approx. 2m (this is from the single storey side extension). There is a similar distance between 10 and the eastern boundary it shares with 9 West, 9 has a distance of approx. 1.3m to its eastern boundary with 8, 8a has a distance of approx. 1m to its eastern boundary shared with 7, and 7a has a distance of approx. 1.5m to its eastern boundary shared with 6 [and so on] (9 West and 9, are connected to one another, as are 8 and 8a, as well as 7 and 7a). Distances to the eastern boundaries therefore appear to be largely between approx. 1m and 2m. Distances to the western boundaries appear to be larger among these properties, with distances most commonly ranging between approx. 4m up to around 8.5m [in the case of the application site and its boundary with 11 West].
- 1.04 The Tunbridge Wells Conservation Area Appraisal states:

*Hungershall Park is an impressive sequence of Italianate villas, often with deep projecting eaves. Although there are different elements within the detailing of the elevations, all are classically derived and form a harmonious group.*

## **2.0 PROPOSAL**

- 2.01 This application is for the addition of a new side extension and associated works/external alterations, including alterations to fenestration, and the addition of solar panels to the roof.
- 2.02 The alterations to fenestration include an additional window at ground floor level and two additional windows at first floor level on the front elevation, an additional window at first floor to the rear elevation, and a larger opening at ground floor level on the side (east) elevation.
- 2.03 This application follows on from the previously refused application ref: 22/02828/FULL, which was for refused for two reasons as follows:

*The proposed extension, by reason of the scale, impact on the architectural and historic character of a non-designated asset, and potential impact on, fails to preserve the significance of the Conservation Area and would cause harm to the house itself as a non-designated heritage asset, causing less than substantial harm which is not outweighed by public benefit to the proposal. It is therefore contrary to paragraphs 202 and 203 of the National Planning Policy Framework 2021, Core Policy 4 of the Core Strategy 2010 and the National Planning Practice Guidance.*

*Insufficient information has been submitted to assess the impact of the proposed development on trees within the site. The development could be harmful to trees and would therefore fail to comply with the National Planning Policy Framework 2021,*



*National Planning Policy Guidance, Core Policy 4 of the Tunbridge Wells Borough Core Strategy 2010 and Policy EN13 of the Tunbridge Wells Borough Local Plan 2006.*

- 2.04 Under the previous application, the side extension was proposed to be in line with the ridge of the existing main dwelling, having a pitched roof and including a new chimney. A new porch area was also included but does not form a part of this application.
- 2.05 Under this current application, the extension has been re-designed to have a flat roof with urned balustrade, thus dropping its overall height and setting it down from the main ridge of the existing dwelling.
- 2.06 New entrance gates and a carport are also proposed at the application site, but are the subject of a separate application ref: 23/00660/FULL.

### 3.0 SUMMARY INFORMATION

	Existing dwelling	Previously refused	Proposed
Max Height	13.8m/13.1m to chimney; 12.4m/11.6m (roof)*	13.1m (chimney); 11.6m (roof)	8.65m
Max Eaves Height	10.4m/9.6m*	9.6m	N/A.
Max Width	20m	5.25m	5.75m
Max Depth	15.5m	7.25m (ground floor); 8.45m (ground floor inc. section where stairs are located); 7.1m (first floor)	7.2m
Volume (metres cubed)	Original (1948) 2214; after single storey addition 2340	405 (by agent calculation); 441 (by Case Officer calculation)**	298 (by agent calculation); 339 (by Case Officer calculation)**

*\*measurement depends on which side elevation you measure from due to varying ground levels (measured to ground level shown on plans)*

*\*\* the agent confirmed via email that the measurements provided them were measured off of the 3D model, but that this did not include the moulding areas etc., and the Case Officer figures were worked out approximately to compare to the figures provided by the agent. This would account for some discrepancies in the figures.*

### 4.0 PLANNING CONSTRAINTS

- Arcadian Area
- Metropolitan Greenbelt
- Outside the Limits to Built Development
- Tunbridge Wells Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings and Conservation areas) Act 1990*)
- *Non-designated heritage assets nearby including properties such as Numbers 1-12\* Hungershall Park*

*\*excluding Number 2 which is statutorily listed at Grade II*

## **5.0 POLICY AND OTHER CONSIDERATIONS** **The National Planning Policy Framework (NPPF) (2021)** **National Planning Practice Guidance (NPPG)**

### **Development Plan:**

#### **Tunbridge Wells Core Strategy 2010:**

Core Policy 2: Green Belt

Core Policy 4: Environment

Core Policy 5: Sustainable Design & Construction

Core Policy 14: Development in Villages & Rural Areas

#### **Tunbridge Wells Borough Local Plan 2006:**

Policy EN1 - General development criteria

Policy EN5: Development within the Conservation Area

Policy EN13: Development Affecting Trees

Policy EN24: Arcadian Areas

Policy H11: Extensions to properties Outside of the Limits to Built Development

Policy LBD1 - Development Outside the Limits to Built Development

Policy MGB1: Extensions to properties within the Metropolitan Green Belt

#### **Site Allocations Local Plan 2016**

AL/STR1

AL/STR2

#### **Tunbridge Wells Borough Submission Local Plan 2020-2038**

Policy EN1: Sustainable Design

Policy EN5: Heritage Assets

Policy EN12: Trees, Woodland, Hedges, and Development

Policy EN17: Arcadian Areas

Policy H11: Extensions to Residential Dwellings

Policy STR 9: Green Belt

#### **Supplementary Planning Documents:**

Alterations and Extensions 2006

## **6.0 LOCAL REPRESENTATIONS**

6.01 Four site notices were displayed on 24<sup>th</sup> March 2022.

6.02 The application was also advertised in a local newspaper.

6.03 Objections have been raised from three properties including the following matters:

- Impact on Metropolitan Green Belt; contrary to NPPF
- Size; disproportionate to existing dwelling; cramping within site; narrow plot and infilling of space; overdevelopment; contrary to Policy H11
- Residential amenity (issues such as loss of sunlight, loss of privacy, overbearing impact and dominance, encroachment to boundary); contrary to NPPF and Alterations and Extensions SPD; site visit allegedly not undertaken
- Terrace area included within proposal which is not acknowledged
- Heritage Impact; on application property as well as 10/10A as non-designated heritage assets; Conservation Area; views from Nevill Park; disagree with Heritage Assessment; contrary to NPPF, Core Strategy & Local Plan
- Impact on Arcadian Area; contrary to Local Plan
- Impact on trees

- Sufficient information not provided (no ground stability assessment; no accurate light survey; no information on how to be constructed)
- Party Wall procedure to be invoked (Officer Note: this is not a matter which falls within the remit of the planning system, but is a civil matter between the respective parties)
- Impact on sustainability
- Previous refusal reason still relevant
- Design; in relation to flat roof, materials, being out of keeping
- Impact on outlook
- No screening or space for screening to be implemented
- Concerns regarding ground works due to topographical differences
- Allegedly misleading information submitted (such as/including: in relation to trees along eastern boundary, neighbour properties not shown in drawings)
- needs could be met through internal modification; extension not justified
- Allegedly misleading information submitted in agent response letter

6.04 It is noted that the above were presented in various different comments/correspondence, but the above is a summary of the issues outlined.

6.05 The following comments were raised in letters of support from four properties:

- property is not listed
- proposal is sympathetic; compliments overall design, environment and surroundings; complimentary features utilised
- Hungershall Park and Nevill Park have eclectic mix of properties
- previous extensions have detracted from appearance of property; proposal will address this
- effort made to use sustainable materials
- will bring substantial improvement and betterment
- will allow house to meet future needs

## 7.0 CONSULTATIONS

### Conservation Officer (CO)

7.01 **(21/03/23):** This application proposes an amended extensions and alterations scheme for 11 Hungershall Park, which is located in the Tunbridge Wells Conservation Area and is considered to be a non-designated heritage asset. This follows refusal of a previous scheme.

7.02 CO had raised two concerns with the previous application, which are as below:

7.03 'Firstly, I viewed Hungershall Park from Nevill Park, a relationship whose importance is well articulated in the conservation area appraisal. The buildings have, as with the other garden developments in town, an important relationship with each other and with the green boundaries. Some of the houses on Hungershall Park have already been extended, but the separation is clear. Viewed from Nevill Park, I can see that the two storey side extension would crowd the neighbouring property, and it is unclear what the implications are for the side boundary treatments. I understand that the Tree Officer has been unable to comment as an arboricultural report has not yet been submitted, and so I will defer to his comments when these come forward. Otherwise, I do have concerns that the spaciousness of the properties in their grounds, and the contribution of this towards the significance of the conservation area, will be harmed by the side extension proposal. The application statement says that the side extension will not be visible from the public realm, which is true in part, but as noted it will be easily visible from Nevill Park, which is identified as an important view to the character and appearance of the Conservation Area.

- 7.04 Secondly, it has been brought to my attention that the Civic Society has found that this is the only house in Hungershall that can be attributed to an architect, and the architect is a notable local architect. At least one of the buildings that he designed is grade II listed. I did note my concerns about the alterations to the front elevation and the change in architectural style, even if it is a similar period. Because it can be attributed to an important local architect and has townscape value, the house meets at least two of the Local Heritage Asset criteria within our adopted SPD. Paragraph 203 therefore applies, and in my view the extent of alterations would be harmful to the original design intent of the architect, however well designed in isolation of this fact.'
- 7.05 Point 1: I have walked Nevill Park again and can confirm that it can be glimpsed through the tree belt at the moment now that the leaves have fallen, but only just glimpsed in heavily filtered views. When walking west to east down Nevill Park the orientation of the road first means there are no views, and then from Nevill Court that end of Hungershall is masked by more than one tree belt. Moving along Nevill Park, where views might open to the west to be able to see No. 11, another tree belt obscures. Therefore, the only clear views lead up to the eastern part of No. 10 and there are only very filtered views of No. 11, during winter time only. My view is that a side extension will not be perceived from Nevill Park and therefore will not impact on the impression of spaciousness that is important to this part of the conservation area, as the only other view of the house is at close range from the road. The reduction in height of the extension in any case will relieve the pressure on the side boundary and utilise a parapet style (urned balustrade) that is appropriate to the style of the property. The extension will otherwise include the architectural details of the main house, which is supported.
- 7.06 Point 2: The elevation alterations have been revised and these largely maintain the appearance of the original house, with some minor improvements to fenestration.
- 7.07 I believe that these revisions mean that no harm would be caused to either the significance of the house itself as a non-designated heritage asset, or the Conservation Area in turn. I can therefore support these proposals, though this is also subject to the views of the Tree Officer as well, in reference to my comments on the previous application regarding the need for an arboricultural report, and the Tree Officer's comments on that. Conditions suggested (as below).
- 7.08 *\*Further comments received 27/04/24 in response to neighbour objection to Heritage Report (addendum to comments from 24/04/23)*

I have had a look at this representation to take into consideration any relevant points raised that you may need further advice on. The representation does not alter my advice to you provided in my consultation response, in which I made it clear that any heritage concerns I had relating to the previous application had been addressed in this application. I will comment briefly on some of the items in the attached document below, using the paragraph numbering in the letter, though much of the letter deals with information within the applicant's supporting heritage statement, which the applicant may wish to address. I believe there are some assumptions made in the letter for which I cannot see substantiation, such as the contention that No. 11 was the 'flagship house' of the development, particularly given that it is not listed, and one of the houses, No. 2, is, and repetition of many points to do with residential amenity rather than heritage. Concerns about residential amenity are not heritage considerations. To summarise, proportionate to the contribution that the house makes towards the significance of the conservation area overall, as per caselaw consideration, the scale of the proposed extension (still subservient to the main

house), bearing in mind the enclosed nature of the site as well, would not have a harmful impact on the significance of the conservation area. The Arcadian character of the area will not be affected. The extension is designed to respect the original design of the house, with a repetition of architectural details and form. These are all relevant points when applying the relevant NPPF paragraphs 195, 199 and 203 (I refer in particular to the need to make a 'balanced judgement' in 203)

- 7.09 3. I have reviewed again the views to the property from Nevill Park, and this is set out in my consultation response. Trees and hedges can sometimes be considered more ephemeral than buildings, but the view to this particular property, on the bend of the road, would not be as direct as the others, and in any case the tree belts discussed are very well-established.
- 7.10 4. Comparisons are made with Bredbury House on Mount Ephraim, which is helpful in bringing up the fact that it was designed by the same architect and is also considered to be a non-designated heritage asset. However, it is not listed, nor is it as prominent or of a similar design, and the Civic Society local list is not a list that has been adopted by the Council as a material consideration, though as stated before, we do in any case consider it to be a non-designated heritage asset. Its situation is different to that of No. 11, being on a principal route into town. We have no evidence that it has not been extended 'in order to protect its status', and in fact permission has been granted to build in the space immediately adjacent to it, which has not yet been implemented, in addition to the new build directly adjacent which was also granted permission and has been built. The setting has therefore been altered, as has the character and appearance of the conservation area. Therefore, in planning terms, no. 11 already has the same status as Bredbury House as a non-designated heritage asset within a conservation area – there is no additional 'protected status' for Bredbury as mentioned in the letter.
- 7.11 Buildings and spaces contribute to the special character and appearance of a conservation area where they can be more widely appreciated as doing so, a different consideration to change to the setting of listed buildings.
- 7.12 Finally, I have the following responses to make to the points set out in the conclusion:
1. Cronk's design is accomplished but not exceptional and its original design will be retained, with the new windows and extension matching the architectural detail and style.
  2. The Abergavenny Estate was very large and a number of developments within this and another conservation area (Madeira Park and Warwick Park) are attributed to the historic residential development of the estate. There are several well-designed buildings on the road, including the grade II listed no. 2, and there is no evidence of 11 being a flagship for the development here.
  3. Bredbury is significantly more visible, being on a principal route within the town and located on a ridge which is visible from longer distances. It is architecturally more accomplished than No. 11. Both are considered non-designated heritage assets.
  4. No. 11 is not the only building on Hungershall Park that has benefited from development:
    - No. 10 has a side elevation extension which has closed the gap between 10 and 9
    - No. 9 has had a side extension closing the gap between it and No. 8.
    - No. 8a has had a side extension closing the gap between 8 and 7.
    - No 6 has a side extension which has closed the gap between it and No. 5.

- 5a has had a front extension.
- 5 has had a side extension closing the gap between it and No. 4.
- No. 2 (listed) has had a side extension closing the gap between it and No. 1.

5. It is agreed that the houses on Hungershall Park, including No. 10, are non-designated heritage assets (apart from the designated no. 2), which has been taken into consideration as a positive contributor to the conservation area, both with this application and the recent application for alterations to East Wing\* (TW/22/00993/FULL).

\*It is noted that in the Conservation Officer response, there was a genuine typing error whereby '10a' was written instead of 'East Wing'. This was a typing error only, and the Conservation Officer was fully aware of which property they were referring to.

#### 7.13 **Tree Officer**

**(04/04/23 – informal comments):** No objections to the scheme proceeding from the Arboriculture perspective as the report excludes trees that may be impacted by the proposed build.

7.14 The only thing worth noting is the requirement to remove a poor quality tree, which would have happened anyway.

7.15 No objections and no conditions requested.

#### **8.0 APPLICANT'S SUPPORTING COMMENTS**

8.01 A Heritage Assessment and a Design & Access Statement have been submitted as part of the application.

8.02 The Design & Access Statement highlights that the side extension would replicate details from the main house and nearby properties. It details that string courses are replicated and the window moulding details are followed through. False window indents are utilised on the side elevation to maintain the privacy of the adjacent property.

8.03 The Heritage Assessment sets out that the proposal would respect the main dwelling and its surroundings.

8.04 The Planning Response Letter from the agent concludes that the material planning considerations have been diligently considered following the previously refused application, and that the scheme meets TWBC and national policy requirements. It also states that the setting within the Conservation Area and existing house as a non-designated heritage asset are respected, and the impact on neighbouring amenity has been addressed and will not cause harm or detriment and the design revised to remove any Right to Light or overlooking concerns.

#### **9.0 BACKGROUND PAPERS AND PLANS**

Application Form;

Drawing Number 201 Rev P3 – Location & Block Plans (received 01/03/23)

Drawing Number 202 Rev P2 – Existing Site Plan & Elevation Surveys (received 01/03/23)

Drawing Number 203 Rev P2 – Existing Site Photographs (received 01/03/23)

Drawing Number 204 Rev P2 – Existing House Floor Plans (received 01/03/23)

Drawing Number 205 Rev P3 – Existing House Elevations (received 01/03/23)

Drawing Number 206 Rev P2 – Proposed Site Plan (received 01/03/23)

Drawing Number 207 Rev P3 – Proposed House Floor Plans (received 01/03/23)

Drawing Number 208 Rev P5 – Proposed House Elevations (received 01/03/23)  
 Drawing Number 209 Rev P3 – Proposed Perspective Views (received 01/03/23)  
 Arboricultural Implications Assessment (received 01/03/23)  
 Amended Heritage Assessment (Rev D) (received 26/04/23)  
 Design & Access Statement (received 01/03/23)  
 Letter from agent dated 19 April 2023 (received 26/04/23)  
 Murphy Associates response to Neighbour comments (received 26/04/23)  
 Document outlining revisions to Heritage Assessment (received 26/04/23)  
 Email from agent received 26/04/23 regarding response to neighbour comments  
 Email from agent received 03/05/23 confirming extension of time  
 Emails from agent received 04/05/23 regarding volume calculations

## 10.0 APPRAISAL

### Principle of development

- 10.01 The site lies outside of the Limits to Built Development (LBD), where there is general restraint against development. However, policies exist in the Local Plan that allow for residential extensions outside the LBD.
- 10.02 Policy MGB1 states that for development “*within the Metropolitan Green Belt, planning permission will not be granted other than for extensions, alterations or replacements of a dwelling, provided it is in accordance with Policies H10 and H11*”. Core Policy 2 has similar requirements.
- 10.03 Policy H11 of the Local Plan controls extensions outside the LBD. It advises that ‘modest’ proposals are those that would result in an increase of around 50% of the volume of the dwelling or 150 cubic metres (gross), whichever is the greater, subject to a maximum of 250 cubic metres (gross).
- 10.04 Part 13 of the National Planning Policy Framework is particularly relevant here as it addresses the Green Belt. Para 147 states that inappropriate development is by definition harmful to the Green Belt and should not be approved. Paragraph 149 states that the construction of new buildings comprises inappropriate development in the Green Belt. There are however certain exceptions to this. The proposals set out within this application would fall within one of these categories:
- ‘The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building’*
- 10.05 Thus, by definition, the proposal would not comprise ‘inappropriate development’ within the Green Belt, providing it would not harm its openness through disproportionate additions to the building. ‘Disproportionate’ is not defined within the NPPF and assessing such is a matter of planning judgement in each individual case. The application falls primarily to be assessed against the current Development Plan (the Local Plan, the Core Strategy and the Site Allocations Local Plan) unless the NPPF - as a material consideration - indicates differently.
- 10.06 ‘Openness’ is the absence of development such as buildings, hard surfacing and the residential use of land. It is essentially freedom from operational development and relates primarily to the quantum and extent of development and its physical effect on the application site. It is a different consideration to ‘visual impact’ as the openness of the Green Belt has a spatial aspect as well as a visual aspect. The absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result (for example) of constructing a new building/extension there.

- 10.07 As the property is located within the Green Belt, the volume considerations must consider the volume in 1948, meaning the cumulative volume of this proposal and the single storey extension permitted in 2004 (under ref: 04/01697/FUL) would need to be considered.
- 10.08 The volume of the dwelling as it stood in 1948 is therefore considered to be approx. 2214 cubic metres, with the 2004 single storey extension adding an additional 126 cubic metres, meaning the existing volume is approx. 2340 cubic metres. The proposed extension is approx. 298 cubic metres bringing the total volume (including the single storey extension) would now be approx. 2638 cubic metres. It is noted that the Case Officer figure is closer to approx. 339 cubic metres for the extension, which would instead bring the total volume to approx. 2679 cubic metres. This is greater but not significantly so and still amounts to a figure (21%) well below the policy guidance.
- 10.09 Although the Policy H11 threshold of 250 cubic metres is exceeded, the overall extensions combined would clearly be less than 50% of the original dwelling.
- 10.10 Different figures were provided by the agent for the refused 2022 application. However, as this application was refused, and the volume figures/size of the extension did not form one of the two reasons for refusal.
- 10.11 The supporting text to Policy H11 is clear that the volumetric increase is not the sole criterion on which applications such as these are to be judged; H11's subtext also makes it clear that each application must be determined on its own merits. Appeal Inspectors have been clear that even if a proposal breaches the volumetric limits, it is necessary to judge whether a proposal causes visual harm to the landscape, the Green Belt, the historic character of the area etc. Criterion (2)'s requirements (that the extension would be modest, in scale with the original dwelling, would not dominate it visually nor result in a poorly proportioned building, nor detract from its character and setting) carries equal weight in the determination.
- 10.12 Neither Local Plan nor NPPF Green Belt/residential extensions policy restricts extensions solely on volumetric increase. It can be seen that a range of factors are taken into consideration, of which volumetric increase is just one.

### **Visual Amenity & Impact on Conservation Area/non-designated heritage asset & Arcadian Area**

- 10.13 The extension would be visible from within the street scene and thus would have an impact on visual amenity.
- 10.14 The extension is large in terms of its size, but as noted above, when comparing this to the size of the existing main dwelling would not be considered to be excessive. It is also reduced in size from the previously refused application in terms of its height, thus reducing its overall scale and mass. From the submitted block plan, the extension would be approx. 1.3m from the shared boundary. It would therefore be considered to comply with the Alterations and Extensions Supplementary Planning Document 2006, as this states that a minimum distance of 1m to the boundary is usually appropriate for side extensions. It would also be considered typical of the distances between the properties along the top of Hungershall Park with their eastern boundaries (as noted above, this appears to generally vary between 1m-2m). Overall, when taking the size of the existing dwelling as well as the site as a whole into account, the extension can be seen to be subservient to the main dwelling.
- 10.15 The revisions to the design of the extension have resulted in the extension now utilising a flat roof with urned balustrade. It is noted that the Alterations and



Extensions 2006 Supplementary Planning Document states that flat roofed extensions are usually considered to be unacceptable at two storey height, as they can appear unsympathetic to the form of the original building.

- 10.16 However, in this instance (as set out in greater detail below and in their consultee replies), the Conservation Officer has confirmed that the design and style of the extension would be sympathetic in relation to the main dwelling. From a planning perspective, whilst flat roofs at this height are not usually encouraged, this is assessed on a case by case basis dependent on the context of the site, as well as other design factors. In this instance, the extension would be set down from the main ridge, and the use of the urned balustrade detail would aid in the appearance of the flat roof. The extension would appear more subservient to the main dwelling, and it is otherwise sympathetically designed. Therefore the site specific comments from the Conservation Officer, which are made by a heritage professional (and are informed by a detailed analysis of the building and its surroundings along with the historic context of the site) outweigh the broad general commentary within the SPD (which is not adopted policy, but only guidance) advising against flat roofed two storey extensions.
- 10.17 The site would be able to accommodate the size of the proposals, and would not appear cramped or result in any overdevelopment within the site.
- 10.18 Local Plan Policy EN24 sets out that proposals which would affect an Arcadian Area will only be permitted if the following criteria are satisfied:
- 1. The proposal would result in a low density of development where building heights, site coverage, distance from site boundaries, and front and rear building lines respect the predominant characteristics of the area;*
  - 2. Landscaping would dominate within the site and along the boundaries;*
  - 3. Access widths would be narrow; and*
  - 4. Buildings and parking would be well concealed in views from public places*
- 10.19 The Arcadian nature of the area is a key component of the CA's historic character and the impact of the development in this regard has been assessed by the Conservation Officer. As such, it is considered that the side extension will not be clearly perceived from Nevill Park and therefore will not impact on the impression of spaciousness that is important to this part of the CA, as the only other view of the house is at close range from the road.
- 10.20 The parapet style (urned balustrade) of the extension would be appropriate given the style of the property.
- 10.21 The proposed alterations to the architectural features of the front elevation have now been greatly reduced and now retain the appearance of the house [by removing the porch and changes to the fenestration on the front elevation including to the main entrance which was previously proposed under the refused application].
- 10.22 The Conservation Officer concludes by confirming that the revisions mean that no harm would be caused to either the significance of the house itself as a non-designated heritage asset, or to the Conservation Area in turn. This is subject to the addition of the conditions as below.

10.23 The Conservation Officer has considered the matters raised by the objectors and in paras. 7.08 – 7.12 above, following which their position on the development was re-affirmed. It was also confirmed that the Arcadian character of the area would not be adversely affected.

### **Residential Amenity**

10.24 Criterion 2 of saved Policy EN1 requires that proposals do not cause significant harm to the residential amenities of adjoining occupiers and would provide adequate residential amenities for future occupiers of the development, when assessed in terms of daylight, sunlight, and privacy. Residential amenity matters within the NPPF are caught by the general design section.

10.25 For an 'outlook' to be substantially harmed the impact must be far greater than a simple change of view. The preservation of a private view or the corresponding impact on adjoining property values through the loss of that view are not material planning considerations. Similarly, it is considered important at this juncture to distinguish between overlooking (and a consequential loss of privacy) and merely being able to 'see' towards another property. The former can be grounds for refusal under saved Policy EN1 (depending on the severity of the impact), the latter is not.

10.26 As set out within the Officer Report to the previously refused application, 10 and 10A Hungershall Park sit adjacent to the north east of the application site, and would be within closest proximity of the proposals. The application property sits further back within its plot than 10/10A. As mentioned previously above, from the submitted block plan, the extension would be approx. 1.3m from the shared boundary. There is a further distance of approx. 7m to the western elevation of this dwellinghouse itself [at the point of the extension] (it is noted that the property comes closer to the boundary further north, with the gap being approx. 4.5m).

10.27 It is noted that the relationship between the properties would be altered as the extension would be fairly large in size. However, the height of the extension would be reduced by approx. 2.95m under this application [compared to the previous application] due to the design revisions. It was concluded for the previous application that whilst there would be some limited increase in overbearing impact from what is present as existing, given the overall distance between the two properties as well as the difference in building line with the application property being sited further back, this impact would not be considered to be significantly harmful to the amenity of the neighbouring dwelling. As the overall height of the extension has now been reduced, this conclusion has not changed, and the impact would actually be lessened compared to the scheme within the previous refused application.

10.28 With regards to loss of sunlight, the rear of the properties are south facing, and 10/10A are situated to the north east. Any loss of sunlight would only occur during the afternoon, and this would not be considered to be significantly harmful. The addition of the extension would mean there would be a change from the current situation, but it would not be considered so harmful as to warrant a refusal. There would already be a certain amount of loss of sunlight during this part of the day at present caused by the existing main dwelling. Again, it was concluded under the previous application that this was not a reason for refusal, and this has not changed under the current application.

10.29 No new window openings are proposed on the side elevation of the extension facing towards 10/10A. As a result, there is not considered to be any significantly harmful increase in overlooking.

- 10.30 The extension would now utilise a flat roof. This is not proposed to be used as a balcony area, and no access to it is shown on the floor plans. A condition is added below to ensure this remains the case in order to protect amenity.
- 10.31 As before, a larger window is proposed at ground floor on this side elevation, but as there is already a window present as existing and this would only be at ground floor, it is not considered harmful.
- 10.32 It is noted that 10A is located on the first and second floors of Number 10, and that the only amenity space for this property is a terrace on the western elevation of Number 10. Again, it was noted under the previously refused application that despite this (and although it is acknowledged that the relationship between the two would be altered), fundamentally the outlook would be largely similar – in that the existing Ashdown House is present and visible from the terrace. This would not change. Whilst the change is noted, given the overall relationship between the two, it was concluded that this would not, in its own right, justify a reason for refusal of the application, and again, that remains to be the same under the current application.
- 10.33 Eleven West sits to the south west. This property would not appear to be directly impacted by the proposals given the relationship between the two, and the location of the proposals within the application site in relation to this dwelling.
- 10.34 The application site also shares part of its boundary with 12 Hungershall Park and 9 West. These properties would not appear to be directly impacted given the relationship between them. No properties lie directly opposite; Nevill Park lies to the north approx. 300m away, which is too distant to be affected.

### **Trees**

- 10.35 In determining the previous application, one of the reasons for refusal was that insufficient information had been provided with regards to the impact of the development upon trees [at the time of determination]. For this current application, an Arboricultural Implications Assessment was provided, and the Tree Officer was consulted. The Tree Officer raises no concerns or objections with regards to the impact on trees, and no conditions are requested.

### **Other**

- 10.36 It is noted on the submitted floor plans that part of the basement would form a self-contained 'flat'. The agent previously confirmed that this would remain incidental to the main dwellinghouse, and a condition is added in respect of this below.

### **Response to neighbour comments not part of the above main issues**

- 10.37 A site visit was undertaken at the application site by the Case Officer and Conservation Officer in July 2022. The Case Officer subsequently undertook a site visit to Number 10/10A Hungershall Park as part of the previously refused application on 13/10/22. The Conservation Officer re-visited Hungershall Park in April 2023.
- 10.38 Information such as a ground stability assessment, light survey, and information on how the proposal would be constructed are neither NPPF/Local Plan nor legislative requirements to support an application.
- 10.39 The Party Wall Act is not a material planning consideration carrying any weight and would instead be a civil matter.
- 10.40 Each application is assessed individually and on its own merits. Consideration cannot be given to possible future development as this is speculation. The Local Planning

Authority (LPA) can only assess the application in front of it. It is not for the LPA to comment on why or why not an applicant is proposing a certain type of development, nor the apparent 'need' for the development as this is not required to be demonstrated by NPPF/Local Plan policy.

10.41 Pre-application advice was given in line with standard procedure in between the 2022 refusal and the submission of this current application. Any advice given by Council Officers for pre-application enquiries does not constitute a formal decision by the Local Planning Authority. Any views or opinions are given at Officer level only in good faith, and to the best of ability, without prejudice to the formal consideration of any future planning application.

**11.0 RECOMMENDATION** – GRANT subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Number 206 Rev P2 – Proposed Site Plan (received 01/03/23)  
Drawing Number 207 Rev P3 – Proposed House Floor Plans (received 01/03/23)  
Drawing Number 208 Rev P5 – Proposed House Elevations (received 01/03/23)

Reason: To clarify which plans have been approved.

- (3) Notwithstanding the submitted drawings and all supporting documentation, prior to the commencement of those areas of work referred to below, the following details shall be submitted to and approved in writing by the Local Planning Authority:

a) Typical detail section or elevation drawings of architectural features on the extension such as window hoods, parapet balustrade, cornices, and quoins.

b) Render colour and finish

c) Joinery elevation and section drawings at 1:5 scale, including details of materials and finish.

The development shall be carried out in accordance with the approved details.

Reason: To maintain the quality of the development.

- (4) The flat roof area above the extension shall not be used as a veranda, balcony, roof garden or similar amenity area. No new balustrades, railings or other means of enclosure shall be erected and access to this flat roof area shall be restricted solely for the purpose of future maintenance of the building and for no other purpose.

Reason: In the interests of protecting the residential amenities of the adjacent dwelling(s).

- (5) The area within the basement noted as 'flat' on the submitted floor plans shall not be

occupied at any time other than for purposes incidental to the residential use of the dwelling known as Ashdown House, 11 Hungershall Park, Royal Tunbridge Wells, Kent, TN4 8NE.

Reason: To prevent the formation of a substandard dwelling without adequate independent living space, amenities, access and car parking.

Case Officer: Abby Shillingford

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

## **APPEAL DECISIONS for noting 01/04/2023–09/05/2023**

1. 20/00815/FULL  
Construction of 165 new dwellings with associated access, car parking, refuse/recycling storage, landscaping, earthworks and other associated works  
  
SOS DECISION FOR REFUSAL (06.04.23)  
  
Land adjacent to Turnden,  
Hartley Road  
Cranbrook  
  
(SOS Decision)
2. 21/03762/FULL  
Replacement of existing front door and side window to the front elevation  
  
APPEAL DISMISSED (11.04.23)  
  
4 Howes Cottages  
Talbot Road  
Hawkhurst  
  
(Delegated)
3. 21/02470/FULL  
Construction of new dwelling in place of permitted residential conversion  
  
APPEAL ALLOWED (18.04.23)  
  
Crittenden House  
Crittenden Road  
Matfield  
  
(Delegated)

## Urgent Business

For Planning Committee on Wednesday 17 May 2023

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### Procedural Item

To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.

## Date of the Next Meeting

For Planning Committee on Wednesday 17 May 2023

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## Procedural Item

To note that the next scheduled meeting is Wednesday 21 June 2023.