

REPORT SUMMARY

REFERENCE NO - 21/01701/FULL			
APPLICATION PROPOSAL Erection of cafe servery			
ADDRESS The Forum The Common Royal Tunbridge Wells Kent TN4 8YU			
RECOMMENDATION - to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation).			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> - The proposal would maintain the openness of the Green Belt and is in a highly sustainable location adjacent to the town centre; - The new use would not have a detrimental impact on the vitality and viability of this part of the town centre; - The proposal would preserve the significance of the Conservation Area; - The proposal would not harm the residential amenity of occupiers of neighbouring properties. 			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL			
The following are considered to be material to the application:			
Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A			
Net increase in numbers of jobs: 4.5			
Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: £65,894.00			
The following are not considered to be material to the application:			
Estimated annual council tax benefit for Borough: N/A			
Estimated annual council tax benefit total: N/A			
Estimated annual business rates benefits for Borough: N/A:			
REASON FOR REFERRAL TO COMMITTEE			
Tunbridge Wells Borough Council are the Freeholders owners of the building			
WARD Broadwater	PARISH/TOWN COUNCIL N/A	APPLICANT Fine Grind AGENT Mrs Glenda Egerton	
DECISION DUE DATE 26/08/21	PUBLICITY EXPIRY DATE 02/07/21	OFFICER SITE VISIT DATE 01/06/21	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
Planning Application			
13/03155/FULL	Temporary light installation with frame, maximum 3.7 metres high above roof	Permitted (temporary until 31/01/17)	21/02/14
13/00093/FUL	Temporary light installation with frame, maximum 3.5 metres high above roof for six months	Permitted	28/03/13

92/00289/FUL	Change of use to centre for musical arts/cafe	Permitted	21/04/92
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MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 This site is located on Tunbridge Wells Common, with frontages to London Road and (indirectly) Castle Road. The Forum is a 1930s single storey angle fronted building using a brick/render finish with pitched tiled roof. The current use of the site is predominantly as a music venue.

2.0 PROPOSAL

2.01 The proposal is for a detached rectangular structure to the front of the Forum so it can be used by Fine Grind, a local enterprise who have an existing café premises in The High Street. They have opened a temporary café within The Forum, to sell take-away drinks and snacks during Lockdown. Now that Lockdown is easing, the owners of The Forum are making plans to re-open the music venue and the temporary cafe will therefore need to vacate The Forum.

2.02 The proposed structure will provide a small kitchen area and servery to sell drinks and snacks from. It will not provide an internal seating area for customers.

2.03 The proposed structure will be sited 0.6 metres to the east of the existing Forum building, on the existing hardstanding. It has been designed with stained thermowood (a composite timber material) and a living roof to complement the adjacent rural area of The Common.

2.04 The applicant recently served Notice on Tunbridge Wells Borough Council as they are required to by the Town and Country (Development Management Procedure Order) (England) 2015. This is because the Council is the freehold owner of the building. The statutory 21 days expires on 22nd July 2021 after the Committee Meeting. The recommendation at Part 11 will be subject to the expiry of the 21 day notice period and no new planning matters being raised. If they are then the application will need to be brought back to Committee for those new planning matters to be discussed.

3.0 SUMMARY INFORMATION

The proposed building measures 4.8 metres deep x 3 metres wide x 2.5 metres high.

4.0 PLANNING CONSTRAINTS

- Assets of Community Value - Tunbridge Wells Common
- Air Quality Management Area
- Area of Special Advert Control
- TWBC Ownership
- Common Land - Tunbridge Wells Common

- Tunbridge Wells Conservation Area (*-statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Metropolitan Greenbelt
- Outside the Limits to Built Development
- Local Wildlife Sites TW24 - Tunbridge Wells & Rusthall Common.
- Public Footpath Public Rights of Way - Two footpaths (WB37 & WB36) on the east and west of Forum

5.0 POLICY AND OTHER CONSIDERATIONS

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

Tunbridge Wells Borough Core Strategy 2010

Core Policy 1: Delivery of Development

Core Policy 2: Green Belt

Core Policy 4: Environment

Core Policy 7: Employment

Core Policy 8: Retail, leisure and community facilities provision

Core Policy 9: Development in Royal Tunbridge Wells

Tunbridge Wells Borough Local Plan 2006

Policy EN1: Development Control Criteria

Policy EN5: Development within or affecting the character of a Conservation Area.

Policy EN15: Impact on nature conservation interest

Policy EN23: Important Landscape Approach (adjacent – Frant Road)

Policy LBD1: Development Outside Limits to Built Development

Policy MGB1: Metropolitan Green Belt.

Supplementary Planning Documents

Tunbridge Wells and Rusthall Conservation Area Appraisal 2000

Draft Local Plan/Emerging policies:

STR9 – Green Belt

EN1 – Sustainable Design

EN4 – Historic Environment

EN16 – Landscape within the Built Environment

ED1 – The Key Employment Areas

ED2 – Retention of existing employment sites and buildings

ED9 – Defined Town and Rural Service Centres

ED10 – Sequential Test and Local Impact Test

6.0 LOCAL REPRESENTATIONS

- 6.01 Site notices were displayed on the 01 June 2021 at three locations around the application site. In addition, an advert was placed in a local newspaper and published on the 11th June 2021.
- 6.02 No responses to the consultation period were received.

7.0 CONSULTATIONS

Kent Fire and Rescue

- 7.01 **10/06/21:** It is confirmed that on this occasion it is my opinion that the off-site access requirements of the Fire & Rescue Service have been met.

Conservation Officer

- 7.02 **28/05/21:** The forum is a key building on the edge of the common with a prominent position in views along London Road. While the principle of the proposal seems acceptable, given the new element will be seen against the backdrop of the forum there are some concerns.

To alleviate those concerns some views from further along London Road and also from Frant Road are requested, that would show the impact from a distance and within the context of the common as a backdrop. Also requested are images utilising alternative colours that might allow for the structure to blend with the forum building.

- 7.03 **25/06/21:** The original application was for the black finish. There were concerns that this would be too dark and too intrusive both in terms of the impact on the host building and the wider impact of the setting and back drop of the common. The long distance views have been helpful in assessing the wider impact.

A number of colour choices were also requested and supplied. Some of these works well in views close to the building but less so in the distance views and some work well from a distance and less well from closer to. On balance we agreed that anthracite seemed to work best in both close to views and distance views and would be our recommended choice from those presented. However, the black variant worked well close up and reasonably from a distance and would still be acceptable. The natural timber and the forest green did not seem to work either close to or from a distance. The terracotta worked close up but did not work from a distance as did the blue, the white appeared too stark.

In conclusion, the anthracite would be the preferred choice but the black would be acceptable.

Tunbridge Wells Commons Conservators

- 7.04 **18/06/21:** We do however have concerns about the application, as the increased footfall and inevitable increases in littering and rubbish generated will impact the Common, its wildlife, other users and financial budget for waste disposal. We would be looking to see ongoing support from both The Forum and Fine Grind in this matter.

During construction, we would like to remind the applicant that materials, equipment and machinery cannot be stored on the Common and that vehicles should pay due

care and attention to the verges of the Common when using Castle Road. Any damage must be made good.

KCC Public Rights of Way

- 7.05 **22/06/21:** From the information supplied, I do not believe the proposal will adversely affect the public rights of way.

8.0 APPLICANT'S SUPPORTING COMMENTS

- 8.01 The proposed scheme represents a well thought out scheme that allows our client's successful local business to continue to the benefit of the visitors to The Common. Whilst proposing a development that is appropriate within this Green Belt location. The proposal represents a high quality building that has been designed to complement its natural surroundings.

9.0 BACKGROUND PAPERS AND PLANS

- 9.01 Application form
Site location plan
Proposed block plan
Proposed plans and elevations
Images of proposal
Heritage Statement
Planning Statement
Design and access statement

10.0 APPRAISAL

Principle of Development

- 10.01 The site lies within the Metropolitan Green Belt where it borders the town centre. Paragraph 145 of the NPPF lists the circumstances where the construction of new buildings should not be regarded as inappropriate in the Green Belt. This includes limited infilling or the partial redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 10.02 The proposal is for the erection of a single storey flat roof building on the forecourt of the Forum to be used as a café takeaway. The building would be located on an existing area of hardstanding and enclosed on two sides by the existing Forum building. It is considered that the land where the structure is proposed falls within the definition of 'previously developed land'.
- 10.03 Whilst the proposal would increase the bulk and floorspace of the buildings on this site, it would be tucked into a corner so would be screened to the north and western elevations, which are the directions towards the common where the site opens up. The sides that would be more visible would be facing back towards the town and when viewed from the south and east would be read against the existing Forum building. The height would also be set below the existing Forum. For these reasons it is concluded that there would not be a greater impact on openness of the Green Belt.
- 10.04 The site is located outside the Limits to Built Development, where the NPPF supports a prosperous rural economy. However, it is not considered that the site is rural in the same meaning as these NPPF paragraphs. The site is on the edge of the Tunbridge Wells town centre and core shopping area, with the site already in a commercial use.

It is located in a highly sustainable location, close to the full range of town centre facilities and public transport options. It is considered that the principle of further retail development in this location is acceptable and would be an addition to the exiting primary retail offer.

Visual Impact including impact on Conservation Area

- 10.05 The new building would be screened from views from the north and west by the existing Forum building. However, it would be prominent when viewed from London Road to the south and east. The whole site is within the Tunbridge Wells Conservation Area. LP Policy EN5 states that proposals for development within a Conservation Area will only be permitted if the proposal would preserve or enhance the buildings, related spaces, vegetation and activities which combine to form the character and appearance of the area.
- 10.06 The Conservation Officer has been consulted on the proposal and had no objection to the proposal in principle given the new element would be seen against the backdrop of the Forum building. However, the Forum is a key building on the edge of the common and some concerns arose with the choice of colour and how this would appear against the existing building.
- 10.07 The original submission was black stained thermowood. The Conservation Officer considered this might have appeared dark and intrusive both in terms of the impact on the host building and the wider impact of the setting / back drop of the Common. Therefore, it was requested that the agent supply additional drawings showing long distance views and alternative colours.
- 10.08 A number of colours were provided, some of which work well in views close to the building but less so in distant views. Others work well from a distance and less well when viewed in close proximity. On balance the Case Officer and Conservation Officer agreed that anthracite seemed to work best in both close views and distance views and would be the most appropriate choice from those presented. However, the black variant worked well close up and reasonably from a distance and would still be acceptable. A condition for these colours has been recommended below.
- 10.09 The building itself is of a simple form, with a flat, green roof, and minimal glazed openings, so it would not compete with the Forum building. Its overall size is considered modest and would not dominate the site. These details are considered to preserve the setting of the Conservation Area and therefore the proposal is considered to be acceptable subject to conditions.

Other Matters

- 10.10 There are no residential properties in close proximity to be impacted by the proposal.
- 10.11 The Common Conservators have concerns that the increased footfall would result in increased littering and rubbish. However, this is not considered to be a planning reason to refuse an application. Increased use of the Forum, which does not require planning permission, could have the same effect.
- 10.12 Materials and equipment can also not be stored on the Common and an informative has been added to request that this does not happen. This is however a by-law of the Common and is not a planning restriction.

Summary

- 10.13 Having considered the merits of the application against national and local plan policies it is considered that for the reasons set out above in the report the application

for the planning permission is acceptable in all regards. It is therefore recommended that the application be approved subject to the conditions set out below.

- 11.0 RECOMMENDATION** – To give DELEGATED POWERS TO GRANT PLANNING PERMISSION subject to the expiry of the notice period for serving of notice on the owner and no new planning matters being raised and subject to the following conditions:-

CONDITIONS to include

- (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 not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

Site location plan/block plan, received 13 May 2021
Proposed roof plan, received 13 May 2021
Proposed floor plan, received 13 May 2021
Proposed elevation A, received 13 May 2021
Proposed elevation B, received 13 May 2021
Proposed elevation C, received 13 May 2021
Proposed elevation D, received 13 May 2021

Reason: To clarify which plans have been approved

- (3) The development shall be carried out in accordance with the details of external materials specified in the application. The stain of the thermowood shall be either Anthracite or Black, and shall not be varied without written agreement from the Local Planning Authority.

Reason: In the interests of visual amenity.

INFORMATIVES

- (1) No materials, equipment and machinery shall be stored on the Common, and vehicles should pay due care and attention to verges of the common. Any damage caused must be rectified and made good.

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.