

## REPORT SUMMARY

<b>REFERENCE NO - 21/03584/FULL</b>		
<b>APPLICATION PROPOSAL</b> Proposal to install a clay tile sculpture to be mounted on a frame and fixed to the exterior of the wall of The Amelia Scott Building		
<b>ADDRESS</b> The Amelia Scott Mount Pleasant Road Royal Tunbridge Wells Kent TN1 1AW		
<b>RECOMMENDATION</b> to GRANT planning permission subject to conditions (please refer to section 11.0 of the report for full recommendation)		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>• The proposal is part of the delivery of the Amelia Scott project on a site allocated for this purpose within the Site Allocations Local Plan (July 2016);</li> <li>• The overall proposal would not cause harm to the significance of the two listed buildings within the application site, nor to the setting of the Conservation Area;</li> <li>• The proposal would preserve the setting of other nearby listed buildings;</li> <li>• The proposal would not have an adverse impact on the character and visual amenities of the street scene;</li> <li>• Other issues raised have been assessed - none would warrant refusal of the application or 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> Tunbridge Wells Borough Council is the applicant and landowner		
<b>WARD</b> Park	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Tunbridge Wells Borough Council <b>AGENT</b> Nicky Carter
<b>DECISION DUE DATE</b> EOT 17/01/22	<b>PUBLICITY EXPIRY DATE</b> 10/12/21	<b>OFFICER SITE VISIT DATE</b> Various

**RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):**

**Whole site**

21/01515/LBC	Listed Building Consent - Externally fixed/mounted electrical & security equipment and signage/wayfinding.	Granted	22/07/21
21/01990/ADV	Advertisement Consent - Provision of 5 external signs	Granted	22/07/21
20/02298/LBC	Listed Building Consent: Variation of Condition 2 (Approved Plans) of 20/00154/LBC - Internal and external alterations including associated drainage and retention of external stairwell and new kiln room door; amendment to basement layout of AEC building; addition of metal IT cage to Museum building; minor change from door from infill extension to courtyard; demolition of one existing later addition wall to first floor of the AEC; minor changes to archive extension windows; creation of access between the archive extension and museum roof.	Granted	29/10/20
20/00253/FULL	Variation of Condition 2 of 19/00577/FULL - Internal and external alterations to the current permission including: amendments to the internal layout, retention of an existing lift and associated layout changes, plus changes to agreed external materials including the omission of zinc cladding and amendments to the brick specification	Granted	27/03/20
20/00154/LBC	Listed Building Consent: Variation of Condition 2 of 19/00614/LBC - Internal and external alterations to the current consent including: amendments to the internal layout, retention of an existing lift and associated layout changes, plus changes to agreed external materials including the omission of zinc cladding and amendments to the brick specification	Granted	27/03/20
19/00614/LBC	Listed Building Consent - Partial demolition of the Adult Education Centre, Museum and Library and removal of two huts to the rear of the site. Erection of extensions to the side and rear of the Adult Education Centre, Museum and Library to create a unified Cultural Hub. Associated internal and external alterations.	Granted	09/05/19
19/00577/FULL	Variation of Condition 2 (Approved Plans) of 17/03640/FULL - Omission of proposed lantern above the Museum entrance; Removal of screen between existing Museum entrance and lending library; Removal of lightwell to the west elevation of	Granted	09/05/19

	the AEC building; Removal of stairwell to the south elevation of the AEC; Omission of Door DG.39 From AEC ground floor entrance; AEC Corridor Doors at ground, first and second floor level to be replaced instead of retained; New structural arrangement to café; addition of roof plant to AEC; Alterations to infill extension design; Amendments to external acoustic screen to roof plant area above archive extension		
17/03640/FULL	Proposal: Partial demolition of the Adult Education Centre, Museum and Library and removal of two huts to the rear of the site. Erection of extensions to the side and rear of the Adult Education Centre, Museum and Library to create a unified Cultural Hub	Granted	24/01/18
17/03642/LBC	Proposal: Listed Building Consent - Partial demolition of the Adult Education Centre, Museum and Library and removal of two huts to the rear of the site. Erection of extensions to the side and rear of the Adult Education Centre, Museum and Library to create a unified Cultural Hub. Associated internal and external alterations.	Granted	24/01/18

#### **Tunbridge Wells Library, Museum and Art Gallery**

15/504150/COUNTY	County Council Regulation 3 application for a single storey extension to the fire escape lobby area and new tarmac path leading to the existing car park.	No Objections	18/06/15
13/00990/LBC	Listed Building Consent: Divide an existing office into two and form new door opening in existing wall with general refurbishment of area to form Register Office space	Granted	21/06/13
12/00814/KCCRG3	Regulation 3 (KCC) Extension to rear of building to house new lift	No Objections	02/05/12
12/00500/LBC	Listed Building Consent: External lift shaft and internal alterations including new lift lobbies, w/cs and doors	Granted	18/07/12
07/00723/LBC	Listed Building Consent - Repairs/upgrading to main roof	Granted	26/04/07
07/00528/LBC	Listed Building Consent - Replace existing opening hours sign with new design of same size	Granted	05/04/07
05/02190/LBC	Listed Building Consent - Temporary consent for raising the path and fitting guard rail.	Granted	17/10/05
04/02025/KCCRG3	Disabled access improvements - Alterations to height of pavement outside Library	No Objections	12/09/05
04/01838/LBC	Listed Building Consent - To provide disabled access into and around the ground floor	Granted	12/09/05
00/02283/LBC	Listed Building Consent - New external and	Granted	12/03/01

	internal banners and external notice board		
00/02296/ADV	Advertisement - non illuminated projecting banners	Granted	19/12/00
00/00987/LBC	Listed Building Consent - New display cases and reception counter in foyer and museum	Granted	26/07/00
98/01503/LBC	Listed Building Consent - repairs to 4 no. brick corners to parapet with insertion of expansion joints to parapet wall	Called in by Secretary of State	07/12/98

### Adult Education Centre

12/00525/LBC	Listed building consent: 4 no. internal lift lobbies, installation of lift and upgrade of existing doors to provide 30min fire compartmentation to comply with current building regulations	Granted	07/08/12
10/03489/LBC	Listed Building Consent - (1) Repairs to front elevation stonework and roof; (2) Secondary glazing fire protection to 3 No. large windows adjacent to fire escape; (3) Removal and infill of 3 No. pavement lights	Granted	10/01/11
03/00076/LBC	Listed Building Consent - Ramp to front entrance	Granted	16/07/03
02/02948/KCCRG3	KCC Joint Regulation 3 - Disabled ramp to front elevation and installation of front entrance doors	No Objections	03/01/03

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 This application refers to part of the wider civic complex within Tunbridge Wells Town Centre. The whole site is approximately 0.24ha in size and comprises the Adult Education Centre (AEC) and the library and museum building. Both of these are Grade II Listed, and the application site is situated within the Tunbridge Wells and Rusthall Conservation Area.
- 1.02 Between the two is a recently-completed barrel-shaped extension which is part of the ongoing Amelia Scott development. A further large extension to the rear and a courtyard area also form part of the project, which has been completed externally.
- 1.03 The whole site is currently closed as the Amelia Scott project is still awaiting internal completion pursuant to the earlier planning permissions/LBCs granted between 2018 and 2021. It is due to be formally opened in Spring 2022.
- 1.04 The library and museum were built in 1939, fitted out during WWII and finally completed in the early 1950s. External materials are largely brown brick with reconstituted stone dressings. Distinctive features of the building identified in the listing description are the stone coping and band at the top with the wording "LIBRARY AND MUSEUM"; the eight 30-pane sashes and central tall window incorporating a double door with lotus decoration and a frieze above; and the large well staircase. In the late 1960s, the bowed ground floor section at the rear was

extended upwards to form a rear first floor reference library. This section has also been removed as part of the Amelia project.

- 1.05 The AEC (originally called the Technical Institute) is a red brick building on a stone plinth dating from 1902 and reflects the Art Nouveau style. Notable features include three immense stone dormer windows on the 2nd floor, the use of casement windows and three large bays on the first floor; and the frieze above the first floor.
- 1.06 To the south of the site is the Grade II listed Town Hall, Assembly Hall Theatre, police station and former Magistrates' Court. To the east is Monson House, a 1980s office block. To the west is Civic Way, a grassed/tree lined area dividing Civic Way from Mount Pleasant Road and the Grade II listed war memorial. North of the site is Monson Colonnade, Nos. 36-50 (evens) Monson Road and the Opera House, which are all Grade II listed

## 2.0 PROPOSAL

### *Background – The Amelia Scott*

- 2.01 The Amelia Scott project has refurbished and renovated the museum and library building in Civic Way and the AEC on Monson Road, by incorporating extensions to bring the two buildings together and demolishing the two huts at the rear, which presented accessibility issues and were argued to be unfit for purpose. The following services are proposed to be incorporated in the new extended complex of buildings:
- Museum
  - Library and Archive
  - Adult Learning Education Centre
  - Tourist Information Centre
  - Gateway Services
  - Birth/death Registration Services
- 2.02 The development would also include a café, shop and other public facilities, arranged around a courtyard space to provide an area for temporary exhibitions/events, plus a café seating area with gates (designed by a commissioned artist) to the east boundary to secure the area.
- ### *Current proposal*
- 2.03 The proposal is to mount 'Holding The Earth This Way', an artwork consisting of a traditional clay Kent peg-tiled sculptural structure mounted on a frame facing into the curated courtyard of The Amelia Scott building. It is designed by Adam Chodzko, a Kent-based contemporary British artist. The sculpture forms a surface area of 13.3 square metres, across an 8.08 metre height and width 2.55 metres at its widest point. It will be mounted 2 metres from the centre of the ramp below it in the courtyard.
- 2.04 'Holding The Earth *This Way*' features two triangular shapes, one mounted above the other and inverted 180 degrees so that the points of each triangle meet in the centre of the work. The upper triangle consists of a flat section of traditional Kent peg-tiles made by Spicers Tiles in New Romney. The lower section forms a half section of a cone, curving away from the wall to make a faux roof. These triangular forms are inspired by references to local architecture (oast houses) and an image of Amelia Scott, after whom the building is named, as well as bunting as a celebratory gesture to the building. The development of the design has been informed by Chodzko's research into tile and brick making in the county and the traditional hand methods still employed by Spicers to make their roof tiles. It is intended to be a vernacular

response to the space and the history of the region, referring indirectly to the brick making industries in the borough, such as High Brooms.

- 2.05 The sculpture is constructed from three parts: a triangular frame drilled into the brick mortar, onto which tiles will be hung to form the top flat section of the work. The lower section consists of a conical oast house-style roof section, consisting of peg-tiles hung onto a timber frame and fixed directly into the brick mortar. The sculpture will only be fixed into the brick mortar, avoiding drilling into any of the existing brickwork.
- 2.06 This proposal is 1 of 7 artworks for The Amelia Scott commissioned using capital funding awarded by Arts Council England.

### **3.0 SUMMARY INFORMATION**

N/A

### **4.0 PLANNING CONSTRAINTS**

- Tunbridge Wells Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Limits to built development - inside
- The Tunbridge Wells Library, Museum & Art Gallery and Adult Education Centre buildings are both Grade II listed (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Public Access Land: Common Waste Of Manor Of Rusthall
- Public Access Land: Tunbridge Wells Common
- The site is located within the Tunbridge Wells Primary Shopping Area

### **5.0 POLICY AND OTHER CONSIDERATIONS**

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

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

Policy AL/STR 1: Limits to Built Development

Policy AL/RTW 2A: Civic Complex/Crescent Road Area of Change

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

Core Policy 1: Delivery of Development

Core Policy 4: Environment

Core Policy 5: Sustainable Design and Construction

Core Policy 7: Employment

Core Policy 8: Retail, Leisure and Community provision

Core Policy 9: Tunbridge Wells

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

Policy LBD1: Limits to Built Development

Policy EN1: Development Control Criteria

Policy EN4: Demolition in Conservation Areas

Policy EN5: Conservation Areas

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

Tunbridge Wells Conservation Area Appraisal

Civic Development Planning Framework

**Other documents:**

Tunbridge Wells Cultural Strategy 2014-24

Draft Local Plan – only moderate weight can be given to this as it has only just been formally submitted for examination, following conclusion of the Regulation 19 consultation

**6.0 LOCAL REPRESENTATIONS**

6.01 A site notice was displayed at the application site on 10 November 2021. The application was also advertised in the local press.

6.02 No comments have been received from members of the public.

**7.0 CONSULTATIONS**

**Historic England**

7.01 (11/11/21) – below threshold for comment

**TWBC Conservation Officer**

7.02 (verbal comments 16/12/21) – no objections. PCO has been in negotiation with the Amelia Team during the design of this artwork and the submission is in line with all previous discussions. There would be no physical impact on the character of the listed building, The proposal is considered as an art installation with a very minimal impact to the character and appearance of the listed building and no harm identified. There would be no impact on the setting the Conservation Area.

**8.0 APPLICANT'S SUPPORTING COMMENTS (taken from section 8 of Design & Access Statement)**

8.01 *Holding the earth this way* has been researched and developed entirely as a site-specific installation that responds to the heritage of Tunbridge Wells Borough and the history of social benefit encompassed in the listed buildings that make up The Amelia. This conceptual framework reinforces the buildings social position and setting within Tunbridge Wells town and borough. Marking an important building with a sculpture that reflects that buildings significance in the borough is therefore a way to signpost its historic and special architectural importance.

8.02 The sculpture preserves the physical features by fixing in a minimally invasive manner to the exterior wall. By attaching the framework for the sculpture through the mortar between bricks, they are not adversely altered by its presence.

8.03 Access to the sculpture is not affected by it being fixed to a listed building's wall. It is mounted deliberately above head height to avoid being touched by people. The artwork is designed primarily to be seen; interpretation will be developed to accompany the artwork which allow greater accessibility for those who cannot view it in real life. This will also promote the artwork to a larger audience and encourage visitors to come and see it from outside of the borough.

**9.0 BACKGROUND PAPERS AND PLANS**

9.01 Application form  
Design, Access and Heritage Statement  
Information for structural engineering for the artwork "Holding the Earth *this Way*"

## 10.0 APPRAISAL

- 10.01 The main issues are considered to be the principle of the development at this site; impact on the character and appearance of the Conservation Area; plus impact on the character and setting of the listed buildings both within the application site and surrounding it.
- 10.02 The proposal relates to the addition of a contemporary artwork feature to the modern extended part of a listed building. The artistic intention of the proposal has been set out earlier in this report, as it explains the underlying rationale for this design feature. Whilst the issue of whether this development is an appropriate addition to a listed building and within the CA is material, the artistic merits of the proposed installation are a separate matter and are not material to this proposal

### **Principle of Development**

- 10.03 This scheme proposes minor development which relates to the Amelia Scott scheme, which was originally granted planning permission in January 2018 and is due for completion in the next few months.
- 10.04 Section 38(6) of the Planning and Compulsory Purchase Act 1990 requires that the determination of a planning application must be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The NPPF does not change the status of the development plan as the starting point for decision making. The Council's Site Allocations Local Plan (July 2016) (SALP) forms part of the adopted Development Plan and sets out the specific sites to be developed in order to meet the levels of growth set out in the adopted Core Strategy.
- 10.05 In the report presented to Planning Committee on 17 January 2018 (in which the original application 17/03640/FULL was recommended for approval) the wider Amelia Scott development was held to be acceptable in principle. A number of the conclusions of that report are relevant here;
- It was in accordance with Core Strategy requirements to stimulate and sustain the economic growth and competitiveness of the town (SO2) and Core Policy 9, which seeks to promote the sensitive development of the town for a mix of uses, including leisure and culture;
  - Policy AL/RTW 2A of the SALP, specifically allocates the wider area that this site forms part of as the Civic Complex/Crescent Road Area of Change (AOC). This policy allocates a wider area and proposals within the area as a whole will be expected to deliver a range of uses, including civic, educational, cultural, leisure uses and retail development. These would include the library, museum, adult education and theatre facilities, including the facilities to be provided by the Cultural and Learning Hub Other uses could include restaurants/cafes, market facilities, hotel and conferences facilities, high quality B1 office space, supplementary residential use, and parking;
  - Overall the proposal was considered to be in overall compliance with Policy AL/RTW 2A. This contains a number of requirements such as enhanced street lighting, provision of public art etc;
  - The Amelia Scott development was also considered to accord with the Civic Development Planning Framework (CDPF), which supplements existing planning

policies and guidance in relation to specific key (interrelated) sites within the town centre, including the application site.

- The proposal was also deemed to be in broad compliance with then NPPF paras 69 and 70 which state that planning decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, along with high quality public space; and that LPAs should plan positively for the provision and use of shared space, community facilities (such as cultural buildings) and to develop and modernise in a way that is sustainable, and retained for the benefit of the community;
- Some weight was also given to the Council's adopted Cultural Strategy 2014-24 (a non-planning document but nevertheless a material planning consideration).

10.06 There have been no significant policy changes since January 2018. The new Local Plan has been submitted, but this only carries moderate weight and does not displace the existing Development Plan. Neither have subsequent NPPF changes affected the principle of the development.

10.07 Given the above, and that public art is envisioned as an integral part of the Amelia Scott scheme, the principle of the development is therefore considered acceptable.

**Impact on the character and appearance of the listed buildings (AEC and Library & museum) and the setting of nearby listed buildings**

10.08 There is a statutory duty for local planning authorities in considering whether to grant listed building consent, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As this is an application solely for the art installation, consideration of the changes is restricted to the heritage (and any other) impacts of this development.

10.09 Para 190 of the NPPF sets out that;

*'Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:*

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and*
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.*

Footnote 67 clarifies that the principles set out in section 12 of the NPPF apply to the heritage-related consent regimes as well as plan making and decision making.

10.10 Para 200 makes it clear that the significance of a heritage asset can be harmed or lost through its alteration or destruction or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building should be exceptional. Para 201 states that substantial harm to or total loss of significance of a designated heritage asset should be refused consent, unless it can be demonstrated

that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or various criteria apply.

10.11 Para 202 states that;

*'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

10.12 The Principal Conservation Officer's comments on this current application are that there would not be a harmful impact upon the special character of the respective listed buildings. Therefore NPPF paras 201 – 202 are not engaged and the development is acceptable in this regard.

**Impact on the setting, character and appearance of the CA (including design)**

10.13 The SALP policy AL/RTW 2A requires that proposals must be of a high quality design and shall demonstrate how they conserve and enhance the Conservation Area. Opportunities should be explored to create a series of new public spaces. This is informed by LP Policy EN1.

10.14 Part 12 of the NPPF addresses good design, which is a key aspect of sustainable development (para 126). Para 127, *inter alia*, requires that developments respond to local character and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

10.15 Para 199 of the NPPF states that Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. As set out above, paras 200 - 202 require a balance of public benefits to be applied should new development be considered substantive in harm, or less-than-substantive, to the significance of the heritage asset. Para 206 states;

*"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."*

10.16 Impact on the CA also falls to be considered under LP policy EN5; then more broadly under EN1 and CS Policy 4, which seeks to conserve and enhance the Borough's urban environments (including CAs) at criteria (1) and (5). In addition, LP policy EN4 also precludes the total demolition of unlisted buildings unless certain criteria are met.

10.17 It was set out in both the previous reports that as the AEC and the Museum & Library both make a positive contribution to the townscape, it is for these reasons they are included within the CA. The Tunbridge Wells and Rusthall Conservation Area Appraisal describes the Civic Centre as the 'centre of gravity' of the town centre and highlights the completeness of the range of buildings. The Library & Museum contribute to the group value and share similar characteristics in terms of scale, height, materials and mass. Key views are identified within the Appraisal, but none include the Adult Education Centre and the Museum and Library specifically. Instead,

the museum is described as a 'blocky form' limiting views of the Adult Education Centre.

- 10.18 This current proposal will not affect the key views into and within the area, which will still be protected, as required by SALP Policy AL/RTW2A. The artwork will be visible from the interior of the Amelia Scott building from 2 sides, and from the upper floors Town and Country building on Monson Way as well as the courtyard. This is how it has been designed to be seen; only fleeting views are available from Monson Way outside the site.
- 10.19 The PCO considers there is no impact on the character and appearance of the CA, and the proposal is acceptable in this regard.

**Other issues**

- 10.20 There are no highways, residential amenity or other impacts caused by this proposal.

**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:

1:100 and 1:20 Elevation drawings  
1:20 Longitudinal section  
1:20 Side elevation  
1:10 Close ups

Reason: To clarify which plans are approved.

**INFORMATIVES**

N/A

Case Officer: Richard Hazelgrove

- 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.