

## REPORT SUMMARY

**REFERENCE NO - 21/03805/FULL**

### APPLICATION PROPOSAL

Variation of Condition 2 (Approved Plans) of 20/00253/FULL - Regularise the as built elements of the building External proprietary stepover to maintain an access route around the plant room; as built external flues to the plant room roof; as built external plant and ductwork including air handling unit; external screen; amendment to bike rack positions; removal of redundant flagpoles

**ADDRESS** The Amelia Scott Mount Pleasant Road Royal Tunbridge Wells Kent TN1 1AW

**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

- The proposal would result in the delivery of the Tunbridge Wells Cultural Hub on a site allocated for this purpose within the Site Allocations Local Plan (July 2016);
- The proposal represents minor changes from the previous approvals granted under references 17/03640/FULL, 19/00577/FULL and 20/00253/FULL;
- The overall Amelia Scott development would cause 'less than substantial' harm to the two listed buildings within the application site and to the setting of the Conservation Area; this harm is considered to be outweighed by the public benefits of the proposal;
- This proposal would create a minimal heritage impact and does not change the above conclusions on the heritage impacts of the overall project;
- The proposal would preserve the setting of other nearby listed buildings;
- The development would not cause significant harm to the neighbouring residential amenity spaces;
- The proposal would not have an adverse impact on the character and visual amenities of the street scene;
- The proposal would not have an adverse impact upon highway safety;
- 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.

### 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: N/A**

**Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A**

The following are not considered to be material to the application:

**Estimated annual council tax benefit for Borough: N/A**

<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 freehold owner of land within the application site		
<b>WARD</b> Park	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Mr Patrick Rynne <b>AGENT</b> Mr Edward Dunderdale
<b>DECISION DUE DATE</b> 18/02/22	<b>PUBLICITY EXPIRY DATE</b> 24/12/21	<b>OFFICER SITE VISIT DATE</b> Various
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

**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	Granted	09/05/19

	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.		
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 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	Granted	09/05/19
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 internal banners and external notice board	Granted	12/03/01
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

***Background – previous permissions and LBCs***

- 2.01 Application 17/03640/FULL granted planning permission for works to facilitate a new Cultural Hub (TWCH) offering access to a range of public and other services for the area. The project has since been named 'The Amelia Scott', after Amelia Scott (1860 - 1952) who was a British social reformer, campaigner for women's suffrage and one of the first two women elected as Tunbridge Wells councillors. The supporting development plan policy documents still refer to the project as the 'Cultural Hub', however, this makes no difference to the planning considerations of the proposal.
- 2.02 The previously-granted planning permissions/LBCs were to refurbish and renovate the existing 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 were argued to present accessibility issues and to be unfit for purpose. The following services are 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
- 2.03 The development also includes a café, shop and other public facilities. Broadly the previously permitted development involved works to;
- Demolish the two AEC 'huts' to the rear of the site;

- Remove the first floor level at the rear of the library & museum building, plus remove the entire east-facing rear wall and both first and second floor levels to create better links with the AEC;
- Remove the ground floor WC structure to the rear of the AEC;
- Construct a barrel-roofed infill extension linking the AEC with the library & museum. This would be designed as a lightweight timber/steel structure with a fully glazed façade to Monson Road and continuation of the existing AEC stone plinth at ground level, with a further glazed area overlooking the new courtyard;
- Construct a two storey extension to the rear of the library & museum to house a temporary exhibition space, workshop and ancillary storage plus a loading bay accessed via a roller shutter (ground floor). There would be a reference library/archive (first floor) - this extension would be purpose built for these uses. The design is intended to reflect a brick-built 'box' with a stone plinth that relates to the banding around the top of the museum/library;
- Create a new external courtyard space to provide an area for temporary exhibitions/events, plus a café seating area with gates (to be designed by a commissioned artist) to the east boundary to secure the area;
- Replace/restore the existing rooflights to the museum galleries;
- Add new automatic sliding doors to the AEC, with retention of the existing doors (enabling them to be held open);
- Open up of the rear elevation of the AEC and its cafe with new windows/doors to provide access to the courtyard;
- Insulate and recover the flat roof of the library & museum building, zinc covered and louvered plant areas on the southern side (on the roof of the existing building and the proposed extension) adjacent to a solar PV array;
- Add insulation and secondary glazing throughout the buildings;
- Create various alterations to the fenestration on both buildings.

2.04 Both buildings will maintain their respective entrances on to Civic Way and Monson Road.

2.05 The rationale behind the layout is to provide a 'noisy' wing on the north side and a 'quiet' wing to the south.

2.06 A number of minor changes and alterations have been approved through respective listed building consent and planning permissions between 2019 and 2021. Exterior signage was also permitted through a grant of Advertisement Consent last year.

***Current planning application***

2.07 This application seeks permission for various minor works associated with the previously permitted extension and conversion of the buildings;

- a) External set of steel steps, forming a stepover between the original library/museum building roof parapet and the extension, to maintain access between these two areas. The need for this has arisen through consultation with Kent Fire Brigade and TWBC Building Control. This feature is unseen from ground level;
- b) A set of four external flues on the plant room roof, towards the end of the new rear extension. The boilers within the plant room below provide heat for the buildings and requires flues to vent a minimum of 1m above the roof. They extend 600mm above the highest part of the previously consented roof and are only seen at ground level from limited viewpoints around Monson Way, plus from parts of the Town Hall Yard and Crescent Road car parks;

- c) Changes to external plant and ductwork, including air handling units: The original drawings approved in January 2018 showed an air handling unit to the rear of the archive building (the two storey rear extension facing the Town Hall). Minor alterations to the height and positioning of the unit are proposed, including the omission of an overhang roof above the unit which was intended to host solar panels;
- d) To mitigate the visual impact of the air handling units a screen is proposed, which would comprise louvers and cladding to match the plant room;
- e) Alteration of position of bike racks moved from a position in front of the AEC centre to in front of the barrel vault extension. This is to avoid sub-surface utilities infrastructure (electrical, water) plus the previously permitted advertising and pavement lights;
- f) Removal of redundant flag poles, which are in a poor state of repair and rarely used.

**3.0 SUMMARY INFORMATION (overall figures from previous permissions/LBCs in respect of the whole Amelia Scott project – these do not relate directly to the works proposed under the current application)**

	Existing	Proposed	Change (+/-)
Site Area	0.2 ha	0.2 ha	No change
Gross External Area	3873 sq.m	4544 sq.m	+671 sq.m
Internal Floorspace	3390 sq.m	3972 sq.m: Additional 1182 sq.m, with 600 sq.m to be removed.	+582 sq.m
Land use	Adult Education Centre, Museum, library, gallery space and ancillary outdoor, office and storage areas	Adult Education Centre, Museum, library, gallery space and ancillary outdoor, office and storage areas along with Tourist Information Centre and Gateway	Addition of Tourist Information Office and Gateway
Car parking spaces (inc. disabled)	8 along southern edge plus space for 4-5 in the courtyard	0, with a dedicated loading bay included on the eastern elevation.	-12/13
Cycle spaces	0	24	+24
No. of storeys	AEC: 3 Library & museum: 2	AEC: 3 Library & museum: 2	No change
Max ridge height	AEC: 18.9m Library: 10.4m	No change to existing building heights. Infill extension: 14.9m. Rear extension:	As set out in preceding column

		9.9m Height of top of lantern from ground level: 12.1m	
Max height inc. plant	As above	As above except for 11.8m for Rear Extension	As set out in preceding column
No. of jobs	25 Full-time (FT), 23 Part-time (PT)	30 FT, 25 PT	+5 FT and +2 PT

#### 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

Policy TP4: Access to Road Network

Policy TP5: Vehicle Parking Standards

Policy TP7: Central Access Zone (Commercial)

Policy TP9: Cycle Parking

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

Tunbridge Wells Conservation Area Appraisal

Civic Development Planning Framework



**Other documents:**

Kent County Council Supplementary Planning Guidance SPG4: Kent Vehicle Parking Standards (July 2006)  
Tunbridge Wells Cultural Strategy 2014-24  
Submission Local Plan 2021

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 Site notices were displayed around the application site on 26 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 **(30/11/21)** – below threshold for consultation

**Mid Kent Environmental Protection**

7.02 **(04/01/22)** – No objections. There have been no complaints recorded as made to Environmental Health in connection to this site.

**TWBC Principal Conservation Officer**

7.03 **(16/12/21, verbal)** - no issues raised regarding with the flagpoles, bike rack, or the parapet cut-through for plantroom. The changes relating to the ductwork are unfortunate however the external screen will provide a simple and consistent approach to the screening of the plant on the roof. Therefore this element has a limited impact on the character of the building.

7.04 The proposal is, overall, considered to be acceptable, from a heritage perspective. The changes are minor compared to the impact of the whole scheme, as originally proposed. Therefore the impact would only be marginally greater overall and is negligible in the context of the overall Amelia Scott development. No concerns are raised regarding impacts upon the building's historic fabric.

7.05 A condition is needed to require the fixing of the louvring within a set timeframe – three months of date of this permission, or prior to the opening to the public, whichever occurs sooner.

**8.0 APPLICANT'S SUPPORTING COMMENTS (taken from covering letter dated 31<sup>st</sup> October 2021)**

8.01 The majority of changes are minor in nature and have been undertaken so as to, where possible create heritage gains. Other changes are negligible and overall result in no impact on the buildings.

**9.0 BACKGROUND PAPERS AND PLANS**

9.01 Covering letter dated 31/10/21  
Application form (including amended section 14)  
Photograph view set  
Drawings, decision notices and heritage statement from previous applications

## 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.

### **Principle of Development**

10.02 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.

10.03 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.

10.04 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).

10.05 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.

10.06 Given the above, the principle of the development is therefore considered to remain acceptable.

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

10.07 There is a statutory duty for local planning authorities in considering whether to grant planning permission, 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 minor amendments consideration of the changes is restricted to the heritage (and any other) impacts of those amendments.

10.08 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.

10.09 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.

10.10 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.'*

- 10.11 The Principal Conservation Officer's comments on this current application are that the revised scheme results in no materially greater level of harm to the significance of the listed buildings. They do not recommend that the scheme is unacceptable as a result of the changes.
- 10.12 In such cases NPPF paragraph 202 applies. It is a judgement for the decision-maker as to whether the non-heritage public benefits of the proposal and securing the optimum viable use of the assets outweigh that identified harm. The Development Plan policy supports the proposal. It is considered the public benefits of the proposal both secure the optimum viable use of the assets and outweigh the identified harm (which is no greater than in the original proposal) and that the development is acceptable in this respect.

**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 for amendments to the original scheme will not affect the key views into and within the area, which will still be protected, as required by SALP Policy AL/RTW2A. The changes are minimal and the additional louvres will screen the plant on top of the roof.
- 10.19 The PCO considers there is no impact on the character and appearance of the CA from the proposed changes, and the proposal is acceptable in this regard. The overall Amelia Scott development still causes 'less than substantial harm' to the setting of the CA through the alterations and extensions to the buildings. As with the conclusions to the listed buildings section above, the public benefits and optimum viable use arguments (with reference to the SALP policy support) outweigh this harm.

#### **Other matters**

- 10.20 The proposal is considered to have no additional impact on highway safety or parking provision.
- 10.21 The proposal would have no impact upon air quality and land contamination matters, although the air quality condition from the original permission has been partly discharged. Therefore the wording of the relevant condition below has been altered.
- 10.22 Residential amenity: Flooding, sewage disposal and other utility providers; Ecology; and archaeological matters: the scheme would have no greater impact towards these areas than the original scheme.

#### **Summary**

- 10.23 In summary, the proposal is still considered to be acceptable in principle. The specific designation of this site for these purposes through the SALP (which is part of the Development Plan) means that the proposal is in accordance with the Development Plan.
- 10.24 Whilst the resulting harm to the heritage assets is still considered to be towards the upper end of less than substantial, this harm is considered to be outweighed by the public benefits of the scheme and securing their optimum viable use.
- 10.25 In cases where 'less than substantial' harm is found, NPPF paragraph 202 thus applies. This is not to ignore the statutory duty imposed in LPAs by section 66(1) and 72(i) of the Act. If the LPA considers that the harm is less than substantial, the harm must still be given considerable importance and weight. It is a judgement for the decision-maker as to whether the non-heritage public benefits of the proposal and securing the optimum viable use of the assets outweigh that identified 'less than substantial' harm; and whether the proposal secures the optimum viable use of the buildings.
- 10.26 The overall Amelia Scott scheme would still provide significant public benefits, such as;
- Enhancing and modernising existing public facilities: for example, by providing more suitable accommodation for birth and death registration, by providing more space for the museum to display its exhibits and by enhancing the café within the AEC;
  - Bringing together a number of public facilities which are not currently under one roof (such as the TIC and the Gateway);

- Providing better access to (and throughout) the site;
- Providing better lighting to enhance public safety around the site;
- Making better use of the open courtyard area to the rear of the library/AEC;
- Providing additional cycle parking/storage; and
- Enhancing the street scene through the new large glazed area facing Monson Road.

10.27 There are not considered to be significantly harmful impacts towards highway safety, ecology, residential amenity nor to archaeology from the overall scheme which cannot be controlled by condition. There are not considered to be significant impacts arising from the proximity of the site to the nearby gas main, nor from flood risk; matters relating to sewage disposal/flooding can be addressed by condition.

10.28 Conditions from the previous permission can be repeated. In some cases the necessary details have also been approved pursuant to conditions submissions. Thus the conditions can be re-worded accordingly.

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

- 1) The development hereby permitted relates to the following approved plans:

Drawings 210, 2100J (excluding references to courtyard gates), 2101J, 2102J, 2103I, 2104J

Reason: To clarify which plans are approved.

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

Drawings 210, 2100J (excluding references to courtyard gates), 2101J, 2102J, 2103I, 2104J

Drawings permitted under 20/00253/FULL:

220D Proposed Basement Plan;

221F Proposed Ground Floor Plan;

222E Proposed First Floor Plan;

223E Proposed Second Floor Plan;

230D Proposed Roof Plan;

240D Proposed Elevations;

241D Proposed Elevations;

242D Proposed Elevations;

250E Proposed Sections;

251E Proposed Sections;

252E Proposed Sections;

253B Barrel Vault Sections;

260A AEC windows

262A Proposed Elevational Section

3101C – Barrel Vault – Section 3 Risers

3780E and 3785D

Details of Aluminium Coping System

Details of Sarnafil G476 SA Waterproofing Membrane

Details of Sarnafil G476-SA Polymeric membrane for roof waterproofing

Details of Sarnafil Decor Profile PVC

Plans approved under 19/00577/FULL: 4160B Proposed Courtyard Gates; 4161B Proposed Courtyard Gates.

Reason: To clarify which plans are approved.

- (3) The development shall be carried out in strict accordance with the details of the implementation, maintenance and management of the sustainable drainage scheme approved under reference 21/02105/SUB (as they relate to the sustainable drainage scheme approved under 18/03185/SUB). The scheme shall be thereafter managed and maintained in accordance with the approved details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- (4) The development shall be carried out in strict accordance with the sewage disposal details approved under 18/03185/SUB.

Reason: To avoid pollution of the surrounding area.

- (5) The development hereby permitted shall be carried out in strict accordance with the contaminated land details approved under 18/03914/SUB and the closure report approved under 21/02793/SUB.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

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.

- (6) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be 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 5 the applicants consultant should contact the Environmental Protection Team to agree a site specific target level.

Reason: In the interests of residential amenity

- (7) The development shall be carried out in strict accordance with the scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, approved under 21/02105/SUB.

Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity

- (8) The development shall be carried out in strict accordance with the measures to reduce the transport related air pollution of the development during construction approved under reference 19/03282/SUB.

Prior to first beneficial use of the development, a scheme detailing (and where possible quantifying) what measures or offsetting schemes are to be included in the development which will reduce its transport related air pollution when in occupation shall be submitted to and approved by the Local Planning Authority. The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy - Using the Planning System to Reduce Transport Emissions January 2010.

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

Reason: To mitigate the impact of the development on air quality in the area.

- (9) The landscaping/tree planting scheme approved under 18/03185/SUB shall be carried out fully within 12 months of the first occupation 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 permission to any variation.

Reason: In order to protect and enhance the amenity of the area

- (10) The bicycle storage facilities approved under 21/00294/SUB shall be completed prior to occupation of the extensions hereby approved and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety

- (11) The development shall be implemented in accordance with the approved biodiversity enhancement proposals under reference 18/03185/SUB and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the existing populations of protected species and to improve their habitat on the site.

- (12) The area shown on the approved drawing as the vehicle loading bay shall be provided and surfaced before the first occupation of the development hereby approved. It shall then thereafter be retained and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) 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 this vehicle loading bay.

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

- (13) The development shall be carried out in strict accordance with the Construction Management Plan approved under reference 19/03282/SUB.

Reason: To protect the amenity of local residents and in the interests of highway safety.



- (14) The lighting scheme approved under reference 21/00295/SUB shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the character and appearance of the area and to promote public safety.

- (15) The development shall be carried out in strict accordance with the approved details, including the timetable, of the public art installation (reference 21/02295/SUB) relating to the fencing/gates to the rear of the site and the fencing/gates shall be retained thereafter.

Full details (including specification for materials, finish and location, plus a timetable for installation) of any subsequent change to the fencing/gates or art installation shall be submitted to and approved in writing by the Local Planning Authority prior to the revised public art installation being displayed.

Reason: To ensure a satisfactory standard of development and to protect the character and appearance of the area

- (16) No development (excluding demolition of the two AEC huts to ground level) shall take place until the applicant, or their agents or successors in title, have secured the implementation of the watching brief approved under references 19/03282/SUB and 21/02097/SUB. The excavation shall be observed and items of interest and finds shall be recorded by an archaeologist.

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

- (17) The development shall be carried out in accordance with the approved details of renewable energy technologies approved under reference 18/03165/SUB.

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

- (18) The works to fit the external louvres to the rooftop plant room shown in the approved drawings 2102J and 2104J shall be completed in accordance with the approved plans within three months of the date of this planning permission, or prior to the first opening of the Amelia Scott development to the public, whichever is earlier.

Reason: To safeguard the character and appearance of the listed building

## **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)
- 2) Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
- 3) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where

required are obtained and that the limits of 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 The Kent County Council (KCC) 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.

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.