

REPORT SUMMARY

REFERENCE NO - 21/03298/FULL

APPLICATION PROPOSAL

The construction of 40 retirement apartments and the refurbishment of Nos. 15 and 16 Eridge Road to create two unrestricted residential dwellings, repair of existing access into the site, parking, landscaping and associated works (including the demolition of single storey rear extensions attached to 15 and 16 Eridge Road)

ADDRESS Land Adjacent And 15 - 16 Eridge Road Royal Tunbridge Wells Kent

RECOMMENDATION to GRANT planning permission subject to the completion of a Section 106 legal agreement and subject to conditions (please refer to section 11.0 of the report for full recommendation)

SUMMARY OF REASONS FOR RECOMMENDATION

- The site is within a sustainable location, within the Limits to Built Development (LBD) of Tunbridge Wells. The site is allocated for residential development within Policy AL/RTW6 of the Site Allocation Local Plan 2016 and Policy AL/RTW11 of the Submitted Local Plan. There is no objection to the principle of residential development on this site.
- In the absence of a five year supply of housing, the housing supply policies (including those related to the Limits to Built Development (LBD) are “out-of-date”. Paragraph 11 and Footnote 7 of the National Planning Policy Framework (NPPF) requires that where relevant policies are out-of-date that permission for sustainable development should be granted unless specific policies in the NPPF indicate that development should be restricted (and all other material considerations are satisfied);
- The proposal would result in the delivery of sustainable development and therefore, in accordance with Paragraph 11 of the NPPF, permission should be granted, subject to all other material considerations being satisfied. The proposal is considered to accord with the Development Plan and local policy in respect of these material considerations;
- The proposal is considered to be a ‘major’ development due to its local context, and is considered to comply with Chapter 11 of the NPPF in terms of making effective use of land, Chapter 12 achieving well designed places, and Chapter 16 of the NPPF conserving and enhancing the historic environment
- The proposal would deliver 40 dwellings towards the housing supply, on an allocated site for housing.
- The proposal would deliver an offsite housing contribution of 30% (equivalent to 12 dwellings) towards affordable housing in Tunbridge Wells, to which significant weight is given;
- The development would not be materially harmful to the residential amenities of any nearby properties which would warrant refusal of permission;
- Landscaping on site would be enhanced.
- The number of residential units and the mix of unit sizes are considered to be appropriate for this site;
- The proposed development would achieve a net gain for biodiversity within the site.
- The development would not have a significant impact upon heritage assets and the impacts caused would amount to less than substantial harm. This harm is considered to be outweighed by the public benefits of the proposal in accordance with para 202 of the National Planning Policy Framework.
- Wider public benefits from the productive residential use of a brownfield site in accordance with existing Policy AL/RTW6, and Policy AL/RTW11 of the Submitted Local Plan.
- The proposal includes the refurbishment of a semi-detached pair of dwellings at 15 and 16 Eridge Road, within the Conservation Area, which would enhance this part of the

Conservation Area and gateway into Turnbridge Wells. The dwellings are unoccupied and have been for some time, of local heritage value, (non-designated heritage assets) and will be added back into the housing stock in this part of Tunbridge Wells.

- The surface water drainage strategy contains measures to mitigate flooding, reduce surface-water run-off and provide betterment to reduce flood risks to existing development in this part of Tunbridge Wells, in accordance with AL/RTW 4A
- The traffic movements generated by the development can be accommodated without detriment to highway safety and suitable measures (secured by condition) have been proposed to address the highway impact of the proposal.
- Adequate parking provision will be provided to serve the proposed apartments.
- Other environmental impacts have been assessed and there are not any which are potentially significant, and which cannot be controlled by conditions.
- Other issues raised by consultees have been assessed and there are not any which would warrant refusal of the application.

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):

- NHS - Kent and Medway CCG £28,656 (£716.40p dwelling) Towards refurbishment, reconfiguration and/or extension Lonsdale Medical Centre, The Wells Medical Practice and Rusthall Medical Practice and/or towards new general practice premises development in the area.
- Community Learning / Social Care / Libraries (Cultural Hub Element) £17,488.40 (£437.21 p dwelling). Towards Tunbridge Wells Cultural Hub-Libraries / Adult Education / Social Care
- Waste - £ 7,346.80 (£183.67 per dwelling) Towards Tunbridge Wells Waste Transfer Station and HWRC expansion.
- TW Commons Conservators - £8,000 (see report for further explanation)
The £8,000 (£200 per dwelling) is towards strategic and administrative management of Tunbridge Wells and Rusthall Commons,
- TWBC Parking Services - £10,000 (£250 per dwelling).
- TWBC Housing Services - £984,000.00 (£82,000 x 12 dwellings) Offsite affordable housing contribution to use for offsite affordable housing within Tunbridge Wells Borough. £82,000 per dwelling, this is calculated on 30% of 40 dwellings, which equates to 12 dwellings.
- Total: £1,055,491.20 (£26,387.28 p dwelling)

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:

TW Commons Conservators - £42,000 (see report for further explanation)

Estimated annual council tax benefit for Borough: 40 x £193.75 = £7,750.

Estimated annual council tax benefit total: 40 x £2,029.76 = £81,190

Estimated annual business rates benefits for Borough: N/A

REASON FOR REFERRAL TO COMMITTEE

Significant major application of over 20 dwellings and recommended for approval.

WARD Broadwater	PARISH/TOWN COUNCIL N/A	APPLICANT Beechcroft Developments Ltd AGENT Miss Claudia Jones	
DECISION DUE DATE 09.07.22	PUBLICITY EXPIRY DATE 31/03/22	OFFICER SITE VISIT DATE 20/10/21, 23/03/22 and 11/05/22	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
75/00651	Extension to existing workshop. Rear of 13, 13A and 14 Eridge Road	Granted	21/10/75
74/00732	Installation of car washing equipment. Pantiles Service Station 13 Eridge Road	Granted	27/06/75
78/01137	Extension 16 Eridge Road	Granted	09/02/79
80/01161/FUL	Conversion to 1 self-contained flat at first floor & offices at ground floor rear parking area. 15 Eridge Road	Refused	05/02/81
81/00248/FUL	Conversion into two self-contained flats. Rear parking area. 15 Eridge Road	Refused	10/04/81
81/00601/FUL	Conversion into ground floor offices & first floor flat. Parking to forecourt area. 15 Eridge Road	Refused	25/06/81
81/01024/FUL	Conversion into two self-contained flats. 15 Eridge Road	Granted	12/11/82
82/01169/FUL	Single garage for storage purposes. Pantiles Service Station 13 Eridge Road	Refused	30/11/82
83/00022/FUL	Single garage for storage purposes and screen wall. Pantiles Service Station 13 Eridge Road	Granted	07/03/83
84/01500/FUL	Conversion to four flats. 2 Nevill Terrace	Withdrawn	21/01/85
85/00113/FUL	Conversion to four self-contained flats. 2 Nevill Terrace	Granted	27/02/85
86/01289/OUT	Outline (means of access not reserved) - Retail food store, warehouse and garden centre, retention of former engine shed for rails use, retention and refurbishment of former station for public house restaurant use, new flats and showroom, car parking, landscaping and associated works. J Sainsbury Plc Linden Park Road	Granted	02/06/89
86/01344/LBC	Conservation Area Consent – Demolition. Land Formerly Lord Cornwallis Public House	Granted	26/05/87
87/01665/FUL	New car wash and ancillary building. Pantiles Service Station 13 Eridge Road	Granted	04/02/88
88/01942/FUL	Alterations to elevations to provide new hire/sales/display showroom. Former Plant & Tools (South Eastern) Ltd Nevill Terrace	Granted	09/12/88
88/02184/FUL	Temporary use of access from Eridge Road	Granted	08/02/89

	restricted by condition IV of SW/1/72/93. Former Plant & Tools (South Eastern) Ltd Nevill Terrace		
89/01091/REM	Reserved Matters - Retail food store and associated parking (Phase 1). J Sainsbury Plc Linden Park Road	Granted	01/08/90
90/01434/FUL	Redevelopment of existing petrol filling station. Pantiles Service Station 13 Eridge Road	Granted	26/11/91
90/01441/CAC	Conservation Area Consent – Demolition. 5-9 Nevill Terrace and buildings to rear occupied by Plant & Tools Ltd	Refused	10/12/90
90/01442/FUL	Office accommodation with associated car parking, landscaping and highway works. Former Plant & Tools (South Eastern) Ltd Nevill Terrace	Refused	10/12/90
90/01463/CAC	Conservation Area Consent - Demolition of sales building and canopy. Pantiles Service Station 13 Eridge Road	Granted	12/07/91
90/01701/FUL	Part demolition of building to rear 6-8; extension and alterations; new rear access and additional parking. Former Plant & Tools (South Eastern) Ltd Nevill Terrace	Granted	22/04/91
90/01734/CAC	Conservation Area Consent - Demolition of covered storage area at rear of 6-8. Former Plant & Tools (South Eastern) Ltd Nevill Terrace	Granted	22/04/91
91/00743/FUL	Redevelopment of existing petrol filling station. Pantiles Service Station 13 Eridge Road	Refused	30/06/93
92/00772/FUL	Replace existing pump islands and pump & reposition vacuum machine and install new underground tank. Pantiles Service Station 13 Eridge Road	Granted	16/09/92
93/00062/FUL	Conversion to form 3 maisonettes in lower ground floors and alterations to existing maisonettes on first and second floors. 5-8 Nevill Terrace	Granted	27/05/93
93/00446/FUL	Replace existing garage store and construct new plant room and jet wash facility. Pantiles Service Station 13 Eridge Road	Granted	24/06/93
93/00511/CAC	Conservation Area Consent - demolition of existing garage store. Pantiles Service Station 13 Eridge Road	Granted	24/06/93
94/00452/CAC	Conservation Area Consent - Demolition of existing bathroom extensions. 5-8 Nevill Terrace	Granted	14/06/94
95/00369/FUL	Alterations to existing dormers. 9 Nevill Terrace	Withdrawn	24/05/95
95/10068/FUL	Retrospective use of rooms in roof space to provide a self contained flat, removal and alterations of existing dormer windows and installation of velux rooflights and creation of carpark. 9 Nevill Terrace	Granted	28/07/95

98/01568/FUL	Proposed access door opening to basement storage area on north elevation. 9 Nevill Terrace	Granted	03/11/98
00/02370/OUT	Outline(means of access and siting not reserved) retail foodstore and 23 retirement homes with assoc ancillary areas,servicing /car parking areas.Demolition of existing buildings and alterations to highway(access also from Eridge Road). Former Plant & Tools (South Eastern) Ltd Nevill Terrace	Withdrawn	09/11/01
01/00074/CAC	Conservation Area Consent - Demolition of existing buildings Former Plant & Tools (South Eastern) Ltd Nevill Terrace	Granted	09/11/01
03/02055/FULMJ	Mixed use development incorporating a retail foodstore with 7no. residential flats above with associated ancillary areas, servicing and car parking and new petrol filling station shop. Former Plant & Tools (South Eastern) Ltd Nevill Terrace	Withdrawn	30/10/03
03/02057/CAC	Conservation Area Consent - Demolition of existing buildings. Filling Station and Land Adjacent Eridge Road	Withdrawn	10/11/03
04/00383/FULMJ	Mixed use development incorporating a retail foodstore with 15 residential flats above with associated ancillary areas, servicing and car parking and new petrol filling station shop. Existing buildings to be demolished. Filling Station and Land Adjacent Eridge Road	Refused	17/05/04
04/00385/CAC	Conservation Area Consent - Demolition of existing buildings. Filling Station And Land Adjacent Eridge Road	Refused	18/05/04
07/02584/FULMJ	Extend and convert 15/16 Eridge Road to 4 category II sheltered apartments; To erect a sheltered apartment block comprising of 61 category II sheltered apartments, house manager's accommodation, communal facilities and associated car parking; To erect block of 17 affordable apartments with associated parking. Former Plant & Tools Ltd, Land Adjacent & 15 - 16 Eridge Road	Refused	08/11/07
09/02661/FUL	Installation of a free-standing automated teller machine and anti-ram bollards. Pantiles Service Station 13 Eridge Road	Granted	02/11/09
10/02777/CAC	Conservation Area Consent: Demolition of existing buildings on site. Former Plant & Tools (South Eastern) Ltd Nevill Terrace	Granted	14/10/10
11/02444/FULMJ	56 flats and 10 houses with associated car parking. Land Adjacent & 15 - 16 Eridge Road	Withdrawn	02/12/11
12/00277/FULMJ	20 flats and 17 houses with associated car parking.	Appeal Allowed	30/04/13

	Land Adjacent & 15 - 16 Eridge Road Appeal against Non Determination (Ref APP/M2270/A/12/2189309)		
17/02859/FULL	Reconstruction of front wall to a like for like design in natural stone. 17 Eridge Road	Granted	30/10/17

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is located on the southern side of the A26/Eridge Road, behind the Pantiles filling station. It is bounded by the filling station to the front/north, the railway to the rear/south and the rear residential gardens of adjoining 15 and 16 Eridge Road properties to the side/west. The Spa Railway adjoins the site to the south and there is large carpark further to the south serving the Sainsbury's supermarket and the Homebase DIY store/Lidl supermarket Sainsburys filling station, and a large carpark. Opposite the site is the wooded Tunbridge Wells Common land, which rises up from Eridge Road.
- 1.02 The site is open previously developed land (PDL), which was once a former plant and tool hire business, and a former builder's yard. The site is vacant and has been for over 10 years, with all buildings that were on site long since demolished. There are some areas of concrete hard standings and piles of debris from broken hard standings, and the site is boarded up.
- 1.03 The site comprises 0.5ha in area, including the pair of semi-detached dwellings at 15 and 16 Eridge Road which are also in the applicant's ownership. There is some informal parking on the eastern boundary of the site associated with terrace of dwellings at Nevill Terrace. The pair of unoccupied semi-detached dwellings at 15 and 16 Eridge Road are also boarded up.
- 1.04 The land levels at the site are below the road level of Eridge Road, and there are level changes within the site as evidenced by the topographical survey submitted.
- 1.05 The site is rectangular in shape, and fronts onto Eridge Road but wraps around the petrol filling station, which is in separate ownership. Consequently, the petrol filling station appears visually isolated and exposed on the Eridge Road frontage, with this vacant open plot behind it. This is exaggerated with the backdrop of the brick wall of the Spa Railway and the engine shed at the rear of the site. Consequently, the site is visually open and is exposed to views when approaching and leaving Tunbridge Wells and is currently an unattractive feature and it exposes the rear of the Nevill Terrace housing, which appear incongruous with no development beside the housing.
- 1.06 The character of this part of Tunbridge Wells comprises the wooded Tunbridge Wells Common land, a pleasant landscape feature to the northern side of Eridge Road, opposite the site. The row of classically designed villas on the southern side of Eridge Road, to the west of the site, forms a distinctive character area, with their front boundaries set back from the footpath, with stone walls and railings and hedges, and an avenue of trees, which all constitute the streetscape in this part of the Tunbridge Wells Conservation Area of Tunbridge Wells.
- 1.07 The trees along the A26 /Eridge Road frontage, to the west of the site and also in front of the filling station, form part of the character of this entrance into the built-up

area of Tunbridge Wells, which together with the Common Land on the northern side of Eridge Road, including the grassed verges, and the pond, and the classically designed villas and terrace housing make this a distinctive character area.

- 1.08 The site lies generally below the level of Eridge Road. Consequently, the site is visually open and is exposed to views when approaching and leaving Tunbridge Wells. The exposed rear elevation of Nevill Terrace, converted into flats with the addition of rear toilet towers, is high and unattractive. The site has close proximity to the town centre, to local shops and services, to public transport and to the extensive open space of the Commons.
- 1.09 The site has an existing vehicular access off Eridge Road comprising a bellmouth 'T' junction, which connects to a 4.4m wide access road within the Site. As well as serving the site, the access road also currently provides access to 2 parking spaces for 1 and 2 Nevill Terrace, 8 parking spaces for the residents of 5-8 Nevill Terrace, and rear access to 9 Nevill Terrace.

2.0 PROPOSAL

- 2.01 A total of 3 buildings are proposed, to comprise 40 retirement apartments in total. The apartments are use class C3 although for age 55 years and above. The apartments are proposed within two main buildings, (Block A and B) both 5 stories high, with a third smaller building (building C) which is 2 storeys for the site manager.
- 2.02 Block A - is in the central part of the site, directly behind the service station, and consists of 30 apartments. There are three floors at each end of the building and rising to five floors in the centre of the building. The overall composition is symmetrical and is articulated with a variety of inset balconies, roof terraces and set backs. There are two cores to the building, separately entered, and divided by a central parking undercroft. Each side of the building has its own lift, stairs and refuse store. The west end of the building also includes the manager's office, the guest suite, and a day room with a large garden patio. The 30 apartments comprise of 4 ground floor apartments which have access to private patios. There are 26, 2-bed apartments on the floors above the ground floor, all purpose-designed to meet the needs of older owner occupiers and all with spacious balconies and/or roof terraces.
- 2.03 Block B - is located to east of the site, adjacent to the internal access road, between the access and the rear of the Nevill Terrace properties adjacent. The building consists of 9 apartments, all slightly raised in response to potential flood risk. There are 2 apartments on the ground, first, second and third floors and one apartment on the fourth floor. All apartments are provided with generous balconies.
- 2.04 Block C - is located in the south-east corner of the site and consists of a two-bed flat above four parking spaces. This will be the site managers apartment.
- 2.05 15 and 16 Eridge Road - These two houses, previously divided into flats are in poor condition. They will be retained, restored, and returned to use as houses, semi-independent of the rest of the proposal, each with its own car access from Eridge Road. The existing single-storey rear extensions will be demolished, and new conservatories built between the two-storey rear wings. Each house will be provided with a new garage, and the garden will be improved and landscaped.

3.0 SUMMARY INFORMATION

	Existing site	Proposed	Proposed	Proposed	Change (+/-)
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	and 15 and 16 Eridge Road	Block A	Block B	Block C	
Site Area	0.5 ha				No change
Land use(s)	Two existing houses and former plant and tool hire & builder's yard.	Residential	Residential	Residential	C3 Residential
Number of jobs	n/a	n/a	n/a	n/a	n/a
Car parking spaces (inc. disabled)	2	32	8	4	44
Disabled car spaces	0	2	0	0	2
Service vehicle service spaces	0	0	0	0	0
Cycle spaces	0	8 cycles 9 scooters	3 cycles 5 scooters	0	11 cycles 14 scooters
Motorcycle spaces	0	0	0	0	0
No. of storeys	2	5	5	2	
Max height	8.7m to ridge	17m to ridge	15.5m to ridge	7.5m to ridge	
Max height inc. plant	9.4m to top of chimney	18.3m to top of chimney	16.7m to top of chimney	8.4 to top of chimney	
Max eaves height	6.2m	14.4m	13.5m	5.1m	
No. of residential units	2	30	9	1	40
No. of bed spaces	2 x 3 Beds	28 x 2 Beds 2 x 1 Beds	9 x 2 Beds	1 x 2 Bed	
Floor space	248.8sqm	3,239 sqm	1,107 sqm	73 sqm	
No. of affordable units	0	0	0	0	Financial Offsite AH Contribution

4.0 PLANNING CONSTRAINTS

- Assets of Community Value - Tunbridge Wells and Rusthall Commons
- Air Quality Management Area (AQMA) – (the site is within this area which is either side of the A26. See the TWBC Environmental Protection consultation response later in this report)
- Potential Archaeological Importance – (this site does not have much archaeological potential, based on current information. KCC Archaeology have confirmed no archaeological issues.)

- Area of Special Advert Control (this is the northern part of the site along Eridge Road)
- Ashdown Forest – (Outside the 7km zone)
- Conservation Area (within the Tunbridge Wells Conservation Area)
- Environment Agency Flood Zone 2 and 3 -part of site only (A strip of land in the northern part of the site is within Flood Zone 2/3 but the majority of the site is in Flood Zone 1.)
- Limits to Built Development – (the site is inside the development boundary/LBD for Tunbridge Wells. The Site is allocated in the Site Allocations Local Plan 2016 (Policy AL/RTW 4A) for residential development (C3). This allocation is also carried forward into the Submitted Local Plan) The northern side of Eridge Road forms the boundary.)
- Listed buildings – (The nearest listed building is the Grade II Listed Former Tunbridge Wells West Railway Station situated to the south-east of the site, now a restaurant)
- Local Landscape Character Area – the common land area opposite the site is 'wooded farmland'.
- Local Wildlife Sites -15M Buffer (the common land area opposite the site is noted as a Local Wildlife Site)
- Metropolitan Greenbelt –outside – this site is not within the green belt and is opposite green belt land. the northern side of Eridge Road forms the boundary. The TW Common land is within the green belt.
- Potentially Contaminated Land (possible contamination from previous use as a builder's yard)
- Public Access Land (Tunbridge Wells Common is located opposite site, and also includes the Eridge Road frontage of the site and the first part of the access road)
- Strategic Flood Risk Area Level 1 Flood Zone 2, 3A, and 3B With Climate Change (A small strip of land in the most northern part of the site is within Flood Zone 2/3 but the majority of the site is in Flood Zone 1.)

5.0 POLICY AND OTHER CONSIDERATIONS

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

National Design Guide (2021)

Development Plans:

Adopted Local Plan 2006

- Policy EN1 - Development Control Criteria
- Policy EN5 - Development within, or affecting the character of, a Conservation Area
- Policy EN8 - Outdoor Lighting
- Policy EN13 - Tree and Woodland Protection
- Policy EN15 - Statutory Local Nature Reserves and other non-statutory Nature Conservation Sites
- Policy EN16 - Protection of groundwater and other watercourses
- Policy EN18 - Flood Risk
- Policy EN23 - Important Landscape Approaches
- Policy H2 - Small and intermediate sized dwellings
- Policy H5 - Residential development within Limits to Built Development
- Policy TP1 - Major development requiring Transport Assessments and a Travel Plan

- Policy TP4 - Access to the road network
- Policy TP5 - Vehicle Parking Standards
- Policy TP6 - Tunbridge Wells Central Access Zone (residential) Vehicle Parking Standards
- Policy TP9 - Cycle Parking

Core Strategy 2010

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

Site Allocations Local Plan 2016

- Policy AL/STR1 - Limits to Built Development
- Policy AL/RTW 1 - Urban Design Framework
- Policy AL/RTW 6 - Former Plant and Tool Hire, Eridge Road Mixed use development

Submitted Local Plan 2021

- Policy STR 1 – The development strategy
- Policy STR 2 – Place shaping and design
- Policy STR 3 – Brown Field Land
- Policy STR 4 – Ensuring comprehensive development
- Policy STR 5 – Infrastructure and connectivity
- Policy STR 6 – Transport and parking
- Policy STR 7 – Climate change
- Policy STR 8 – Conserving and enhancing the natural, built, and historic environment
- Policy STR/RTW 1 – The strategy for Royal Tunbridge Wells
- Policy STR/RTW 2 – The strategy for Royal Tunbridge Wells Town Centre
- Policy STR/RTW 11 – Former plant and tool hire Eridge Road

Supplementary Planning Documents:

- Conservation Area Appraisal (RTW and Rusthall)
- Affordable Housing
- Local Heritage Assets
- Kent Design Guide
- Renewable Energy
- Section 106 planning obligations
- Green Infrastructure Plan
- Noise and Vibration
- Contaminated Land

6.0 LOCAL REPRESENTATIONS

6.01 An advert was published in the local newspaper on 29 October 2021, and site notices were displayed around the site around the perimeter of the site in November 2021 and in March 2022 when amended plans were received. A total of 11 letters were received from neighbouring properties, 7 in support of the application and 4 with concerns.

6.02 The letters of objections/concerns raised are for the following reasons:

- Supportive of need to develop site, but concerns with overlooking, density, scale, removal of trees at rear of 4 Nevill Terrace, the outlook to the Esso Garage, the bin store adjacent to garden, and loss of light to semi basement
- On balance supportive, concern that parking at flat 4, 2 Nevill Tce is not shown, and may well impede ability to use parking space
- Overlooking and loss of light and privacy at 3 Neville Tce into garden, layout and density of buildings, lack of landscaping and screening, loss of access to garage during construction, would welcome discussion with developer
- Spa Valley Railway a working railway, additional residential development may encourage complaints about noise from an existing tourist facility, a depot and a railway station, which generates noise throughout the year. Concern that the noise surveys are not representative of existing activities, and sound insulation in apartments is required. Would welcome discussion with developer, and to possibly improve broadband communications.

6.03 *(Officer note): the Environmental Protection Officer, Planning Officer, agent, applicant and acoustic consultant have since met with the Spa railway, to agree a way forward. The applicant has worked constructively to take additional noise readings and formulate a mitigation strategy to address the Spa railway concerns.)*

6.04 The letters of support from neighbours for the following reasons: -

- Close neighbour-, welcome proposal, appropriate size and scale for location, we need housing in neighbourhood
- Delighted with application, which is carefully designed, will remove blight from a site that has been damaged for over 17 years
- Welcome proposal, seen 15 and 16 Eridge Road properties fall into disrepair, hotbed for anti-social behaviour, support application
- Need retirement housing in RTW
- Area will be improved, will keep 2 historic houses, vital to retaining gateway to RTW, good news for the area
- Support of the proposed development to the rear of Nevill Terrace off the Eridge Road. The site is part of the gateway to Tunbridge Wells and the lack of development has led to an eyesore for many years. We are pleased to see the sympathetic design that Beechcroft have submitted, and we think the scheme will enhance the regeneration of the area which we have started at Nevill Terrace.

6.05 Also, a letter from the **Tunbridge Wells Civic Society** in support with concerns.

- We welcome a proposal to develop this problematic site with housing and restore the existing derelict villas. We recognise that the layout of the development is largely dictated by the numerous site constraints, but find the elevational treatment of the proposed new blocks disappointing

6.06 *(Officer note): amended plans have since addressed the elevational treatment, no additional comments have been received)*

7.0 CONSULTATIONS

7.01 TW Commons Conservators (09.11.21)

The proposed development lies adjacent to Tunbridge Wells Common, designated as Rusthall Common and Tunbridge Wells Common Local Wildlife Site (LWS). The LWS is of significant importance for biodiversity and consists of a mosaic of relict acid grassland with sandstone outcrops and small areas of both dry and wet heathy vegetation, along with extensive areas of secondary woodland and scrub. Some of the woodland areas are being cleared to promote heathland regeneration.

- 7.02 Paragraph 174a of the National Planning Policy Framework (NPPF) states that "Planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)".
- 7.03 Policy EN1 of Tunbridge Wells' adopted local plan states that "All proposals for development within the Plan area will be required to satisfy all of the following criteria: There would be no significant adverse effect on any features of nature conservation importance which could not be prevented by conditions or agreements."
- 7.04 The Conservators have assessed the proposal and are concerned that it does not currently meet the requirements of paragraph 174a of the NPPF nor Policy EN1 of the adopted Local Plan. Given the proximity to the Common, and the 256 acres of available land for exercise and recreation, residents of the proposed development are likely to use the Local Wildlife Site, increasing recreational pressure on and disturbance of designated wildlife features. It is our view that due to the small size of the development site not lending itself to the provision of increased green space that these concerns could be overcome through a condition / agreement which secures a suitable mitigation strategy for dealing with the impacts of increased recreational pressure.
- 7.05 A suitable mitigation strategy would require increased resourcing of the day-to-day maintenance costs of the Commons including but not exclusively, footpath management, litter bin servicing and waste disposal, bench restoration and tree management. This strategy should also seek to educate new residents on the sensitivities of the Commons through information packs and contributions to signage. We therefore request further discussions with Tunbridge Wells Borough Council Planning department and Beechcroft Developments Ltd to agree to an appropriate financial contribution to the Commons to mitigate the impact from increased recreational pressure.
- 7.06 We are looking at options to work with Kent Wildlife Trust on this proposal and if required, can propose ring-fenced projects.
- 7.07 In relation to other documents within the proposal. We recommend that the safeguarding measures in the Ecological Assessment are strictly followed: "The site lies in close proximity to the Tunbridge Commons Local Wildlife Site. Potential adverse impacts to this LWS can be avoided through the implementation of appropriate safeguarding measures during construction to prevent impacts arising from dust/runoff contamination."
- 7.08 We acknowledge that the biodiversity net gain report concludes that there will be a net gain in diversity being delivered with the proposed development. We are encouraged by the note that the provision of new wildflower grassland will provide enhanced foraging opportunities for bats, birds and Badgers, terrestrial habitat for amphibians (including Great Crested Newts), as well as opportunities for invertebrates. New hedgerow and landscape planting will provide enhanced foraging and navigational opportunities for bats, foraging opportunities for Badgers, foraging and nesting opportunities for birds and hibernation opportunities for amphibians (including Great Crested Newts), as well as enhanced habitat for invertebrates.
- 7.09 Comments additional information (08.03.22)
In our representation to Tunbridge Wells Borough Council Planning Department, on application 21/03298/FULL in November 2021, the Commons Conservators

requested the opportunity to discuss a suitable mitigation strategy for dealing with the impacts of increased recreational pressure.

- 7.10 A suitable mitigation strategy would require increased resourcing of the day-to-day maintenance costs of the Commons including but not exclusively, litter bin servicing and waste disposal, bench restoration and tree management. We would look to improve the management of the footpaths to repair surfaces and to open up and widen areas to improve accessibility during poor weather conditions and enhance public safety. This strategy should also seek to educate new residents on the sensitivities of the Commons through information packs, our online presence and contributions to signage.
- 7.11 Using Ashdown Forest as a case study, the Local Planning Authorities surrounding Ashdown Forest and the Ashdown Forest Conservators have implemented a system to manage developments that would have an impact on the Forest. Part of the system is the Strategic Access Management and Monitoring strategy (SAMM) whereby relevant developments are required to make a financial contribution towards SAMM. The contributions are used for ongoing visitor management projects and monitoring on the Ashdown Forest in accordance with the SAMM strategy. For 2022, a contribution of £1,170 per impacting unit towards SAMM is required. While we do not have such a scheme which applies to Tunbridge Wells Common and while we are not a Special Protection Area (SPA) or a Special Area of Conservation (SAC), we are a Local Wildlife Site (LWS) with notable species and habitats and have significant value to the Town and its community.
- 7.12 In the case of Tunbridge Wells Common, in 2017, The Commons Conservators received £72 per dwelling for The Potteries development on Linden Park Road, in close proximity to the application site. Since that time, we have endured the COVID-19 pandemic, where the impact of increased visitor numbers has become more obvious on both our maintenance costs and on our budget. As such, the Commons Conservators seek £8,000 for the development proposed in 21/03298/FULL calculated at £200 per dwelling.
- 7.13 *(Officer Note: - the financial contribution has been agreed with the developer)*
- 7.14 **Southern Water** (08.11.21)
Extract from Southern Water records showing the approximate position of the existing combined sewer within the development site.
- 7.15 General advice to the developer, with contact details. Advice on adoption and non-adoption of sewers.
- 7.16 Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
- 7.17 Details of how to make the application, and advice on using Sustainable Drainage Systems (SuDS).
- 7.18 Where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SuDS scheme.
 - Specify a timetable for implementation.
 - Provide a management and maintenance plan for the lifetime of the development.

- 7.19 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 7.20 Comments on amended Plans (31.03.22)
The comments in our previous response dated 08/11/2021 remain unchanged and valid for the amended details.
- 7.21 **Scotia Gas Networks Ltd (SGN)** (18.10.21)
An extract from their mains records showing gas pipelines, and for proposed work in the area, and advice on safe digging practices to the developer.
- 7.22 **UK Power Networks** (18.10.22)
Enclosed a copy of their records which show the electrical lines and/or electrical plant. Also enclosed a fact sheet which contains important safety information regarding the use of their plans and working around their equipment and contact information.
- 7.23 **KCC Highways** (03.12.22) Objection, more information required:
The TS makes no reference to the level of communal facilities or care management that is likely to be on offer at the site and I would be grateful if this could be clarified, and any associated trip generation and parking demand quantified.
- 7.24 The TS refers to a previously consented scheme under ref TW/12/00277. However, this was considered some time ago and has now expired. The proposals should therefore be considered in context of the extant use of the site. This approach will most likely assist with assessment of a number of issues including overall traffic generation and impact in the AM and PM peaks as well as a number of matters relating to the provision of the visibility splays at the access.
- 7.25 In order to promote sustainable choices it is recommended that infrastructure at both bus stops is improved to provide raised boarding kerbs and provision of shelters. The TS also makes reference to the appeal decision regarding provision of a pedestrian link to the rear which has not been included within the proposals and is precluded by the stairs at Block C. However, condition 16 of the appeal decision appears to be contrary to the conclusions of the TS and it is considered that the option to provide this link is secured within the development.
- 7.26 Details at the access are likely to require modest adjustment within the S.278 Agreement to satisfactorily accommodate vehicle swept paths and possible level adjustments. In addition, manoeuvring at spaces 41-43 is shown to take place over land outside of the site boundary and will require adjustment.
- 7.27 Given the gradients at the access and also that it will serve third party land, coupled with the age of residents, further extension of the footway into the site is strongly recommended.
- 7.28 The level of car parking provision has not been supported by any detail of typical car ownership levels as requested at pre-app. Also, no visitor provision has been made. Given the nature of occupants and possible need for care services where the use of other public car park provision may be less than ideal for staff, additional visitor provision is strongly recommended. Details of typical arrangements for care and likely trip generation and parking demand would also assist in this assessment.

- 7.29 Recommended Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway
- 7.30 Comments on additional information (12.05.22) no objection subject to conditions. Traffic generation associated with the proposed development, has been calculated using the industry standard TRICs database and offset by the traffic generated by the extant use of the site in order to calculate the residual impact. The residual impact (proposed use less extant use) is expected to be 1 less vehicle movement in the AM peak and 3 additional vehicle movements in the PM peak. This additional traffic generation is not significant, and the site will benefit from the improvements to the site access proposed by the applicant which will improve safety. Additionally, visibility splay calculations have been revisited and are acceptable.
- 7.31 KCC Highways do not object subject to the following:-
- 1) Improvement to the access as shown in principle on Drawing Number 8200930/6100 revP10.
 - 2) In keeping with the objectives of the NPPF and emerging local plan the provision of a pedestrian link from the southeastern corner of the site should be pursued further. This would allow access to/from Nevill Terrace and the supermarkets to the benefit of the new residents.
 - 3) A contribution is required towards improvements to the local bus infrastructure and in particular the facilities at both the eastbound and westbound bus stops on Eridge Road located to the west of the site. Details are to be agreed with the KCC public transport team and the local planning authority, but it is envisaged that an amount of £22,000 would be appropriate.
 - 4) Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - 5) Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- 7.32 Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- 7.33 Provision and permanent retention of secure, covered cycle parking facilities and space for mobility scooters prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- 7.34 Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- 7.35 Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.
- 7.36 Recommended Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
- 7.37 (Officer Note): *It is considered that the contribution requested at item 3 is not justified. The existing bus stops are in the TW Conservation area, both the eastbound*

and westbound bus stops on Eridge Road are considered sufficient. The requested £22,000 would not be justified for the 40 apartments. With regard to traffic impact and the need for any contributions, the planning officer has reviewed this as part of this application and considers that there is insufficient justification for the contribution. This contribution is not considered to be 'necessary to make the development acceptable in planning terms' and therefore would not comply with the CIL tests.

- 7.38 The recommended planning conditions and informatives have been added to the recommendation)
- 7.39 **Environment Agency** (04.11.21) no objection subject to recommended conditions:
- 7.40 We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.
- Condition 1 - strategy to deal with the potential risks associated with any contamination
 - Condition 2 - verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation
 - Condition 3- Contamination
 - Condition 4 – No Piling methods
 - Condition 5 - No infiltration of surface water drainage into the ground
 - Informative - Piling can result in risks to groundwater quality
 - Informative - Only clean uncontaminated water should drain to the surface water system
- 7.41 (Officer Note):- *The 5 recommended conditions and 2 informatives have been added)*
- 7.42 **KCC Flood and Water Management (08.11.22)**- agree in principle subject to conditions:
- 7.43 Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment prepared by Glanville dated 24 September 2021 and agree in principle to the proposed development.
- 7.44 The proposals seek to utilise permeable paving with an attenuation basin and underground storage with flow control to 5 l/s prior to discharge into a borehole soakaway.
- 7.45 We would recommend that the detailed design makes allowances for the overland flow path through the site which should include an uplift within the hydraulic modelling and consideration of the location of the soakaway outside of the flow path where possible.
- 7.46 At the detailed design stage we would expect to see the drainage the drainage system modelled using 2013 FeH rainfall data in any appropriate modelling or simulation software. Where 2013 FeH data is not available 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017); the unadjusted FSR dataset should not be used:

http://www.kent.gov.uk/_data/assets/pdf_file/0003/49665/Drainage-and-Planning-policystatement.pdf

- 7.47 This should ideally include outputs for the 1,30 and 100 year storm events including the 20% and 40% climate change allowances being applied. Where there is any exceedance of the drainage network above the 30 year event, an exceedance plan should be provided illustrating where exceedance occurs and the extent and depth of flooding. Exceedance must be controlled within the site boundary.
- 7.48 Where swales and basins are proposed, they should be designed with side slopes of 1 in 4, or where space is limited the slopes, the slopes should be no greater than 1 in 3. The design of these features should also consider access and maintenance arrangements of these features.
- 7.49 We would recommend the depth of basins/ponds within developments are not considerably deep (greater than 1.2 m deep). Whilst this would limit the amount of storage within the basin, we would recommend consideration of other approaches to design, for example that geocellular tanks may be installed beneath the basin to provide any additional storage needed.
- 7.50 We would recommend that full consideration is given to the landscaping of the basins and promotion of multi-functional design. The current basin arrangement may not maximise the open space and biodiversity opportunities available.
- 7.51 Should your authority be granting permission for the proposed development, we would recommend 2 planning conditions.
- Sustainable surface water drainage scheme
 - Verification Report, for the surface water drainage system
- 7.532 We have no further comment to make on this proposal and would refer you to our previous response 8 November 2021.
- 7.53 *(Officer Note) – the 2 planning conditions have been added to the recommendation, and there is some crossover with the EA recommended conditions)*
- 7.54 **KCC Archaeologist** (17.06.22)- no objection
- 7.55 KCC Archaeology have confirmed no archaeological issues. This site does not have much archaeological potential, based on current information. I do not have any comments on archaeological issues.
- 7.56 **KCC Economic Development** (25.10.21) – financial contributions requested
The following are considered applicable:
- 7.57 KCC- Community Learning / Social Care / Libraries (Cultural Hub Element)
£17,488.40 (£437.21 p dwelling). Towards Tunbridge Wells Cultural Hub-Libraries / Adult Education / Social Care.
- 7.58 KCC- Waste - £ 7,346.80 (£183.67 p dwelling) Towards Tunbridge Wells Waste Transfer Station and HWRC expansion.
- 7.59 **NHS Kent and Medway CCG** (18.10.21)
The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution. In line

with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) requests for development contributions must comply with the three specific legal tests:

- 1) Necessary
- 2) Related to the development
- 3) Reasonably related in scale and kind

- 7.60 £28,656 -Towards refurbishment, reconfiguration and/or extension Lonsdale Medical Centre, The Wells Medical Practice and Rusthall Medical Practice and/or towards new general practice premises development in the area.
- 7.61 The obligation should also include the provision for the re-imbursment of any legal costs in incurred in completing the agreement
- 7.62 Please note that for any s106 contributions secured by the CCG, the legal agreement should detail NHS England and Improvement (NHSE/I) as the recipient of the funding.
- 7.63 (*Officer Note*); *The financial contribution has been agreed with the developer*).
- 7.64 **Kent Police** (01.11.21) Advice on the following matters:
- Recommend the use of the Secured By Design (SBD) initiative for this proposal
 - Main access to the communal front doors and both dwellings' entrances
 - Access control with visual or audio verification ideally linked to each individual unit is advised
 - Encourage visitor toilets to be located as close as possible to the manager's office to limit visitors into and up to residential units.
 - On external residential doorsets and the external doorset
 - Windows on the ground floor are potentially vulnerable
 - Perimeter, boundary and divisional treatments should be well established and are required.
 - New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting
 - Alarms are required for all ground floor communal fire doors.
 - Lighting for the site will need to be carefully considered
 - CCTV is strongly recommended for all main access to the independent living apartments, including stair and lift access doorsets and general parking areas.
 - On communal mail delivery for the apartments
 - The bin store should be lit and locked to secure it from unauthorised use
 - Bike store plans require crime prevention in their design and appropriate security
- 7.65 Comments amended plans: (18.03.22)
Our comments remain relevant, and we would like to request a crime prevention statement to be submitted as part of this application to address our comments and to provide further information in relation to physical security and security measures. We recommend the applicant attains an SBD certification, which is free of cost to show commitment to crime prevention and community safety.
- 7.66 In addition to our previous comments, an adequate perimeter treatment is required due to the adjacent petrol station. The Landscape Masterplan states "Proposed hedgerow planting providing a buffer to the existing petrol station. Shrub and tree planting will break up areas of hardstanding and provide a linear green feature within the site." Mesh fencing is recommended in addition to the proposed hedgerow to

address 1.8m minimum height requirement, and any gaps or creation of informal paths.

- 7.67 Our comments are site specific and designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.
- 7.68 If this application progresses, we welcome a discussion with the applicant/agent about site specific designing out crime. This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety regarding this specific planning application.
- 7.69 *(Officer Note): Much of the above is covered in the relevant Building Regs. Some of these matters are also captured within the suggested planning conditions within section 11 of this report*
- 7.70 **TWBC Environmental Protection** (17.11.21) Refusal until further information is provided:
- 7.71 Noise: - Noise consultants must contact the owners of the Spa Valley Railway (Wealden Railway Company Limited), to confirm whether the noise survey period on the August 2021 dates was representative of a typically active period of use of the Spa Valley railway.
- 7.72 Air Quality: - Further information is required in the form of a further portion of AQ assessment modelling in order to verify that there is no significant Air Quality issues arising from the close vicinity of the Spa Valley railway. Ideally some AQ monitoring of Sulphur dioxide, Nitrogen dioxide and particulate matter on the Southern boundary should also be obtained.
- 7.73 Comments on additional information (07.12.21) refusal recommended until further information is provided as outlined in the comments above.
- 7.74 However, before Environmental Health can recommend approval, we would like the noise consultants to contact the owners of the Spa Valley Railway (Wealden Railway Company Limited), and to confirm whether the noise survey period on the August 2021 dates was representative of a typically active period of use of the Spa Valley railway
- 7.75 However, before Environmental Health can recommend approval further information should be required in the form of a further portion of AQ assessment modelling in order to verify that there is no significant Air Quality issues arising from the close vicinity of the Spa Valley railway. Ideally some AQ monitoring of Sulphur dioxide, Nitrogen dioxide and particulate matter on the Southern boundary should also be required
- 7.76 Comments on additional information (09.02.22)
- Noise - refusal recommended until further information is provided as outlined in the comments above.
 - Air Quality- We note the contents of the air quality addendum, and understand the difficulties associated with modelling emissions from the railway. We are satisfied, however, that the air quality impact of the railway has been quality assessed as being very small, and we accept this conclusion.

- 7.77 Comments on additional information (14.06.22) no objection subject to planning condition I have looked at the KP Acoustics report. I am largely happy with the assessment method and conclusions etc. It is noted that the report indicates
- “It is understood that the client intends to use system 4 mechanical ventilation.”
 - “Please note that the glazed and non-glazed element calculations would need to be finalised once all design proposals are finalised.”
- 7.78 The Environmental Protection Team would be satisfied with a System 4 Mechanical Ventilation with Heat Recovery (MEHV) system as indicated. The consultant’s indication of finalising the Façade element calculations when the design proposals are finalised seems like a sensible approach. If the above are undertaken, we would have no objections to the proposals.
- 7.79 *Planning condition recommended:* -
“Prior to commencement, the measures set out in the Noise Impact Assessment Report (Report 22796.NIA.01 Rev A dated 10.06.22) with regard to the Remediation Strategy (including the installation of a System 4 MVHR system and finalising the façade elements specifications (and agreeing this with the LA) shall be carried out in full, in accordance with the timescale specified, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise. Such details are fundamental to the application and are therefore required prior to its commencement”
- 7.80 *(Officer Note): The recommended planning condition has been added.*
- 7.81 **TWBC Housing Officer** (10.06.22) – (Affordable Housing off site financial contribution recommended).
- 7.82 We consider that **£82,500** per unit equating to a total of £990,000 to be fair and reasonable. As stated previously with a contribution of £82,500 per unit, we are only asking for less than a 4% increase on the aggregate contributions per unit from the 3 sites below, which were approved 2-3 years ago, and land/build costs have inflated to a much higher level than 4%.
- The White House, Hawkhurst: 19/01271/FULL **£80,000** per unit (approved 23.12.2019)
 - Hawkenbury Farm, RTW: - 19/02927/FULL **£85,212** per unit (approved 02.04.2020)
 - Barnetts, 68 Frant Road, RTW: - 17/01608/FULL **£72,875** per unit (approved 26.06.2019)
- 7.83 However, in the interests of bringing this matter to a conclusion and achieving the 29 June Planning Committee we would be prepared to accept **£82,000** per unit, which would equate to a total of **£984,000**.
- 7.84 *(Officer Note)- this Affordable Housing off site financial contribution has been agreed with the applicant.*
- 7.85 **TWBC Landscape and Biodiversity Officer** (12.11.21)
The ecological assessment and surveys appear to have been carried out by suitable professionals to a recognised methodology and as such the findings are broadly

accepted. In general, mitigation and enhancement can be secured by condition this should include a precautionary approach to demolition in case bats are resent and the removal of any piles of material on site in case reptiles or amphibians are present. However absent from the submission is an assessment of Biodiversity Net Gain – this should be provided before determination as it may have consequences for the S106 agreement.

- 7.86 The site is adjacent to Tunbridge Wells Common which is a Local Wildlife Site which experiences adverse effects on wildlife and habitats due to visitor pressure and there will also be effects on the various elements of infrastructure associated with pedestrian access such as paths, benches, and bins. The applicants should evaluate the likely effects on development on the designated site and provide an appropriate level of mitigation.
- 7.87 In general, the landscape seems appropriate and can be conditioned but prior to determination further information should be provided on the proposed boundary treatment between the site and the petrol filling station. At present it appears that no treatment is being offered and at the very least this should be a vegetated surface.
- 7.88 There is also a concern that the units in the northeast corner closest to the road have little or no defensible space and are hard up against the access road – some greenery is indicated but this in places looks impossible or unlikely – detailed drawing with clear dimensions for road and planting would assist.
- 7.89 **TWBC Conservation Officer** (04.01.22) objection on design issues, amended plans required:
- 7.90 I have reviewed the application drawings and supporting documents and am familiar with the site. The heritage statement is very informative and offers reasonable conclusions. I would raise the following points:
- 7.91 The site lies close by the listed West Station; however, the listed building will only be nominally affected by the proposal and will not be harmed from a heritage perspective.
- 7.92 The site lies within the Tunbridge Wells Conservation Area and is currently considered to detract from the character and appearance of the area.
- 7.93 The Legislation and the Local Plan require that development should preserve or enhance the character of the conservation area. Case law has established that the minimum requirement to meet preserve or enhance is to create no greater harm. Therefore, a development site that is a detractor may have a development that is also a detractor so long as no greater harm is caused. However, it is also acknowledged that it is beneficial to seek enhancement where possible.
- 7.94 Nevill Terrace as it relates to Nevill Terrace the road is a positive contributor to the character of the conservation area. The rear elevation however is considered to make a neutral contribution. The villas located to the West of the site are also considered to make a positive contribution to the character of the conservation area.
- 7.95 The railway shed, while located outside of the conservation area is considered to have a positive contribution to make to its setting, as well as having a positive contribution to make to the setting of the listed railway station, it is associated with a heritage railway venture and displays simple but robust railway design motifs. As such the building is a non-designated heritage asset. Both the station building, and

the railway shed can be seen in views across the site and their visual and contextual relationship is easily discernible in views from Eridge Road.

- 7.96 The common is a major positive contributor to the character of the conservation area as are the green verges and tree lines in front of the properties along Eridge Road.
- 7.97 Given that the site is surrounded by buildings and natural environment that are predominantly positive or very positive contributors it is perhaps important to seek a development that would also seek to give a positive contribution to the character of the conservation area while remembering that the case law requirement allows for a negative contributor in this location.
- 7.98 It should also be noted that just because a development improves upon a detractor site it still may not make a positive contribution to the character of the conservation area and would still be acceptable under the case law definition to preserve the character of the conservation area.
- 7.99 The site is very visible from the common and benefits from having the tall Nevill Terrace to its East and the raised ground with retaining wall and Railway Shed to its South. These tall structures do allow for the construction of a reasonably tall structure without it affecting the skyline. However, care needs to be taken to not overbear the simple semidetached two storey villas located to the West of the site or to appear overly dominant within the street scene.
- 7.100 In regard to the proposed development, I would note the following: -
- The proposal is for two substantial blocks of residential accommodation, that are equal to the height of Nevill Terrace, the previously dominant building in the locality. The proposed buildings are generally buildings of large singular mass (except for the North elevation of block A which exhibits some breaking down of mass into elements) and uninspiring elevational treatment. Block A which is the most forward, most visual of the buildings is the least articulated. The architectural detailing lacks connection with the character of the surrounding buildings.
 - The height of the buildings will prevent the visual connection between the station and the railway shed, which is unfortunate, however the station will remain visible in the gap between the buildings which is fortunate. The building block A is set well back from the road and can be seen against the backdrop of the retaining wall and railway shed which by comparison prevents it from appearing too large, but it will appear dominant and closer in the backdrop of the two storey villas. Block B is much closer to the road and does not receive the benefit of having the retaining wall and railway shed to mitigate its size as Block A does. It does relate to the rear of Nevill Terrace but only in views from the West, once the view becomes close up Block B becomes very overbearing in relation to the road.
 - No CGI has been supplied for views from the West and the street view shows the relationship with Nevill Terrace but omits to extend far enough along Eridge Road to show the relationship with the two storey detached villas.
 - I would suggest that the villas will be heavily dominated by Block A in the background and that Block B would look very dominating as it does in the CGI from Eridge Road.
 - The street view is also not really a street view as the elevational line on the plan cuts back between the petrol station and the proposed block A which gives a false impression of the street view. For the street view to be realistic and fully useful in determining the impact on the street scene, the petrol station should be shown, and the view extended to show at least a couple of pairs of the villas.

- The proposal while set back from the road in the case of block A but set very close to the road in the case of Block B does not make any contribution to providing a verdant green appearance within the landscape to the front of the site.
- While the proposal would be better in its contribution to the character of the conservation area than the current derelict site, there are elements that do not contribute positively to the character of the conservation area, in particular the contribution Block B makes. There are also opportunities for enhancement that have not been considered

7.101 I would like to suggest the following possible opportunities for improvements:

- Block A to be moved back into the site, reduced in height (or the upper storeys given a lighter touch or set back from the frontages). This would decrease the impact of the building within the street scene.
- A greater level of architectural interest/articulation within the North, East and West elevations of Block B would improve the contribution to character within the conservation area.
- All the traditional buildings in the vicinity exhibit classical influences which could be used to add interest to the proposed elevations of both proposed blocks. The use of verticality and hierarchy in fenestration, hierarchy in storeys, elemental massing rather than singular mass (as used in the North Elevation of Block A) are all motifs that could be picked up and given a modern interpretation that would provide a link to the existing character of this part of the conservation area. A strengthening of verdant green landscaping to the northern edge of the site, particularly behind the two storey semidetached villas, between Block A and the petrol station and Block B and the road with a proposal to add street trees to the highways verge.
- Works to 15-16 Eridge Road: I would raise no concerns over the proposals for these two properties. All refurbishment works should use traditional materials including the use of traditional format timber windows and doors in elevations visible within the public domain.

7.109 (*Officer Note*):- *the Conservation Officer and planning officer have met with the agent architect and applicant to discuss amended plans. Amended plans have been received, and are now supported by the conservation officer- see comments below)*

7.110 Comments on amended plans (15.06.22)

I have reviewed the amended application drawings and supporting documents.

7.111 The applicant has made many of the amendments requested and the scheme is now considered to be acceptable from a heritage perspective. I would suggest conditions to cover:

- External materials for walls, roofs, windows, balcony screens/railings and landscaping
- Plan, elevation and sectional details for all balcony railings including details for dormer balconies
- Plan, elevation and sectional details for all flat roof working at height guard railings
- Plans and elevations for all proposed plant installations
- Elevations and sections at 1:10 for all domestic window types, domestic door types to include external building reveals. (1 condition for each block to aid discharge?)
- Elevations and sections at 1:10 for the bin room louver doors and the carpark ventilation grills located on the South elevation of Block A

- Sectional details at 1:10 for all architectural detailing to include but not restricted to, stone pilasters, ground floor incised detail, string courses, window surrounds, eaves details, parapets, dormer roofs.
- Landscaping layout, planting plans, species lists and maintenance management plan

7.112 TWBC Client Services (29.03.22)

Bins for the development will need to be purchased from TWBC by the developer or their client prior to the properties being sold or occupied . The refuse strategy access and overall bin capacities for each block will be suitable . As yet food waste for flats has not been introduced but in due course it will be.

7.113 TWBC Parking/Technical Services (15.11.21) Financial contribution recommended:

7.114 The proposals and parking provision as set out in the Transport Statement has been compared to the applicable New Local Plan standards. It should be noted that all of these standards are minimum figures and not maxima; therefore, the provision is substandard. The Transport Statement offers a number of arguments in support of the under provision.

7.115 It is thus considered that the justification is not adequate to support the under provision of parking and it is predicted that five vehicles could be displaced onto the network. There are existing known parking problems in the vicinity of the site, such that this displacement would likely exacerbate the situation. If the applicant is unable to provide to the levels set out in the standards, Parking Services would suggest a s106 contribution towards parking management in the area to mitigate the impact of any displacement.

7.116 On a separate point, the applicant has stated that standard parking spaces will be 2.4 x 5.0m. However, bays should be 2.5m x 5m in accordance with 'Parking Standards – Kent Design Guide (V1.0)'. Please notify us as and when additional information becomes available.

7.117 Comments on additional information (02.02.22)- clarification of financial contribution
The potential costs are difficult to accurately estimate, because at this stage, it is not certain what the effects of the parking under provision will be. However, the quoted figure would be reasonable to cover any likely costs involved in investigating the situation, proposing restrictions and dealing with the statutory processes which incur both staff costs, advertising, traffic signs and road markings.

7.118 On that basis, we would want to allow funding for the following:

- £4,000 for staff costs
- £2,000 for advertising
- £4,000 for signing and road marking

7.119 Please note that these are conservative figures, and we will only use what is necessary within the agreed timescale. Any unused funds would then be returned to the developer.

7.120 *(Officer Note) - this parking contribution has been agreed with the developer in the Heads of Terms for the legal agreement)*

8.0 APPLICANT'S SUPPORTING COMMENTS

- 8.01 The site represents previously developed (brownfield) land and comprises of hardstanding following the demolition of previous structures that occupied the site. The site is allocated in the Site Allocations Local Plan 2016 (Policy AL/RTW 4A) for residential development providing approximately 37-60 dwellings. This allocation is also carried forward into the emerging Tunbridge Wells Local Plan. As such, the principle of development is acceptable. The proposed development meets all of the requirements of the allocation, as demonstrated throughout this Statement.
- 8.02 The proposed development also helps to deliver the Council's aim of 65% of development to come forward on brownfield sites. In line with the NPPF, substantial weight should be given to the value of using suitable brownfield land within settlements for homes.
- 8.03 The proposed development has been refined following pre-application discussions with the Council. This has involved reducing the scale of the rear building. Overall, it is considered that the proposed development is of high-quality design which respects surrounding development and its setting within the Tunbridge Wells Conservation Area, leading to an overall enhancement to the Conservation Area. The proposed development also protects the amenity of surrounding residents.
- 8.04 The proposed development delivers a policy compliant amount of affordable housing (35%), although it is proposed that this is delivered via a contribution to off-site affordable housing. This approach has been agreed with the Council as part of pre-application discussions.
- 8.05 In terms of landscaping and impact upon trees, the above has demonstrated that whilst there are no high-quality trees on the site, where the removal of trees is proposed, new planting will be incorporated into the scheme to compensate for that loss. In addition, further landscaping measures are proposed to soften the appearance of the development and break up areas of hardstanding. Consequently, the additional landscaping measures proposed, alongside the retention and new planting of trees and hedgerow, provide ecological enhancements on site. Further mitigation measures are proposed as set out in detail within the accompanying Ecological Assessment.
- 8.06 With regard to flood risk, the proposals will not be at risk of flooding from fluvial or surface water and the proposed development is designed with tolerance for a 1 in 100 year flood event plus a 40% allowance for climate change. In terms of highways, it has been demonstrated that the proposed development provides safe and suitable access and policy compliant levels of parking. Overall, there is no reason to refuse the development on highways grounds, complying with the requirements of the development plan and NPPF.
- 8.07 Furthermore, subject to appropriate mitigation, the proposals are acceptable in terms of noise impact and impact on air quality.
- 8.08 Given the above, a number of economic, social and environmental benefits are attributed to the scheme, ensuring the proposals achieve sustainable development complying with Paragraph 8 of the NPPF.
- 8.09 In considering the planning balance, it has been demonstrated that the proposed development is fully in accordance with the development plan. It is also consistent with the policies of the emerging Local Plan. As such, it is respectfully requested that the application is approved without delay." (From Planning Statement, Conclusions pages 40 and 41.)

- 8.10 *(Officer Note)- An offsite Affordable Housing (AH) contribution figure of 30% has since been agreed as opposed to 35%, based on the emerging Submitted Local Plan AH contribution for brown field sites.*

9.0 BACKGROUND PAPERS AND PLANS

Covering letter

Application Form

Planning Statement- Sept 21

Design and Access Statement – Parts 1 and 2- Sept 21

Schedule of Accommodation- 23 Feb 22

Tree Report and Tree Survey- Sept 21

Daylight And Sunlight Report – Sept 21

Additional Daylight and Sunlight information – 9 June 2022

Foul Water and Utilities Report- Issue 3 - 24 Sept 21

Heritage Statement- Sept 21

Archaeological Desk-Based Assessment- Aug 21

Landscape And Visual Impact Assessment- Aug 21

Energy and Sustainability Strategy- Sept 21

Air Quality Assessment- V2 – 20 Sept 21

Air Quality Addendum- 16 Dec 21

Additional Acoustic Information- letter 3 Feb 22

Noise Impact Assessment Report (22796.NIA.01 Rev A) 10 June 22

Letter from KP Acoustics- 3 Feb 22

Ecological Assessment- Sept 21

Biodiversity Impact Assessment- Sept 21

Flood Risk Assessment- issue 4 – 24 Sept 21

Additional Information GF habitable rooms – email from applicant 13 May 22

Transport Statement- Issue 4- 24 Sept 21

Transport Statement Addendum - Issue 2- 9 March 22

Desk Study and Site Investigation Report - Parts1-5

Plans

Site Location Plan 187-100-Rev C

Proposed Site Plan- Ground level – 187-101 Rev D

Proposed Site Plan- Ground level (coloured) – 187-101 Rev D

Proposed Site - Roof Level 187-102 Rev D

Proposed Site - Roof Level (coloured) 187-102 Rev D

Site Boundaries - Ground Level Plan – 187-103- Rev C

Landscape Masterplan - BEE23407 10 Rev C

Site Access General Arrangement 8200930/6100/P10

Street View – North Elevation - 187-104 Rev C

Street View - West Elevation- 187-105 Rev C

Street View - South Elevation- 187-106 Rev C

Street View - East Elevation- 187-107 Rev C

Fire Strategy- 187- 109 Rev C

Refuse Strategy - 187 -108 Rev C

15 and 16 Eridge Road

Existing Ground and First Floor Plans - 187 400

Proposed Floor Plans (15 And 16 Eridge Road) 187-402

Proposed Elevations (15 And 16 Eridge Road) 187-403

Existing Elevations - 187 401

Block A

Ground Floor Plan (Block A)- 187-200 Rev C
First And Second Floor Plans (Block A)- 187-201 Rev C
Third Floor Plan (Block A))- 187-202 Rev C
Fourth Floor Plan (Block A)- 187-203 Rev C
Roof Plan (Block A)- 187-204 Rev C
North Elevation (Block A)- 187- 205 Rev C
West Elevation (Block A)- 187-206 Rev C
South Elevation (Block A)- 187-207- Rev C
East Elevation (Block A)- 187-208 Rev C
Section (Block A)-187-209 Rev C

Block B

Block B - Ground Floor Plan- 187-300 Rev C
Block B - 1F, 2F, 3F Plan 187-301 Rev C
Block B TF Plan 187 301
Block B - 3F 4F Plan - 187 302C
Block B Roof Plan - 187 303C
Block B North elevation 187 304C
Block B West elevation 187 305C
Block B South elevation 187 306C
Block B East elevation 187 307C
Block B Section 187 308C

Block C

Block C Plans and Elevations 187 500C

CGI's

View Positions
Existing Views from Linden Park Avenue (001)
Proposed Views from Linden Park Avenue (001)
Existing Views from A26 (002)
Proposed Views from A26 (002)
Existing Views from A26 Roundabout (003)
Proposed Views from A26 Roundabout (003)
Existing Views from Eridge Road (004)
Proposed Views from Eridge Road (004)
Existing Views from Sainsburys (005)
Proposed Views from Sainsburys (005)

10.0 APPRAISAL

10.01 The key issues are design, impact on neighbouring properties, accessibility, noise, and air quality, for this highly visible site.

10.02 Planning History

The Site is the subject of an extensive planning history. A number of planning applications have been submitted for various uses of the site, of which a number were withdrawn or refused.

10.03 Of note, is the most recent planning permission on the site was for 37 units, comprising 20 flats and 17 houses (reference 12/00277/FULMJ). The application was refused by the Local Planning Authority but was subsequently allowed on appeal (reference APP/M2270/A/12/2189309). As part of the appeal, the Inspector noted that the site was within the setting of the Listed West Station, and that the site is

vacant and unattractive, also being the source of antisocial behaviour. The Inspector noted that the development would improve the appearance of the detracting elements of the site, presenting a better street elevation and providing the opportunity of enhancing the Common and on this side of the road. The Inspector concluded, in relation to character and appearance, that 'the development of the site would make good use of vacant land in a sustainable location whilst protecting the interests of designated heritage assets. The Inspector also identified no harm in respect of living conditions of existing residents as well as access.

Principle of Development

- 10.04 The site is situated within the Limits of Built Development (LBD) of Tunbridge Wells. Core Policy 1 of the Core Strategy states that in order to ensure that development is delivered in a managed way, the Borough Council will allocate sufficient sites in the Allocations DPD and Town Centres Area Action Plan DPD to meet the Borough's known development needs as set out in Core Policies. It goes on to state that '*priority will be given to the allocation and release of previously developed land within the Limits of Built Development (LBD) of settlements. Selected greenfield sites within and/or adjacent to the LBD of settlements in the main urban area and small rural towns will also be allocated and released as appropriate to maintain a sufficient phased supply of deliverable and developable land.*'
- 10.05 The site also continues to be allocated at Policy AL/RTW 11 of the Submission Local Plan for 45 dwellings, of which 30 percent shall be affordable housing. The policy goes on to state requirements for the site, as follows:
- Vehicular access shall be provided onto Eridge Road, the location of which, together with transport mitigation measures, are to be informed by a transport assessment, with additional pedestrian access to the rear of the site adjacent to Nevill Terrace, and providing suitable pedestrian linkages to the southeast corner of the site;
 - Development must be of a high-quality design, informed by landscape and visual impact and heritage assessments, and shall demonstrate how it conserves and enhances the conservation area, and addresses local heritage issues;
 - The design shall include appropriate measures to address the impact of the proposal on the rear gardens of the Eridge Road properties, and the rear windows to habitable rooms in Nevill Terrace;
 - A site-specific flood risk assessment shall be carried out in support of any application, identifying whether the site is at risk of flooding from sources other than fluvial flooding, and any development shall include suitable flood mitigation measures;
 - Proposals shall be accompanied by an air quality assessment and shall secure appropriate mitigation measures;
 - Provision of on-site amenity/natural green space;
 - Contributions are to be provided to mitigate the impact of the development, in accordance with Policy STR/RTW 1
- 10.06 The Site is located within a well-established residential area to the southwest of Royal Tunbridge Wells Town Centre, and within Tunbridge Wells Central Area. Tunbridge Wells is a town with significant services and facilities, including shops, cafes and restaurants, GP and dentist surgeries, and health and leisure facilities.
- 10.07 The Tunbridge Wells Town Centre is within walking distance of the Site. The nearest bus stops are located 150m to the west of the Site on Eridge Road, providing three departures per hour in each direction to a range of destinations including, Brighton, Lewes, Ringmer, Uckfield, Crowborough, Eridge, Tunbridge Wells and

Southborough. Tunbridge Wells railway station is located within a convenient walking distance from the site of 0.6 miles (12 minutes). The station provides four trains per hour bound for the terminals of London Charing Cross and Hastings. This site is considered to be sustainably located, having access to a range of services and facilities via sustainable transport modes.

- 10.08 With respect to the Electric Vehicle Charging (EVC) points, the developer's commitment is set out in the submitted Transport Assessment at para 3.28-3.29. It is proposed to install electric charging points to reduce the emissions arising from the development. A total of 20% (9 spaces) of the total number of parking spaces (44) are proposed as electric charging spaces. The agent has requested a prior to occupation condition to be added to secure the precise details. A prior to occupation condition has been recommended to agree the locations with LPA at a later date, and to ensure compliance with the Boroughs EVC Points for new development guidance note for applicants, updated October 2020.
- 10.09 By way of summary of the emerging Policy AL/RTW11 in the Submitted Local Plan, the proposed development accords with the above criteria, and the proposed development also accords with emerging policy in respect of the principle of development.

Housing Land Supply

- 10.10 Updated Position as at 22 March 2022, the Council considers that it can demonstrate a supply figure of 3,317 dwellings, which equates to a housing land supply of **4.66** years.
- 10.11 It should be noted that the council will in due course be preparing the 2021/2022 Five-Year Housing Land Supply Statement with a position as at 1 April 2022, and which will have regard to all new permissions within the 1 April 2021 – 31 March 2022 period. This next Statement covering the period 2022-2027 will also have regard to any changes introduced to national planning policy and guidance, as well as the status of the new Local Plan.
- 10.12 The lack of a five year housing land supply is a significant consideration in the determination of this application. The effect is that the Council's housing policies are considered out of date and that the proposal should be considered in light of the sustainable development principles contained within the NPPF.

Sustainable Development

- 10.13 It is important to consider whether or not the proposal would represent a sustainable form of development, having regard to local planning policies and the NPPF, and particularly whether specific NPPF policies within para 11 and Footnote 7 indicate this development should be restricted. Para 8 of the NPPF explains that there are three dimensions to sustainable development:

“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future

generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

- 10.14 It is therefore clear that sustainability is a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position with regard to the sustainability of the scheme overall.

Economic objective

- 10.15 Future occupiers would make a contribution to the social vitality of the area, from day to day activities. There would be a valuable contribution to the economic vitality of the town centre from the use of shops, services etc. by the new residents. The proposal would also secure financial contributions towards refurbishment, reconfiguration and/or extension Lonsdale Medical Centre, The Wells Medical Practice and Rusthall Medical Practice and/or towards new general practice premises development in the area. Towards the Tunbridge Wells Cultural Hub-Libraries / Adult Education / Social Care. Towards the Tunbridge Wells Waste Transfer Station and HWRC expansion, to provide further economic enhancements. Towards strategic and administrative management of Tunbridge Wells and Rusthall Commons. Towards parking management in the area to mitigate the impact of under provision of parking in this area. Also, an offsite affordable housing contribution to use for the provision of offsite affordable housing within Tunbridge Wells Borough.
- 10.16 In terms of employment opportunities the proposal would provide jobs for construction, and maintenance of the building. Also, for the servicing needs of the occupiers of the 40 residential apartments. Any economic benefits during the construction of development would be short-term, and therefore would carry little weight.

Social objective

- 10.17 The location of the site is highly sustainable and within the LBD, in central Tunbridge Wells, with connectivity to shops, services and nearby transport services. The proposal would deliver 40 dwellings towards the housing supply, on an allocated site for housing. The proposal would deliver an offsite housing contribution of equivalent to 30% (equivalent to 12 dwellings) towards affordable housing in Tunbridge Wells, to which significant weight is given;

Environmental objective

- 10.18 The landscaping and biodiversity on site would be enhanced on this derelict site, by way of a landscape plan. In terms of landscaping and impact upon trees, whilst there are no high-quality trees on the site, where the removal of trees is proposed, new planting will be incorporated into the scheme to compensate for that loss. Further landscaping measures are proposed to soften the appearance of the development and break up areas of hardstanding. Consequently, the additional landscaping measures proposed, alongside the retention and new planting of trees and hedgerow, provide ecological enhancements on site. Further mitigation measures are proposed as set out in detail within the accompanying Ecological Assessment

Summary of Sustainable Development

- 10.19 The site is within a sustainable location, within the LBD of Tunbridge Wells. The site is allocated for residential development within Policy AL/RTW6 of the Site Allocations Local Plan and Policy AL/RTW11 of the Submitted Local Plan. There is no objection to the principle of residential development on this site.
- 10.20 The site is allocated under Policy AL/RTW 6 of the Site Allocations Local Plan, which is currently at examination. Whilst not an adopted plan forming part of the Development Plan at this stage, this is a key material consideration.
- 10.21 The Policy states that the site is allocated for residential development (C3) providing approximately 37-60 dwellings or for a range of uses to include residential and/or A1 retail and/or employment uses.

Policy AL/RTW 6 states the criteria the proposed development must meet comprise: -

- A site-specific Flood Risk Assessment shall be carried out in support of any application, identifying whether the site is at risk of flooding from sources other than fluvial
- The development shall provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by the service provider
- Proposals shall be accompanied by an Air Quality Assessment and appropriate mitigation measures
- Areas of the site that lie within the functional floodplain shall comprise non-habitable floorspace at current ground level
- Vehicular access shall be provided onto Eridge Road, with additional pedestrian access to the rear of the site adjacent to Nevill Terrace

- 10.22 These specific points are addressed within the relevant sections below. Overall, the proposed development is for 40 new dwellings, and the refurbishment of 2 existing properties, which would all fall under C3 Residential. The proposals fully accord with the requirements of this policy and therefore the principle of the development is acceptable.
- 10.23 It is also noted that the adopted development plan and the NPPF seek to encourage the use of previously developed land. In this respect, the proposals re-use vacant previously developed land within a sustainable location and is therefore supported in line with Core Policy 1 and Core Policy 6, which seeks at least 65% of all housing development to be on previously developed land. It is also in line with the NPPF, which looks to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- 10.24 In terms of emerging policy, the Submitted Local Plan is at public examination, and therefore weight can be given to its policies, depending on the level of unresolved objections. However, the emerging Local Plan continues to place emphasis on the effective use of previously developed land and focussing new development within the LBD (Policy STR 1) and continues to allocate this site for residential development.

Design

- 10.25 The proposed buildings are an Italianate design, and in keeping within this part of Tunbridge Wells. The design and access statement states that generally the ground floors are to be finished in rusticated render with large openings protected by metal grilles providing light and ventilation in the undercroft car parks. The facing treatment at upper levels alternates between good quality London stock brick and render with reconstituted stone window and door surrounds. Quoins formed in the render are a

particularly strong design feature articulating the different elements of the design, and extensive balconies with white railings are reminiscent of those used at Calverley Park. Window and door frames will be white.

- 10.26 At roof level, deep eaves with dentils will provide a heavy shade line and an element of ornamentation and are topped with black gutters. Low pitched slate hipped roofs are defined by bright terracotta ridge and hip tiles and chimney features provide a final punctuation at ridge level.
- 10.27 In terms of access and parking, the apartments would be served by an improved priority 'T' junction in broadly the same location as the existing access. This will provide access for the proposed dwellings, but also the existing parking spaces, parking court and garages that currently enjoy access rights through the site.
- 10.28 A total of 44 car parking spaces are to be provided across the site. For the main building, there is an open area underneath part of the main building on the ground floor, which provides undercroft parking, as well as a parking area directly north and in the south-eastern corner of the site. Two open areas of parking are proposed for the smaller building. The properties at 15 and 16 Eridge Road will be accessed via the existing driveways. Visitor parking is to be provided at the rear of the site, in the south-east corner. Cycle parking, as well as parking for mobility scooters, is incorporated into the proposed development.
- 10.29 Following consultations and the consideration of the scheme a number of amendments were sought. The applicant has made these amendments that were requested and the scheme is now considered to be acceptable to the Conservation Officer.
- 10.30 The amendments to the elevations have been carried out as follows, as set out in the mail from the agent (15 March 2022):

Site Layout

- Block sizes/positions unchanged
- Parking bay widths increased
- Gardens to 15 and 16 Eridge Road increased in size
- Minor adjustments to parking layout south of block B
- Pull back space for existing Nevill Terrace garage increased
- Extra planting proposed north of Block B
- Pleached trees added behind the parking bays north of block A

Block A

- Whole building lowered
- Removal of two pitched roofs above third floor
- Central ridge line dropped
- Roofs over top floor balconies pushed back
- Balcony railings at third floor pushed back to reduce overlooking
- Changes generally to a more traditional, vertical format fenestration as discussed with CO
- Improvements to the articulation of the main elements as discussed with the CO
- Redesign of garage doors and security screens to incorporate traditional design elements
- Increase in parking bay widths
- Introduction of smoke clearance shafts with terminations at fourth floor level
- Bin stores re-arranged

Block B

- Please note that the north and south elevations for this block show the consented but unbuilt extension to Nevill Terrace. This extension is not shown on the plans or CGIs
- Pitched roof on east side removed
- Main roof reduced in length by removing end projections over balconies with consequent reduction in area of top floor apartment
- Smoke clearance shaft introduced with chimneys redesigned to provide termination
- Improvements to the articulation of the main elements as discussed with the CO
- Changes generally to a more traditional, vertical format fenestration as discussed with the Conservation Officer
- West sides of balconies enclosed
- Bin Store rearranged

Block C

- Revisions to north elevation first floor to give more balanced, symmetrical appearance. In addition to the above and following our discussions previously, the design changes reflect the discussions that have taken place with yourself and Mark Stephenson but also have also been considered in relation to the adjoining 2 properties, particularly Nevil Terrace to ensure the impact of development on their amenity is unchanged. As the proposals in some changes in height and in many cases where balconies are proposed and these sit close to Nevil Terrace, these have been pushed back to ensure there are no issues of overlooking.

10.31 Overall, the proposed changes are considered to be positive design changes that have been agreed that will help to articulate the development but also ensure that it is assimilated into the site without a detrimental effect on the neighbouring properties.

10.32 The Conservation Officer has recommended that notwithstanding the submitted information, planning conditions for the submission of materials details are needed to ensure the best use of the proposed materials in this highly visible location, as follows:

- External materials for walls, roofs, windows, balcony screens/railings and landscaping
- Plan, elevation and sectional details for all balcony railings including details for dormer balconies
- Plan, elevation and sectional details for all flat roof working at height guard railings
- Plans and elevations for all proposed plant installations
- Elevations and sections at 1:10 for all domestic window types, domestic door types to include external building reveals. (1 condition for each block to aid discharge?)
- Elevations and sections at 1:10 for the bin room louver doors and the carpark ventilation grills located on the South elevation of Block A
- Sectional details at 1:10 for all architectural detailing to include but not restricted to, stone pilasters, ground floor incised detail, string courses, window surrounds, eaves details, parapets, dormer roofs.
- Landscaping layout, planting plans, species lists and maintenance management plan”

10.33 The recommended conditions from the Conservation Officer have been added to the recommendation.

Visual Impact

- 10.34 The proposal is to develop this derelict open site, to provide 40 age restricted retirement apartments. The applicants specialise in providing retirement communities that are specifically designed for retirement living and are aimed at people downsizing but that still have a good degree of independence. The proposed apartments are generously sized 1, 2 and 3 bed properties, which are particularly appropriate to meet the needs of those who spend much of their lives at home.
- 10.35 The 40 retirement apartments will be provided in the form two buildings, one larger and one smaller. The first smaller building is to be sited on the eastern side of the access, close to the Eridge Road frontage of the site, just set back from the filling station to the west and will match the existing building line of no. 8 Nevill Terrace to the east. It is proposed to be 5 storeys high, with a 4-storey element adjacent to the rear of Nevill Terrace.
- 10.36 The second larger building is to be centrally sited within the plot and towards the southern boundary. Whilst still 5 storeys high with a hipped roof, the scale, bulk and massing of this building has been revised following pre-application discussions with the Council, as explained above. The buildings will integrate well within the site, due to the topography, and the fact that the rear views of the Nevill Tce properties are already a similar height and are very open and exposed. The street scene impacts are shown on the street scene images provided, and the computer-generated images. They are from key public viewpoints, which show what the buildings will look like from Linden Park Avenue, from eth A26, from the A26 roundabout, from Eridge Road, and from the DIY store and supermarkets carpark. Existing buildings, trees and perspectives all help blend the development, and it is considered that the street scene impacts will be minimal.
- 10.37 The proposals also include the refurbishment of 15 and 16 Eridge Road to create two unrestricted residential properties. These properties were previously subdivided into apartments and the proposed development seeks to restore these properties, converting them back into use as two dwellings rather than apartments. The single-storey rear extensions will be demolished, and new conservatories built between the two-storey rear wings. Each house will be provided with a single garage and parking. The visual impacts associated with 15/16 Eridge Road will be vastly improved as they are boarded up and have been for many years.
- 10.38 The Conservation Officer raises no particular concerns over the proposals for these two properties. All refurbishment works should use traditional materials including the use of traditional format timber windows and doors in elevations visible within the public domain.
- 10.39 In summary the visual impacts are a vast improvement to the existing situation. This proposal brings a difficult site forward for development that has been a longstanding prominent eyesore, detrimental to the appearance of the Tunbridge Wells Conservation Area.

Historical context

- 10.40 Although this site is derelict, the site lies within the Tunbridge Wells Conservation Area, close to identified heritage assets. The redevelopment of this site is therefore welcomed.
- 10.41 To the west is a row of late Victorian period semi-detached stucco villas, in the Italianate style common in Tunbridge Wells. Numbers 15 and 16 Eridge Road are the

first one of these semi-detached pairs, and they form part of the proposed development. They are currently in poor condition but will be restored to match the neighbouring houses.

- 10.42 To the south the large brick railway shed, though unlisted, retains its simple, robust original character, while nearby the more obviously Victorian original station entrance building also survives and is Grade 2 listed.
- 10.43 Nevill Terrace, climbing and curving to the east of the site was designed in the same late Victorian, Italianate stucco idiom as the Eridge Road villas, but, after conversion of the original terrace houses into flats, the appearance from the west has deteriorated markedly and planning officers have supported proposals providing some screening to this rear view might be welcomed.
- 10.44 Generally, it is considered that the Italianate style used extensively in Tunbridge Wells, and particularly in the buildings by Decimus Burton around Calverley Park, provides an appropriate inspiration for design on this site.
- 10.45 The heritage statement is very informative and offers reasonable conclusions. The site lies close by the listed West Station; however, the listed building will only be nominally affected by the proposal and will not be harmed from a heritage perspective. The site lies within the Tunbridge Wells Conservation Area and is currently considered to detract from the character and appearance of the area.
- 10.46 The site is very visible from the common and benefits from having the tall Nevill Terrace to its East and the raised ground with retaining wall and Railway Shed to its South. These tall structures do allow for the construction of a reasonably tall structure without it affecting the skyline. However, care needs to be taken to not overbear the simple semidetached two storey villas located to the West of the site or to appear overly dominant within the street scene.
- 10.47 The requested amendments during the application process has enabled a better elevational design, and the issues of noise, air quality, access and parking have also all been addressed. This and the fact that no objections are now are raised by consultees, who had previously raised objections.

Residential Amenity

- 10.48 In terms of impact on residential amenity, it is important to assess the amenity of the proposed occupiers, as well as the impact of the proposals on the amenity of nearby residents. The proposals have been designed to ensure adequate amenity space is achieved for the future occupiers of the site, providing an amount of private outdoor space suitable for those aged 55 and over.
- 10.49 The development has been designed to ensure that separation distances from the proposed built form to the existing neighbouring properties is considerate and that privacy is maintained. The officer pre application advice highlighted that the proposed rear building would be too close to the rear of 15 and 16 Eridge Road, and the relationship to their rear gardens would be harmful due to the size of the building and the potential overlooking.
- 10.50 The proposals have been revised during the application process, and there are greater distances between the rear building and 15 and 16 Eridge Road. As such, the concerns have been appropriately addressed and the proposed development will not cause harm to the amenity of these residents.

- 10.51 A Daylight and Sunlight technical report (ref. 2079/G rev 01 dated Sept 2021), accompanies this application, which includes 4 tables about Average Daylight Factors (ADF's). The report considers the impact of the proposal upon daylight and sunlight to neighbouring residential properties and the provision of daylight and sunlight within the proposed scheme. The report concludes that the provision of daylight to neighbouring properties is suitably maintained and therefore acceptable, meeting the BRE default target criteria. For sunlight analysis to neighbouring windows / rooms, the report confirms that where reductions are applicable to sun important rooms, these all meet BRE Guide default target criteria. In terms of the effect upon neighbouring amenity, any reductions applicable meet BRE Guide target criteria.
- 10.52 Additional information was received from the applicants in a letter (dated 09.06.22) which should be read in conjunction with the Daylight and Sunlight technical report, as it is response to the request from a query raised by the owner of 9 Nevill Tce requesting clarification on evidence. The letter contains an additional Table 5 which assesses the provision of the average daylight factors (ADFs) relating to 3 No. bedrooms within neighbouring 9 Nevill Terrace. The 3 bedrooms at Neville Tce relate to a lower ground floor bedroom, which is also served by a further lower ground floor bedroom, and a ground floor bedroom.
- 10.53 Overall, it is considered that the proposed development will not harm the amenity of existing residents, in this built-up location, and therefore accords with policy EN1 (2) of the development plan, as well as Chapter 12 of the NPPF. It also accords with policies EN1, EN5 and STR2 of the Submitted Local Plan.

Noise

- 10.54 The site is located adjacent to the SPA Railway, a working railway which is an important tourist attraction in Tunbridge Wells. The Environmental Protection Officer, Planning Officer, agent, applicant, and acoustic consultant have met with the SPA Railway, to agree a way forward. The applicant has worked constructively to take additional noise readings and formulate a mitigation strategy to address the SPA railway concerns. An amended Acoustic report (Report 22796.NIA.01 Rev A, dated 10.06.22) has been received and considered by the Environmental Protection Officers and which is considered acceptable in its detail and conclusions. A planning condition has been recommended by Environmental Protection to ensure compliance with the mitigation strategy outlined in the report. The condition has been added to the recommended planning conditions, to ensure that a robust glazing specification is imposed.

Air Quality

- 10.55 Policy AL/RTW 4A of the Local Plan states that proposals shall be accompanied by an Air Quality Assessment and appropriate mitigation measures. The Air Quality Assessment has been submitted with the application, as the proposed development falls within the AQMA, being adjacent to a filling station, the SPA railway, and the busy A26.
- 10.56 The report concluded that "Therefore, no mitigation is required as the air quality objectives are predicted to be met. Instead, other measures such as providing secure and covered cycle storage and car share schemes should be considered to reduce the emissions arising from the development. In addition, the developer is encouraged to refer to the IAQM's 'Guidance on the assessment of dust from demolition and construction' in order to minimise the impact of the construction/demolition phase on local air quality."

10.57 Further information was requested by the Environmental Protection Officer, in order to verify that there are no significant Air Quality issues arising from the close vicinity of the Spa Valley railway. Ideally some AQ monitoring of Sulphur dioxide, Nitrogen dioxide and particulate matter on the Southern boundary should also be obtained. An Air Quality Addendum (dated 16 December 2021), addresses this issue. The Environmental Protection Officer has noted the contents of the air quality addendum, and understands the difficulties associated with modelling emissions from the railway. They are satisfied, that the air quality impact of the railway has been quality assessed as being very small, and they accept the conclusions of the additional information

Contamination

10.58 A Desk Study and Site Investigation Report (26.22.21) has been submitted with the application. The site is a former commercial premises, which has been demolished to ground level. The desk study indicates that the site has a history of commercial use, including a plant and machinery depot. Adjacent to the railway line. There is evidence of soil contamination in the form of elevated concentrations of lead. PAH's and petroleum hydrocarbons with the shallow made ground. Also, loose fibres of asbestos and pieces of asbestos containing materials.

10.59 Recommendations are given for remediation of the site. The Desk Study and Site Investigation report recommends that a formal remediation strategy and verification plan be agreed with the Council, prior to commencement of any remedial works.

10.60 Therefore, a contamination condition (Strategy to deal with the potential risks associated with any contamination) has been added in section 11 of this report.

Access and parking

10.61 The Transport Statement states that based on the requirements for older residents, with lower-than-normal car ownership and usage, are 44 parking spaces, including 2 disabled spaces, and 3 visitor spaces. Nine of these spaces will be provided with charging points. There is a store for cycles and mobility scooters in each block, which KCC Highways officer's support.

10.62 The two retained houses are separately accessed from Eridge Road as they always have been, and both have private garages.

10.63 The eight parking spaces used by Nevill Terrace residents will be retained and are shown hatched on the plans.

10.64 Level or easy gradient access is provided to the three lifts serving all upper floor apartments, and to the front doors of all ground floor apartments.

10.65 The KCC Highways officers have worked constructively with the applicant/agent, and an amended Transport Assessment has been submitted to address concerns including a stage 1 Road Safety Audit, and they now support the application, subject to planning conditions on access and visibility splays, which have been added to the recommendation. KCC Highways officers have confirmed that no objections are now raised.

10.66 The parking queries raised by the neighbours at Nevill Terrace, with regard to access to their parking spaces during construction, are all civil matters that can be agreed between the developer and the respective owners of the parking spaces.

Landscaping, Layout and Biodiversity

- 10.67 In terms of landscape and amenity, there are small pockets of private landscaping at ground level proposed across the site. However, the main area of communal landscaping is in the south-west corner of the site, to the west of the proposed main building. There is also a strip of landscaping to the south of the main building. In addition to these landscaped areas, private amenity space in the form of balconies is proposed on the first floor and above. The grounds and common areas associated with the site will be looked after by an estate manager.
- 10.68 The site does not have landscape designations, although it is opposite the common land and wildlife protection land and greenbelt land. Whilst the site contains a number of trees, the majority of these are Category C trees of low quality. The better-quality trees are along Eridge Road, all of which fall outside the site boundary, and are within the Tunbridge Wells and Rusthall Conservation Area, and are part of the character of this part of Tunbridge Wells.
- 10.69 The application is accompanied by a Landscape and Visual Impact Assessment which assesses the impact of the proposed development on the landscape and visual receptors.
- 10.70 In terms of impact on the landscape, the introduction of new apartment blocks into a derelict site, will result in a positive change in the landscape character. The proposed development and management of the currently unmanaged grounds will result in an overall enhancement to the landscape.
- 10.71 In terms of visual amenity, the primary views into the site are from Eridge Road, opposite the Service Station, from outside the front of the old station and from the elevated pedestrian path alongside the entrance to the car park serving the supermarket, DIY store and Spa Valley Railway. Following the implementation of the landscape strategy and mitigation planting, the visual effects of the proposed development will remain for these viewpoints. The proposed development will be in keeping with other recent developments in the immediate vicinity and viewed as an improvement on the currently derelict condition of the site.
- 10.72 The proposed development includes mitigation and enhancement in order to minimise the potential effects. Mitigation/enhancement measures include:
- Retaining the existing site boundary vegetation and including additional native species which are prevalent in the local area, to provide structural landscape features around the site boundaries.
 - Providing a separate landscape framework around the new dwellings to soften their appearance, including evergreen species to ensure all-year round visual interest.
 - Incorporating materials which reflect the surrounding site context, both within the soft and hard landscape design.
 - Materials that form the external envelope and roof of the proposed buildings to match the surrounding existing palette. These colours will also have a more subtle impact on the landscape
 - Proposed planting species should include native species to visually blend with the surrounding landscape
- 10.73 Planning conditions have been recommended prior to the commencement of above ground works on any phase of the development for a scheme for the enhancement of biodiversity on that phase of the development site to be submitted to preserve and enhance biodiversity on site and deliver net gain.

Trees

- 10.74 The proposals seek to retain some trees on site whilst removing others, details of which can be found in the Tree Survey and Landscape Masterplan. Overall, the proposals will provide an enhancement to the landscape, and therefore accords with policy EN1 (4) and EN13 of the development plan and the NPPF.
- 10.75 The Tree Report and Tree Survey (Sept 2021) states that the on-site tree resource consists of a mixture of semi-mature and early-mature trees including goat willow, field maple, silver birch, and ash. The condition of the trees is fair except for a minority of poor quality trees located within the rear of the site or close to the boundary lines. The trees within close proximity to the site significant value are the trees located on Eridge road on the northern boundary known as T2 to T5 field maple, which have not been subject to any recent management. These trees are located at the front of the site off Eridge road significantly contribute to the immediate treescape and hosts a moderate to high amenity value. Most of the trees are in the rear garden of 15 and 16 Ridge Road.
- 10.76 The report concludes that this is a previously developed site with concrete hardstanding covering the majority of the site. The trees to be removed to allow for the proposed development are young and semi-mature, self-set, pioneer, poor quality trees growing within areas of concrete hardstanding. For any redevelopment of this site the self-set vegetation would need to be removed to facilitate removal of the concrete hardstanding. The report states that the proposed tree removals will not impact on the character and appearance of the wider area nor on the amenity value of the on-site tree resource within the wider area.
- 10.77 Based on the guidelines contained in BS5837 (2012), the site investigation information provided, the report states that the known species characteristics and the location of the trees, and the proposed works will not impact on the health, stability of the retained trees.
- 10.78 The protection of retained on and off-site trees during the proposed works can be achieved by continuing to follow the recommendations in BS5837:2012 and following the guidance outlined in the report.
- 10.79 The report recommends that a specification and methodology for all demolition and construction works be reviewed by the Arboricultural Clerk of Works and a detailed site specific Arboricultural Method Statement be prepared for the onsite contractor prior to any works commencing on site. The report details what the Arboricultural Method Statement should include. A tree protection condition has been added in section 11 of this report.

Refuse

- 10.80 The Refuse strategy drawing show 2 bin store buildings, for Blocks A and B and a storage building for mobility scooters. The development would be served by an improved priority 'T' junction in broadly the same location as the existing access. It would include a new 2m wide footway running into the site. A store for cycle parking and mobility scooters is provided in each block. The swept path analysis has been carried out which demonstrates that a refuse vehicle could enter, turn and exit in a forward gear. The Highway Officer has no objection to this layout.

Housing Mix and Affordable Housing

- 10.81 Discussions with the Council's Housing Manager regarding an affordable housing contribution have resulted in an off-site contribution, due to affordable housing not seen as appropriate in this location. This is based on 30% of 40 dwellings, which

equates to 12 dwellings. This financial contribution is seen as a material consideration to this application.

10.82 The breakdown of apartment sizes is as follows:

Block A – 30 apartments, of which 28 are 2-bed and 2 are 1-bed apartments.

Block B – 9 apartments, of which all are 2-bed apartments.

Block C – 1 managers apartment which a 2-bed apartment.

10.83 The semi-detached dwellings at 15 and 16 Eridge Road are both to be 3-bed dwellings. The above housing mix is considered acceptable, and to comply with planning policy.

10.84 The proposal is for C3 residential development and is liable for affordable housing, the adopted policies would require 35% provision of on site affordable housing. As the site is previously developed land the emerging local plan policy requirement for affordable housing would be 30%. Members will note that in a number of recent applications that have been reported to planning committee the emerging policy levels of 40% on greenfield land and 30% on previously developed land have been used to calculate the level of affordable housing.

10.85 Due to the type of accommodation proposed, i.e. a managed retirement development, the model does not fit with part of blocks being offered as affordable housing. Therefore, an off site contribution to affordable housing is sought in lieu of on site provision. This is the same approach as was taken at recent similar developments at The White House in Hawkhurst (ref. 19/01271/FULL), which was a McCarthy Stone development and at Barnetts, 68 Frant Road, Tunbridge Wells (ref. 17/01608/FULL), which was Beechcroft (the same applicant as this proposal).

10.86 Following discussions and consultation with the Council's Housing Team it has been agreed that the off site contribution would be **£82,000** per unit, which would equate to a total of **£984,000**, and would equate to a figure comparable to 30% provision of affordable housing.

10.87 This off-site affordable housing contribution will be a public benefit to Tunbridge Wells. The offsite affordable housing contribution of 30% is seen as a significant social benefit to the community of Tunbridge Wells.

10.88 The housing contribution will go toward affordable housing in Tunbridge Wells, nonspecific, to be for the housing team to determine, the need at the time.

Foul and Surface Water Drainage

10.89 In terms of foul drainage, a Foul Water and Utilities Report has been submitted with the application, proposing a foul water sewer network on site which will retain the existing outfall to the combined sewer in Eridge Road. The advice and planning conditions recommended by Southern Water, the EA, and KCC Flooding have all been added to the planning conditions, as well as informatives.

10.90 Flooding has occurred in the past in this location, and near to this location, and eth strategy is outlined below under "Flood Risk. No objections have been raised by KCC Flooding, and conditions have been recommended as set out in section 11 of this report. Scheme for the provision and implementation of foul drainage works, Strategy to deal with the potential risks associated with any contamination,

- Strategy to deal with the potential risks associated with any contamination, a Surface water drainage scheme,
- A verification report for the surface water drainage system,

- Potential Contamination condition
- Piling or any other foundation designs using penetrative methods are not permitted
- No infiltration of surface water drainage into the ground

Flood Risk

- 10.91 With regard to policy AL/RTW6, and flood risk, the policy is complied with. The requirements of policy AL/RTW6 seeks to ensure there are no habitable rooms at ground floor level, however the proposal does include habitable rooms at ground level. This principally relates to fact that the flood risk maps for the site do not resemble the overall surface water situation on site and because the site lies within Flood Zone 1. A small portion of the northern part of the site is within flood zones 2 and 3. This is assessed within the Flood Risk Assessment (FRA) submitted with the application.
- 10.92 The assessment of the risk has demonstrated that the flood risk to the site does not accord with the Surface Water flood map. This is due to a large culvert which has not been taken into account when the Surface Water flood maps were produced, and this drainage feature conveys surface water from the catchment, and away from the site, which changes the surface water flood risk at this site.
- 10.93 The flood risk is one of a 'residual risk' and would only occur if there was a blockage immediately downstream of the site. For this to be realised water would need to back up (a residual risk being a possibility but not something that will definitely happen) through a complete collapse or mass blockage which is highly unlikely in a 'closed' system.
- 10.94 It should also be noted that the FRA has shown that the site is located within a Flood Zone 1, beyond the limits of the 1 in 1,000 year fluvial flood event (<0.1%), and therefore not within Flood Zone 3b, known as 'functional floodplain'. Therefore, habitable floorspace is permitted at ground level, along with appropriate flood mitigation measures against residual risks, including the following measures: Maintaining an overland flow path through the development site via the internal access road, raising FFLs approximately 300mm (or higher) above the existing ground surface, replacing existing hardstanding areas with soft landscaped areas and introducing a suitable drainage strategy with the promotion of SuDS features. This is in order to provide protection against surface water flooding up to and including the design rainfall event (1 in 100 year return period), with additional capacity provided within the system to allow for the potential future effects of climate change.
- 10.95 Overall, the development would not lead to significantly increased risk of flooding due to the above measures to be implemented, in order to provide protection against surface water flooding.

Pedestrian Linkage

- 10.96 With regard to policy AL/RTW6, and the lack of pedestrian linkage, the agent has provided the following additional information with respect to the delivery of the footpath link, the linkage land is not in the developers' ownership. In essence the land so owned by Sainsburys, who are not willing to sell the land. The applicant has liaised with Sainsburys in 2020, and more recently during the course of this application, throughout 2022. The provision of this link has been sought by the applicant but is not deliverable.

- 10.97 It is not considered that failure to deliver a link renders the scheme unacceptable (the still relevant appeal decision supports that position, as did the Council as part of that appeal in 2012). Of relevance is para 20 in the 2013 appeal decision which states: *“It became apparent at the site inspection that there is an area of land at the top of the proposed steps, and outside the red-line site boundary, that has to be crossed to access the supermarket. It was however agreed by the Council that whilst desirable, the link is not essential and that there was no need to consider making this a necessary requirement of development.”*
- 10.98 In granting the appeal, the Inspector clearly agreed that the footpath link was not essential to the site’s delivery. Given that the policy context has not changed since the appeal decision was made, the Inspectors findings carry significant weight in the planning balance.
- 10.99 It is therefore considered that balance is clearly in favour of the scheme despite the absence of the footpath link, and this proposal for retirement living, and a steep access link that would largely need to be stepped would not form a suitable or realistic route for the older retired residents. It would also not be appropriate for any link to be more widely used by the public given the age, and therefore vulnerability, of the residents.

Sustainable Energy

- 10.100 No details have been submitted on Sustainable Energy. A planning condition has been added at section 11 of this report to ensure that the proposals be designed for significant carbon dioxide emissions reductions and more sustainable energy sources, through energy efficiency improvements and facilitating low and zero carbon technology to ensure development supports a path to net zero emissions by 2030.

Development Contributions

- 10.101 The heads of terms have been agreed with the agent/applicant. Para 57 of the NPPF states that ‘planning obligations must only be sought where they meet all of the following tests:
- a) Necessary to make the development acceptable in planning terms.
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development’.
- 10.102 Core Policy 1 of the Core Strategy states that ‘developments on all allocated and unallocated sites will be required either to provide, or to contribute towards the provision of, the services, facilities and infrastructure for which they create a need.’
- 10.103 Para 5.20 of the Core Strategy states that ‘where new development (on allocated an unallocated sites) creates a need for new or enhanced infrastructure, the scheme will either need to provide it directly, or contribute financially towards its provision, depending on both the scale of the development and that of the infrastructure required. The purpose of the development contributions is to mitigate against the impacts of new development.
- 10.104 The NHS and Medway CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution. Towards refurbishment, reconfiguration and/or extension Lonsdale Medical Centre, The Wells Medical Practice and Rusthall Medical Practice and/or towards new general practice premises development in the area. It is essential that future residents have access to a general practice surgery. It is considered that the

contribution towards healthcare is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore complies with the CIL tests.

- 10.105 Kent County Council have sought contributions sought towards the Tunbridge Wells Cultural Hub-Libraries / Adult Education / Social Care, and it is considered that these community facilities are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore complies with the CIL tests.
- 10.106 Kent County Council have sought a contribution towards waste. Towards Tunbridge Wells Waste Transfer Station and HWRC expansion. It is considered that these community facilities are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore complies with the CIL tests.
- 10.107 The TW Commons Conservators have sought contributions towards strategic and administrative management of Tunbridge Wells and Rusthall Commons, as set out in the 1981 County of Kent Act. Towards mitigation for dealing with the impacts of increased recreational pressure. Towards day-to-day maintenance costs of the Commons including but not exclusively, footpath management, litter bin servicing and waste disposal, bench restoration and tree management. It is considered that these community facilities are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore complies with the CIL tests.
- 10.108 It should be noted that the additional £42,000 is for the deregistration of village green land agreement / land swap between the applicants and the Commons Conservators. It does not carry any weight in the determination of this application, as it does not meet the CIL tests, however it will be included in the S.106 - and it will be collected alongside the £8,000.
- 10.109 TWBC Parking have sought a contribution towards parking management in the area to mitigate the impact of under provision of parking in this area. There are existing known parking problems in the vicinity of the site, such that this displacement would likely exacerbate the situation. The under provision of parking is predicted that five vehicles could be displaced onto the network. It is considered that these community facilities are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore complies with the CIL tests.
- 10.110 It is considered that all the above contributions are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and therefore complies with the CIL tests.

Planning Balance and Conclusion

- 10.111 As demonstrated above, the site is allocated for residential development within the development plan and therefore the principle of development is acceptable.
- 10.112 The proposals have been designed sensitively in response to its location within the Conservation Area and overall results in enhancements to the Conservation Area. The proposals represent high quality design which respects the character of the area and amenity of surrounding residents, whilst making efficient use of the site as required by policy.

- 10.113 The conclusions of the supporting technical reports that accompany this application demonstrate that no harm is caused in respect of landscape, flooding, highways, ecology, noise and air quality, subject to appropriate mitigation as identified above and suitable planning conditions have been recommended to ensure compliance with the recommendations of the reports.
- 10.114 The proposed development is considered to be fully consistent with the development plan, and therefore, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, and approval is recommended.
- 10.115 This proposal would assist in bringing a difficult site forward for development that has been a longstanding prominent eyesore detrimental to the appearance of the conservation area. Wider public benefits would accrue from facilitating the productive residential use of a brownfield site in accordance with an allocation in the development plan.
- 10.116 The proposal also includes the refurbishment of a semi-detached pair of dwellings at 15 and 16 Eridge Road, located to the west of the site, also within the Conservation Area. The demolition of single storey rear extensions attached to semi-detached dwellings will improve this part of the Conservation Area and gateway into Turnbridge Wells. The dwellings are unoccupied and have been for some time, of local heritage value, (non-designated heritage assets) and will be added back into the housing stock in this part of Turnbridge Wells.
- 10.117 The offsite affordable housing contribution of 30% is seen as a significant social benefit to the community of Tunbridge Wells.
- 10.118 Overall, the proposed development is considered to be acceptable in the balance of issues discussed within this report and there are not considered to be any other material considerations which would indicate a refusal of planning permission.

11.0 RECOMMENDATION –

(A) GRANT SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 AND SECTION 106A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IN A FORM TO BE AGREED BY THE HEAD OF LEGAL PARTNERSHIP MID KENT LEGAL SERVICES BY 31 JULY 2021 (UNLESS A LATER DATE BE AGREED BY THE HEAD OF PLANNING SERVICES) TO SECURE THE FOLLOWING:

Developer contributions as follows:

- i) NHS Kent and Medway CCG - £28,656 (£716.40p dwelling). Towards refurbishment, reconfiguration and/or extension Lonsdale Medical Centre, The Wells Medical Practice and Rusthall Medical Practice and/or towards new general practice premises development in the area.
- ii) – KCC- Community Learning / Social Care / Libraries (Cultural Hub Element) £17,488.40 (£437.21 p dwelling). Towards Tunbridge Wells Cultural Hub-Libraries / Adult Education / Social Care
- iii) – KCC- Waste - £ 7,346.80 (£183.67 p dwelling) Towards Tunbridge Wells Waste Transfer Station and HWRC expansion

iv) - TW Commons Conservators- £8,000* (£200 per dwelling) .The £8,000 is towards strategic and administrative management of Tunbridge Wells and Rusthall Commons, as set out in the 1981 County of Kent Act. Towards mitigation for dealing with the impacts of increased recreational pressure. Towards day-to-day maintenance costs of the Commons including but not exclusively, footpath management, litter bin servicing and waste disposal, bench restoration and tree management. This strategy should also seek to educate new residents on the sensitivities of the Commons through information packs and contributions to signage.

v) TWBC Parking Services - £10,000 (£250 p dwelling) Towards parking management in the area to mitigate the impact of under provision of parking in this area. There are existing known parking problems in the vicinity of the site, such that this displacement would likely exacerbate the situation.
The under provision of parking is predicted that five vehicles could be displaced onto the network. Funding for the following:

- £4,000 for staff costs
- £2,000 for advertising
- £4,000 for signing and road marking.

vi) - TWBC Housing Services- £984,000.00 (£82,000 x 12 dwellings) Offsite affordable housing contribution to use for offsite affordable housing within Tunbridge Wells Borough, this is calculated on 30% of 40 dwellings, which equates to 12 dwellings.

*Total within the S106 to be £50,000 but only £8,000 to be considered as material to the determination of the application.

and subject to the following conditions:

1) Commencement

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) Approved Plans

The permission shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the Local Planning Authority.

Plans

Site Location Plan 187-100-Rev C
Proposed Site Plan- Ground level – 187-101 Rev D
Proposed Site Plan- Ground level (coloured) – 187-101 Rev D
Proposed Site - Roof Level 187-102 Rev D
Proposed Site - Roof Level (coloured) 187-102 Rev D
Site Boundaries - Ground Level Plan – 187-103- Rev C
Landscape Masterplan - BEE23407 10 Rev C
Site Access General Arrangement 8200930/6100/P10
Street View – North Elevation - 187-104 Rev C
Street View - West Elevation- 187-105 Rev C
Street View - South Elevation- 187-106 Rev C
Street View - East Elevation- 187-107 Rev C

Fire Strategy- 187- 109 Rev C

Refuse Strategy - 187 -108 Rev C

15 and 16 Eridge Road

Existing Ground and First Floor Plans - 187 400
Proposed Floor Plans (15 And 16 Eridge Road) 187-402
Proposed Elevations (15 And 16 Eridge Road) 187-403
Existing Elevations - 187 401

Block A

Ground Floor Plan (Block A)- 187-200 Rev C
First And Second Floor Plans (Block A)- 187-201 Rev C
Third Floor Plan (Block A)- 187-202 Rev C
Fourth Floor Plan (Block A)- 187-203 Rev C
Roof Plan (Block A)- 187-204 Rev C
North Elevation (Block A)- 187- 205 Rev C
West Elevation (Block A)- 187-206 Rev C
South Elevation (Block A)- 187-207- Rev C
East Elevation (Block A)- 187-208 Rev C
Section (Block A)-187-209 Rev C

Block B

Block B - Ground Floor Plan- 187-300 Rev C
Block B - 1F, 2F, 3F Plan 187-301 Rev C
Block B TF Plan 187 301
Block B - 3F 4F Plan - 187 302C
Block B Roof Plan - 187 303C
Block B North elevation 187 304C
Block B West elevation 187 305C
Block B South elevation 187 306C
Block B East elevation 187 307C
Block B Section 187 308C

Block C

Block C Plans and Elevations 187 500C

CGI's

View Positions
Existing Views from Linden Park Avenue (001)
Proposed Views from Linden Park Avenue (001)
Existing Views from A26 (002)
Proposed Views from A26 (002)
Existing Views from A26 Roundabout (003)
Proposed Views from A26 Roundabout (003)
Existing Views from Eridge Road (004)
Proposed Views from Eridge Road (004)
Existing Views from Sainsburys (005)
Proposed Views from Sainsburys (005)

Reason: To clarify which plans are approved.

3) Visibility Splays

Prior to the occupation of the development hereby permitted, the provision and maintenance of the visibility splays at the access onto Eridge Road, as shown on drawing 8200930/6100 revP10 be maintained, with no obstructions over 0.6metres above carriageway level within the splays. Unless previously agreed in writing by the

Local Planning Authority.

Reason: In the interests of highway safety.

4) Construction Environmental Management Plan

Prior to the commencement of development, (excluding ecological enabling works) on any phase of the development a Construction Environmental Management Plan relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites. Unless previously agreed in writing by the Local Planning Authority.

The Plan shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barriers
- Maximum noise levels expected 1 metre from the boundary of any residential unit adjacent to the site - Provision of off-road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water - The location and design of site office(s) and storage compounds
- Routing of construction and delivery vehicles to / from site
- Parking and turning areas for construction and delivery vehicles and site personnel
- Timing of deliveries
- Provision of wheel washing facilities
- Temporary traffic management / signage

Reason: This information is required prior to the commencement of development in order to protect the amenity of local residents and in the interests of highway safety. Such details are fundamental to the application and are therefore required prior to its commencement

5) Scheme for the provision and implementation of foul drainage works

Prior to the commencement of above ground works, a scheme for the provision and implementation of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be implemented before the associated buildings to which they relate are occupied. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to the occupation of the dwellings relating to each phase hereby permitted and thereafter retained. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unacceptable additional use of existing drainage infrastructure and to avoid pollution of the surrounding area. Such details are fundamental to the application and are therefore required prior to its commencement.

6) Strategy to deal with the potential risks associated with any contamination

Prior to the commencement of the development, a strategy to deal with the potential

risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components: Unless otherwise agreed in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with guidance within the NPPF.

7) Surface water drainage scheme

Prior to the commencement of the development a detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment prepared by Glanville dated 24 September 2021 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

The drainage scheme shall be implemented in accordance with the approved details. Unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

8) Verification Report surface water drainage system

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 167 and 169 of the National Planning Policy Framework

9) Potential Contamination

If during construction works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to and approved in writing by the Local Planning Authority and the remediation has been completed. If contamination is found, upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority.

The closure report shall include details of:

- a) Any sampling and remediation work conducted and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

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.

10) Piling or any other foundation designs using penetrative methods

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at

unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

11) No infiltration of surface water drainage into the ground

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with the National Planning Policy Framework.

12) Arboricultural Method Statement

Prior to the commencement of the development (excluding ecological enabling works), the following details relating to that phase shall be submitted for the approval of the Local Planning Authority: - An Arboricultural Method Statement, detailing all suitable methods required to ensure the effective protection of trees to be retained throughout the development, including but not limited to proposed methods for:

- Arboricultural supervision of works within Root Protection Areas of retained trees
- The location of all drains and other services
- The contact details of the arboriculturist to be appointed by the developer to oversee tree protection on the site, including the frequency of visits, and the reporting of findings. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect existing trees. Such details are fundamental to the application and are therefore required prior to its commencement.

13) Architectural Details, Materials and Landscaping Layout

Prior to the commencement of above ground works, notwithstanding the submitted information, details of the following shall be submitted to ensure good quality of detail in the design:

- External materials for walls, roofs, windows, balcony screens/railings and landscaping
- Plan, elevation and sectional details for all balcony railings including details for dormer balconies
- Plan, elevation and sectional details for all flat roof working at height guard railings
- Plans and elevations for all proposed plant installations
- Elevations and sections at 1:10 for all domestic window types, domestic door types to include external building reveals. (1 condition for each block to aid discharge?)
- Elevations and sections at 1:10 for the bin room louver doors and the carpark ventilation grills located on the South elevation of Block A
- Sectional details at 1:10 for all architectural detailing to include but not restricted to, stone pilasters, ground floor incised detail, string courses, window surrounds, eaves details, parapets, dormer roofs.
- A landscaping layout, planting plans, species lists and maintenance management plan

The above details shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details and retained thereafter. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: This information is required in order to ensure good quality design

14) Finished ground floor levels

Prior to the commencement of above ground works, details of the finished ground floor levels, shown in relation to the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

15) Electric vehicle charging points

Prior to commencement details of electric vehicle charging points to be provided within the development by shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

16) Energy efficiency measures

Prior to the commencement of above ground works, full details for the incorporation of energy efficiency measures and renewable energy within that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter. Unless otherwise agreed in writing by the Local Planning Authority.

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

17) Measures to reduce air pollution

Prior to the commencement of above ground works a scheme of measures to reduce air pollution arising from the development when in occupation, shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with approved scheme. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of air quality and sustainability.

18) Measures to reduce noise pollution

Prior to commencement, the measures set out in the Noise Impact Assessment Report (Report 22796.NIA.01 Rev A dated 10.06.22) with regard to the Remediation Strategy (including the installation of a System 4 MVHR system and finalising the façade elements specifications (and agreeing this with the LA) shall be carried out in full, in accordance with the timescale specified, unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Unless previously agreed in writing by the Local Planning Authority.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise. Such details are fundamental to the application and are therefore required prior to its commencement

19) External lighting

Prior to the commencement of above ground works, details of external lighting shall

be submitted to and approved in writing by the Local Planning Authority. The scheme shall also take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting Guidance Note 1 dated 2020 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the appearance of the area/the environment and neighbouring properties from light pollution.

20) Hard and soft landscaping

Notwithstanding the details hereby approved, prior to the commencement of above ground works, details of hard and soft landscaping and a programme for carrying out the works shall be submitted to the Local Planning Authority for approval. The submitted scheme shall include details of hard landscape works, including hard surfacing materials; street furniture and details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The landscaping scheme approved for each phase of development on any part of the site shall be carried out fully within 12 months of the completion of the development on that phase, unless otherwise agreed in writing by the Local Planning Authority. Any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

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

21) Boundary treatments

Prior to the commencement of above ground works, notwithstanding the indicative landscape plan submitted, details of boundary treatments (including walls, fences and railings) shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatments shall be completed in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance for the development in the interests of visual amenity and to safeguard the privacy and amenities of the occupiers of the existing neighbouring dwellings area and future occupiers.

22) Biodiversity

Prior to the commencement of above ground works, a scheme for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in

writing by the Local Planning Authority.

Reason: To preserve and enhance biodiversity on site.

23) Parking Strategy

The areas shown on the Proposed Site Ground Level Drawing number 187 101 Rev D (or subsequent approved revisions thereof) as resident and visitor vehicle parking, servicing and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the buildings they serve are occupied, and shall be retained for the use of the occupiers of, and visitors to, the development in accordance with the details approved, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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 the use of such facilities for their intended purpose. Unless otherwise agreed in writing by the Local Planning Authority.

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

24) Secure cycle storage facilities

Prior to the occupation of the development, secure cycle storage facilities to serve the development shall be provided in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. The cycle storage shall thereafter be retained.

Reason: In the interests of sustainable development.

25) Refuse storage facilities

No buildings of the development shall be occupied unless refuse storage facilities, including bin collection points, have been provided in accordance with the approved Refuse Strategy drawing, 187 -108 Rev C. (or as amended) The refuse storage facilities shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority.

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

26) Water conservation measures

Prior to the commencement of above ground works, details of water conservation measures for the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainability and water conservation.

27) Telecommunication infrastructure and High-Speed Fibre Optic connections

Prior to the commencement of above ground works, details of the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic connections to multi point destinations and all buildings shall be submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed in accordance with the approved details, prior to the first occupation of the dwelling in which it serves. Unless previously agreed in writing by the Local Planning Authority.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.

- 28) No unit of accommodation shall be occupied at any time other than by a person aged 55 or older together with their spouse, partner or companion as appropriate, except that where a person aged at least 55 years is predeceased having resided within the development as a spouse, partner or companion, that person may continue to reside within the development.

Reason: The application was assessed on this basis, and accordingly mitigation for impact on education and youth recreation facilities was not considered necessary.

- 29) A Residents Welcome Pack shall be made available to all new residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers, including:
1. Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations
 2. Approximate time it takes to walk or cycle to various local facilities
 3. Site specific public transport information including up to date public transport timetables
 4. Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council
 5. Information on public transport season tickets and offers
 6. Information on the health, financial and environmental benefits of sustainable travel

Reason: To promote the use of sustainable transport and reduce reliance on the private car.

INFORMATIVES

- 1) Section 106
This development is the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.
- 2) Sales particulars informative.
The developer is advised that the sales particulars for the apartments should responsibly mention the adjoining uses to the site, given the site is in close proximity to the busy A26 and petrol filling station to the north, the working SPA railway to the south, and the large supermarkets and DIY store carpark.
- 3) Mid Kent Environmental Code of Development Practice
Your attention is drawn to the Mid Kent Environmental Code of Development Practice, the terms of which should be met in carrying out the development.
- 4) Formal agreement with Southern Water
The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.

- 5) Phased and implemented to align with the delivery by Southern Water of any sewerage network
Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.
- 6) Oil trap gullies or petrol/oil interceptors
Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- 7) Future ownership of sewers
Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- 8) Street Naming & Numbering
Once work begins on site please apply for Street Naming & Numbering at <http://www.tunbridgewells.gov.uk/residents/planning/street-naming-and-numbering>. Applying early to officially register new addresses will prevent delays with Council, utility, postal and emergency services.
- 9) KCC Highways
It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel> Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

9) Noise and Vibration transmission between properties

Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" - Attention should be drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" - as amended in 2004, 2010 & 2016. . It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

10) EA advice on piling

Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

11) EA advice on clean uncontaminated water to surface water system

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

12) Crime prevention

The scheme should consider the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED). Further advice can be sought from Kent Police.

(B) If the applicant fails to enter into such agreement by 29 July 2022, the Head of Planning Services shall be authorised to REFUSE PERMISSION for the following reasons (unless a later date be agreed by the Head of Planning Services):

(1) The proposal fails to make provision for affordable housing and would therefore conflict with the National Planning Policy Framework 2021, National Planning

Practice Guidance, Core Policies 1, 6 and 9 of the Tunbridge Wells Borough Core Strategy 2010 and the Council's Affordable Housing Supplementary Planning Document, and the Councils Emerging Local Plan

(2) The proposal fails to make provision for adult recreation or mitigate the impact of new residents, particularly the administrative management of Tunbridge Wells and Rusthall Commons, as set out in the 1981 County of Kent Act. Towards mitigation for dealing with the impacts of increased recreational pressure. The works would therefore fail to comply with the National Planning Policy Framework 2021, National Planning Practice Guidance, Core Policies 1, 4, 8 and 11 of the Tunbridge Wells Borough Core Strategy 2010, Policies EN15 and R2 of the Tunbridge Wells Borough Local Plan 2006, the Council's Recreation Open Space, Supplementary Planning Document and Policy AL/PW3 of the Site Allocations Local Plan 2016, and the Councils Emerging Local Plan.

(3) The proposal fails to make provision for community services/facilities, such as community learning; social care; community centre; libraries; healthcare, and waste, and would therefore fail to comply with the National Planning Policy Framework 2021, National Planning Practice Guidance, Core Policies 1, 8 and 11 of the Tunbridge Wells Borough Core Strategy 2010, Policy CS4 of the Tunbridge Wells Borough Local Plan 2006 and Policy AL/PW3 of the Site Allocations Local Plan 2016, and the Councils Emerging Local Plan.

(4) The proposal fails to make an adequate provision to support parking management and would therefore conflict with the National Planning Policy Framework 2021, National Planning Practice Guidance; Core Policies 1 and 3 of the Tunbridge Wells Borough Core Strategy 2010, Policy TP3 of the Tunbridge Wells Borough Local Plan 2006 and Policy AL/PW3 of the Site Allocations Local Plan 2016, and the Councils Emerging Local Plan.

Case Officer: Jennifer Begeman

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.