

## REPORT SUMMARY

<b>REFERENCE NO - 22/01503/FULL</b>			
<b>APPLICATION PROPOSAL</b> Removal of existing retaining walls, replacement with reinforced concrete walls with brick cladding, replacement landscaping			
<b>ADDRESS</b> Car Park Warwick Road Royal Tunbridge Wells Kent TN1 1YL			
<b>RECOMMENDATION</b> GRANT subject to conditions (see section 11.0 of report for full recommendation)			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>• The development would respect the context of the site and is not considered to be harmful to the street scene or the significance of the wider Conservation Area;</li> <li>• There would be no material impact on the residential amenity of nearby occupiers from the development;</li> <li>• There would be no loss of spaces within the car park;</li> <li>• Any potentially significant impacts can be satisfactorily mitigated by conditions</li> </ul>			
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b> The following are considered to be material to the application: <b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking): N/A</b> <b>Net increase in numbers of jobs: N/A</b> <b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs: N/A</b> The following are not considered to be material to the application: <b>Estimated annual council tax benefit for Borough: N/A</b> <b>Estimated annual council tax benefit total: N/A</b> <b>Estimated annual business rates benefits for Borough: N/A</b>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Tunbridge Wells Borough Council are the landowners and the applicants			
<b>WARD</b> Pantiles & St Marks	<b>PARISH/TOWN COUNCIL</b> N/A	<b>APPLICANT</b> Tunbridge Wells Borough Council Property & Estates <b>AGENT</b> N/A	
<b>DECISION DUE DATE</b> 15/08/22 (EOT)	<b>PUBLICITY EXPIRY DATE</b> 08/07/22	<b>OFFICER SITE VISIT DATE</b> 08/06/22	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
94/07001/TREECA	Reduce height and reduce lateral branches of Leyland cypress hedge	No Objections	27/01/94

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 This surfaced car park is owned by Tunbridge Wells Borough Council and is reserved for local residents using dedicated parking permits. The existing surfacing is patched asphalt with some formal parking bay lining and no drainage.
- 1.02 The car park is located close to the High Street area of the town centre. It is surrounded by mostly residential properties as well as retail units and commercial buildings predominantly to the west. To the east and south are 19th century brick built terraced houses. The area is a mixture of commercial and residential, mostly 19th century built.
- 1.03 Immediately adjacent to the northeast boundary is a small area of land with vegetation and several mature trees - this area is not part of the car park and is outside the application site. There is also a length of Leyland cypress hedge approximately 3-4m high that is within the site along the southeast boundary.

### 2.0 PROPOSAL

- 2.01 The proposal is to demolish two existing retaining walls and replace them with newer, purpose built retaining walls. The new retaining walls would be made from reinforced concrete with a half-brick thick wall in facing brickwork. The new facing brickwork will be made up of reused bricks from the old walls where suitable and new or reclaimed bricks to compliment the brickwork in the surrounding area, which will be tied to the exposed concrete faces. Any new bricks will reflect the colour of the existing examples.
- 2.02 The heights of the walls will increase as set out in the table below. This is largely to the base of the new walls being properly excavated and it consequently being set further down into the ground. The existing open handrails of varying height will be replaced with new 1.1m high guardrails that will comply with current standards for protection against falling.
- 2.03 Drainage for surface water immediately behind the south wall will be included in the design and connected to an existing private drain which in turn is connected to the existing public combined sewer. All other drainage on the site is to remain as existing. New tarmac and kerbs will be installed.
- 2.04 The only landscaping to be carried out will be the removal of a row of Leyland cypress trees adjacent to the southernmost wall. These act as a screen between the rears of the High Street buildings and the car park. As the Leyland cypress can affect structural integrity of walls, they will be replaced with a row of yew.
- 2.05 There is no change of use to the proposed use of the site, only structural improvements. The proposal is to maintain the existing use of the car park within the conservation area.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area	0.05ha	0.05ha	None
Land use	Car park	Car park	No change

Wall height (when measured from land adjacent the SW boundary of the car park)	Southernmost – approx. 1m Northernmost – approx. 2m	Southernmost – 1.71m Northernmost – 2.24m	+0.71 – 0.24m
Car parking spaces	Approx 18	Approx 18	No change

#### 4.0 PLANNING CONSTRAINTS

- Site is within TWBC ownership
- Tunbridge Wells Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Limits to built development INSIDE
- Tree Preservation Order 013/2011 covers the off-site Sycamore tree adjacent to the northern boundary
- Southern Water sewer slightly encroaches on to the SE boundary

#### 5.0 POLICY AND OTHER CONSIDERATIONS

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

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

Core Policy 4: Environment

Core Policy 5: Sustainable design and construction

Core Policy 9: Development in Royal Tunbridge Wells

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

Policy EN1: Environment

Policy EN4: Demolition within Conservation Areas

Policy EN5: Conservation Areas

Policy EN13: Tree and Woodland Protection

Policy TP4: Safe Access

Policy TP6: Central Access Zone (residential)

Policy TP7: Central Access Zone (commercial)

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

Tunbridge Wells Conservation Area Appraisal

#### 6.0 LOCAL REPRESENTATIONS

6.01 Three site notices were displayed in Warwick Road, the High Street and South Grove. The application was also publicised in the local press.

6.02 One neutral comment received raising the following issues:

- Whole car park should be re-surfaced, not just the most damaged areas;
- EV points should be installed.

#### 7.0 CONSULTATIONS

##### **KCC Highways**

7.01 (27/06/22) – below threshold for comment

##### **Mid Kent Environmental Protection**

7.02 (20/06/22) – No comments and no objections

**Principal Conservation Officer**

- 7.03 **(27/06/22)** - have reviewed the application drawings and have attended site with the applicant to discuss the works proposed.
- 7.04 The existing wall is in a poor state of repair and is of insufficient strength to do the job it has ended up doing. The hedge has exacerbated movement and contributed to failure. The works are therefore necessary to prevent further problems.
- 7.05 The existing brick wall is difficult to date with any accuracy but does not appear to be particularly important and its contribution to the character of the conservation area relates entirely to its materiality. The applicant agreed at pre-application to provide a brick skin and coping so that the traditional materiality within the area is maintained. The drawings show that the proposal does include for a brick skin, tied to the concrete and extending below ground level so the appearance will be considered appropriate.
- 7.06 The proposed planting will replace the Cypress with Yew. The works will result in a better appearance and a more appropriate hedge and will constitute an enhancement to the current situation.

**8.0 APPLICANT'S SUPPORTING COMMENTS (conclusion of Design & Access Statement)**

- 8.01 The proposals will enhance the appearance of the car park by replacing damaged and unattractive walls and handrails with new walls that match the adjoining area and new safety guardrails. The works will also reduce the risks of any injury to users of the car park and adjacent properties. Alternative hedge will reduce the risk of damage to structures and improve the biodiversity of the site. The proposals do not harm the Tunbridge Wells Conservation area and are considered to be in accordance with planning policy and guidance.

**9.0 BACKGROUND PAPERS AND PLANS**

- 9.01 Application form  
Design & Access Statement  
1:500 Location Plan  
Ground Investigation Report dated 22/10/21  
Site survey 15620/S1

**10.0 APPRAISAL**

- 10.01 The following are key issues for this application;

- Visual impact/impact on the significance of the Conservation Area;
- Impact on parking and highways matters;
- Other matters.

**Visual impact/impact on the significance of the Conservation Area (including impact on trees)**

- 10.02 The site has a long standing use as a car park and is essentially a vacant piece of land with buildings surrounding it.
- 10.03 The southernmost of the two existing walls is about 1m in height and appears to be the remaining bottom courses of brickwork from a building previously on the site. The

northernmost of the two existing walls is of approximately 2m in height and formed of brickwork from 2-3 different eras. The current walls are largely unseen from any of the surrounding properties and are of very limited heritage value. Both new retaining walls will be faced in the same bricks to ensure consistency of appearance.

- 10.04 The Principal Conservation Officer has been consulted on the application and has also commented on the proposals prior to submission. Based on their above comments, they have raised no objections and are satisfied with both the design/materiality of the new retaining walls and the proposed replacement landscaping. Both the materials and the landscaping can be secured by condition. The choice of Yew for the new hedge was made on the advice of TWBC's Tree Officer as they are relatively slow growing evergreens with non-invasive root systems and will provide the potential for greater biodiversity.
- 10.05 There is a TPO-protected Sycamore tree to the northern boundary, which is important to the setting of the CA. The tree is outside the applicant's ownership and 3m away from the retaining wall, although it overhangs the car park and its root plate extends beneath the surface. The key issue here is to avoid damage to large, woody roots during demolition of the existing wall and installation of the new wall, in particular the north-facing foundations. The application is accompanied by a method statement which was informed by advice from the Council's Tree Officer prior to submission of the application. The method statement can be secured by condition.
- 10.06 Therefore it is considered that there is no conflict with the Development Plan in this respect.

#### **Impact on parking and highways matters**

- 10.07 The proposal would not lead to a loss of existing car parking spaces and would modernise/improve the facility. Comments have been received which suggest the development should be more comprehensive, however the application only relates to the re-construction of the retaining walls and replacement landscaping. Conditions which require works not directly related to the proposal (e.g.: EV charging points and re-surfacing the whole car park) could not be applied to this permission. It is a matter for the Council as the applicant and landowner as to whether it wishes to install these facilities, which can probably be undertaken as permitted development in any event.
- 10.08 The existing access arrangements to Warwick Road would remain the same and the proposal would not lead to a material increase in traffic using the car park.

#### **Other matters**

- 10.09 The nature of the proposals are such that no material impact due to overlooking, loss of outlook or proximity of the development to the common boundary would be caused to neighbouring dwellings.
- 10.10 The application includes a preliminary land contamination report. Mid Kent Environmental Protection do not recommend any further conditions in this regard.
- 10.11 The position of the sewer on the SE boundary is on the opposite side of the car park to the proposed development and would be unaffected by the proposals.

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

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

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

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

1:1250 Location Plan  
Method Statement for Excavating Close to Tree Roots  
15620/01 Rev C  
15620/03 Rev B  
External materials specified in the application form

Reason: To clarify which plans are approved.

- 3) The development shall be carried out in accordance with the details of external materials specified in the approved plans which shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity

- 4) By the end of the first planting season following practical completion of the development hereby approved, a new hedge shall be planted along the length of the South Wall in the position shown on approved drawing 15620/03 Rev B.

The species to be planted shall be bare-rooted transplants of Yew, in a double row, staggered, with the plants being at 600mm centres. The individual plants shall be supported using a cane and protected with a spiral guard, with the whole of the new hedge being protected by stock fencing to aid establishment.

Any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written permission to any variation.

Reason: To preserve and enhance the setting of the Conservation Area through establishing replacement soft landscaping of a more appropriate species

- 5) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with the current edition of BS 5837, and in accordance with the approved Method Statement for Excavating Close to Tree Roots. Such tree protection measures shall remain throughout the period of construction
  - (b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
  - (c) No materials or equipment shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
  - (d) No roots shall be cut (other than in accordance with the approved Method

Statement for Excavating Close to Tree Roots) and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation, except as otherwise approved;

- (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as otherwise agreed in writing by the Local Planning Authority.
- (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality

### **INFORMATIVES**

- 1) As the development involves demolition and / or construction, compliance with the Mid Kent Environmental Code of Development Practice is expected.

Case Officer: Richard Hazelgrove

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

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